



Effective 2-23-15

Protecting, maintaining and improving the health of all Minnesotans

January 12, 2015

Matthew Sevig

RE: MDH File Number: BAC14027

Dear Mr. Sevig:

Based on the facts and law in this matter as described in the enclosed Staff Determination, the Minnesota Department of Health (MDH) has determined that you: [1] designated yourself as a body art technician without a body art technician license and that you were authorized to provide such services, in violation of Minnesota Statutes, section 146B.08, subdivision 3 (3), and Minnesota Statutes, section 146B.03, subdivision 2 (a); [2] advertised in a manner that is false or misleading, in violation of Minnesota Statutes, section 146B.08, subdivision 3 (8); [3] and engaged in conduct likely to deceive, defraud, or harm the public, in violation of Minnesota Statutes, section 146B.08 subdivision 3 (9). Therefore, MDH is issuing you a reprimand and imposing a civil penalty in the amount of \$678. This is authorized pursuant to Minnesota Statutes, section 146B.08, subdivision 4.

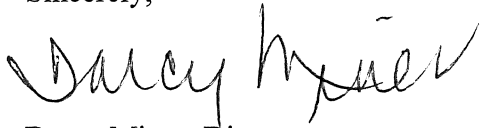
You may either accept the discipline as stated herein or you may appeal. If you accept, please pay the assessed civil penalty by check made payable to "Treasurer, State of Minnesota." If you wish to appeal the discipline, you must provide a written statement as to which facts are in error and the grounds for your appeal. Your written statement must be received within 30 days from the date this letter is received by you. During that 30-day period, you also have the right to challenge this decision in a contested-case hearing, as provided under Minnesota Statutes, Chapter 14. Requests for a hearing should be made in writing and must include specific grounds for challenging the Department's decision.

You must provide a written statement of your decision to either accept or appeal the discipline outlined in the enclosed Determination, within 30 days of your receipt of this letter, to:

Gilbert Acevedo, Director of the Health Occupations Program
Minnesota Department of Health
PO Box 64882
Saint Paul, MN 55164-0882

You may also deliver your request to 85 East Seventh Place, Suite 220, Saint Paul, MN; or fax it to Gilbert Acevedo at (651)201-3839. If you have any questions about this matter, please contact Chee Lee at (651)201-3728.

Sincerely,

A handwritten signature in black ink, appearing to read "Darcy Miner". The signature is fluid and cursive, with the first name "Darcy" being more prominent than the last name "Miner".

Darcy Miner, Director
Division of Health Regulation

Enclosure

cc: Gilbert Acevedo, Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Matthew Sevig
Body Art Technician**

AUTHORITY

1. The Minnesota Department of Health (MDH) has authority to discipline body art technicians for violations of law under Minnesota Statutes, section 146B.08, subdivision 3. Pursuant to Minnesota Statutes, section 146B.08, subdivision 4, the types of discipline MDH may impose include refusal to grant a license or any reasonable lesser action.
2. Pursuant to Minnesota Statutes, section 146B.08, subdivision 4 (5), MDH may also impose, for each violation, a civil penalty not exceeding \$10,000 that deprives the licensee of any economic advantage gained by the violation and that reimburses MDH for costs of the investigation.
3. Pursuant to Minnesota Statutes, section 13.41, disciplinary actions are public data.
4. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3 (9), MDH may take any of the disciplinary actions on proof that a technician or an operator of an establishment has engaged in conduct likely to deceive, defraud, or harm the public.
5. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3 (8), MDH may take any of the disciplinary actions on proof that a technician or an operator of an establishment has advertised in a manner that is false or misleading.
6. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3 (3), a violation of any provision in the body art statute is a ground for disciplinary action.
7. Pursuant to Minnesota Statutes, section 146B.03, subdivision 2 (a), no individual may use the title of "tattooist," "tattoo artist," "tattoo technician," or other letters, words, or titles in connection with that individual's name which in any way represents that the individual is engaged in the practice of tattooing or authorized to do so, unless the individual is licensed and authorized to perform tattooing.

FINDINGS OF FACT

1. On May 12, 2014, MDH received an email with information that Matthew Sevig (Hereinafter "Technician") was tattooing without a license.

done since January 1, 2011. MDH requested a response from Technician no later than June 13, 2014.

15. On May 27, 2014, MDH received a temporary body art technician license application from Technician.
16. On May 29, 2014, Technician was issued a temporary body art technician license.
17. On June 6, 2014, MDH received a written response from Technician. In the response, Technician stated, "I have received your letter from May 13, and I apologize for any incomppliance on my part." Technician, however, did not include the informed consent forms that MDH requested.
18. On July 10, 2014, MDH sent a second Notice of Illegal Practice letter to Technician. The letter requested Technician's informed consent forms since January 1, 2011. MDH did not receive the informed consent forms from Technician.
19. On August 4, 2014, MDH received a full body art technician license application from Technician.
20. On August 6, 2014, Technician was issued a full body art technician license.
21. On September 16, 2014, MDH sent a third and final Notice of Illegal Practice letter to Technician. The letter requested Technician's informed consent forms no later than October 16, 2014. MDH did not receive a response from Technician.
22. On October 24, 2014, MDH sent Technician a letter of determination that he failed, within 30 days, to respond to a written request by MDH. Therefore, MDH suspended Technician's license and issued a civil penalty of \$159. The letter of determination stated Technician's license suspension may be lifted upon payment of the civil penalty and receipt of the requested informed consent forms.
23. On October 29, 2014, MDH received a check from Technician for \$159 and copies of his informed consent forms from June 6, 2014 to July 23, 2014.
24. Technician included a written response, "My website did display advertisement on tattoos because I was trying to build up clientele and publicity upon prior to actually starting a business and getting my license to tattoo."
25. On November 6, 2014, MDH emailed Technician and requested copies of all the informed consent forms from January 1, 2011 to May 28, 2014.
26. On November 8, 2014, Technician responded back by email, "As we talked earlier on the phone we discussed that I was just preparing to network for the shop that is opening soon, I have prepared and laid out stencils, drawn and planned out designs for other artists prior

to me, myself getting a license to be a body art tech. I've tattooed on fake skin and fruits to prepare me for my future career but that is it."

27. On November 12, 2014, MDH sent Technician a letter with further questions. Technician was asked about the reviews of his tattoo work and the inquiries into his schedule on Facebook. Technician was also asked about the Tumblr page.
28. On December 12, 2014, MDH received a written response from Technician. In the letter, Technician stated, "I did not provide you false information, however I am guilty of providing false information to the public on facebook to help promote business before I got a license. The licensed tattoo artist that actually did those tattoos wants to stay anonymous because he does not want to get involved in this and I respect his decision. While apprenticing around the twin cities, artist(s) requested that I draw the artwork up for them and then I watch them tattoo it to help learn. They allowed me to claim ownership of it due to the fact that it was my artwork since I was the one who created the design. Many people provide that kind of "false" information online to help boost business. Just because they post things does not mean that it was them who did it."
29. Technician further states, "As for Tumblr account, I do not remember opening one up at all. There have been previous fake accounts under my name and business names before and I had to report to shut them down."
30. In addition to the letter of response, Technician also included three affidavits from his customers. The affidavits vouched for Technician as the artist who drew up the design for their tattoo.

CONCLUSION

1. Technician did not comply with the requirements under Minnesota Statutes, section 146B.08, subdivision 3 (3), because he designated himself as a "tattoo artist" before he was issued a technician's license, in violation of Minnesota Statutes, section 146B.03, subdivision 2 (a).
2. Given the totality of the circumstances, with Technician designating himself as a "tattoo artist", naming his establishment "Permanent Addiction Ink", and posting pictures of tattoo work he did not provide himself, Technician deceived the public into thinking he was the one who provided the tattoo and that he was authorized to provide such services. Factor in Technician not being licensed, he should not have advertised such tattoo services in the first place. Therefore, Technician is in violation of Minnesota Statutes, section 146B.08 subdivision 3 (8) and section 146B.08 subdivision 3 (9).

DETERMINATION

1. Technician is hereby reprimanded and assessed a civil penalty in the amount of \$837, which deprives Technician of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.

2. Technician was issued a Letter of Determination on October 24, 2014. The Determination was set to suspend Technician's license if he did not cooperate with the current investigation and assessed a civil penalty of \$159 for cost of investigation. Technician has since cooperated with the investigation and has produced the information that was requested of him. Technician has also paid the civil penalty of \$159. The \$159 received from Technician will be added as credit to the civil penalty of \$837 which leaves a total of \$678.
 - Technician may pay the \$678 civil penalty in monthly installments of up to 7 months after the effective date of this action. If Technician chooses to make installments, he must notify MDH in writing about his intentions, including how many installments he intends to make, in what amount, and over which time period. Technician must send this information to: Health Occupations Program, PO Box 64882, Saint Paul, MN 55164-0882, within 30 days of receipt of this document.
 - Each payment will be made by check to "State of Minnesota, Treasurer" and mailed to Health Occupations Program, PO Box 64882, Saint Paul, MN 55164-0882, or any other address specified by MDH. Each payment is due by the last day of each month; however, Technician may prepay at any time.
 - The penalty may be referred to the Minnesota Department of Revenue, or any other source for collection, if Technician misses a monthly payment by 14 calendar days after the established deadline. When this Order for a penalty becomes public and MDH refers the matter to the Minnesota Department of Revenue, the Minnesota Department of Revenue is authorized by Minnesota Statutes, section 16D.17, to obtain a judgment against Technician without further notice or proceedings.