



Effective February 5, 2016

*Protecting, maintaining and improving the health of all Minnesotans*

December 28, 2015

Kellie Sieg

RE: MDH File Number: BAC16025

Dear Ms. Sieg:

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 provided body art services without a license, in violation of Minnesota Statutes, section 146B.08, subdivision 3(3), and Minnesota Statutes, section 146B.03, subdivision 1 (a). Therefore, the Department is issuing you a reprimand and imposing a civil penalty in the amount of \$343. This action is authorized pursuant to Minnesota Statutes, section 146B.08, subdivision 4.

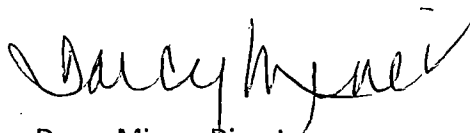
You may either accept the discipline as stated herein or you may appeal. If you accept, please pay the assessed civil penalty by check made payable to "Treasurer, State of Minnesota." If you wish to appeal the discipline, you must provide a written statement as to which facts are in error and the grounds for your appeal. Your written statement must be received at MDH 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:

Anne Kukowski, Manager 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 Anne Kukowski 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 cursive script, appearing to read "Darcy Miner".

Darcy Miner, Director  
Health Regulation Division

Enclosure

cc: Anne Kukowski, Manager of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM  
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of  
Kellie Sieg  
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(3), a violation of any provision in the body art statute is a ground for disciplinary action.
5. Pursuant to Minnesota Statutes, section 146B.03, subdivision 1, effective January 1, 2011, no individual may perform tattooing unless the individual holds a valid technician license issued by MDH.

**FINDINGS OF FACT**

1. On June 16, 2014, MDH received a temporary body art technician application from Kellie Sieg (hereinafter "Technician"). In the application, Technician listed Golden Needle Tattoo (hereinafter "Establishment") in Moorhead as her place of employment.
2. On June 16, 2014, MDH wrote a letter to Technician stating her application would not be processed until she found a licensed body artist who was not supervising two other artists with temporary body art licenses.
3. On October 1, 2014, MDH wrote a second letter to Technician stating her application would not be processed until she found a licensed body artist who was not supervising two other artists with temporary body art licenses. The letter also noted if MDH did not

receive a response from Technician by November 1, 2014, the application would be considered closed.

4. On October 29, 2014, MDH received a new temporary body art technician application from Technician. The application listed a licensed body art technician who was not supervising two other technicians with temporary body art licenses.
5. On October 29, 2014, Technician was issued a temporary body art technician license.
6. On October 29, 2015, MDH received a full body art technician license application from Technician.
7. Enclosed with the application was a list of dates, and each client's name, phone number, a short description of the tattoo provided, and the number of hours Technician provided body art service on the client. The list mentioned above was provided by Technician to show proof she had 200 supervised tattoo hours.
8. A review of the list shows Technician had provided 4 body art procedures before October 29, 2014.
9. On November 4, 2015, Technician was issued a full body art technician license; however, she was advised an investigation was initiated for disclosure of unlicensed practice.
10. On November 2, 2015, a Notice of Illegal Practice letter was sent to Technician. The letter requested informed consent forms on body art procedures Technician provided before the issuance of his temporary body art technician license.
11. On December 3, 2015, MDH received a written response from Technician. In the response, Technician admitted to tattooing 4 times before the issuance of her temporary body art technician license.
12. In the response, Technician stated, "The four occurrences of tattooing without a temporary body art technician license were done at the behest of my mentor and were purely educational. In each situation I was with my mentor the entire time, it had been premeditated by my mentor, me, and the volunteer. They took place after I had already attained the BBP certification. These sessions were used to assess the understanding and skill, and to further a course of my training. They were done in the Golden Needle Tattoo with proper equipment and procedure under the direct supervision of my mentor."
13. Technician closed the response with, "At the time, I was unaware that I was violating protocol since the sessions were orchestrated, approved, and supervised by my mentor."

14. Enclosed with Technician's written response are the 4 informed consent forms in which Technician provided body art before the issuance of her temporary license.
15. The 4 informed consent forms are dated respectively: July 7, 2014; July 8, 2014; July 29, 2014; and August 22, 2014.
16. In the first temporary body art technician application in which Technician submitted on June 16, 2014, it clearly states on the application, "You are **NOT** considered licensed until you receive notice of approval by MDH."

### **CONCLUSION**

1. Technician did not comply with the requirements under Minnesota Statutes, section 146B.03, subdivision 1. Technician performed body art services from July 7, 2014 through August 22, 2014, but did not obtain licensure until November 4, 2014.

### **DETERMINATION**

1. Technician is hereby reprimanded and assessed a civil penalty in the amount of \$343, which deprives Technician of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
  - Technician may pay the \$343 civil penalty in monthly installments for up to 3 months after the effective date of this action. If Technician chooses to make installments, she must notify MDH in writing about her intentions, including how many installments she intends to make, in what amount, and over 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 Collection Enterprise (MCE), part of the Minnesota Department of Revenue, or any other source for collection, if Practitioner 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 MCE, MCE is authorized by Minnesota Statutes, section 16D.17, to obtain a judgment against Practitioner without further notice or proceeding.