

MDH
Minnesota
Department
of Health

Effective March 8, 2016

PROTECTING, MAINTAINING & IMPROVING THE HEALTH OF ALL MINNESOTANS

February 8, 2016

Keith Edwin Savage
[REDACTED]
[REDACTED]
[REDACTED]

Dear Mr. Savage,

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 body art license, in violation of Minnesota Statutes, section 146B.08, subdivision 3 (3), and Minnesota Statutes, section 146B.03, subdivision 1 (a). MDH has also determined that you provided body art services in an unlicensed body art establishment, in violation of Minnesota Statutes, section 146B.08, subdivision 3 (3), and Minnesota Statutes, section 146B.02, subdivision 4. Therefore, the Department is issuing you a reprimand and imposing a civil penalty in the amount of \$477. 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

Keith Savage
Page 2
February 8, 2016

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 black ink, appearing to read "Darcy Miner". The signature is written in a cursive, somewhat stylized font.

Darcy Miner, Division 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
Keith Edwin Savage
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 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 146B.08, subdivision 3 (3), a violation of any provision in the body art statute is a ground for disciplinary action.
4. Pursuant to Minnesota Statutes, section 146B.03, subdivision 1 (a), no individual may perform tattooing unless the individual holds a valid technician license issued by MDH.
5. Pursuant to Minnesota Statutes, section 146B.02, subdivision 4, no person may perform a body art procedure at any location other than a body art establishment licensed under this chapter except as permitted under subdivision 8 and 9.
6. Pursuant to Minnesota Statutes, section 13.41, disciplinary actions are public data.

FINDINGS OF FACT

1. On September 9, 2011, MDH received an email with information that Keith Savage (hereinafter "Technician") was tattooing without a body art technician license and that the tattoo procedures were occurring at his house which did not have a body art establishment license.
2. Effective January 1, 2011, all individuals who provide body art in Minnesota must be licensed by MDH. Effective January 1, 2011, all establishments providing body art in Minnesota must be licensed by MDH.

3. On September 13, 2011, MDH mailed Technician a Notice of Illegal Practice. Enclosed with the letter was a body art technician license application. MDH requested a response from Technician no later than October 13, 2011. MDH did not receive a response from Technician.
4. On October 19, 2012, MDH mailed Technician a second Notice of Illegal Practice. MDH requested a response from Technician no later than November 20, 2012. MDH did not receive a response from Technician.
5. On November 20, 2012, MDH mailed Technician the second Notice of Illegal Practice letter to a different address. MDH requested a response from Technician no later than December 20, 2012.
6. On December 21, 2012, an MDH employee emailed Technician: "Mr. Savage: Attached is a PDF of the letter sent to you on 11/20/12. Please provide your written statement by January 22, 2013. Thank you for your cooperation in this matter."
7. Technician did not respond to MDH with a written response.
8. On July 1, 2013, MDH mailed Technician a final Notice of Illegal Practice letter. The letter came back to MDH as "Return to sender," "Not deliverable as addressed," and "Unable to forward".
9. On December 24, 2015, MDH received a temporary body art technician license application from Technician.
10. Due to Technician's uncooperativeness in the past, MDH has placed a "hold" on the license until the complaint is resolved.
11. On January 6, 2016, MDH mailed Technician a Notice of Illegal Practice letter. The letter was also emailed to Technician. The letter requested a written response from Technician no later than February 8, 2016.
12. On January 7, 2016, MDH received an email response from Technician.
13. In the letter to Technician, MDH requested a list of all tattoo procedures Technician had performed after January 1, 2011. MDH also requested copies of the signed and dated informed consent forms. In the response, Technician admitted to providing tattoo to two female clients and to himself; however, he did not include copies of the informed consent forms.
14. In the letter to Technician, MDH asked why Technician provided body art without a technician license. Technician responded with, "In 2011, I was excited to pursue my dreams of becoming a tattoo artist. Unfortunately I went about it the wrong way. I was

unaware of the body arts regulations and laws. I purchased a tattoo machine online, and started tattooing myself to get an idea if this is something I want to do. After that I made the mistake of giving a couple friends a tattoo.”

15. When asked why Technician provided body art in an unlicensed body art establishment, Technician stated, “As stated in question #2, I was unaware of the body art regulations and laws and didn’t look into the requirements to pursue it the correct way.”
16. On January 27, 2016, MDH was issued a temporary body art technician license.

CONCLUSION

1. Technician did not comply with the requirements under Minnesota Statutes, section 146B.08, subdivisions 3 (3), because he practiced body art before he was issued a technician’s license, in violation of Minnesota Statutes, section 146B.03, subdivision 1(a).
2. Technician did not comply with the requirements under Minnesota Statutes, section 146B.08, subdivisions 3 (3), because he provided body art in an unlicensed establishment, in violation of Minnesota Statutes, section 146B.02, subdivision 4.

DETERMINATION

1. Technician is hereby reprimanded and assessed a civil penalty in the amount of \$477, which deprives Technician of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
 - Technician may pay the \$477 civil penalty in monthly installments of up to 4 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, Treasure,” 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 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 MCE, MCE is authorized by Minnesota Statutes, section 16D.17, to obtain a judgment against Practitioner without further notice or proceeding.