



Minnesota  
Department  
of Health

Effective April 25, 2016

PROTECTING, MAINTAINING & IMPROVING THE HEALTH OF ALL MINNESOTANS

March 18, 2016

Matthew Hudson  
1299 Taylor St #3  
Shakopee, MN 55379-1934

RE: MDH File Number: BAC16022

Dear Mr. Hudson:

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] 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); and [2] provided body art services without obtaining from clients a signed and dated informed consent form, in violation of Minnesota Statutes, section 146B.08, subdivision 3 (3), and Minnesota Statutes, section 146B.07, subdivision 3. Therefore, MDH is issuing you a reprimand and imposing a civil penalty in the amount of \$579. This action is authorized pursuant to Minnesota Statutes, sections 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 you received this letter. 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

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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 that reads "Stella French". The signature is fluid and cursive, with the first name "Stella" being more prominent than the last name "French".

Stella French, Assistant 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  
Matthew Hudson  
Body Art Technician**

**AUTHORITY**

1. Pursuant to Minnesota Statutes, section 146B.03, subdivision 1 (a), effective January 1, 2011, no individual may perform tattooing unless the individual holds a valid technician license issued by MDH.
2. Pursuant to Minnesota Statutes, section 146B.07, subdivision 3, before performing a body art procedure, the technician shall obtain from the client a signed and dated informed consent form.
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. 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.
5. 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.

**FINDINGS OF FACT**

1. On February 15, 2012, MDH received a temporary body art technician application from Matthew Hudson (hereinafter "Technician"). In the application, Technician listed Blue Magic Tattoo (hereinafter "Establishment #1") in Chaska as his place of employment. In the application, Technician listed Amelia Heinisch and Terrance O'Connor as his supervisors.
2. On February 22, 2012, Technician was issued a temporary body art technician license.

12. On October 23, 2015, MDH mailed Technician a Notice of Illegal Practice. In the letter, Technician was advised an investigation had been initiated for disclosure of unlicensed practice.
13. In the letter, MDH requested a written response from technician no later than November 23, 2015. MDH also requested copies of the informed consent forms for each body art procedure that occurred in Findings of Fact #10. MDH did not receive a response from Technician by that date.
14. The city of Minneapolis has body art ordinances that meet or exceed MDH statutes. In turn, the city of Minneapolis issues their own body art establishment licenses. If any body art establishment located in Minneapolis violates body art state statutes, then the city of Minneapolis is authorized to investigate and issue disciplinary actions.
15. On November 2, 2015, MDH forwarded Technician's unlicensed body art activities to the city of Minneapolis.
16. On November 2, 2015, the city of Minneapolis issued Operator six citations. All six citations, at \$200 each, were for Operator allowing Technician to tattoo at Establishment #2 without a body art technician license. Operator appealed the citations and a court date was set-up with the city of Minneapolis Administrative Hearing Office.
17. On December 1, 2015, MDH mailed Technician a second Notice of Illegal Practice letter. The letter came back to MDH as "Return to Sender". The post office also provided an alternative address for Technician.
18. On December 9, 2015, MDH again mailed the second Notice of Illegal Practice letter to Technician but this time it was to the alternative address given by the post office. MDH requested a written response from Technician no later than January 11, 2016.
19. On January 12, 2016, MDH received a written response from Technician via fax.
20. In the written response, Technician stated, "To be brief, after looking over our records we did not find any of the dates in question. Rather found several dates similar numerically and some that were not even added to the log...I'll explain the "simiar (sic) numerically" the employee that had been calculating the hour log is of Hispanic decent (sic), in the Hispanic culture the dates are written differently for example day/month/year..rather than month/day/year we can see some of the patterns that indicate this...Ive (sic) attached several "new additions from 2014 that were not logged...I did sign that info was correct originally but I did not tattoo befor (sic) "10-08-2014 at all.""

4. Lastly, Operator individually signed each date that Technician provided body art service.

#### **DETERMINATION**

1. Technician is hereby reprimanded and assessed a civil penalty in the amount of \$579, which deprives Technician of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
  - Technician may pay the \$579 civil penalty in monthly installments for up to 5 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 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.