

Effective 12/14/11



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

October 31, 2011

Ms. Antónia Xiámara Lóvell



RE: MDH File Number: BAC12027

Dear Ms. Lóvell:

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, subdivisions 3(3), and Minnesota Statutes, section 146B.03, subdivisions 1 and 2. Therefore, the Department is disciplining you by reprimand and a civil penalty in the amount of \$1,174. This action is authorized pursuant to Minnesota Statutes, sections 214.10, and 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 your 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 also be made in writing and 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:

Tom Hiendlmayr, 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 Mr. Hiendlmayr at (651)201-3839. If you have any questions about this matter, please contact Kyle Renell at (651)201-3727.

Sincerely,

A handwritten signature in black ink that reads "Darcy Miner". The signature is written in a cursive, flowing style.

Darcy Miner, Director  
Compliance Monitoring Division

Enclosure

cc: Tom Hiendlmayr, Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM  
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of  
Antónia Xiámara Lóvell  
Formerly known as Tanya D. Moulton  
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 214.131, subdivision 2; and Minnesota Statutes, section 146B.08, subdivision 3. Pursuant to Minnesota Statutes, section 148B.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, subdivisions 1 and 2, no individual may perform either tattooing or piercing unless the individual holds a valid technician license issued by MDH.

**FINDINGS OF FACT**

1. Antónia Xiámara Lóvell, formerly known as Tanya D. Moulton (Hereinafter "Technician"), was issued a body art technician-dual license, effective October 6, 2011. Technician's license is due to expire on March 31, 2013.
2. On August 23, 2011, MDH Investigations and Enforcement (I&E) staff received information that Technician was providing body art services under the business name "Techniques Tattoo & Body Piercing" in Sauk Centre, MN.
3. By letter dated August 24, 2011, a body art application packet was mailed to Technician's business address.
4. On August 29, 2011, Technician telephonically acknowledged receipt of the application packet and stated she had been unaware of the licensure requirements. During the

telephone conversation, Technician was provided with instructions as to how to complete the required applications and information regarding available training to complete required coursework.

5. On her body art technician licensure application, dated September 16, 2011, and received on September 20, 2011, Technician stated that she had been doing business as Techniques Tattoos & Body Piercing in Sauk Centre, MN, since October 18, 2009. Documentation enclosed with Technician's application included: a Certificate of Assumed Name, issued by the Minnesota Secretary of State on November 4, 2009, for Technician's business; a zoning permit application, dated October 28, 2009, addressed to and approved by the City of Sauk Centre; and a newspaper article publishing Technician's assumed name, pursuant Minnesota Statutes, chapter 333. As documentation of her experience, Technician provided 267 waiver, release and consent to piercing forms, 73 of which were dated after January 1, 2011. Technician also provided 259 waiver, release and consent to tattoo forms, 63 of which were dated after January 1, 2011.

#### **CONCLUSION**

1. Technician did not comply with the requirements under Minnesota Statutes, section 146B.03, subdivisions 1 and 2, because she did not obtain licensure until October 6, 2011, and continued to perform body art services between January 1, 2011, and October 6, 2011.

#### **DETERMINATION**

1. Technician is hereby reprimanded and assessed a civil penalty in the amount of \$1,174, which deprives Technician of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.