

HEALTH OCCUPATIONS PROGRAM
HEALTH REGULATION DIVISION

**A Determination in the Matter of
April May Besabella Serdena
Body Art Technician #319134**

Authority:

The Minnesota Department of Health, Health Occupation Program – Body Art (“Department”), is authorized, pursuant to Minnesota statutes, Chapter 146B, to license body art establishments, temporary events, and technicians, enforce state laws relating to the application of body art, piercing and inspection of licensed body art establishments. Pursuant to Minn. Stat. §146B.08, subd. 1, the Department has authority to investigate allegations of Chapter 146B violations. If the Department determines that a licensee has violated a provision of Chapter 146B, it has the authority to order corrections, revoke, suspend, refuse to grant, or renew licensure or take any reasonable action against a license and to assess administrative penalties in an amount up to \$10,000 per violation under Minn. Stat. §146B.08.

Findings of Fact:

1. On October 20, 2024, the Department received a complaint alleging body art technician April May Serdena (“Serdena”), technician number 319134, operated an unlicensed body art establishment in the city of Rochester. The complaint alleged Serdena opened and operated the unlicensed body art establishment, Besabella Beauty, at 5600 Bandel Rd NW, Rochester, and that she was in the process of relocating the establishment to 1300 Salem Rd SW, Suite 250.
2. On October 25, 2024, the Department opened an investigation into the complaint. During the investigation, the Department learned the following:
 - a. The Department reviewed all body art establishment licensing data and determined Besabella Beauty was not currently licensed nor had ever been licensed as a body art establishment.

- b. The Department used information from the Body Art Technician Licensing System (BATLS), to determine Serdena was a licensed body art technician in Minnesota, first obtaining her technician license in December of 2023, and most recently renewing her technician license in March of 2024.
 - c. The Department conducted an online search of Besabella Beauty and found the establishment's website and social media sites. From the information provided on Besabella Beauty's website, the Department noted the following information:
 - i. Besabella Beauty was located at 5600 Bandel Rd NW, Rochester inside the Salon Suites at Bandel building.
 - ii. Serdena appeared to be the sole body art technician at this location based on the booking section of the website.
 - iii. Besabella Beauty offered the following body art services:
 - 1. Microblading
 - 2. Ombre powder/shading
 - 3. Lip blush.
 - d. Besabella Beauty's social media account showed the following information:
 - i. On October 15, 2024, Besabella posted an update to their clients informing them that they would be moving to All Dolled Up Salon, located at 1300 Salem Rd, Suite 250, Rochester.
 - ii. The post also included a message to their clients: "Also, a huge shoutout to Naomie and the ladies at Bandel Suites for all your continued support and referrals. It means so much to me!".
3. On October 29, 2024, the Department sent Serdena a notice of investigation letter via email. The Department informed Serdena of the complaint and allegations made against her. The Department asked Serdena to provide a written response to the allegations and asked for all consent forms and other business records from Besabella Beauty.

4. On October 30, 2024, Serdena provided all the requested documents and a written response to the allegations made in the complaint. In Serdena's written response, she wrote the following:
 - a. Serdena is the sole owner and body art technician of Besabella Beauty, which offers permanent cosmetics, a type of body art service.
 - b. Serdena wrote she had not conducted any body art procedures at the 1300 Salem Rd location but admitted to operating Besabella Beauty at the Salon Suits at Bandel (5600 Bandel Rd NW, Rochester) from March 8, 2024, until August 31, 2024.
 - c. Serdena wrote she registered Besabella Beauty with the city of Rochester and thought the Salon Suits management at Bandel was responsible for obtaining the body art establishment license from the Department.
 - d. Serdena wrote she would not provide any body art services at the Salem location until she obtained the proper body art establishment license from the Department.
 - e. Serdena provided the Department with 37 body art consent forms from the Bandel Road location, Besabella Beauty's tax ID forms and a lease agreement for the Salon Suits at Bandel.
 - f. The lease agreement for the Salon Suites at Bandel showed Besabella Beauty was issued a lease for Suite 12 on February 7, 2024. The lease was effective from March 8, 2024, through August 31, 2024. .
5. On November 7, 2024, the Department reviewed all 37 body art consent forms for the body art procedures performed at the Bandel Road location and determined the following:
 - a. All consent forms complied with Department regulations and contained all required language, were properly and fully completed, including client information, relevant health details, and signatures from both client and practitioner.

- b. The consent forms also listed the cost of each procedure, showing that Serdena performed 37 procedures between April 8, 2024, and August 15, 2024, earning a total of \$14,175.

Conclusion:

Minn. Stat. §146B.01 subd. 5, defines a body art establishment as: *“Body art establishment” or “establishment” means any structure or venue, whether permanent, temporary, or mobile, where body art is performed. Mobile establishments include vehicle-mounted units, either motorized or trailered, and readily movable without disassembling and where body art procedures are regularly performed in more than one geographic location.”*

Minn. Stat. §146B.01, subd. 4, defines body art as: *“Body art” or “body art procedures” means physical body adornment using, but not limited to, tattooing and body piercing.”*

Minn. Stat. §146B.08, subds. 3-4 identify specific disciplinary actions that can be taken and the grounds under which discipline can be imposed.

Minn. Stat. §146B.02, subd. 1, states: *“Beginning January 1, 2011, no person acting individually or jointly with any other person may maintain, own, or operate a body art establishment in the state without an establishment license issued by the commissioner in accordance with this chapter, except as permitted under subdivision 8 or 9.”*

Minn. Stat. §146B.02, subd. 5, states: *“A body art establishment license must be issued to a specific person and location and is not transferable. A license must be prominently displayed in a public area of the establishment.”*

Based on the facts presented above, the Department concluded Serdena violated Minnesota Statutes, chapter 146B.

- Serdena admitted opening a body art establishment, as defined in Minn. Stat. §146B.01 subd. 5, without first obtaining a body art establishment license, as is required per Minn. Stat. §146B.02, subd. 5, and provided documentation of body art services she provided.
- Serdena failed to display a body art establishment license as is required per Minn. Stat. §146B.02, subd. 5.

- Serdena operated the unlicensed body art establishment from March 8, 2024, until August 31, 2024, providing, at minimum, 37 body art procedures as defined in Minn. Stat. §146B.01, subd. 4, and collecting \$14,175 in compensation in violation of Minn. Stat. §146B.02, subd. 1.

Determination: Penalty Assessed:

Pursuant to Minn. Stat. §146B.08, subd. 4, Serdena is assessed a civil penalty of \$2,100. In setting this penalty amount, the Department considered:

1. The Department's statutory ability to assess up to \$10,000 for each specific violation identified in an investigation.
2. Serdena opened and operated an unlicensed body art establishment from March 8, 2024, until August 31, 2024, and provided at minimum of 37 body art procedures in the establishment.
3. Serdena failed to prominently display a body art establishment license in the establishment.
4. Serdena economically benefited in the amount of \$14,175 from providing body art services at an unlicensed body art establishment.
5. Serdena knew or should have known that she was operating an unlicensed body art establishment between March 8, 2024, and August 31, 2024.
6. The amount of \$2,100 (based on the facts above) reflects the licensure fees associated with opening a licensed body art establishment and a monthly fine for operating the establishment for six months without proper licensure. The Department considered the fact that Serdena had no prior discipline on her body art technician license before this incident and addresses the statutory factors in chapter 146B as to how to assess a penalty amount.

How to Pay the Penalty Assessed:

Serdena shall pay the \$2,100 assessed civil penalty once the Department has issued an invoice outlining instruction for submitting payment.

If sixty (60) calendar days pass between the established due date of the payment and when Serdena pays, the penalty may be referred to the Minnesota Department of Revenue,

(MNDOR), or any other source for collection. When this determination for a penalty becomes public and the Department refers the matter to MNDOR, MNDOR is authorized by Minn. Stat. § 16D.17 to obtain judgment against Serdena without further notice or proceeding.

Request for a Hearing:

Under Minnesota Statutes, section 146B.08, subdivision 2, a licensee may not be disciplined without first being granted an opportunity for a contested case hearing under Minnesota Statutes, Chapter 14. If you choose to request a contested case hearing, please let the Department know within thirty (30) days of receipt of this determination, which constitutes notice of the Department's findings. If you need more time, please communicate promptly to the Department which will evaluate your request on a case-by-case basis. Requests for a hearing can be made via an online form or mailed/delivered to the address below.

To request a hearing via an online form, please use the following link:

<https://forms.web.health.state.mn.us/form/HRDAppealsForm>

If you choose to mail/deliver your hearing request, please direct correspondences to:

Minnesota Department of Health
Reconsideration Unit
HRD 3A, P.O. Box 64970
Saint Paul, MN 55164-0970

SO ORDERED this ____ day of _____ .

Maria King, Division Director

Health Regulation Division
Minnesota Department of Health
625 Robert St. N.
St. Paul, Minnesota 55164-0975