



**STATE OF OREGON
OREGON HEALTH AUTHORITY**

Ref File: 972858-2013

IN THE MATTER OF:

**Tan Republic - SW Barnes II,
Tanning Facility**

)
) **FINAL ORDER**
)
)
) Agency Case No. RPS 2013-T2858-2013CP

**Joseph Alan
P.O. Box 8984
Portland, OR 97207**

On May 5, 2014, the Oregon Health Authority, Center for Health Protection, Radiation Protection Services (RPS) issued a Notice of Violation and Proposed Imposition of Civil Penalty pursuant to Oregon Revised Statute ORS 431.950; Oregon Administrative Rules (OAR)333-103-0025, 333-119-0020, 333-119-0140, and 333-124-0010 proposing to impose a civil penalty against **Tan Republic - SW Barnes II** in the amount of **\$26,000.00** for violations of Oregon Administrative Rules (OARs) listed in the Notice. The Notice offered **Joseph Alan**, the owner of Tan Republic - SW Barnes II, an opportunity for a hearing, if requested within 20 days of service of the Notice. The Notice designated the relevant portions of RPS' file on this matter, including all materials submitted by Joseph Alan, as the record for purposes of default. Joseph Alan did not request a hearing.

NOW THEREFORE, after considering the relevant portions of RPS' file relating to this matter, RPS enters the following Order.

FINDINGS OF FACT

1. Tan Republic - SW Barnes II consists of a tanning facility at 11170 SW Barnes Road, Portland, and has a total of 10 tanning device(s).

2. On January 10, 2013, Tan Republic - SW Barnes II was required to pay to RPS a \$100 registration fee per tanning device, for a total of \$1,000.00 in registration fees. OAR 333-119-0020; and 333-103-0025.
3. On February 13, 2014, a letter, application and a notice were mailed to Joseph Alan at the address of record.
4. On November 26, 2013, an Informational Bulletin advising registrants of Electronic Payment to pay outstanding registration fees was mailed to the address of record.
5. To date, RPS has not received any registration fees.

ULTIMATE FINDINGS OF FACT

Tan Republic - SW Barnes II did not pay its 2013 registration fees.

CONCLUSION OF LAW

Tan Republic - SW Barnes II violated OAR 333-103-0025 by failing to pay its 2013 registration fees.

ORDER

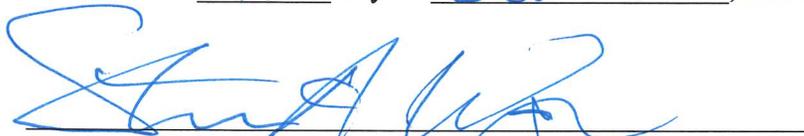
As authorized by ORS 431.950, Tan Republic - SW Barnes II shall pay a civil penalty of **\$26,000.00**, as calculated in the Notice of violations. OAR 333-103-0025 & OAR 333-142-0010(8):

1. In addition to paying a civil penalty, Tan Republic - SW Barnes II shall pay the 2013 registration fees of \$1,000.00.

Amount Owed to the State: \$27,000.00

2. Failure to comply with this Order may subject Tan Republic - SW Barnes II to further civil penalties.

DATED this 19 day of DECEMBER, 2014



Steven A. Wagner, MPH
Administrator, Center for Health Protection
Public Health Division
Oregon Health Authority

Date of Mailing: December 19, 2014

Notice: Civil Penalty amounts are established in ORS 431.950. Civil penalties are due and payable 10 days from the date this Order was mailed. If unpaid, civil penalties may be recorded and filed with county clerks as liens against property 10 days after the expiration of the statutory appeals period and sent to the Department of Revenue or a private collection firm for further collection efforts. If you have any questions about payment or wish to make payment arrangements, please call Todd S. Carpenter at 971-673-0500.

Make check payable to:

**Oregon Health Authority
ATTN: Radiation Protection Services
P.O. Box 14260
Portland, OR 97293-0260**

Appeal Rights: You are entitled to judicial review of this order in accordance with ORS 183.482. You may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon within 60 days from the date of this order.

Copy to: Shannon O'Fallon, Senior Assistant Attorney General
Oregon Department of Justice
Registration File #2566