PUBLIC HEALTH DIVISION
Radiation Protection Services
John A. Kitzhaber, MD, Governor

Oregon Health Authority

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STATE OF OREGON
OREGON HEALTH AUTHORITY

Ref File: 972886

IN THE MATTER OF:	)	
	)	**FINAL ORDER**
Tan Republic- Oregon City,	)	
Tanning Facility	)	
	)	Agency Case No. RPS 2014-T2886 CP

Peter Lamka
P.O. Box 8984
Portland, OR 97207

On June 16, 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- Oregon City** in the amount of **$14,820.00** for violations of Oregon Administrative Rules (OARs) listed in the Notice. The Notice offered **Peter Lamka**, the owner of Tan Republic- Oregon City, 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 Peter Lamka, as the record for purposes of default. Peter Lamka 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- Oregon City consists of a tanning facility at 1701 Beavercreek Road,, Oregon City and has a total of 13 tanning device(s).

2. On January 1, 2014, Tan Republic- Oregon City was required to pay to RPS a $100 registration fee per tanning device, for a total of $1,300 in registration fees. OAR 333-119-0020; and 333-103-0025.

3. Two payment notices were mailed to Peter Lamka at the address of record. On November 26, 2013, an Informational Bulletin advising registrants of Electronic Payment to pay outstanding registration fees was mailed to the address of record.

4. To date, RPS has not received registration fees.

ULTIMATE FINDINGS OF FACT

Tan Republic- Oregon City did not pay its 2014 registration fees.

CONCLUSION OF LAW

Tan Republic- Oregon City violated OAR 333-103-0025 by failing to pay its 2014 registration fees.

ORDER

As authorized by ORS 431.950, Tan Republic- Oregon City shall pay a civil penalty of **$14,820.00**, calculated as follows for violations of OAR 333-103-0025 and OAR 333-142-0010(8):

13 devices x $100 registration fees = $1,300

Start Date	End Date	Fees					Total
Jan. 10, 2014	Feb. 9, 2014	$1,300.00	3%	$ 39.00	x	30 Days	$1,170.00
Feb. 10, 2014	Mar. 12, 2014	$1,300.00	5%	$ 65.00	x	30 Days	$1,950.00
Mar. 13, 2014	Apr. 12, 2014	$1,300.00	10%	$130.00	x	30 Days	$3,900.00
Apr. 13, 2014	May 13, 2014	$1,300.00	10%	$130.00	x	30 Days	$3,900.00
May 14, 2014	June 13, 2014	$1,300.00	10%	$130.00	x	30 Days	$3,900.00

Proposed Civil Penalty Amount: **$14,820.00**

1. In addition to paying a civil penalty, Tan Republic- Oregon City shall pay the 2014 registration fees of $1,300. **Amount Owed to the State: $16,120.00**

2. Failure to comply with this Order may subject Tan Republic- Oregon City to further civil penalties.

DATED this 11 day of AUGUST, 2014

Dave Leland
Interim Administrator, Center for Health Protection
Public Health Division
Oregon Health Authority

Date of Mailing: August 11, 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
800 NE Oregon St., Suite 640
Portland, OR 97232

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 #2886