



Oregon

Theodore R. Kulongoski, Governor

Department of Human Services
Public Health Division
Environmental Public Health
Radiation Protection Services
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STATE OF OREGON

DEPARTMENT OF HUMAN SERVICES

Ref File: 972367

IN THE MATTER OF:

**Sun Shack Tanning & Fitness,
Tanning Facility**

)
) FINAL ORDER
)
)
) Agency Case No. RPS 2009-T2367 CP

**Jennifer Kent
391 NE Main Street
Willamina, OR 97396
{P.O. Box 1150 Willamina, OR 97396}**

On November 23, 2009, the Oregon Department of Human Services, Public Health Division, Office of Environmental Public Health, 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) 333-119-0020, 333-103-0025, and 333-119-0140, proposing to impose a civil penalty against *Sun Shack Tanning & Fitness* in the amount of \$300 for violations of Oregon Administrative Rules (OARs) listed in the Notice. The Notice offered Jennifer Kent, the owner of Sun Shack Tanning & Fitness, an opportunity for 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 Ms. Kent, as the record for purposes of default. Ms. Kent 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. Sun Shack Tanning & Fitness consist of tanning facilities at, 391 NE Main Street, Willamina, and has a total of 3 tanning devices.
2. On January 1, 2009, Sun Shack Tanning & Fitness was required to pay to RPS a \$100 registration fee per tanning device, for a total of \$300 in registration fees. OAR 333-119-0020; 333-103-0025.

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An Equal Opportunity Employer

3. Ms. Kent was sent, to her address of record, three RPS payment notices and one certified letter regarding unpaid registration fees. In addition, the Department of Justice (DOJ) sent Ms. Kent a letter advising her of potential civil penalties for failure to pay the outstanding registration fees within 10 days of the dated DOJ letter.
4. To date, RPS has not received any registration fees.

ULTIMATE FINDINGS OF FACT

Sun Shack Tanning & Fitness has not paid its 2009 registration fees.

CONCLUSION OF LAW

Sun Shack Tanning & Fitness violated OAR 333-103-0025 by failing to pay its 2009 registration fees.

ORDER

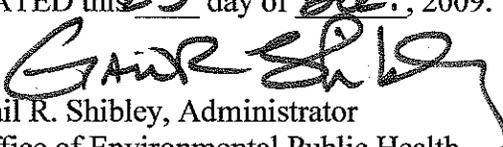
1. As authorized by ORS 431.950, Sun Shack Tanning & Fitness shall pay a civil penalty of **\$300**, calculated as follows:

Violation(s) of OAR 333-103-0025: \$100 x 3 tanning device(s) = **\$300**

2. In addition to paying a civil penalty, Sun Shack Tanning & Fitness shall pay the 2009 registration fees of \$300.

3. Failure to comply with this Order may subject Sun Shack Tanning & Fitness, to further civil penalties.

DATED this 23 day of Dec., 2009.


Gail R. Shibley, Administrator
Office of Environmental Public Health
Public Health Division

Date of Service:

Notice: Civil Penalty amounts are established in ORS 431.950. Civil penalties are due and payable 10 days after the date of this Order. 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. If you have any questions about payment or wish to make payment arrangements, please call David M. Howe at 971-673-0505 and make checks payable to: "DHS-Radiation Protection Services" and send to Radiation Protection Services, 800 NE Oregon St., Ste 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
David M. Howe, M.A., Field Operations Manager, Radiation Protection Services