



# 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: 972409

IN THE MATTER OF:

**Tan Republic,  
Tanning Facility**

)  
) FINAL ORDER  
)  
)  
) Agency Case No. RPS 2009-T2409 CP

**Lance Donnelly  
285 Liberty Street, NE  
Salem, OR 97301**

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 *Tan Republic* in the amount of **\$3,700** for violations of Oregon Administrative Rules (OARs) listed in the Notice. The Notice offered Lance Donnelly, the owner of Tan Republic, 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 Mr. Donnelly, as the record for purposes of default. Mr. Donnelly 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 consists of tanning facilities at, 1134 Lancaster Drive NE, Salem; 2457 SE Cherry Park Rd, Troutdale; and 1434 Lancaster Drive, NE, Salem, and has a total of 37 tanning devices.
2. On January 1, 2009, Tan Republic was required to pay to RPS a \$100 registration fee per tanning device, for a total of \$3,700 in registration fees. OAR 333-119-0020; 333-103-0025.

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3. Mr. Donnelly 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 Mr. Donnelly 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

Tan Republic has not paid its 2009 registration fees.

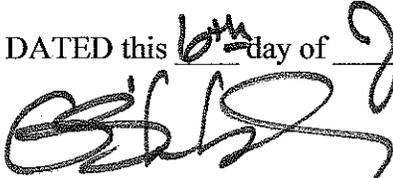
#### CONCLUSION OF LAW

Tan Republic violated OAR 333-103-0025 by failing to pay its 2009 registration fees.

#### ORDER

1. As authorized by ORS 431.950, Tan Republic shall pay a civil penalty of **\$3,700**, calculated as follows:  
  
Violation(s) of OAR 333-103-0025: \$100 x 37 tanning device(s) = **\$3,700**
2. In addition to paying a civil penalty, Tan Republic shall pay the 2009 registration fees of \$3,700.
3. Failure to comply with this Order may subject Tan Republic, to further civil penalties.

DATED this 6<sup>th</sup> day of Jan., 2010.

  
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