



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: 971223

IN THE MATTER OF:

**Ultimate Tan & Spa,
Tanning Facility**

)
) FINAL ORDER
)
)
) Agency Case No. RPS 2009-T1233 CP

**Debra Crawford
1590 SE Oriole Ct
Sherwood, OR 97140**

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 *Ultimate Tan & Spa* in the amount of **\$3,900** for violations of Oregon Administrative Rules (OARs) listed in the Notice. The Notice offered Debra Crawford, the owner of *Ultimate Tan & Spa*, 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. Crawford, as the record for purposes of default. Ms. Crawford 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. Ultimate Tan & Spa consist of tanning facilities at, 20649 SW Roy Rogers Rd, Ste 308, Sherwood; 14250 Barrows Rd, Ste A, Tigard; 1886 SW Baseline Rd, Cornelius; 2296 Gable Rd, St Helens; 2935 SE 73rd St, Hillsboro; 8261 Wilsonville Rd, Ste C, Wilsonville; and 911 NE Hwy 99E, McMinnville, and has a total of 47 tanning devices.
2. On January 1, 2009, Ultimate Tan & Spa was required to pay to RPS a \$100 registration fee per tanning device, for a total of \$3,900 in registration fees. OAR 333-119-0020; 333-103-0025.

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3. Ms. Crawford 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. Crawford 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

Ultimate Tan & Spa has not paid its 2009 registration fees.

CONCLUSION OF LAW

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

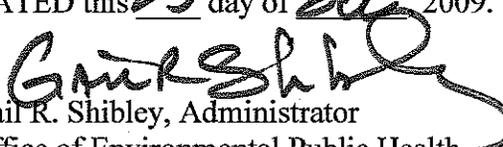
ORDER

1. As authorized by ORS 431.950, Ultimate Tan & Spa shall pay a civil penalty of **\$3,900**, calculated as follows:

Violation(s) of OAR 333-103-0025: \$100 x 39 tanning device(s) = **\$3,900**

2. In addition to paying a civil penalty, Ultimate Tan & Spa shall pay the 2009 registration fees of \$3,900.
3. Failure to comply with this Order may subject Ultimate Tan & Spa, 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