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: 972688

IN THE MATTER OF:	)
	) FINAL ORDER
Sunshine Express Tanning,	)
Tanning Facility	)
	) Agency Case No. RPS 2010-T2688 CP

Kim Mora
325 N. Broadway Ave.
Burns, OR 97720

On January 27, 2011, the Oregon Health Authority, Public Health Division, Office of Environmental Public Health (OEPH), 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 and 333-124-0010 proposing to impose a civil penalty against Sunshine Express Tanning in the amount of **$900.00** for violations of Oregon Administrative Rules (OARs) listed in the Notice. The Notice offered Kim Mora, 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. Mora, as the record for purposes of default. Ms. Mora 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. Sunshine Express Tanning consists of a tanning facility at 325 N. Broadway Ave, Burns, and has a total of 1 tanning device.

2. On September 27, 2010, Sunshine Express Tanning was inspected by a RPS staff member. During the inspection Sunshine Express Tanning was found to be in violation of a number of administrative rules governing tanning devices and facilities. The violations were cited in the inspection report form dated September 27, 2010, that is incorporated by reference.

3. Sunshine Express Tanning or a member of its staff was instructed to respond in writing within 30 days of the inspection with corrective action.

4. Sunshine Express Tanning or a member of its staff was informed that if no response was received within 30 days civil penalties would be assessed as authorized by ORS 431.950 and OAR 333-124-0010.

5. To date, RPS has not received a response to the inspection.

ULTIMATE FINDINGS OF FACT

Sunshine Express Tanning is operating as a tanning facility in violation of ORS 431.940 and OAR 333, Divisions 119 and 124.

CONCLUSION OF LAW

1. Sunshine Express Tanning violated rules governing tanning facilities as documented in the September 27, 2010 Inspection Report which has been incorporated by reference, has not corrected such violations, and is subject to civil penalties.

2. Pursuant to ORS 431.950 and OAR 333-124-0010, a civil penalty shall be imposed against Sunshine Express Tanning totaling **$900.00**.

3. The civil penalties are calculated as follows for violations of OAR 333-119:

Rule Violation	Severity Level	CP amount		Instances	Totals
333-119-0080(1)	1	$200.00	x	1	= $200.00
333-019-0100(11)	4	$75.00	x	1	= $75.00
333-019-0100(15)(b)	2	$150.00	x	1	= $150.00
333-019-0100(17)	2	$150.00	x	1	= $150.00
333-019-0110(1)	4	$75.00	x	1	= $75.00
333-019-0110(5)	3	$100.00	x	1	= $100.00
333-019-0110(6)	2	$150.00	x	1	= $150.00

Proposed civil penalty amount = **$900.00**

4. Failure to comply with this Order may subject Sunshine Express Tanning to further civil penalties.

ORDER

Sunshine Express Tanning is ordered to pay a civil penalty in the amount of **$900.00**

DATED this 10th day of May 2011

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

Date Of Service: May 10, 2011

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 971-673-0499 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., Section Manager, Radiation Protection Services