



# Oregon

Theodore R. Kulongoski, Governor

**Department of Human Services  
Public Health Division  
Environmental Public Health  
Radiation Protection Services**  
800 NE Oregon Street, Suite 640  
Portland, OR 97232-2162  
**Voice 971-673-0490**  
**FAX 971-673-0553**  
**TTY 971-673-0372**

## STATE OF OREGON

### DEPARTMENT OF HUMAN SERVICES

*Ref File: 972549*

IN THE MATTER OF:

**The Face & Body Place,  
Tanning Facility**

)  
) FINAL ORDER  
)  
)  
) Agency Case No. RPS 2010-T2549 CP

**Kristine Johnson  
221 S. Main Street, Suite 3  
Pendleton, OR 97801**

On June 2, 2010, 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) 333-103-0025, 333-119-0020, 333-119-0140, and 333-124-0010 proposing to impose a civil penalty against The Face & Body Place in the amount of **\$1,200** for violations of Oregon Administrative Rules (OARs) listed in the Notice. The Notice offered Kristine Johnson, the owner of The Face & Body Place, 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. Johnson, as the record for purposes of default. Ms. Johnson 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. The Face & Body Place consist of tanning facilities at, 221 S. Main Street, Suite 3, Pendleton, and has a total of 5 tanning devices.
2. On January 1, 2010, The Face & Body Place was required to pay to RPS a \$100 registration fee per tanning device, for a total of \$500 in registration fees. OAR 333-119-0020; 333-103-0025.
3. Ms. Johnson was sent, to her address of record, two payment notices regarding unpaid registration fees. In addition, the Department of Justice (DOJ) sent Ms.

*"Assisting People to Become Independent, Healthy and Safe"*  
An Equal Opportunity Employer



Johnson 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

The Face & Body Place has not paid its 2010 registration fees.

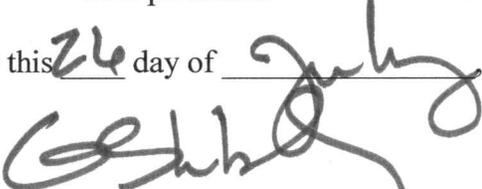
#### CONCLUSION OF LAW

The Face & Body Place violated OAR 333-103-0025 by failing to pay its 2010 registration fees.

#### ORDER

1. As authorized by ORS 431.950, The Face & Body Place shall pay a civil penalty of **\$1,200**, calculated as follows for violations of OAR 333-103-0025:  
March 21- April 19, 2010:  $\$500 \times 3\% = \$15 \times 30 \text{ days} = \$450$   
April 20- May 20, 2010:  $\$500 \times 5\% = \$25 \times 30 \text{ days} = \$750$   
Proposed civil penalty amount = **\$1,200**
2. In addition to paying a civil penalty, The Face & Body Place shall pay the 2010 registration fees of \$500.
3. Failure to comply with this Order may subject The Face & Body Place, to further civil penalties.

DATED this 26 day of July, 2010.

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

**Date of Service:** July 27, 2010

**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 Todd S. Carpenter at 971-673-0500 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  
Todd S. Carpenter, Licensing & Preparedness Manager, Radiation Protection Services

CERTIFICATE OF SERVICE

On the 27 day of JULY, 2010, I mailed the foregoing

FINAL ORDER

BY FIRST CLASS AND CERTIFIED MAIL to:

KRISTINE JOHNSON  
221 S. MAIN STREET, SUITE 3  
PENDLETON, OR 97801

  
\_\_\_\_\_  
SHARON ROSS  
TANNING FACILITY REGISTRAR

972549

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kristine Johnson  
221 S. Main St. Suite 3  
Pendleton, OR 97801

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent  
 Addressee
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) 7009 2250 0000 1562 2065

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540