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**STATE OF OREGON
OREGON HEALTH AUTHORITY**

Ref File: 972142

IN THE MATTER OF:

**Sunrise Tanning,
Tanning Facility**

)
) FINAL ORDER
)
)
) Agency Case No. RPS 2011-T2142 CP

**Heather Doern
878 NW Burnside St.
Gresham, OR 970303**

On December 9, 2011, the Oregon Health Authority, Public Health Division, Center for Health Protection, 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 Sunrise Tanning in the amount of **\$1,100** for violations of Oregon Administrative Rules (OARs) listed in the Notice. The Notice offered Heather Doern, 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. Doern, as the record for purposes of default. Ms. Doern 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. Sunrise Tanning consists of a tanning facility at 878 NW Burnside Gresham, OR, and has a total of six tanning devices.
2. On October 7, 2011, Sunrise Tanning was inspected by an RPS staff member. During the inspection Sunrise 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 October 7, 2011, that is incorporated by reference.

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

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

CONCLUSION OF LAW

1. Sunrise Tanning violated rules governing tanning facilities as documented in the October 7, 2011 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 Sunrise Tanning totaling **\$1,100**.
3. The civil penalties are calculated as follows for violations of OAR 333-119:

| Rule Violation | Severity Level | CP amount | Instances | Totals |
|------------------|----------------|-----------|-----------|---------|
| 333-119-0030(6) | 5 | \$50 | x 1 | = \$50 |
| 333-119-0080(1) | 2 | \$150 | x 1 | = \$150 |
| 333-119-0080(3) | 1 | \$200 | x 2 | = \$400 |
| 333-119-0090(3) | 4 | \$75 | x 1 | = \$75 |
| 333-119-0090(6) | 1 | \$200 | x 1 | = \$200 |
| 333-119-0100(11) | 4 | \$75 | x 3 | = \$225 |

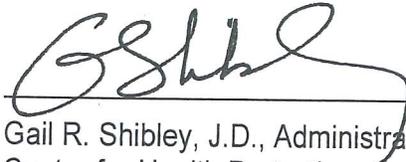
Proposed civil penalty amount = **\$1100**

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

ORDER

Sunrise Tanning is ordered to pay a civil penalty in the amount of \$1,100.

DATED this 9th day of July 2012.



Gail R. Shibley, J.D., Administrator
Center for Health Protection
Public Health Division

Date of Service: July 27, 2012

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 and sent to the Department of Revenue or a private collection firm for further collection efforts. If you have any questions about payment or wish to make payment arrangements, please call Todd S. Carpenter, Licensing Manager at 971-673-0500 and make checks payable to: "OHA-Radiation Protection Services" and send to Radiation Protection Services, 800 NE Oregon St., Suite 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 Manager, Radiation Protection Services