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**STATE OF OREGON
OREGON HEALTH AUTHORITY**

Ref File: 972367

IN THE MATTER OF:

**Sun Shack Tanning & Fitness,
Tanning Facility**

)
) **FINAL ORDER**
)
)
) Agency Case No. RPS 2011-T2367 CP

**Ms. Jennifer Kent
P.O. Box 1150
Willamina, OR 97396**

On July 13, 2011, the Oregon Health Authority, 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 Sun Shack Tanning & Fitness in the amount of **\$720** for violations of OAR listed in the Notice. The Notice offered Jennifer Kent, the owner of Sun Shack Tanning & Fitness, 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. Jennifer Kent, as the record for purposes of default. Ms. Jennifer Kent 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. Sun Shack Tanning & Fitness consists of tanning facility at 391 NE Main Street, Willamina, and has a total of 3 tanning devices.
2. On January 1, 2011, Sun Shack Tanning & Fitness was required to pay to RPS a \$100 registration fee per tanning device, for a total of \$300 in registration fees. OAR 333-119-0020; 333-103-0025.

3. Ms. Jennifer Kent was sent, to her address of record, two payment notices regarding unpaid registration fees. In addition, the Department of Justice (DOJ) sent Ms. Jennifer Kent 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

Sun Shack Tanning & Fitness has not paid its 2011 registration fees.

CONCLUSION OF LAW

Sun Shack Tanning & Fitness violated OAR 333-103-0025 by failing to pay its 2011 registration fees.

ORDER

1. As authorized by ORS 431.950, Sun Shack Tanning & Fitness shall pay a civil penalty of \$720, calculated as follows for violations of OAR 333-103-0025:

3 devices x \$100 registration fees = \$300

Start Date	End Date	Fees					
April 4, 2011	May 4, 2011	\$300	3%	= \$9	x 30 Days	\$270	
May 5, 2011	June 5, 2011	\$300	5%	= \$15	x 30 Days	\$450	

Proposed Civil Penalty Amount: \$720

2. In addition to paying a civil penalty, Sun Shack Tanning & Fitness shall pay the 2011 registration fees of \$300.
3. Failure to comply with this Order may subject Sun Shack Tanning & Fitness to further civil penalties.

DATED this 6th day of SEPTEMBER 2011.



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

Date of Service: September 6, 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 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 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 & Preparedness Manager, Radiation Protection Services