PUBLIC HEALTH DIVISION
Radiation Protection Services
John A. Kitzhaber, MD, Governor

Oregon Health Authority

800 NE Oregon Street, Suite 640
Portland, OR 97232
Voice 971-673-0490
FAX 971-673-0553
TTY 971-673-0372

STATE OF OREGON
OREGON HEALTH AUTHORITY

Ref File: 972588

IN THE MATTER OF:	)	
	)	**FINAL ORDER**
Sun West Tanning,	)	
Tanning Facility	)	
	)	Agency Case No. RPS 2011-T2588 CP

Ms. Susette McDonald
1515 W. Main Street
Molalla, OR 97038

On July 19, 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 West Tanning in the amount of **$1,440** for violations of OAR listed in the Notice. The Notice offered Ms. Susette McDonald, the owner of Sun West Tanning, 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. Susette McDonald, as the record for purposes of default. Ms. Susette McDonald 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 West Tanning consists of tanning facility at 1515 W. Main Street, Molalla and has a total of 6 tanning devices.

2. On January 1, 2011, Sun West Tanning was required to pay RPS a $100 registration fee per tanning device, for a total of $600 in registration fees. OAR 333-119-0020; 333-103-0025.

3. Ms. Susette McDonald was sent, to her address of record, two payment notices regarding unpaid registration fees. In addition, the Department of Justice (DOJ) sent Ms. Susette McDonald 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 West Tanning has not paid its 2011 registration fees.

CONCLUSION OF LAW

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

ORDER

1. As authorized by ORS 431.950, Sun West Tanning shall pay a civil penalty of **$1,440**, calculated as follows for violations of OAR 333-103-0025:

6 devices x $100 registration fees = $600

Start Date	End Date	Fees				
March 25, 2011	April 25, 2011	$600	3%	= $18	x 30 Days	$540
April 26, 2011	May 26, 2011	$600	5%	= $30	x 30 Days	$900
Proposed Civil Penalty Amount:						**$1,440**

2. In addition to paying a civil penalty, Sun West Tanning shall pay the 2011 registration fees of $600.

3. Failure to comply with this Order may subject Sun West Tanning to further civil penalties.

DATED this 6th day of April 2012.

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

Date of Service: April 9, 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 at 971-673-0500 and make checks payable to: **"OHA-Radiation Protection Services" or mail 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