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: 972787

IN THE MATTER OF:)
) FINAL ORDER
Tan Republic Clackamas,)
Tanning Facility)
)
) Agency Case No. RPS 2012-T2787 FO

Joseph Alan
PO Box 8984
Portland, OR 97207

The Oregon Health Authority, Radiation Protection Services (RPS) is charged with protecting the health and safety of all Oregonians from unnecessary radiation exposure. It is essential that all registrants comply with Oregon Administrative Rules (OAR) relating to tanning facility operations which minimizes health risks to workers, clients, and the public.

On September 27, 2012, 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 Tan Republic Clackamas in the amount of **$4,350** for violations of Oregon Administrative Rules (OARs) listed in the Notice. The Notice offered Joseph Alan 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 Joseph Alan, as the record for purposes of default. Joseph Alan did request a hearing but violated the terms of the Settlement Agreement and Final Order.

NOW THEREFORE, after considering the relevant portions of RPS' file relating to this matter, RPS enters the following Order.

FINDINGS OF FACT

1. Tan Republic Clackamas consists of a tanning facility at 8864 SE Sunnyside Road, Clackamas, and has a total of 11 tanning devices.

2. On August 6, 2012, Tan Republic Clackamas was inspected by an RPS staff member. During the inspection, Tan Republic Clackamas 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 August 6, 2012, that is incorporated by reference.

3. Tan Republic Clackamas or a member of its staff was instructed to respond in writing within 30 days of the inspection with corrective action.

4. Tan Republic Clackamas 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.

ULTIMATE FINDINGS OF FACT

Tan Republic Clackamas is operating as a tanning facility in violation of ORS 431.940 and OAR 333, Divisions 119 and 124.

CONCLUSION OF LAW

1. Tan Republic Clackamas violated rules governing tanning facilities as documented in the August 6, 2012 Inspection Report which has been incorporated by reference, and is subject to civil penalties.

2. Pursuant to ORS 431.950 and OAR 333-124-0010, a civil penalty shall be imposed against Tan Republic Clackamas totaling **$4,350.**

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

Rule Violation	Severity Level	CP amount	Instances			Totals
333-119-0040(2)(a)	2	$150	x	1	=	$150
333-119-0040(2)(b)	3	$100	x	1	=	$100
333-119-0060(1)	3	$100	x	1	=	$100
333-119-0080(1)	2	$150	x	1	=	$150
333-119-0080(3)	1	$200	x	1	=	$200
333-119-0090(6)	1	$200	x	1	=	$200
333-119-0100(5)	4	$75	x	1	=	$75
333-119-0100(6)	4	$75	x	1	=	$75
333-119-0100(11)	4	$75	x	4	=	$300
333-119-0100(18)	3	$100	x	2	=	$200
333-119-0110(5)	3	$100	x	11	=	$1,100
333-119-0110(7)(a)	4	$75	x	8	=	$600
333-119-0110(7)(c)	3	$100	x	11	=	$1,100

Proposed civil penalty amount = **$4,350**

4. Failure to comply with this Order may subject Tan Republic Clackamas to further civil penalties.

ORDER

Tan Republic Clackamas is ordered to pay a civil penalty in the amount of $4,350.

DATED this 17 day of June 2013.

David E. Leland
Interim Administrator, Center for Health Protection
Public Health Division
Oregon Health Authority

Date of Service: June 18, 2013

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