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: 972731

IN THE MATTER OF:	)	
	)	**FINAL ORDER**
Tan Republic,	)	
Tanning Facility	)	
	)	Agency Case No. RPS 2012-T2731 CP

James Plumlee
5320 SW Macadam Ave. Suite 120
Portland, OR 97239

On April 25, 2012, the Oregon Health Authority, 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)333-103-0025, 333-119-0020, 333-119-0140, and 333-124-0010 proposing to impose a civil penalty against Tan Republic in the amount of **$540.00** for violations of Oregon Administrative Rules (OARs) listed in the Notice. The Notice offered James Plumlee, the owner of Tan Republic, an opportunity for a 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 Mr. Plumlee, as the record for purposes of default. Mr. Plumlee 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. Tan Republic consists of a tanning facility at 7545 SW Barnes Road, Suite 115, Portland, and has a total of 6 tanning device(s).

2. On January 1, 2012, Tan Republic was required to pay to RPS a $100 registration fee per tanning device, for a total of $600.00 in registration fees. OAR 333-119-0020; 333-103-0025.

3. Mr. Plumlee was sent, to his address of record, two payment notices regarding unpaid registration fees. In addition, the Department of Justice (DOJ) sent Mr. Plumlee a letter advising him 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

Tan Republic has not paid its 2012 registration fees.

CONCLUSION OF LAW

Tan Republic violated OAR 333-103-0025 by failing to pay its 2012 registration fees.

ORDER

As authorized by ORS 431.950, Tan Republic shall pay a civil penalty of **$540.00**, calculated as follows for violations of OAR 333-103-0025 & OAR 333-124-0010(8):

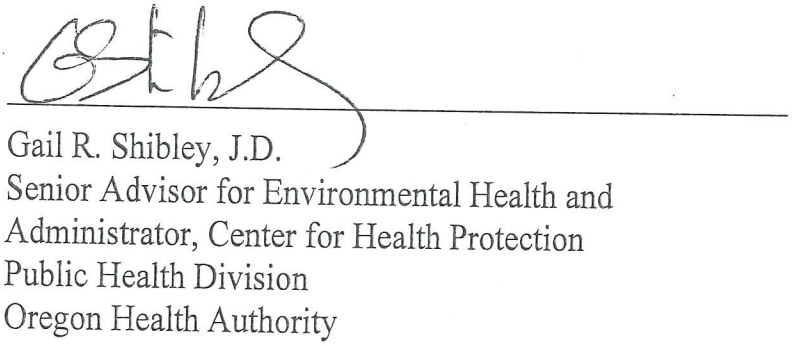
6 devices x $100 registration fees = $600.00

Start Date	End Date	Fees					
May 8, 2012	June 7, 2012	$600.00	3%	= $18.00	x	30 Days	$540.00
Proposed Civil Penalty Amount:							**$540.00**

1. In addition to paying a civil penalty, Tan Republic shall pay the 2012 registration fees of $600.00.

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

DATED this 16th day of August 2012.



Gail R. Shibley, J.D.
Senior Advisor for Environmental Health and
Administrator, Center for Health Protection
Public Health Division
Oregon Health Authority

Date of Service: August 22, 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.

Make check payable to:

Oregon Health Authority
ATTN: 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, RPS Licensing & Preparedness Manager