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**STATE OF OREGON
OREGON HEALTH AUTHORITY**

Ref File: 972737

IN THE MATTER OF:

No Limit Fitness,
Tanning Facility

)
) FINAL ORDER
)
)
) Agency Case No. RPS 2014-T2737 FO

Darryl Jones
118 N. Everest Rd.
Newberg, OR 97132

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 December 19, 2014, 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 No Limit Fitness in the amount of \$400 for violations of Oregon Administrative Rules (OARs) listed in the Notice. The Notice offered Darryl Jones 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 Darryl Jones, as the record for purposes of default. Darryl Jones 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. No Limit Fitness consists of a tanning facility at 118 N. Everest Rd, Newberg, OR 97132, and has a total of 2 tanning devices.
2. On October 20, 2014, No Limit Fitness was inspected by an RPS staff member. During the inspection, No Limit Fitness was found to be in violation of an administrative rule

governing tanning devices and facilities. The violation was cited in the inspection report form dated October 20, 2014, that is incorporated by reference.

3. No Limit Fitness or a member of its staff was instructed to respond in writing within 30 days of the inspection with corrective action.
4. No Limit Fitness 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

No Limit Fitness is operating as a tanning facility in violation of ORS 431.940 and OAR 333, Divisions 119 and 124.

CONCLUSION OF LAW

1. No Limit Fitness violated rules governing tanning facilities as documented in the October 20, 2014 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 No Limit Fitness totaling \$400.
3. The civil penalty is calculated as follows for violations of OAR 333-119:

Rule Violation	Severity Level	CP amount	Instances	Totals
333-119-0100(17)	2	\$200	x 2	= \$400

Proposed civil penalty amount = **\$400**

4. Failure to comply with this Order may subject No Limit Fitness to further civil penalties.

ORDER

No Limit Fitness is ordered to pay a civil penalty in the amount of \$400.

DATED this 27 day of JANUARY 2015.



Steven A. Wagner, MPH
Administrator, Center for Health Protection
Oregon Health Authority

Date of Mailing: January 30, 2015

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