



**STATE OF OREGON  
OREGON HEALTH AUTHORITY**

Ref File: 972367

IN THE MATTER OF:

)

) **FINAL ORDER**

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

)

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) Agency Case No. RPS 2014-T2367 CP

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

On May 22, 2014, 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 **Sun Shack Tanning & Fitness LLC** in the amount of **\$2,700.00** for violations of Oregon Administrative Rules (OARs) listed in the Notice. The Notice offered **Jennifer Kent**, the owner of Sun Shack Tanning & Fitness LLC, 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 Jennifer Kent, as the record for purposes of default. 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 LLC consists of a tanning facility at 391 NE Main Street, and has a total of 3 tanning device(s).

2. On January 1, 2014, Sun Shack Tanning & Fitness LLC 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; and 333-103-0025.
3. Two payment notices were mailed to Jennifer Kent at the address of record. On November 26, 2013, an Informational Bulletin advising registrants of Electronic Payment to pay outstanding registration fees was mailed to the address of record.
4. To date, RPS has not received any registration fees.

### ULTIMATE FINDINGS OF FACT

Sun Shack Tanning & Fitness LLC did not pay its 2014 registration fees.

### CONCLUSION OF LAW

Sun Shack Tanning & Fitness LLC violated OAR 333-103-0025 by failing to pay its 2014 registration fees.

### ORDER

As authorized by ORS 431.950, Sun Shack Tanning & Fitness LLC shall pay a civil penalty of **\$1,620.00**, calculated as follows for violations of OAR 333-103-0025 & OAR 333-142-0010(8):

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

Start Date	End Date	Fees			Days	Total
Jan. 10, 2014	Feb. 9, 2014	\$300	3%	\$9.00	X 30	\$270.00
Feb. 10, 2014	Mar. 12, 2014	\$300	5%	\$15.00	X 30	\$450.00
Mar. 13, 2014	April 12, 2014	\$300	10%	\$30.00	X 30	\$900.00
April 13, 2014	May 13, 2014	\$300	10%	\$30.00	X 30	\$900.00
May 14, 2014	May 20, 2014	\$300	10%	\$30.00	X 6	\$180.00

**Proposed Civil Penalty Amount: \$2,700.00**

1. In addition to paying a civil penalty, Sun Shack Tanning & Fitness LLC shall pay the 2014 registration fees of \$300.

**Amount Owed to the State: \$3,000.00**

2. Failure to comply with this Order may subject Sun Shack Tanning & Fitness LLC to further civil penalties.

DATED this 12 day of JUNE, 2014

  
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Dave Leland  
Interim Administrator, Center for Health Protection  
Public Health Division  
Oregon Health Authority

*Date of Mailing:* June 13, 2014

**Notice:** Civil Penalty amounts are established in ORS 431.950. Civil penalties are due and payable 10 days from the date this Order was mailed. 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  
Registration File #2367