



**STATE OF OREGON
OREGON HEALTH AUTHORITY**

Ref File: **972692I**

IN THE MATTER OF:

**Zoo Health Club,
Tanning Facility**

)
) FINAL ORDER
)
)
) Agency Case No. RPS 2017-12692 FO

**Christopher W. Peterman,
For Byron Pardo
836 W. Military, Ste 108
Roseburg, OR 97471**

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 5, 2017, 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 **Zoo Health Club** in the amount of **\$600** for violations of Oregon Administrative Rules (OARs) listed in the Notice. The Notice offered **Christopher W. Peterman** 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 **Christopher W. Peterman**, as the record for purposes of default. **Christopher W. Peterman** did not request a hearing.

Notice to Active Duty Service members: Active duty service members have a right to stay proceedings under the federal service members Civil Relief Act and may contact the Oregon State Bar at 1 (800) 452-8260 or the Oregon Military Department at 1 (800) 452-7500 for more information. The internet address for the United States Armed Forces Legal Assistance Locator website is <http://legalassistance.law.af.mil/content/locator.php>.

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

FINDINGS OF FACT

Zoo Health Club consists of a tanning facility at **836 W. Military, Ste 108, Roseburg, OR 97471**, and has a total of **1** tanning device.

1. On **May 24, 2017**, **Zoo Health Club** was inspected by an RPS staff member. During the inspection, **Zoo Health Club** 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 **May 24, 2017**, that is incorporated by reference.
2. **Zoo Health Club** or a member of its staff was instructed to respond in writing within 30 days of the inspection with corrective action.
3. **Zoo Health Club** 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

Zoo Health Club is operating as a tanning facility in violation of ORS 431.940 and OAR 333, Divisions 119 and 124.

CONCLUSION OF LAW

1. **Zoo Health Club** violated rules governing tanning facilities as documented in the **Inspection Date** 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 **Zoo Health Club** totaling **\$600**
3. The civil penalties are calculated as follows for violations of OAR 333-119:

Rule Violation	Severity Level	CP amount	Instances	Totals
333-119-0110(1)	4	\$100	x 1	= \$100
333-119-0090(8)	1	\$150	x 1	= \$150

Proposed civil penalty amount = **\$250**

4. Failure to comply with this Order may subject **Zoo Health Club** to further civil penalties.

5. In addition to paying a civil penalty, you are required to provide a written corrective action within 30 days of receipt of this order, to the inspection conducted on **May 24, 2017**, in order to be in compliance. If you do not provide a written corrective action you will continue to be in violation and will be subject to further civil penalties and may be prohibited from operating your tanning devices.

ORDER

Zoo Health Club is ordered to pay a civil penalty in the amount of **\$250**

DATED this 13th day of October 2017.



André Ourso, JD, MPH
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OREGON HEALTH AUTHORITY
Public Health Division
Center for Health Protection
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Date of Mailing: 10/16/17

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
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