

STATE OF OREGON
PUBLIC HEALTH DIVISION
OREGON PSILOCYBIN SERVICES SECTION
OREGON HEALTH AUTHORITY

IN THE MATTER OF:

**NEUROMYCOLOGY LLC,
dba 7 GATES SANCTUARY,
Dessa Bingley**
Respondent

FINAL ORDER

OAH Reference No. 2026-OHA-20668
License No.: SC-b6cbf7d2

HISTORY OF THE CASE

On February 9, 2026, the Oregon Health Authority (Authority) issued a Notice of Intent to Impose Civil Penalty (Notice) to Neuromycology LLC, Dessa Bingley, 7 Gates Sanctuary (Respondent). On February 11, 2026, Respondent requested a hearing to contest the Notice. On February 13, 2026, the Authority referred this matter to the Office of Administrative Hearings (OAH).

On March 30, 2026, Administrative Law Judge (ALJ) Alek Wipperman of the OAH held a prehearing conference. A hearing was scheduled for July 22, 2026, and the Authority and Respondent agreed to a calendar of proceedings. On May 26, 2026, Respondent filed a motion seeking dismissal of the Notice. On May 27, 2026, the Authority filed a Motion for Partial Summary Determination. Neither Respondent nor the Authority filed a response to the opposing motion. On July 17, 2026, the ALJ issued a ruling denying Respondent's motion, granting the Authority's motion, and concluding that the Authority was entitled to a favorable ruling as a matter of law that Respondent failed to submit data required by OAR 333-333-4910(1).

On July 22, 2026, the ALJ held a hearing by telephone. Assistant Attorney General Stephanie Case represented the Authority. Jenna Oakley represented Respondent and testified. Tristin Blalack, ND, testified as a witness for the Authority. The record closed at the conclusion of the hearing.

ISSUE

Oregon Psilocybin Services | PO Box 14450, Portland, OR 97293-0450

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In the Matter of Neuromycology LLC, dba 7 Gates Sanctuary 2026-OHA-20668

Whether the Authority may impose a \$500 civil penalty against Respondent for a violation of OAR 333-333-4910(1). OAR 333-333-6200.

EVIDENTIARY RULINGS

Pleadings P1 through P7 and Exhibits A1 through A3, offered by the Authority, were admitted into evidence without objection.

FINDINGS OF FACT

- (1) On March 27, 2024, the Authority licensed Respondent as a psilocybin service center. Respondent has been a licensed service center at all times material. (Test. of Blalack; Ex. A1.)
- (2) Respondent failed to submit data required by OAR 333-333-4910(1) by January 25, 2026.
- (3) Respondent has not had a previous or subsequent failure to submit quarterly required data in compliance with OAR 333-333-4910(1). Respondent identified that it failed to make a required submission due to clerical error. It contacted the Authority the day after reporting was required in order to attempt to provide the necessary data. The Authority declined to accept the data and encouraged Respondent to make timely required reports in the future. (Test. of Oakley; Ex. A2.)
- (4) Due to the oversight, Respondent updated its email processing to ensure that it received reminders from the Authority for coming reporting deadlines. (Test. of Oakley.)
- (5) The Authority identified no mitigating or aggravating circumstances to serve as a basis for varying the standard civil penalties for initial failures to comply with reporting requirements of OAR 333-333-4910(1).

CONCLUSION OF LAW

The Authority may impose a \$500 civil penalty against Respondent for a violation of OAR 333-333-4910(1)

OPINION

The Authority proposes to impose a \$500 civil penalty against Respondent. As the proponent of this position, the Authority bears the burden to prove it may impose the assessed penalty. Oregon Revised Statute (ORS) 183.450(2).¹ In the absence of legislation

¹ ORS 183.450(2) states, in pertinent part: “The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position.”

specifying another standard, the standard of proof in an administrative hearing is a preponderance of evidence. *Dixon v. Board of Nursing*, 291 Or App 207, 213 (2018); *Metcalf v. AFSD*, 65 Or App 761, 765 (1983). A preponderance of evidence is evidence sufficient to persuade the fact finder that the facts asserted are more likely true than false. *Riley Hill General Contractor v. Tandy Corp.*, 303 Or 390, 402 (1987). The Authority satisfied its burden.

OAR 333-333-6200 provides, in material part:

(2) Civil Penalties. The Authority may impose a civil penalty under ORS 475A.513, ORS 475A.618, or ORS 475A.654 for violation of a provision of ORS chapter 475A or these rules, in accordance with section (4) of this rule.

(3) The Authority uses the following violation categories for licensees licensed under ORS chapter 475A:

* * * * *

(e) Category V – Violations of OAR 333-333-4910.

(4) Violation sanctions.

(a) The Authority may sanction a licensee or permittee in accordance with the guidelines set forth in Exhibit 1, incorporated by reference.

(b) Exhibit 1 lists the proposed sanctions for single or repeat violations that occur within a two-year period for each category described in section (3) of this rule. The Authority may allege multiple violations in a single notice and may count violations alleged in notices issued within the previous two-year period toward the total number of violations. In calculating the total number of violations, the Authority may consider a proposed violation for which the Authority has not yet issued a final order.

(c) The proposed sanctions in Exhibit 1 are guidelines. If the Authority finds one or more mitigating or aggravating circumstances, it may assess a lesser or greater sanction, up to and including revocation. Mitigating circumstances may decrease the sanction but will not result in dismissal of the violation. The Authority may decrease or increase a sanction to prevent inequity or to take account of particular circumstances in the case.

(d) Mitigating circumstances include, but are not limited to:

(A) Making a good faith effort to prevent a violation.

(B) Extraordinary cooperation in the violation investigation demonstrating the licensee or permittee accepts responsibility.

(e) Aggravating circumstances include, but are not limited to:

(A) Receiving a prior warning about one or more compliance problems.

- (B) Repeated failure to comply with laws.
- (C) Efforts to conceal a violation.
- (D) Intentionally committing a violation.
- (E) A violation involving more than one client or employee.
- (F) A violation involving unwanted or inappropriate touching of a client.
- (G) A violation involving injury or death.
- (H) A violation involving the transfer of psilocybin products to anyone other than a client during an administration session.
- (I) A violation that resulted in a monetary benefit for the licensee or conduct that intended to create a monetary benefit for the licensee.
- (J) Three or more violations within a two-year-period, regardless of the category, where the number of violations indicate a disregard for the law or failure to control the licensed premises.

* * * * *

333-333-6200

Suspension, Cancellation, Civil Penalties, Sanction Schedule

Exhibit 1

Licensees:

Category	First violation in a 2-year period	Second violation in a 2-year period	Third violation in a 2-year period	Fourth violation in a 2-year period	Fifth violation in a 2-year period
I	Revoke				
II	30-day suspension	Revoke			
III	\$2500 civil penalty	\$5000 civil penalty	30-day suspension	Revoke	
IV	\$500 civil penalty	\$2500 civil penalty	\$5000 civil penalty	30-day suspension	Revoke
V	\$500 civil penalty	\$1000 civil penalty	\$2500 civil penalty	\$5000 civil penalty	30-day suspension

Worker Permits:

Category	First violation in a 2-year period	Second violation in a 2-year period	Third violation in a 2-year period	Fourth violation in a 2-year period	Fifth violation in a 2-year period
I	Revoke				
II	30-day suspension	Revoke			
III	\$1250 civil penalty	\$2500 civil penalty	30-day suspension	Revoke	
IV	\$250 civil penalty	\$1250 civil penalty	\$2500 civil penalty	30-day suspension	Revoke

Respondent is licensed as a psilocybin service center. It was required to make a quarterly report of data pursuant to OAR 333-333-4910(1) by January 25, 2026.

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Respondent did not make a timely report due to clerical mistake, constituting a violation of OAR 333-333-4910(1). Pursuant to OAR 333-333-6200(2), the Authority may impose a penalty against Respondent for a violation of OAR 333-333-4910(1). Under OAR 333-333-6200(3)(e), violations of OAR 333-333-4910 are Category V violations. Based on the evidence in the record, Respondent has no previous violations of OAR 333-333-4910 or another rule of the Authority. Exhibit 1 of OAR 333-333-6200 provides that the penalty for a licensee's Category V violation when there are no previous violations is a \$500 civil penalty.

Respondent contended that a \$500 penalty for a clerical error was excessive, especially since the Authority declined to accept the data for inclusion in its dataset. Respondent contended that this shows that the Authority's rules for penalizing failures to submit data place far greater value than the Authority places on the underlying data itself. The Authority's rules do provide that the sanctions in the rules exhibit are guidelines, and that the Authority may increase or decrease the sanction, depending on aggravating or mitigating circumstances. OAR 333-333-6200(4)(c). Mitigating circumstances include making good faith efforts to prevent a violation and extraordinary cooperation in the violation investigation demonstrating the licensee accepts responsibility. OAR 333-333-6200(4)(d). In this case, Respondent has changed its email practices in an effort to prevent future errors and contacted the Authority to attempt to redress the failure to provide data. Even so, the use of the word "may" in OAR 333-333-6200(2) and (4)(c) makes clear that selection of a penalty under the rule or the reduction of a penalty when there are mitigating circumstances is within the Authority's discretion. Any review of the Authority's exercise of that discretion is for abuse of discretion. *SAIF v. Kurcin*, 334 Or 399 (2002). Discretion refers to the grant of authority to choose among several legally correct outcomes. *State v. Rogers*, 330 Or 282, 312 (2000). There is no abuse of discretion where a decision is "within the range of legally correct discretionary choices and produced a permissible, legally correct outcome." *Id.* An agency abuses its discretion when an action is (1) outside the range of discretion delegated to the agency; (2) inconsistent with agency rule; or (3) otherwise in violation of a constitutional or statutory provision. *Arlington Ed. Assn. v. Arlington Sch. Dist. No. 3*, 177 Or App 658, 663 (2001), *rev den* 333 Or 399 (2002). If the record supports that the Authority's decision falls within the range of legally correct discretionary choices, then there can be no finding that the agency abused its discretion. *Kurcin*, 334 Or at 406. In this case, the Authority chose to impose the standard penalty under OAR 333-333-6200 to maintain the cohesion of its regulatory scheme. This is a choice within the range of legally correct outcomes set forth under the rule. Consequently, the Authority's decision to impose a penalty of \$500 against Respondent for a violation of

OAR 333-333-4910(1) is permissible, and the ALJ defers to the Authority's permissible exercise of discretion in selecting the applicable penalty.



FINAL ORDER

The Authority's February 9, 2026 Notice of Intent to Impose Civil Penalty is AFFIRMED.
IT IS SO ORDERED.

Dated this 12th day of August 2026.



Danna Drum, MDiv
Interim Director, Center for Health Protection
Oregon Health Authority
Public Health Division

NOTICE OF APPEAL RIGHTS

YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of August, 2026, I directed to be served the within **NOTICE OF INTENT TO IMPOSE CIVIL PENALTY; OPPORTUNITY FOR HEARING**; upon the parties hereto, a full, true, and correct copy thereof, by the method indicated below:

NEUROMYCOLOGY LLC, dba 7 GATES
SANCTUARY
Dessa Bingley
123 SE 11TH AVE
Portland, OR
97214-1314

☒ by Regular Mail, postage prepaid
☒ ~~by Certified Mail~~
☐ Via Fax

Dessa Bingley, Registered Agent
7 GATES SANCTUARY LLC
NEUROMYCOLOGY LLC
3125 B NE HOLLADAY ST
Portland, OR 97232-2504

☒ by Regular Mail, postage prepaid
☒ by Certified Mail
☐ Via Fax

Dessa Bingley
Primary Point of Contact
bewellportland@gmail.com

☒ Via Email


Dr. Tristin Blalack
Compliance Program Manager
Oregon Psilocybin Service Section
Oregon Health Authority
Public Health Division
Center for Health Protection