

**BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT
STATE OF OKLAHOMA**

STATE OF OKLAHOMA,)
ex rel, DEPARTMENT OF)
CONSUMER CREDIT)
)
Petitioner)
)
v.)
)
GROVE ATHLETIC CLUB, also)
known as FITNESS FOR LIFE)
)
Respondent)

Case No. 12-0020-DIS



NOTICE OF HEARING

The State of Oklahoma, ex rel., Department of Consumer Credit, alleges and states as follows:

JURISDICTION, AUTHORITY AND REQUIREMENTS

1. The Administrator of Consumer Credit (Administrator) is charged with the administration and enforcement of the Oklahoma Health Spa Act, 59 O.S. §§ 2000 et seq.

2. No health spa shall offer or advertise health spa services without first being registered with the Administrator. 59 O.S. § 2002(A).

Penalties

1. The Administrator may, after notice and hearing, decline to renew a registration, or suspend or revoke any registration issued pursuant to the Oklahoma Health Spa Act or any rules promulgated by the Administrator, or in lieu of or in addition to such denial, suspension or revocation, order the refund of any unlawful charges, or enter a cease and desist order. 59 O.S. § 2009(E).

2. Any entity or individual offering to engage or engaged as a health spa without a registration in the State of Oklahoma shall be subject to a civil penalty not to exceed Five Thousand Dollars (\$5,000.00). 59 O.S. § 2009(F).

Appointment of independent hearing examiner

1. The Administrator shall appoint an independent hearing examiner to conduct all administrative hearings involving alleged violations of the Oklahoma Health Spa Act. The independent hearing examiner shall have authority to exercise all powers granted by Article II of the Administrative Procedures Act in conducting hearings. 59 O.S. § 2009(D).

2. The independent hearing examiner shall have authority to recommend penalties authorized by the Oklahoma Health Spa Act and issue proposed orders, with proposed findings of fact and proposed conclusions of law, to the Administrator pursuant to Article II of the Administrative Procedures Act. The Administrator shall review the proposed order and issue a final agency order in accordance with Article II of the Administrative Procedures Act. 59 O.S. § 2009(D).

Hearing costs

The costs of the hearing examiner may be assessed by the hearing examiner against the Respondent, unless the Respondent is the prevailing party. 59 O.S. § 2009(D).

Appeals

A final agency order issued by the Administrator shall be appealable by all parties to the district court as provided in Article II of the Administrative Procedures Act. 59 O.S. § 2009(D).

Requirements for individual proceedings at the Department of Consumer Credit

The Respondent is responsible for reviewing the administrative rules regarding procedures and requirements for references of parties, entries of appearances, continuances, subpoenas and Consent Orders for individual proceedings at the Department of Consumer Credit. The administrative rules regarding individual proceedings are located at OKLA. ADMIN. CODE § 160:3-1-4. A copy of the individual proceeding rules has been attached to this Notice of Hearing for reference.

Consent Order

1. The Respondent may waive the right to a hearing and enter into a Consent Order with the Department. If the Respondent wishes to waive the right to a hearing, the Respondent shall sign and notarize the enclosed Consent Order and submit to the attention of Roy John Martin, General Counsel, Oklahoma Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112.

2. The signed and notarized Consent Order and any applicable penalty indicated in the Consent Order shall be received by the Petitioner on or before July 18, 2012.

Enforcement of final agency order or settlement agreement

Any administrative order or settlement agreement imposing a civil penalty pursuant to the Oklahoma Health Spa Act may be enforced in the same manner as civil judgments in the State of Oklahoma. The Administrator may file an application to enforce an administrative order or settlement agreement imposing a civil penalty in the district court of Oklahoma County. 59 O.S. § 2009(G).

ALLEGATIONS OF FACT

1. The Respondent was registered as a Health Spa in the State of Oklahoma, Registration number SPA00444.

2. The Respondent's Health Spa Registration was not renewed for 2012 by the deadline of December 31, 2011.

3. On January 3, 2012, a delinquency letter was mailed via certified mail to the Respondent's mailing address at 821 E 11th St., Grove, OK 74344. The letter stated that the Health Spa Registration renewal was not submitted by December 31, 2011, and that the registration would expire on January 18, 2012 unless the registration and fees were postmarked on or before January 18, 2012.

4. On January 12, 2012, the Department received a return receipt for the delinquency letter mailed via certified mail to the Respondent's mailing address on January 3, 2012.

5. As of June 13, 2012, the Respondent has not registered

as a health spa with the Department of Consumer Credit.

6. The Respondent's Facebook page, <http://www.facebook.com/pages/Fitness-for-Life-GAC/178527298838228?sk=info> dated June 5, 2012, indicates the following information:

"Basic Info	
Joined Facebook	12/21/2010
<hr/>	
Price Range	\$\$\$ (30-50)
<hr/>	
Hours	Mon - Fri:12:00 am-12:00 am 9:00 am -6:00 pm Sat - Sun:12:00 am-12:00 am

About Fitness for Life - Grove Athletic Club is the Largest Gym in the Grand Lake Area

Description

- Silver Sneakers Program
 - Free Weights
 - HP Tanning
- And so much more!

General Information

- Grove Athletic Club AKA 'Fitness For Life'
Location: 821 E 11th St, Grove, Oklahoma - 74344
The LARGEST FULL SERVICE FITNESS CENTER IN THE GRAND LAKE AREA!!! (12,000sqft Facility)
- Free Weights
 - Selectorized Machines
 - Cardio Equipment
 - Tanning (High Pressure Tanning- Limited Time Only)
 - Sauna
 - Raquetball
 - Personal Training Available
 - Wi-Fi for members
 - Full line of Top Supplement(s)-(Supplement Store)
 - Supplement Drink Bar
 - Full Nautilus Weight Equipment
 - Tanning Beds
 - Health Food & Supplements
 - Personal Assistance
- SILVER SNEAKERS PROGRAM--
(Are you a member of our Senior's Program, Yet?)
--Work-out for FREE :)
---Ask Us How?!"

ALLEGED VIOLATIONS OF LAW

1. The Respondent has violated 59 O.S. § 2002(A) by offering or advertising health spa services without first being registered with the Administrator.

2. The Respondent has violated 59 O.S. § 2009(F) by offering to engage or engaging as a health spa without a registration.

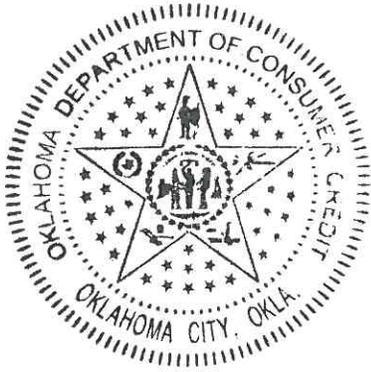
3. The Respondent has violated OKLA. ADMIN. CODE 160:50-3-1.1(c) by failing to complete license renewal application with fees on or before December 1, 2011.

TIME, PLACE AND NATURE OF HEARING

1. A hearing will be held before an independent hearing examiner on July 23, 2012 at 9:00 a.m. at the office of the Administrator of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112.

2. The purpose of the hearing is to address the allegations contained in this Notice and to determine if any penalties authorized by the Oklahoma Health Spa Act shall be imposed against the Respondent.

3. Correspondence regarding this matter shall be directed to Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112, telephone number 405-522-4665, email: rmartin@okdoecc.ok.gov.



Roy John Martin

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