

60 Day Wait Time

DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

STATE OF OREGON

In the Matter of:

Scott Aardappel
RESPONDENT
DPSST #25116

NOTICE OF INTENT TO DENY APPLICATION FOR TRAINING AND SUBSEQUENT CERTIFICATION AND PROPOSED/FINAL ORDER ON DEFAULT

TO: Scott Aardappel

NATURE OF PROPOSED ACTION

The Department of Public Safety Standards and Training (Department) proposes to deny your Application for Training and Subsequent Certification pursuant to its authority in Oregon Revised Statute (ORS) 181A.410(1)(e) and ORS 181A.640(1)(c). The Department proposes denial because you do not meet the minimum moral fitness standards required of an officer pursuant to Oregon Administrative Rule (OAR) OAR 259-008-0300(3)(a)(C)(i). The Department's proposed denial is based on the following:

FINDINGS OF FACT

1. Scott Aardappel ("Respondent") does not hold any DPSST certifications.
2. On November 12, 2020, the Respondent signed a Criminal Justice Code of Ethics.
3. On October 20, 2006, the Respondent was terminated by the Multnomah County Sheriff's Office (MCSO).
4. On July 24, 2007, the Respondent was convicted of *Official Misconduct in the Second Degree* for failing to report a sexual relationship between an adult and a minor. The Multnomah County Deputy District Attorney requested a stipulated order surrendering certification as a part of a plea agreement made with the Respondent.

5. On August 6, 2007, the Department finalized a Stipulated Order Denying Certification.
6. On July 3, 2017, the Respondent's conviction for *Official Misconduct in the Second Degree* was expunged.
7. On November 16, 2020, the Respondent was hired by the Department of Corrections/Columbia River Correctional Institution (DOC/CRCI).
8. On November 19, 2020, the Respondent submitted an Application for Training.
9. The Department reviewed the Respondent's prior Stipulated Order Surrendering Certification and determined that the order, as written, was not legally binding as the Respondent did not have certifications to surrender, and did not prevent the Respondent from reapplying for certification in the future.
10. On December 17, 2020, the Department opened a professional standards case to review the circumstances of his termination and conviction that were not previously reviewed under OAR 259-008-0300(4).
11. The Department has determined that the Respondent violated moral fitness under OAR 259-008-0300(3)(a)(C)(i) and proposes to deny the Respondent's application for training and subsequent certification.

ULTIMATE FINDINGS OF FACT

1. The OAR 259-008-0010(6) requires all public safety professionals to meet moral fitness standards for certification defined in OAR 259-008-0300.
2. The Department may deny a public safety professional's application for training and subsequent certification under OAR 259-008-0300 if it finds that the certified individual has engaged in misconduct as defined in OAR 259-008-0300(3)(a)(C)(i).

1 3. The Respondent does not meet the moral fitness standards required of a public safety
2 professional for the following reasons:

3 a. Pursuant to OAR 259-008-0300(3)(a)(C)(i), the Respondent committed acts
4 constituting misconduct, which includes conduct that violates criminal laws,
5 conduct that threatens or harms persons, property, or the efficient operations of
6 any agency, or discriminatory conduct. The Respondent was terminated by the
7 MCSO for his criminal conviction of *Official Misconduct in the Second Degree*,
8 for failing to report a sexual relationship between an adult and a minor. This
9 conduct is evidence of misconduct and is a separate and sufficient basis to revoke
10 the Respondent's certification under OAR 259-008-0300(3)(a)(C)(i), despite the
11 expungement from his record.

12 4. Under OAR 259-008-0310(10)(c)(A), the Committee identified aggravating
13 circumstances in the Respondent's case:

- 14 a. The Respondent pled guilty to the charge of *Official Misconduct in the Second*
15 *Degree*.
16 b. The Respondent provided a mitigation letter in which he made excuses for his
17 behavior.
18 c. The Respondent had been employed in law enforcement long enough that he
19 should have known the importance of reporting an incident such as the one he
20 failed to report.
21 d. The Multnomah County Deputy District Attorney's intent with the Stipulated
22 Order was for the Respondent to not be certified in public safety at that time.

23 5. The Respondent's conduct is substantially related to the Respondent's fitness and ability
to perform the duties of a certified corrections officer. The Respondent's behavior
directly violated the Criminal Justice Code of Ethics and compromised the public's trust
in the public safety profession. The Respondent engaged in misconduct, a behavior that
adversely reflects on the public safety profession. The Respondent's conduct has
compromised their integrity and rendered them ineffective to serve in public safety.

1 6. After reviewing the facts and weighing the identified aggravating and mitigating
2 circumstances unique to this case, the Department proposes that the Respondent's
3 application for training and subsequent certification be denied.

4 CONCLUSION OF LAW

5 Based on the Respondent's conduct, the Respondent does not meet the
6 requirement of good moral fitness required under OAR 259-008-0010(6). The
7 Respondent committed an act of misconduct, under OAR 259-008-0300(3)(a)(C)(i),
8 when he was convicted of *Official Misconduct in the Second Degree* for failing to report
a sexual relationship between an adult and a minor.

9 PROPOSED/FINAL ORDER

10 The Respondent's Application for Training and Subsequent Certification is
11 hereby DENIED. The Respondent's ineligibility period during which they may not apply
12 for any public safety professional certification is (10) ten years under OAR 259-008-
13 0310(10)(d)(A). The ineligibility start date for the Respondent's denial would normally
be the date of the Board's review on July 27, 2023, under OAR 259-008-0320(4)(c).
14 However, the Respondent is eligible for a period of separation from a certifiable position
15 as a result of the moral fitness violations. This period of separation is to be applied to the
16 satisfaction of the ineligibility period shall be from October 20, 2006, through November
17 16, 2020, or 5,141 days, or approximately (14) fourteen years which the board stipulates
and agrees satisfies the Respondent's ineligibility period of (10) ten years.

18
19 Therefore, the Respondent, hereby being DENIED for his application for training
20 and certification and also acknowledging his satisfaction of the ineligibility period for
that denial, the Respondent can re-apply for Training and Subsequent Certification with
21 the Department without the recorded denial impacting the approval process.

22 NOTICE OF RIGHT TO A HEARING

23 You are entitled to a contested case hearing as provided by the Administrative

Procedures Act (ORS Chapter 183) and the Administrative Rules of the Department.

Requests for hearings must be made in writing and must be filed with the Department no later than sixty (60) days from the date of mailing this notice to you. To be effective, your request must be mailed to:

Jennifer Levario
Department of Public Safety Standards and Training
4190 Aumsville Hwy SE
Salem, OR 97317

If you request a hearing, you will be notified of the time and place of the hearing and provided with a description of the hearing procedures, right of representation, and other rights of parties related to the hearing in accordance with ORS 183.413(2), before the commencement of the hearing. At the hearing, you have the right to represent yourself or be represented by legal counsel. Legal aid organizations may be able to assist a party with limited financial resources.

Notice to Active Duty Servicemembers. Active duty servicemembers are entitled to stay these proceedings under the federal Servicemembers Civil Relief Act, 50 U.S.C. App. 501. You may contact the Oregon State Bar toll-free at (800) 452-8260, the Oregon Military Department toll-free at (800) 511-6944, or the United States Armed Forces Legal Assistance Legal Services Locator via the web at: **Armed Forces Legal Assistance (AFLA)** or **legalassistance.law.af.mil** for assistance.

NOTICE OF FINAL ORDER AND APPEAL RIGHTS

If you fail to request a hearing within the time specified above, withdraw a hearing request, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, this Notice of Proposed Denial of your Application for Training and Subsequent Certification/Proposed Final Order automatically becomes a Final Order by Default effective upon Board affirmation. In the event of default, the Department designates the file, including any materials you submitted that relate to this matter, as the record for the purpose of proving a prima facie case.

You are entitled to judicial review of any final order issued in the matter of this Notice of Intent to Deny Training and Subsequent Certification 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 of the date of the final order.

IT IS SO ORDERED THIS 11 day of MARCH 2025.

Phil Castle, Agency Director
Department of Public Safety Standards and Training

DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING
STATE OF OREGON

In the Matter of the Proposed

CERTIFICATE OF SERVICE

DENIAL OF APPLICATION FOR TRAINING
AND SUBSEQUENT CERTIFICATION AND
PROPOSED/FINAL ORDER BY DEFAULT
ISSUED TO:

Scott Aardappel
DPSST #25116

I certify that on the 11 day of March, 2025, I served the foregoing, *Notice of Intent*
to Deny Application for Training and Subsequent Certification and Proposed/Final Order by
Default on the party hereto by mailing, by regular mail, and certified mail, return receipt
requested, true, exact and full copies thereof to:

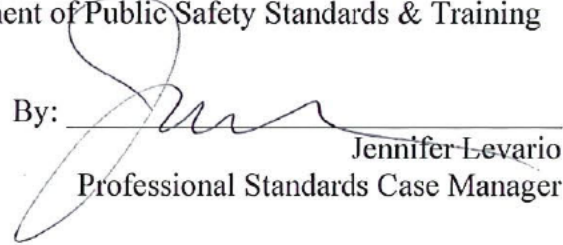
Scott Aardappel

Via Email
Josephine Townsend
jocie@jctownsend.com

Via Regular Mail
Josephine C Townsend - Attorney at Law
1920 Broadway Street
Vancouver, WA 98660

Superintendent Jason L. Hanson - Department of Corrections
Columbia River Correctional Institution
9111 NE Sunderland Avenue
Portland, OR 97211

Department of Public Safety Standards & Training

By: 
Jennifer Levario
Professional Standards Case Manager

Board Approved

Department of Public Safety Standards and Training (DPSST or the Department) Memo

Date: July 27, 2023

To: Board on Public Safety Standards and Training

From: Jennifer Levario
Professional Standards Case Manager

Subject: Professional Standards Review/Recommendation
Scott Aardappel; DPSST No. 25116

Reason for Discretionary Review:

On December 16, 2020, Scott Aardappel was hired by the Department of Corrections (DOC) at Columbia River Correctional Institution (CRCI). Information obtained by the Department of Public Safety Standards and Training (DPSST) in a 2005 deferred professional standards case became relevant with this new hire.

In 2006, Aardappel was identified as taking part in misconduct as a result of being convicted of a crime while employed by the Multnomah County Sheriff's Office (MCSO). Aardappel was terminated for cause by the MCSO in 2006.

Policy Committee Recommendation:

The Corrections Policy Committee (CPC), in a unanimous vote, recommends that the Board take **ACTION** against Scott Aardappel's application for training and subsequent certification.

The committee, in a unanimous vote, further recommends Scott Aardappel be ineligible to hold public safety certification for ten years.

Policy Committee Review

The committee considered the following moral fitness violations and factors in making their decision.

Moral Fitness Violations:

- **Dishonesty:** The committee did not identify elements of dishonesty.
- **Misuse of Authority:** The committee did not identify elements of misuse of authority.
- **Misconduct:** Aardappel was convicted of *Official Misconduct in the Second Degree* for failing to report a sexual relationship between an adult and a minor.

Aggravating Factors:

- The Respondent pleaded guilty to the charge of *Official Misconduct in the Second Degree*.
- The Respondent provided a mitigation letter in which he made excuses for his behavior.

- The Respondent had been employed in law enforcement long enough that he should have known the importance of reporting an incident such as the one he failed to report.
- The Multnomah County Deputy District Attorney's intent with the Stipulated Order was for Aardappel to not be certified in public safety.

Mitigating Factors:

- The committee did not identify any mitigating factors.

Information Used in Determination:

- CPC Staff Report, with exhibits.

Amendment to Staff Report:

- The original staff report incorrectly typed the acronym for Columbia River Correctional Institution as SCRI. The report is amended to reflect the correct acronym CRCI.

Action Item:

Review the committee recommendation and approve or return the recommendation to the policy committee.

Policy Committee Approved

Department of Public Safety Standards and Training (DPSST or the Department) Memo

Date: May 9, 2023

To: Corrections Policy Committee

From: Jennifer Levario
Professional Standards Case Manager

Subject: Staff Report – Arrest/Criminal Disposition
Scott Aardappel; DPSST No. 25116

Reason for Discretionary Review:

On December 16, 2020, Scott Aardappel was hired by the Department of Corrections (DOC) at Columbia River Correctional Institution (SRCI). Information obtained by the Department of Public Safety Standards and Training (DPSST) in a 2005 deferred professional standards case became relevant with this new hire.

In 2006, Aardappel was identified as taking part in misconduct as a result of being convicted of a crime while employed by the Multnomah County Sheriff's Office (MCSO). Aardappel was terminated for cause by the MCSO in 2006.

The Department determined that the conduct being presented to the committee violates the Board's moral fitness standards. Through the case review process, the committee will affirm, modify, or negate the below identified elements of moral fitness violations and make a determination on the disposition of this case:

Dishonesty: The Department did not identify elements of dishonesty.

Misuse of Authority: The Department did not identify elements of misuse of authority.

Misconduct: Aardappel was convicted of *Official Misconduct in the Second Degree* for failing to report a sexual relationship between an adult and a minor.

Material Events and Conduct

TERMINATION

According to the letter of separation from the MCSO, on October 20, 2006, Aardappel was terminated from the MCSO after he inappropriately represented himself on the internet as a sworn member of the agency and failed to report the abuse of a child as required by ORS 419B.010.

After receiving information about the alleged misconduct, an investigation was conducted by the MCSO and the Portland Police Bureau (PPB). This report dated October 3, 2006, stated Aardappel failed to report a sexual relationship between an adult and a minor. According to a press release, on October 20, 2006, adding to his termination, Aardappel was arrested and

charged with *Official Misconduct in the First Degree* (2 counts) and *Official Misconduct in the Second Degree*. These were later reduced to one count of *Official Misconduct in the Second Degree*.

COURT CASE AND STIPULATED ORDER

According to a letter from the Deputy District Attorney (DDA), Aardappel entered a plea of guilty to *Official Misconduct in the Second Degree* and agreed to sign a stipulated order.

Aardappel was convicted on July 24, 2007, of *Official Misconduct in the Second Degree*, a misdemeanor. Aardappel was placed on bench probation for 12 months.

On August 6, 2007, the Stipulated Order for Denial of Basic Corrections Certification was finalized by the Department. The signed order did not specify a time limit on the denial of certification or training, which was a requirement of the administrative rules for stipulated orders¹. An email from the Department to the DDA detailed that the action was intended to prevent Aardappel from seeking employment in public safety.

SET ASIDE ORDER

On July 3, 2017, Aardappel's conviction for *Official Misconduct in the Second Degree* was set aside by the court, and the criminal proceedings were sealed. In this case, limited records are available for review, after the police reports and court records were sealed.

A records request was sent to the MSCO by the Department on December 18, 2020. The Department received a memo from the MCSO professional standards unit stating that no internal investigation took place and that there were no written reports related to any investigation.

2020 APPLICATION FOR TRAINING

On December 16, 2020, the DOC Columbia River Correctional Institution (CRCI) hired Aardappel as a corrections officer and notified the Department of his hire.

The Department reviewed Aardappel's Stipulated Order for Denial of Basic Corrections Certification and determined that because it lacked a time period for denial, the department would be unable to deny his application for training.

When Aardappel signed a Stipulated Order in 2007, the Department did not conduct a review of the information obtained during the open professional standards case related to his termination and criminal charges that were now set aside. Prior to granting certification, the Department would conduct a review of the information obtained. Aardappel was terminated from the MCSO before getting certified; therefore, the original professional standards case was deferred pending any new employment in a public safety profession².

Relevant Circumstances for Consideration

Aardappel has been employed as a public safety professional for four non-consecutive years and has not obtained any DPSST certifications.

Additional information utilized in the review included new reports of the original official misconduct investigation while Aardappel was at the MCSO. Willamette Weekly reported on

December 7, 2006, that "...the department fired Deputy Scott Aardappel after he was arrested on suspicion of failure to report child sex abuse." The Oregonian reported on July 25, 2007, that "Scott Aardappel, 34, acknowledged that he was aware of a sexual relationship between a minor and an adult. However, he did not report it to authorities, as required of a law enforcement officer." The Outlook reported on October 28, 2006, that Aardappel was charged with two counts of *Failure to Report Child Abuse* and *Official Misconduct* and was fired from his job with the MCSO.

On September 5, 2017, Aardappel applied for a Private Investigator License in which he admitted to having been convicted of a crime after pleading no contest. In his written explanation, he admitted to having obtained secondhand information about an underage sexual relationship with a 20-year-old friend of a friend and not reporting it.

Exhibits Reference	
DPSST Employee Profile Report	A1
F4s Personnel Action Separation Form	A2
F5 Academy Training Application	A3
Letter of Separation – MCSO	A4
Memo: Information Requested response from MCSO	A5
MCSO Press Release 10/20/2006	A6
Stipulated Order Denying Certification	A7
Letter from DA Michael Schrunk	A8
News Articles	A9
2020 Open Case Notice	A10
DPSST Records Request Letter	A11
E-Court Registry of Actions	A12
Email from DPSST to MCDA	A13
Mitigation	A14

¹2006 OAR 259-008-0070(5) *Stipulated Order Revoking Certification: Any public safety professional who wishes to voluntarily terminate an administrative proceeding to revoke certification or voluntarily relinquish a certification, may enter a stipulated order with the Department, at any time, revoking his or her certification, under the terms and conditions outlined in the stipulated order.*

²OAR 259-008-0310 (3) *The Department will defer review of professional standards cases for individuals who have not been certified and are not currently employed as a public safety professional until the individual is re-employed as a certifiable public safety professional except when the Department has the authority to proceed pursuant to ORSA 181A.640 (9).*