DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

STATE OF OREGON

In the Matter of the **Revocation of the Basic Police and Basic, Intermediate and Advanced Corrections Certifications Issued to:** **Rian Alden** **Respondent** DPSST No. 44063	**NOTICE OF PROPOSED REVOCATION OF CERTIFICATIONS AND PROPOSED/FINAL ORDER ON DEFAULT**

TO: Rian Alden
[redacted]

The Department of Public Safety Standards and Training (Department or DPSST) proposes to revoke Respondent's Basic Police and Basic, Intermediate and Advanced Corrections Certifications pursuant to its authority in Oregon Revised Statute (ORS) 181A.410, ORS 181A.630, and ORS 181A.640. The Department proposes revocation because Respondent does not meet the moral fitness standards required of a public safety professional pursuant to Oregon Administrative Rule (OAR) 259-008-0010(6) and OAR 259-008-0300(2)(a). The Department's proposed revocation is based on the following:

FINDINGS OF FACT

1. Respondent Rian Alden ("Alden" or "Respondent") currently holds Basic Police and Basic, Intermediate, and Advanced Corrections Certifications.

2. On July 30, 2007, Respondent was hired by the Washington County Sheriff's Office (WCSO) as a Deputy Sheriff.

3. On July 22, 2004, Respondent signed a Criminal Justice Code of Ethics.

4. On October 10, 2023, Respondent was convicted of *Attempt to Commit a Class B Felony, Felony Class C; ORS 161.405(2)(c).*

5. The Department has determined that Respondent violated moral fitness pursuant to

Level 3 - Restricted

OAR 259-008-0300(2)(a) and proposes to revoke Respondent's public safety certifications.

ULTIMATE FINDINGS OF FACT

1. Pursuant to ORS 181A.410(1)(c), the Board on Public Safety Standards and Training ("Board"), established by rule reasonable minimum requirements of moral fitness for public safety professionals. Pursuant to this authority, the Board and the policy committees have adopted OAR 259-008-0010(6) and require all public safety professionals meet the minimum moral fitness standards for certification as established in the rule by the Board and the policy committees.

2. The Department is charged with implementing the moral fitness standards and must propose to revoke a public safety professional's certifications when the public safety professional has violated the moral fitness standards for certification defined in OAR 259-008-0300(2)(a).

3. Under OAR 259-008-0300(2)(a), the Department must revoke a public safety professional's certifications based upon the finding that:

   (a) The public safety professional has a conviction for any offense designated under the law of the jurisdiction where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one year may be imposed;

4. On October 10, 2023, Respondent was convicted of *Attempt to Commit a Class B Felony, Felony Class C; ORS 161.405(2)(c), which is a felony conviction.*

5. A felony conviction is a sufficient basis to support a finding that the public safety professional does not meet the moral fitness standards required by OAR 259-008-0010(6) and defined in OAR 259-008-0300(2)(a).

6. The Respondent's conviction is substantially related to Respondent's fitness and ability to perform the duties of a certified Police or Corrections officer. Respondent's conduct directly violated the Criminal Justice Code of Ethics and compromises the

Level 3 - Restricted

public's trust in the public safety profession. The Respondent has been convicted of a Felony Class C for, *Attempt to Commit a Class B Felony, ORS 161.405(2)(c),* which adversely reflects on the public safety profession. Respondent's conduct has compromised their integrity and renders them ineffective to serve in public safety.

7. After review of the facts, the Department proposes that respondent's Basic Police and Basic, Intermediate, and Advanced Corrections certifications be revoked.

CONCLUSION OF LAW

The Department must revoke the Respondent's Basic Police and Basic, Intermediate, and Advanced Corrections certifications if the Respondent does not meet the minimum requirement of good moral fitness required pursuant to ORS 181A.410(1)(c), OAR 259-008-0010(6) and OAR 259-008-0300(2)(a) because the Respondent was convicted of a felony.

PROPOSED/FINAL ORDER

Respondent's Basic Police and Basic, Intermediate, and Advanced Corrections certifications are hereby REVOKED. Respondent is prohibited from performing the duties of a certifiable public safety professional and the Respondent is permanently ineligible for certification as a public safety professional pursuant to OAR 259-008-0320(2).

NOTICE OF RIGHT TO A HEARING AND ISSUANCE OF DEFAULT FINAL ORDER

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. If you wish to receive a hearing, you must file your request in writing with the Department no later than 20 (twenty) days from the service date.

If this Notice was served to Respondent in person, the service date is the date Respondent received this Notice. If the Notice was serviced through the mail, the service date is the date the Notice was mailing, not the date Respondent received it.

Your request may be submitted by mail to the address below, by email to

Level 3 - Restricted

melissa.lang@dpsst.oregon.gov, or by facsimile at 503-378-4600.

Department of Public Safety Standards and Training
Melissa Lang-Bacho
4190 Aumsville Hwy, SE
Salem, Oregon 97317

If a request for hearing is not received within 20 (twenty) days, your right to a hearing is considered waived unless the failure to request a hearing was beyond Respondent's reasonable control. For a hearing request that is mailed to be timely, it must be postmarked within 20 days from the date of service of this Notice. If the hearing request is submitted by email or facsimile, it must be received by the Department by 5:00 p.m. PT within 20 days from the date the Notice is mailed. If you do not submit a timely request for a hearing, your right to a hearing shall be considered waived.

You have the right to be represented by legal counsel. Legal aid organizations may be able to assist a party with limited financial resources.

When the Department receives a request for a hearing, it will refer the matter to the Office of Administrative Hearings which will designate the time and place for the hearing. You will receive information on the procedure, right of representation and other rights of parties relating to the conduct of the hearing before the commencement of the hearing. The hearing will be conducted, according to the Administrative Procedure Act (ORS Chapter 83), Attorney General's Rules of the Office of Administrative Hearings (OAR Chapter 137) and Department's Administrative Rules (Chapter 259 Divisions 05 and 08).

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, is deemed invalid under OAR 137-003-0550(4), this Notice of Proposed Revocation of Certifications and Proposed/Final Order on Default automatically becomes a Final Order by Default. In the event of a 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 supporting its final order by default.

You are entitled to judicial review of any final order issued in the matter of this Notice of

Level 3 - Restricted

Proposed Revocation of Certifications and Proposed/Final Order on Default 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 (sixty) days from the date of this order if it becomes a final order.

Notice to Active-Duty Servicemembers. Active-duty service members 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.

IT IS SO ORDERED THIS 19th day of October 2023

Phil Castle, Director

Level 3 - Restricted

DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

STATE OF OREGON

In the Matter of the Revocation of the Basic Police and Basic, Intermediate and Advanced Corrections Certifications Issued to: **Rian Alden** **Respondent** DPSST No. 44063	**CERTIFICATE OF SERVICE**

I certify that on the 24th day of October, 2023, I served the foregoing, *Notice of Proposed Revocation of Certifications and Proposed/Final Order on Default* on the party hereto by mailing, by regular mail, postage prepaid, and certified mail, return receipt requested, true, exact, and full copies thereof to:

Rian Alden
[redacted]

Via Regular Mail Only
Sheriff Patrick J. Garrett
Washington County Sheriff's Office
215 SW Adams Avenue, MS #32
Hillsboro, OR 97123

Department of Public Safety Standards & Training

By: _____
Melissa Lang-Bacho
Professional Standards Compliance Coordinator

Level 3 - Restricted