

RESOLUTION NO. _____

DATE: _____

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL
WITHDRAWING THE AUTHORITY OF AN APPOINTED COUNTY
CONSTABLE PURUSANT TO SALT LAKE COUNTY CODE OF
ORDINANCES § 2.50.130

WHEREAS, the Salt Lake County Council has determined that the County may from time to time appoint peace officers to serve as Salt Lake County Constables pursuant to Utah Code Ann. § 17-25a-1 et seq.; and

WHEREAS, subject to the provisions of Utah Code and Salt Lake County Code of Ordinances, Chapter 2.50, entitled “County Constables,” the Salt Lake County Council has appointed certain peace officers to serve as Salt Lake County constables; and

WHEREAS, Utah Code Ann. § 17-25a-1(4), provides that a county legislative body that appoints a constable may withdraw the authority of the constable for cause; and

WHEREAS, Salt Lake County Code of Ordinances, § 2.50.120 establishes that all persons acting as a county constable or deputy county constable shall pay an annual fee of one hundred dollars to the county general fund, which fee is due on January 1 of each year and delinquent on January 31 of each year; and

WHEREAS, Salt Lake County Code of Ordinances, § 2.50.120 further establishes that in addition to any other penalty imposed by law, any person who acts as constable or deputy constable without having first paid the fee is subject to removal from office; and

WHEREAS, Salt Lake County Code of Ordinances, § 2.50.130, at subsection C., provides that “acting as a county constable or deputy county constable without first having paid the annual fee . . . shall constitute an automatic disqualification from office”; and

WHEREAS, a diligent search of the County's records and accounts receivable has demonstrated that Salt Lake County Constable Justin Lampropoulos did not provide timely payment of the annual fee required by Salt Lake County Code of Ordinances, § 2.50.120, prior to January 31, 2023, or at any other time during 2022 or 2023; and

WHEREAS, Salt Lake County Code of Ordinances, § 2.50.130, at subsection A., provides that county constables or deputy constables shall be subject to removal by the council after a recommendation for removal has been made by an administrative tribunal convened by the council to adjudicate the matter; and

WHEREAS, on August 8, 2023, the Salt Lake County Council approved Resolution No. 6133, which resolution convened an administrative tribunal to initially adjudicate and make recommendations about whether any Salt Lake County constables or deputy constables who have not provided timely payment of the annual fee required by Salt Lake County Code of Ordinances, § 2.50.120, during January of 2023, or at any time during the preceding calendar year of 2022, should have their authority withdrawn pursuant to § 2.50.130; and

WHEREAS, on September 11, 2023, the administrative tribunal provided notice to Constable Lampropoulos concerning the failure to pay the required fees, along with an opportunity to respond, which letter was provided to Constable Lampropoulos at their last known address; and

WHEREAS, the notice further informed Constable Lampropoulos about the nature of the allegations, notice that the Council was considering removing their authority, and information about their right to provide a written statement or other relevant facts or information to the Administrative Tribunal for its consideration prior to 5:00 pm on Friday, October 6, 2023; and

WHEREAS, Constable Lampropoulos did not respond to the administrative tribunal; and

WHEREAS, on October 31, 2023, the administrative tribunal provided the Council with an initial adjudication and recommendation concerning Constable Lampropoulos, a copy of which was provided to Constable Lampropoulos at their last known address; and

WHEREAS, the administrative tribunal made the following substantive recommendation to the Council:

The uncontested facts available demonstrate that Constable Lampropoulos has failed to provide timely payment of the annual fee required by Salt Lake County Code of Ordinances, § 2.50.120, during January of 2023, or at any time during the preceding calendar year of 2022, or at any time since. Constable Lampropoulos has not provided any information to the Administrative Tribunal, and it is not clear that Constable Lampropoulos is exercising authority or acting as a constable. Because Constable Lampropoulos has failed to provide timely payment of the required annual fee, the Administrative Tribunal hereby recommends that their authority be withdrawn by the County Council consistent with § 2.50.130. Additionally, the authority of Deputy Constables Joshua Woodward, Shelby McDonnell, and Kiersten Shelley should also be withdrawn consistent with § 2.50.130(G); and

WHEREAS, such failure to pay the required annual fee is grounds for automatic disqualification and removal of the constable's authority under Salt Lake County Ordinance; and

WHEREAS, the Council now finds it expedient to formally adopt the recommendation of the administrative tribunal, and to withdraw the authority of Constable Lampropoulos and their deputy constables;

NOW THEREFORE, be it resolved by the Salt Lake County Council, acting as the legislative body for Salt Lake County:

- 1) The administrative tribunal convened by the Council in Resolution No. 6133 has provided a recommendation to remove Constable Justin Lampropoulos, and Deputy Constables Joshua Woodward, Shelby McDonnell, and Kiersten Shelley for the reasons explained in the “Initial Adjudication and Recommendation Concerning Constable Justin Lampropoulos, and Deputy Constables Joshua Woodward, Shelby McDonnell, and Kiersten Shelley,” dated October 31, 2023, a copy which attached as an exhibit to this resolution and incorporated herein by reference. The Council adopts this recommendation, finds that it was made consistent with Salt Lake County Code of Ordinances, § 2.50.130.A, and further finds that due process has been established as required by § 2.50.130.B.
- 2) The Council finds that Constable Justin Lampropoulos, and Deputy Constables Joshua Woodward, Shelby McDonnell, and Kiersten Shelley failed to pay the annual fee required by Salt Lake County Code of Ordinances, § 2.50.120, prior to January 31, 2023, or at any other time during 2022 or 2023, and are therefore disqualified from office.
- 3) The Council hereby withdraws the authority of Constable Justin Lampropoulos, and Deputy Constables Joshua Woodward, Shelby McDonnell, and Kiersten Shelley pursuant to the provisions of Salt Lake County Code of Ordinances, § 2.50.130.

APPROVED and ADOPTED this _____ day of _____ 2024.

SALT LAKE COUNTY COUNCIL

By: _____
Laurie Stringham, Chair

ATTEST:

Lannie Chapman
Salt Lake County Clerk

REVIEWED AS TO FORM

Deputy District Attorney Date

- Council Member Alvord voting _____
- Council Member Bradley voting _____
- Council Member Bradshaw voting _____
- Council Member Granato voting _____
- Council Member Harrison voting _____
- Council Member Stewart voting _____
- Council Member Stringham voting _____
- Council Member Theodore voting _____
- Council Member Winder Newton voting _____

Exhibit:

Administrative Tribunal Initial Adjudication and Recommendation Concerning Constable Justin Lampropoulos, and Deputy Constables Joshua Woodward, Shelby McDonnell, and Kiersten Shelley, dated October 31, 2023

**Administrative Tribunal Initial Adjudication and Recommendation
Concerning Constable Justin Lampropoulos, and Deputy Constables Joshua
Woodward, Shelby McDonnell, and Kiersten Shelley**

Laurie Stringham
At-Large A

Suzanne Harrison
At-Large B

Jim Bradley
At-Large C

Arlyn Bradshaw
District 1

David Alvord
District 2

Aimee Winder Newton
District 3, Chair

Ann Granato
District 4

Sheldon Stewart
District 5

Dea Theodore
District 6

I. Background

On August 8, 2023, the Salt Lake County Council convened an Administrative Tribunal consisting of its appointed legal counsel to initially adjudicate and make recommendations about whether any Salt Lake County constables or deputy constables who have not provided timely payment of the annual fee required by Salt Lake County Code of Ordinances, § 2.50.120, during January of 2023, or at any time during the preceding calendar year of 2022, should have their authority withdrawn pursuant to § 2.50.130. This action was memorialized in the form of Council Resolution No. 6133.

Pursuant to the Council's directive, the undersigned Administrative Tribunal conducted a diligent search of the County's records and accounts receivable, which search demonstrated that Constable Justin Lampropoulos – along with their Deputy Constables Joshua Woodward, Shelby McDonnell, and Kiersten Shelley – failed to provide timely payment of the annual fee required by § 2.50.120, during January of 2023, or at any time during the preceding calendar year of 2022, or at any time since.

Consistent with the directive of Council Resolution No. 6133, the Administrative Tribunal provided notice concerning the failure to pay the required fees, along with an opportunity to respond in a letter dated September 11, 2023, which letter was provided to Constable Lampropoulos at their last known address. The letter informed Constable Lampropoulos about the nature of the allegations, notice that the Council was considering removing their authority, and information about their right to provide a written statement or other relevant facts or information to the Administrative Tribunal for its consideration. The letter further informed Constable Lampropoulos that any statement or information must be delivered to the administrative tribunal prior to 5:00 pm on Friday, October 6, 2023, for timely consideration.

On information and belief, Constable Lampropoulos has not responded to the Administrative Tribunal. On additional information and belief, the Administrative Tribunal has not been able to ascertain if Constable Lampropoulos is exercising authority or acting as a constable.

II. Legal Review

Salt Lake County Code of Ordinances, § 2.50.120, establishes that all persons acting as a county constable or deputy county constable shall pay an annual fee of one hundred dollars to the county general fund, which fee is due on January 1 of each year and delinquent on January 31 of each year. Salt Lake County Code of Ordinances, § 2.50.120, further establishes that in addition to any other penalty imposed by law, any person who acts as constable or deputy constable without having first paid the fee is subject to removal from office.

Salt Lake County Code of Ordinances, § 2.50.130, provides that County constables or deputy constables are subject to removal by the County Council after a recommendation for removal has been made by an Administrative Tribunal convened by the council to adjudicate the matter. Council Resolution No. 6133 provides that the Administrative Tribunal may adjudicate the matter informally as the facts and circumstances allow. Due process has been established as described in the background section.

III. Initial Recommendation

The uncontested facts available demonstrate that Constable Lampropoulos has failed to provide timely payment of the annual fee required by Salt Lake County Code of Ordinances, § 2.50.120, during January of 2023, or at any time during the preceding calendar year of 2022, or at any time since. Constable Lampropoulos has not provided any information to the Administrative Tribunal, and it is not clear that Constable Lampropoulos is exercising authority or acting as a constable. Because Constable Lampropoulos has failed to provide timely payment of the required annual fee, the Administrative Tribunal hereby recommends that their authority be withdrawn by the County Council consistent with § 2.50.130. Additionally, the authority of Deputy Constables Joshua Woodward, Shelby McDonnell, and Kiersten Shelley should also be withdrawn consistent with § 2.50.130(G).

IV. Order

This initial determination shall be provided to the Salt Lake County Council, with a copy provided to Constable Justin Lampropoulos at their last known address.

SALT LAKE COUNTY COUNCIL

By:

Mitchell F. Park, Legal Counsel
Administrative Tribunal

