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Hiring a lawyer may require hiring lawyer

Brent Israelsen The Salt Lake Tribune

The decision by Kane County to hire a prominent criminal defense attorney to represent officials who uprooted **road signs** in a national monument was made behind closed doors, in apparent contravention of state law. The three members of the Kane County Commission approved an attorney-client agreement in October with criminal defense attorney Ron Yengich.

But a review of county documents obtained through the state open records law shows the decision was not made during an open meeting.

Utah's Open and Public Meetings Act prohibits elected bodies from approving contracts outside of public view, said Michael O'Brien, a media-law attorney for The Salt Lake Tribune.

"The Kane County commissioners hired Ron Yengich to defend them from possible violations of federal law. . . . Now they will need another good lawyer to defend them from possible violations of Utah law," O'Brien said.

The open meetings law states that "no ordinance, resolution, rule, regulation, contract or appointment shall be approved at a closed meeting."

Kane County Attorney Eric Lind, who has advised other county officials not to discuss the matter, did not return phone calls seeking comment.

Yengich -- who has represented such high-profile defendants as document forger and serial bomber Mark Hofmann -- was hired to help the Kane County Commission respond to a subpoena issued by a federal grand jury investigating three county officials who removed 31 federally owned road and trail markers from inside the Grand Staircase-Escalante National Monument. He was paid an initial \$1,500 retainer on Oct. 24.

The officials -- Commissioner Mark Habbeshaw, Sheriff LaMont Smith and county roads supervisor Lou Pratt -- removed the signs after the County Commission failed to persuade the U.S. Bureau of Land Management to remove the signs.

The discussion on the decision to hire Yengich is one of several the County Commission has undertaken behind closed doors in recent months:

* Sometime in July or August, the commission met to decide to remove the **road signs** from the monument.

* On Sept. 20, the three members of the commission met with BLM officials to discuss the county's grievances, ejecting a Tribune reporter who tried to attend.

According to the commission's minutes, the commission meets regularly behind closed doors.

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