

Group wants new judge in records suit

Association says judge not impartial

By **Sandy Hodson** | *Staff Writer*

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The Association for Fair Government is seeking a new judge in its lawsuit over access to Augusta's purchasing records.

In its motion for a new trial and a new judge, the association alleges Judge Carl C. Brown Jr.'s possible connections with Purchasing Director Geri Sams and business owners who have gotten city contracts raises questions about his ability to remain impartial.

Friday was the first opportunity Judge Brown had to read the new documents, he said. The allegations, he said, are incorrect -- he is not related to Ms. Sams nor does he know of any relative getting preferential treatment in business deals with the city.

The association filed a Richmond County Superior Court lawsuit last year. The Augusta Chronicle joined the lawsuit until concessions opened conditional access to public records.

The association continued its litigation, seeking access to documents about purchases that are not reviewed by city commissioners.

Judge Brown ruled against the association earlier this year, deciding the information requested would require compilation of records. Governments do not have to compile data to meet the Open Records law.

The association is appealing Judge Brown's ruling. On Nov. 26, the amended motion for a new trial was filed, citing newly discovered evidence.

According to the motion, Ms. Sams once rented a home from Judge Brown, and it appears he and Ms. Sams are fifth-degree cousins. That is in addition to the previously known fact that Ms. Sams used Judge Brown as a reference when she applied for a job with the city in 1990.

Judge Brown said he isn't related to Ms. Sams, doesn't socialize with her and rarely even sees her in the Municipal Building where they both have offices.

The only connection he knows is that they both attended the same church more than 15 years ago, Judge Brown said.

The association's motion also alleges that relatives of Judge Brown have been given unfair preference in the award of city contracts for goods and services.

The motion contends there is an appearance of bias in that Judge Brown has relatives who have benefitted from the city's former Disadvantaged Business Enterprise Program, which the plaintiffs successfully challenged in federal court. The city's DBE program is no longer in effect.

Judge Brown said he doesn't have any personal knowledge of relatives' possible contracts with the city.

Judge Brown said he doesn't believe there is any merit to the recusal request, but he will ask another judge to rule on the motion out of caution.

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