

Judge leaves case over bias charges

By **Sandy Hodson** | *Staff Writer*
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A Richmond County Superior Court Judge assigned to an Open Records lawsuit against the city has recused himself from the case.

Although Judge Carl C. Brown Jr. concluded the allegations about possible connections between him and the city's Procurement Department are incorrect, he decided Thursday to remove himself "to avoid even the slightest appearance of impartiality."

The lawsuit was filed by the Association for Fair Government against the city of Augusta.

The association filed suit in October 2007, alleging attempts to review public records in the city's Procurement Department were being delayed and blocked.

The Augusta Chronicle joined the lawsuit, making similar complaints about access to public documents. The newspaper dropped its legal challenge in May when access to the records improved.

The association continued its legal case, pushing to obtain records about purchases that are made without commissioners' review. City ordinances allow some purchases -- those under \$5,000, those from a sole source and those needed in an emergency situation -- to be made without commission approval.

Judge Brown ruled against the association, finding the city was not responsible for compiling data.

The association is appealing that decision, contending the purchasing records are available without any need for compiling data.

Last month the association amended its motion for a new trial, raising the recusal issue.

According to the petition, the plaintiffs believe Judge Brown is a distant relative of Procurement Director Geri Sams, and that the judge has relatives and acquaintances who have provided goods and services to the city, sometimes outside of a bidding process.

Judge Brown wrote in his order this week that he is not related to Ms. Sams by blood or marriage in any degree.

The judge also wrote that he has no knowledge of any relative or acquaintance who won procurement projects without competitive bidding.

Because of Judge Brown's recusal, the case will be assigned to another Superior Court judge.

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