

Judge stalls city's policy

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

Wednesday, February 14, 2007

A federal judge issued a temporary restraining order Tuesday that prohibits Augusta from giving preference to small and minority-owned businesses.

Thompson Building Wrecking Co. has been joined by three businesses in challenging how the city decides who gets contracts.

At an emergency hearing Tuesday, U.S. District Judge B. Avant Edenfield granted the request for the temporary restraining order to prevent possible harm to the plaintiffs, the Thompson Co., Tucker Grading and Hauling owner Paulette Tucker, Classic Rock Hauling owner Richard Caldwell and Sidney Cullars Trucking owner Sidney Cullars.

Although the order isn't a judgment on the merits of their complaint filed this month in U.S. District Court in Augusta, attorney Robert A. Mullins said his clients are very excited about the first ruling.

The city can continue doing business, taking bids and awarding contracts for goods and services. But unless the judge lifts the restraining order the city cannot use the rules of its Disadvantaged Business Enterprise Program ordinance.

The ordinance was enacted to increase business opportunities for women, minority and small contractors. The lawsuit filed in federal court, and one filed by Thompson in Richmond County Superior Court, alleges that the program causes reverse discrimination and puts local companies at an unconstitutional disadvantage.

The Tucker, Caldwell and Cullars plaintiffs in the federal lawsuit also allege that they were discriminated against in the awarding of contracts, although each qualifies as a minority-owned, woman-owned or small business. They allege that they unfairly lost contracts to companies outside Augusta.

The city's attorneys have until Feb. 20 to file a response and seek to have the restraining order lifted. A telephone call to their office Tuesday afternoon was not returned.

If the judge rejects the city's motion, the order will stay in place until a full hearing can be held.

From the Wednesday, February 14, 2007 edition of the Augusta Chronicle