

Employer sanctions foes want start delayed

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Running out of time, groups challenging the new employer sanctions law said Saturday they will ask a federal judge to temporarily block the state from enforcing the measure until they get another day in court. David Selden, lead attorney for businesses seeking to void the law, said foes of the law decided Saturday to refile the case. The decision came one day after U.S. District Court Judge Neil Wake threw out the case - at least in part because Selden's clients did not sue the right people.

Selden acknowledged there is now no way to have a full-blown trial on the legality of the statute before it's due to take effect on Jan. 1. Instead, he will seek a restraining order to buy more time to make his case.

In his ruling Friday, Wake said the business groups asked him to block the Arizona Attorney General's Office from enforcing the law.

But the judge pointed out that the statute gives that duty to each of the state's 15 county attorneys. And since they were not brought into the case as defendants, the judge said he couldn't tell them what to do.

Selden said the new papers, to be filed Monday, will name the county attorneys as defendants.

A spokesman for Maricopa County Attorney Andrew Thomas said his agency is studying Wake's ruling. But Thomas already is on record as supporting the law. In fact, he already has signed an agreement with Sheriff Joe Arpaio to investigate violations.

The law lets a judge suspend a company's state permits to do business for up to 10 days the first time it is found guilty of knowingly hiring an illegal immigrant. A second violation within three years puts the firm out of business in Arizona.

Julie Pace, another attorney representing the business groups, said blocking the law is critical.

"Enactment of the law has already caused businesses to stop operations in Arizona," she said.

Friday's ruling was at least a partial victory for the challengers, including the Arizona Contractors Association, the state Chamber of Commerce and Industry, the Arizona Farm Bureau Federation and the Arizona Restaurant and Hospitality Association.

Wake hinted that once he has the proper defendants before him, he will declare certain requirements of the law unconstitutional because they place a burden on employers who have to expend time and money for required employee background checks.

But Wake questioned whether he has the right to block enforcement of the heart of the law - the license suspensions and revocations. Selden's constitutional challenge is based on the argument that federal laws bar states from imposing civil or criminal penalties on companies that hire undocumented workers.

In throwing out the case on other legal grounds Friday, Wake never got to that issue.