

## **CLUB RACING COURT OF APPEALS**

### **JUDGMENT OF THE COURT OF APPEALS**

**Laurence Kim Wilcox vs. SOM COA Ref. No. COA 10-08-NP**

**July 15, 2010**

#### **FACTS IN BRIEF**

On June 23, 2010, following the Group 7 race at the "Sunoco" Double Regional held at Mazda Raceway Laguna Seca, Laurence Kim Wilcox, driver of Spec Miata T # 62, refused to allow disassembly and inspection of his car per directive from the Chief Steward, resulting in the filing of a Request for Action (RFA). The Stewards of the Meeting (SOM) Bill Blake, Bob Hatcher, Stan Laskin, and Richard Templeton, Chairman, met, reviewed evidence and testimony, and determined Mr. Wilcox was in violation of GCR 7.4.D. (Refusing to allow teardown in Mechanical Protest, Request for Action or Chief Steward's Action) In accordance with the GCR, the SOM suspended Mr. Wilcox's competition license for six (6) months, fined him \$250.00, and assessed six (6) penalty points against his license. Mr. Wilcox appealed the SOM decision.

#### **DATES OF THE COURT**

The SCCA Court of Appeals (COA) Jack Marr, Rick Mitchell, and Jack Hanifan, Chairman, met on July 8, 2010 and July 15, 2010 to hear, review, and render a decision on the appeal. Michael West, SOM Chairman, was unavailable for the hearings.

#### **DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED**

1. Appeal from Laurence Kim Wilcox received on June 22, 2010.
2. Official Observer's Report and related documents received July 2, 2010.
3. E-mail statement from Richard Templeton, received July 5, 2010.
4. Laurence Kim Wilcox's competition license and \$250.00 remittance received July 12, 2010

#### **FINDINGS**

The Chief Steward had ordered mechanical compliance inspections for certain car classes. All competitors were notified at registration that the Compliance Inspection List was posted and available for review at Registration and at Impound:

Mr. Wilcox willfully refused to allow disassembly and inspection of his car per directive from the Chief Steward. The Scrutineers and SOM fully explained the procedure and what would happen if he did not comply. His willful failure to comply automatically invoked the penalties set forth in GCR 7.4.D. (Automatic Penalties).

Mr. Wilcox submitted no new evidence to support his assertion that the penalty was too harsh and the process was not fair.

#### **DECISION**

The Court of Appeals upholds the decision of the SOM. Mr. Wilcox's appeal is not well founded and his appeal fee will be retained by SCCA. Mr. Wilcox's suspension began July 15, 2010 (date of this ruling).

## **CLUB RACING COURT OF APPEALS**

### **JUDGEMENT OF THE COURT OF APPEALS**

**Sedat Yelkin vs. SOM COA Ref. No. 10-09-CN**

**July 29, 2010**

#### **FACTS IN BRIEF**

On June 27, 2010 at the June Sprints National at Road America Assistant Chief Steward Kevin Coulter filed a Request for Action (RFA) with the Stewards of the Meeting (SOM) to investigate the contact between FA # 40 (Keith Grant) & FA #75 (Sedat Yelkin) at corner 5. In addition, Keith Grant, FA# 40, filed a protest against Sedat Yelkin, FA # 75, for violation of GCR 6.11.1 A-D. (Rules of the Road - On Course Driver Conduct). The SOM Fred Cummings, Larry Dent, and Jim Rogaski, Chairman, met, decided to combine the two actions, reviewed the evidence, took photos of the vehicles, and heard testimony regarding the incident. The SOM upheld the RFA and the protest, and gave Mr. Yelkin a position penalty that moved Mr. Yelkin from first to eighth. Two (2) penalty points were assessed against Mr. Yelkin's competition license. Mr. Yelkin appealed the SOM decision.

## **DATES OF THE COURT**

The SCCA Court of Appeals (COA) Steve Harris, Rick Mitchell, and Jack Hanifan, Chairman, met on July 8 and July 29, 2010 to review, hear and render a decision on the appeal. Michael West (COA Chairman) and Jack Marr (COA Member) recused themselves from this hearing.

## **DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED**

1. Letter of Appeal from Mr. Yelkin, received July 1, 2010.
2. Official Observers Report and related documents, received July 6, 2010.
3. Video from Road America Security Cameras, provided by Mr. Yelkin, received July 6, 2010.
4. Notes from David Nokes, SOM, received July 10, 2010.
5. Email from Earl Hurlbut, Chairman SOM, received July 13, 2010.
6. Letter from Mr. Grant, received July 17, 2010.

## **FINDINGS**

With his appeal, Mr. Yelkin provided new evidence (Video from Road America Security Cameras) to support his contention that his contact with Mr. Grant occurred after Mr. Grant lost control on his own and spun. The video was of poor quality and short duration. In addition, it was a compilation from two different cameras and only showed the cars as they approached the turn and then as they exited with Mr. Grant spinning off to driver's right and Mr. Yelkin continuing. The video did not show contact between the cars and did not confirm or deny Mr. Yelkin's statement of the facts. Therefore, there is insufficient evidence to overturn the decision of the SOM.

## **DECISION**

The Court of Appeals upholds the decision of the SOM. Mr. Yelkin's appeal is well founded and his appeal fee, less the amount retained by SCCA, will be returned.

# **CLUB RACING COURT OF APPEALS**

## **JUDGMENT OF THE COURT OF APPEALS**

**Joel Lipperini vs. SOM COA Ref. No. 10-10-CN**

**July 15, 2010**

## **FACTS IN BRIEF**

On Friday, June 26, 2010 at the June Sprints at Road America, following the day's activities, Joel Lipperini was stopped by Road America security as he walked the racing surface. He was informed that walking the racing surface was against the track's policy. He complied and exited.

On Saturday, June 27, Mr. Lipperini sought the advice of the Chief Steward, Mike Smith, who confirmed this policy. However, that evening, Mr. Lipperini again tried to walk the racing surface and was again stopped by Road America security. Following a confrontation, Mr. Lipperini exited the racing surface and Road America staff reported the incident to the Chief Steward.

On Sunday, June 28, the Chief Steward submitted a Request for Action (RFA) to the Stewards of the Meeting (SOM) Mike Beaumia, Pax Lemmon, Dave Nokes and Ron Poth. After hearing testimony and reviewing evidence, the SOM found that Mr. Lipperini violated GCR 2.1.5. (Failing to obey a direction from an official) and suspended Mr. Lipperini's competition privileges for sixty (60) days and assessed six (6) penalty points against his competition license. Mr. Lipperini is appealing the decision of the SOM.

## **DATES OF THE COURT**

The SCCA Court of Appeals (COA) Jack Hanifan, Steve Harris and Jack Marr, Chairman, met on July 15, 2010 to hear, review, and render a decision on the appeal. Michael West, CoA Chairman, was unavailable for the hearings.

## **DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED**

1. Appeal from Joel Lipperini including witness statement from Jamie Wasiewicz received July 7, 2010.
2. Official Observer's Report and related documents received July 7, 2010.
3. E-mail statement from Dave Nokes, member of the SOM Committee that heard the RFA, received July 12, 2010.

## **FINDINGS**

While the event Supplemental Regulations do not state that individuals are prohibited from walking the racing surface, by attempting to do so a second time after being informed of track policy by both the Chief Steward and Road America security, Mr. Lipperini violated GCR 2.1.5.

In his appeal Mr. Lipperini asserted he was given conflicting information regarding Road America's prohibition on walking the track's racing surface without permission. However, the new evidence he submitted was not sufficient to overcome the preponderance of evidence used by the SOM.

## **DECISION**

The Court of Appeals agrees with the SOM finding of violation of GCR 2.1.5.

Upon review of all evidence, the Court modifies the penalty to thirty (30) days suspension beginning June 28, 2010. Upon completion of this suspension, Mr. Lipperini is placed on probation for a period of sixty (60) days beginning July 28, 2010. Six (6) penalty points are to be assessed against Mr. Lipperini's competition license.

Any race results earned by Mr. Lipperini while racing under GCR 8.4.3.C (Stay of Decision) from June 28, 2010 through July 27, 2010 are void and the official results are to be revised accordingly.

Mr. Lipperini's appeal is considered well founded and his appeal fee, less the amount retained by SCCA, shall be returned.

# **CLUB RACING COURT OF APPEALS**

## **JUDGEMENT OF THE COURT OF APPEALS**

**Rob Rice vs. SOM COA Ref. No. 10-11-NP**

**July 29, 2010**

## **FACTS IN BRIEF**

On Sunday morning July 4, 2010 at the Double National at Portland International, Rob Rice (# 40 FB) filed a protest against Lucien Pancea (# 7 FB) for violation of GCR 6.11.1.C & D. (On Course Driver conduct) for body contact made during their race. The Stewards of the Meeting (SOM), Steve Archer, Skip Yocom and Gary Meeker, Chairman, met, reviewed evidence, heard testimony and penalized Mr. Pancea three (3) finishing positions and assessed two (2) penalty points against his competition license. Mr. Rice felt Mr. Pancea's penalty was too lenient, but did not appeal the decision.

During afternoon qualifying, Mr. Rice approached Ron Pierce, crew for Mr. Pancea who was standing in pit lane, and allegedly berated him in a highly charged verbal torrent. Mr. Pierce filed a protest against Mr. Rice citing GCR 2.1.7. (Acting in an unsportsmanlike manner). The SOM met, reviewed the evidence and heard testimony from multiple witnesses regarding this incident. Mr. Rice declined an opportunity to provide testimony to the SOM. The SOM upheld the protest, found Mr. Rice in violation of GCR 2.1.5. (Failure to obey an official) and GCR 2.1.6. (Refusing to cooperate...with the SOM). The SOM suspended Mr. Rice's competition privileges for six (6) months and assessed six (6) penalty points against his competition license. Mr. Rice is appealing this SOM decision.

## **DATES OF THE COURT**

The SCCA Court of Appeals (COA), Jack Hanifan, Jack Marr and Michael West, Chairman, met on July 29, 2010 to review, hear and render a decision on the appeal.

## **DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED**

1. Appeal letter from Mr. Rice, received July 14, 2010.
2. Official Observers Report and related documents, received July 20, 2010.
3. Email from SOM Chairman Gary Meeker, received July 22, 2010.
4. Email from SOM Skip Yocom, received July 28, 2010.

## **FINDINGS**

Mr. Rice did not appeal the decision of the SOM in the metal to metal contact between himself and Mr. Pancea in the morning race. However, the SOM Chairman, Gary Meeker, asked that the information on that incident be forwarded to the COA as background information.

Following review of all of the witness statements submitted involving the appealed action, it is clear that Mr. Rice's actions were in gross violation of the standards of sportsmanship expected at an SCCA event.

In his appeal, Mr. Rice offered no new evidence or information that was germane to his case. The COA found insufficient evidence to overturn the SOM decision to suspend Mr. Rice's competition license for six (6) months and assess six (6) penalty points to his competition record.

## **DECISION**

The Court of Appeals upholds the decision of the SOM in its entirety. Mr. Rice's appeal is deemed not well-founded and his appeal fee will be retained by SCCA.