

COURT OF APPEALS

JUDGEMENT OF THE COURT OF APPEALS
Mike Amy vs. SOM COA Ref. No. 20-01-SE
February 27, 2020

FACTS IN BRIEF

Following the Saturday, January 11, 2020, Group 3 race of the Winter Vacation Hoosier Super Tour at Sebring International Raceway, Mike Amy, Entrant for Spec Racer Ford 3 (SRF3) #38, driven by David Dickerson, filed a Protest against Brian Schofield, driver of SRF3 #61, alleging he “jumped the restart by going before the Green Flag was displayed.”

The Stewards of the Meeting (SOM) Stu Cowitt and Matias Bonnier (Chairman) met to hear and rule on the Protest. The SOM determined Mr. Schofield violated General Competition Rules (GCR) 6.6.2.B.1.iii. and 6.6.2.B.3.iii. (Full Course Yellow Procedures) by not maintaining the speed of the safety car prior to the green flag being displayed at start. The SOM penalized Mr. Schofield with a reprimand and one penalty point on his Competition License. Mr. Amy is appealing the severity of the penalty.

DATES OF THE COURT

The Court of Appeals (COA) Jack Kish, Laurie Sheppard, and James Averett (Chairman) met on February 13 and 27, 2020, to review, hear, and render a decision on the appeal.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Appeal letter from Mike Amy, submitted January 21, 2020.
2. Official Observer’s Report and related documents, received February 6, 2020.
3. Videos from Car #23 and Car #38, received February 6, 2020.
4. Comments from SOM Chairman Matias Bonnier, received February 6, 2020.

FINDINGS

In his appeal, Mr. Amy does not dispute the facts or the SOM decision regarding the rules violations, but argues the penalty assessed was not sufficient. Mr. Amy provided no additional evidence.

The COA reviewed the original witness statements and video evidence and found Mr. Schofield, Car #61, was running first during a full course yellow segment of the SRF3 race. The safety car entered Pit Lane while Car #61 was still negotiating the final turn. Mr. Schofield accelerated continuously, well before the front straight and before the Starter was in sight. The next several cars also accelerated to stay with Mr. Schofield. The SOM determined Mr. Schofield violated GCR 6.6.2.B.1.iii. (“Maintain the speed of the

safety car coming down to a restart.”) and 6.6.2.B.3.iii. (“Drivers must maintain the safety car’s pace and not improve their position or begin racing until the green flag has been displayed to restart the race.”).

The COA finds the SOM ruling was based on clear and convincing evidence, well-reasoned, and within the authority granted in the GCR. The penalty imposed is within the range of penalties allowed by GCR 7.2. (Range of Penalties).

DECISION

The COA upholds the SOM decision in its entirety. Mr. Amy’s appeal fee, less the administrative portion retained by the SCCA, will be returned.

JUDGEMENT OF THE COURT OF APPEALS
Richard Baldwin vs. SOM COA Ref. No. 20-02-SE
February 27, 2020

FACTS IN BRIEF

Following the Saturday, January 11, 2020, Group 3 race of the Winter Vacation Hoosier Super Tour at Sebring International Raceway, two independent Protests were filed against Richard Baldwin, driver of Spec Racer Ford 3 (SRF3) #25, for violating General Competition Rules (GCR) 6.11.1. (On Course Driver Conduct). The first protest was filed by Alan Olson, driver of SRF3 #63, against Mr. Baldwin for failure to provide racing room which resulted in metal-to-metal contact at Turn 1 on Lap 1. The second protest was filed by Robert Reed, driver of SRF3 #03, who protested Mr. Baldwin for metal-to-metal contact at Turn 7 on Lap 1. In addition to the two Protests, Assistant Chief Steward (ACS) Dennis Joyce submitted a Request for Action (RFA) to investigate a multiple car incident at Turn 17 on Lap 3 of the SRF3 race.

The Stewards of the Meeting (SOM) Bob Gardner, Mark Russell, Lori Vitagliano, and Russ Gardner (Chairman) met to hear and rule on the Protests. The SOM chose to combine both Protests (Olson, SOM Action #7, and Reed, SOM Action #8) into a single hearing as both involved the same protested driver, Mr. Baldwin. Because the multi-car incident at Turn 17 (SOM Action #10) involved contact between Car #25 and Car #7, the RFA was added to the Protest hearing.

After hearing witness testimony, evaluating witness statements, and reviewing race videos, the SOM ruled Mr. Baldwin violated GCR 6.11.1.B. (Failure to leave racing room) and GCR 2.1.4. (Driving recklessly or dangerously) and issued him a six weekend probation and three penalty points against his Competition License. Mr. Baldwin is appealing the decision regarding the two Protests, Action #7 and Action #8.

DATES OF THE COURT

The Court of Appeals (COA) James Averett, Jack Kish, and Pat McCammon (Chairman) met on February 13 and 27, 2020, to review, hear, and render a decision on the appeal.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Appeal letter from Richard Baldwin, received January 31, 2020.
2. Official Observer's Report, including related documents, received February 6, 2020.
3. Action #7 race videos from Car #11, Car #25, Car #40, Car #63, and Car #64, received February 6, 2020.
4. Action #8 race videos from Car #03, Car #25, Car #40, and Car #64, received February 6, 2020.
5. Action #10 race videos from Car #03, Car #4, Car #11, Car #25, Car #64, and Car #92, received February 6, 2020.
6. Letter from CSOM Paul Gauzens, received February 9, 2020.

FINDINGS

Mr. Baldwin left the track before the SOM finalized its deliberations and he was notified by phone of the findings. A packet with notification of the actions, Mr. Baldwin's probationary license, and the 2020 Court of Appeals Guide was delivered by express carrier, signature required, on January 15, 2020. Conversations with the SOM at the track and a subsequent phone conversation left Mr. Baldwin with the incorrect impression he had 30 days to file an appeal. The COA recognizes this delayed submission of his appeal and accepts it.

Action #7

On the initial lap of the SRF3 race, approaching left hand Turn 1, Mr. Olson, Car #63, was next to the wall, driver's left. To his right and slightly ahead was Mr. Baldwin, Car #25, who had Car #64 to his right. As the trio approached the apex, Mr. Baldwin moved driver's left and his left rear made contact with the right front of Mr. Olson, forcing him into the wall, driver's left. Mr. Baldwin continued; Mr. Olson's car was disabled and pulled off track. Mr. Olson protested Mr. Baldwin for failure to provide racing room, per GCR 6.11.1. (On Course Driver Conduct).

In the SOM hearing, Mr. Baldwin acknowledged the incident, but denied responsibility. Mr. Baldwin believed when he turned in for the corner, he had cleared Mr. Olson, and Mr. Olson should have backed off to allow the pass. GCR 6.11.1.B. states "Each competitor has a right to racing room, which is generally defined as sufficient space on the marked racing surface that under racing conditions, a driver can maintain control of his car in close quarters." The SOM upheld the Protest.

Action #8

On the initial lap of the SRF 3 race, a group of cars approached right hand Turn 7. Inside track right was Car #11, with Mr. Reed, Car #03, to his left, and Car #64 further left. Mr. Baldwin approached the group and filled the gap left of Mr. Reed and right of Car #64. Approaching the turn, Mr. Baldwin turned in, making side-to-side contact with Mr. Reed and forcing him driver's right into Car #11. The resulting contact damaged Mr. Reed's car, which was unable to continue. Mr. Reed protested Mr. Baldwin for failure to provide racing room, per GCR 6.11.1. Mr. Baldwin acknowledged the incident to the SOM but denied responsibility. Mr. Baldwin agrees he turned in, but maintains he had already passed Mr. Reed and Mr. Reed should have backed off when the pass was initiated. The SOM upheld the Protest.

Mr. Baldwin declined to appeal the decision in Action #10, the RFA to investigate the multi-car incident in Turn 17 where he contacted Car #7. In the combined ruling on Action #7, Action #8, and Action #10, the SOM noted Mr. Baldwin made contact with 3 different cars in the first 3 laps of the race, resulting in two competitors being unable to continue. Because the SOM combined the three actions into a single hearing, the COA considered the totality of all actions as well, while noting only Action #7 and Action #8 were specifically included in Mr. Baldwin's appeal.

After a thorough review of the documentation and video evidence, the COA finds the SOM reached a responsible and thoughtful decision and issued a penalty within its authority, per GCR 7.2. (Range of penalties).

DECISION

The COA upholds the SOM decision in its entirety. Mr. Baldwin's appeal is well founded, and his appeal fee less the administrative portion retained by SCCA, will be returned.

**JUDGEMENT OF THE COURT OF APPEALS
Michael West vs. ACS COA Ref. No. 20-03-SW
March 19, 2020**

FACTS IN BRIEF

Following the Saturday, February 8, 2020, Group 3 Hoosier Super Tour race at Circuit of the Americas, Spec Miata (SM) post-race impound included a visual inspection of the intake manifolds on the top three finishing cars. Two of the three cars' intake manifolds were identical. Class Compliance Chief (CCC) Tyrone Till determined SM #39's intake manifold may have been modified. He completed a Technical Inspection Report (TIR) and discussed his observation with Assistant Chief Steward (ACS) Roger Heyl.

ACS Heyl determined the car was not compliant with General Competition Rules (GCR) 9.1.7.C.1.j.1. (Intake Manifold) and disqualified Mr. Steyn from the Saturday race. Mr. Steyn accepted the penalty without protest, and Series Chief Technical Inspector Scott Schmidt retained SM #39's intake manifold.

Subsequently, information became available indicating the intake manifold from SM #39 was an unmodified stock Mazda part. Race Director Michael West appealed to overturn the penalty assessed to Mr. Steyn.

DATES OF THE COURT

The SCCA Court of Appeals (COA) Tom Campbell, Pat McCammon, and Jack Kish (Chairman) met on March 5, 2020, to review, hear, and render a decision on the appeal.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Appeal letter from Michael West, received March 2, 2020.
2. Official Observer's Report and related documents, received March 2, 2020.
3. Witness Statement from Scott Schmidt, received March 2, 2020.
4. Witness Statement from Rick Harris, received March 2, 2020.
5. Witness Statement from Joshua Smith, Specialist, Mazda Motorsports Technical Development, received March 2, 2020.
6. Photos of the intake manifold from SM #39, taken by Rick Harris, received March 2, 2020.
7. Photo of a stock Mazda intake manifold, taken by Sam Henry, received March 2, 2020.
8. Witness Statement from Tyrone Till, received March 12, 2020.

FINDINGS

Race Director West is appealing a Chief Steward's Action (CSA) filed on his behalf by ACS Roger Heyl. While this scenario is unusual, the COA finds that per GCR 8.4.1. (Right to Appeal), "The Race Director or Chief Steward of an event has the right to appeal any decision or penalty imposed." Further, due to

new, clarifying information received regarding the original action, it is appropriate to reopen the appeal window and allow Mr. West's appeal to be heard.

The COA acknowledges the inspections and subsequent actions taken by all parties at the Hoosier Super Tour event were authorized by the GCR and the decisions made were based on the information available to them at the time.

Following the event, Mr. Schmidt delivered SM #39's intake manifold to SCCA Road Racing Technical Manager Rick Harris, who examined and photographed the part. Per standard procedure, the pictures were forwarded to Spec Miata Advisory Committee Chairman Sean Hedrick and Club Racing Board (CRB) liaison, Sam Henry. Mr. Henry compared the photo to a stock manifold in his own shop and discovered the appearance of the part was identical. Mr. Henry photographed the stock manifold and sent the photos to Mr. Harris.

Mr. Harris forwarded the photos of the confiscated part and the stock intake manifold from Mr. Henry's shop to Joshua Smith at Mazda Motorsports. After discussion with Mr. Harris, Mr. Smith investigated and found "there are variations in the manufacturing on the Mazda Miata NB intake manifolds." Mr. Smith concluded it was unlikely SM #39's intake manifold was altered. Mr. Harris agreed and notified Mr. West of their findings, prompting Mr. West to appeal.

The COA finds the basis for the penalty against Mr. Steyn is refuted. As such, the penalty itself must be overturned, and Mr. Steyn's disqualification is removed. His finishing position is restored and all prizes, awards, and points will be reinstated.

DECISION

The COA overturns the CSA penalty in its entirety. Mr. West's appeal is well founded, and his entire appeal fee will be returned.