

COURT OF APPEALS

JUDGEMENT OF THE COURT OF APPEALS Joseph Tobin vs. SOM COA Ref. No. 20-09-SE December 9, 2020

FACTS IN BRIEF

On September 27, 2020, following the Group 3 race at the SARRC Invitational Challenge at Roebing Road Raceway, Joseph Tobin, driver of Spec Miata (SM) #18 filed a Protest against Thomas Hart, driver of SM #44 charging violations of General Competition Rules (GCR) 6.11.1. (Rules of the Road) including blocking and avoidable contact.

The Stewards of the Meeting (SOM) Kurt Breitingner, Carol Cone, Toni Creighton, George DeLong, and Peter Olivola (Chairman) met, reviewed the evidence, heard witnesses, and determined there was insufficient evidence to determine fault. Mr. Tobin appealed the ruling of the SOM.

DATES OF THE COURT

The SCCA Court of Appeals (COA) Tom Campbell, Laurie Sheppard, and Jack Kish (Chairman) met on October 29, 2020, to review, hear, and render a decision on the appeal.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Appeal letter from Mr. Tobin, received October 27, 2020.
2. Official Observer's Report and related documents, received October 27, 2020.
3. Edited video from Car #44, received October 27, 2020.
4. Video, photos, and statements provided by Mr. Tobin, received October 27, 2020.
5. Additional statement and video from Mr. Hart, received November 5, 2020.

FINDINGS

In his appeal letter, Mr. Tobin described his participation in the Protest Hearing held on September 27, 2020. He cited a lack of available technology to adequately view his in-car video of the race. The COA notes Mr. Tobin's video was not retained by the SOM, although the Hearing and Decision form indicates video was considered. Edited video from Car #44 was submitted as part of the Observer's Report.

After reviewing Mr. Tobin's Appeal letter and the official Observer's Report, the COA was unable to verify Mr. Tobin was given a full and equitable hearing of his Protest. GCR 8.4.5.A.2. states the COA may "request the Chairman of the Stewards Program to

appoint a new SOM made up of Executive Stewards and a driver representative from outside the division the appeal originated from to rehear the original action". Therefore, to provide Mr. Tobin and Mr. Hart with full and equitable due process, such a request was made.

A new SOM court consisting of Kevin Coulter, Dave Deborde, and Fred Brinkel, Chairman, convened remotely to review all submitted evidence and witness statements, interview the parties to the protest, and rule on Mr. Tobin's allegations. The SOM provided their ruling to Mr. Tobin and Mr. Hart separately on November 24, 2020. In doing so, the original SOM's ruling became null and void. Mr. Hart was advised of his right to appeal the new ruling. Mr. Tobin was advised he could continue his appeal based on the new SOM decision. Mr. Tobin withdrew his appeal.

DECISION

The COA returns Mr. Tobin's appeal unheard. As no additional appeal was initiated, the matter is now closed. Mr. Tobin's entire appeal fee will be returned.