

COURT OF APPEALS

JUDGEMENT OF THE COURT OF APPEALS Bill Gillespie vs. SOM COA Ref. No. 21-03-SE May 12, 2021

FACTS IN BRIEF

Following the Sunday, March 21, 2021, Group 5 race of the Hoosier Racing Tire SCCA Super Tour at Michelin Raceway Road Atlanta, Race Director (RD) Doug Nickel submitted a Request for Action (RFA) to investigate contact at Turn 6 after the restart of the race, citing General Competition Rules (GCR) 6.11.1. (On Course Driver Conduct). Contact occurred between Formula Atlantic (FA) #10 driven by Bill Gillespie and an at-the-time unknown second car.

The Stewards of the Meeting (SOM) Kurt Breitingner, Russell Gardner, and David Rollow (Chairman) met to investigate the RFA. The SOM heard or reviewed witness statements from four drivers and a corner worker. The SOM determined at the right-hand Turn 6, FA #10's right rear made contact with the left front of Prototype 2 (P2) #77 driven by Michael Moulton. Both cars sustained damage, and FA #10 was unable to continue.

After evaluating witness testimony and written statements, the SOM noted none of the four drivers interviewed were able to produce a functional forward-facing video as required by GCR 9.3.11.A. (Camera & Camera Mounts). They ruled Mr. Gillespie violated GCR 6.11.1.A. (Avoiding contact), B. (Racing room), and D. (Passing) and issued a reprimand with one point against his Competition License. Mr. Gillespie appealed the decision.

DATES OF THE COURT

The Court of Appeals (COA) Tom Campbell, Jack Kish, and Pat McCammon (Chairman) met on April 15, 2021, to review, hear, and render a decision on the appeal.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Appeal letter from Bill Gillespie, received March 30, 2021.
2. Official Observer's Report, including related documents, received April 7, 2021.
3. Non-functional race video from FA #10, received April 1, 2021.

FINDINGS

The COA reviewed the documentation provided by the SOM, including witness statements and the SOM's deliberation report. Based on the incident descriptions in the witness statements, the COA does not support the SOM decision to assign sole blame to either driver. The SOM's written deliberation report does not provide insight into the

detailed process of investigation used to reach its decision. Further, three of the five witness statements appear to be in the same handwriting and use consistent phrasing and language style. One witness statement misspells the witness' name. These issues cast doubt on the credibility of the written statements.

The lack of usable video from the four drivers involved in or witnessing the incident complicated the SOM investigation and COA appeal review. The GCR requirement for a forward-facing camera for Super Tour events and the SCCA Runoffs is designed to allow enhanced incident analysis and support due process. GCR 9.3.11.A. states, "Failure to provide such video may result in penalties."

DECISION

The COA overturns the SOM decision in its entirety. The reprimand and one point will be removed from Mr. Gillespie's Competition License record. His appeal is well founded, and his appeal fee, less the administrative portion retained by SCCA, will be returned.