

COURT OF APPEALS

JUDGEMENT OF THE COURT OF APPEALS Stuart Hawkins vs. SOM COA Ref. No. 21-07-NE August 5, 2021

FACTS IN BRIEF

Following the Saturday, June 12, 2021, Group 3 Divisional race at Lime Rock Park, Dennis Gur, driver of Spec Miata 2 (SM2) #08, filed a protest against Stuart Hawkins, driver of SM2 #26, for alleged violations of General Competition Rules (GCR) 6.11.1.A. (Avoidable Contact), B. (Allow Racing Room), C. (Blocking), and D. (Passing Responsibilities).

The Stewards of the Meeting (SOM) Phil Kelley, Bob Mehaldo, and Russ Gardner (Chairman) met to hear and rule on the Protest. The SOM interviewed Mr. Gur and heard or reviewed other witness statements and videos. The SOM determined Mr. Hawkins violated GCR 6.11.1.A., B., C., and D. (Rules of the Road), and penalized him with a reprimand and loss of two finishing positions in class with one point against his license.

Mr. Hawkins appealed the decision.

DATES OF THE COURT

The Court of Appeals (COA) Costa Dunias, James Foyle, and Jack Kish (Chairman) met on July 29, 2021, to review, hear, and render a decision. Laurie Sheppard was recused.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Appeal letter from Stuart Hawkins, received June 22, 2021.
2. Official Observer's Report and related documents, received July 14, 2021.
3. Videos from Mr. Hawkins and Mr. Gur, received July 22, 2021.

FINDINGS

In his appeal Mr. Hawkins referenced his in-car video and gave a description of the events leading to the incident. He stated due to a family obligation it was necessary for him to leave the track immediately after the race, and he did not have the opportunity to review the video in detail at the track.

The COA reviewed the documentation provided by the SOM, including witness statements and both in-car videos submitted to the SOM. As Mr. Hawkins negotiated Turn 7 and drove onto the main straight, he initiated a pass to the right of Car #35. As

he passed Car #35, he glanced to the left, establishing his position relative to Car #35. Mr. Hawkins then slowly moved to the right side of the racing surface and held his line in accordance with GCR 6.11.1.C. (“Drivers are entitled to one safe protective move.”).

Mr. Gur approached and attempted to pass to the right of Mr. Hawkins by driving onto the Pit entrance pavement (Driver’s right). The COA notes GCR 6.11.3. states, “Drivers are required to follow...the marked course.” As the pavement of the Pit entrance ended, Mr. Gur was two wheels off the racing surface and three-fourths alongside of Mr. Hawkins. Mr. Gur braked sufficiently to re-enter the racing surface behind Mr. Hawkins. The COA is not able to confirm contact between the two cars.

The COA finds Mr. Hawkins was not in violation of GCR 6.11.1.A., B., C., or D.

DECISION

The COA overturns the SOM decision in its entirety. Mr. Hawkins’ finishing position will be restored, and the penalty point against his license will be removed. Mr. Hawkins’ appeal is well founded, and his appeal fee, less the administrative portion retained by SCCA, will be returned.

COURT OF APPEALS

JUDGEMENT OF THE COURT OF APPEALS Jim Downing vs. SOM COA Ref. No. 21-08-SE August 12, 2021

FACTS IN BRIEF

Following the Saturday, June 26, 2021, Group 6 race of the Roebling Road Summer (Majors) Race at Roebling Road Raceway, Assistant Chief Steward (ACS) Rick Mitchell filed a Request For Action (RFA) seeking investigation of contact between Formula S (FS) #71, driven by Matthew Guzowski, and Prototype 1 (P1) #63, driven by Jim Downing, and a determination whether a violation of General Competition Rules (GCR) 6.11.1.A. through D. (On Course Driver Conduct) occurred.

The Stewards of the Meeting (SOM) Bob Ricker, Dave Rollow, and Scott Malbon (Chairman) met to hear and rule on the RFA. The SOM interviewed both drivers, reviewed witness statements, and examined available video. The SOM determined Mr. Downing violated GCR 6.11.1.A. (Avoid contact) and assessed a penalty of Reprimand and one penalty point on Mr. Downing's competition license. Mr. Downing and Mr. Guzowski were notified of the decision on July 3, 2021. Mr. Downing appealed the decision.

DATE OF THE COURT

The SCCA Court of Appeals (COA) James Foyle, Jack Kish, and Laurie Sheppard (Chairman) met on August 5, 2021, to review, hear, and render a decision on the appeal.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Appeal letter from Jim Downing, received via USPS July 19, 2021.
2. SCCA Court of Appeals Request Confirmation, received July 21, 2021.
3. Official Observer's Report and related documents, received July 28, 2021.
4. 360-degree Video from P1 #63 reviewed by the SOM, received July 28, 2021.
5. Photos, witness statement, and data provided by Mr. Downing, received July 28, 2021.
6. Email statement from Mr. Guzowski, received July 30, 2021.

FINDINGS

In addition to his appeal letter, Mr. Downing submitted several static video frames, data tracings, and a statement from Norman Morgan, Entrant for P1 #63, providing written analysis. A 360-degree video of the incident was obtained from the SOM in both full speed and slow motion.

The COA reviewed all available witness statements and evidence, as well as the SOM analysis supporting their decision. The COA acknowledges the challenges inherent in viewing 360-degree video on a two-dimensional screen. The video begins before the timing line on the front straight and continues past the incident. Mr. Downing was closely following P1 #41 and backed away when the lead car moved to the right side of the track. As the pair approached Turn 1, P1 #41 passed Mr. Guzowski on the right and maintained a tight inside line into the corner with Mr. Downing following. Mr. Guzowski was on the extreme left side of the track. Mr. Downing moved to center track leaving a full car width to his left as he continued alongside Mr. Guzowski.

Both Mr. Downing and Mr. Guzowski were attempting as normal an approach to the turn as possible, given their locations on track. The first contact was between Mr. Guzowski's right front tire and the left side of Mr. Downing's car, just forward of the rear wheel. The COA is unable to establish sole responsibility for the contact and therefore, finds no penalty is warranted.

DECISION

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