

COURT OF APPEALS

**SCCA Runoffs
JUDGEMENT OF THE COURT OF APPEALS
CSC Reference Number 47
Errors and Omissions COA Ref. No. 21-01-RO
September 29, 2021**

FACTS IN BRIEF

During the 2021 SCCA Runoffs held at Indianapolis Motor Speedway, Race Director Kenneth Patterson received a request from Assistant Chief Steward (ACS) David Gomberg for clarification of a rule regarding permitted replacement of the stock throttle body in the September 2021 General Competition Rules (GCR) E Production (EP) Spec Line for BMW Z3 2.5L cars. Mr. Patterson filed an appeal per 2021 SCCA Runoffs Supplementary Regulations 12.5. seeking an immediate rule interpretation.

DATES OF THE COURT

The Court of Appeals (COA) Costa Dunias, Jack Kish, and Laurie Sheppard (Chairman) met on September 29, 2021, to review, hear, and render a decision on the “Errors and Omissions” request.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Letter of Appeal from Kenneth Patterson, received September 29, 2021.
2. Statement from David Gomberg, received September 29, 2021.

FINDINGS

Mr. Gomberg gave Mr. Patterson a statement outlining the existing language and questioning whether additional options for replacement of a stock drive-by-wire throttle body are allowed.

The Production Category Specifications in GCR 9.1.5.E.1/2.b.4. state, “The stock throttle body casting/housing must be retained”. This rule is modified in the Spec Line for BMW Z3 2.5L cars by the statement, “To replace stock drive-by-wire throttle body, alternate throttle body from BMW 92-95 325i (part #13541748105) with Turner Motorsports adapter plate (part #TEN9990850) is permitted.” Merriam-Webster’s online dictionary states “with” is “used as a function word to indicate combination, accompaniment, presence, or addition”. GCR 1.2.3.A. states, “Interpreting the GCR shall not be strained or tortured and applying the GCR shall be logical...”

The COA reviewed the September 2021 GCR and found no other replacement part(s) listed for a BMW Z3 2.5L car's throttle body.

DECISION

The COA rules the only permitted replacement for the stock drive-by-wire throttle body is the alternate throttle body from BMW 92-95 325i (part #13541748105) combined with Turner Motorsports adapter plate (part #TEN9990850).

COURT OF APPEALS

SCCA Runoffs
JUDGEMENT OF THE COURT OF APPEALS
CSC Reference Number 91
Kenneth Patterson vs. SOM COA Ref. No. 21-02-RO
October 2, 2021

FACTS IN BRIEF

Following the B-Spec race at the 2021 SCCA Runoffs held at Indianapolis Motor Speedway, Tech staff measured the intake valve diameter on B-Spec #00, driven by David Daughtery, and determined its diameter exceeded the value of 28.8mm listed on the Vehicle Technical Specification (VTS) sheet on file at the SCCA National Office. A Chief Steward's Action (CSA) was issued, assessing a position penalty sufficient to place Mr. Daughtery behind all compliant cars. Mr. Daughtery protested the CSA.

The Stewards of the Meeting (SOM) Kevin Cullen, Mike Smith, and Michael West (Chairman) heard testimony, interviewed witnesses, and conducted internet research. The SOM ruled Mr. Daughtery's intake valve diameter was appropriate for a 2009 Mini Cooper Hatchback. Race Director Kenneth Patterson filed an appeal of the SOM decision.

DATES OF THE COURT

The Court of Appeals (COA) Costa Dunias, Jack Kish, and Laurie Sheppard (Chairman) met on October 2, 2021, to review, hear, and render a decision on the appeal.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Letter of Appeal from Kenneth Patterson, received October 2, 2021.
2. 2021 Runoffs SOM File and Ruling for Action #91, received October 2, 2021.
3. SCCA Pro Racing draft VTS for 2009-2013 Mini Cooper S JCW, dated 5/9/2016, and available via the internet.
4. Additional internet research of various sites related to 2009 Mini Cooper Hatchback (R56), conducted on October 2, 2021.

FINDINGS

The CSA was issued based on a Technical Inspection Report (TIR) documenting an intake valve diameter measurement exceeding the reference value found on the VTS sheet on file at the SCCA National Office. Mr. Daughtery argued the reference value was not correct and provided data to support his claim. The SOM determined the source for the value listed on the VTS sheet could not be confirmed. The SOM reversed

the penalty and restored Mr. Daughtery's finishing position. In his appeal, Mr. Patterson cited his authority under 2021 SCCA Runoffs Supplemental Regulations section 12.5 to seek a rule interpretation in an "Errors and Omissions" situation.

The COA reviewed the September 2021 General Competition Rules (GCR) and conducted independent internet research. The B-Spec Spec Lines do not require the 2009 Mini Cooper S (R56) to comply with the VTS sheet referred to by Tech staff. The COA located a publicly available OEM replacement intake valve for the 2009 Mini Cooper Hatchback (R56) on the Mini-Mania website (part # G2NME3518) which lists the diameter as 30.0mm. The COA verified with an independent builder of BMW race engines that the Mini-Mania website is a reputable source for Mini Cooper replacement parts. The COA also located a SCCA Pro Racing draft VTS dated 5/9/2016 for 2009-2013 Mini Cooper S JCW listing the intake valve size as 28.8mm. Peter Keane, Chairman of the Club Racing Board, confirmed that the Mini Cooper S JCW has a turbocharged engine while the 2009 Mini Cooper Hatchback (R56) does not. Therefore, the value of 28.8mm is not an appropriate standard for Mr. Daughtery's car.

The diameter of the identified OEM replacement intake valve exceeds the original measurements of Mr. Daughtery's intake valve as listed in the TIR. The COA finds the reference value listed in the TIR is incorrect. The intake valve diameter on Mr. Daughtery's 2009 Mini Cooper Hatchback (B-Spec #00) is deemed compliant. Mr. Daughtery's finishing position is restored. Mr. Patterson's petition for an "Errors and Omissions" ruling is denied.

DECISION

The COA upholds the SOM decision in its entirety. Mr. Patterson's appeal is well-founded and his appeal fee will be returned.

COURT OF APPEALS

SCCA Runoffs
JUDGEMENT OF THE COURT OF APPEALS
CSC Reference Number 82
Charles Habisreutinger vs. SOM COA Ref. No. 21-03-RO
October 3, 2021

FACTS IN BRIEF

Following the Touring 4 (T4) race at the 2021 SCCA Runoffs held at Indianapolis Motor Speedway, Race Director Kenneth Patterson submitted a Request for Action (RFA) seeking investigation of contact between T4 #9, driven by Charles Habisreutinger, and T4 #50, driven by Stephen Blethen.

The Stewards of the Meeting (SOM) Paul Gauzens and Tom Brown (Chairman) met to investigate the RFA. The SOM determined Mr. Habisreutinger violated GCR 6.11.1.A. (Avoid physical contact) and 6.11.1.D. (Passing responsibilities). They penalized Mr. Habisreutinger by moving him to last position in class with two (2) points against his competition license. Mr. Habisreutinger appealed the SOM's decision.

DATES OF THE COURT

The Court of Appeals (COA) Tom Campbell, Costa Dunias, and Jack Kish (Chairman) met on October 3, 2021, to review, hear, and render a decision.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. 2021 Runoffs SOM File and Ruling for Action #82, received October 3, 2021.
2. Interviews with Mr. Habisreutinger and Mr. Brown, conducted October 3, 2021.
3. Photos of Car #9, received October 3, 2021.
4. Written description of the incident from Mr. Habisreutinger, received October 3, 2021.

FINDINGS

In his appeal, Mr. Habisreutinger stated he did not know he was being interviewed by the SOM for causing contact between his car (#9) and Car #50. He assumed the interview was strictly for information gathering, and the incident investigation was between Car #50 and the SCCA. He further denied he made contact with Car #50, stating that Car #50 spun out of control on his own. The photos he provided of Car #9 did not show any significant damage. However, the video from the rear-facing camera of Car #50 clearly showed as Mr. Habisreutinger attempted an inside pass at the apex of

Turn 2, his car rode up on the apex curb and bounced to the right into Car #50, causing it to spin. Car #50 was unable to continue after contact with other cars.

The COA finds Mr. Habisreutinger is responsible for the incident by violating GCR 6.11.1.D. (Passing responsibilities) which states, "The overtaking driver is responsible for the decision to pass another car and to accomplish it safely." By initiating his pass while driving up on the apex curbing, Mr. Habisreutinger was also responsible for the contact, in violation of 6.11.1.A. (Avoid Contact.) The penalty assessed by the SOM was within the authorities granted in GCR 7.2. and will not be modified.

DECISION

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

COURT OF APPEALS

SCCA Runoffs
JUDGEMENT OF THE COURT OF APPEALS
CSC Reference Number 117
Austin Hill vs. SOM COA Ref. No. 21-04-RO
October 3, 2021

FACTS IN BRIEF

Following the Formula X (FX) race at the 2021 SCCA Runoffs held at Indianapolis Motor Speedway, Austin Hill, driver of FX #8, submitted a Protest against Tech (unnamed official) citing General Competition Rules (GCR) 8.1.5. (Protests) and Formula Race Promotions (FRP) Technical Rules (2018) 2.2.26.1. (Engine Regulations) alleging tech officials failed to enforce a rule.

The Stewards of the Meeting (SOM) Kevin Cullen, Mike Smith, and Michael West (Chairman) met to hear and rule on the Protest. The SOM determined they lacked the authority to grant relief and the Protest was disallowed. Mr. Hill appealed the decision.

DATES OF THE COURT

The Court of Appeals (COA) Jack Kish, Laurie Sheppard, and Costa Dunias (Chairman) met on October 3, 2021, to review, hear, and render a decision.

DECISION AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. 2021 Runoffs SOM File and Ruling for Action #117, received October 3, 2021.
2. Appeal form from Austin Hill (a minor) and his parents (Lisa and Andy Hill), received October 3, 2021.

FINDINGS

Mr. Hill originally filed a Protest against another competitor's car alleging non-compliance. The Hill family observed the car in impound and notified Tech staff of their observation. The Protest was not accepted as it did not meet the requirements stated in the 2021 SCCA Runoffs Supplemental Regulations item 12.2. related to compliance issues.

Mr. Hill then filed a Protest against the unnamed Tech official, citing GCR 8.1.5. (Protests). The SOM determined Tech staff investigated the allegation by the Hills and researched the GCR rules referencing the USF2000 (tube frame) in the FX class. The SOM further determined those rules do not require the engine configuration as stated by

Mr. Hill. The SOM explained to the Hills there was no way to grant relief as the cars were released from impound and the chain of evidence was broken.

In the appeal, the Hill's referenced the first court decision, GCR 8.1.5. (Protests), and 2021 SCCA Runoffs Supplemental Regulations 12.2. (Runoffs Protest exceptions), as well as preparation rules applicable to a USF2000 Tube Frame 2.0 Liter Mazda MZR. The appellant (Austin Hill) and his mother (Lisa Hill) presented the appeal in person to explain their rationale for the appeal. They asserted the Tech officials erred in not acting upon the Hills' verbal notice to them and not finding the engine non-compliant per the FRP rules.

The COA reviewed the documentation and witness statements provided by the SOM, as well as the rules referenced in the appeal. The COA finds Tech staff exercised due diligence in researching the rules in the GCR, referring to FRP Mazda MZR F2000 Technical Specifications (2018), and contacting FRP officials to ascertain their reading of the rules was correct. The COA also finds the SOM acted appropriately and within their authority in disallowing Mr. Hill's Protest.

DECISION

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