

COURT OF APPEALS

JUDGEMENT OF THE COURT OF APPEALS Mike Taberbero vs. SOM COA Ref. No. 21-10-SE December 20, 2021

FACTS IN BRIEF

Following the Sunday, November 14, 2021, Group 5 SARRC Regional race at Palm Beach International Raceway, Jordan Segrini, driver of Spec Miata T (SMT) #13, filed a Protest against Mike Taberbero, driver of Spec Miata Southeast (SMSE) #4, for alleged violations of General Competition Rules (GCR) 6.11.1. (On Course Driver Conduct.)

The Stewards of the Meeting (SOM) Stu Cowitt and Mike Finn (Chairman) met to hear and rule on the Protest. The SOM determined Mr. Taberbero violated GCR 6.11.1.A. (Avoid physical contact), 6.11.1.B. (Allow racing room), and 6.11.1.D. (Passing responsibilities), and moved his finishing position to last place overall. The penalty incurred two points on Mr. Taberbero's competition license. Mr. Taberbero appealed the ruling of the SOM.

DATES OF THE COURT

The SCCA Court of Appeals (COA) James Foyle, Jack Kish, and Laurie Sheppard (Chairman) met on December 9, 2021, to review, hear, and render a decision on the appeal.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Appeal letter from Mike Taberbero, received November 17, 2021.
2. Official Observer's Report with related documents and evidence, received November 29, 2021.
3. In-car video from Car #4 and Car #75, received November 29, 2021.
4. Email statement with additional photos and videos from Jordan Segrini, received December 8, 2021.

FINDINGS

In his appeal, Mr. Taberbero asserted Mr. Segrini had committed to the outside position adjacent to the edge of the track. Mr. Taberbero denied any moves to block Mr. Segrini and stated Mr. Segrini lost control resulting in contact with Mr. Taberbero and the wall.

The COA reviewed the SOM's Hearing and Decision report and attachments, as well as Mr. Taberbero's appeal documents and all available videos. The COA agrees Mr. Taberbero and Mr. Segrini were racing side-by-side on the right side of the racing surface. The in-car video from Car #4 shows Mr. Taberbero steadily moving slightly to

the right, forcing Mr. Segrini beyond the extreme edge of the track prior to the initial contact.

The COA finds Mr. Tabernero violated GCR 6.11.1.A. (Avoid contact between cars), 6.11.1.B. (Allow racing room), and 6.11.1.D. (Passing responsibilities). Mr. Tabernero did not provide compelling evidence to the contrary. The penalties assessed by the SOM were within their authority per GCR 7.2.

DECISION

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