

## COURT OF APPEALS

### JUDGEMENT OF THE COURT OF APPEALS CSC Reference No. 77 Steve Pence vs. SOM COA Ref. 24-01-RO October 3, 2024

#### FACTS IN BRIEF

Following the Formula Vee (FV) qualifying session 3 on October 3, 2024, at the SCCA Runoffs at Road America, Clerk of the Course Dennis Dean submitted a Request for Action (RFA) seeking investigation of failure to obey a race official by Quinn Posner, driver of FV #9, as reported by Road America Safety staff.

The Stewards of the Meeting (SOM) Matias Bonnier, Barb Knox, and John Hertsgaard, Chairman, interviewed witnesses, reviewed documents and statements, and determined Mr. Quinn refused a “hard hook flat tow” but was otherwise compliant and cooperated with Safety staff. The SOM disallowed the RFA.

Race Director Steve Pence appealed the SOM decision at the request of Mr. Dean.

#### DATES OF THE COURT

The Court of Appeals (COA) Costa Dunias, Lee Hill, and Laurie Sheppard, Chairman, met on October 3, 2024, to review, hear, and render a decision.

#### DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Request to Appeal from Mr. Pence, received October 3, 2024.
2. SOM Hearing, Decision, and related documents, received October 3, 2024.
3. Interview with Mr. Dean on October 3, 2024.

#### FINDINGS

In his appeal, Mr. Pence stated he did not wish to be heard on the matter but requested the COA interview Mr. Dean who would explain his reason for initiating the RFA.

The COA reviewed the witness statements from the Safety Crew and others and interviewed Mr. Dean and Mr. Posner. Mr. Dean cited the danger to the unprotected Safety Crew when performing a “hot pull” and the need to do so as quickly as possible. Mr. Posner explained there was a misunderstanding at the site.

The COA found Mr. Posner’s explanation credible, but also understands the need for expediency when workers are exposed on a “hot track”. The discussion at the corner resulted in the Safety Crew having “boots on the ground” for longer than necessary. The

COA issued a Reprimand and assessed one penalty point on Mr. Posner's competition license.

#### **DECISION**

The COA overturned the SOM decision in its entirety. Mr. Pence's 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**  
**CSC Reference No. 93 and 95**  
**Jonathan Kotyk vs. SOM COA Ref. 24-02-RO**  
**October 5, 2024**

### FACTS IN BRIEF

Following the Formula F (FF) race on October 4, 2024, at the SCCA Runoffs at Road America, Clerk of the Course Dennis Dean and Assistant Chief Steward Kevin Cullen submitted a Request for Action (RFA) seeking investigation of contact between Jonathan Kotyk, driver of FF #5, and Theodore Burns, driver of FF #81, as reported by Corner Station 11b. Mr. Burns also protested Mr. Kotyk alleging violation of General Competition Rules (GCR) 6.11.1.D. during the same incident.

The Stewards of the Meeting (SOM) Chris Current, J.C. Ogle, and Dave Deborde, Chairman, interviewed witnesses and reviewed video, documents, and statements, and determined Mr. Kotyk violated GCR 6.11.1.A., B., and C. The SOM assessed a position penalty, moving Mr. Kotyk to the finishing position immediately behind Mr. Burns, which incurred two penalty points on Mr. Kotyk's competition license.

Mr. Kotyk appealed the decision of the SOM.

### DATES OF THE COURT

The Court of Appeals (COA) Costa Dunias, Bev Heilicher, and Lee Hill, Chairman, met on October 5, 2024, to review, hear, and render a decision.

### DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Request to Appeal from Mr. Kotyk, received October 4, 2024.
2. SOM Hearing, Decision, and related documents, received October 4, 2024.
3. Video from Car #5, Car #81, Car #23, and Road America track camera at 11b, received October 4, 2024.
4. Video from Car #80, received October 5, 2024.

### FINDINGS

In his appeal, Mr. Kotyk asserted GCR 6.11.1.D. was not considered although it was a factor in the incident.

The COA viewed all available witness statements and video from all sources, interviewed Mr. Kotyk, and met with the SOM.

The COA found FF #81 was behind FF #5 entering Turn 11. FF #5 tracked out normally and then moved to the extreme right side of the track. FF #81 set up and committed to passing FF #5 on the left. FF #5 began to move left across the track, leaving FF #81 with insufficient room to complete the pass. FF #81 attempted to avoid FF #5 by moving to the right, but his closing speed was too great. The nose of FF #81 went inside the right rear wheel of FF #5 causing FF #81 to become partially airborne. FF #81 went off to drivers right and contacted the barrier. FF #81 retired to the paddock without completing the race.

Mr. Kotyk cited GCR 6.11.1.D. as the basis for his appeal. The COA noted that while 6.11.1.D. specifies, "The overtaking driver is responsible for the decision to pass another car and to accomplish it safely." it also specifies, "The overtaken driver is ... not to impede or block the overtaking car." Mr. Kotyk's move towards the left side of the track impeded the overtaking attempt to which FF #81 was committed and was the primary cause of the contact.

#### **DECISION**

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

## COURT OF APPEALS

**JUDGEMENT OF THE COURT OF APPEALS**  
**CSC Reference No. 105**  
**Gregory Eaton vs. SOM COA Ref. No. 24-03-RO**  
**October 5, 2024**

### FACTS IN BRIEF

Following the American Sedan (AS) race on October 5, 2024, at the SCCA Runoffs at Road America, Clerk of the Course Dennis Dean filed a Chief Steward's Action (CSA) citing violation of General Competition Rules (GCR) 6.5.2.C.1. (Start procedures) by Gregory Eaton, driver of AS #21. Mr. Eaton reportedly accelerated before the green flag and before the acceleration zone according to the start judge. Mr. Eaton was assessed a five second penalty on the final results. The penalty also incurred one point on his competition license. Mr. Eaton Protested the penalty.

The Stewards of the Meeting (SOM), Dave Deborde, Shelly Pritchett, and Chris Current, Chairman, interviewed witnesses, reviewed documents, and disallowed the protest.

Mr. Eaton appealed the decision of the SOM.

### DATES OF THE COURT

The Court of Appeals (COA) Lee Hill, Laurie Sheppard, and Bev Heilicher, Chairman, met on October 5, 2024, to review, hear, and render a decision.

### DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Request to Appeal from Mr. Eaton, received on October 5, 2024.
2. SOM Hearing, Decision, and related documents, received October 5, 2024.
3. Witness Statement and in-person testimony from Steve Pence, Race Director, received October 5, 2024.

### FINDINGS

In his appeal, Mr. Eaton asserted the "penalty was based off the complete race". He argued because there was a late caution period, "the alleged jump [start] had no impact on the finish" of the race.

The COA reviewed all available witness statements and documents and interviewed Mr. Eaton and Race Director Steve Pence in person. Mr. Pence testified the standard penalty for this infraction at the SCCA Runoffs was not established with a desire to achieve finishing position retribution. He merely wanted to undo the advantage of jumping a start and provide some deterrence for repeating the action in the future. He

did not tailor the penalty based on how the race ended. He wanted to give each competitor a chance to overcome the disadvantage.

The COA notes the determination of a start judge may not be protested per GCR 5.11.3.B. Mr. Eaton's appeal is against the application of the five second time penalty.

The COA found the penalty given for violation of the acceleration zone rules was measured, allowable per the GCR, and equitable, as the same penalty was given to all competitors with the same infraction.

### **DECISION**

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

## COURT OF APPEALS

### JUDGEMENT OF THE COURT OF APPEALS CSC Reference No. 110 Bobby Sak vs. SOM COA Ref. 24-04-RO October 6, 2024

#### FACTS IN BRIEF

Following the Spec Racer Ford 3 (SRF3) race on October 5, 2024, at the SCCA Runoffs at Road America, Assistant Chief Steward Art Tapley filed a Chief Steward's Action (CSA) citing violation of GCR 9.1.8.D.1.X.i. (Ground clearance) by Bobby Sak, driver of SRF3 #19. Ride height was measured on the right and left axles and both were found to exceed the required tolerance. Mr. Sak was moved to last in class on the final results. Mr. Sak protested the penalty.

The Stewards of the Meeting (SOM) Bob Gardner, A.G. Robbins, and Bob Neff, Chairman, interviewed witnesses, reviewed documents, and disallowed the protest.

Mr. Sak appealed the decision of the SOM.

#### DATES OF THE COURT

The Court of Appeals (COA) Bev Heilicher, Laurie Sheppard, and Costa Dunias, Chairman, met on October 6, 2024, to review, hear, and render a decision.

#### DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Request to Appeal from Mr. Sak, received October 6, 2024.
2. SOM Hearing, Decision, and related documents, received October 6, 2024.
3. Video from Car #19, received October 6, 2024.
4. Interview with Mike Davies of SCCA Enterprises on October 6, 2024.

#### FINDINGS

In his appeal, Mr. Sak asserted the ride height was affected by an on-track incident. He also stated the SOM did not view his in-car video.

The COA viewed all available witness statements and video and interviewed Mr. Sak and Mr. Davies. Mr. Sak asserted the car was compliant at the start of the race and it became non-compliant due to contact on the track.

Mr. Sak's video of the first lap of the race showed Car #19 was hit on both the left front and the right front almost simultaneously causing the front of the car to become airborne and come down hard. While it is possible damage from that incident affected the car's

ground clearance, GCR 9.1.8.D.1.X.i. specifies the minimum ride height measurement as the car is raced. The measurements taken at post-race impound revealed both sides of the car were below specification by identical amounts (0.375 inches) and a CSA was issued for non-compliance.

The COA found the SOM made a careful and thoughtful ruling in accordance with the GCR.

### **DECISION**

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

## COURT OF APPEALS

**JUDGEMENT OF THE COURT OF APPEALS**  
**CSC Reference No. 111**  
**Denny Stripling vs. SOM COA Ref. 24-05-RO**  
**October 6, 2024**

### FACTS IN BRIEF

Following the Spec Racer Ford 3 (SRF3) race on October 5, 2024, at the SCCA Runoffs at Road America, Assistant Chief Steward Jack Kish filed a Chief Steward's Action (CSA) citing violation of GCR 9.1.8.D.1.X.k. (Camber) by Denny Stripling, driver of SRF3 #4. Camber of both the left front and left rear wheels exceeded the absolute maximum allowed degrees. Mr. Stripling was moved to last in class on the final results. Mr. Stripling protested the penalty.

The Stewards of the Meeting (SOM) Dave Deborde, Shelly Pritchett, and Chris Current, Chairman, interviewed witnesses, reviewed documents, and disallowed the protest.

Mr. Stripling appealed the decision of the SOM

### DATES OF THE COURT

The Court of Appeals (COA) Bev Heilicher, Laurie Sheppard, and Costa Dunias, Chairman, met on October 6, 2024, to review, hear, and render a decision.

### DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Request to Appeal from Mr. Stripling, received October 6, 2024.
2. SOM Hearing, Decision, and related documents, received October 6, 2024.
3. Interview with Mike Davies of SCCA Enterprises on October 6, 2024.

### FINDINGS

In his appeal, Mr. Stripling alleged the measuring device used lacked the specificity to provide precise measurement of the wheels' camber to an "absolute maximum". Specifically, he alleged the measuring tool's accuracy could have been off by as much as 0.25 degrees rounded up to 0.3 degrees.

The COA viewed all available witness statements and documentation from all sources. The COA notes the measuring equipment was calibrated October 5, 2024.

The COA found the camber of SRF #4's front and rear wheels was measured multiple times with multiple gauges. The Scrutineers obtained identical measurements using two separate tools. The COA noted that GCR Appendix G section 2 states, "Measuring

devices available to scrutineers differ from location to location so it is the responsibility of the driver to insure that measurements comply with these rules.” Prior to the COA ruling on the SOM decision, Mr. Stripling withdrew his appeal.

#### **DECISION**

The COA accepted the withdrawal of Mr. Stripling's appeal. The SOM decision remains unchanged. Mr. Stripling's entire appeal fee is returned.

## COURT OF APPEALS

**JUDGEMENT OF THE COURT OF APPEALS**  
**CSC Reference No. 114**  
**Kamden Hibbitt vs. SOM COA Ref. 24-06-RO**  
**October 6, 2024**

### FACTS IN BRIEF

Following the Spec MX-5 (SMX) race on October 5, 2024, at the SCCA Runoffs at Road America, Race Director Steve Pence submitted a Request for Action (RFA) seeking investigation of car-to-car contact in a multi-car incident on a restart. Investigation revealed Kamden Hibbitt, driver of SMX #32, was involved.

The Stewards of the Meeting (SOM) Gloria Larson, J.C. Ogle, and Brad Davis, Chairman, interviewed witnesses, reviewed documents, analyzed multiple in-car videos, and determined Mr. Hibbitt made nose-to-tail contact with the car in front of him, forcing that car into one or more additional cars which were already spinning. The SOM placed Mr. Hibbitt on probation for three race weekends and assessed three penalty points against his competition license.

Mr. Hibbitt appealed the decision of the SOM.

### DATES OF THE COURT

The Court of Appeals (COA) Costa Dunias, Lee Hill, and Bev Heilicher, Chairman, met on October 6, 2024, to review, hear, and render a decision.

### DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Request to Appeal from Mr. Hibbitt, received October 6, 2024.
2. SOM Hearing, Decision, and related documents, received October 6, 2024.
3. Various in-car videos, received October 6, 2024.
4. Telemetry data from Mr. Hibbitt, received October 6, 2024.

### FINDINGS

In his appeal, Mr. Hibbitt asserted the penalty given to him was inappropriate. He said as the field began to accelerate, he could hear the cars around him going to full throttle, but his speed was decreasing in an attempt to avoid contact with SMX #115. He asserted "Car 115 has some level of fault for this incident..." Mr. Hibbitt cited Supplemental Regulations 5.18.7. which states, "Once the leader begins to accelerate, all cars in the pack shall likewise accelerate and continue to do so until the green flag is displayed." Mr. Hibbitt argued Will Robinson, the driver of SMX #115, immediately in

front of him, applied the brakes repeatedly, forcing him to slow and leaving him with insufficient room to react.

The COA viewed all available witness statements, videos, and Mr. Hibbitt's data analytics. Mr. Hibbitt left the track prior to the COA hearing the appeal.

Available videos showed that exiting Turn 14 on the restart of the SMX race on lap 5, the field was running in tight single file, extremely close, trying to anticipate the restart. Several of the cars ahead of SMX #115 and SMX #32 had nose-to-tail contact causing them to spin or lose momentum after Turn 15. SMX #115 applied his brakes several times in order to avoid the chaos ahead of him while Mr. Hibbitt stayed very close and several times made nose-to-tail contact with the rear of SMX #115.

The COA found SMX #115 slowed appropriately in reaction to cars in front of him. Mr. Hibbitt was solely responsible for the nose-to-tail contact as he was following too closely and did not allow for speed variances and sudden, necessary adjustments. Mr. Hibbitt failed to avoid contact on multiple occasions and ultimately forced SMX #115 into a car in front of him.

The COA found the SOM made a reasoned and thoughtful ruling based on the evidence available to them.

## **DECISION**

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

## COURT OF APPEALS

**JUDGEMENT OF THE COURT OF APPEALS**  
**CSC Reference No. 112**  
**Steve Pence vs. SOM COA Ref. 24-07-RO**  
**October 6, 2024**

### FACTS IN BRIEF

Following the Prototype 2 (P2) race on October 5, 2024, at the SCCA Runoffs at Road America, Clerk of the Course Dennis Dean filed a Chief Steward's Action (CSA) citing Tim Day, Jr., driver of P2 #8, with violation of 6.11.1.A., B., and C. (Rules of the Road) after contact with Mike Rupert, driver of P2 #7. Mr. Day was assessed a penalty of loss of position, moving P2 #8 to last in class which incurred one penalty point on his license. Mr. Day protested the action.

The Stewards of the Meeting (SOM) Matias Bonnier, Dave Glodowski, Barb Knox, and John Hertsgaard, Chairman, interviewed witnesses, reviewed documents, analyzed videos, and determined Mr. Day was not responsible for the contact and rescinded the penalty and the penalty point.

Race Director Steve Pence appealed the decision of the SOM,

### DATES OF THE COURT

The Court of Appeals (COA) Costa Dunias, Bev Heilicher, and Lee Hill, Chairman, met on October 6, 2024, to review, hear, and render a decision.

### DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Request to Appeal from Mr. Pence, received October 6, 2024.
2. SOM Hearing, Decision, and related documents, received October 6, 2024.
3. Video from P2 #8, P2 #7, track video from outside Turn 1, and SCCA Runoffs video, received October 6, 2024.

### FINDINGS

In his appeal, Mr. Pence argued the guidelines of Appendix P applied, asserting that Mr. Day approached the turn from several car lengths back into a hole that was certain to close, and did not present his car sufficiently alongside to earn racing room.

The COA reviewed witness statements, documents, and videos, and found Mr. Rupert in P2 #7 started on the outside of the first row alongside the pole sitter (P2 #28) while Mr. Day in P2 #8 started on the inside of the second row. P2 #7 attempted to pass P2 #28 on the outside during the run up to Turn 1 but aborted the pass attempt before the

apex. He slowed abruptly and turned toward the inside of the track, attempting to slip in immediately behind P2 #28. However, P2 #8 was located about two car lengths behind first place and traveling at a greater speed than P2 #7 at that point. Mr. Day attempted to avoid contact, putting two wheels into the grass but P2 #7's rear wing endplate contacted the left front of P2 #8 causing P2 #7 to lose control and spin, coming to rest at the center of the track facing the oncoming race traffic.

The COA finds the primary responsibility for the incident rests with Mr. Rupert in P2 #7. His decision to abort a pass attempt on the leader, drop back, and move to the inside line resulted in contact with P2 #8 who was well established in his position behind the leader. The COA notes that P2 #8 did not initiate a passing attempt on P2 #7 but was essentially intercepted by P2 #7's unexpected move. P2 #8 made a reasonable attempt to avoid contact with P2 #7.

The COA reminds drivers and officials that Appendix P is a set of guidelines and not a set of rules. It is intended to illustrate common overtaking situations that may result in contact and suggests how responsibility for such contact might be assigned. The guidelines should be considered when a potential violation of GCR 6.11.1.A.-D. occurs, but they may not be applicable to every driver interaction or corner configuration.

## **DECISION**

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

## COURT OF APPEALS

**JUDGEMENT OF THE COURT OF APPEALS**  
**CSC Reference No. 117**  
**Timothy Gray vs. SOM COA Ref. 24-08-RO**  
**October 6, 2024**

### FACTS IN BRIEF

Following the Grand Touring 2 (GT2) race on October 6, 2024, at the SCCA Runoffs at Road America, Clerk of the Course Dennis Dean and Assistant Chief Steward Mike Smith submitted a Request for Action (RFA) seeking investigation of contact involving Timothy Gray, driver of GT2 #60, and John Atwell, driver of GT2 #102, at Turn 8 on the final lap of the race.

The Stewards of the Meeting (SOM) Chris Current, Shelly Pritchett, and Dave Deborde, Chairman, interviewed witnesses, reviewed documents and statements, examined video, and determined Mr. Gray violated General Competition Rules (GCR) 6.11.1.A. (Avoid contact), B. (Provide racing room), and 2.1.7. (Acting in an unsportsmanlike manner.) The SOM suspended Mr. Gray's competition privileges for six months to be followed by six race weekends probation. The penalty incurs six penalty points on Mr. Gray's competition license.

Mr. Gray sought to appeal the decision of the SOM.

### DATES OF THE COURT

The Court of Appeals (COA) Costa Dunias, Bev Heilicher, and Laurie Sheppard, Chairman, met on October 6, 2024, to review, hear, and render a decision.

### DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. SOM Hearing, Decision, and related documents, received October 6. 2024.

### FINDINGS

Mr. Gray was notified in writing that he was a party to a Steward's Request for Action on October 6, 2024, at 12:24 PM. He was allowed to leave for home before the action was heard.

The SOM interviewed Mr. Gray by telephone and other parties in person. On the final lap of the race, Mr. Gray had been lapped by the leader on the front straight. Second, third, and fourth place were in a tight battle several seconds behind. The SOM determined as Mr. Gray approached Turn 8, he was shown a blue flag alerting him to the battle approaching. Although he was the last place car, he did not alter his line into

the corner and did not provide racing room for Mr. Atwell. Contact between GT2 #60 and GT2 #102 (who was running in second place) caused both to spin on track. GT2 #24, driven by Brad McAllister, and GT2 #131, driven by Alex Jurs, were forced off course to avoid the spinning cars. The SOM ruled it was unsportsmanlike behavior to impede a lapping pass by the second, third, and fourth place cars on the last lap of the race, significantly altering the outcome.

Mr. Gray was notified of the SOM decision by telephone at 5:15 pm. He was informed he must provide his written appeal per the Supplemental Regulations by 6:15 pm. Mr. Gray called to request submission of his appeal at 6:40 pm.

The COA finds the SOM decision against Mr. Gray is closed to further review. All actions and decisions on this matter were properly adjudicated per the GCR and event Supplemental Regulations. The Supplemental Regulations were published and distributed to the competitors prior to commencement of the National Championship Runoffs. The COA finds Mr. Gray did not submit an appeal within the proper time limit and his petition will not be heard.

#### **DECISION**

The COA respectfully declines to hear Mr. Gray's petition.