

COURT OF APPEALS

JUDGEMENT OF THE COURT OF APPEALS Shane Kennett vs. SOM COA Ref. No. 25-16-RM September 9, 2025

FACTS IN BRIEF

Following the Saturday, August 23, 2025, Group 6 Majors race at High Plains Raceway, Race Director Phil Shuey filed a Chief Steward's Action (CSA) against Shane Kennett, driver of Formula Atlantic (FA) #63, for improving his position on the pace lap in violation of General Competition Rules (GCR) 6.1.1.B. (Double Yellow), and GCR 6.5.2.C. (The Pace Lap) penalizing him with loss of two positions. Mr. Kennett protested the CSA.

The Stewards of the Meeting (SOM) Kathy Bradley, Christian Miller, and Theodore Winning (Chair) met to hear and rule on the Protest. The SOM determined Mr. Kennett "moved by other cars because they waved him by." Because he started ahead of two cars, the SOM disallowed Mr. Kennett's protest. Mr. Kennett appealed the ruling of the SOM.

DATES OF THE COURT

The SCCA Court of Appeals (COA) Bev Heilicher, Lee Hill, and Jack Kish (Chair) met on September 4, 2025, to review, hear, and render a decision on the appeal.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Appeal letter from Shane Kennett, submitted August 25, 2025.
2. Official Observer's Report and related documents, received August 27, 2025.
3. In-car videos from Mr. Kennett (FA #63) and, Mr. Spero Leon (Formula X #70), received August 27, 2025.

FINDINGS

Mr. Kennett qualified first of four competitors in a mixed field of formula cars. He arrived late to the grid after the other cars had left. As the field was on the pace lap, Car #63 was held at pit exit. The race start was aborted due to lack of formation of the 3 cars on track, and Mr. Kennett was released to join the back of the pack at the beginning of the second pace lap. He made no attempt to move up in the field.

Between Turn 10 and Turn 11, the pole-sitter established his position on the left side of the track and FX #42 in second place began moving to the right. The third place Car #70, moved to the right side of the track, slowed, and pointed Car #63 by. Mr. Kennett

(now in third) positioned his car behind the remaining cars for the start. As the field passed Turn 12, FX #42 slowed and failed to keep pace with the left side column.

The SOM reviewed two videos and determined, “Even though his [Mr. Kennett’s] arguments are reasonable and compelling, the court couldn’t ignore the fact that he started ahead of 2 other cars.”

Mr. Kennett, in his appeal letter, argued “Car #70 was falling out of position and acting as if its (sic) car was disabled.” He further contended Car #42 in the Position 2 spot did not maintain pace with the pole car. Mr. Kennett said he intended to start at the back of the pack, and was therefore puzzled by the unexpected actions of the two cars ahead of him on the pace lap.

The COA reviewed both submitted videos and noted on the first pace lap as the three cars approached the start line, they were in single file and there was no attempt to become “well bunched”.

On the second pace lap, with Car #63 now at the back of the pack, after Turn 10, Car #70 acted as described in Mr. Kennett’s appeal letter and appeared to be disabled. GCR 6.1.1.B. (Yellow Flag/Double Yellow) states in part, “cars may carefully pass...cars that are disabled or off pace.” GCR 6.5.2.C.3. (The Pace Lap) permits passing “a car that is disabled and cannot keep the pace.”

The COA notes a driver approaching another vehicle which is slow, off line, and signaling with an arm may not know if the car is able to continue or not. This is even more of a challenge in low, open cockpit vehicles, where any signaling may be minimal due to the restrictions imposed by the driver’s safety equipment.

As Car #42 (in Position 2) moved to driver’s right to take the outside front row position, Car #63 began to line up behind the lead car. Shortly thereafter, Car #42 slowed and dropped back, while Car #63 (in Position 3) tucked in behind the lead car and maintained proper spacing until the green flag was waved.

The COA finds Mr. Kennett acted in accordance with the GCR in acquiring and maintaining his correct position for the start of the race. Mr. Kennett was not in control of nor responsible for the actions or movements of other cars in the race.

DECISION

The COA overturns the decision of the SOM in its entirety. Mr. Kennett’s original finishing position is restored along with all points and awards due. Mr. Kennett’s appeal is well founded, and his appeal fee, less the amount retained by SCCA, will be returned.