

BOARD OF DIRECTORS

On October 23, 2020, the SCCA Board of Directors approved the following statement for publication:

The SCCA Board of Directors has reviewed the procedures and records related to the 2020 Runoffs and GTL Driver Peter Zekert. In its review, the Board found that the Race Directors, Stewards of the Meet, and staff all acted appropriately, within their purview, within the rules, and within the spirit of the sport. The Court of Appeals deliberated and ruled without influence from other Boards, Committees, or parties. Furthermore, claims that decisions have been altered from their original are baseless and have become unfair attacks on the officials involved.

It should be noted that the Race Director notified Mr. Zekert in an email exchange in mid-September that a waiver would not be considered unless he made a qualifying attempt. And finally, no waivers were granted to competitors that failed to attempt a qualifying session, and there were two other competitors unable to attempt qualifying sessions that were not allowed to race.

The Club has no interest in engaging in a social media debate on this matter, particularly with those citing incorrect or incomplete information. The Board reminds all members that while discussions of rules, rulings, or other issues affecting the club are welcomed, public attacks on other members are a violation of the Member Conduct Policy and will not be tolerated. Our Club relies on the efforts of our many volunteers, and personal attacks such as those on social media sites threaten to undermine our organization and its ability to offer the events that our members want and expect.

The Club has processes in place to provide official input and any member that has input about specific rules and procedures related to the Runoffs (or any other sanctioned SCCA activity), may submit letters to www.crbscca.com.

Supporting information, facts and timeline related to 2020 Runoffs Action #37 and subsequent appeal.

- Following the 2019 Runoffs, participant survey responses and direct outreach to race organizers requested greater enforcement of the 115% rule at the Runoffs. Specifically, there were concerns that drivers starting the race with a 115% waiver have previously adversely affected the race for others that had qualified to start the race per the regulations. The most notable example of this happened in 2019, when a car that had not turned a qualifying lap was responsible for an oil-down situation during the race.
- The driver referenced in this brief did not turn a qualifying lap in the 2019 event, but started the race at the back of the pack having received a waiver from the 2019 event Race Director (formerly called the “Chief Steward”).
- The supplemental regulations for the 2020 Runoffs, originally posted July 10, state the following:
 - 5.11. Eligibility for a Race Start: Competitors must qualify within 115 percent of the fastest qualifying time in the competitor’s class in order to be eligible to start the race (“eligibility window”).

5.11.1. Competitors who qualify outside the eligibility window must have the Race Director's permission to start the race. The Race Director may waive this requirement in his sole discretion upon request. Requests for waiver must be submitted to the Race Director within 30 minutes of the posting of the race grid.

5.11.2. Competitors with a waiver shall start at the rear of the grid in order of their qualifying time.

5.11.3. Competitors with a waiver may be black-flagged if they fail to maintain a safe race pace or continue to lap outside of the eligibility window.

- On September 2, SCCA's Road Racing Director (staff position, not an event official) replied to an e-mail from the driver who noted that, due to COVID concerns, he might arrive late to the event and start at the back of his race (as he had in 2019). He asked if there were socially-distanced ways to obtain a hardship lap and request a start waiver from the event Race Director. The staff member replied to the driver as follows: *"We do not have a provision for online hardship lap requests, but am more than happy to figure something out. If you are uncomfortable meeting with the Race Director in a socially distanced manner, then I'm sure he would be happy to talk to you via phone. Additionally, if you need a hardship lap, we can arrange for either a notification to grid or drop off a card at your trailer to you. I will share your message with...the Race Director."* The driver did not respond further.
- On September 17, the driver e-mailed the Race Director (RD) about two topics, one of them indicating that he was considering not attending the event until after qualifying had concluded and starting from the back. He did not request a waiver in his e-mail.
- On September 18, the RD replied to the driver on both topics. Specific to not participating in qualifying at the event, he said: *"Good morning..., I'm pleased to see that you have entered this year's Runoffs. I also hope that you are staying healthy. Before I would consider providing you a waiver I would need to see an honest effort in qualifying session that shows the potential of a competitive lap time. While I know you have shown that ability in the past I am concerned about the now and without a qualifying time or an honest efforts to run a qualifying session I would have nothing to base my granting a wavier to you."*
- The driver went through registration on the morning of Friday, Oct. 9. He went to the RD's office, where he met with both the RD and the Assistant Race Director (ARD). The RD reiterated to the driver what he had shared in the e-mail, that he would not grant a waiver to start the event since the driver had not attempted to qualify.
- Following notification that the driver had not been granted a waiver, SCCA staff canceled his entry and refunded his entry fee.
- On Saturday, Oct. 10 at 7:39 am, the driver spoke via telephone with SCCA's Vice President and COO (staff position, not an event official). In this conversation, the driver stated that he did not protest the decision because he did not feel that he had that right. Following the call, the staff member confirmed with the RD and ARD that the decision was, in fact, protestable. Items that are not protestable are specifically noted as such in the Supplemental Regulations. The staff member shared this information with the driver via text message at 8:15 am. Upon hearing the driver's intent to protest, SCCA staff reinstated the driver's status as an event entrant.

- On Saturday, Oct. 10 at 10:45 am, the driver filed a protest against the RD, citing SCCA General Competition Rules sections 2.1.3 (fraudulent & prejudicial), 2.1.7 (unsportsmanlike manner) and the Runoffs event Supplemental Regulations COVID-19 guidelines. The Stewards of the Meet (SOM) disallowed the protest based on evidence presented through witness statements and review of the Runoffs Supplemental Regulations. Following this decision, the entry cancelation/refund was finalized.
- Following the SOM decision, the ARD (a named party in the protest) filed an appeal of the decision. In his appeal letter, the ARD stated: *"The protest was more specific to prejudice and sportsmanship, but we feel the Court needs to address the tangential reference and issue of his being disallowed an entry and start."* Following review of the evidence and testimony from the parties, the COA upheld the SOM ruling on 10/13. The final ruling was posted to Fastrack at scca.com on 10/21.