

COURT OF APPEALS

JUDGEMENT OF THE COURT OF APPEALS Jeffrey LaBounty vs. SOM COA Ref. No. 22-02-SE March 23, 2022

FACTS IN BRIEF

Following the Sunday, February 13, 2022, Group 4 Regional Race at Sebring International Raceway, Leland Miller, Chief Steward (CS), filed a Request for Action (RFA) to investigate an altercation between Jason Fichter, driver of Spec Miata (SM) #7, Jeffrey LaBounty, driver of Spec Miata T (SM-T) #4, and the crew members and/or family members of Car #7.

The Stewards of the Meeting (SOM), Herbert Gomez, Pedro Prado, and Stu Cowitt, Chairman, met to hear and rule on the RFA. The SOM determined Mr. LaBounty violated GCR 2.1.7. (Acting in an unsportsmanlike manner) and GCR 2.1.8. (Threatening or committing physical violence upon any other participant or spectator). The SOM assessed the following penalties: suspension of license privileges for six months, followed by probation of competition privileges for six race weekends, and a \$200 fine. The penalties assessed incurred six penalty points on Mr. LaBounty's competition license.

Mr. LaBounty appealed the ruling of the SOM.

DATE OF THE COURT

The SCCA Court of Appeals (COA), James Foyle, Jeffrey Niess, and Costa Dunias (Chairman) met on March 17, 2022, to review, hear, and render a decision on the appeal.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. SCCA Court of Appeals Request Confirmation, received February 22, 2022.
2. Electronic Appeal Form submitted by Jeffrey LaBounty, received March 9, 2022.
3. Official Observer's Report and related documents, received March 9, 2022.
4. Additional statement from SOM Chairman, received March 17, 2022.

FINDINGS

In his appeal, Mr. LaBounty stated the penalty was unjust. He provided no additional documentation or argument.

Since this matter was submitted to the SOM at 3:15p.m. on Sunday afternoon and there were numerous witnesses to be interviewed (along with necessary discovery of possible

additional witnesses), the SOM began the investigation at the track but continued it over the course of the following week via teleconferences with the various witnesses. The RFA described a verbal and physical altercation among the named parties. The request also included an allegation of placement of a duct tape sticker on the rear window of Car #4 hand-printed with "F*ck Jason Fichter". The COA notes the Supplementary Regulations for the event stated, "...behaviors such as [Harassing, intimidating, threatening, or bullying any participant] will be considered egregious examples of GCR 2.1.7., "Acting in an unsportsmanlike manner", and may be penalized as such."

The SOM found Mr. LaBounty in violation of GCR 2.1.7. for "Harassing, intimidating, threatening, or bullying any participant." The SOM also found Mr. LaBounty in violation of GCR 2.1.8. for bodily contact with Jason Fichter's father, Richard Fichter, which caused Mr. Fichter to fall back onto the hood of Car #7.

The role of the COA is to confirm whether evidence relied upon by the SOM supports the ruling; verify that all rules and regulations were applied appropriately, fairly, and equitably; and consider whether new evidence contradicts the SOM's decision. In Mr. LaBounty's case, there is no new evidence to contradict the decision of the SOM.

The COA finds the SOM reached a fair and reasoned decision based on the evidence available to them. The SOM considered impartial witness testimony in determining the alleged violations did occur and they applied penalties that are within their purview.

DECISION

The COA upholds the SOM decision in its entirety. Mr. LaBounty's appeal is not well founded. His entire appeal fee will be retained by SCCA.