

COURT OF APPEALS

JUDGEMENT OF THE COURT OF APPEALS Michael West vs. CSA COA Ref. No. 22-04-NP June 22, 2022

FACTS IN BRIEF

Following the Sunday, May 15, 2022, Group 6 Hoosier Super Tour race at Portland International Raceway, post-race impound included inspection of the “Flat Plate Intake Restrictors (restrictor plates)” on all Touring 4 (T4) competition vehicles. Scott Schmidt, Super Tour Series Tech Chief and Gordon Jones, Portland Super Tour Event Tech Chief, determined Oscar Jackson’s T4 Mazda RX8 #18’s restrictor plate thickness was beyond the 0.250-inch maximum thickness specification stated in General Competition Rules (GCR) Appendix F, Flat Plate Inlet Restrictor, page 129. Mr. Schmidt completed a Technical Inspection Report (TIR) and submitted it to Michael West, Super Tour Race Director, who penalized Mr. Jackson by moving him from 2nd place finishing position to last finishing position in class.

Subsequent to the event, Mr. West was notified by Rick Harris, SCCA Road Racing Technical Manager, of a conflict in the GCR affecting Mr. West’s decision to penalize Mr. Jackson. Mr. West therefore filed an appeal on behalf of Mr. Jackson.

DATES OF THE COURT

The SCCA Court of Appeals (COA) Costa Dunias, Bev Heilicher, and James Foyle (Chairman) met on June 6, 2022, to review, hear, and render a decision on the appeal.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Official Observer’s Report and Action Documents, received May 31, 2022.
2. Rick Harris E & O email letter request to the Club Racing Board, dated May 17, 2022.
3. John LaRue email reply to Rick Harris, dated May 17, 2022.
4. Rick Harris email to John LaRue, dated May 17, 2022.
5. Appeal letter from Super Tour Race Director Michael West, dated May 22, 2022.

FINDINGS

Super Tour Race Director West is appealing the decision he made based on facts not in evidence at the event. While this scenario is unusual, the COA finds per GCR 8.4.1. (Right to Appeal), “The Race Director or Chief Steward of an event has the right to appeal any decision or penalty imposed.” Further, due to new, clarifying information

received regarding the original action, it is appropriate to allow Mr. West's appeal to be heard.

On Tuesday, May 17, 2022, David Mead, car owner/builder of T4 #18, contacted Rick Harris, Road Racing Technical Manager, for a rule clarification. Mr. Mead stated he relied on the "Restrictor, Intake" definition in GCR Appendix F, Pages 134 and 135, which states a 0.060-inch minimum thickness, but no maximum thickness is noted. The "Flat Plate Intake Restrictor" definition relied upon by Mr. Schmidt specifies a maximum thickness of 0.250in.

Following a review of the two GCR rules in question, Mr. Harris concluded the two rules state conflicting dimensions for the same part. Mr. Harris contacted John LaRue, Club Racing Board Chair, and provided his findings. Mr. LaRue agreed the General Competition Rules are in conflict and will be corrected via the Errors and Omissions procedure. That process is already underway. He also advised the CSA penalty should be rescinded.

The COA acknowledges the inspections and subsequent actions taken by all parties at the Hoosier Super Tour event were authorized by the GCR and the decisions made were based on the information available to them at the time.

The COA agrees conflicting GCR definitions were found (Appendix F, page 129 and Appendix F, pages 134 and 135) as reported by David Mead and confirmed by Rick Harris and John LaRue. The COA finds the basis for the penalty against Mr. Jackson is negated due to the inconsistency in the rules available to builders and competitors.

DECISION

The COA overturns the CSA penalty in its entirety. Mr. Jackson's finishing position is restored and all prizes, awards, and points will be reinstated. Mr. West's appeal is well founded, and his entire appeal fee will be returned.