

COURT OF APPEALS

JUDGEMENT OF THE COURT OF APPEALS Zackary Barfield vs. SOM COA Ref. No. 22-05-SE July 15, 2022

FACTS IN BRIEF

Following the Spec Miata (SM) race on Saturday, June 4, 2022, on the Sebring International Short Course, Noah Harmon, driver of SM #168 filed a protest against Zackary Barfield, driver of SM #107, alleging a violation of General Competition Rules (GCR) 6.11.1.D. (Responsibilities of the overtaking and overtaken driver) for side-to-side contact on two separate corners (Turns 8 and 2, chronologically) during the race.

The Stewards of the Meeting (SOM) Phil Croyle, Pedro Prado, and Mark Russell (Chairman) met to hear and rule on the Protest. The SOM determined Mr. Barfield violated GCR 6.11.1.D. and penalized him with a "Chief Steward's probation" of two race weekends, with no points assessed against his license.

Mr. Barfield appealed the decision regarding the Turn 8 incident.

DATES OF THE COURT

The Court of Appeals (COA) James Foyle, Jack Kish, and Jeffrey Niess (Chairman) met on June 30, 2022, to review, hear, and render a decision.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Request for Appeal from Zackary Barfield, received June 13, 2022.
2. Official Observer's Report and related documents, received June 17, 2022.
3. Videos from Mr. Clemons; and Mr. Barfield, received June 17, 2022.

FINDINGS

In his appeal Mr. Barfield states GCR Appendix P. (unspecified section) was misapplied and alleges the first side-to-side contact (T8) was the responsibility of Car #168 (Mr. Harmon).

The SOM interviewed Mr. Harmon, Mr. Barfield, reviewed a witness statement, and videos. The COA reviewed the documentation provided by the SOM, including a protest summary, a witness statement, and four in-car videos (two of which were submitted to the SOM during their investigation and two from Mr. Barfield that were not viewed by the SOM because they could not be opened by the SOM during their investigation).

In reviewing the contact in T8 between Cars #107 and #168, the COA notes Car #168 was trailing Car #107 out of T7 and into T8. In the braking zone for T8, Car #168 moved left from behind Car #107 and attempted an inside pass. The nose of Car #168 was up to the A pillar of Car #107 when Car #107 turned left into T8. The cars made side-to-side contact at the apex of T8 (left side of Car #107 and the right side of Car #168, with neither car ahead of the other at the point of contact), causing Car #107 to rebound right and go four wheels off course at the exit of T8.

The second contact in Turn 2 is not disputed by Mr. Barfield; however, he alleges his car developed “a push” due to the first contact with Car #168 in T8 which “was a factor” in the second contact with Car #168. The COA notes that Mr. Barfield completed numerous right and left turns prior to this second contact with Car #168, during which he could have assessed his car’s steering and handling status.

The COA finds the SOM correctly applied GCR 6.11.1.D. (responsibilities of both the overtaking driver and overtaken driver to be aware of each other and provide racing room). There was sufficient evidence that Mr. Barfield should have been aware that Car #168 was to his left and should have provided racing room and not impeded Car #168. The COA notes citation of Appendix P. in the penalty and appeal, and reminds all parties Appendix P. contains guidelines, not rules. Guidelines are not a basis for penalties and are not appealable.

The COA notes the 2022 Road Racing Penalty Guidelines refers to “Chief Steward’s probation”, indicating a probation penalty assessed by a Chief Steward. GCR 5.12.1.A. (Powers of the SOM) does not grant the SOM authority to penalize a driver with a Chief Steward’s probation. Further, the COA recognizes a probation assigned by a Chief Steward does not incur penalty points; however, the COA affirms GCR 7.4.A. requires penalty points for penalties assessed by the SOM.

DECISION

The COA upholds the SOM decision with modifications. The COA assesses Mr. Barfield 3 penalty points against his license and upholds the SOM penalty of probation for two race weekends (GCR Section 7.4.A.7.). Mr. Barfield’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 James Goughary vs. SOM COA Ref. No. 22-06-NE July 20, 2022

FACTS IN BRIEF

Following the Sunday, June 5, 2022, Spec Racer Ford 3 (SRF3) Race 2 of the Hoosier Super Tour at Watkins Glen International, Doug Nickel, Race Director (RD), filed a Request for Action (RFA) to investigate contact at Turn 7 resulting in a change of position between SRF3 #99, driven by Caleb Shrader, and SRF3 #68, driven by James Goughary, for possible violation of General Competition Rules (GCR) 6.11.1. (On Course Driver Conduct.)

The Stewards of the Meeting (SOM) Ken Blackburn, Chris Current, Phil Kelley, and Russ Gardner (Chairman) met to hear and rule on the RFA. The SOM determined Mr. Goughary violated GCR 6.11.1.A. and B. (Rules of the Road) and penalized him with loss of two positions in class and two points against his license.

Mr. Goughary appealed the decision.

DATES OF THE COURT

The Court of Appeals (COA), Beverly Heilicher, Jack Kish, and Costa Dunias (Chairman) met on July 14, 2022, to review, hear, and render a decision.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Request for Appeal from Jim Goughary, received June 30, 2022.
2. Official Observer's Report and related documents, received June 30, 2022.
3. Video from Sandy Satullo, received June 30, 2022.
4. Letter from Race Director Doug Nickel, received July 11, 2022.

FINDINGS

In his appeal, Mr. Goughary states he was never afforded the opportunity to review any of the video from the driver, witnesses, or others and further argued GCR 6.11.1.A. simply states, "Drivers are responsible to avoid physical contact between cars on the track." He cites GCR Appendix P. (Racing Room Guidelines) and contends the car-to-car contact was the shared responsibility of both drivers. He asserts he did not violate GCR 6.11.1.A. and B., thus the penalty should be removed.

The COA reviewed the documentation provided by the SOM, including witness statements and in-car video from Mr. Satullo, a following car, submitted to the SOM.

The COA also reviewed two edited frame-by-frame segments from Mr. Satullo's video with commentary, submitted by Mr. Goughary with his appeal.

The COA finds on the last lap, upon entering the braking zone for right hand Turn 7, Mr. Goughary (Car #68) made a late move to the right of Mr. Shrader (Car #99) and pulled alongside Car #99. The momentum from the late braking move carried Car #68 past the turn in point and out towards the left edge of the track where he subsequently contacted Car #99 side-to-side, denying Car #99 racing room. The contact forced both cars to lose enough momentum that they were passed by the third-place car of Mr. Satullo (Car #07). Car #68 repassed Car #07 later in the lap, regaining first position before the finish line. Mr. Satullo finished 2nd and Mr. Shrader finished 3rd.

The COA finds Mr. Goughary is responsible for the contact. The SOM ruling was based on clear and convincing evidence. The COA reminds all that videos submitted to and reviewed by the SOM are not their property to share and may only be shared by the provider.

DECISION

The COA upholds the SOM decision in its entirety. Mr. Goughary'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 George F. Badger, III vs. SOM COA Ref. No. 22-07-GL July 28, 2022

FACTS IN BRIEF

Following the Group 3 race on Sunday, June 12, 2022, at the Great Lakes Race of Champions held at Mid-Ohio Sports Car Course, Michael Helm, driver of GT-Lite (GTL) #11 filed a protest against George Badger, III, driver of B-Spec #00, alleging a violation of General Competition Rules (GCR) 6.11.1.A., B., C., and D. (On Course Driver Conduct) for contact at the keyhole (Turn 2).

The Stewards of the Meeting (SOM) Maurice LaFond, Donna McDonaugh, Ken Paton, Tom VanCamp, and Duane Harrington (Chairman) met to hear and rule on the Protest. The SOM determined Mr. Badger violated GCR 6.1.11.1.A., B., C., and D. and penalized him with a reprimand with one point assessed against his license.

Mr. Badger appealed the decision.

DATES OF THE COURT

The Court of Appeals (COA) Jack Kish, Jeffrey Niess, and Bev Heilicher (Chairman) met on July 14, 2022, to review, hear and render a decision.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Request to Appeal from George Badger, submitted June 21, 2022.
2. Official Observer's Report and related documents, received July 7, 2022.
3. Videos from Mr. Helm and Mr. Badger, received July 7, 2022.

FINDINGS

In his appeal, Mr. Badger referenced GCR 6.11.1.D. "The overtaking driver is responsible for the decision to pass another car and to accomplish it safely. The overtaken driver is responsible to be aware that he is being passed and not to impede or block the overtaking car." He also referred to Appendix P. Item #2 and Figure #1 saying, "The overtaking car (the car attempting a pass) must get into the peripheral vision (up to the A-pillar) of the lead car (the car being passed) in the brake zone before the lead car turns for the corner."

The COA reviewed the documentation provided by the SOM, witness statements, and Mr. Helm's in-car video. Additionally, Mr. Badger presented his in-car video that was not able to be viewed by the SOM. The COA reviewed it as new evidence.

In reviewing the contact between Mr. Helm (Car #11) and Mr. Badger (Car #00) in both in-car videos, the COA determined Mr. Badger knew faster cars were coming, held his line, and provided Mr. Helm ample racing room. The COA also notes Mr. Helm altered his racing line from previous laps and his car understeered when trying to complete his pass, leading to the contact with Car #00.

The COA finds the videos and witness statements do not support the SOM's decision and Mr. Badger is not in violation of GCR 6.11.1.A., B., C., and D.

DECISION

The COA overturns the SOM's decision in its entirety. The reprimand and the one point assessed will be removed from Mr. Badger's competition license. His appeal is well founded and his appeal fee, less the administrative portion retained by the SCCA, will be returned.