

## COURT OF APPEALS

### JUDGEMENT OF THE COURT OF APPEALS Laurin Brallier vs. ACS COA Ref. No. 22-08-SE August 31, 2022

#### FACTS IN BRIEF

Following the Saturday, July 2, 2022, Group 1 Southeast Majors race at Roebling Road Raceway, Assistant Chief Steward (ACS) Mark Rothermel filed a Chief Steward's Action (CSA) citing Laurin Brallier, driver of Formula Vee (FV) #76, for passing Formula 500 (F5) #3 driven by Carl Maier, while yellow flag(s) were displayed, in violation of General Competition Rules (GCR) 6.1.1.B. (No passing when yellow flag(s) is/are displayed). ACS Rothermel penalized Ms. Brallier with a loss of 3 finishing positions in class.

Ms. Brallier appealed the action of the ACS.

#### DATES OF THE COURT

The Court of Appeals (COA) Costa Dunias, James Foyle, and Jack Kish (Chairman) met on July 21, 2022, to review, hear and render a decision.

#### DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Request to Appeal from Laurin Brallier, submitted July 12, 2022.
2. Notification of Appeal, received July 25, 2022.
3. Official Observer's Report and related documents, received July 25, 2022.
4. Videos from Mr. Maier and Stevan Davis, received July 25, 2022.

#### FINDINGS

Ms. Brallier reportedly submitted a Protest of the CSA which was presented to the Stewards of the Meet (SOM). However, before it was heard, the protest was withdrawn. Subsequently Ms. Brallier filed an appeal of the CSA.

GCR 8.4.1. (Right to Appeal), states "... right to appeal a decision or penalty imposed by the SOM or Review Committee." The COA finds there is no provision in the GCR for an appeal to be filed by a named party against a CSA and returns the appeal unheard.

#### DECISION

The COA respectfully declines to hear the appeal. Ms. Brallier's appeal fee will be returned in its entirety.

## **COURT OF APPEALS**

### **JUDGEMENT OF THE COURT OF APPEALS George DeLong vs. CSA COA Ref. No. 22-09-SE August 26, 2022**

#### **FACTS IN BRIEF**

Following the Saturday, July 2, 2022, Group 1 Southeast Majors race at Roebling Road Raceway, Assistant Chief Steward (ACS) Mark Rothermel filed a Chief Steward's Action (CSA) citing Laurin Brallier, driver of Formula Vee (FV) #76, for passing Formula 500 (F5) #3, driven by Carl Maier, while yellow flag(s) were displayed, in violation of General Competition Rules (GCR) 6.1.1.B. (No passing when yellow flag(s) is/are displayed). ACS Rothermel penalized Ms. Brallier with a loss of 3 finishing positions in class.

Subsequent to the event, Mr. George DeLong, Race Director (RD) for the event was sent a Notification of Appeal filed by Ms. Brallier. This was Mr. DeLong's first awareness of the CSA penalizing Ms. Brallier.

Mr. DeLong filed an appeal on the penalty imposed upon Ms. Brallier.

#### **DATES OF THE COURT**

The Court of Appeals (COA) Costa Dunias, James Foyle, and Jack Kish (Chairman) met on August 18, 2022, to review, hear and render a decision.

#### **DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED**

1. Notification of Ms. Brallier's Appeal, received July 25, 2022.
2. Request to Appeal from George DeLong, submitted July 29, 2022.
3. Notification of Appeal, received August 10, 2022.
4. Stewards Letter for the event and detailed explanation from Mr. DeLong, received July 29, 2022.
5. Official Observer's Report and related documents and video, received July 25, 2022.

#### **FINDINGS**

In his appeal, Race Director DeLong asserts there were process errors at the event, including by-passing authorities granted only to the Race Director and denial of due process to the competitor, Ms. Brallier. Mr. DeLong's appeal included a written Stewards Letter provided to his Assistant Chiefs prior to the event in which he stated, "If you are considering issuing a CSA/RFA, I would like to review the proposed penalty or action with you before we meet with the Driver." Mr. DeLong states he was not informed

of the action taken at any time during the event. He is therefore appealing the penalty imposed upon Ms. Brallier.

The COA notes GCR 5.1.2.B. states, "At U.S. Majors Tour events... the Race Director has final authority over the event." GCR 5.12.2. (Race Director) indicates the Race Director has all the responsibilities and duties of the Chief Steward. Those responsibilities, per GCR 5.12.3. (Chief Steward), include the authority to "delegate any of these powers and duties to Assistant Chiefs", if desired.

The COA finds Mr. DeLong, as Race Director, was afforded all responsibilities and duties of the Chief Steward of the event. He did not explicitly delegate the power under GCR 5.12.3.C.10. to "Impose time, lap, event points, or position penalty" to the Assistant Chief Stewards but in fact, cautioned them to speak to him before meeting with a competitor. His Stewards Letter indicates he intended they meet with the driver together.

The COA rules ACS Rothermel did not possess the authority to impose the penalty of loss of 3 finishing positions in class. The Chief Stewards Action is invalid and is rescinded. Ms. Brallier's original finishing position is restored. Mr. DeLong's appeal is timely, based on when he was first notified of the penalty imposed.

## **DECISION**

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