

COURT OF APPEALS

JUDGEMENT OF THE COURT OF APPEALS Joseph Kou vs. ACS COA Ref. No. 22-10-NP September 30, 2022

FACTS IN BRIEF

Following the Sunday, September 4, 2022, Group 6 regional race at Sonoma Raceway, Assistant Chief Steward (ACS) Bill Blake met with Joseph Kou, driver of Spec Racer Ford 3 (SRF3) #44 and John Sollner, driver of SRF3 #18, during post-race impound to investigate contact between Car #44 and Car #18 resulting in neither car finishing the race. After interviews and reviewing in-car video from the Group 6 race, Mr. Blake informed both drivers the contact was a “racing incident” and no further action occurred.

Mr. Kou filed an appeal seeking to reopen the investigation.

DATES OF THE COURT

The Court of Appeals (COA) Costa Dunias, Bev Heilicher, and Jeffrey Niess (Chairman) met on September 15, 2022, to review, hear, and render a decision.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Request to Appeal from Joseph Kou, submitted September 7, 2022.
2. Notification of Appeal, received September 14, 2022.
3. Official Observer's Report, in-car videos and related documents, received September 14, 2022.
4. Email from Jim Rogaski, received on September 14, 2022
5. Email from Mike Hayworth, received on September 14, 2022.

FINDINGS

Mr. Kou felt the investigation of the incident should have resulted in further action. The Court finds no Chief Stewards Action (CSA), Request For Action (RFA), or Protest filed by any party in this matter.

GCR 8.4.1. (Right to Appeal), describes the “... 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 an Assistant Chief Steward's investigation and returns the appeal unheard.

Competitors are reminded that the protest procedure is in place for situations such as this. At any time during the investigation Mr. Kou could have initiated a protest (GCR 8.1.5. - Protests) to protect his interest in the result. The COA is unable to determine if

the opportunity to protest was explained to him, however, it is not required as all SCCA licensees affirm they are familiar with the GCR and its contents (GCR 4.2.A. Submitting to the GCR).

DECISION

The COA respectfully declines to hear the appeal and Mr. Kou's appeal fee will be returned in its entirety.