

SCCA Runoffs

JUDGEMENT OF THE COURT OF APPEALS CSOM Reference Number 47 Joseph Colasacco vs. SOM COA Ref. No. 22-01-RO September 28, 2022

FACTS IN BRIEF

Following the Monday, September 26, 2022, Test Day session for Group 4 (a combined grouping of Formula F (FF) and Formula Vee (FV)) at the SCCA Runoffs held at Virginia International Raceway, Race Director Ken Patterson filed a Request for Action (RFA) seeking investigation of car-to-car contact between Joseph Colasacco (FF #5) and Roger Siebenaler (FV #72) at turn 10 with possible violations of General Competition Rules (GCR) 6.11.1.A.B.C.D. (Rules of the Road).

The Stewards of the Meeting (SOM) Michael Beaumia, Kathleen M. Bradley, and James W. Rogerson, Chairman, met, heard witnesses, reviewed evidence and videos, and determined both drivers shared responsibility for the contact and penalized both drivers with a reprimand and assessed one penalty point against each driver's competition license. Mr. Colasacco appealed the SOM ruling.

DATES OF THE COURT

The Court of Appeals (COA), Jack Kish, Laurie Sheppard, and Bev Heilicher, Chairman, met on September 28, 2022, to review, hear testimony, and render a decision on the appeal.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. SOM Hearing, Decision, and related videos, received September 27, 2022.
2. Appeal letter from Joseph Colasacco, received September 27, 2022.
3. Witness statement from Nolan Allaer, received September 28, 2022.

FINDINGS

The COA reviewed video evidence from both FF #5 and FV #72 and interviewed Mr. Colasacco. Video from Mr. Siebenaler's car showed several times he pointed for a following FF competitor to pass as he held his line from turn 6 through turn 10. Mr. Siebenaler ultimately moved off-line to the right, pointed to the left, and the following FF made the pass. Through these turns, Mr. Colasacco was behind the FF following Mr. Siebenaler. Mr. Colasacco stated in his interview he expected both he and the other FF would pass to the right of the FV at Turn 10, since the FV's normal line would be at the left side of the track. He did not anticipate the FV moving to the right. Mr. Colasacco's car can be seen in the right side mirror of FV #72 as the other FF is beginning his pass. As the first FF completed his pass to the left of the FV, Mr. Colasacco moved from driver's right on the pavement to driver's left, initiating his pass of Mr. Siebenaler. Mr. Siebenaler moved drivers left, returning to the racing line – however, he did not see Mr. Colasacco had initiated his pass until their cars made contact.

The COA finds Mr. Colasacco shared responsibility for the contact in violation of 6.11.1.A. (Avoid Contact.) The penalty assessed by the SOM was within the authorities granted in GCR 7.2. and will not be modified.

DECISION

The COA upholds the decision of the SOM in its entirety. Mr. Colasacco's appeal is well-founded and his appeal fee, less the administrative portion retained by the SCCA, will be returned.

SCCA Runoffs

JUDGEMENT OF THE COURT OF APPEALS

CSOM Reference Number 112

Peter Ensor vs. SOM COA Ref. No. 22-02-RO

October 2, 2022

FACTS IN BRIEF

At the finish of the Spec Miata (SM) race at the SCCA Runoffs held at Virginia International Raceway on October 1, 2022, Car #86, driven by Axel Cabrera, reached the control line alongside Car #149, driven by Peter Ensor. Mr. Cabrera was declared the third-place finisher and Mr. Ensor was scored in fourth place. Mr. Ensor protested the results of the race, asserting he had passed Mr. Cabrera at the line.

The Stewards of the Meeting (SOM), Chris Current, Gloria Larson, Dan Wise, and Jim Graffy, Chairman, met heard witnesses, reviewed evidence, and disallowed Mr. Ensor's protest, leaving the results as published. Mr. Ensor appealed the SOM ruling.

DATES OF THE COURT

The Court of Appeals (COA), James Foyle, Bev Heilicher, and Costa Dunias, Chairman, met on October 2, 2022, to review, hear testimony, and render a decision on the appeal.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. SOM Hearing, Decision, and related documents, received October 2, 2022.
2. Statements to the COA by Joe Ensor, entrant for Car #149, on Peter Ensor's behalf.
3. In car video from Car #146, received October 2, 2022.
4. Race operations video of the area upstream of the Start/Finish tower, received October 2, 2022.
5. Still shots extracted from the Start /Finish (S/F) Video, received October 2, 2022.
6. Observed location of the S/F Camera angle and the angle of view from witnesses' location on the S/F stand on October 2, 2022.

FINDINGS

In his appeal, Mr. Ensor stated he felt the finishing position was judged incorrectly. He said he initially was not allowed to see the defining piece of evidence for the SOM's decision, namely video from the camera focused on the finish line. He was subsequently allowed to see the evidence; it was SCCA property and SCCA granted permission. As he was unable to delay his travel, Mr. Ensor allowed Joe Ensor, Car #149's entrant, to speak for him during the appeal.

To support the appeal and as new evidence, Joe Ensor initiated a discussion of the effect of parallax error – defined by Merriam-Webster as “the apparent displacement...of an object as seen from two different points not on a straight line with the object” – in the determination of the race finish. The object in question was the Finish Line in regard to the viewing angles of the Start/Finish camera and the start

stand. The location of the transponders in each car as investigated by the SOM was also discussed.

The COA examined the location and output of all available cameras. One of two witnesses on the start stand for the race was interviewed by the COA, as well as the Chief of Timing and Scoring. The COA also examined video captured by the camera mounted at the Finish Line frame by frame as the cars approached the painted line. Still photos of pertinent frames were secured. The COA also viewed the Finish Line from the position of each witness reporting on the order of crossing.

It is apparent from multiple videos the two cars approached the Finish Line side-by-side with Car #149 gaining on Car #86. The COA could not rule out the effect of parallax on the determination of which car reached the line first based on visual and photographic evidence, nor could the COA determine definitively which car's leading edge reached the margin of the painted Finish line first.

The COA declares the race for third position to be a dead heat. Per General Competition Rules (GCR) 6.10.4.E. "Competitors in a dead heat share the prizes allotted to their finishing positions." Mr. Cabrera and Mr. Ensor will share equally in all prizes allotted to their third-place finishing positions.

DECISION

The COA overturns the SOM decision and amends the results of the competition. Mr. Ensor's appeal is well-founded and his appeal fee, less the administrative portion retained by the SCCA, will be returned.

SCCA Runoffs

JUDGEMENT OF THE COURT OF APPEALS

CSC Reference No. 132 & 134

Daniel Bender vs. SOM COA Ref. No. 22-03-RO

October 2, 2022

FACTS IN BRIEF

Following the Grand Touring 2 (GT2) race at the SCCA Runoffs held at Virginia International Raceway on October 2, 2022, Andrew Aquilante, driver of Car #33, filed a protest against Daniel Bender, driver of Car #36, for alleged violations of General Competition Rules (GCR) 6.11.1.A., B., C., and D. (Contact, Racing Room, and Responsibilities of the overtaking and overtaken driver) for side-to-side contact resulting in a change of position. Also, Race Director Kenneth Patterson submitted a Request for Action (RFA) seeking investigation of contact between #36 and #33 in Turn 14 with possible violations of GCR 6.11.1.A.B.C.D. (Rules of the Road).

The Stewards of the Meeting (SOM) Paul Gauzens, Duane Harrington, and Robert L. Albert (Chairman) met to hear the protest and investigate the RFA in a combined hearing. The SOM determined Mr. Bender violated GCR 6.11.1.A., B., and D. (Avoid physical contact, Right to racing room, and Unsafe Pass). They penalized Mr. Bender with a loss of two finishing positions overall, probation for 3 race weekends, and assessed three points against his competition license.

DATES OF THE COURT

The Court of Appeals (COA) Costa Dunias, James Foyle, and Jack Kish, Chairman, met on October 2, 2022, to review, hear testimony, and render a decision.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. SOM Hearing, Decision, and related documents for Actions No. 132 and 134, received October 2, 2022.
2. Interviews with Mr. Aquilante and Mr. Bender, conducted October 2, 2022.
3. In car videos from Car #33 and Car #36, received October 2, 2022.
4. Broadcast videos, viewed October 2, 2022.

FINDINGS

In his appeal, Mr. Bender stated his contact with Mr. Aquilante was due to a violation of racing room by Mr. Aquilante. However, the video from Car #36's camera showed Mr. Bender initiated a pass with his car's right wheels on the apex curb of Turn 14 before there was overlap of the two cars and after Mr. Aquilante had begun turning to the apex. Mr. Bender continued his passing attempt as Mr. Aquilante's car moved right and Mr. Bender's left front fender made contact with Mr. Aquilante's right rear wheel, as corroborated in Mr. Aquilante's in-car video. Mr. Bender continued to attempt the pass, hitting Mr. Aquilante's passenger door, and finishing with side-to-side contact at the A-pillar, causing Mr. Aquilante to lose position.

The COA finds Mr. Bender is responsible for the incident by violating GCR 6.11.1.D. (Passing responsibilities) which states, "The overtaking driver is responsible for the decision to pass another car and to accomplish it safely." By initiating his pass while the

gap was closing between Mr. Aquilante's car and the apex curbing, Mr. Bender was also responsible for the contact, in violation of 6.11.1.A. (Avoid Contact.) Mr. Aquilante was denied the right to racing room in violation of GCR 6.11.1.B. The penalty assessed by the SOM was within the authorities granted in GCR 7.2. and will not be modified.

DECISION

The COA upholds the SOM decision in its entirety. Mr. Bender's appeal is well-founded and his appeal fee, less the administrative portion retained by the SCCA, will be returned.

SCCA Runoffs

JUDGEMENT OF THE COURT OF APPEALS CSOM Reference Number 147 Nolan Allaer vs. SOM COA Ref. No. 22-04-RO October 2, 2022

FACTS IN BRIEF

Following the Formula Continental (FC) race at the SCCA Runoffs held at Virginia International Raceway on October 2, 2022, Nolan Allaer, FC #11, was found to have left the grid and entered the race on tires that had not been declared, marked, and logged by tech in advance, as required by General Competition Rules (GCR) 9.1.1.B.10.h. (FC/FF Category Specifications – Wheels and Tires). Race Director Ken Patterson filed a Chief Stewards Action (CSA) moving Mr. Allaer to the last finishing position in the class and assessing one penalty point on his competition license as required by GCR 7.4.B. (Penalty Points). Mr. Allaer protested the CSA.

The Stewards of the Meeting (SOM), Michael Beaumia, Kathleen M. Bradley, and James W. Rogerson, Chairman, met, heard witnesses, reviewed evidence, and ruled Mr. Allaer was in violation of 9.1.1.B.10.h. and disallowed the protest. Mr. Allaer appealed the SOM ruling.

DATES OF THE COURT

The Court of Appeals (COA), Costa Dunias, Jack Kish, and Laurie Sheppard, Chairman, met on October 2, 2022, to review, hear testimony, and render a decision on the appeal.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Appeal Letter from Nolan Allaer, received October 2, 2022.
2. SOM Hearing, Decision, and Related Documents and Photos, received October 2, 2022.
3. Telephone consultation with David Arken, Club Racing Board member, on October 2, 2022.
4. Email from David Arken, received on October 2, 2022.
5. September 2022 Updated General Competition Rules.

FINDINGS

As a cost containment strategy, the 2022 GCR in 9.1.1.B.10.h. limits the number of tires available to competitors during various types of events. Eight (8) dry tires and eight (8) wet tires are permitted for use at the Runoffs. The GCR specifies, "It is the competitor's responsibility to ensure that the tires are declared, marked, and logged by Tech in advance of the tire(s) being used in a qualifying session or race." GCR 9.1.1.B.10.h.1. states: "Use of an undeclared tire shall automatically result in all times being disallowed in that session or finishing position in that race."

Mr. Allaer acknowledged the tires had not been marked by tech when filing his protest but argued the Sunday race was the only wet session, so the number of tires used could not have exceeded the maximum allowed. In his appeal, Mr. Allaer cited GCR 1.2.3.D.1. which states, "The intent of a specific rule will override a participant's

interpretation of a rule.” He argued the intent of the rule is to ensure no more than 8 dry or 8 wet tires are used.

GCR 1.2.3.D.1. states, “The intent of a rule will be determined by the CRB.” The COA contacted Club Racing Board (CRB) member David Arken for additional information. Mr. Arken confirmed by email “The CRB did not intend for rule number 9.1.1.B.10.h. to be enforced for the FC race because all sessions prior were dry sessions. The intent of the primary rule was to control the number of tries [sic] used.”

The COA finds the CRB has the authority to determine the intent of a rule and thereby control its enforcement on a case-by-case basis per GCR 1.2.3.D.1. The COA rules the position penalty and associated penalty point be removed and Mr. Allaer’s finishing position be restored.

The COA is also cognizant that Mr. Allaer’s teammate, Robert Allaer was similarly found to have unmarked tires and was penalized with a loss of finishing position and assigned a penalty point. Robert Allaer did not appeal his penalty. However, SCCA Stewards believe rules must be applied fairly and equally for all competitors. Therefore, the COA rules the penalties against Robert Allaer are also removed and his finishing position is restored. All other competitors examined had properly marked tires.

DECISION

The COA overturns the SOM ruling in its entirety. Mr. Allaer’s finishing position is restored. His appeal is well founded and his appeal fee, less the administrative portion retained by SCCA, will be returned.