

## COURT OF APPEALS

**JUDGEMENT OF THE COURT OF APPEALS**  
**CSC Reference No. 37**  
**Charles Mactutus vs. SOM COA Ref. 23-01-RO**  
**September 30, 2023**

### FACTS IN BRIEF

Following the Spec Miata (SM) race at the SCCA Runoffs held at Virginia International Raceway on Friday, September 29, 2023, Race Director Steve Pence filed a Request for Action (RFA) to investigate car-to-car contact between SM #66, driven by Charles Mactutus, and SM #97, driven by Brian Henderson.

The Stewards of the Meeting (SOM) Kurt Breitingner, Gloria Larson, James Wakeman, Jr., and Matias Bonnier, Chairman, interviewed witnesses, reviewed video, and determined both Mr. Mactutus and Mr. Henderson violated General Competition Rules (GCR) 6.11.1.A. (Avoid Contact). The SOM imposed a penalty of Reprimand on both Mr. Mactutus and Mr. Henderson and assessed one penalty point on each driver's competition license.

Mr. Mactutus appealed the SOM decision.

### DATES OF THE COURT

The Court of Appeals (COA) Costa Dunias, Bev Heilicher, and Laurie Sheppard (Chairman) met on September 30, 2023, to review, hear and render a decision.

### DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Request to Appeal from Mr. Mactutus, submitted September 30, 2023.
2. CSC file Reference #37, as of September 30, 2023.
3. In-car videos from Cars #39, #67, and #97, received September 30, 2023.
4. In-person testimony from Mr. Mactutus and members of the SOM Court on September 30, 2023.

### FINDINGS

In his appeal, Mr. Mactutus stated an equal penalty on both drivers was unfair because Mr. Henderson bore the primary responsibility for the contact. The SOM concluded there was a shared responsibility to avoid contact and judged both drivers equally at fault.

The COA viewed forward facing video from both SM #66 and SM #97, as well as forward facing video from SM #39, driven by Danny Steyn. On the lap in which the

contact occurred, Mr. Mactutus led Cars #97 and #39 out of Oak Tree turn. Mr. Henderson (Car #97) drew alongside Mr. Mactutus on the long straight heading toward the Roller Coaster and by the “5” marker, had gained an advantage on Car #66. Car #39 bumped the rear of Car #66 resulting in #66 and #97 reaching the entrance to the Roller Coaster side-by-side, with Mr. Henderson to the right of Mr. Mactutus. Video from trailing Car #39 shows Mr. Henderson locked his brakes in an attempt to slow sufficiently to execute the tight right-hand turn, but his vehicle’s trajectory carried him into the path of Car #66. Mr. Mactutus was unable to avoid the contact, as he had already turned in to the corner, while leaving only a full car width for Mr. Henderson. The contact caused Mr. Mactutus to leave the racing surface. Mr. Henderson continued.

The COA finds Mr. Mactutus entered the turn alongside Mr. Henderson. Mr. Mactutus left adequate racing room at the apex of Turn 14, but Mr. Henderson was unable to slow sufficiently to maintain his chosen line. Mr. Henderson’s car moved left and contacted Mr. Mactutus’ car. Mr. Mactutus was not equally responsible for the contact.

## **DECISION**

The COA overturns the SOM decision against Mr. Mactutus. The penalty of Reprimand and associated penalty point are removed. Mr. Mactutus’ 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**  
**CSC Reference No. 44**  
**Jim Devenport vs. SOM COA Ref. 23-02-RO**  
**October 1, 2023**

### FACTS IN BRIEF

Following the Prototype 1 (P1) race at the SCCA Runoffs held at Virginia International Raceway on Friday, September 29, 2023, Race Director Steve Pence submitted a Chief Steward's Action (CSA) against Jim Devenport describing side-to-side contact between P1 #23, driven by Mr. Devenport, and P1 #19, driven by Todd Vanacore, on the first lap of the race approaching Turn 14. Car #23 continued immediately, and Car #19 spun and continued after losing several positions. Mr. Pence cited General Competition Rules (GCR) 6.11.1.A. (Avoid contact) and D. (Responsibility when initiating a pass) and issued a penalty of Loss of one Position and one penalty point against Mr. Devenport's competition license. Mr. Devenport protested the CSA.

The Stewards of the Meeting, Bob Crawford, Chris Current, Brad Davis, and James Rogerson, Chairman, interviewed witnesses, reviewed videos, and determined Mr. Devenport violated GCR 6.11.1.A. and D. (On Course Driver Conduct). The protest was disallowed, sustaining the CSA penalty.

Mr. Devenport appealed the SOM decision.

### DATES OF THE COURT

The Court of Appeals (COA) Costa Dunias, Laurie Sheppard, and Bev Heilicher, Chairman, met on October 1, 2023, to review, hear, and render a decision on the appeal.

### DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Request to Appeal from Mr. Devenport, received September 30, 2023.
2. Email statement from Mr. Devenport, received September 30, 2023.
3. Competitor Service Center (CSC) file Reference #44, as of October 1, 2023.
4. In-car video from Car #23 and tape of SCCA Live-streaming broadcast, received October 1, 2023.

### FINDINGS

Mr. Devenport based his appeal on GCR 6.11.1.B. (Each competitor has a right to racing room), C. (Drivers must respect the right of other competitors to racing room), D. (The overtaking driver is responsible for the decision to pass another car and to

accomplish it safely), and Appendix P. (Racing Room & Passing Guidelines) and stated officials “should only consider the CRB ‘intent’ of the rule when the rules are unclear”.

Mr. Devenport stated upon exiting Oak Tree corner (Turn 12), the leader, Mr. Vanacore in Car #19, moved to the right, then moved to the middle of the track, which Mr. Devenport asserted was a “safe protective defensive move”. Mr. Devenport contended this defensive move by Car #19 was clear evidence Mr. Vanacore knew Mr. Devenport was attempting to pass. He further stated his car was visible in Mr. Vanacore’s mirror. Mr. Devenport alleged Car #19 began moving to the left before the turn in to Turn 14, denying Car #23 racing room. Mr. Devenport asserted he was nearly full track left and established an overlap in excess of half-way alongside Car #19 prior to Mr. Vanacore beginning to move left.

The COA reviewed the incident in both the SCCA live-streamed video and Mr. Devenport’s front-facing video. Both videos showed Car #23 following directly behind Car #19 from the exit of Turn 12. However, neither showed significant overlap by Car #23 prior to the contact. Mr. Devenport’s video showed Car #19 on the right side of the track after exiting Turn 12 and approaching Turn 14 via the typical racing line. Car #23 was slightly behind and to the left of Car #19. After Mr. Vanacore began to move left toward the apex of the left-hand kink immediately prior to Turn 14, Mr. Devenport attempted to move alongside to pass. Car #23 was not far enough alongside to be visible to Mr. Vanacore before contact occurred. The COA concludes Car #23 was attempting to pass Car #19 on the left, but Mr. Devenport had not presented himself in time to earn the right to racing room.

The COA finds the SOM properly heard the protest and reached a logical conclusion based upon the evidence and testimony presented to them. The COA does not find sufficient evidence to overturn the decision of the SOM. The COA notes Mr. Devenport’s citation of Appendix P. in his appeal and reminds all parties Appendix P. contains guidelines, not rules. Guidelines are not a basis for penalties and are not appealable.

## **DECISION**

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

## COURT OF APPEALS

### JUDGEMENT OF THE COURT OF APPEALS CSC Reference No. 66 Nico Bratz vs. SOM COA Ref. 23-03-RO October 1, 2023

#### FACTS IN BRIEF

Following the Spec MX5 (SMX) race at the SCCA Runoffs held at Virginia International Raceway on Sunday, October 1, 2023, Nico Bratz, driver of SMX #77, protested Don Squirek, driver of SMX #75, alleging two separate violations of General Competition Rules (GCR) 6.11.1.A. (Avoid contact) and B. (Allow racing room) at Turn 14 and Turn 1.

The Stewards of the Meeting (SOM), Brad Davis, James Rogerson, and Chris Current, Chairman, interviewed witnesses, reviewed video, and concluded the wrong driver was protested at Turn 1 and determined no violation of GCR 6.11.1.A. and B. by the protestee. The SOM found the protest was inaccurate and disallowed the protest.

Mr. Bratz appealed the SOM decision.

#### DATES OF THE COURT

The Court of Appeals (COA) Bev Heilicher, Laurie Sheppard, and Costa Dunias (Chairman) met on October 1, 2023, to review, hear and render a decision.

#### DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Request to Appeal from Mr. Bratz, submitted October 1, 2023.
2. CSC file Reference #66, as of October 1, 2023.
3. In-car videos from Cars #77, #75, #9, and #54, received October 1, 2023.
4. SCCA's Live-streaming Video, captured October 1, 2023.
5. In-person testimony from Mr. Bratz and his father. The COA was unable to interview members of the SOM Court on October 1, 2023, as they had departed before the appeal hearing.

#### FINDINGS

Mr. Bratz based his appeal on GCR 6.11.1.A., stating video evidence supported the protest. In his testimony he stated Car #75 (Don Squirek) hit him in Turn 14 on lap 7 and later hit him in Turn 1 on lap 9, which caused him to be unable to continue.

The COA viewed forward facing video from Mr. Bratz's car, as well as portions of the live stream video of the race. The COA also viewed videos from Cars #75, #9 (Reid Sweeny), and #54 (Chase Jones).

The videos from the cars following #77 and #75 showed each contact from various angles and in each situation, after Mr. Bratz began his turn in, Car #75 began a pass. Contact may not have occurred had Car #54 not also initiated a pass as well.

The COA confirmed the incident at turn 14 on Lap 7 was side-to-side contact and there was no change in position. The incident at right-hand Turn 1 on Lap 9 was much more egregious. Car #77 appeared to be going wide as it set up for the turn while Car #75 aggressively moved to his inside. Car #75 did not get fully alongside before Car #77 turned toward the apex. While Cars #77 and #75 were in this exchange, Car #54 approached the corner carrying too much speed and dove to the inside of Car #75. Car #54 exceeded the track limits, hit the end of the curbing, and caromed into Car #75 causing #75 to strike Car #77 which spun #77 off the track. Car #77 was unable to continue, and the others proceeded. Car #54 was not mentioned in the protest or appeal.

The COA finds the SOM considered the testimony and video evidence and were unable to reach a satisfactory conclusion due to the contributing contact by Car #54. The Protest was disallowed. Per GCR 8.4.5.C. "At no time shall the Court of Appeals act as...SOM..." Therefore, the COA is unable to affect the resolution of the Protest.

## **DECISION**

The COA upholds the decision of the SOM. Mr. Bratz's appeal is well founded, and his entire appeal fee will be returned.

## COURT OF APPEALS

**JUDGEMENT OF THE COURT OF APPEALS**  
**CSC Reference No. 67**  
**Noah Harmon vs. SOM COA Ref. 23-04-RO**  
**October 1, 2023**

### FACTS IN BRIEF

Following the Spec MX5 (SMX) race at the SCCA Runoffs held at Virginia International Raceway on Sunday, October 1, 2023, Nathan Nicholson, driver of SMX #95, protested Noah Harmon, driver of SMX #115, alleging violations of General Competition Rules 6.11.1.A. (Avoid contact), B. (Allow racing room), and D. (Responsibilities during passing).

The Stewards of the Meeting (SOM), Kevin Coulter, Dave Deborde, Russ Gardner, and Kurt Breitingner, Chairman, interviewed witnesses, reviewed video, and determined Mr. Harmon violated GCR 6.11.1.A., B., and D. The SOM imposed a penalty of Loss of two Positions against Mr. Harmon and assessed two penalty points on his competition license.

Mr. Harmon appealed the SOM decision.

### DATES OF THE COURT

The Court of Appeals (COA) Bev Heilicher, Laurie Sheppard, and Costa Dunias (Chairman) met on October 1, 2023, to review, hear and render a decision.

### DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Request to Appeal from Mr. Harmon, submitted October 1, 2023.
2. CSC file Reference #67, as of October 1, 2023.
3. In-car video from Car #115 and tape of the live broadcast, received October 1, 2023.
4. In-person testimony from Mr. Harmon and his entrant on October 1, 2023.

### FINDINGS

Mr. Harmon based his appeal on GCR Appendix P., stating he and Car #95 had been racing since Turn 3. Mr. Harmon argued there was overlap between the cars on the straight and Mr. Nicholson should have known he was there.

The COA viewed forward facing video from Mr. Harmon's car, as well as portions of the live stream video of the last lap of the race. Mr. Harmon's crew also removed SMX #115



from their trailer so the COA could inspect the position of tire marks on the side of the car.

The live streaming video showed Car #115 following directly behind Car #95 through Turn 5. At that point, Mr. Harmon was visible in Mr. Nicholson's mirrors. On the exit, Car #95 tracked slightly left to set up for Turn 6. Car #115 moved slightly right and was no longer visible to Mr. Nicholson. As Car #95 angled toward the apex of right-hand Turn 6, Car #115 moved up along Mr. Nicholson's right side. Mr. Harmon's in-car video shows the front bumper of Car #115 did not go past the right-side mirror of Car #95. Side to side contact occurred as Car #95 continued moving toward the apex ahead. The contact caused Car #95 to rotate clockwise and slide off the track. Tire marks on Car #95 following the contact are just ahead of the right rear wheel. Car #115 has tire residue from the contact on the left front fender ahead of the wheel and a "half donut" behind the left front wheel.

The COA finds the SOM properly heard the protest and reached a logical conclusion based on the evidence and testimony presented to them. The COA does not find sufficient evidence to overturn the decision of the SOM.

## **DECISION**

The COA upholds the decision of the SOM in its entirety. Mr. Harmon'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 Peter G. West, Jr. vs. SOM COA Ref. No. 23-14-NP October 20, 2023

#### FACTS IN BRIEF

Following San Francisco Region's Regional Race #13 for Formula Continental (FC) on Saturday, September 2, 2023, at Sonoma Raceway, Peter G. West, Jr., driver of FC #21, filed a protest against four competitors alleging all passed him under a yellow flag during a full course caution.

The Stewards of the Meeting (SOM) Paul Helberg and Mike Hayworth, Chairman, heard the protest and determined three of the four violated General Competition Rules (GCR) 6.1.1.B. (Yellow Flag – No Passing). Each was issued a penalty of "Loss of three positions in class". After the penalties were applied to the provisional results, Nick Coe, driver of FC #57, was still ahead of Mr. West. Chief Steward Jim Rogaski issued a Chief Steward's Action (CSA) to move FC #57 behind Mr. West (FC #21) and amended results were published.

On Thursday, September 7, 2023, Chief Steward Rogaski emailed new results for Regional Race #13 showing Mr. Coe again ahead of Mr. West. Mr. West appealed the decision of the SOM amending the results after the CSA penalty was applied.

#### DATES OF THE COURT

The Court of Appeals (COA) Costa Dunias, Bev Heilicher, and Laurie Sheppard (Chairman) met on September 28, 2023, to review, hear, and render a decision.

#### DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Request for Appeal from Peter West, Jr., submitted September 12, 2023.
2. Official Observer's Report and related documents, received September 28, 2023.
3. In-car video from multiple sources, received September 28, 2023.
4. In person interview with Jim Rogaski on September 28, 2023.

#### FINDINGS

In his appeal request, Mr. West provided a chronology of events related to the results and notifications. He also provided video and testimony regarding the actual passes under a full course yellow condition during the race.

The COA met with Jim Rogaski, Chief Steward for the event, at his request. Mr. Rogaski petitioned the COA to return the action to the SOM under the authority granted per GCR 8.4.5.A.2. which states, "The Court may order a rehearing by the original SOM." The COA notified all affected parties via email stating the SOM would contact them with further information. The COA tabled Mr. West's appeal, subject to a rehearing by the original SOM.

On October 9, 2023, Mike Hayworth, Chairman of the SOM, notified the COA that a new decision had been reached and all parties received and acknowledged notification of the final results. Mr. West was granted via email ten days in which to seek continuation of his appeal. Mr. West did not request the appeal be reactivated. In the absence of an affirmative response, the appeal is deemed abandoned.

#### **DECISION**

The Court of Appeals considers Mr. West's appeal withdrawn. The appeal is returned unheard. Mr. West's entire appeal fee will be returned.

## COURT OF APPEALS

### JUDGEMENT OF THE COURT OF APPEALS Lyn Greenhill vs. SOM COA Ref. No. 23-15-NP October 20, 2023

#### FACTS IN BRIEF

Following San Francisco Region's Regional Race #13 for Formula Continental (FC) on Saturday, September 2, 2023, at Sonoma Raceway, Peter G. West, Jr., driver of FC #21, filed a protest against four competitors, including Lyn Greenhill, driver of FC #88, alleging all passed him under a yellow flag during a full course caution.

The Stewards of the Meeting (SOM) Paul Helberg and Mike Hayworth, Chairman, heard the protest and determined three of the four violated General Competition Rules (GCR) 6.1.1.B. (Yellow Flag – No Passing). Mr. Greenhill was not found to have passed under yellow in that situation. After penalties were applied to the other drivers in the provisional results, one of the drivers was still listed ahead of Mr. West. Chief Steward Jim Rogaski issued a Chief Steward's Action (CSA) to move that car behind Mr. West (FC #21) and amended results were published.

On Thursday, September 7, 2023, Chief Steward Rogaski emailed new results for Regional Race #13 showing Mr. Greenhill's finishing position moved from third to fifth. Mr. Greenhill appealed the decision of the SOM amending the results of the race after all penalties were applied.

#### DATES OF THE COURT

The Court of Appeals (COA) Costa Dunias, Bev Heilicher, and Laurie Sheppard (Chairman) met on September 28, 2023, to review, hear, and render a decision.

#### DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Request for Appeal from Lyn Greenhill, submitted September 14, 2023.
2. Official Observer's Report and related documents, received September 28, 2023.
3. In-car video from multiple sources, received September 28, 2023.
4. In person interview with Jim Rogaski on September 28, 2023.

#### FINDINGS

In his appeal request, Mr. Greenhill provided a chronology of events related to the results and notifications. He also provided video and testimony regarding the actual passes under a full course yellow condition during the race and the protests that were

considered. Mr. Greenhill argued that penalties were incorrectly applied, resulting in unwarranted additional loss of positions for Car #88.

The COA met with Jim Rogaski, Chief Steward for the event, at his request. Mr. Rogaski petitioned the COA to return the action to the SOM under the authority granted per GCR 8.4.5.A.2. which states, "The Court may order a rehearing by the original SOM." The COA notified all affected parties via email stating the SOM would contact them with further information. The COA tabled Mr. Greenhill's appeal, subject to a rehearing by the original SOM.

On October 9, 2023, Mike Hayworth, Chairman of the SOM, notified the COA that a new decision had been reached and all parties received and acknowledged notification of the final results. Mr. Greenhill was granted via email ten days in which to seek continuation of his appeal. Mr. Greenhill responded on October 10, 2023, accepted the amended results as accurate, and petitioned to withdraw his appeal.

## **DECISION**

The Court of Appeals accepts Mr. Greenhill's withdrawal of his appeal. The appeal is returned unheard. Mr. Greenhill's entire appeal fee will be returned.

## COURT OF APPEALS

### JUDGEMENT OF THE COURT OF APPEALS Gary Peterson vs. SOM COA Ref. No. 23-16-NP October 20, 2023

#### FACTS IN BRIEF

Following San Francisco Region's Regional Race #13 for Formula Continental (FC) on Saturday, September 2, 2023, at Sonoma Raceway, Peter G. West, Jr., driver of FC #21, filed a protest against four competitors alleging all passed him under a yellow flag during a full course caution. Two of the four were also alleged to have passed Gary Peterson, driver of FC #91, during the caution period.

The Stewards of the Meeting (SOM) Paul Helberg and Mike Hayworth, Chairman, heard the protest and determined three of the four violated General Competition Rules (GCR) 6.1.1.B. (Yellow Flag – No Passing). Each was issued a penalty of "Loss of three positions in class". The SOM found Lyn Greenhill, driver of FC #88 did not pass Mr. West under caution. However, Chief Steward Jim Rogaski issued a Chief Steward's Action (CSA) penalizing Mr. Greenhill for passing Mr. Peterson. After the penalties were applied to the provisional results, Nick Coe, driver of FC #57, was still ahead of Mr. West. Chief Steward Jim Rogaski issued a Chief Steward's Action (CSA) to move FC #57 behind Mr. West (FC #21) and amended results were published.

On Thursday, September 7, 2023, Chief Steward Rogaski emailed new results for Regional Race #13 showing Mr. Peterson's finishing position moved from second to fourth. Mr. Peterson appealed the decision of the SOM amending the results of the race after all penalties were applied.

#### DATES OF THE COURT

The Court of Appeals (COA) Costa Dunias, Bev Heilicher, and Laurie Sheppard (Chairman) met on September 28, 2023, to review, hear, and render a decision.

#### DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Request for Appeal from Gary Peterson, submitted September 16, 2023.
2. Official Observer's Report and related documents, received September 28, 2023.
3. In-car video from multiple sources, received September 28, 2023.
4. In person interview with Jim Rogaski on September 28, 2023.

#### FINDINGS

In his appeal request, Mr. Peterson provided a chronology of events related to the results and notifications. He stated he was penalized in the amended results delivered on September 7, 2023, without notice or action by the SOM.

The COA met with Jim Rogaski, Chief Steward for the event, at his request. Mr. Rogaski petitioned the COA to return the action to the SOM under the authority granted per GCR 8.4.5.A.2. which states, "The Court may order a rehearing by the original SOM." The COA notified all affected parties via email stating the SOM would contact them with further information. The COA tabled Mr. Peterson's appeal, subject to a rehearing by the original SOM.

On October 9, 2023, Mike Hayworth, Chairman of the SOM, notified the COA that a new decision had been reached and all parties received and acknowledged notification of the final results. Mr. Peterson was granted via email ten days in which to seek continuation of his appeal. Mr. Peterson did not request the appeal be reactivated. In the absence of an affirmative response, the appeal is deemed abandoned.

## **DECISION**

The Court of Appeals considers Mr. Peterson's appeal withdrawn. The appeal is returned unheard. Mr. Peterson's entire appeal fee will be returned.