

COURT OF APPEALS

JUDGEMENT OF THE COURT OF APPEALS Brandon Fetch vs. SOM COA Ref. No. 23-17- NE December 9, 2023

FACTS IN BRIEF

On Saturday, September 16, 2023, following the Group 6 race at the Fun One Divisional at Watkins Glen International, Brandon Fetch, driver of Spec Miata (SM) #48 filed a Protest against Cody Connelly, driver of SM #82, charging violations of General Competition Rules (GCR) 6.11.1.A. and D. (Rules of the Road) by failing to maintain vehicular control and contact.

The Stewards of the Meeting (SOM) Dean Croucher and Phil Kelley (Chairman) met, reviewed the available evidence and disallowed the Protest as being a “racing incident”. Mr. Fetch appealed the decision of the SOM.

DATES OF THE COURT

The SCCA Court of Appeals (COA), Lee Hill, Rick Mitchell, and James Foyle (Chairman) met on October 22, 2023, to review, hear, and render a decision on the appeal.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Appeal letter from Mr. Fetch, submitted October 5, 2023.
2. Official Observer’s Report and related documents, received October 5, 2023.
3. Video from SM #82 and SM #48 (SOM reviewed), received October 5, 2023.
4. Video from a trailing driver (provided by the appellant), received October 5, 2023.
5. Narrative, screen prints, and analysis by Mr. Fetch, received October 5, 2023.

FINDINGS

Mr. Fetch provided video evidence not available at the time of the Protest hearing, along with additional comments, photos, and analysis of the incident. He argued the SOM did not do a full investigation and may have relied on their own experience driving the track in making the ruling.

The COA was unable to provide a fair analysis of the process and substance of the protest decision because the documentation from the first court was incomplete. Further, the COA notes the GCR does not provide a definition of “racing incident”. Given the new evidence received and the absence of witness statements from the original hearing, the COA found it impossible to rule without acting as a first court – an action

prohibited by GCR 8.4.5.C. The COA invoked GCR 8.4.5.A.2. and requested the Chairman of the Stewards Program appoint a new first court.

A new SOM court consisting of Paul Gauzens, James Rogerson (Driver Representative), and Michael West (Chairman), convened on November 28, 2023, to review all submitted evidence, interview witnesses, and rule on Mr. Fetch's protest. The SOM determined Mr. Connelly violated GCR 6.11.1.A.(Avoid Contact). Mr. Connelly was found wholly responsible for the metal-to-metal contact with Mr. Fetch and the resulting impacts. Mr. Connelly was assessed a reprimand and probation for two race weekends, effective November 28, 2023. Mr. Connelly did not appeal the ruling.

DECISION

The COA accepts the decision of the new first court as resolution of Mr. Fetch's appeal. Mr. Fetch'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 Clement Lee vs. SOM COA Ref. No. 23-22-SP February 21, 2024

FACTS IN BRIEF

On Sunday, November 5, 2023, following the Group 3 race at the Cal Club Divisional at Buttonwillow Raceway Park, Austin Varco, driver of Spec Miata (SM) #2 filed a Protest against Clement Lee, driver of SM #89, charging violations of General Competition Rules (GCR) 6.11.1.A-D. (Rules of the Road) including blocking, failure to leave racing room, and intentional contact.

The Stewards of the Meeting (SOM) Marge Binks and Jerry Andersen (Chairman) met, reviewed the available evidence and determined Mr. Lee violated GCR 6.11.1.A. (Avoid Contact), B. (Allow Racing Room), C. (Blocking), and Appendix P (Racing Room and Passing Guidelines) and penalized Mr. Lee with a loss of two positions in class. Mr. Lee appealed the ruling of the SOM.

DATES OF THE COURT

The SCCA Court of Appeals (COA) Lee Hill, Laurie Sheppard, and Costa Dunias (Chairman) met on December 14, 2023, to review, hear, and render a decision on the appeal.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Appeal letter from Mr. Lee, submitted November 12, 2023.
2. Official Observer's Report and related documents, received December 6, 2023.
3. Video from Car #89 provided by Mr. Lee, received December 6, 2023.

FINDINGS

In his appeal letter, Mr. Lee stated the SOM did not interview him or view his video prior to making their decision. He provided his in-car video of the race for the COA to review. The COA notes the SOM did not provide video from SM #2, although the Hearing and Decision form indicates video was considered.

After reviewing Mr. Lee's Appeal letter and the official Observer's Report, the COA was unable to verify whether Mr. Lee was given an opportunity to rebut Mr. Varco's protest. GCR 8.4.5.A.2. states the COA may "request the Chairman of the Stewards Program to appoint a new SOM made up of Executive Stewards and a driver representative from

outside the division the appeal originated from to rehear the original action.” Therefore, to provide Mr. Lee and Mr. Varco with full and equitable due process, such a request was made.

A new SOM court consisting of Matias Bonnier, Dave Deborde, and Gloria Larson, Chairman, convened remotely to review all submitted evidence, interview witnesses, and rule on Mr. Varco’s protest. The SOM disallowed the protest and provided their ruling to Mr. Varco and Mr. Lee separately on February 11, 2024. In doing so, the original SOM’s ruling became null and void. Mr. Varco was advised of his right to appeal the new ruling. Mr. Lee was advised he could continue his appeal based on the new SOM decision. Mr. Lee did not seek to continue his appeal.

DECISION

The COA returns Mr. Lee’s appeal unheard. As no additional appeal was initiated, the matter is now closed. Mr. Lee’s entire appeal fee will be returned.