



NOTICE OF DECISION OF A SUB-COMMITTEE APPOINTED BY THE EXECUTIVE COMMITTEE, NAMELY:

- Mr Martin Fine (Chair)
- Mrs Janet Phipps
- Mr Graeme Robertson

MOTORSPORT NEW ZEALAND (INC) under the powers set out in Article 118 and 119 of the National Sporting Code, having considered matters brought to its attention convened a hearing before a sub-committee appointed by the Executive.

ON THE GROUNDS set out in Article 119 of the National Sporting Code namely:

- 119(a)(ii)
- 119(a)(v)
- 119(a)(vi)

FURTHER INFORMATION

The Sub Committee was tasked to investigate the circumstances around an alleged irregularity in an entry for the MotorSport NZ Hillclimb Championship Round 2, held at Waihi on 18-19 January 2014 in which the competitor Shannon Chambers entered two vehicles and competed in the Championship in breach of the Championship Articles.

HEARING PROCEDURE

The Hearing was conducted in accordance with National Sporting Code (NSC) Article 120.

DECISION

All Parties attended, the Competitor, Malcolm Peden his co-driver and Michele Brunt the Clerk of the Course for the event. All parties were heard and the matter properly considered. The evidence before the Committee included reports from the Championship Coordinator, the event secretary and the scrutineer. Also included were relevant entry forms.

FINDINGS

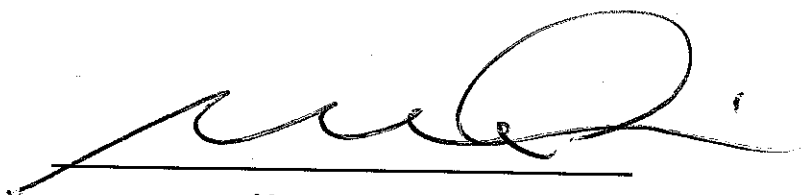
1. Malcolm Peden attended to all matters in relation to the entry into the event, including a discussion with the event secretary about eligibility of vehicles. He was aware of the requirement that only one vehicle could be entered in the Championship.
2. It would have been possible to enter two vehicles in the non-championship event, but Mr Peden was advised that non-championship entries could not be guaranteed a start. He did not advise the Competitor of this.

3. The competitor only signed the Championship entry on Sunday at the request of the admin team.
4. The competitor was not actively seeking to enter the Championship, but was looking for an opportunity to shake-down two cars.
5. It was Mr Peden who discussed the matter of the substitute vehicle with the Scrutineer on Sunday.

RULING

1. The competitor was responsible for the actions of his co-driver in filing the entry form.
2. In so doing the competitor is responsible for making a false entry in breach of Art 24 of the National Sporting Code and Art 94(b)(i). The Competitor is fined \$500.00.
3. The Panel was concerned that the matter had not been dealt with on the day by either the Clerk of the Course or the Stewards, all of whom were aware of the issues. In the Panels view this matter should have been dealt with given its nature and the status of the event .
4. Mr Peden who was aware of the fact that the entry, in the Championship, with the intention of running 2 cars was wrong appeared on the evidence to try to cover this off with the Scrutineer on the day. Had the Panel been empowered by the Notice of Hearing to review the actions of Mr Peden, as a licence holder, then it would have found his conduct unacceptable and on the facts before it the Panel would have imposed a significant penalty on him. This was not possible in the circumstances.
5. There is no order for costs.

SIGNED ON BEHALF OF THE SUB-COMMITTEE:

A handwritten signature in black ink, appearing to read 'Martin Fine', written over a horizontal line.

MARTIN FINE
CHAIRMAN

WRITTEN DECISION FORWARDED BY EMAIL ON 5 MAY 2014.

RIGHT OF APPEAL:

ATTENTION IS DRAWN TO THE RIGHT OF APPEAL IN ACCORDANCE WITH THE PROVISIONS OF THE NATIONAL SPORTING CODE.