

Decision of a Sub-Committee appointed by the Executive Committee under Article 119 of the National Sporting Code, namely –

- Wayne Christie (Chair)
- Raymond Bennett
- Murray Starnes

The Parties

Mr Damon Leitch, Competitor car 87
Mr Egor Orudzhev, Competitor car 55
Mr Graeme Robertson (Official Licence 818221), Race Director
Mr Robert Cullinane (Official Licence 934303), Driving Standards Observer
Mr Brian Budd, representing MotorSport New Zealand

In the Matter of

1. 119(a)(iii)
The Sub Committee should investigate and ascertain if Decision RDT4 and the subsequent memo requesting that the Decision be rescinded to the Stewards of the Meeting, issued during the NZ Motor Cup Meeting at Hampton Downs 31 January - 2 February 2014, were valid and in compliance with the regulations, and that any penalty (if applied) was appropriate.
2. 119(a)(iv)
The Sub Committee should investigate the inconsistencies between the requested details of the Inquiry submitted by Mr Leitch and the findings of the Decision.

Inquiry Details

The Inquiry took place by meeting at Manfeild Autocourse on Saturday, 8 February 2014 commencing at 12:30pm. All parties were present apart from Mr Orudzhev who was represented by Mr Mark Pilcher, and Mr Cullinane. Mr Garry Orton was also present in support of Mr Leitch.

Background

The Sub Committee was tasked to investigate the circumstances surrounding an on-track incident involving Mr Leitch and Mr Orudzhev on the first safety car restart during TRS race one, where Mr Orudzhev overtook Mr Leitch and in doing so allegedly crossed the white line defining the edge of the circuit.

If, in the course of this investigation, the Sub Committee concludes a hearing of any nature should have been held, they were empowered to undertake that hearing in the interests of natural justice.

The Sub Committee may also consider the wider implications of any such actions to the Sport as a whole.

Inquiry

The inquiry was conducted in accordance with National Sporting Code Article 120.

The Sub-Committee heard submissions from Messrs Leitch, Orton, Pilcher and Robertson.

It was submitted by Mr Leitch that on the restart Mr Orudzhev crossed the double yellow lines past the white lane marking pit lane entry and therefore completed a passing manoeuvre in a “no go” area. The pictures provided were submitted in evidence.

Mr Bennett sought confirmation that car 55 was behind car 87 on the approach to the restart. Mr Orton re-iterated that the Inquiry was not about car 55 jumping the restart, it was about the initial inquiry not being addressed.

Mr Starnes then queried the photos provided to get a clear understanding of the laps and incidents they related to. It was established that two of the photos from car 41 (Robin Hansson) were of the incident in question and the remaining photos were of a different lap. These irrelevant photos were discarded from the Inquiry.

Mr Pilcher explained that it was clear that car 55 had crossed the yellow hatched line on the restart by placing two wheels over the line. This was in line with previous directions by the Race Director which has permitted up to two wheels outside of the white line defining the edge of the circuit. This was confirmed by Mr Robertson as being a consistent practice throughout the series and previous seasons advised verbally to all teams. Mr Pilcher then asked Mr Orton if he agreed that was the policy advised to all teams and Mr Orton agreed.

Mr Robertson advised that he also found the pictures provided confusing and that he was only looking at the pictures provided from car 41. He confirmed that he had received an inquiry from Mr Leitch and had determined that car 55 had crossed the white line but this was permitted in accordance with the driving standards policy. At no time did car 55 have all four wheels over the white line. In the process of investigating the inquiry it was determined that car 55 had jumped the restart and was penalised accordingly. This was later rescinded by the Stewards upon application by the Race Director.

Mr Pilcher explained that the area of the circuit in question was defined as a “no go” area the following morning at a drivers briefing held during an unofficial TRS meeting. He contended that Mr Leitch had made a slower restart than car 55 and this was the reason he was passed.

In summing up Mr Robertson confirmed that Mr Orudzhev had done nothing wrong and that some confusion had arisen from the briefing by the Series Coordinator which had no relevance.

Finding

The Sub-Committee have reached the following findings in respect to the points they have been charged with considering:

- An inquiry into the incident had been received by the Race Director. The nature of the inquiry was that car 55 had crossed the double yellow lines on pit entry in order to overtake car 87 and was alleged to have used a part of the circuit that is not the racetrack.
- The Sub-Committee has noted that it is the white line that defines the edge of the circuit, not the double yellow lines as stipulated on the inquiry form.
- It was not disputed that car 55 had crossed the double yellow lines (and in doing so had crossed the white line defining the edge of the circuit).
- It was confirmed that for several seasons a policy has been in place allowing a car to place two wheels outside the white lines without penalty. Both team managers present (Messrs Pilcher and Orton) were in agreement.
- Car 55 did overtake car 87 and in the process did place at least one wheel across the white line. This was in a manner consistent with the understanding of race management and competitors.
- The inquiry had been addressed by officials during their investigation but was not recorded on the inquiry form, therefore the original inquiry was not addressed in writing.

Decision

Taking account of all the factors put before it the Sub-Committee has DETERMINED:

1. 119(a)(iii)

- The Sub-Committee have ascertained that Decision RDT4 and the subsequent memo requesting that the Decision be rescinded to the Stewards of the Meeting, issued during the NZ Motor Cup Meeting at Hampton Downs 31 January - 2 February 2014, were valid and in compliance with the regulations. No penalty was imposed.

2. 119(a)(iv)

- The Sub-Committee has investigated the inconsistencies between the requested details of the Inquiry submitted by Mr Leitch and the findings of the Decision and found that while the inquiry had been investigated in accordance with the inquiry it had not been recorded on the inquiry form.

This decision was given verbally at 1:30pm and followed by written notification on 8 February 2014 at 5:22pm.

On behalf of the Sub Committee



Wayne Christie
Chairman

Right of Appeal

Attention is drawn to the right of appeal in accordance with the provisions of the National Sporting Code.