



**MOTORSPORT NEW ZEALAND (INC)  
JUDICIAL COMMITTEE**

- Mr Martin Fine (Chair)
- Mr Graeme Robertson
- Mr Kelvin Booth

**TO:**

The parties concerned or interested;  
Mr Andrew Porter, (Competition Licence 140892X) - Competitor  
Mr Wayne Shieffelbein, (Officials Licence 007374Y) – Clerk of the Course

**HEARING AS TO PENALTY**

At a Hearing held on 22 March 2016 the Judicial Committee heard matters relating to an allegation of verbal abuse by Competitor Andrew Porter which was said to have occurred at Teretonga Park on 22-24 January 2016.

Having heard the matter the Committee issued a decision finding that the allegations had been proved.

In view of the serious nature of the offence and the effect that any Penalty imposed might have, the Committee determined to give the parties an opportunity to be heard on the matter of penalty, prior to that penalty being imposed.

**DECISION AS TO PENALTY**

Having received submissions from both the Sport and the Competitor and having reviewed those submissions and hearing further oral submissions from the Parties the Committee determines:

1. Abuse of an Official is a serious matter. The Standard Penalty provided is a fine of up to \$5,000. It is noted that no such limitation applies to the decision of this Committee. Notwithstanding, the Committee was of the view that the matter was serious and that the official concerned was genuinely upset by the level of abuse. Accordingly a fine of \$3,000 is imposed reflecting the seriousness of the matter..
2. Additional Penalties (Suspension and Endorsement) are appropriate in cases where a serious offence has been established. This is a case where an Additional Penalty should be considered in the circumstances.
3. Taking into account the discretion vested in the Committee, the fact that this was not of the worst category of offending and the fact that the Competitor admitted the offence and was apologetic it was determined that Suspension was not required but that an endorsement would have the effect of acting as a good behaviour bond on the Competitor who had assured the Committee that he had acted out of character and that no further offending would occur.
4. Accordingly the Committee determined that the Competitors Competition Licence should be endorsed for a period of 12 months with immediate effect.
5. No order of costs was made.

On behalf of the Judicial Committee and approved by its Members.

**M Q Fine**  
**Chairman**  
**For and on behalf of the Judicial Committee**

**DATED** this 9<sup>th</sup> day of May 2016

**The Competitor is referred to Part XI of the National Sporting Code outlining further rights of appeal from this decision.**