

MotorSport New Zealand (Inc.)

Decision of a Sub Committee appointed by the Executive Committee under Article 118 of the National Sporting Code, namely –

- **Graeme Robertson (Chair)**
- **Campbell Robertson**
- **Paul Kenderick**

In the Matter of

An investigation into a penalty imposed on Ray Williams (#12 – GT1 category – Competition Licence 5835) resulting from Clerk of the Course Decision 19 during METALMAN THUNDER IN THE PARK Race Meeting held at Pukekohe Raceway on 6/7 December 2008.

Hearing details

The hearing took place on Friday 30 January 2009, in Auckland (NZIGP Office, 6 Findlay St Eilerslie) commencing at 6.00pm. The participants being the Subcommittee members, Graham Mortensen (Clerk of the Course), Eric Mallard (Asst Clerk of the Course) Ray Williams joined via telephone link. He had previously agreed to attend in this manner.

Background

The Executive Committee, required the Sub Committee to inquire into the circumstances relating to Decision 19 as it appears the Technical Report related to Race 20 but the penalty relates to Race 30. and additionally to consider National Sporting Code articles:

Article 119(a)(i)

That it appears from the Steward's Report or otherwise that the results of a competition have been improperly or incorrectly made out:

The Sub Committee should investigate the penalty applied to the competitor in terms of the bearing this has on the results of other competitors in the Series.

Article 119(a)(iv)

That it appears on the application of any entrant or driver that an inquiry into any competition is called for on the basis that there has been either a gross miscarriage of justice or such inquiry is considered fundamental to the interests of motorsport:

The Sub Committee should investigate whether the penalty issued to the competitor has been correctly applied in that the fuel sample was taken after race twenty, however the penalty was applied to race thirty.

Article 119(a)(v)

That it appears any Official, Promoter, Organiser or any other person or Organisation

**has committed any breach of this Code, its Appendices and Schedules,
or International
Sporting Code:**

The Sub Committee should investigate the actions of the Officials
involved in this matter

Hearing

The Clerk of the Course Decision 19, Technical Officers Report, Results of Races 20 & 30, an email from Ray Williams (2153hr/2601) were tabled and considered.

Evidence was given by Eric Mallard and Ray Williams.

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

Finding

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

1. *The Sub Committee should investigate the penalty applied to the competitor in terms of the bearing this has on the results of other competitors in the Series.*
 - Mr Williams advised that he had had advice from Mark Sheehan, MSNZ Technical Officer, that his fuel was compliant. This information was given by a Technical Officer acting in his area of expertise and the competitor had every right to accept this in good faith.
 - The Sub Committee accepts that Mr Williams was not attempting to circumvent the regulations.
 - The Sub Committee accept it was an error of omission.
2. *The Sub Committee should investigate whether the penalty issued to the competitor has been correctly applied in that the fuel sample was taken after race twenty, however the penalty was applied to race thirty.*
 - Mr Williams advised that he had used the same fuel for the whole meeting.
 - He did not finish Race 10.
3. *The Sub Committee should investigate the actions of the Officials involved in this matter*
 - Mr Mallard, Asst CotC, held a formal hearing after Race 20 and after Race 30 a less formal hearing.
 - The initial decision after Race 20 did not take into account the specifications of Chart 3.9.1, Amendment 34006, and therefore was incorrect as Mr Williams car was not in compliance with approved fuels.

Decision

Taking account of all the factors put before the Sub Committee make the following rulings:

- (1) Taking account of all the factors put before it and considered by it, the Subcommittee finds that Mr Williams' vehicle was not eligible for the meeting in that non compliant fuel was being used.
- (2) The Subcommittee however acknowledges that there were unusual and special circumstances surrounding that breach.
- (3) The Subcommittee accordingly decides:
 - That Mr Williams is excluded from the meeting.
 - The fine imposed of \$200 is set aside.
 - The licence endorsement penalty is revoked.
- (4) Eric Mallard - Asst Clerk of the Course (Licence 9206) is reprimanded
- (5) The parties are reminded of their rights of appeal..

This decision was given at _1925__hrs

On behalf of the Sub Committee.



Graeme Robertson
Chairman