



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF APPEAL 411

COURT OF APPEAL LODGED BY MR DELANO FOWLER (FATHER OF COMPETITOR) AFTER REGIONAL KARTING EVENT HELD AT THE WPMC KARTING CIRCUIT ON THE 17TH MAY 2014

HEARING HELD IN THE MSA CAPE TOWN OFFICE ON TUESDAY, 8TH JULY 2014 AT 18H00

Present:

Clint Rieper	-	Court President
Clint Rennard	-	Court Member
Lance Isaacs	-	Court Member
Andrea Bate	-	Court Member
Johan Grundlingh	-	Clerk of the Course
Neva van der Merwe	-	Assistant Clerk of the Course
Philip Herholdt	-	MSA Steward
Albertus du Toit	-	Club Steward
Delano Fowler	-	Parent of Competitor
Delano Fowler	-	Competitor 411
Celeste Chatton	-	MSA Scribe

Apologies:

Michele Lupini	-	Father of Competitor
Therina Barton	-	Scale Attendant

The Court President introduced himself and the Court Members, noting that Mr Clint Rennard was listed on the event SR's as a MSA Steward for the event but however did not attend the event or sign on in any capacity as he was ill on the day. So there should be no conflict in him being a court member. There were no objections to the composition of the Court.

The Court noted an opening statement by the MSA Steward stating that on receipt of the Notice for COA 411 it was brought to his attention that the appellant, Mr Delano Fowler (Father of Competitor), had in actual fact been the Environmental Officer on the day making him an official of the event. After acquiring this knowledge he feels that they as Stewards erred in upholding the exclusion of competitor 411 and that Mr Fowler (father) should be dealt with as a separate entity. The court was surprised that neither the Stewards nor the CofC's were aware and/or forgot who the Environmental Officer of the event was. Clearly not enough diligence was exercised by the "officials" of the event.

MOTORSPORT SOUTH AFRICA IS THE ONLY RECOGNISED MOTORSPORT FEDERATION IN SOUTH AFRICA
Directors: S. E. Miller (Chairman), A. Scholtz (CEO – Operations), A. Taylor (Financial), K. G. Doig, J. du Toit, M. du Toit, P. du Toit, D. Lobb, N. McCann,
C. Pienaar, B. Sipuka, L. Steyn – Hon. Presidents : T. Kilburn, Mrs. B. Schoeman



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It was abundantly clear to the court that Mr Fowler (father) felt a very strong perceived negative bias towards himself and his son by the CofC's. This was noted by the court but was not a matter that could be dealt with directly by the court and Mr Fowler was advised to take this matter up directly with the WPMC Karting Section who appoints the Clerks for their events. It is also noted that Mr Fowler stated that he is currently the Vice Chairman of the WPMC Karting Section. Mr Fowler also made reference to the perceived bias because the CofC had some family ties to their closest competitor and felt the CofC should not be allowed to act as an official at events where such family ties exist. The court established that the family connection with the CofC was not a direct close family member and the court advised Mr Fowler (was also acting as an official on the day at an event where his children were participating) that it is also not always possible to have officials who have no family connections to the sport as many people become officials due to the fact that their family members are participating.

The court enquired from the CofC why the results showed ZERO points for competitor 411 after the exclusion when the Karting Regulation, Section F, 19A clearly states that excluded competitors score 1 point less than the last finisher (including non-finishers). The Regional Regulations are silent on this matter. The CofC informed the court that he was not sure as to why Competitor 411 scored zero and said he would have to investigate the matter. The Regional Regulations do however state that non-finishing competitor who has come under starting orders will score 5 points less than the last classified competitor. It is understood by the court that excluded competitors will score below non-finishers but it does not understand that non-finishers receive more of a point drop than excluded competitors should there be no non-finishers in a particular heat. This should be rectified by the Regional Controllers.

As Mr Fowler was the Environmental Officer of the event he had every right to be in any area. If sanction was to be taken against him as a father of a competitor, why was only his son excluded when his daughter had taken part in the very same heat and no sanction was imposed on her?

After having heard the evidence presented by all parties, the court finds as follows:

The Court hereby directs that Delano Fowler (competitor 411) be re-instated into the results. The Regional Championship points are to be amended as per the revised results and the competitor is to be awarded any awards due to him.

In view of the success of the appeal, the appeal fee is returned.

All parties are reminded of their rights to appeal to the MSA National Court of Appeal.

These findings were emailed on Wednesday, 9th July 2014 at 16h30.

159241/98
9th July 2014