



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF ENQUIRY 1085

COURT OF ENQUIRY LODGED BY MSA TO INVESTIGATE THE EVENTS HELD BY THE ALGOA OFF ROAD CLUB IN 2011

Hearing held at The Aldo Scribante Raceway Control Tower on 7th
November 2011 at 18h30.

Present:

Mr. Sparky Bright	-	Court President
Mr. Terry Moss	-	Court Member
Mr. Peter Henning	-	Court Member
Mr. Eric Schultz	-	Court Member
Mr. Chris Shinn	-	Clerk of the Course
Mrs. Joan Shinn	-	Race Secretary
Mr. Mark Scholtz	-	MSA Steward
Mr. Charlie Wren	-	EP Reg Quad and Off Road motorcycle Rep
Mrs. Karen Wentworth	-	Competitor
Mr. Lionel Buckley	-	Competitor
Mr. Philip Fourie	-	AOR Club Chairman
Mr. Donald Bouman	-	AOR Club Vice Chairman

Cc: Mr Allan Wheeler
MSA Sporting Manager (Non-Circuit)

Fm: Mrs Cindy Correia
MSA Sport Co-ordinator

2011-11-14

The President introduced himself and the Court Members. There were no objections to the composition of the Court

The chairman read out the specific allegations stated below as well as the order in which they would be handled:

1. Cheating Competitors
2. Competitors being allowed to participate without MSA licenses.
3. Awarding points to non-members of the Algoa Club.
4. Rot setting in at the club.
5. Allegations made by competitors and others on the social website,



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Facebook, and the use of the social networking site to convey feelings.

6. Any other issue resulting from or stemming from the above .

1. Cheating Competitors.

The court heard evidence from competitor Karen Wentworth and Lionel Buckley on how they perceived competitor Stapelberg to have cheated. It was stated that they believed, the said competitor had also cheated at other events and that Stapelberg had been banned from previous events due to his cheating by short cutting parts of the event dating back to 2010.

The chairman and vice chairman stated that they did not have any knowledge of the competitor Stapelberg ever having been banned from any of the clubs events. The chairman further stated that he had gone out on the route to observe, and at no point had the competitor taken a short cut. The Chairman of the AORC at one stage, went to great lengths to check on this competitor, by following him on a quad, but found no irregularity as had been propagated by hearsay and disgruntled opposition.

The Vice Chairman of the AORC further stated that the competitor had wrong slotted on all the laps of the event, as noted from where he was standing. He also confirmed that Stapelberg had gained, at most, 30 seconds on each of the three occasions.

It was further stated by both the Chairman and Vice Chairman, that the route competitor Stapelberg had taken, is the route previously used for the past 15 years. At the said event in October 2011 that they, (the setters) had changed this route and did not "bunt" close off the road.

The COC confirmed that he in conjunction with the route setter and chairman had ascertained that the competitor had gained the maximum of 2 min over the entire event by taking the slightly wrong route and had decided to give Stapelberg a 5 min penalty. Furthermore Shinn stated that Stapelberg had handed him his GPS, so that the route that he had taken could be inspected. In the mind of the COC it was clear that the competitor had made a genuine mistake and had no intention of missing out parts of the course, off which a very small part of the blame could be put on the route setter who had not applied SSR340 when marking.

2. Competitors being allowed to participate without MSA licenses.

Competitor Wentworth alleged that competitor Stapelberg had competed in both the September and October events without a MSA Competition License, Documentation to the contrary was produced by MSA and the race secretary Mrs. Shinn, the alleged competitor Mr. Stapelberg had taken out a social license on the 10/9/2011 on the day of the AORC race meeting.

3. Awarding points to non-members of the Algoa Club.

Competitor Wentworth and Buckley alleged that competitor Ruffer had been scored on the AORC point's sheet at an event while he had not been a paid up member of the club at the time of the event

The Chairman of the AORC testified that the committee had decided to allow this after the club at which Ruffer had joined at the beginning of the 2011 season namely ROVER, had decided to no longer run QUADS at their events. The Chairman and Vice Chairman both stated this was done in the interest of the sport and that it was a Committee decision.

Mr. Wren whom is the Chairman of ROVER, confirmed that this was indeed the case that ROVER had decided to no longer set routes for Quads.

The AORC confirmed that Ruffer had paid his entire 2011 fees although a large part of the year had past, and that they the AORC also considered the fact that Ruffer had paid his annual membership to a club that no longer catered for his facet of the sport. Mr. Ruffer was subsequently left off the

club scoring sheet by Mr.C.Shinn's own admission because he was not yet in possession of an updated club membership list, the information was only later conveyed to him that Mr. Ruffer had indeed joined the club and that the committee had seen fit to award Mr.Ruffer points from the 3/6/2011 race meeting due to the cancellation of his class of racing at ROVER where he was a fully paid up member. Mr.C.Shinn then rescored the championship including Mr.Ruffer which lead to Mrs. Wentworth's querying the championship points.

It was obvious that Karin Wentworth had served on previous committees and been part of the sport for a number of years, that she was a current license holder and very well aware of what was transpiring within the motorsport environment, to the extent that she fueled the FACEBOOK onslaught, in which the "club" and officials were implicated in a negative manner, rather than exercising her rights afforded to her by MSA.

It is difficult for the court to accept that she, Karin Wentworth had no knowledge of the procedures of protest, laid down by MSA to deal with matters of this nature. However she was well equipped to approach MSA at a higher level, having bypassed all local procedures, resulting in this court of enquiry.

It was also obvious that the grievances of Wentworth were all fueled by "hearsay and gossip" without collection of any factual evidence. No evidence was produced to the court as she continued to state that it is what "everybody thinks" and that she represented everybody as they were not willing to stand up.

It is also apparent that Karin Wentworth is an opposition competitor to those she perceived to have broken the rules, openly proposing exclusion. ***It is also noted that she has had an injury, and due to this was unable to compete in a event.***

The court finds the attack from her as Frivolous and Vexatious, without having followed the standard procedures provided by MSA to challenge any wrongdoing by any other competitor or official, within stipulated time periods. This attack by her has been to the detriment of a very small club, whom are struggling to grow numbers, of which only two dedicated members do all the unpaid work to ensure continuation of events and existence of the club.

4. Rot setting in at the club.

Competitor Wentworth had stated in her letter to MSA the following: "*as it is clear and evident to see that since a certain 2 people took over this club, "the rot is setting in!"*"

The Court asked Mrs Wentworth to elaborate on the matter and also who the two people stated in her letter are, that in her opinion have caused the "ROT".

Mrs. Wentworth said that this is Mr. Shinn the COC and Mrs. Shinn the Race Secretary.

The club Chairman and Vice Chairman were asked for their opinion on the matter. They both went on to explain that both accused parties were not members of the club and had not taken the club over, they further went on to explain to the court that the club had had resignations and had been left without a race secretary and also the services of an experienced COC.

Mr. Fourie informed the court that they as the committee had approached both Mr. and Mrs. Shinn and asked if they could assist the club as in the opinion of the committee of the AORC they had long standing experience and would be able to help the club to get back on track and train up new people to eventually take over the tasks. Both Mr. and Mrs. Shinn stated that are they are not members of the AORC. Mrs Wentworth went on to say

that the people they see first and last at an event are the race secretary and COC thus giving the impression that they were running the club, although this is a very valid observation it was confirmed by Mr. & Mrs Shinn that they take no decisions regarding club matters and are there to do the jobs assigned to them.

5. Allegations made by competitors and others on the social website Facebook, and the use of the social networking site to convey feelings.

The court was issued with the 'threads' that Mrs. Wentworth had posted on Facebook starting on the 16th October 2011. Mrs. Wentworth was asked to explain to the court why she had chosen to use the public network forum to implicate fellows competitors and the race organizers, Mrs. Wentworth informed the court that she felt there was nothing wrong with this as she is entitled to the "freedom of speech" and that she had also consulted with her lawyer who had informed her that there was nothing wrong with what she had done.

Mrs. Wentworth was asked why she had chosen this route first rather than trying to sort out her grievances with the club or MSA.

Mr. Phillip Fourie (chairman of AORC) for one stated that the club felt that it was being put in a bad light by the nature of the comments, as the club "ALGOA" was mentioned in these discussions and repeatedly accused of harboring known "CHEATS" and not looking after the interests of the rest of the competitors. Repeatedly labeling a competitor as a CHEAT, Short cut Specialist, also stating that they (the competitor) had served a ban for the same offence, and that this is the way people get a reputation for cheating, deservedly or not. Mrs. Wentworth went on to explain that none of the allegations above were made by her.

Findings

The Court in coming to a finding, is cognisant of the fact that Motorsport competitors enter into a contract by which they agree to be bound by the rules of the sport. It follows that by operating outside of this framework a breach of contract exists.

1. The court could find no evidence of any competitors competing without a competition License.
2. The statement by Mrs. Wentworth that "ROT" had set into the club from when Mr. and Mrs. Shinn had got involved is found to be untrue. Rather the opposite that when the club had nobody to fill the roles they play, they have assisted and encouraged the form of "CLUB RACING"
3. The awarding of points to a non-club member were unfounded and the court is of the opinion that the AORC Committee should be commended on the way that they have encouraged CLUB RACING in the spirit of the sport as well as accommodating competitors who no longer had place to compete in their facet of the sport, with the club they had joined at the beginning of 2011.
4. The Organizers are reprimanded for not applying SSR340.
5. All the instances investigated by this court with regards to "CHEATING" were not seen as deliberate cheating and no evidence either on record at the club or MSA or any recollection from the club committee members present could provide any substance to this allegation and would therefore be unsubstantiated and would be a

defamation of character toward MR. S. (who is easily identified by checking who got a 5 min penalty in the results of the day).

6. The thread provided to the court from Facebook to the courts mind definitely constituted a violation to Motorsport rules and regulations as laid out in GCR 172 (iv), and the court felt that in reading the posts it was clear that she was leading the discussion and fueling the fire each time someone else commented on her posts.
7. Mrs. Wentworth's challenging of the COC decision to hand out a 5 min penalty on a public forum is also a breach of GCR 172 (iv) as there are clear cut protocols laid out in the GCR's on how to challenge such decisions which were not followed.
8. The court finds the attack from Mrs. Wentworth Frivolous and Vexatious, without having followed the standard procedures provided by MSA to challenge any wrong doing by any other competitor or official, within stipulated time periods. This attack by her has been to the detriment of a very small club, whom are struggling to grow numbers, of which only two dedicated members do all the unpaid work to ensure continuation of events and existence of the club
9. Accordingly the Court finds Mrs. Wentworth is guilty of contravening GCR 172 (iv). Mrs. Wentworth is accordingly suspended from competing in any Motorsport Competition for an effective period of 24 Months with immediate effect.
10. Mrs. Wentworth will be required to serve 3 months of the sentence and the balance of 21 months is suspended for 3 years (what this means is that Mrs. Wentworth may not compete in any Motorsport event until the 15 Feb 2012)
11. In accordance with GCR 196, costs in the amount of R2000-00 are awarded against Mrs. Wentworth

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

Finding distributed on 14 November 2011

Yours faithfully,

Cindy Correia

Sports Co-Ordinator – Off Road Motorcycles and Quads

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