



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

www.motorsport.co.za

2nd Floor, Meersig 1, Cnr. Upper Lake Lane & Constantia Boulevard, Constantia Kloof, Roodepoort. P.O. Box 6677, Weltevreden, 1715
e-mail: msa@motorsport.co.za Telephone (011) 675 2220 Fax: (011) 675 2219, National Number: 0861 MSA MSA (0861 672 672)

COURT OF ENQUIRY 1184

HEARING HELD IN THE MSA BOARDROOM ON WEDNESDAY 9th NOVEMBER 2016

Present:	Daryn Lobb	-	Court President
	Eldrid Diedericks	-	Court Member
	Michael North	-	Court Member
	Dick Shuttle	-	Clerk of Course
	Andrew Shillinglaw	-	MSA Steward
	Brett Spiers	-	Official Timekeeper
	Ricardo Gaspar	-	Father of Mia Gaspar
Absent:	Mia Gaspar	-	Defendant
In attendance:	Allison Atkinson	-	MSA Scribe
	Adrian Scholtz	-	MSA Chief Executive Officer

INTRODUCTION

The court members and attendees were all introduced and no objections were lodged against the composition of the court.

THE HEARING

On 9 November 2016 Motorsport South Africa ("MSA") enrolled Court of Enquiry 1184 ("the Enquiry") to investigate whether Mr. Ricardo Gaspar had breached General Competition Rule ("GCR") 172 or any other GCR in relation to an alleged verbal assault committed by him on Mr. Dick Shuttle on the 22nd October 2016 at an MSA sanctioned short circuit event held at Vereeniging Kart Circuit.

This is the written judgment of Court of Enquiry 1184. The enquiry took place on 9th November 2016 between approximately 19h00 and 19h45.

For the purposes of this judgment reference is only made to the material issues as the remainder of the proceedings are of record.

EVIDENCE RECEIVED

Oral evidence was received from Mr. Shillinglaw (the MSA Steward), Mr. Spiers (the official timekeeper), Mr. Gaspar (the father of competitor Mia Gaspar) and Mr. Dick Shuttle (the Clerk of the Course).

MOTORSPORT SOUTH AFRICA IS THE ONLY RECOGNISED MOTORSPORT FEDERATION IN SOUTH AFRICA



sport & recreation
Department:
Sport and Recreation South Africa
REPUBLIC OF SOUTH AFRICA

Directors: Adv. G. T. Avvakoumides (Chairman), A. Scholtz (Chief Executive Officer), A. Taylor (Financial), P. du Toit, D. Easom, J. Fourie, G. Hall, A. Harri, M. Rowe, R. Schilling, Ms N. Singh, Ms M. Spurr
Honorary Presidents – Mrs B. Schoeman, T. Kilburn

Mr. Gaspar did not dispute that he had verbally abused Mr. Dick Shuttle in the manner and in the circumstances described by Mr. Shuttle and recorded in the statements received from the race secretary (Mrs. De Wit).

As a justification for his subsequent conduct Mr. Gaspar attempted to criticize the manner in which an incident on track involving his daughter had been handled and attempted to raise previous disputes between Mr. Shuttle and other third parties and the manner in which those disputes were handled in the past.

FINDINGS

Mr. Gaspar is deemed to be the competitor for the purposes of the GCRs in terms of GCR 19.

The Court of Enquiry finds that Mr. Gaspar has contravened GCR 172 (iv), (vi) and (x).

PENALTY IMPOSED

The Court of Enquiry is of the view that a penalty of a fine together with a suspension of the licence of the competitor will be an appropriate penalty.

Mia Gaspar was not involved in or a party to any of the abuse of Mr. Shuttle. She is a minor represented by her father. The Court of Enquiry is of the view that the suspension of the licence should be suspended in totality as directed below:

1. The competitor's licence is suspended for a period of 6 months from the date of delivery of these findings. That suspension is in itself suspended on condition that the competitor is not again convicted within the 1 year of a contravention of GCR 172.
2. A fine of R5 000.00 is imposed by the Court of Enquiry on the competitor. The competitor may not compete before the fine of R5 000.00 is paid.

All parties are advised of their rights in terms of GCR 212 B.

These findings are distributed via email on 22nd November 2016 at 14:00

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