



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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COURT OF ENQUIRY 1132 TO INVESTIGATE THE ALLEGED BREACH OF GCR 172 IV BY MR JANNIE ODENDAAL. ENQUIRY HELD IN THE MSA BOARDROOM ON THE 22nd JULY 2014 AT 18:00

Present:	Paddy Venske	-	Court President
	Hector North	-	Court Member
	Dick Sorensen	-	Court Member
	Rick Carmody	-	Complainant
	Jannie Odendaal	-	Competitor
	Dick Shuttle	-	Clerk of the Course
	Shaun Marais	-	Witness
	Chris Du Plessis	-	Witness
	Wendy Odendaal	-	Witness
	Wayne Riddell	-	MSA Sporting Services Manager
	Allison Atkinson	-	MSA Scribe

Introduction

The President introduced himself and the court members. There were no objections to the composition of the court.

The Hearing

1. Evidence was heard from Mr Carmody, Mr Odendaal and the witnesses.
2. There was very little discrepancy in the account of events given by Mr Carmody, Mr Odendaal and the witnesses.
3. Mr Odendaal conceded under questioning by the members of the Court that the events that took place on Saturday 21 June 2014 would not have occurred had he not have aggressively confronted Mr Carmody and assaulted him, including head-butting him.
4. Mr Odendaal stated that the criminal charge he had laid on 03 July 2014 had subsequently been withdrawn by him.
5. Mr Odendaal conceded that he had aggressively confronted Mr Carmody and used foul language in addressing Mr Carmody.
6. Mr Odendaal advised the Court that, in his view, because the events that formed the subject matter of the enquiry had taken place after the event (during prizegiving) they did not fall under the jurisdiction of MSA. The Court responded that it did not concur with Mr Odendaal's view and was of the view that the events in question were indeed subject to the provisions of, *inter alia*. GCR 172 (iv).

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: 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

Findings

After hearing the evidence the court finds as follows:

1. It is the Court's view that Mr Odendaal's conduct amounts to a breach of the regulations in terms of GCR 172 (iv).
2. The Court regards Mr Odendaal's breach in a serious light and sees fit to impose a penalty that will serve as a future deterrent not only to Mr Odendaal but also to other competitors.
3. Mr Odendaal is found guilty of a breach of the regulations in terms of GCR 172(iv).
4. Mr Odendaal is fined an amount of R5 000.00 in terms of Appendix R, Article 11.
5. Mr Odendaal is precluded from participation in any event under the auspices of MSA for a period of 6 months, calculated from the date on which these findings are published by MSA.
6. The preclusion referred to in point 5 above is however suspended for a period of 12 months on condition that Mr Odendaal is not again found guilty of a breach of GCR 172 during this period and, further, on condition that any and all amounts payable by Mr Odendaal are paid within the time frame permitted in terms of the GCRs.
7. Mr Odendaal is reminded of his rights in terms of GCR 212.

These findings distributed via email.

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