



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MOTORSPORT SOUTH AFRICA

IN THE COURT OF ENQUIRY NO: 1291

HELD VIRTUALLY ON 11 FEBRUARY 2026

### COURT COMPOSITION:

Mr. Marinus Barnard	Court President
Mr. Steve Harding	Court Member
Adv. Wandile Zulu	Court Member

### ADMINISTRATIVE ATTENDANCE:

Mrs. Carmen Hill	MSA Sporting Services Manager
Mrs. Allison Vogelsang	MSA Sporting Coordinator (Circuit & Karting)

### PARTIES IN ATTENDANCE:

Mr. Donald Tsitsing	MSA Scrutineer (Complainant Official)
Mr. Eric Schultz	Clerk of the Course

Representatives of Graphix Supply World Racing ("*the Respondent Team*")

Mr. Petrus Geel	<i>Entrant</i> / Team Manager (Car 69)
Mr. Roberto Franco	Driver (Car 69)
Mr. David Franco	Driver (Car 69)

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



sport, arts & culture

Department:  
Sport, Arts and Culture  
REPUBLIC OF SOUTH AFRICA

Chairperson: Ms. C. Low, Directors: V. Maharaj (Chief Executive Office), P. Zeelie (Financial),  
Ms. T. Human, Mrs. S. Labuscagne-Jonck, Ms. K. Mohun, D. Ramchander, Ms. M. Spurr  
Interim Appointed Directors: X. Letlaka, N. Townsend

## JUDGEMENT

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### INTRODUCTION:

- [1]. This Court of Enquiry ("*the Court*") was duly convened by Motorsport South Africa ("*MSA*") in terms of General Competition Rule ("*GCR*") 211, following upon consideration of the Clerk of the Course Report arising from the SAES Endurance Event conducted at Kyalami between 27 and 29 November 2025.
- [2]. The proceedings were conducted electronically in accordance with the provisions of GCR 220. The Court is satisfied that it was properly constituted, that it possessed the requisite jurisdiction, and that it was duly vested with full authority to enquire into the matters placed before it, to determine compliance with the GCRs, and, where appropriate, to impose sanctions in accordance with those Rules.
- [3]. The purpose of this enquiry is to determine whether the conduct of members of the Respondent Team toward an MSA Official, together with related written communications attributed to persons associated with the *Entry*, constituted a contravention of GCR 172(x) and such other related provisions as govern conduct toward officials and the preservation of the integrity, authority, and orderly administration of motorsport under MSA's jurisdiction.

### PROCEDURAL HISTORY AND HEARING PROTOCOLS:

- [4]. All interested parties were duly notified of the convening of this Court by way of the Notice to Court Members issued on 26 January 2026. The Court is satisfied that proper and adequate notice was given, together with sufficient information to enable the parties to understand the nature and scope of the enquiry.
- [5]. The Court thereafter convened electronically on 11 February 2026, as scheduled. The proceedings were formally opened, conducted, and recorded in accordance with the applicable provisions of the GCRs governing electronic hearings.

- [6]. During the course of the enquiry, witnesses were heard, as appropriate. No objections were raised at any stage in respect of the Court's jurisdiction, its composition, or the manner in which the proceedings were conducted. The Court is accordingly satisfied that all procedural requirements were fully complied with and that the enquiry was conducted in accordance with the principles of procedural fairness.
- [7]. The Court further records that the applicable standard of proof in these proceedings is that of a balance of probabilities, consistent with the established standard applicable to disciplinary enquiries conducted under the GCRs.

**BACKGROUND:**

- [8]. The Clerk of the Course Report records that an incident occurred on 29 November 2025, involving members of Graphix Supply World Racing. The report expressly notes that the incident in question was not isolated and, having regard to the seriousness and nature of the conduct reported, recommends that a Court of Enquiry be convened to investigate the matter further.
- [9]. The incident arose against the backdrop of a genuine medical emergency involving the Respondent Team's Chief Engineer, who collapsed in the pit area during the course of the event and required medical attention. The Court accepts that this unforeseen and distressing situation gave rise to acute stress and emotional pressure among members of the Respondent Team.
- [10]. The evidence before the Court establishes, however, that the full seriousness and medical nature of the emergency were not clearly or timeously communicated to Race Control or to the Scrutineering Team at the relevant time. As a consequence, officials continued to carry out their duties on the basis of the information available to them.
- [11]. During the implementation of a drive-through penalty affecting Car 69, an altercation arose between MSA Scrutineer, Mr Donald Tsitsing, and Mr Roberto Franco. The Scrutineer subsequently documented this interaction in a handwritten statement completed later on the same day, after the incident had occurred.
- [12]. Following the incident, a series of WhatsApp communications authored by Mr David Franco were circulated. These messages expressed frustration and contained language which was dismissive of the event and disparaging toward the officiating process. These communications

form part of the factual matrix considered by the Court in assessing the overall conduct of the Respondent Team.

**ONUS OF PROOF AND EVIDENCE BEFORE COURT:**

[13]. In determining the matters before it, the Court carefully considered the full body of evidence placed on record, including both documentary and oral material. The evidence considered by the Court comprised, *inter alia*, the Clerk of the Course Report, including contemporaneous commentary and observations recorded in the ordinary course of event administration.

[14]. The Court further had regard to the handwritten statement of Mr Donald Tsitsing, completed on the same day as the incident and prior to the institution of any formal disciplinary process. The Court regards this statement as materially reliable, having regard to its internal consistency, its level of detail, and its alignment with the broader body of evidence presented.

[15]. The Court also considered WhatsApp communications authored by Mr David Franco, which were submitted into evidence and which form part of the broader factual matrix, and heard oral evidence from the Scrutineer, the Clerk of the Course, and members of the Respondent Team, all of whom were afforded an opportunity to present their versions and address the issues under consideration.

[16]. Upon a careful assessment of the totality of the evidence, and having weighed the probabilities inherent in the respective versions presented, the Court is satisfied that the material facts have been established on a balance of probabilities, which is the applicable standard of proof in proceedings of this nature.

**REGULATORY FRAMEWORK:**

[17]. In assessing the conduct under consideration, the Court has had primary regard to GCR 172, which sets out those actions and proceedings that constitute breaches of the GCRs. In particular, GCR 172(iv) provides that “*any proceeding or act prejudicial to the interests of Motorsport South*

*Africa or of motorsport generally*” shall constitute a breach of the Rules and render the offender liable to disciplinary action.

- [18]. By way of clarification, GCR 172(iv) expressly includes within the scope of prejudicial conduct acts of intimidation, verbal abuse, and the distribution or publication of comments via electronic media, including cellular messaging platforms, which may be regarded as abusive, demeaning, inappropriate, or otherwise capable of bringing the sport or its governance into disrepute. The Court has considered the conduct in this matter squarely within this framework.
- [19]. The Court has further had direct regard to GCR 172(x), which specifically identifies the “*abuse of officials by competitors and/or their family members and/or members of their pit crew*” as a breach of the Rules. This provision reflects the elevated seriousness with which such conduct is regarded, given its direct impact on the authority, safety, and effective functioning of race officials.
- [20]. In attributing responsibility for the conduct established, the Court has applied GCR 113, which places the prime responsibility upon the *Entrant* for all acts and omissions of drivers, mechanics, pit personnel, and all other persons connected with the entry, and for ensuring that such persons comply with the GCRs. The Court is accordingly entitled to hold the Respondent Team accountable through the *Entrant* for the conduct of persons acting on its behalf.
- [21]. In determining the appropriate sanction, the Court has been guided by GCR 177, which prescribes the scale of penalties available to Courts of Enquiry, GCR 180, which governs the time limits and consequences applicable to the payment of fines and costs, and GCR 184, which regulates suspension or preclusion from participation for serious offences.
- [22]. The Court has exercised these powers within the procedural authority conferred by GCR 211, read with GCR 220, which governs the convening and conduct of Courts of Enquiry, including hearings conducted by electronic means.

#### **EVALUATION:**

##### **Conduct Toward the Scrutineer:**

- [23]. The Court accepts, on the evidence before it, that Mr Roberto Franco engaged the MSA Scrutineer, Mr Donald Tsitsing, in a manner that was hostile and confrontational while the Scrutineer was carrying out his official duties. This conduct included the raising of voices, the making of accusations which impugned the Scrutineer's integrity and humanity, and the adoption of a confrontational physical proximity inconsistent with the standards of conduct expected at an MSA - sanctioned event.
- [24]. The Court is satisfied that, at the time of the interaction, the Scrutineer was not fully apprised of the gravity or medical nature of the emergency affecting the Respondent Team's Chief Engineer. In those circumstances, the Scrutineer cannot be faulted for continuing to enforce the applicable regulations and instructions as he had been directed to do by Race Control.
- [25]. While the Court recognises that members of the Respondent Team were operating under significant emotional strain arising from the medical emergency, such distress does not excuse abusive, confrontational, or disrespectful communication directed toward officials. The orderly administration of motorsport depends upon officials being able to discharge their duties without intimidation or personal attack, even in difficult and emotionally charged circumstances.

**Entrant Responsibility:**

- [26]. In terms of GCR 113, the *Entrant* bears ultimate responsibility for the conduct of all drivers, crew members, and other representatives connected with the entry. The Court accordingly finds that the conduct of Mr Roberto Franco in relation to the verbal altercation with the Scrutineer is attributable to the Respondent Team through the *Entrant*.
- [27]. The *Entrant* is required, under the GCRs, not only to ensure compliance with technical and sporting regulations, but also to maintain appropriate standards of behaviour by all persons acting on behalf of, or in connection with, the entry.

**AGGRAVATING AND MITIGATING FACTORS:**

- [28]. In determining the appropriate outcome in this matter, the Court has considered both the mitigating and aggravating factors arising from the evidence, mindful of the need to ensure that

any sanction imposed is fair, proportionate, and consistent with the objectives of discipline, deterrence, and the proper administration of motorsport.

**Mitigating Factors:**

[29]. The Court accepts that the incident occurred in the context of a genuine and distressing medical emergency involving a senior member of the Respondent Team, which understandably gave rise to heightened stress and emotional strain among those involved. The Court further notes the absence of any physical violence during the incident.

[30]. Significant weight has been afforded to the genuine remorse expressed by members of the Respondent Team, together with the unreserved apologies tendered during the course of the hearing. The Court is satisfied that these expressions of contrition were sincerely made.

[31]. The Court also takes into account that there is no evidence before it of any prior disciplinary history involving the Respondent Team or the individuals concerned.

**Aggravating Factors:**

[32]. Balanced against the above, the Court notes that the conduct complained of involved abusive and disrespectful behaviour directed toward a licensed MSA Official while that official was engaged in the execution of his duties. Such conduct strikes at the authority of officials and the orderly regulation of motorsport.

[33]. The Court further places weight on the fact that the Clerk of the Course recorded a pattern of negative interactions involving the Respondent Team, indicating that the incident was not isolated.

**FINDINGS:**

[34]. Having considered all of the evidence placed before it, and for the reasons set out above, the Court finds as follows:

34.1. The Court finds that members of Graphix Supply World Racing engaged in abusive and discourteous conduct toward a licensed MSA Official while that official was performing his duties at an MSA - sanctioned event.

34.2. The Court accordingly finds that the Respondent Team breached GCRs 172(iv) and 172(x).

[35]. In light of these findings, the Court is satisfied that the imposition of sanction is warranted.

**SANCTIONS:**

[36]. Acting in terms of GCRs 177, 180, 184 and 196, and having weighed the aggravating and mitigating factors, the Court orders the following:

**Formal Reprimand:**

36.1. A formal reprimand is hereby issued to Graphix Supply World Racing in respect of the conduct that formed the subject of this enquiry.

**Written Apology:**

36.2. The Respondent Team is directed to submit a formal written apology, addressed to Mr Donald Tsitsing, to Motorsport South Africa within seven (7) days of the date of this judgment. MSA shall ensure that the apology is conveyed to the Scrutineer concerned.

**Communication Conduct Directive:**

36.3. The Court issues a communication conduct directive applicable to the Respondent Team and all persons associated with the *Entry*. All future interactions with MSA Officials are required to be respectful, measured, and fully compliant with the General Competition Rules. Any recurrence of similar conduct may result in escalated sanctions, including more severe disciplinary measures.

**Financial Penalty:**

- 36.4. A financial penalty in the amount of Seven Thousand Five Hundred Rand (R 7 500.00) is imposed on the Respondent Team as a contribution toward the costs of convening and administering this Court of Enquiry, including costs associated with both the initial hearing and the postponed sitting.
- 36.5. Notwithstanding the provisions of GCR 180, the Court expressly directs that this amount shall be payable to Motorsport South Africa within fourteen (14) days of the date of this judgment.
- 36.6. Failure to comply with this directive will render the Respondent Team liable to further action under GCR 184, including the possible suspension of competition privileges.

**Entrant Responsibility Reminder:**

- 36.7. The *Entrant* is formally reminded of their continuing obligations under GCR 113, including the responsibility to ensure appropriate conduct by all drivers, crew members, and representatives associated with the entry at all times.

**COURT NOTES:**

[37]. The Court records the following observations:

- 37.1. Exceptional or distressing circumstances, however grave, do not justify abusive or disrespectful conduct toward officials. Respectful communication with officials is a fundamental requirement for the safe, fair, and orderly governance of motorsport.
- 37.2. The Court acknowledges the remorse expressed by the Respondent Team and considers such remorse in mitigation. The Court expects, however, that the lessons arising from this enquiry will translate into improved conduct at future events.

37.3. The Court further records that any repetition of similar conduct is likely to attract substantially more severe sanctions, including sanctions of a punitive or exclusionary nature.

Date of Judgment: 13 April 2026

Signed Electronically:

**Mr. Marinus Barnard**                      **Court President**

**Mr. Steve Harding**                      **Court Member**

**Adv. Wandile Zulu**                      **Court Member**