

CLUB RACING BOARD

CLUB RACING BOARD MINUTES | July 3, 2018

The Club Racing Board met by teleconference on July 3, 2018. Participating were Jim Wheeler, Chairman; Todd Butler, David Arken, John LaRue, Kevin Fandozzi, Peter Keane, Sam Henry, and Pam Richardson, secretary. Also participating were: Bob Dowie and Bruce Lindstrand, BoD liaisons; Rick Harris, Road Racing Technical Manager, and Scott Schmidt, Technical Assistant, Road Racing. The following decisions were made:

Member Advisory **SR General**

1. #24875 (Club Racing Board) Formula Sports Racing Advisory Committee (FSRAC) Membership Change
Formula Sports Racing Advisory Committee (FSRAC) membership changes.

On October 1, 2018, Bill Johnson will step down as the chairperson for the FSRAC and David Locke will take over the position. In addition other members of the committee will end their service this year; those vacancies will be announced at a later date.

In anticipation of these changes, to facilitate a smooth transition before the end of the year and to allow a new team time to review post-Runoffs information, résumés are requested from SCCA members who are interested in volunteering their service. Please submit your résumé for service on the FSRAC through the CRB letter log system at: <https://www.crbscca.com/>.

Steve Lathrop will be joining the Committee effective October 1, 2018.

The CRB would like to thank Bill Johnson for his service and leadership of the FSRAC.

No Action Required **GT General**

1. #23472 (Steven Pounds) Classify the Maserati Granturismo GT4
Thank you for your letter. This car is already classified in GT2/STO. Additionally, the CRB is developing the GTX class, for which, this car would qualify.

GT3

1. #24728 (Michael Heintzman) Opposes 2019 GT-3 Turbo Charging Proposal
Thank you for your feedback.

STU

1. #24699 (Andrew Chartrand) Request to Allow RHD Twins of US Imports
Thank you for your letter. The rule is clear as written. If you can identify a vehicle as a model sold in the US then it is permitted in Super Touring.

T2-T4

1. #24734 (Harley Kaplan) Request for Over Bore of .020 With 30lb Weight Penalty
Thank you for providing your feedback.

Not Recommended

P1

1. #24804 (Chris Souliotis) Classify Radical SR8 into P1
Thank you for your letter. The CRB does not recommend this change because V8 engines are outside the P1 class philosophy. Competitors who wish to race the Radical SR8 may compete in the regional only ASR class.

GCR

1. #24689 (Orval Brown) Request Swerving Rule for Cars in Paddock, Pit Lane, Grid
Thank you for your letter. GCR Section 2.1.4. covers the issue you have raised. Many Regions have in their supplemental regulations a statement that scrubbing tires is only allowed while following the pace car.

GT2

1. #24616 (Marc Hoover) Request to Allow Turbos in GT
Thank you for your letter. The CRB does not recommend this for GT1. GT2 is currently allowing turbos on a case by case basis.

GT3

1. #24635 (Joe Kristensen) Request for Larger Restrictor Size for 4 Valve 2400cc Engines
Thank you for your request. This car is competitive as classed. The CRB will continue to monitor performance.

FP

1. #23911 (Inness Eisele) Request 1990-91 BMW 318i/iS Limited Prep Weight Reduction
Thank you for your request. This car is properly classed in FP based on existing specifications and no adjustment appears warranted.

2. #24670 (Curtis Wood) Alternate Bore Stroke Engine MGA and Alfa Giulia Spider Veloce
Thank you for your letter. Absent competition data for either of the involved cars, it is impossible to determine the need for the proposed engine substitutions (which concept is generally contrary to class philosophy).

Prod General

1. #23778 (Ricky Kwok) Request New Vehicle Classification
Thank you for your request. The CRB has requested a complete VTS on the car, which the competitor has not provided. The CRB therefore assumes that the competitor no longer wishes to classify the car in Production.

2. #24669 (Curtis Wood) Request for Production and GT Double Dip and Test Opportunities
Thank you for your request. The CRB does not recommend this.

STL

1. #24740 (Greg Eley) Request to Classify PWC TCA 2014 Honda Civic SI Car in STL
Thank you for your letter. No cars over 2000 CC are classified in STL.

T1

1. #24726 (Amir Haleem) Request Clarification About Adding 3SGTE to Toyota Supra
Thank you for your request. The examples you list are carried over from the old STO class rules. Engine swaps between models are not in line with the T1 philosophy. You could consider running the car in STU where it is already classed.

T2

1. #24700 (William Moore) Request for Camaro SS/1LE 10-14 Restrictor Change
Thank you for your request. The CRB does not recommend at this time. The car in this configuration has a lot of additional potential.

Recommended Items

The following subjects will be referred to the Board of Directors for approval. Address all comments, both for and against, to the Club Racing Board. It is the BoD's policy to withhold voting on a rules change until there has been input from the membership on the presented rules. Member input is suggested and encouraged. Please send your comments via the form at www.clubracingboard.com.

AS

1. #24929 (American Sedan Committee) Changes for RP 93-97 and 98-02 Camaro/Firebird Add to the specification lines Notes for the Chevrolet/Ponitac Camaro and Firebird (93-97) and (98-02) Restricted Prep. Cars:

May use 9.1.6.D.1.I.1. Flywheel/Clutch and 9.1.6.D.3.a.1. Transmission, Full preparation cars only.

2. #24930 (American Sedan Committee) Changes for All RP Ford Mustang 4.6L Add to the Notes for the Restricted Prep. Ford Mustang Cobra and GT (96-98) 4.6L V8: *May use Trick Flow Engine Kit TFS-K519-390-375. May use 9.1.6.D.1.I.1. Flywheel/Clutch and 9.1.6.D.3.a.1. Transmission, Full preparation cars only.*

Add to the Notes for the Restricted Prep. Ford Mustang Cobra (99-02) 4.6L V8: *May use Trick Flow Engine Kit TFS-K519-390-375. May use 9.1.6.D.1.I.1. Flywheel/Clutch and 9.1.6.D.3.a.1. Transmission, Full preparation cars only.*

Add to the Notes for the Restricted Prep. Ford Mustang GT (99-04) 4.6L V8: *May use Trick Flow Engine Kit TFS-K519-390-375. May use 9.1.6.D.1.I.1. Flywheel/Clutch and 9.1.6.D.3.a.1. Transmission, Full preparation cars only.*

Add to the Notes for the Restricted Prep. Ford Mustang Mach 1 (03-04) 4.6L V8: *May use Trick Flow Engine Kit TFS-K519-390-375. May use 9.1.6.D.1.I.1. Flywheel/Clutch and 9.1.6.D.3.a.1. Transmission, Full preparation cars only.*

Add to the Notes for the Restricted Prep. Ford Mustang Coupe GT (05-10) 4.6L V8: *May use Trick Flow Engine Kit TFS-K519-390-375. May use 9.1.6.D.1.I.1. Flywheel/Clutch and 9.1.6.D.3.a.1. Transmission, Full preparation cars only.*

F5

1. #24841 (John McFarland) Request for Overbore Piston Sizes Add the following to GCR Section 9.1.1.D.14:

I. Forged pistons

Only the following forged replacement pistons are permitted:

1. Kawasaki: Wiseco # 2084M06800

Rotax 494: Wiseco # 2381M06950; *Wiseco # 2381M07000 (0.50mm overbore)*

Rotax 493: Wiseco # 2436M06950; *Wiseco # 2436M07000 (0.50mm overbore)*

Rotax 593: Wiseco # 2411M07600

2. Rotax 593 (standard bore): Wiseco # 2411M07600

3. Rotax 593 (0.010" overbore): Rotax P/N 420889171

J. Overbore pistons

“OEM Type” cast replacement pistons as allowed in 9.1.1.D.14.H. are permitted as acceptable substitutes for those listed below. Engines may be overbored as specified by Rotax to allow fitting of specified piston.

1. Rotax 493 engine only: Rotax OEM 0.010” overbore piston (P/N 420888446); *ProX # 01.5400.050 (0.50mm overbore).*

2. Rotax 494 engine only: Rotax OEM 0.010” overbore piston (P/N 420887556); *ProX # 01.5598.050 (0.50mm overbore).*

3. Rotax 593 engine only: Rotax OEM 0.010” overbore piston (P/N 420889171).

GTL

1. #24642 (Kyle Disque) Request to Remove
Thank you for your letter. Remove 9.1.2.F.7.i.7.

ITA

1. #20142 (Robert McManus) Floor Pan Modification
Thank you for your request. Add to the Notes on spec lines for the ITA and ITS (1990-2005): *Spec Miata floor pan modifications allowed.*

Taken Care Of

F5

1. #24619 (Brad Smith) Allowance of Oversized Forged Pistons in 500cc Engines
Thank you for your letter. Please see the response to letter #24841.

2. #24627 (Tom Buckman) Request Overbore Pistons
Thank you for your letter. Please see the response to letter #24841.

3. #24637 (Will Lahee) Request to Allow Aftermarket Overbore Pistons in F500
Thank you for your letter. Please see the response to letter #24841.

4. #24640 (Chuck McAbee) Request for More Allowed Pistons in F5
Thank you for your letter. Please see the response to letter #24841.

T2

1. #24799 (William Moore) Request Camaro SS/1LE 10-14 Restrictor change
Thank you for your request. Please see the response to letter #24700.

T3

1. #23654 (Lansing Stout) Request adjustments to Nissans in T3
Thank you for your letter. Please see the response to letter #24687, July 2018 Fastrack Technical Bulletin.

2. #24671 (Derek Kulach) Request to Re-Visit the Restrictor for the 350Z
Thank you for your letter. Please see the response to letter #24687, July 2018 Fastrack Technical Bulletin.

3. #24674 (Jim Leithauser) Request to Re-Visit the Recent Nissan 350 Restrictor Change
Thank you for your letter. Please see the response to letter #24687, July 2018 Fastrack Technical Bulletin.

4. #24677 (Jason Ott) Additional Restrictor Data for the 350DE
Thank you for your letter. Please see the response to letter #24687, July 2018 Fastrack Technical Bulletin.

T4

1. #24721 (John Heinrich) Request to lower 2006 Mustang Ride Height Measurement Problem #2

Thank you for your letter. Please see the response to letter #24720, Technical Bulletin.

What Do You Think

None.

RESUMES

1. #24830 (Steve Lathrop) Resume to Serve on the Formula/Sports Racing Advisory Committee

Mr. Lathrop has been added to the FSRAC effective October 1, 2018.

TECH BULLETIN

DATE: July 20, 2018

NUMBER: TB 18-08

FROM: Club Racing Board

TO: Competitors, Stewards, and Scrutineers

SUBJECT: Errors and Omissions, Competition Adjustments, Clarifications, and Classifications

All changes are effective 8/1/2018 unless otherwise noted.

American Sedan

None.

B-Spec

1. #24751 (B-Spec Committee) Clarify B14 Kit

In GCR section 9.1.10.E.36, add the following:

“Any spring up to a maximum spring rate of 500 pounds may be used: *with the OEM suspension, the manufacturer's upgraded suspension kit, or the Bilstein B14 suspension kit.*”

Formula/Sports Racing

F5

1. #24626 (Jason Hobbs) Request part number update due to parts availability problems

In GCR Section 9.1.1.D.14.A, add the following:

“38mm intake boots, BPP 420867860 (last 6 digits 867860 are embossed on the boot), *BPP 420867862 (last 6 digits 867862 are embossed on the boot)*, or Kimpex 07-100-33, shall be used for the 493 and 593 engines.”

FF

1. #24678 (John LaRue) Request to change how to measure overall width

In the GCR FF/FC dimensions table 4, add the following:

“H. Maximum width - To be taken *at the widest point* on the wheel at the *horizontal* axle centerline.”

2. #24797 (John LaRue) Request FF CP Piston clarification

In 9.1.1.B.12.e.2 add the following:

“Standard size AE pistons P/N 18649, casting P/N 18634, standard size CP piston, part # 81-2 FF1600, or CP oversize piston, part # 81-2- FF1600+5 *as supplied by Ivey* may be used. *CP pistons must bear the Ivey logo.*”

P1

1. #24885 (Formula/Sports Racing Committee) Delete redundant references to P1 Table 1 (Spec Line Cars)

In GCR 9.1.8.A.C.K, delete section K as follows:

“~~K. SPEC LINE CARS The intent of Table 1 (Spec Line Cars) is to accommodate existing cars previously homologated as DSR or CSR and not requiring expensive changes to make them compliant with the P1 rules. For individual cars included in any of the spec lines in Table 1; any deviation from spec line requirements requires the car to be made compliant to all current P1 requirements with a notation in the front of the logbook noting the requirement to be compliant with all P1 rules.~~”-

In GCR 9.1.8.A.C.J.1:

“Applicable minimum weights are specified in the P1 Engine Table and Table 1 (Spec Line Cars).”

GCR

None.

Grand Touring

GT2

1. #24020 (Ken Billimack) Request Flossman Body Kit for BMW E92

In GT2/ST, BMW M3 E92 add to the notes as follows:

"Flossman body kit is permitted. Part #FD-WBE92GT3KIT, rear diffuser is not allowed."

GTL

1. #24709 (Joe Harlan) Change 240-SX S13/S14 Wheelbase to match GT3 97.5/99.4 listing.

In GTL, Nissan 240-SX (S13/S14), add wheelbase as follows:

"99.4"

2. #24739 (Joe Harlan) Request alternate Civic wheelbase

In GTL, Honda Civic (92-95), add the wheelbase as follows:

"98.4"

Improved Touring

None.

Production

EP

1. #24592 (Jeff Young) Request about Hubs/Bearings/Wheel Bolt Pattern

In EP, Triumph TR8 (78-81), add to the notes as follows:

"Alternate front hubs are allowed provided they are of the same external dimensions as stock and weigh no less than the stock hubs."

Spec Miata

None.

Super Touring

STL

1. #24665 (Tyler Quance) Request to allow hardtop on NC MX-5 Cup in STL

In STL, Mazda MX-5 Cup, add to the notes in table B as follows:

"Any OEM or aftermarket hardtop permitted that retains the OEM roof silhouette, including part #0000-07-5901, the discontinued DG Motorsports top (if a hardtop is used, latches shall be replaced with positive fasteners)."

STU

1. #24661 (Jason Meyers) Request for Ford Escort engine allowance

In STU, Table B, add alternate vehicle and engine allowances as follows:

STU	Maximum Displacement (cc's)	Minimum Weight	Notes
<i>Ford/Mazda BPT</i>	<i>1839</i>	<i>Chart</i>	

Touring

T1

1. #24694 (Adrian Wlostowski) Request to review Dailey Drysump allowance for LP Corvettes
In T1-LP, Chevrolet Corvette C-5 Incl. Fxd Cpe (98-04) Z06 (hardtop) (01-04), add to the notes as follows:

"Dailey dry sump kit permitted: 20-02-0666-assy, 04 90 2371."

In T1-LP, Chevrolet Corvette C6 Coupe (05-10) Grand Sport (10-13), add to the notes as follows:

"Dailey dry sump kit permitted: 20-02-0666-assy, 04 90 2371."

In T1-LP, Chevrolet Corvette Z06 (06-12), add to the notes as follows:

“Dailey dry sump kit permitted: 20-02-0666-assy, 04 90 2371.”

T2

1. #24719 (Bill Collins) Request to equalize BMW M3

In T2, BMW E92 M3 (08-14), make changes to the weight and notes as follows:

~~“3450~~ *3525”*

“The following aftermarket brakes are allowed with an additional 75lb penalty: StopTech Brake Kit permitted: 380x35mm 6-piston caliper Part# 83.160.6D00.XX(F) and 355 x 35mm 4-piston caliper Part# 83.160.0047.XX (R). *Brembo Brake kit permitted:* Front brake kit#1N2.8505A and Rear brake kit #2P2.8033A ~~allowed~~. Alcon Brake Kit permitted: (F) part #BKF9751ZG70L 6-piston caliper and (R) 4-piston caliper (R) part # BKR9856B20L. Springs up to 800#/in front and rear allowed. Rear spring may be located on shock. Any front swaybar front 32.2mm and 25.4 rear allowed. RD Sport F & R sway bar kit part # 1968190110. 80 mm flat plate restrictor required. Restrictor must be placed in the front of the factory engine air intake manifold opening. The plate must seal the opening so that all air entering passes through the restrictor. DCT transmission allowed. ~~3600 lbs. if aftermarket brake system is used.~~ Rear upright may be reinforced so that the lateral arm is mounted in a double shear mount. ~~Aftermarket brakes allowed at 100 lbs. penalty.”~~

In T2, Porsche 911 / Carrera S 997.2 (09-12), make changes to the restrictor size in the notes as follows:

~~55mm~~ *60mm*

T2-T4

1. #24720 (John Heinrich) Request to lower 2006 Mustang Ride Height/Measurement Problem In GCR section 9.1.9.2.D.5.b.2.c

“Ride height to be measured without driver at the lowest point of the rocker, but not to include welded seams ~~or~~, fasteners *or factory aero cladding.*”

2. #24763 (Lansing Stout) Request to clarify classification age for cars

In GCR section 9.1.9.2.C.3.a, delete the wording as follows:

“Cars more than 5 model years old will not be classified.”

T3

1. #24684 (Jared Lendrum) Request to Open Up Years on Global MX-5

In T3, Mazda MX-5 Global Cup Miata (2016), make changes to the year as follows: (2016-)

COURT OF APPEALS

JUDGEMENT OF THE COURT OF APPEALS Charles Davis vs. Review Committee COA Ref. No. 18-06-MW June 7, 2018

FACTS IN BRIEF

On October 19, 2017, Dan Miklovic, Midwest Division Executive Steward, appointed a committee to review the driving record of Charles Davis. In accordance with General Competition Rules (GCR) 2.5., the Review Committee, composed of Mike Smith, Steve Pence, and Dan Hodge (Chairman), reviewed Mr. Davis' competition license record, interviewed witnesses, deliberated, and published a judgement on April 26, 2018.

Mr. Davis was notified by telephone and received a copy of the Review Committee's decision via email on May 10, 2018. A corrected version of the decision was delivered on June 5, 2018.

The Review Committee judgement imposed the following penalties:

1. The current remaining Probation Letters (2017 Hallett SOM Committee) and (2017 Runoff's SOM Court 1) are combined into one (1) Probation Letter with six (6) race weekends remaining.
2. At the completion of the above noted probation period, Mr. Davis will begin a twelve (12) month Probation period and be required to complete the following items as conditions to satisfying the probation:
 - a. 1 day shadowing a Chief Steward
 - b. 8 hours of working with F & C on corners (may be spread out over several weekends).
 - c. 4 hours of working with Emergency Services (may be spread out over several weekends).
3. Mr. Davis is restricted from racing in any 2018 Super Tour, Majors or the Runoffs. (This became effective on the date the Committee delivered its decision to Mr. Davis.)

Mr. Davis is appealing the decision as being "outrageously excessive."

DATES OF THE COURT

The SCCA Court of Appeals (COA) Spencer Gorham, Anne Christian, and Pat McCammon (Chairman) met on June 7, 2018, to review, hear, and render a decision on the appeal.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Appeal letter from Charles Davis, received May 16, 2018.
2. Official driver record and related documents considered by the Review Committee, received May 22, 2018.
3. Corrected judgement and probation letters from the Review Committee, received June

5, 2018.

FINDINGS

In his appeal, Mr. Davis cited specific incidents that resulted in points being assessed against his competition license and offered causes, explanations, and extenuating circumstances for each.

- Majors Event at Texas World Speedway, May 23, 2015: The Stewards of the Meeting (SOM) at the event received two protests against Mr. Davis for passing under a full course yellow. The SOM reviewed video evidence, verified the passes under double yellow, and issued a reprimand to Mr. Davis' driver file. Mr. Davis offered a statement citing extenuating circumstances.
- Majors Event at MSR Houston, April 29, 2016: The Race Director received a witness statement indicating Mr. Davis had metal-to-metal contact under yellow and the contact caused the other car to spin off the track. In addition, the witness statement stated light contact with a different car occurred on the next lap. The Race Director placed Mr. Davis on a three (3) race weekend probation. Mr. Davis acknowledged a single car-to-car contact occurred under a local yellow flag and offered an unsubstantiated explanation for his actions.
- Super Tour at Hallett Motor Racing Circuit, April 9, 2017: A competitor protested Mr. Davis for multiple car-to-car contacts. The SOM at the event investigated these contacts, determined Mr. Davis violated GCR 6.11.1.A. and 6.11.1.D., and placed Mr. Davis on a four (4) race weekend probation. The SOM ruling was upheld in its entirety by the COA on May 11, 2017 (Ref. No.17-12-MW). Mr. Davis does not believe he was at fault and so states in his appeal of the Review Committee ruling, but provides no new information.
- 2017 SCCA National Championship Runoffs at Indianapolis Motor Speedway, September 29, 2017: The Runoffs Chief Steward accepted two protests against Mr. Davis for passing under a full course yellow during qualifying. The SOM reviewed videos, interviewed witnesses, and placed Mr. Davis on a four (4) race weekend probation, to be served after completing his existing probation (2017 Super Tour Hallett Motor Racing Circuit). Mr. Davis acknowledged passing under a full course yellow and states he allowed the cars he passed to go by at the earliest opportunity.

The COA finds the additional explanations provided by Mr. Davis are not sufficient to alter the judgements of the Review Committee. The Review Committee conducted a thorough review and reached a fair and reasoned decision based on the evidence available to them.

Further, the COA finds that the penalties assigned by the Review Committee are within its authority per GCR section 2.5., which states "The Review Committee may invoke penalties as specified in [GCR] Section 7...", and its review was conducted according to GCR section 2.6., which states, "Reviews will be conducted in accordance with Stewards Manual guidelines."

DECISION

The COA upholds the Review Committee's decision in its entirety and instructs Mr. Davis to follow the conditions of the probationary license as corrected on June 5, 2018.

Mr. Davis' appeal is not well founded, and the appeal fee will be retained by SCCA.

JUDGEMENT OF THE COURT OF APPEALS
Martin Burk vs. SOM COA Ref. No. 18-08-NE
July 12, 2018

FACTS IN BRIEF

On June 17, 2018, following the conclusion of the on-track events at Summit Point Motorsports Park, Martin Burk, Tech Inspector, filed a Protest charging Lin Toland, Steward, with violating General Competition Rules (GCR) 2.1.7. (Acting in an unsportsmanlike manner.) and 2.1.8. (Threatening or committing physical violence upon any other participant or spectator.)

The Stewards of the Meeting (SOM), Jim Harrison and Peter Roberts (Chairman), met, interviewed witnesses, reviewed witness statements, and determined that Mr. Toland violated GCR 2.1.7. and 2.1.8. The SOM issued a formal ruling upholding Mr. Burk's protest, did not impose a specific penalty against Mr. Toland, and referred the matter to the Northeast Division (NEDIV) Executive Steward, Fred Brinkel. Mr. Burk appealed the ruling issued by the SOM.

DATES OF THE COURT

The SCCA Court of Appeals (COA) Spencer Gorham, Pat McCammon, and Michael West (Chairman) met on July 5 and July 12, 2018 to review, hear, and render a decision on the appeal.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Appeal letter from Martin Burk, received June 27, 2018.
2. Official Observers Report and related documents, received June 27, 2018.
3. SOM Chairman Peter Roberts' summary report addressed to Fred Brinkel, Executive Steward, dated June 19, 2018, received June 27, 2018.
4. SOM Member Jim Harrison's summary report addressed to Fred Brinkel, Executive Steward, dated June 19, 2018, received June 27, 2018.
5. SOM Chairman's written follow up summary addressed to the COA, received June 28, 2018.
6. Email statement from Fred Brinkel, NEDIV Executive Steward, received June 28, 2018.
7. Email statement dated June 19, 2018, to SOM from Chris Current, Chief Steward, received July 1, 2018.
8. Additional witness statements and photos provided by Mr. Burk in support of his appeal, received July 5 and 9, 2018.

FINDINGS

Following the last race of the day at the MARRS #5 event held at Summit Point Motorsports Park on June 17, 2018, Martin Burk asked Lin Toland why a car and driver did not report to Impound for inspection. Mr. Burk and Mr. Toland entered into a contentious conversation in the Tech area that ended with Mr. Toland striking Mr. Burk with his fist (according to Mr. Burk and numerous witness statements) or a brush on the shoulder with an open palm (according to Mr. Toland). Kathy McLeod, Tech Steward, intervened and suggested that all parties calm down. Following the physical contact, Mr. Burk called local law enforcement and also filed a protest against Mr. Toland.

At the time the protest was filed, the SOM were hearing another protest and were not able to convene to hear Mr. Burk's protest until after 7:30 PM. According to the SOM, both Mr. Burk and Mr. Toland were interviewed and all witness statements were reviewed. The SOM notes some witnesses that submitted statements had left the track due to the lateness of the hour.

The SOM determined Mr. Toland did violate both 2.1.7. and 2.1.8. and so stated in a formal ruling upholding Mr. Burk's protest. However, the SOM were unable to determine an

appropriate penalty based on their reading of the GCR. The SOM concluded the penalties set forth in GCR Section 7. focused on driver conduct and did not provide the authority for them to impose a penalty on Mr. Toland. In consultation with the Chief Steward and guidance from the NEDIV Executive Steward, the SOM determined the most appropriate action was to refer the matter to the Executive Steward for review and action.

The COA notes the conclusion regarding the lack of authority to impose a penalty in accordance with GCR Section 7. is an incorrect reading. GCR 7.1. (Who May be Penalized) lists "official" as being an individual that may be penalized. In addition, GCR 7.2.I. (Suspension of License Privileges) states that the SOM may suspend an official's license for up to 12 months.

Mr. Burk asserts the SOM did not hold a hearing in accordance with GCR 8.2. The SOM Chairman's and SOM member's statements to the NEDIV Executive Steward indicate a hearing was held and all parties were apprised of the ruling. The COA is unable to conclusively state a hearing was not held, but does acknowledge the information provided to Mr. Burk and handling of this case should have been more transparent.

The COA strongly considered returning the matter to the SOM with a directive to reopen the hearing, but the only appropriate penalty offered by GCR Section 7. is suspension of Mr. Toland's steward license. Fred Brinkel, NEDIV Executive Steward, suspended Mr. Toland's license indefinitely on June 18, 2018, and requested the National Chairman of Stewards, Jim Rogaski, convene a Review Committee as set forth in GCR 2.5. (Executive Steward Driver and Official Review) to investigate and issue a ruling on the matter. Mr. Brinkel requested Mr. Rogaski appoint individuals with no connection to NEDIV. Mr. Rogaski convened the Review Committee on June 19, 2018, and the review is in progress. Mr. Toland in effect has been penalized with a suspension (the strongest penalty the SOM could have imposed) and returning the issue to the SOM for further deliberation would only delay the Review Committee process.

The COA acknowledges the SOM ruling is unique, but not in technical violation of the various GCR sections that address penalties.

DECISION

The COA upholds the SOM's ruling that Mr. Toland violated GCR 2.1.7. and 2.1.8. and their referral to the NEDIV Executive Steward for further action. Mr. Burk's appeal is well founded and his entire appeal fee will be returned.