



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## COURT OF ENQUIRY 1178

### TO INVESTIGATE ALLEGATIONS OF MISCONDUCT BY COMPETITORS AT THE TOYOTA DESERT RACE IN BOTSWANA ON 25<sup>TH</sup> JUNE 2016 ENQUIRY HELD IN THE MSA BOARDROOM ON 02<sup>ND</sup> AUGUST 2016 AT 17H00

<b>Present:</b>	Paddy Venske	-	Court President	
	Iain Pepper	-	Court Member	
	Ian Scheckter	-	Court Member	
	William Haddad	-	MSA Steward	
	Jason Venter	-	Competitor	
	Deon Venter	-	Competitor & Father of competitor Jason Venter	
	Vince van Allemann	-	Competitor	
	Lizelle van Allemann	-	Witness / Team Entrant	
	Gary Bertholdt	-	Competitor	
	Bodo Bertholdt	-	Witness & Father of Competitor Gary Bertholdt	
	Carl Swart	-	Witness	
	Quinton Wright	-	Witness	
	Theodor Roos	-	Witness	
	Jaco van Aardt	-	Witness	
	Harry le Roux	-	Witness	
	Bernie Williams	-	Witness	
	<b>In attendance:</b>	Wayne Riddell	-	MSA Sporting Services Manager
		Carmen Hill	-	MSA Scribe
		Siegfried Rossouw	-	SANORA Observer

## INTRODUCTION

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

## FINDINGS

After hearing evidence from those present, the court unanimously finds as follows:

1. The post-race incident/race reports submitted by competitors Jason Venter and Gary Bertholdt contained no mention of any form of contact having taken place during the race, either with each other or with any other vehicle. In the absence of any such formal reporting, the court does not consider itself compelled to act, or indeed even take cognisance of, any testimony relating to such alleged contact.
2. Competitor Bertholdt stated to the court (and in his formal complaint) that his vehicle had made contact with that of competitor Jason Venter during the course of the event and this statement was not refuted by competitor Jason Venter.

*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), M. du Toit, P du Toit, D. Easom, J. Fourie, G. Hall, M. Rowe, Ms N. Singh, T. Sipuka

Hon. Presidents: T. Kilburn, Mrs. B. Schoeman

3. In the circumstances, it is clear to the court that both competitors Bertholdt and Jason Venter are guilty of having made false declarations (by omission) on their post-race reports. Each competitor is fined an amount of R2500.00 as a consequence – refer GCR 180.
4. By competitor Deon Venter's (MSA licence no. 06161) own admission, he confronted competitor Bertholdt in a very aggressive manner and repeatedly used "colourful" language. Competitor Deon Venter's conduct is found to have constituted a breach of MSA's regulations, with reference to GCR 172 (iv).
5. Competitor Deon Venter's conduct during this hearing was considered by the court to be an aggravating, rather than a mitigating, factor.
6. As a consequence of his conduct, competitor Deon Venter's licence is withdrawn for a period of eighteen (18) months. This withdrawal of licence is however suspended for a period of two (2) years and will only come into effect should competitor Deon Venter be guilty of a further breach in terms of GCR 172 (iv) during the two years following publication of these findings.
7. Competitor Deon Venter is further fined an amount of R25 000.00 for his conduct. However R20 000.00 of this fine is suspended for a period of two (2) years and will only be payable should competitor Deon Venter be found guilty of a further contravention in terms of GCR 172 (iv) in the two years following publication of these findings. An amount of R5000.00 of the fine is payable immediately – refer GCR 180.
8. Court costs of R3000.00 are split equally between competitors Gary Bertholdt, Jason Venter and Deon Venter, with each therefore being responsible for a portion of R1000.00.
9. All parties are reminded of their rights in terms of GCR 212 B).

These findings were distributed via email at 13:51 on the 2<sup>nd</sup> September 2016

**160770/098**