



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

www.motorsport.co.za

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MSA COURT OF ENQUIRY 1211

HEARING HELD AT THE MSA OFFICE IN CAPE TOWN AT 18:00 ON 18th APRIL 2018

Present:	Joy Dolinschek	-	Court President
	Neva van der Merwe	-	Court Member
	Phil Herholdt	-	Court Member
	Stephanie vd Merwe	-	Clerk of the Course
	Carel vd Merwe	-	Assistant Clerk of the Course
	Saritha Bowles	-	Race Secretary
	George Schutte	-	MSA Steward
	Vicki Laubscher	-	Club Steward
	Etienne Rauch	-	Competitor
	Joyleen Rauch	-	Competitor's Wife
	Shane Miller	-	Witness
In attendance:	Lizelle van Rensburg	-	MSA Scribe

INTRODUCTION:

The Court President introduced herself and the other court members. There were no objections to the composition of the court.

THE HEARING

1. Motorsport South Africa has convened a Court of Enquiry in terms of GCR 211 to investigate, inter alia:
 - a) The incident in the final race of the 2.1 Modified Saloon Class at CHD Tar Oval event held at Killarney in the 17th March 2018 whereby it is alleged competitor Rauch conducted himself improperly following an on track incident.

EVIDENCE LEAD

2. Mr. Etienne Rauch – the competitor stated that :-
 - a) That notwithstanding the non-contact rules in the 2.1 class, there was a lot of contact throughout the 2.1 races.

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Directors: Adv. G. T. Avvakoumides (Chairman), A. Scholtz (Chief Executive Officer), A. Taylor (Financial), D. Easom, J. Fourie G. Hall, A. Harri, E. Murray, M. Rowe, R. Schilling, Ms M. Spurr, S. Van der Merwe

- b) That in race 2 competitor E Greissen had forced Rauch out, he in turn 'rubbed' competitor Griessen and for which he (Rauch) was excluded and which exclusion he had accepted.
 - c) In race 3 there was an incident between 'John' and 'Eugene'. The race was cautioned and 'John' was warned.
 - d) In the final Griessen was faster than Rauch and Rauch signaled Griessen to pass him. However Griessen pushed Rauch out onto the outside of Engen corner. Competitor Rauch admits to walking closer to the track on at least two separate occasions, throwing his hands in the air.
 - e) Once the race was over competitor Rauch drove to the start / finish line and admits to a rowdy confrontation with the officials, ultimately leaving the track only once he had been shown the black flag twice.
 - f) Competitor Rauch admits to having refused to sign the exclusion document submitted to him for signature.
3. The assistant Clerk of the Course Carel vd Merwe, who was running the race in question confirmed much of that tendered by competitor Rauch. He further states that competitor Rauch compromised the safety of the event and possibly distracted other drivers while they were still racing. He confirms the misbehavior at the start / finish line in front of spectators could certainly be considered to bringing the sport into disrepute.
4. The MSA Steward – Mr. George Schutte stated that:-
- a) Mrs. Joyleen Rauch had approached the officials and a slight disagreement ensued between Mrs. Rauch and the Clerk of the Course. Mrs. Rauch insisted that she too is a Clerk of the Course. The Clerk of the Course Stephanie vd Merwe advised Mrs. Rauch that if she (Mrs. Rauch) wished to take the matter further she should protest and the stewards would look into the matter.
 - b) According to the MSA steward, Mrs. Rauch refused to submit a protest insisting that her incident report should be investigated. The MSA steward undertook that should Mrs. Rauch send him a report within a day or two he would see what could be done via Motorsport.
5. The Club Steward Vicki Laubscher confirmed much of what had already been stated. Her observation was that Richard Griessen had pushed competitor Rauch off the track. She confirms that Rauch was waving his arms at Griessen going back and forth from his stranded car and the track.

COURT FINDINGS

- 6. a) The Court finds that the MSA Steward acted incorrectly by agreeing to 'have MSA look into the matter' as this matter could have and should have been protested on the day. In this regard the MSA steward is reprimanded and encouraged to revisit the GCR's in this regard.
- b) It is noted that the apology received from Mrs. Rauch on behalf of competitor Rauch was sent just two hours after she was advised of the MSA instruction to initiate a Court of Enquiry.

- c) Having called for the Clerk of the Course report, the Court notes that at very least the exclusion of competitor Rauch from race two is not included.
- d) While Court finds that Competitor Rauch was open and honest in his evidence he is nevertheless found to have not only comprised the safety of the race but is in breach of GCR 172 iv) vi) vii) x). Competitor Rauch is fined the amount of R1500.00 and cost are awarded against him in the further amount of R1000.00

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

These findings are published via email on 09th May 2018.

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