



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

[www.motorsport.co.za](http://www.motorsport.co.za)

2nd Floor, Meersig 1, Cnr. Upper Lake Lane & Constantia Boulevard, Constantia Kloof, Roodepoort. P.O. Box 6677, Weltevreden, 1715  
e-mail: [msa@motorsport.co.za](mailto:msa@motorsport.co.za) Telephone (011) 675 2220 Fax: (011) 675 2219, National Number: 0861 MSA MSA (0861 672 672)

## MSA COURT OF ENQUIRY 1173

**ENQUIRY TO INVESTIGATE ON TRACK INCIDENT BETWEEN COMPETITOR DAMIAN MILLER AND MARK FONTINI IN THE FIRST RACE OF THE 2.1 CLASS AS WELL AS THE VERBAL ALTERCATION BETWEEN COMPETITOR DAMIAN MILLER AND THE OFFICIALS AT THE CHD CLUB CHAMPIONSHIP EVENT HELD AT KILLARNEY ON THE 25<sup>TH</sup> MARCH 2016.**

**HEARING HELD AT THE MSA OFFICE IN CAPE TOWN AT 18H00 ON 04<sup>TH</sup> MAY 2016**

<b><u>Present:</u></b>	Brian Hoskins	-	Court President
	Arlene Brown	-	Court Member
	Brenton Gregory	-	Court Member
	Stephanie vd Merwe	-	Clerk of the Course
	Andrew Fontini Jnr	-	Assistant Clerk of the Course
	Andrew Fontini Snr	-	CHD Chairman
	Carel vd Merwe	-	MSA Steward
	George Schutte	-	Club Steward
	Damian Miller	-	Competitor
	Mark Fontini	-	Competitor
	Richard Griessen	-	Competitor – Witness to circuit incident
	William Paint	-	Damian Miller's Pit Mechanic
	Revon Froslea	-	Damian Miller's Pit Mechanic
	Shayne Miller	-	Damian Miller's Pit Mechanic
	Samantha Lovelot	-	Damian Miller's Girlfriend
	Lizelle van Rensburg	-	MSA Scribe

The Court Members were introduced and there were no objections to the composition of the Court.

At the start of the hearing the Court asked Stephanie vd Merwe to explain how the penalty process works at an oval track racing event, so that everyone could have an understanding of it.

In the documentation received, the Court noticed that according to TORC rule OT 41.3.28 there is a specific penalty set out for disorderly conduct. Stephanie vd Merwe, the CofC of the event was asked why it was not applied to competitor D. Miller on the night of the said event. It was explained to all present that if the Court applied the penalty to the competitor, his next step, if he wanted to "protest" the decision would be to apply to a National Court of Appeal, a very costly process.

The Court requested the CofC to have a hearing with the competitor, so that the appropriate penalty could be applied.

*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

Honorary Presidents – Mrs B Schoeman, T Kilburn

At this point, the Court members left the room and the CofC held the hearing. The on-track incident and the verbal altercation were discussed.

The outcome of the hearing was that the competitor was suspended in terms of OT 41.3.28.

The competitor protested the CofC's decision within time on the night of the hearing. As the Stewards of the event remained in the room when the hearing was held they were not in a position to hear the protest. The Court members therefore heard the protest. The protest was not successful as the appropriate protest fee was not put forward.

A further discussion took place with the officials of the event and the Chairman of CHD to understand their use of officials and to explain the various roles and responsibilities of all the players.

These findings distributed via e-mail on 03/06/2016.

**160644/098**