



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MSA COURT OF ENQUIRY 1165

### COURT OF ENQUIRY 1165 HELD TO INVESTIGATE THE ALLEGED BREACH OF GCR 172 X. AGAINST COMPETITOR CHARLES CARLSON JNR DURING AN OVAL TAR EVENT ON THE 30<sup>TH</sup> JANUARY 2016 AT MAHEM RACEWAY

HEARING HELD AT MSA HEAD OFFICE AT 18H00 ON 24<sup>TH</sup> FEBRUARY 2016

#### Present:

Mr Paddy Venske	-	Court President
Mr Alan Kernick	-	Court Member
Mr Eldrid Diedericks	-	Court Member
Mr Dick Schuttle	-	Court Member
Mr Wally Pappas	-	Clerk of Course
Mr Rudy Myburgh	-	MSA Steward/TORC Race Director
Mr Charles Carlson Jnr	-	Competitor
Ms Dechelle Berry	-	Assistant Event Secretary
Mr Westley Pappas	-	Observer

#### In Attendance:

Mrs Karin Britton	-	MSA Scribe
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The court president introduced the members and there was no objection to the composition of the court.

The court had been empowered to determine the issue related to alleged abuse of official during an Oval Tar event at Mahem Raceway on the 30<sup>th</sup> January 2016.

#### Hearing

Mr Wally Pappas gave the court the details and the run up to their findings as to what happened on the day. Ms Dechelle Berry was asked to give her version of events that led to her complaint concerning Mr Charles Carson Jnr.

*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

Her version of events had the following two items in question;

1. Mr Carlson Jnr used language in which Ms Berry felt was abuse of an official, as she was only the bearer of the findings.
2. Ms Berry claimed that competitor Mr Carlson Jnr had further stated that he was going to cause an issue in the second heat.

Mr Carlson Jnr replied that he admitted to the first statement from Ms Berry and he denied the second issue.

As there was no witness to the conversation between the two parties, the court would be hard pressed to take a formal stance on the second issue and would therefore only deal with the first issue.

Mr Carlson Jnr stated that he realised his wrong doing and apologised twice to Ms Berry during the remainder of the event, Ms Berry confirmed this statement as correct.

Mr Carlson Jnr tried to relate to other issues of the evening not related to the incident in question, but the court reminded Mr Carlson Jnr that the court could only deal with the incident stated in the documentation.

### Findings

On having heard from all the parties concerned, the court started its deliberation.

One item of concern to the court was that it seemed some members present at the hearing, tried to create an impression that Mr Carlson Jnr was guilty of a major offence, in that they combined the issues of the event.

The court was made aware of the contents and findings of COE 1112 in that there was still a suspended sentence on Mr Carlson Jnr until May 2016.

Due to the circumstances of this court, the minor infringement of Mr Carlson Jnr, is that the language used was not directed at Ms Dechelle, as well as Ms Dechelle accepting the apology, we find that imposing the suspended sentence of one year race ban very harsh for the offence and therefore impose the following:

1. The 12 month ban which is currently suspended, is suspended for an additional year namely until May 2017.
2. That Mr Carlson Jnr is fined R5000-00.

All parties are reminded of their rights as per GCR 212 B.

These findings issued by way of email on 11<sup>th</sup> March 2016.

Ref. 160432/098