



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## COURT OF ENQUIRY 1223

HEARING HELD IN THE MSA BOARDROOM ON WEDNESDAY 11<sup>th</sup> SEPTEMBER 2019

<b>Present:</b>	Tony Taylor	-	Court President
	Shameer Variawa	-	Court Member
	James Mahope	-	Court Member
	Andy Gossman	-	Competitor / Defendant
	Joanne Gossman	-	Witness / Secretary of the V W Challenge Club
	Reead Essop	-	Competitor
	Phillip Croeser	-	Chairman V W Challenge Club
	Jimi Smith	-	Clerk of the Course
	Raoul Farah	-	VW Challenge Club
<b>In Attendance:</b>	Allison Atkinson	-	MSA Scribe
	Adrian Scholtz	-	MSA CEO

### INTRODUCTION

The court members and attendees were introduced and no objections were raised on the composition of the court.

### THE HEARING

The Enquiry relates to the alleged contravention of GCR 172 iv by Mr Andy Gossman at the Extreme Festival event that took place at Zwartkops Race Track on 29<sup>th</sup> June 2019.

An e-mail had been received by MSA from one Mr Jack Miller alleging that the incident had strong racial overtones. MSA had exhausted all means at its disposal to identify Mr Jack Miller and have him attend the hearing and give evidence as to what had transpired.

Natural justice demands that a defendant has the right to face his accuser. Under normal circumstances, the court would have been inclined to refuse to hear the matter but given the seriousness of the accusation and MSA's very firm stance on such issues the Court allowed the hearing to continue.

The allegation was that Mr Andy Gossman, following an incident on circuit with Mr Reead Essop had approached Mr Essop in an extremely aggressive manner and verbally abused him.

Mr Essop confirmed that Mr Gossman had indeed been very aggressive and abusive towards him. He also stated that once Mr Gossman had viewed the video footage of the supposed incident that Mr Gossman, of his own volition, had approached him and apologised most sincerely for his behaviour.

*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: A. Roux (Chairman), A. Scholtz (Chief Executive Officer), A. Taylor (Financial), F. Alibhai, R. Beekun, FC. Kraamwinkel, G. Hall, A. Harri, Dr G. Mills, E. Murray, M. Rowe, R. Schilling, Ms M. Spurr, S. Themba, S. Van der Merwe

Mr Essop indicated that he had accepted the apology and were it not for the e-mail from "Mr Jack Miller" the matter would have, in his opinion, been settled at the Circuit.

Mr Gossman when asked to give his version of the events immediately repeated his apology to Mr Essop and to the court.

When Mr Essop was questioned as to whether he considered the incident to be racially motivated he repeated the as far as he was concerned that matter had been settled at the circuit.

#### **FINDINGS**

1. By his own admission, Mr Andy Gossman is guilty of having breached GCR 172 iv in that he subjected Mr Essop to verbal abuse and that this took place in the presence of others and his behaviour was generally inappropriate and offensive.
2. The court having taken to account Mr Gossman's apology and his obvious remorse relating to the incident, imposes the following sanction:
  - a) Mr Gossman is hereby fined an amount of R2000.00. This fine is suspended for a period of one year. The effect of this penalty is that, should Mr Gossman be found guilty of a similar offence, during the first year, following the publication of these findings, the fine of R2000.00 will come into effect.
  - b) Mr Gossman's competition licence is suspended for a period of one year. The effect of this penalty is that, should Mr Gossman be found guilty, of a similar offence during the first year following the publication of these findings, his competition licence will be revoked for a period of one year.

Administrative costs of R500.00 are levied against Mr Gossman.

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

These findings are distributed via email on 20 September 2019 at 11:00am

**Ref. 162016/158**