



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MSA COURT OF ENQUIRY 1234

### HEARING HELD AT THE MSA OFFICE IN CAPE TOWN AT 18H00 ON 25<sup>th</sup> NOVEMBER 2019

Present:

Steve Miller	-	Court President
Trevor Hodges	-	Court Member
Devon Fourie	-	Complainant (Timekeeper at the event)
Roy Pheiffer	-	MSA Steward
Asheeqah Howa	-	Witness
Eric Schultz	-	Owner of ZA Timekeeping

In attendance: Lizelle van Rensburg - MSA Sport Coordinator

The Court President introduced the court members. The apologies of court member Lance Isaacs were recorded. No objections to the composition of the Court were recorded.

The Court noted the absence of the defendant, Mr Johann Spies. The Court ruled that it would continue to hear the case *'in absentia'*.

#### 1. ACCUSATION

The complainant, Mr Devon Fourie, alleges that Mr Spies verbally abused and physically assaulted him at a Regional Motocross meeting at Zone 7 on 02 November 2019.

#### 2. EVIDENCE

The Court heard evidence from the complainant, an eyewitness, the MSA Steward of the day and Mr Fourie's employer who was involved in the incident telephonically, and concludes that:

- An altercation arose as a result of the unsatisfactory physical posting of results by the timekeepers.
- This interaction was preceded by earlier complaints by Mr Spies that the timekeepers had not paid attention to the revised programme, which called for an early start to avoid the rugby later in the day, and had arrived late. This appears to have been the result of miscommunication between both parties but it clearly clouded the day's events.

*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. Beekum, FC. Kraamwinkel, G. Hall, A. Harri, Dr G. Mills, E. Murray, M. Rowe, R. Schilling, Ms M. Spurr, S. Themba, S. Van der Merwe

- c) Mr Spies was verbally insulting, instructing both timekeepers to “do their job”, an injunction accompanied by gesticulation with his hand-held radio.
- d) Equally, the timekeepers displayed a degree of insouciance with their responses that they would re-post the results “when they had the time”.
- e) The escalation of tensions resulted in further verbal abuse of Mr Fourie by Mr Spies, who threatened to “sort him out” and report him to his employer.
- f) The breakdown in cordial relations ultimately led to physical mistreatment of Mr Fourie by Mr Spies.
- g) Goaded by the abuse of Mr Spies, and so advised by his employer, Mr Fourie took the decision to pack up his timekeeping equipment and cease timing for the day.
- h) The MSA Steward convinced Mr Fourie to reconsider his decision which would jeopardise the day’s event and to complete his duties for the day, and reported the incident to MSA.
- i) The Steward confronted Mr Spies about the incident. Mr Spies denied neither the verbal nor the physical interaction but did deny the characterisation of the force as amounting to “assault”.
- j) Mr Fourie presented himself to the medic on the day for treatment for bruising and swelling.

### **3. FINDINGS**

Accordingly, the Court finds that:

- a) Mr Spies verbally abused Mr Fourie and Ms Howa.
- b) Mr Spies physically attacked Mr Fourie, resulting in superficial but visible bodily damage.
- c) Mr Spies is guilty of bringing motorsport into disrepute by transgressing GCR 172 iv) which specifically forbids either verbal or physical abuse.

### **4. PENALTIES**

The Court accordingly imposes the following penalty:

- a) Mr Spies is prohibited from attending the first six (6) Motocross events of 2020 at Zone 7 Raceway.
- b) Such sentence to be suspended for a period of 6 months provided Mr Spies is not convicted of any further transgression of GCR 172.
- c) Should Mr Spies transgress this penalty will be re-enforced with immediate effect from the day of conviction.

**5. RECOMMENDATIONS**

The Court further recommends:

- a) That a glass-fronted, weatherproof results noticeboard be erected for the display of results.
- b) That all practice and race results, duly signed and dated, be posted by the race secretary, not the timekeepers.
- c) That Mr Spies cease to withhold payment for timing services rendered on the day and recognise and honour his financial obligations to ZA Timing.

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

These findings are published via email on the 27<sup>th</sup> November 2019.

**162066/098**