



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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COURT OF ENQUIRY 1203

HEARING HELD IN THE MSA BOARDROOM ON TUESDAY 24th OCTOBER 2017

Present:	Tony Taylor	-	Court President
	Eldrid Diedericks	-	Court Member
	Wally Pappas	-	Court Member
	Jimi Smith	-	Clerk of Course
	Glenn Rowden	-	MSA Steward
	Terry Stidworthy	-	Club Steward
	Simon Levin	-	Defendant
	Leanne Levin	-	Wife of Simon Levin
	Chris Dale	-	Competitor
	Craig Gammie	-	Witness
	Carl Roberts	-	Witness
	Iain Pepper	-	Witness
	Rory Atkinson	-	Witness
In attendance:	Allison Atkinson	-	MSA Scribe
	Adrian Scholtz	-	MSA CEO

INTRODUCTION

The court members and attendees were all introduced and no objections were lodged against the composition of the court.

THE HEARING

On the 16th October 2017, Motorsport South Africa ("MSA") enrolled Court of Enquiry 1203 ("the Enquiry") to investigate whether Mr Simon Levin had breached GRC 172 iv.

This is the written judgment of Court of Enquiry 1203. The enquiry took place on 24th October 2017 between approximately 18h00 and 19h30.

EVIDENCE RECEIVED

Mr Taylor stated that, during an event held at the Midvaal circuit on 14th October 2017, an incident had taken place off the racing circuit involving Mr Levin using his race car to ram Mr Dale's race car, not once but twice. The Clerk of the Course had consequently excluded Mr Levin for the day and referred the matter to the Stewards for further action. The Stewards held a hearing, upheld the Clerk of the Course's decision, additionally imposed a fine on Mr Levin of R30 000 and requested that MSA institute a court of enquiry into the matter.

Mr Dale stated that he had been on the grid in 3rd place, with Mr Levin in 2nd place. Their cars had touched going into the first corner after the start of the race and Mr Levin's car had spun off the track. Mr Levin had then remained on the side of the track for the next 4 laps until the intervention of a tow vehicle. Mr Dale

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), D. Easom, J. Fourie G. Hall, A. Harri, E. Murray, M. Rowe, R. Schilling, Ms M. Spurr, S. Van der Merwe

stated that he pulled into *parc ferme* after the event and proceeded to remove his crash helmet and loosen his race suit. He had not yet exited his race car when Mr Levin deliberately drove his own race car directly into Mr Dale's car. Mr Levin had then reversed and proceeded to ram Mr Dale's car again. These impacts caused Mr Dale to hit his head on the side of the roll cage, leading to him suffering a concussion. The medics had recommended that Mr Dale be taken to hospital but he had declined this recommendation.

Mr Levin stated that he had been upset by the first corner incident at the start of the race and this had caused him to make an irrational decision to ram his car into Mr Dale's car.

At this stage the court viewed photographic images of the damage caused by the incident. Mr Pepper stated that the wheel spin marks evident in the photographs provided clear evidence of intent when Mr Levin had reversed and then rammed Mr Dale's car for a second time.

Mr Smith stated that the incident happened after the first race and he had been on his way down to *parc ferme* when a car came past him that was leaking fluid. When he got into *parc ferme* he had been approached by Mr Pepper and Mr Atkinson regarding what had transpired. Mr Smith had then gone to find Mr Levin in order to have a hearing with him. He had excluded Mr Levin and referred the matter to the Stewards for further action. He then received a report from the medics and took pictures of both cars.

Mr Pepper, as a participant in the race, stated that he did not witness the on track incident. However, on lap 4 he noticed Mr Levin's car on the side of the track. The safety car was then dispatched. After the race he witnessed Mr Levin's car come through the pits at some speed, ram into Mr Dale's car, reverse and ram it again. Mr Pepper testified that Mr Levin then departed the scene in his race car, with haste. Mr Pepper expressed the view that Mr Levin should have had sufficient time to calm down following the Turn 1 incident and before the end of the race. As such, Mr Levin's actions could not be ascribed to having taken place 'in the heat of the moment' and were, in Mr Pepper's view, completely unacceptable. Mr Taylor asked how fast Mr Levin had been going when driving into the *parc ferme* area. Mr Pepper stated he could not say for sure but he estimated the speed to have been about 60km/h.

Mr Levin stated that he did care about the safety of people in the vicinity and did not drive back fast to the pits. He stated that his one front wheel rim was broken which made the car very difficult to drive.

Mr Atkinson stated he had seen Mr Levin's car on the side of the track and then, after the race, Mr Levin's car crash into Mr Dale's car. He then saw Mr Levin's car drive into Mr Dale's car a second time and then speed away.

Mr Gammie stated he did not observe the incidents, either on track or in *parc ferme*. It was his belief that Mr Levin's wheel rim had been damaged during the first corner incident on track and this would have made it impossible for the car to travel at any significant speed. He added that Mr Dale's car was already carrying some accident damage from previous races and therefore not all the damage evident in the photographs could be ascribed to Mr Levin's actions. Mr Dale responded that the majority of the damage to his car had been inflicted by Mr Levin.

Mr Rowden stated that a hearing had been held with Mr Dale and Mr Levin. Before the Stewards' deliberations took place Mr Levin had expressed remorse for his actions. The Stewards then deliberated and called back the competitors to give them their findings. The Stewards also requested that both competitors go for a full medical examination. Mr Levin refused a medical examination.

Mr Taylor asked if Mr Levin had paid the R30 000 fine imposed on him by the Stewards, stating that Mr Levin had had the opportunity to appeal the fine. Ms. Atkinson stated that Mr Levin had contacted her regarding the fine and stated that he would like to appeal. However, by that stage the notice of MSA's court of enquiry had already been sent out so any possible appeal was rendered largely academic. Mr Levin requested leniency from the court as he stated that he was not in a financial position to pay the fine. Mr Levin apologized to Mr Dale for his actions. Mr Dale stated that he had called the police on the day of the incident. However, he had not persisted with pressing charges on the understanding that Mr Levin would pay for the damage to his car. Mr Levin stated that he was very remorseful for his actions.

FINDINGS

Having heard all the parties and viewed the evidence presented, the court finds as follows:

1. Mr Levin's competition licence is withdrawn for a period of five (5) years, of which two (2) years is suspended on condition that he is not found guilty of a similar breach of the regulations during the period of suspension.
2. The fine imposed by the Stewards is increased to R60 000 but this fine is suspended, pending Mr Dale's car being repaired to his (Mr Dale's) satisfaction at Mr Levin's cost. In the event of this happening, the fine will fall away.
3. Mr Levin's race car is to remain impounded until such time as Mr Dale confirms to MSA that his race car has been repaired to his satisfaction at Mr Levin's cost or, alternatively, that he is satisfied with the arrangements made in this regard by Mr Levin.
4. Should Mr Levin not repair Mr Dale's car to the latter's satisfaction, his (Mr Levin's) competition licence will be revoked indefinitely.
5. Mr Levin is further ordered to pay court costs in the amount of R5000.00

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

These findings are distributed via email on 6th November 2017 at 09:00am

Ref. 161339/158