

# COURT OF APPEALS

## JUDGMENT OF THE COURT OF APPEALS

**RANDI SNIDER vs. SOM, COA REF. NO. 09-27-NP  
OCTOBER 8, 2009**

### FACTS IN BRIEF

At the Double Regional races held at Infineon Raceway September 4 – 6, 2009, a Request for Action (RFA) was filed by Assistant Chief Steward-Tech, Larry Albedi, for a violation of GCR 2.1.4. (Reckless or Dangerous Driving) against Randi Snider, driver of SRF #48. The Stewards of the Meeting (SOM) Richard Raymond, Morris Hamm and Mary Lou Robson, Chair, held a hearing and investigated the RFA. The SOM awarded the penalty of a four race weekend probation and added completion of a SCCA Drivers School as a special condition for fulfillment of the Probation penalty. Ms. Snider is appealing their decision.

### DATES OF THE COURT

The Court of Appeals (COA) David Nokes, JoAnne Jensen, Alternate, and Bob Horansky, Chairman, met on September 23 and October 8, 2009, to hear, review, and render a decision on the appeal. Richard Templeton, regular member of the Court, recused himself as he was an official at the event.

### DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Letter of Appeal from Randi Snider, driver of SRF #48, received September 14, 2009.
2. Official Observer's Report and related documents, received September 21, 2009.
3. Verbal testimony from Mary Lou Robson, Chair SOM of the event, received September 23, 2009.
4. Email from Larry Albedi, Tech Steward, received September 22, 2009.
5. Email from Dick Clift, driver of SRF #35, received September 22, 2009.
6. Event Flagging and Communications Log and Notes, received October 6, 2009.

### FINDINGS

During the event, Ms. Snider was involved in the following incidents: Practice on September 4, 2009: "Spin and Continue" at station 6A; Qualifying on same date: "Spin and Continue" at stations 11 and 3A. Race on September 5, 2009: "Spin and Continue" stations 2, 4, 11 and 2 for the second time. An unsafe course reentry was also reported for the first spin at station 2. During the race, Ms. Snider was shown the Closed Black Flag twice during Race 1. During the qualifying session for Race #2 of the weekend, Ms. Snider had a "Spin, off and On" with an unsafe reentry reported from station 10, and was involved in a metal-to-metal contact with SRF #35 at station 4. Mr. Clift, driver of SRF #35, provided testimony to the COA that the minor contact was his fault.

In her Letter of Appeal, Ms. Snider requested that the COA nullify or greatly reduce her penalty for the following reasons. First, most of her spins were caused by rear brakes locking under heavy braking due to improperly adjusted brake bias; that her reentries after going off course were safe; that she obeyed the Closed Black Flags, by backing off the throttle for the remaining laps. Additionally, she stated that Tech Steward Larry Albedi lost his temper with her during their discussion of the incidents in Post-Race Impound, and that the Chief Steward should have handled the RFA, rather than Mr. Albedi.

The COA found that Ms. Snider was involved in numerous incidents where her car was not under proper control in four on-track sessions. Further, the Chief Steward has the authority under GCR 5.1. (Principal Officials) to delegate any of their duties to assistants, such as Tech Stewards. Finally, there is no corroborating evidence of a violation of GCR 2.1.7. (Unsportsmanlike Conduct) by any party in the Impound area.

### DECISION

The Court of Appeals, after review of all of the information presented, upholds the decision of the SOM. The appeal was properly presented and the appeal fee, less the amount retained by SCCA, shall be returned to Ms. Snider.

# COURT OF APPEALS

## JUDGMENT OF THE COURT OF APPEALS

**MARK FROST VS. SOM, COA REF. NO. 09-28-GL**

**OCTOBER 20, 2009**

### FACTS IN BRIEF

At the Double Regional Race held at Mid-Ohio Raceway, September 5-6, 2009, Charles Campbell (SM #98) protested Mark Frost (ITA #75) for several violations of the GCR. One charge, violating GCR 6.2.2.J.1, (Improving Position on Pace Lap), was withdrawn by Mr. Campbell as it was the subject of a Chief Steward's Action (CSA) where Mr. Frost was penalized three finishing positions. The remaining charge for violating GCR 6.8.1. (On Course Driver Conduct) was heard by the Stewards of the Meeting (SOM) John Pfetzing, Fred McAninch, Debbie LaFond, and Ann Burke, Chairperson.

After completing their hearing, the SOM upheld the protest and assessed the penalty of three- race Probation to Mr. Frost. He is appealing that decision.

### DATES OF THE COURT

The Court of Appeals (COA) David Nokes, Dick Templeton and Bob Horansky, Chairman, met on October 8 and 15, 2009, to hear, review, and render a decision on the appeal.

### DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Letter of Appeal from Mark Frost, driver of ITA #75, received by the COA October 8, 2009.
2. Official Observer's Report and related documents, received October 8, 2009.
3. Video's from Mark Frost, received October 13, 2009, and from Dennis Mathias, SM #88, per request of Mr. Campbell, received on October 14, 2009.

### FINDINGS

The SOM conducted a thorough hearing, interviewing several witnesses, plus the two drivers, and viewed the video from Mr. Frost's car. The Mathias video was not available to the SOM at the event.

In his Letter of Appeal, Mr. Frost makes several assertions: that first the protest was vexatious, that Mr. Campbell hit him in the "Keyhole" turn (Station #3), plus comments about his spin on the pace lap, a contact with a car at Station #11 later in the race and that the SOM decision also removed three Great Lakes Division Championship Series points from his record.

The Court of Appeals reviewed the evidence and documents received and agrees with the SOM that the great preponderance of evidence shows that Mr. Frost did not allow sufficient racing room, causing the contact to occur. The CSA for the pace lap incident was not protested by Mr. Frost; therefore it cannot be appealed and is not addressed by the Court in this decision.

### DECISION

The Court of Appeals upholds the SOM decision in its entirety. The COA finds that Mr. Frost's appeal was properly presented and his appeal fee will be returned, less the amount retained by SCCA.

# COURT OF APPEALS

## JUDGMENT OF THE COURT OF APPEALS

**Zack Skolnick vs. SOM COA Ref. No. 09-29-SE**

**November 12, 2009**

### FACTS IN BRIEF

At the Goblins Go Regional Race at VIRginia International Raceway, October 25, 2009, Clyde Kiser, Assistant Chief Steward (ACS), issued a Chief Steward's Request for Action (RFA) against Zack Skolnick for violation of GCR 2.1.3 and 2.1.7 (fraudulent act and unsportsmanlike conduct) for altering the weight of his underweight racecar and attempting to reweigh during impound. Mr. Skolnick was also disqualified from the race by a Chief Steward's Action (CSA) issued by Mr. Kiser for noncompliant weight as reported at post race impound. Mr. Skolnick was not yet aware of this CSA when he attempted to have his car reweighed with altered weight.

The Stewards of the Meeting (SOM) Walter Michael, John Willes, and John Nesbitt, Chairman, held a hearing, interviewed Messers. Alfred Matthews and Jeff Lengel, co-Chiefs of Tech, and Mr. Skolnick, and reviewed the Tech scale log. The SOM found Mr. Skolnick in violation of GCR 2.1.7, and penalized him one month suspension and six-event probation. Zack Skolnick appealed the decision stating that since he had already been disqualified at post race impound, the fact that he left impound, added weight, and returned to impound was irrelevant and should not result in additional penalty. He also stated that he believed he was penalized because he left impound too early.

### DATES OF THE COURT

The Court of Appeals (COA), JoAnne Jensen, Alternate, Dick Templeton, and Bob Horansky, Chairman, met on November 5 and 12, 2009, to hear, review, and render a decision on the appeal. David Nokes recused himself from this action.

### DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Emailed Letter of Appeal from Jon Skolnick dated October 26, 2009.
2. Emailed Letter of Appeal amendment from Zack Skolnick dated November 2, 2009.
3. Official Observer's Report and related documents, received October 28, 2009.
4. Emails from John Nesbitt, dated October 29 and November 2, 2009.
5. Email statement from Clyde Kiser, dated October 29, 2009.
6. Email from Ginny Condrey, Registrar, dated October 30, 2009.

### FINDINGS

Mr. Skolnick's car was properly and repeatedly weighed during post-race impound and found to be underweight by 12 pounds. Mr. Skolnick drove his car from impound to retrieve his vehicle logbook and when he returned, he requested that his car be reweighed. Reweighing was performed resulting in a new, compliant weight. The car was found by Messers. Matthews and Lengel to contain tools and water bottles whose combined weight accounted for the new, higher weight. Mr. Skolnick testified to the SOM that he had placed these items in the car and that he added the weights in an attempt to meet legal weight so that he could retain his finishing position. His witness statement asserted that he had not weighed his car at the track before the race this weekend; however in his Letter of Appeal, his testimony to the SOM, and statements to Mr. Lengel during impound, he claimed to have used the track scales prior to the race and been compliant. The logs of scale activity did not list Mr. Skolnick as having used them during the weekend.

Mr. Skolnick was not penalized for removing his car from impound as his appeal alleges. Mr. Skolnick was penalized for asking to have his car reweighed after altering his car, claiming that the initial weighing performed at impound was incorrect. The COA finds this action a violation of GCR 2.1.7 (unsportsmanlike conduct).

### DECISION

The Court of Appeals upholds the decision of the SOM in its entirety. Mr. Skolnick provided no new evidence and his appeal fee will be retained by SCCA.