



JAMAICA MILLENNIUM MOTORING CLUB

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July 9, 2018

Mr. Douglas Gore
General Manager
Mobay Freight Services
Lot 5 Fairfield Estate
Bogue
Montego Bay

Dear Mr. Gore,

In keeping with Due Process and applicable Articles of the FIA International Sporting Code including Article 12.3.4 the JMMC summoned you to give opportunity of presenting a defence at a specially convened Competition Subcommittee (CS) meeting on July 7, 2018 in regard to the matter of your involvement in on-track and off-track incidents at the June 23 & 24, 2018 Seaboard Marine CMRC Round 2 event at the Frankie Boodram Wallerfield International Raceway in Trinidad. We were happy to accommodate your requested preference of conducting the meeting via Skype.

Thank you for your candour while presenting your defence during the CS meeting on Saturday July 7, 2018. Your honesty in regard to the events in question is appreciated.

In regard to the matter of your involvement in on-track and off-track incidents at the June 23 & 24, 2018 Seaboard Marine CMRC Round 2 event at the Frankie Boodram Wallerfield International Raceway in Trinidad, the JMMC CS notes the following.

- You are the holder of duly issued JMMC Competition License MSF1676-18IC, a Grade C International license valid for the 2018 calendar year.
- While in Trinidad to compete in the 2018 Seaboard Marine CMRC Round 2 event you secured a second license from the Trinidad & Tobago ASN TTASA, a "Category C" National license.
- On Sunday June 24, 2018 there was an incident of contact during a CMRC race in which you were a participant.
- Following on-track contact between your car and the car of Mr. Bourne, you exited your car, walked across the race track and proceeded to stand in the centre of the Live race track with cars driving by, waiting for Mr. Bourne to again pass the accident scene. Video footage clearly shows the corner marshals waving the appropriate double yellow flags indicating that the race track was still Live.
- You placed yourself in harm's way in front of the moving car of Mr. Bourne in order to stop him on the track. This was done despite other cars being behind him and the track still Live, albeit under Caution as indicated by the marshal waving double yellow flags.

JMMC Executive Committee: 2018–2020

Chairman: Stephen Gunter; **Vice Chairman:** Marcia Dawes; **Exec. Secretary:** Wendy Dressekie-Gordon; **Treasurer:** Tiffany Bryan

Directors: Dmitri Dawkins; Michael Fennell; Monique Gibbs; Neil Williams; Peter Clarke; Rajendra Jadusingh; Rosemarie Jadusingh; Timothy Stewart

- With admitted malice and aforethought you used your HANS device to assault Mr. Bourne's car, breaking his windscreen while shouting at him. You further used your HANS device to damage Mr. Bourne's rear spoiler.
- Video footage documents you making threats of physical violence against Mr. Bourne while you were still on the race track by your race car, in the company of Mr. Jamie James and Mr. Franklyn Boodram.
- You continued the confrontation in the Paddock area, to the point where you had to be physically restrained and the Trinidad Police had to intervene.

First, to the matter of the National licence issued to you by TTASA, we remind you of the following Articles of the FIA International Sporting Code.

ARTICLE 9.3 RIGHT OF ISSUING LICENCES

9.3.1 Each ASN shall be entitled to issue Licences to its nationals.

9.3.2 Each ASN shall be entitled to issue Licences to the nationals of other countries represented within the FIA, in compliance with the following mandatory conditions:

9.3.2.a that their Parent ASN gives its prior agreement to the issuing, which may only take place once a year and in special cases;

9.3.2.b that they can produce for their Parent ASN (the country of their passport) proof of permanent residence in the other country (any person aged less than 18 years on the day of the request must also provide an attestation that they are in full-time education in the other country);

9.3.2.c that their Parent ASN has recovered the Licence originally issued.

We state for the record that the JMMC did not give prior agreement to TTASA for a license to be issued to you. In fact, the JMMC was never contacted by TTASA about the matter. The licence issued by TTASA is therefore in breach of the FIA ISC and it not valid for competition. That license should be returned to TTASA for its destruction.

Next, to the matter of your conduct as earlier outlined. We remind you of the following Articles of the FIA International Sporting Code.

1.3.1 Any person, or group of persons, organising a Competition or taking part therein:

1.3.1.a Shall be deemed to be acquainted with the statutes and regulations of the FIA and the national regulations.

1.3.1.b Shall undertake to submit themselves without reserve to the above and to the decisions of the sporting authority and to the consequences resulting therefrom.

1.3.2 In case of non-compliance with these provisions, any person or group which organises a Competition or takes part therein, may have the Licence which has been issued to them withdrawn, and any manufacturer may be excluded from the FIA Championships on a temporary or permanent basis. The FIA and/or the ASN will state reasons for its decisions.

2.1.1.a All Competitions conducted in a country represented within the FIA are governed by the Code.

9.15.1 The Competitor shall be responsible for all acts or omissions on the part of any person taking part in, or providing a service in connection with, a Competition or a Championship on their behalf, including in particular their employees, direct or indirect, their Drivers, mechanics, consultants, service providers, or passengers, as well as any person to whom the Competitor has allowed access to the Reserved Areas.

9.15.2 In addition, each of these persons shall be equally responsible for any breach of the Code or of the national rules of the ASN concerned.

12.1.1 Any of the following offences, in addition to any offences specifically referred to previously, shall be deemed to be a breach of these rules:

12.1.1.c Any fraudulent conduct or any act prejudicial to the interests of any Competition or to the interests of motor sport generally.

12.1.1.f Any words, deeds or writings that have caused moral injury or loss to the FIA, its bodies, its members or its executive officers.

12.1.1.h Any unsafe act or failure to take reasonable measures, thus resulting in an unsafe situation.

12.1.2 Unless stated otherwise, offences or infringements are punishable, whether they were committed intentionally or through negligence.

12.1.5 The statutory limitation on the prosecution of infringements is five years.

12.2.2 Penalties or fines may be inflicted by the stewards and ASNs as indicated in the following Articles.

12.2.1 Any breach of the Code, of the national rules or their appendices, or of any Supplementary Regulations committed by any Organiser, official, Competitor, Driver, Participant, other licence-holder, or other person or organisation may be penalised or fined.

12.3.1 Penalties may be inflicted as follows:

12.3.1.a reprimand (blame);

12.3.1.b fine;

12.3.1.c obligation to accomplish some work of public interest;

12.3.1.k Disqualification;

12.3.1.l Suspension;

12.3.1.m Exclusion.

12.3.4 Any one of the above penalties can only be inflicted after consideration of the evidence available and, in case of one of the last three, the party concerned must be summoned to give them the opportunity of presenting their defence.

12.3.5.b These penalties may, where applicable, be cumulated or applied with suspension of sentence.

12.4.1 A fine may be inflicted on any Competitor and also on any Driver, Passenger, person or organisation as mentioned in Article 12.2.1 of the Code who does not comply with the requirements of any regulations or with any instruction of the officials of the Event.

12.9.1 In addition to that provided for in the Code and in the FIA Judicial and Disciplinary Rules, a sentence of Suspension may also be pronounced by an ASN, and shall be reserved for grave offences.

12.9.2 A sentence of Suspension, for as long as it remains in force, shall entail the loss of any right to take part in any capacity whatsoever in any Competition held within the territory of the ASN which has pronounced such sentence or within the territories of any country in which the authority of the FIA is recognised, according to whether such Suspension is national or international.

12.13.1 Except in the cases provided for in the FIA Judicial and Disciplinary Rules, a sentence of Exclusion can be pronounced only by an ASN, and will be reserved for offences of exceptional gravity.

12.13.2 A sentence of Exclusion shall always be international in nature. It shall be notified to all the ASNs, and be registered by them according to the conditions of international Suspension.

12.19.1 The FIA or any ASN concerned shall have the right to publish or to have published a declaration stating that it has penalised any person, Automobile, or make of Automobile.

12.19.2 Without prejudice to any right to appeal any decision persons referred to in such declaration shall have no right of legal action against the FIA, or the ASN, or against any person publishing the said declaration.

The JMMC CS finds that your behaviour as outlined constitutes “act(s) prejudicial to the interests of any Competition or to the interests of motor sport generally” as well as “words, deeds or writings that have caused moral injury or loss to the FIA, its bodies, its members or its executive officers.” and “unsafe

act(s) or failure to take reasonable measures, thus resulting in an unsafe situation." The JMMC CS further considers your behaviour in its entirety to be a grave offence.

As such, and under the authority as outlined in the FIA Articles listed above, the JMMC CS hereby order the following Penalties be inflicted.

- 1) A fine of US\$1,000.00
- 2) An obligation to perform Community Service at four (4) schools and one (1) JMMC project, to be completed by December 31, 2018. Terms and conditions to be outlined further by the ASN.
- 3) Suspension of your Competition License for the remainder of the 2018 calendar year, with immediate effect. Due to the nature of the infractions, having taken place during competition in a foreign country, this suspension shall be International in nature and the FIA duly informed of same.
- 4) A period of Probation commencing immediately and expiring on December 31, 2019. Any behaviour considered prejudicial to the interest of motor sport generally during this period will result in further disciplinary action.

We further request that a public apology be issued by you, to the JMMC, TTASA, CMRA, CMRC and JRDC.

Your JMMC Competition Licence should be returned immediately. The JMMC will inform the FIA of your Suspension as per the ISC. The JMMC will publish a public declaration of the details of your penalties as outlined in points 1 – 4 above.

The JMMC will contact you regarding the nature of the Community Service to be performed.

We do hope that despite the circumstances that has led to this necessary action you will learn from the experience and once again be the good motor sport ambassador you, your family, sponsors, club, fans and ASN expect.

Regards,



Stephen Gunter
Co-Chairman
Competition Subcommittee
Chairman, JMMC