

DAVID H. SUMMERBELL

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August 11, 2017

By Email

Jamaica Millennium Motoring Club
6 Westminister Road
Kingston 10

Attention: Mr. John Ralston

**Re: Notice of Appeal – JMMC Steward’s Report Form
Caribbean Motor Racing Championship – Caribbean Invasion 2017**

I refer to your email of even date enclosing a document attached “2017 Summerbell Appeal” setting out the findings of the appeal panel.

In my view the appeal panel has erred in its finding that my appeal was out of time. As noted in their findings, my notice of intention to appeal was submitted on 3rd June at 12:57 p.m. Ninety-six (96) hours from that date would present a deadline of 7th June at 12:57 p.m. My letter of appeal was delivered to JMMC by email on 7th June at 10:34 a.m. (copied to Mr. Fennel, Mr. Khan and Mr. Peter Clarke, among others) and was further delivered to the JMMC office later that day in hard copy accompanied by the required fee. A copy of the said letter is attached for ease of reference.

The issue of whether or not the JMMC had the ability to provide an extension is irrelevant as my letter and fee were submitted within the required time.

At the time of making my official appeal, I also requested a copy of the footage available to the JMMC in considering the incident and made it clear that I would be awaiting notification of the hearing date, time and location. Kindly note that Rule 12.3.6 clearly states that all concerned parties shall be given adequate notice of the hearing of any appeal. It does not state that a hearing is at the option of the panel, but gives the concerned party the right to call witnesses and attend.

Therefore, in addition to erring in respect of the time of my submission of my appeal, the appeal panel, by convening in any respect to determine the merits of my appeal without giving me an opportunity to attend and call witnesses, has contravened section 12.3.6. of the rules. If the appeal panel wished to take the point that my appeal was out of time, they should have done so at the said hearing and allow me the opportunity to respond. Kindly see rule 12.3.6 reproduced below:

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12.3.6 All parties concerned shall be given adequate notice of the hearing of any appeal. They shall be entitled to call witnesses, but their failure to attend the hearing shall not interrupt the course of the proceedings.

The panel erred by making reference to my letter dated 19th June, 2017 in which I summarised points that I intended to present at the hearing. This was not my letter of appeal but, as a courtesy, served as advance notice to the panel of my arguments. Since I was only given the footage (which has been requested under cover of my original letter of appeal) on 15th June, I could not have prepared my points at any earlier date. The rules clearly protect my right to attend the hearing of my appeal, and therefore I could have simply submitted my appeal and awaited the appointed hearing date with nothing further. In all my correspondence with JMMC subsequent to 7th June, I reiterated that I was awaiting a date for the hearing.

To add insult to injury, the appeal panel has failed to abide by its own rule 12.3.5 which requires that the JMMC must give its decision within a maximum of 30 days. Having submitted my appeal on 7th June, a hearing date should have been set and a decision handed down no later than 7th July, 2017. Even if they had presumed my appeal to be dated 19th June, 2017 the response was in no way near to 30 days. Please see rule below.

12.3.5 The JMMC must give its decision within a maximum of 30 days.

In summary, the appeal panel was either unaware of my June 7th letter or erred in their conclusion as to time. Secondly, the rules clearly protect my right to a hearing and if the panel was of the view that they had no jurisdiction to hear my appeal it should have properly been raised at a hearing rather than in a written decision. Lastly, the panel has contravened its own rules by failing to provide a decision within 30 days.

It would seem that the panel members have cherry-picked the rules they claim to strictly adhere to and have conveniently ignored others. Since my appeal is in time, since I am guaranteed a hearing by the rules, and since the panel has failed to adhere to its own deadline, I respectfully request that the JMMC either instruct the said panel to convene a hearing and proceed to hear my appeal or failing which, to appoint a new panel for that purpose.

Sincerely,

David H. Summerbell
JMMC Licence #087