



## JAMAICA MILLENNIUM MOTORING CLUB

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August 6, 2018

David Summerbell Jr.  
153 ½ Constant Spring Road  
Kingston 8

### **Re: CS Ruling – Appeal Panel Decision**

Dear Mr. Summerbell Jr,

The JMMC is in receipt of your letter dated August 3, 2018 and provide the following information to address your concerns as expressed.

Based on the contents of your letter, it is apparent that you have misunderstood the process that resulted in the penalty you have received. You indicate a belief that the Appeal Panel "*divest(ed) its authority to determine an aspect of the appeal*" and that the CS action resulted from that divested authority. That is not what has occurred.

As you also noted in your letter, the Appeal Panel affirmed (i.e. upheld) the decision of the Event Stewards in regard to a warning. As a reminder the relevant text as written in the original report of the Event Stewards reads as follows - "*it is recommended that a Warning, for injudicious driving, be issued to Driver of Car #32.*" It is this recommendation of the Event Stewards, as affirmed by the Appeal Panel, that the JMMC actioned.

In regard to the fine, we ask that you note the following contained within the Event Stewards Report: "*Furthermore, with this case, wherein the car being overtaken having not made an unexpected, untoward or erratic move, the Stewards contend that the overall responsibility for the safe completion of an overtaking maneuver ultimately resides with the overtaking driver.*"

The above was also affirmed by the Appeal Panel, which wrote as part of its affirmation of the warning: "*4) The Panel considered that the overtaking attempt by car #32 was ill-advised. The two cars at the front of the grid (#s 24 and 404) were drifting closer together towards the centre of the track and*

#### **JMMC Executive Committee: 2018–2020**

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*there was insufficient space to safely execute the manoeuvre. The video footage shows that car number #32 swerved from car #404 to avoid a collision and that there was then no space between cars #24 and #404.*

*It is the duty of the overtaking driver to ensure that the overtaking can be done safely and effectively. Consequently, the Panel upholds the warning for injudicious driving.*

It is clear through their joint use of language that the Event Stewards and Appeal Panel agreed that the attempted overtaking maneuver was not done in a safe manner, resulting in the Event Stewards and Appeal Panel agreeing that a warning be issued for same, the Appeal Panel noting that its upholding the issuance of the warning was a direct consequence of its opinion about the overtaking maneuver itself.

We now refer to our letter dated July 30, 2018 which contained in part "*OFFENCE: Breach of Article 10.1.1.h of the 2016 JMMC General Regulations*". Article 10.1.1.h "*Any unsafe act or failure to take reasonable measures, thus resulting in an unsafe Situation.*"

The overtaking maneuver clearly constituted an "unsafe act" which resulted in an unsafe situation (i.e. the collision between cars #32 and #24). It is for the offence of the breach of Article 10.1.1.h that a fine was assessed, which is why our July 20, 2018 letter cited Article 10.1.1.h

In regard to the matter of the 30-day timeline, the JMMC Regulations state "*12.3.5 - The JMMC must give its decision within a maximum of 30 days.*" This regulation is specific to state that it is the JMMC decision that is subject to a timeline of 30 days, not the Appeal Panel. If it were the Appeal Panel, the regulation would name the Appeal Panel specifically, or in an inclusionary manner. However, the regulation is specific to the JMMC itself.

In regard to the fine and your assertion that you "*consider that there is no factual basis for its imposition, and no power of JMMC CS to impose it*" we refer you to the following regulations.

*1.1.1 Competition Sub-Committee Authority*

*The Competition Sub-Committee, hereinafter referred to as "the CSC" is the delegated authority to establish, amend and regulate all Motor Sports Competitions, Events or Series sanctioned by the Jamaica Millennium Motoring Club.*

*1.1.2 Administration of these Regulations*

*The CSC shall render decisions concerning these Regulations; grant, refuse or withdraw licenses; approve and appoint officials; impose and remove penalties for violation of these Regulations; establish its own procedures; do any and all things which in its judgment are conducive to the well being of the conducting of competitions held under permits of the JMMC. The CSC decision shall be final and binding upon all parties.*

Article 1.1.2 is clear in regard to the authority (i.e. "power") of the CSC.

We trust the above provides clarity to the matter.

Best regards

**JAMAICA MILLENNIUM MOTORING CLUB**



Marcia Dawes

*For* Competition Sub Committee