



JAMAICA MILLENNIUM MOTORING CLUB

TEL: (876) 630-4898; FAX: (876) 630-7575

6 Westminster Road, Kingston 10, Jamaica

Mailing Address: Box 216, Western District PO, Kingston 20, Jamaica

Email: jamotoringclub@gmail.com

August 3, 2018

David Summerbell Jr.
153 ½ Constant Spring Road
Kingston 8

Re: Your letter, August 2 2018

Dear Mr. Summerbell Jr,

The JMMC is in receipt of your letter dated August 2, 2018 and provides the following information to address your concerns as expressed.

While we understand your frustration with the length of the process of your appeal, we remind you that the current Board inherited your case when we gained office on May 5, 2018. Since that date we took immediate steps to have your matter addressed, as evidenced by the selection of a new impartial Competition Subcommittee (CS) representative to oversee the process, the convening of a new Appeal Panel which had to be selected from a depleted pool, the scheduling of the appeal, the actual hearing of the appeal, the subsequent judgement by the Appeal Panel and resulting action of the CS. We certainly agree that the entire process has been long, but ask that you recognize that the current Board addressed your case in a timely manner.

The phrase "We trust this now settles the matter of your appeal." was relevant to the appeal itself, while the Appeal Panel itself clearly stated in Point 5 of its Finding that it "Orders the sporting authority to draw the consequences of the present decision." This meant that the CS, the committee empowered by JMMC regulations to act for the sporting authority, was left to determine the appropriate penalty commiserate with the Finding of the Appeal Panel. The CS was explicitly ordered to do so by the Appeal Panel.

The penalty as outlined in our letter dated July 30, 2018 was neither a "tacking on" nor a "new" penalty. The Appeal Panel upheld the original decision of the Event Stewards in regard to a Warning. As a reminder, in their Stewards Report dated May 20, 2017 the Event Stewards wrote that they "recommended that a Warning, for injudicious driving, be issued to Driver of Car #32". Note that the Stewards themselves were not issuing a Warning; they were recommending the action to be taken by the JMMC, as the event itself had long since been completed. Clearly, the CS has only acted in accordance with the recommendation of the Event Stewards, as affirmed by the Appeal Panel and as ordered by the Appeal Panel to "draw the consequences of the present decision".

For your information, the scale of penalties available to the JMMC CS are outlined in JMMC Article 10.3.1

In its deliberations, the JMMC CS adjudged that penalty 10.3.1.a reprimand (blame) is closest to the Event Stewards intent of a Warning being issued. As the Stewards Report had also implicitly stated that

JMMC Executive Committee: 2018–2020

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

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“the outcome was also found to be in-deliberate” the attribution of blame was not utilized and you were issued a Reprimand for Injudicious Driving and a corresponding Fine.

In regard to the timing of the issuance of the penalty by the CS, we remind you that the JMMC is compelled by its own regulations to give a decision within 30 days. As you have noted, you received the decision 28 days after the date of your notification of the Appeal Panel’s Finding, placing this action within the required timeframe. Any delay to a date after the JRDC Independence of Speed would have been in contravention of our regulations and render the decision null and void. To be clear; there is no intent through the release of the decision to pressure you to pay the fine.

Given the facts as outlined which affirm the validity of the penalty issued, we state for the record that your request for a suspension of payment of the fine is denied. We remind you of the timetable as stated in our letter dated July 31, 2018.

Please be guided accordingly.

Best regards

JAMAICA MILLENNIUM MOTORING CLUB



Marcia Dawes

For Competition Sub Committee