



## JAMAICA MILLENNIUM MOTORING CLUB

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October 26, 2019

JMMC Competition Subcommittee (CS) review. May to October, 2019.

**Panel:** Stephen Gunter, Rajendra Jadusingh, Michael Fennel Jnr.

**Complaint:** Event Stewards erred in denying submitted Protest on grounds of expired time, method of payment and incorrect format.

### **Evidence:**

- \* Written complaint received from Nigel Wilmot.
- \* Original protest to Stewards from Nigel Wilmot.
- \* Written report received from Chief Steward.
- \* Written report received from Marshalling Club of Jamaica.
- \* Event race results received from Jamaica Race Driver's Club.
- \* JRDC Event ASR, Permit # 2019-07C

### **Summary of Panel proceedings:**

\* Panel noted that letter of complaint received from Mr Wilmot was outside of the four day time limit for appeals against Steward's decisions and was therefore not within those relevant regulations. Panel was undertaking a review of processes relevant to the protest and subsequent Steward's ruling; this review of processes would not alter any event results.

\* Specific complaint from Mr Wilmot is that his protest was submitted within time allowed from the end of the race in question. Mr Wilmot requests *"a review of whether the stewards could reasonably have accepted the verbal request for investigation or the written protest"* and further cites Article 11.1.1 of the JMMC regulations, stating officials may act *"even in absence of a protest"*, noting a specific instance of them doing so for a similar incident at a past event.

\* Panel examined Mr. Wilmot's original protest which was included in the Chief Steward's Report (page 11). The back of the protest had two times noted; time of posting of results (12:55pm) and receipt of protest (1:50pm). These times were handwritten by Marcia Dawes (Event Steward). Indicated elapsed time between posting of results and receipt of protest is 55 minutes.

\* Panel examined the Chief Steward's Report which noted on page 9 that the protest was deemed invalid for three Reasons:

1. It was submitted 55 minutes after results were posted.
2. Personal cheque not allowed as method of payment.
3. Format of protest incorrect.

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

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

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

**Specifics of Panel deliberations:**

\* In regard to Reason 1: Panel noted the ASR stated the following on page 4:

**RESULTS**

The Provisional Results will be posted **15 minutes after each race** and in the absence of any inquiries, complaints, protests or technical inspections pending, they will become final after the expiration of 60 minutes. Competitors are reminded that it is their responsibility to check the Official Notice Boards for the results of their races, and bring any inquiries, complaints or protests arising from the race itself to the attention of the Judicial Clerk of the Course, within the time specified above.

Panel noted that Mr Wilmot's complaint was received during the time defined in the ASR's; time being 60 minutes during which results are Provisional, in absence of inquiries, complaints or protests. This is verified by the Event Steward's notation of the relevant times on the back of the protest, as well as within the Chief Steward's official report. This indicates that the reason given by the Stewards represents an oversight of this point by the Stewards.

\* In regard to Reason 2: Panel noted that neither the event ASR nor the JMMC General Regulations specify any particular method of payment of a protest fee. Further; neither document explicitly prohibits payment of protest fee by cheque. Additionally, the JRDC accepted cheques for payment of event entry fees, passes etc. Panel considered whether it would be unreasonable for a competitor to expect to be able to pay a protest fee by the same method as their entry fee.

\* In regard to Reason 3: Panel noted that JMMC General Regulations do not have many absolute criteria for the format of a Protest. Articles 11.2 and 11.3 contain the following:

**11.2.1** Any protest shall be in writing and accompanied by a fee, the amount of which shall be set annually by the JMMC.

**ARTICLE 11.3 TO WHOM ADDRESSED**

**11.3.1** Protests arising out of a Competition shall be addressed to the Clerk of the Course or their assistant if such exists.

**11.3.2** In the absence of the Clerk of the Course or of their assistant, such protests should be addressed to the Chairman of the Stewards.

Panel noted that Mr. Wilmot's protest did not specifically have a "*To the Clerk of the Course*" or "*To the Chairman of the Stewards*" heading, however it did name the Stewards in its very first paragraph. Panel considered whether this was enough to satisfy the JMMC regulations, or if the lack of addressee disqualifies the protest entirely. Panel also noted that the JMMC regulations contained no further reference to the format of a protest, however the FIA International Sporting Code does make such a reference to citing "*the relevant regulations*" (FIA ISC Article 13.4.1).

**13.4.1** Any protest shall be in writing and must specify:

- the relevant regulations,
- the concerns of the protesting party, and
- against whom the protest is lodged, when relevant.

\* Panel considered whether two of the three reasons given for invalidating the protest are themselves not valid, with the third reason questionable in that regard, given the absence of such requirement in JMMC Regulations. Certainly a written effort was made by Mr Wilmot to address the Stewards, albeit within the body of the protest itself, and did state the competitor whose action he was protesting.

\* Panel also considered Mr Wilmot's reference to Article 11.1.1 which reads:

**11.1.1** The right to protest lies only with a Competitor; nevertheless, an Official acting in his official capacity may, even in the absence of a protest, take such official action as the case warrants.

**Conclusions:**

- The protest was lodged within the time defined in the event ASR's.
- The Stewards erred in ruling that the 55 minute submission time invalidated the protest.
- The Stewards erred in citing that personal cheques are unacceptable forms of payment, as no such regulations exists with the JRDC or JMMC regulations or event ASR.
- A conflict exists between JMMC regulations and the FIA international Sporting Code in regard to the necessity for citing the relevant regulations when writing a protest; JMMC regulations contain no such reference.
- Mr Wilmot is correct in his assertion that Stewards may act in the absence of a protest.

Under the authority as outlined in relevant JMMC Articles, the JMMC CS order the following.

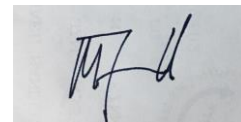
- The JMMC General Regulations be updated to include the language of the current FIA International Sporting Code, in particular the sections dealing with Protests and Appeals.
- The relevant event officials be Reprimanded.
- All outstanding results be finalized as initially published.
- All outstanding points and awards be duly allotted.



Stephen Gunter, CS Co-Chairman



Rajendra Jadusingh, CS Co-Chairman



Michael Fennell jnr, CS