

Appeal Panel

Of the
Jamaica Millennium Motoring Club (JMMC)

Appeal brought by Nicholas Barnes (Car # 99)

Against

Decision no: 01 of June 20th, 2023 taken by the stewards of the “Wheels on Fire” Circuit Racing Event held on the May 21st, 2023 at the “Jamwest Motorsports and Adventure Park” Old Hope, Little London, Westmoreland.

Preliminary Hearing held 29th June, 2023 via telephone conversations and electronic messaging

Hearing held 4th July, 2023 via ZOOM

Decision of 6th July, 2023

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On June 6, 2023, The Jamaica Millennium Motoring club (JMMC) made contact with John Ralston, Norman Minott and Peter Clarke and requested that we all serve on an appeal panel to hear an appeal submitted by Mr. Nicholas Barnes (Car # 99) against a ruling of the stewards of the "Wheels On Fire" Circuit Racing Event held on May 21st, 2023 at the Jamwest Motorsport and Adventure Park, in Westmoreland, Jamaica

After receiving confirmation that all three individuals had accepted the appointment, an email was sent by the JMMC and was confirmed as received forwarding the following documents:

- Nicholas Barnes' notice of appeal
- Nicholas Barnes' Appeal
- A copy of the protest lodged by Thomas Gore
- A test report from the Bureau of Standards of Jamaica addressed to "Environmental Solutions Limited" Test report # TESR 25/2023/5100
- A written decision on the protest lodged by Mr. Thomas Gore, signed by the Chief Steward Mr. Ibraheem Khan, but undated.
- An official document on the JMMC letter head to Mr. Nicholas Barnes, transmitting the decision that the Stewards had met and notifying Mr. Barnes that the sample taken and sent to the Bureau of Standards had returned a result stating that the sample tested contained Methanol concentration of 90.42%
- A certificate of Sample Analysis (CSA#: JMC23052517) on the letterhead of ESL Quality & Environmental health laboratory of 7 Hill View Avenue, Kingston 10, Jamaica
- A copy of the Additional Supplementary Regulations of the "Wheels on Fire" Circuit Racing Event, Permit # 2023-0013CR
- A copy of the 2020 Technical Regulations of the Jamaica Race Drivers Club (JRDC)
- A copy of the Jamaica Race Drivers Club Circuit Racing General Regulations

Preliminary Hearing:

On behalf of the Stewards of the meet: Mr. Ibraheem Khann (Chief Steward), was spoken to with regards to

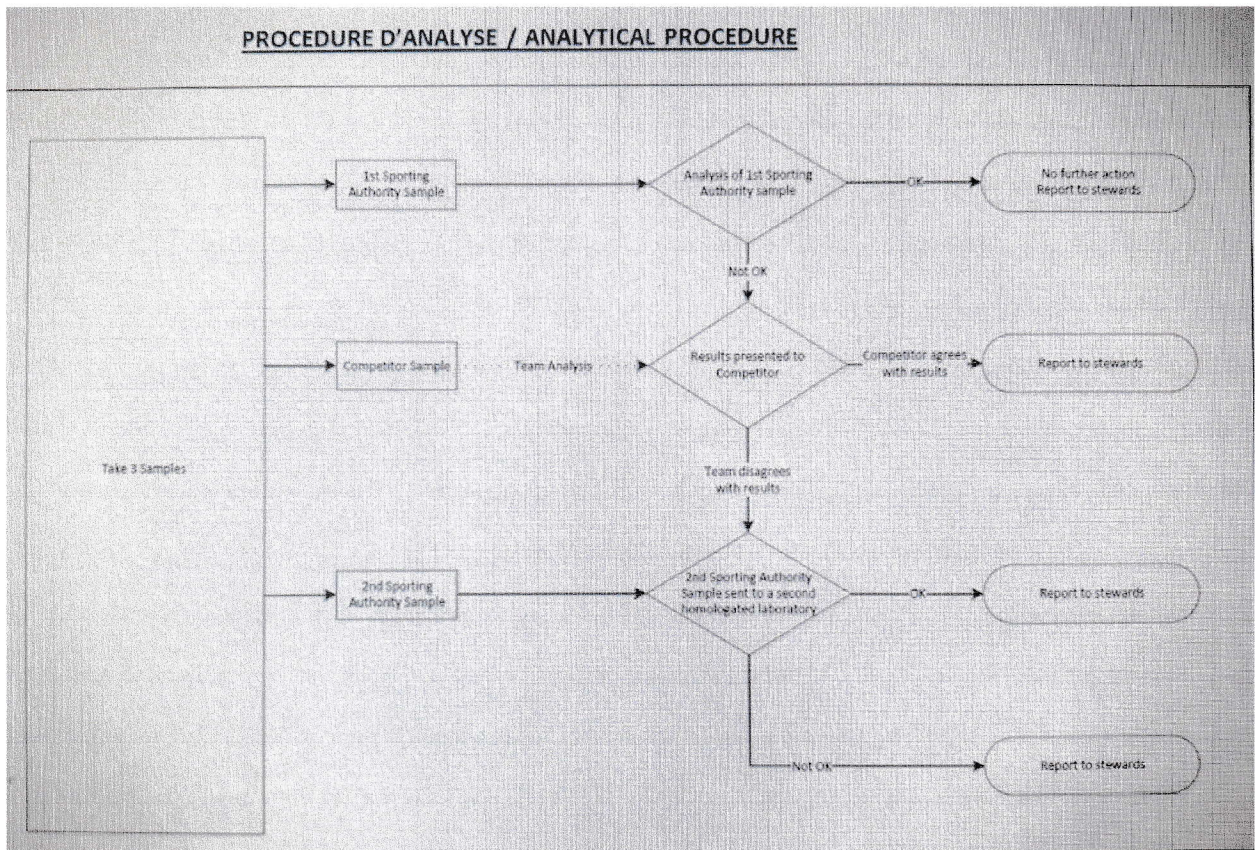
- Confirming the methodology used to obtain the required fuel sample
- Confirming the container used to transport the sample of the fuel taken
- To confirm the number of samples taken
- To question whether a sample had been given to Mr. Nicholas Barnes

It was felt that it was necessary to schedule a Hearing to which all relevant parties would be invited to attend, prior to reaching a decision on Mr. Barnes' appeal



Reminder of the facts

- The “Wheels on Fire” event was sanctioned by the JMMC with a permit # 2023-0013CR
- This event is sanctioned by the JMMC and is held in accordance with the FIA International Sporting Code and its appendices, the General Regulations of JMMC, and the Motor Sports Rules and Regulations of the JRDC (2018). Technical Classifications are under the 2018 - 2020 Sporting and Technical Regulations of JRDC.
- The panel referred to the JRDC regulations and found no listed procedure for the collection of fuel samples.
- The panel referred to the JMMC regulations and found no listed procedure for the collection of fuel samples.
- The panel referred to the FIA regulations, and specifically the FIA Technical List #2 which contains specific instructions for the collection of fuel samples for testing.



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**PROCEDURE FIA DE PRELEVEMENT ET D'ANALYSE DE CARBURANT
FIA FUEL SAMPLING AND ANALYSIS PROCEDURE**

ne prétend pas traiter toutes les
sécurité, de santé et d'environnement liées à
du carburant.

des précautions appropriées en matière
santé et d'environnement doivent être
toute procédure de prélèvement de

posé au prélèvement de carburant de
des pratiques appropriées.

uni d'un extincteur approprié d'une
ite doit être présent lors de toute
èvement de carburant.

durant une Epreuve, un échantillon de
être prélevé d'une voiture, d'un fût de
un chariot de ravitaillement par un
la FIA ou de l'ASN responsable. Un
concurrent doit être présent lors du
arburant.

ment de carburant d'une voiture ou d'un
llement, le carburant devrait être prélevé
u.

ndé que ce tuyau soit équipé à une
accord auto-obturant se plaçant sur celui
e ou le chariot et à l'autre extrémité d'une
ntôle du débit de carburant dans le
antillon.

ent est effectué à partir d'un fût de
uyau de carburant d'environ 1500 mm
é.

idé qu'avant le prélèvement, le tuyau de
trincé avec le carburant à prélever à l'aide
carburant à peu près équivalent à trois fois
au.

doit ensuite être versé de manière
is trois récipients métalliques appropriés,
J (Nations Unies).

pe des récipients dépendent du paramètre

mparatifs ("chromatographie en phase
"spectroscopie infrarouge à transformée
RTP) peuvent être effectués sur des
5 ml, la plupart des autres analyses
ectuées avec des échantillons de 200 ml.

NOTE :

This procedure does not purport to address all of the
safety, health and environmental concerns associated with
fuel handling.

In all cases, suitable safety, health and environmental
precautions should be taken while following any fuel
sampling procedure.

It is the responsibility of the sampling official to establish
appropriate practices.

An assistant with a suitable fire extinguisher of appropriate
capacity shall be present during any fuel sampling
procedure.

GENERAL

At any time during an Event a fuel sample may be taken
from a car, a fuel drum or from a fuel rig by a
representative of the FIA or the responsible ASN.

A representative of the competitor shall be present during
sampling.

SAMPLING

When sampling from a car or a fuel rig the fuel should be
sampled by using a hose.

It is recommended that the hose has a dry-break
connector at one end to match that on the car or rig and a
valve at the other end to control the flow of fuel into the
sample container.

If sampling from a fuel drum fuel piping of approximately
1500 mm should be used.

It is recommended that before sampling the sampling hose
should be flushed with the fuel to be sampled using a
volume of fuel approximately equal to three times the
volume of the hose.

The fuel should then be sampled sequentially into three
suitable, UN (United Nations) approved, metal containers.

The size and type of container will depend on the
parameter to be analysed.

Comparative testing (GC "Gas Chromatography" and FTIR
"Fourier Transform Infrared Spectroscopy") can be carried
out on sample volumes of 5ml, whereas most other
analyses can be carried out with a 200ml sample.

Final Hearing:

The following people were invited to the Hearing:

Competitor, Mr. Nicholas Barnes who did appear, accompanied by his Attorney.

Competitor, Mr. Thomas Gore who did appear, accompanied by his father.

Chief Steward, Mr. Ibraheem Khan, who did appear.

Scrutineer, Mr. Maurice Thompson, who did appear.

All were offered due time and opportunity to present statements, as well as to ask and to answer questions for the purposes of clarification and/or edification.

Points of Concern:

1.

- Mr. Barnes contends that the fuel he used was VP C85 (1-Hydroxyethane @77-78%).
- Mr. Barnes confirmed that a photograph showing the Chief Steward holding a bottle with what appeared to be a clear liquid was depicting the fuel sample taken from his motor vehicle.
- The Appeals Panel presented the specification sheet provided by VP Racing Fuels for VP C85 which indicates that the colour is yellow.
- The Appeals Panel presented the specification sheet provided by VP Racing Fuels for VPM1 (Methanol @ 100%) which indicates that the colour is bright clear.
- Mr. Barnes offered no explanation for the disparity in colour between the sample in the photograph and the VP Racing Fuels' Specification Sheet.

2.

- Mr. Khan contends that even though the sample bottle was labelled as ESL, for the purpose of establishing an account with the JBS, the sample never left his possession nor was it handled by anyone, related or unrelated to the JMMC, other than himself, from the time it left the racing venue, until it was delivered to the JBS.
- Mr. Khan contends that the delay between sampling and testing was as a result of (i) the difficulty with establishing a direct account with the JBS, (ii) the JBS deliberating to determine if they could do the test, (iii) the Public Holiday – Labour Day, that fell within the timeframe.
- Mr. Khann brought to the attention of the panel, that the FIA published on the 1st of January 2023 a document with the title RESERVED FOR THE USE OF THE STEWARDS“ Stewards Decisions 2023 Guidelines on the elements of procedure to be taken into account”
- Under 4.4.3 **Scrutineering of a vehicle**, Mr. Khann argued that the stewards had the right to take one sample, and place it in a glass bottle;; as the FIA stipulated metal containers were unavailable, the Scrutineer used the next best available container to hold the sample taken.

3.

- The Scrutineer contends that the sampling procedure as directed by the FIA was not unfamiliar to him.
- The Scrutineer offered no explanation why the procedure, nominated by the FIA Sporting Code was not followed.
- The Scrutineer confirmed that a 'Field Test' was done, viz. placing the human face within 120cm of the tail pipe of the race car under scrutiny, with the engine running, and no adverse effect (burning sensation) was realized.

4.

- Mr. Thomas Gore, made note that the length of time taken to do the testing of the fuel sample would have been to the detriment of the Protestor (Thomas Gore) as the sample would have most likely deteriorated over time, and as a result was of the opinion that the % of Methanol would have actually been higher at the time of testing.

Conclusions of the Appeal Panel

1. The Appeal Panel is satisfied that the fuel sampling procedure that should have been used on the day of the event was as is set out in the FIA regulations.
2. More specifically, the regulations call for three samples to be taken (see Analytical Procedure copied and pasted above); in this instance only one sample was taken.
3. The fuel should be sampled sequentially into three UN (United Nations) approved metal containers.
4. The first sample is the property of the ASN (JMMC).
5. The second sample is the property of the competitor (Nicholas Barnes).
6. The third sample belongs to the sporting authority (JMMC).
7. The single sample taken was sealed using the only method available to the Chief Scrutineer at the time (Blue masking type tape); however, this was NOT done with either Mr. Barnes or anyone to witness on his behalf.
8. Mr. Khann was clear that every effort was made to use resources available, to the Scrutineers, at the time which he recognizes were not consistent with the requirements of the FIA.
9. It is equally clear to the Appeal Panel that the regulations of the FIA with regards to fuel sampling were not followed by the race meet technical staff entrusted to carry out this procedure.
- 10.

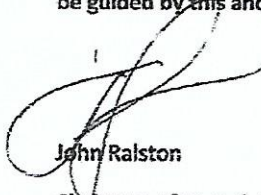
Findings of the Appeal panel

The Appeal Panel hereby finds that based on the facts, the JMMC and its' workers/agents, failed to follow the regulations of the FIA, the world governing body, with regards to the taking of fuel samples from the car of Nicholas Barnes # 99. The Appeal Panel finds that the Stewards in their ruling of June 1st, 2023 have erred in acting on the results of the test showing the high concentration of Methanol in the single sample tested, and that, in the absence of any other prescribed procedure as a national policy, the method set out in the FIA regulations should have been followed.

The Appeal Panel finds that, even though there appears to be a disparity between the prescribed colouration of #P C85 and the colouration of the fuel sample presented for testing, the deviation of the sampling procedure from the FIA prescribed method is of greater concern.

The Appeal Panel suggests that the JMMC provide training for the individuals that it requests to carry out the various functions of the events it is sanctioning. Further, the JMMC (and/or Affiliates) may of their own accord, prepare and disseminate a testing procedure for fuels that, while still responding to the intent of the process, may be considered less onerous. A case in point is the substitution of suitable Glass Bottles with stoppers and paper seals, for UN approved metal bottles.

The Appeal Panel finds that the appeal by Mr. Nicholas Barnes is to be upheld and therefore the JMMC should be guided by this and act accordingly.



John Ralston

Chairman of appeal panel



Norman Minott



Peter Clarke