



2026 Rally Colorado Car 418 Protest Decision

Date:	23 July 2026	Time:	23:20EDT
Subject:	Car 418 Protest Decision		
From:	The Panel of Stewards for the Protest	# of pages:	5
To:	Car 418 Tim Wickberg / Mathew Trott	Attachments:	1

A Protest in compliance with GCR 9.2 was accepted by the Stewards (submitted in writing signed by the competitor, within the required time frame and with the stipulated protest fee).

The Chief Steward J.B. Niday formed a Panel of Stewards per GCR 9.10 comprised of:

- Rally Colorado Senior Steward and Protest Hearing Chair Justin Pritchard
- Rally Colorado Event Steward Matt Flaisig
- ARA Senior Steward Mark A. Williams

This Protest Decision documents the findings and the decision of the Panel of Stewards following an online Protest Hearing held on Wednesday 22 July 2026 at 20:00EDT in compliance with GCR 9.5.

Present at this meeting prior to its closing for Steward-only deliberations were:

- The Panel of Stewards listed above
- The Clerk of the Course Rob Bohn
- The Deputy Clerk of the Course Bob Martin
- The observer and reporter of the infraction Doug Nagy (ARA Technical Director)
- The Protesters Tim Wickberg and Mathew Trott (the crew of car 418)
- Observers J.B. Niday (Competition Director) for the first few introductory minutes, Preston Osborn (Series Manager)

The Basis of the Organizers' Assessment of the Penalty of Exclusion

After car 418 entered the end-of-event Parc Fermé impound area, Doug Nagy testified that he observed the hood of this car was open while he was directing a subsequent car to park. He reported his observation as a formal Inquiry (line 61) citing the open hood and requesting application of RCR 4.12.3.

RCR 4.12.3 states that “while the vehicles are subject to Parc Fermé rules, any repair, assistance or refuelling is strictly forbidden, under penalty of exclusion.” With respect to end-of-event Parc Fermé RCR 4.12.3.d states that the competition vehicles shall be subject to the Parc Fermé rules *“from the moment they reach the end of the rally until*

the time for lodging an inquiry as per GCR 8.2.c has expired and/or the Steward(s) have authorized the opening of the Parc Fermé.”

In response to this Inquiry, the Deputy Clerk of the Course Bob Martin interviewed both Mr. Nagy and the driver of car 418 Tim Wickberg who’s respective statements agreed that the hood was in fact opened and that no service was performed.

Based upon those interviews, and upon the understanding that opening the hood constituted servicing within Parc Fermé, the Deputy Clerk of the Course assessed the penalty of exclusion pursuant to RCR 4.12.3.

Issue to be Determined

The issue before the Panel is whether the facts established by the evidence—specifically, the opening of the hood of Car 418 while under Parc Fermé conditions, without evidence of any repair, assistance, or refuelling—constitute a violation of RCR 4.12.3.

The Arguments by the Crew Against the Exclusion Penalty

In their submitted concise and well-organized written Protest Document (attached) and their presentations at the Protest Hearing, the protesters advance the following three principal arguments:

- ***No ARA rule prohibits merely opening the hood or trunk in Parc Fermé.***

The protesters argue that the exclusion is based on a rule that does not exist in the current ARA regulations. The key points are:

 - ARA RCR 4.12.3 prohibits only repair, assistance, or refuelling while under Parc Fermé.
 - Neither the GCR, RCR, nor the Rally Technical Regulations state that opening a hood or trunk is prohibited.
 - The commonly held belief that opening the hood is a violation likely originated from earlier rulebooks, specifically:
 - NASA RallySport (“Opening the hood or trunk will be considered servicing.”)
 - Rally America 2008 (“Opening your hood or trunk is considered servicing.”)That language was never carried into the current ARA rules.
- ***Under RCR 4.12.3, the elements of the offense were not proven.***

The protester argues that the conduct observed does not satisfy any of the prohibited acts in Rule 4.12.3. Specifically:

 - No repair was performed.
 - No assistance was received.
 - No refuelling occurred.
 - The Technical Director’s inquiry alleged only that the hood was opened—not that any repair or servicing took place.

The protest further argues:

 - “Repair” is not defined in the GCR. Therefore, the ordinary meaning should apply.
 - Looking under the hood for safety reasons is not itself a repair.

- ***Even if a violation occurred, exclusion is disproportionate***

As an alternative argument, the protester contends that exclusion should not automatically follow. He relies on:

- the 2026 Sno*Drift “Car 367 Protest Decision,”
- GCR 7.4 (Stewards’ authority to modify penalties), and
- the absence of any competitive advantage.

He acknowledges that the later Appeals decision (ARA-AP-2026-036) did not resolve whether Stewards may reduce the mandatory exclusion under RCR 4.12.3.

The protest also explains why the hood was opened:

- the engine had severe cooling problems,
- coolant temperatures exceeded 260°F,
- the hood was opened only to determine whether there was any fire risk while parked on dry grass,
- no work was performed,
- the trunk was opened only because an ARA official requested return of the trauma kit.

The Findings of the Panel of Stewards

The Panel of Stewards accepts as fact that the hood of Car 418 was opened after the vehicle entered the final Parc Fermé. The driver acknowledged opening the hood. The evidence before the Panel was consistent that no repair was carried out, no assistance was received, and no refuelling occurred.

- ***On the absence of a prohibiting ARA rule.*** RCR 4.12.3 prohibits only repair, assistance or refuelling while a vehicle is subject to Parc Fermé conditions. The rule does not state that opening the hood or trunk is, in itself, prohibited, nor does it provide that opening the hood constitutes servicing.

The Panel considered whether opening the hood alone could reasonably be interpreted as one of the prohibited acts. The Panel concludes that it cannot.

- ***On unproven elements of the offense.*** The operative words in RCR 4.12.3 are repair, assistance, and refuelling. Merely unlatching or raising the hood is none of those in the ordinary meaning of the words. While opening the hood may facilitate repair or inspection, it is not itself a repair, assistance or refuelling. The evidence before the Panel established only that the hood was opened. No evidence was presented that any work was performed on the vehicle or that any prohibited activity occurred after the hood was opened.

The Panel also considered the Protester’s submission that earlier Rally America and NASA RallySport regulations expressly deemed opening the hood to constitute servicing. Those historical provisions are not contained within the current ARA regulations. The Panel must apply the rules as currently written rather than prior or external regulations.

Accordingly, the Panel finds that the factual circumstances established do not satisfy the elements of RCR 4.12.3.

- ***On exclusion being disproportionate.*** Having concluded that no violation of RCR 4.12.3 was established, it is unnecessary for the Panel to determine whether exclusion would have been an appropriate or proportionate penalty had such a violation been proven.
- ***On an additional submission raised during the protest hearing.*** During the Protest Hearing, the Technical Director submitted that competitors are expected to leave the final Parc Fermé immediately after parking their vehicle and that opening the hood necessarily delayed the crew's departure from the area.

The Panel notes that this was not the basis of the formal Inquiry upon which the Deputy Clerk of the Course assessed the penalty of exclusion. The Inquiry alleged only that the hood of Car 418 had been opened in Parc Fermé and cited RCR 4.12.3.

The Panel has reviewed the current ARA General Competition Rules and Rally Competition Rules and has not identified any provision expressly requiring competitors to leave the final Parc Fermé immediately after parking their vehicle or making a brief delay, in itself, a violation. Accordingly, the Panel places no weight on this additional submission in determining whether RCR 4.12.3 was violated.

Decision: The Protest is upheld.

The Panel finds that the evidence does not establish a violation of RCR 4.12.3. Accordingly, the exclusion of Car 418 is rescinded, and the competitor shall be reinstated in the official results of Rally Colorado 2026.

Pursuant to GCR 9.14, the protest fee shall be refunded.

This decision was unanimous.

The Panel emphasizes that this decision should not be interpreted as permitting repair, inspection, adjustment or other servicing activities within Parc Fermé. The Panel's decision is confined to the issue before it, namely that the current ARA regulations do not establish that the mere act of opening the hood, without evidence of repair, assistance or refuelling, constitutes a violation of RCR 4.12.3.

Recommendation to the American Rally Association:

While the Panel has concluded that the current wording of RCR 4.12.3 does not establish that the mere opening of a hood constitutes a violation, the Panel recognizes the legitimate interest of event officials and competitors in preserving the integrity of post-event Parc Fermé and facilitating technical inspections. For that reason, the Panel recommends that ARA consider adopting explicit language

defining the permissible and prohibited activities within Parc Fermé, including whether the opening of body panels requires prior authorization from an official.

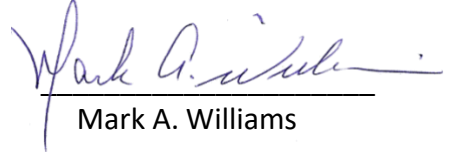
The right of appeal this decision is set out in General Competition Rules Article 10. Notwithstanding GCR 10.3, the 30-minute time limit for notification of intent to appeal is extended to 24 hours from the time this Protest Decision is published on the Sportivity Official Notice Board.



Justin Pritchard

MATT FLAISIG

Matt Flaisig



Mark A. Williams

Tim Wickberg
Vertical Disambiguation
ARA #418

Protest of the exclusion of car 418 from Rally Colorado 2026

Summary

I opened the hood of car 418 during the impound at the end of Rally Colorado 2026.

The open state of the hood was observed by the ARA Technical Director. I admitted having opened the hood, in part to evaluate whether there was any risk of fire¹ while parked on the grass owing to extremely hot engine temperatures² resulting from cooling issues that developed before SS13.

Such a check would ideally have been completed before arrival at the final MTC. But, owing to our slow transit speeds due to the aforementioned cooling issues, coupled with a road-side tire change, we did not elect to use the single minute we had remaining on the transit³, and proceeded directly into the MTC and thus Parc Fermé.

The Technical Director later observed that our trunk was open. The trunk had been opened at the direct request of Preston Osborn so we could return the ARA trauma kit. The trauma kit had fallen from where it was originally secured, and was wedged under a flat tire we changed on the final transit back to impound. I shut it once requested.

The Technical Director filed an inquiry citing RCR 4.12.3 and requested we be penalized for opening the hood. The Clerk of the Course, through the inquiry responses, indicated that we had been excluded from the Rally.

There are two aspects to my protest:

1. I do not believe that any rule in ARA explicitly prohibits opening the hood or trunk during impound (Parc Fermé).
2. I do not believe that, even if RCR 4.12.3 were to be interpreted in such a manner, that the penalty of exclusion is warranted in this situation.

Requested Action

1. Rescind the exclusion of car 418 from Rally Colorado 2026.

¹ We had already helped put out one engine fire on another competitor's car on Saturday before towing them back to MTC. I'm impressed by how well the Element Fire Sticks worked, and I'd recommend all competitors carry them in addition to the mandated dry chemical extinguishers.

² Since returning to the shop, we've found that there are roughly two quarts of coolant in the loop, rather than the two gallons that are needed. On stage we saw engine coolant temperatures in excess of 260F.

³ From our time card: time due to MTC was 19:04, time arrived was 19:03.

Defense 1: There Is No Prohibition On Opening A Hood and/or Trunk in ARA's Rules

There appears to be a widely-established belief within the ARA community, including with the officials, that hoods and trunks cannot be opened under Parc Fermé conditions in ARA.

There is no explicit rule indicating that a hood or trunk being opened is a violation of parc fermé conditions under ARA's current GCR, RCR, or RTRs. I think this belief stems from explicitly defined rules in other American rally series – and that this has led to both officials and competitors relying on an incorrect interpretation of RCR 4.12.3 in service of a rule they believe exists but has never been codified.

NASA Rallysport has an explicit rule in their General Regulations for Rallies (version 15.2):

2.26 Parc Fermé (Closed Park):

“Opening the hood or trunk will be considered servicing.”

Similarly, the Rally America 2008 rules stated:

7.5.A.7:

“As an example, the opening of your hood or trunk is considered servicing.”

A review of the ARA General Competition Rules and Rally Competition Rules produces no explicit rule regarding the opening of a hood or trunk during Parc Fermé.⁴

Defense 1.1: Precedent From Sno*Drift 2023

Sno*Drift 2023 dealt with a similar issue to that raised here, and concluded that opening a hood did not necessarily constitute service or repair of a vehicle.⁵

During the event, and while I and my crew chief were serving as service volunteers, we were in charge of overseeing the fuel depot. While in the fuel depot, and thus subject to Parc Fermé, Car #1 opened their hood to investigate the source of smoke emanating from one of the hood vents. This was reported by the service out control workers. Both I and my crew chief were later asked by Preston Osborn (ARA Competition Director) whether we had seen the competitors or their service crew touch anything under the hood, which we had not. I believe it was thus determined that opening the hood did not, on its own, constitute service or repair of the vehicle.

⁴ The CARS rules, which I believe the ARA rules were originally derived from, similarly lack a clear prohibition on the opening of the hood or trunk in parc fermé.

⁵ This is a link to the specific line of the inquiry responses. Unfortunately further context was not provided in the form:

https://docs.google.com/spreadsheets/d/1v_AqXmmBMHX1qAyCXc3dvEQ3K0O7WylRbDj-4if12mA/edit?gid=20549414#gid=20549414&range=I28

I did request through email that Doug Shephard, who I believe was Clerk of the Course that year, if he'd be willing to provide a more detailed summary. He has not responded as of yet.

Defense 2: The Criteria of RCR 4.12.3 Were Not Met

The specific rule cited to justify our exclusion was RCR 4.12.3:

4.12.3 Assistance Forbidden

Except where specifically provided for elsewhere in the regulations, while the vehicles are subject to Parc Fermé rules, any repair, assistance or refuelling is strictly forbidden, under penalty of exclusion. The competition vehicles shall be subject to the Parc Fermé rules:

- a) from the moment they enter a starting area (if one exists) or a regrouping area, until they leave it;
- b) from the moment they enter a control area until they leave it;
- c) from the moment they enter a refuelling zone until they leave it;
- d) from the moment they reach the end of the rally until the time for lodging an inquiry as per GCR 8.2.c has expired and/or the Steward(s) have authorized the opening of the Parc Fermé.

Working through the three criteria individually:

1. We did not “repair” the car.
2. We did not receive assistance. I opened the hood and trunk.
3. We did not refuel the car.

The Technical Director did not state in his inquiry that we “repaired” the car. Only that we opened the hood.

Opening the hood should not, on its own, count as “repair” of a vehicle. GCR 2 (Terminology) fails to provide a specific definition for “repair”, so an ordinary definition of the word is all that can be relied on here.⁶

There is no competitive advantage to repairing a car in the final impound - the car does not even need to move once parked. I certainly have a number of repairs that will be needed to fix this car, but I was not attempting to undertake any of them in the middle of a baseball field under the direct sun during an impound with the engine bay excessively hot.

With none of these criteria established, there can be no violation of RCR 4.12.3, and no cause for the penalty of exclusion to be issued.

⁶ [ARA-AP-2026-036](#) is relevant here in issuing a non-binding observation that “assistance” from RCR 4.12.3 should be clarified. The appeals panel seems to consistently find that a plain language reading of ambiguous terms should be used in the absence of an explicit definition.

Defense 3: Exclusion May Be An Excessive Penalty For Violations of RCR 4.12.3

The Stewards in “Car 367 Protest Decision” from Sno*Drift 2026 ruled that exclusion under RCR 4.12.3 may be an excessive penalty if there is no sporting advantage.⁷

I would ask that, if the Stewards do rule that opening the hood constituted a violation of RCR 4.12.3, that they exercise discretion under GCR 7.4 to substitute a less severe penalty instead.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Tim Wickberg', written in a cursive style.

Tim Wickberg

⁷ In the interest of full transparency, the precedent I cite here is admittedly confounded by the protest decision later having been appealed in ARA-AP-2026-036. The appeals panel declined to rule whether the discretion shown by the Stewards' was permissible – instead they ruled that RCR 4.12.7 superseded 4.12.3 in regards to that specific incident, and declined to comment further on whether a penalty of exclusion is mandatory under RCR 4.12.3 or can be reduced by the Stewards' authority under GCR 7.4.