

## DECISION

Of the Court of Appeal of The United States Auto Club  
20 May 2024

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Appeal lodged by Chris Sutton / Hayley Hoffman Entrant Car 490  
Against the decision of the ARA Officials  
Limited 4WD  
Olympus Super Regional Rally, Shelton WA  
20-21 April 2024

The Court of Appeal Comprised of:

Chair: Mr. J.B. Niday  
Mr. Randy Hembry  
Mr. John Maesky

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### **Decision:**

- The Court denies the Appeal and upholds the penalty as applied by the Clerk of the Course (CoC).
- The Provisional Results of the race may now be published as Final.
- Points may now be awarded.

For the reasons below, the Court found that the penalty applied was not “totally excessive”:

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### 1. References:

- a) Clerk of the Course Communication #2, and Inquiry posted to Sportity from Car 490
- b) ARA 2024 RCR 6.4 and 6.4.7
- c) RallySafe data provided by Preston Osborn – ARA Competition Director
- d) The Appeal filed by Chris Sutton

### 2. History of the Proceedings:

- a) 20 April 2024 RallySafe reported that Car 490 did not follow the transit from finish of Special Stage 3 to TC3A.
- b) 20 April 2024 CoC issued Clerk Communication #2 for violation of ARA RCR 6.4.7 and applied a 10-minute penalty.
- c) 21 April 2024 Mr. Chris Sutton, driver, argued his case with Mr. Justin Pritchard, Sr. Steward during which Mr. Pritchard informed Mr. Sutton that his decision was to support the CoC and that their discussion had constituted a Protest Meeting and the next step for Mr. Sutton was to appeal the decision.
- d) 21 April 2024 Mr. Pritchard issued Notice of Intent to Appeal Received from Mr. Sutton and reported receipt of applicable appeal fee.
- e) 22 April 2024 Mr. Jason Smith, USAC and ARA President, and Mr. J.B. Niday, ARA Chief Steward, discussed the appeal and considered rejecting it and requiring the stewards to conduct a formal protest hearing. They decided that, under these unique circumstances, they would accept that the appeal.
- f) 23 April 2024 Mr. Sutton presented his appeal letter.
- g) 8 May 2024 Appeal Court established by Mr. Smith.
- h) 10 May 2024 Initial meeting of the judges to discuss the facts as presented.
- i) 14 May 2024 0900 PDT Appeals Court hearing conducted online. Present were Judges, Appellants, ARA Competition Director, CoC, and Deputy CoC.
- j) 16 May 2024 1941 PDT Mr. Sutton presented appeal addendum.
- k) 20 May 2024 The Court issues this decision.

### 3. Determination Regarding Admissibility:

The Court examined the timeline of documents filed by the Appellant, including the correspondence with the ARA Competition Director. The Notice of Intent to Appeal was issued in a timely manner.

Therefore, the Court finds the Appeal admissible.

### 4. Background Findings of Fact:

The Court found that the following facts are in evidence and except as noted, are not disputed.

- a) Car 490 made a wrong turn upon completion of Special Stage 3. Once the crew discovered their error, they were not able to find their way back to the finish of the stage and correctly follow the transit route. They did arrive at the next control and were able to check into that control on time and in the correct sequence.

- b) ARA RCR 6.4.7 states that, “Crews are bound to follow the route as described in the route book and check in at all controls in the correct sequence in the direction of the rally route. It is prohibited to reenter a control area.” (underlining added for clarification below)

The appellant contends that they only violated one of three aspects of the rule and, therefore, did not violate the rule.

The Competition Director, CoC, and Deputy CoC (ARA, CARS, and FIA steward) contend that violation of any aspect of the rule constitutes violation of the rule in whole.

- c) ARA RCR 6.4 stipulates a minimum 10-minute penalty for violation of 6.4.7.
- d) Mr. Sutton contended that many other cars failed to follow the transit route. The judges gave Mr. Sutton extra time to produce a list of such cars. The only example given, car 84, did also make a wrong turn, but upon discovery of their error returned to and followed the correct transit route in its entirety. The Competition Director stated that this did not constitute a violation of ARA RCR 6.4.7.
- e) While the penalty for this same violation in Canada (CARS) is exclusion, the FIA regional rally regulations call for the CoC to refer the matter to the stewards to investigate and decide upon an appropriate penalty which is regularly less than 10 minutes.

## 5. Application of rules review

- a) This penalty has been applied to other teams at past ARA events.

## 6. Matters before the Court

- a) The Appellant’s appeal is against ARA Officials decision.

## 7. With Respect to Procedural Decision

- a) The court notes that the Series is governed by the American Rally Association and is under the Regulations, Procedures, and Policies set forth in the 2024 ARA Regulations. The Series is also governed under the parent company, United States Auto Club’s Bylaws of the Corporation. The Appellant’s appeal is against ARA Official’s decision.
- b) The duty of the Court is to examine the application of the rules by the Clerk of Course and subsequent decision of the stewards and determine if there is a Gross Miscarriage of Justice.

- c) The relief sought by the Appellant is to not apply RCR 6.4.7 because, in their opinion and despite their inability to provide evidence to support their accusation, the rule is not consistently applied.
- d) The Court finds that the rule is consistently applied and there are no grounds to consider relief to the Appellant.
- e) The Court recognizes that ARA has already softened the penalty from exclusion, based on the Canadian rule. The Court recommends to ARA consider revision to RCR 6.4 procedural penalties where the CoC would be encouraged to refer procedural violations to the stewards to investigate and decide upon an appropriate penalty.



20th of May, 2024

Signed on behalf of the Court

J.B. Niday, Chair