

**INTERNATIONAL SIMRACING CLUB**

**Court of Appeal**

Decision of: 20 September 2012

Court composition:

Bruno Marques
John Eric Saxen
Ernesto De Angelis

Details:

Appeal case: Jack Keithley vs Morgan Morand

Appellant parts: Ghostspeed Racing Team

## First grade verdict

 *Driver(s) Involved: Jack Keithley, Morgan Morand

Lap/Replay Time: Lap 39 - 61:58

Review: continued from Incident #8... Morand runs a bit deep in to T6, allowing Keithley to get a better exit line. Morand loses traction while exiting the corner, which allows Keithley to move alongside of Morand. After Morand corrects his oversteer moment, he turns in to Keithley's path quite sharply, resulting in contact and for both cars to slam in to the barrier, forcing both cars to retire.

Verdict: 1.0 Penalty Points* *for* *Morgan Morand, 1.5 Penalty Point limit reached on 2nd license,Banned for the rest of the season*

## Appellant part motivations

*Morgan Morand has a slide on the exit of the corner as it's stated and he controls it. After controlling the car, Morand has his car pointing a bit to the outside of the track, so if he kept going straigth at that point his left wheels would go to the curb and then grass. At that point Morand needs to turn right, but at the time he does that, his car goes through a bump which makes his car turn right more than he wanted, even though he just turned right for a very brief moment. The bump is noticeable on replay, specially on the camera outside the car, it's visible the car of Morand bouncing at the time of his turn right.

Morand had no intention of blocking or trying to push Keithley wide here to take an advantage on him. In the action, he just wanted to accelerate as fast as possible and right after controlling his car from a slide he was surprised by the trajectory his car took due to the track bump. Morand was settled to bring home a 2nd place and there was no intention from him to risk that in the fight.

This incident had a very unfortunate ending but it was a result of a mix of driving error and track characteristics. We believe Morgan Morand didn't do anything wrong in this incident, he was simply surprised by the moment and the track, and so we request the COA to remove Morand's penalty.*

## Court of Appeal decision

Verdict: unanimous

After studying the case and analyzing appellant part motivations, this Court has reached an unanimous verdict.
Considering the importance and the echo the case had in the club community for specific and clear sports reasons, it is deemed as necessary to clarify a preliminary concept which this Court considers as essential: while, as said, the case has generated a special attention over the members, this Court managed it in the only way a deciding organism has to apply; that is considering the rules as the unique reference.

To avoid any misinterpretation of the decisions taken, the judges make clear that no exception has been made and this has to be read as a normal Court verdict. Further details will be offered in the single verdict regulations.

## Verdict and regulations

1. Mikko Puumalainen, WC Director’s first grade verdict, **1 license point penalty**: **confirmed**.

One penalty point inflicted on Morgan Morand’s license **stands**. Despite appellant part motivations, this Court has to acknowledge that intentions are not the only principle on which penalties decisions are taken. In this case, it would be very hard to read what Morand’s intentions were and this Court has no difficulties to think he did not want to end his race together with Keithley’s. But it appears to be clear that it is not possible to exclude Morand’s responsibilities considering incident dynamics. We are not judging a case where, for instance, a driver is losing control of his car on a track kerb and clearly loses control of the race car. In this case it is close to impossible to say how much is related to driver’s intentions to close an ideal line and if there is something related to track surface bumps. In such situations, the Club decisional conduct has been to give penalties to the drivers causing damage to other competitors. Following the principle of intentions, we might add that the big majority of the racing incidents are a result of facts going beyond real driver’s intentions. This could happen when the intention is to reduce the space to the challenger but making it so narrow that a crash is caused. In that case, despite intentions would lead to a non-penalty situation, facts do.

This Court, therefore, finds WC director’s decision totally compelling.

1. From a complete study of the case and according to previous consolidate functioning powers, this Court issues an **official warning** to Morgan Morand for public statements about ISR Club and its members. Morgan Morand is asked to behave according to the rules as per 16.4 of FSR General Rules document. WC director is asked to take note of this warning for possible future penalties, which may result in definitive ban from the league.
2. Considering the incident dynamics and appellant part motivations, this Court inflicts a **conditional season ban** to Morgan Morand, as per 1.7 of 2012 FSR penalties guidelines supplement. The season ban is issued and suspended *sub condicione(under condition)* till end of 2012 season or till a further offense from Morgan Morand should happen. No tolerance points are given on Morand’s license, meaning any kind of future penalty (that including on track and/or off track regulations) will result in making season ban immediately effective.

Should the ban become effective:

* 1. Morgan Morand will **lose all his** drivers championship **points** from 2012 season.
	2. **Team** (any team Morand should drive for, in the interval between this verdict and season ban application) will **lose all the points** scored by Morand in 2012 season from **today onwards**.
1. Being calculated on the number (4) of remaining 2012 races, a **payment of € 20** is imposed on Morgan Morand as **compensation** for racing under the conditional season ban and for participating to next GP’s having reached maximum points tolerance on his second license. That not being a **fine** or a **penalty**, which automatically goes to club funds, Morand is required to channel that money to a **charity organization** of his choice (approved by this Court).

## Conclusions

As explained and to avoid possible future misinterpretations linking to this sentence as an exceptional record, this Court wishes to clarify that no exception has been made to the rules. First grade verdict is confirmed in all his regulations while the reformed part refers to further consequences of the first grade verdict itself.

The decision to adopt a *sub condicione* ban is not related to persons involved, standings positions or anything else than specific incident dynamics which, while on one side this Court found totally in line with assigned WC director’s penalty, on the other side suggested, for the explained reasons, application of 1.7 of FSR Penalty Guidelines Supplement for the further consequences.