



Request for Stewards' Review

Event Name: OTR

Date: 5/15/11

Time submitted: 1600 ()

Time answered: ()

Submitted by: Travis Hanson

Car No. 523

Description: At ATC for SS2 car 7th was allowed to service from within a control by the event CRO.

1. Additional crew were allowed to work on the car within the control.

2. Competitors should go immediately to the start. They did not start the stage until 20+ min late.

(7.5.D.)
see for

Rule reference: _____

Action requested: Please assess appropriate penalties.

Reply: 1. Agreed

2. Agreed

3. Agreed

4. Agreed

5. they left the route as directed by an official

6. Agreed

7. Agreed

Force Majeure. No Penalty Change.

Signed: [Signature]

ROB BEHN
EVENT STEWARD

CRO is a judge of fact and does not have authority to give permission to competitors or crew to service the car within the control.

The organizer should have started the ~~car~~ teams start time in proper start sequence whether they were ready or not. (7.5D5a)(7.5D7)

Did the team leave the described Route?
Entering/Leaving/Entering the control

Did the crew of the car use additional tools or parts to repair the car provided by the service crew within the control?

(7.10.3) Conditions created by organizer error

Official Protest Form

I wish to appeal Stewards Review dated 5/15/11.

~~There are~~

~~illegal~~

penalties need to be assessed for illegal service conditions were created by organizer error that were ~~unilateral~~ unilaterally unfair.

Manson

5/15/11

In accordance with the protest procedures detailed in PRR 8.3.A sections 2 and 3, on May 17th a protest committee was formed to hear the matter presented by Travis Hanson in regards to possible illegal service by the team of Car 74.

The protest committee has taken statements from the teams involved and other witnesses to the incident in question. The statements have been thoroughly reviewed and discussed.

First, an itemized summary of the details of our findings:

1. The supplementary regulations Section 9 stated that there is no open service and that all teams must service in their designated locations.
2. At the drivers meeting, mention was made of there not being any road point penalties for Friday. However this was not formally issued as a bulletin, nor for that matter even properly defined. This, though, is not really relevant to the facts behind this protest.

*Reference 1.7.A (Except in cases where a specific sanction exception has been granted by Rally America, Supplementary Regulations may not alter or contradict these Rules. If such contradictions occur, the PRR shall take precedence over the Supplementary Regulations. Sanction exceptions must be noted as such in the Supplementary Regulations.) and therefore this is **7.10 (Force Majeure - organizer error)**.*

The organizers did indeed have Scoring remove all early/late penalties from Friday's results. Although time assessments and penalties are defined in the rule book in section 8, "road points" are not mentioned in the rules at all, apart from their needing to be listed in the results. Also, the intent could not have been to exclude ALL penalties (such as excessive speed in transits, or unsportsmanlike conduct, etc).— for a real life example, see the 2010 results and penalties, at least one of which was incurred while at the same PIR stages. Additionally, the CRO was intent on tracking Car 74's MPL – if there were to be no penalties at all, why was he tracking the time?

3. After SS1 teams were given 7 minutes transit time to ATC 2; some teams chose to visit their designated service area in that time, which was explicitly allowed in the supps, while others did not choose to do so.

4. There was some difference in statements regarding check in at ATC 2, as some people reported that a control worker went up the line of cars asking for declared in times, but others stated that they had to get out of the car and walk their cards into the control to check in on time.

Reference 7.5.A.7 which states Competitors will be considered to be in the control zone the moment they check into the control, whether, or not their car is within the physical boundaries of the control zone

5. There were also differing statements as to placement of ATC 2 control signs, it was confirmed that the red sign at the time control was in place and visible, but some have said that the yellow sign indicating the entry to control zone was either not visible or not in place. The CRO's written statement also says the co-driver had a question **after** checking in with the ATC.
6. Car 74 did check into the ATC control at the proper time according to their time card, and an ideal start time was issued, as also evidenced on their time card.
7. Car 74 was not able to start the car when it came time for them to prepare to start the stage. At the direction of the CRO the car was pushed out of the way so that other cars could proceed without delaying stage operations.
8. Although the scoring inquiry says "car 74 was allowed to service from within a control by the event Competitor Relations Officer (CRO).", our investigation has found there are differing statements as to whether the CRO told the driver and co-driver of car 74 they would be penalized or not. The CRO's written statement explicitly says he did NOT state that they were "not incurring penalties". A witness states that the CRO said they may be penalized. Lastly, the CRO does not have authority to make a determination of whether or not they are penalized, so this detail is also not relevant to the facts.
9. In the course of attempting to repair their vehicle, witnesses agree that car 74's team AND service crew personnel assisted with the repairs on car 74.

This is a violation of 7.11.B (Servicing is only allowed at the times and locations designated...) and a violation of 7.5.A.7 (All control zones are considered Parcs Fermé.... No servicing of the rally vehicle is permitted in a control zone...) and a violation of 7.11.H (personnel arriving on course (stage or transit)... with the intent of providing planned or unplanned assistance to specific team(s) shall be considered to be involved in illegal servicing.)

10. The start crew did not issue a start time for them when they did not appear as expected

This would be 7.10 Force Majeure - organizer error.

From the above details, the following were determined to be the pertinent facts:

- Car 74 checked into the ATC #2 and then the car would not restart
- The team pushed the car off to the side
- The team and service crew for Car 74 worked on the car until it restarted

This constitutes violations of:

- **7.5.A.7** for servicing in a control zone
- **7.11.B** for servicing out of the designated service area as defined in the supplemental Regulations.
- **7.11.H** for providing unplanned service

These violations dictate that Car 74 be penalized according to:

- **8.2.A.11** – 10 minute time penalty for illegal service - unplanned service and servicing out of their designated service area
- **8.2.A.13** – 10 minute time penalty for the Driver and Co-Driver servicing the car in a Parc Ferme (control zone)
- **8.2.A.14** – 30 minute time penalty for the Service Crew servicing the car in a Parc Ferme (control zone)

Protest Committee

Chair – Rob Bohn (Event Steward)

Mike Bodnar

Pete Soper

Steve Gingras

June 1, 2011

The crew of Rally America Championship car #74, Ramana Lagemann and Chrissie Beavis, hereby appeal the Protest Committee's finding regarding the claim made by the crew of car 523, Travis and Terry Hanson.

Regarding the inquiry by car 523 concerning illegal service, et al:

1) This claim should have been ruled null and void due to the fact that it was submitted at least 49 minutes after the 30 minute time period following the check in of car 523 at the final MTC had elapsed.

Reference 8.3.B Claims submitted for situations arising on the route or control procedures must be submitted within 30 minutes of the contestant's in time at the final MTC.

Reference 8.3.C Claims submitted against the actions of another competitor must be submitted within 30 minutes of the claimant's in time at the final MTC.

Per the attached time card and log, car 523 checked in to the final MTC at 15:45.

Following the finish of the rally, Chrissie was in constant contact with Safety Steward Lyn Nelson. At 16:49 Lyn notified us via SMS that a scoring inquiry had been lodged regarding our stage time on SS13. At 17:04 during a phone conversation she told us that our score on SS13 had been corrected. During this conversation, Chrissie confirmed with Lyn that no additional claims had been made. (Note that this scoring inquiry was ruled on at 16:43)

At 18:45, Chrissie requested an update from the Safety Steward. At 18:56 the Safety Steward sent Chrissie the following message via SMS: "On way 2 awards w folder and answers"

From this timeline, we can determine that the inquiry concerning illegal service was made sometime between 17:04 and 18:56, at least 1 hour 19 minutes after checking in to the final MTC. (Despite the fact the submission time was falsely backdated to 16:00 by the claimant).

2) This inquiry was erroneously ruled on by the Event Steward.

Reference 8.3.A.1 An inquiry is an informal written communication from the competitor to the organizer, describing a situation and/or requesting an action. It requires unilateral action on the part of the organizer; organizers will respond in writing.

Regarding the protest claim:

1) This claim should have been rejected as it was submitted 4 hours after the final MTC. As a claim against the conduct of the event and/or a competitor, it should have been submitted within 30 minutes of the claimant's in time at the final MTC. (See reference for **8.3.B** and **8.3.C** above.) The events referenced in the protest took place on Friday at approximately 19:00. The protest was filed on Sunday at approximately 19:57, and indeed after the inquiry above which was also submitted late. (Chrissie was monitoring the official notice board constantly prior to the awards presentation and collected our award at approximately 19:56, and returned to the board to find that the protest had been posted.)

2) The scores did not change between the time of the scoring inquiry regarding SS13 and posting of provisional scores. No new information was gleaned from the provisional scores. Therefore, the protest could not be submitted in accordance with the second clause of **8.3.B**:

Claims prompted by the posting of provisional scores shall be submitted within 30 minutes of the posting of those scores and must be based on information contained in those scores.

Regardless, the protest was posted 42 minutes after the provisional scores had been posted, and indeed after awards distribution had already commenced.

3) The inquiry above was reviewed and ruled on by the Event Steward, who subsequently chaired the Protest Committee (as is called for in **8.3.A.2**). The rulebook prescribes inquiry reviews to Event Organizers, and protest decisions to Event Stewards to ensure that an unbiased and independent review of the facts and decisions takes place. This did not happen.

Regarding the Protest Committee's specific findings and conclusions:

Argument against point 2: Justification for penalties by the Protest Committee, contrary to the Organizer's action of removing all penalties for Friday night's activities:

A) The Organizer stated on three occasions at the driver's meeting that penalties related to Friday's time controls would not be assessed.

B) Cars 33, 36, 203 and 296 had early/lateness penalties removed, car 33 had two separate penalties removed. Please review attached time cards and formal request from Organizer to remove penalties. This premise was upheld in the Protest Committee's ruling.

C) Suspension of time control penalties clearly does not extend to issues of safety, such as the penalty issued at PIR in 2010, which was due to "inappropriate speed in service." This precedent is thus irrelevant.

D) The CRO was tracking our MPL because he stated that SS2 would be kept open until we were time barred. This was in order to maintain operational functionality of the rally while also giving us an opportunity to continue in the event.

Argument against point 3:

It was common practice for competitors utilizing the “service option” after SS1/3 to send the driver and car to service, while the co-driver would declare their car’s check in time. This happened without consideration to either the physical location of the competitor’s car nor to what time it actually was when the card was handed in. See statement by Scott Putnam, car 90. This circumstance may have allowed numerous other cars to continue to be serviced after the crew had “checked-in” with the ATC without any intent to gain an unfair advantage or service illegally.

Conversely, crews that may have taken extra time to service could have checked in after their “correct minute” and had any resulting penalties removed.

Argument against point 4:

A Control Zone is defined by location and time.

A) ATC workers approached crews to declare times prior to entering the Control Zone for SS2. (see 6:11 on video supplied by car 90)

B) The location of the Control Zone for the start of SS2, from the Control Zone Entry sign to the Time Control sign was approximately 15 feet. (see 12:15 on video evidence supplied by car 90)

C) The CRO directed us to push our car into the service area, to the right of banner tape well before the Control Zone Entry sign (reference banner tape and area to the right at 0:50 of video evidence supplied by car 90. Confirm with point 2:06 on Official Recap Video of Oregon Trail Rally 2011)

D) Neither the crew, team, nor our vehicle ever physically entered the SS2 Control Zone prior to or during during the time of repair.

E) All penalties relating to Time Controls were removed by Organizer action. (See response to Point 2, parts A & B above.) This Organizer action effectively nullifies the time aspect which defines a control.

Argument against point 5:

A) All penalties relating to Time Controls were removed by Organizer action. (See response to Point 2, parts A & B above.) This Organizer action effectively nullifies the time aspect which defines a control.

B) In its ruling, the Protest Committee selected specific Time Control circumstances for which to apply penalties to us, despite the fact that all Time Control penalties were removed. It is unfair to selectively change the playing field after the fact.

Argument against point 6:

When ATC marshals asked Car 74 to declare a time to put on their time card for SS2, the co-driver requested the “correct” minute (finish minute + transit time) which the workers entered on the time card without regard to whether that was the current time or not. The time card itself is not evidence of at what time the crew actually checked in.

Argument against point 7:

The wording of this point is biased toward conclusions already made by the the Protest Committee, and does not reflect the true nature of the events in discussion.

The crew was not able to start the car when it came time for them to pull forward in the long line of cars waiting to enter the control. The CRO can confirm that the crew of car 74, as well as the crews of cars preceding and following were not actually "prepar[ing] to start the stage." At the direction of the CRO the car was pushed into the service area so that the crew could work on their car before entering the control.

Argument against point 8:

- A) A Control Zone is defined by location and time. In previous points, we have argued why the time aspect cannot be applied to define the control zone for SS2.
- B) The fundamental purpose of the location aspect in the definition of a control zone is meant to prevent an impediment to the flow of control operations.
- C) Our rally car would not restart. We approached the CRO for direction so that we could attempt to investigate and rectify the issues with our car.
- D) We were directed by the CRO to move the car beyond banner tape that was intended to separate congestion from the adjacent Service Area from affecting the Control Zone. This was an area at least 50 feet away from the Control. Had we been directed to move somewhere else, we would have done so.
- E) We complied with the CRO's direction and were assisted by the CRO in doing so.

Argument against point 9:

- A) Since we were out of the Control Zone and in the service area as designated by the CRO, we reasonably expected that we were free to make whatever repairs required in order to get our vehicle into running order. This was consistent with organizer statements and actions regarding Friday penalties.
- B) We were not in the Control Zone and were not impeding Control Zone flow or operations.
- C) Because we were in the physical boundaries of the Service Area, and an area designated by the CRO for us to service in, we requested our service crew help us diagnose and repair our vehicle.
- D) Our actions were being observed by at least three event officials, including the CRO and the Event Chairman.
- E) No penalties were issued or rescinded for any of our actions.

Conclusion

We respectfully request that the Protest Committee's decision be dismissed and provisional scores for Oregon Trail Rally 2011 made official for the following reasons.

- 1) The protest by car 523 was not submitted within the specified time frame and is therefore invalid.
- 2) The organizer created conditions whereby Control Zone penalties were not to be enforced and could not be effectively enforced. Indeed all time control penalties issued on Friday were removed. The Protest Committee's ruling applied penalties inconsistent with this and their own findings.
- 3) We took action in good faith, witnessed by many, that was supported by, contributed by, and confirmed by the CRO to ensure we were within the Service Area. As the crew and team of car 74, we were actually, technically, and effectively NOT servicing in a Control Zone.
- 4) There were multiple procedural errors made by the Event Organizers and Event Stewards alike during the event and when reviewing and ruling on the claims in question.

Documents attached: Provisional scores; final time cards and log; Organizer request to remove penalties; Statement by Scott Putnam, Car 90;

On board video of Car 90 <http://www.subaru.net/ramana/> ; Official Recap Video, <http://www.youtube.com/watch?v=ZtDg4HasLtw> ;

Notes to the Appeal Committee from the crew of Car 74:

It goes without saying that as competitors, we could not assume absolutely zero penalties would be applied in the name of creating an exciting, enjoyable atmosphere for fans and competitors alike. However, all penalties suspended at the PIR stages in 2011 had to do with the organizer's repeated stated goal of allowing competitors to "put on a show" without having to worry about being penalized for unforeseen and unfortunate circumstances.

We accept that this intent was not issued in a bulletin, but it gave us the impression that if we experienced unforeseen challenges or issues, that we would have the opportunity to make the best of our circumstances. Clearly this does not translate to a general expectation that unsporting and unsafe behavior would be overlooked unilaterally. That is why we specifically asked the CRO for his direction when we were faced with unforeseen circumstances.

Notes on specific penalties and rules:

8.2.A.9 *Ten minutes or exclusion for refusing directions from a rally official, including a marshal in charge of a control.*

This rule implicitly grants authority to a rally official to make determinations and give direction. The CRO and other rally officials such as ATC workers must then have the authority and obligation to direct a competitor when requested to do so.

Direction was specifically sought from the CRO regarding our situation and what we should do given the unique transit and service conditions at the PIR stages. When asked to declare a time by the ATC workers, we complied. We then specifically asked the CRO where we could service the car so that we would not be in violation of servicing within a control. Both of us asked multiple times "where can we service the car?" just to make absolutely sure that we were within the service area. We also asked if our crew could work on the car where we had moved it to, and he said yes.

The CRO was very helpful and was clearly trying his best to make a decision that the organizers would have approved of. He made sure that we were not blocking traffic and even helped us push the car past the banner tape that separated the paddock and transit lanes. Had he told us to return to our designated service spot, we would have done so.

The CRO's decisions at that time reflected the event organizer's *intent* to not penalize us, and are backed up by the fact that the organizers *did not* penalize us.

Furthermore, in a conversation immediately after SS2 with Event Steward Rob Bohn and Operations Steward Kevin Poirier there was no mention of any potential penalty. In fact, we were asked if we would be willing to have an abbreviated service so that we could start SS3 in the same order that we started SS1. Rob and Kevin explained that it wouldn't be fair to other competitors for us to have the full allotted service time (because we received an extended

service time between SS1 and SS2 *without penalty*) and that it would also have the added effect of making the rally run late. We fully agreed to this and utilized about 20 minutes of the allotted 55 minutes so that we could start SS3 in the same order as SS1.

We should not be penalized under **7.5.A.7** for servicing in a control zone, because all competitors that committed acts that could be construed as illegal service in a control should also be punished commensurately. But there was neither the intent for the organizers to police these rules in this area, or for the competitors to self police, and it is impossible to retroactively penalize competitors who may or may not have violated the above.

We should not be penalized under **7.11.B** for servicing out of the designated service area as defined in the supplemental Regulations, because we were given direction by the CRO to move our vehicle to an area approved and designated by him. This area was part of the general service area and paddock, and we were further told that we were not required to return to our designated service area. Because there was virtually no emphasis on policing where and when competitors were servicing, and because other competitors were servicing in their physical service area while also technically checked in to the subsequent stage and were not punished, we should not be punished either.

We should not be penalized under **7.11.H** for providing unplanned service because the team personnel servicing our vehicle were in an area designated by an event official, monitored by the Event Chairman, in the confines of the general service area and during a prescribed service time. Furthermore, the application of 7.11.H requires the agreement and judgement of the Event Organizer, which did not take place.



8014 Olson Memorial Hwy, Suite 617
Golden Valley, MN 5542
763.553.2742
www.rally-america.com

June 9, 2011

Regarding Ramana Lagemann's Appeal of the Protest result regarding illegal service at the 2011 Oregon Trail Rally:

FACTS IN BRIEF

On May 13, 2011 during the Friday night portion of the 2011 Oregon Trail Rally, Car #74 Lagemann / Beavis allegedly serviced their vehicle after checking into ATC 2.

A steward's request for review was submitted by the team of Hanson/Hanson, Car #523 on Sunday, May 15, 2011 after the competition portion of the Oregon Trail Rally had ended and the "champagne spray" was completed. This request concerned the alleged illegal servicing of Car #74 after checking into ATC 2 Friday night, and the delayed start by Car #74 at SS2.

The stewards debated the merits of the request for review and decided that no penalty would be applied to Car #74.

Hanson/Hanson then submitted a protest regarding the alleged illegal servicing of Car #74 after it checked into ATC 2 on Friday night. The protest committee found that #74 was subjected to illegal service and applied penalties as follows:

8.2.A.11 – 10 minute time penalty for illegal service - unplanned service and servicing out of their designated service area

8.2.A.13 – 10 minute time penalty for the Driver and Co-Driver servicing the car in a Parc Ferme (control zone)

8.2.A.14 – 30 minute time penalty for the Service Crew servicing the car in a Parc Ferme (control zone)

DATES OF THE APPEAL MEETING

Car #74 appealed the decision of the protest committee. An appeal committee consisting of Cindy Krolkowski, Christian Edstrom, and Mike Hurst, Chairman, met on June 8, 2011 to hear, review, and render a decision on the appeal.

DOCUMENTS AND OTHER EVIDENCE RECEIVED AND REVIEWED

1. Appeal from Ramana Lagemann received on June 3, 2011.

2. Protest result from the protest committee received May 24,2011.
3. Inquiry and protest from Travis Hanson from May 15, 2011.
4. E-mail statements from John Elkin (CRO) and J.B. Niday.
5. Time cards from the 2011 Oregon Trail Rally
6. Cell phones records of J.B. Niday

FINDINGS

Event organizers have the ability to remove time penalties resulting from organizer error, but the penalty in question is a result of a mechanical failure of the competition vehicle, which is a competitor error and not subject to unilateral action by the organizer.

The Event Steward has the power to rule on all claims.

Although the appeal makes a claim of error in the way cars were checked into ATC 2, it offers no evidence as to whether Car #74 had mechanical problems before or after the 19:54 ATC 2 check-in time as indicated on the score card. Given that there was a 7-minute transit to ATC 2 and that Car #74 started SS2 at 20:19, it is reasonable to assume that the mechanical problem occurred after 19:54.

“Moving forward” or “preparing to start the stage” has no bearing on this, as the appeal makes no claim of, nor is there any evidence to suggest that the mechanical failure of Car #74 happened prior to the 19:54 check-in time for ATC 2 as indicated on the time card.

Competitors need to keep in mind that it takes hundreds of volunteers to put on a rally, and the fact that many volunteers are not familiar with the rules, or may circumvent a rule without the explicit authority to do so via officially sanctioned venues does not does not relieve the competitor from the burden of following the rules him-or herself.

As stated in the Foreword of the "Performance Rally Rules 2011 Edition:"

"In order to promote the sport of automotive competition, to achieve prompt finality in competition results, and in consideration of the numerous benefits to them, all members, including competitors and officials, expressly agree that: A. They are familiar with the Performance Rally Rules and agree to abide by them."

In this situation, Car #74 was not serviced after checking into ATC2 solely because the CRO may have implied by his actions that it was permissible for the driver or crew to service it in a control, it was serviced because of a mechanical failure after being checked into the control.

Since the Appellant offers no evidence that the car could have continued without a repair, a 10-minute illegal service penalty could have been applied to Car #74 per rule 8.2.A.11. However, it has been determined that the original protest by Hanson/Hanson was not filed in a timely manner as required per rule 8.3.C.

DECISION

Per rule 8.3.C., claims against the conduct of another competitor must be submitted within 30 minutes of the claimant's time at the final MTC. Although the steward receiving the claim did not record the time, J.B. Niday's cell phone records and his testimony have established a timeline indicating that the claim was filed after 16:42 local time.

The time card for Car #523 Hanson/Hanson shows their in time at the final MTC to be 15:45. In this case, due to sufficient evidence that the initial claim was not submitted within 30 minutes of car #523 checking in to the final MTC on Sunday, the appeals committee rejects the initial claim, and protest that followed it.

The appeals committee finds no fault with the original protest committee, as they did not hear any evidence to reject the protest on the basis of time submitted.

The decision of the appeals committee sets no precedent with regard to organizer error excusing a team from an illegal service penalty. The illegal service penalties for Car #74 are hereby removed solely due to evidence that the claim of Car #523 against Car #74 was not submitted in a timely manner.

The requirements of rule 8.3.C (Claims against competitors) are no more or less a "technicality" than rule 7.11 (Servicing) or 8.2.A.11 (illegal service penalties).

Both the initial protest and the appeal are well founded, and all fees will be returned to the competitors.

Mike Hurst
Cindy Krolikowski
Christian Edstrom