



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MSA COURT OF ENQUIRY 1131 (RECONVENED HEARING)

**COURT OF ENQUIRY RECONVENED ON 28<sup>th</sup> AUGUST 2014, TO INVESTIGATE VARIOUS ISSUES AND ALLEGATIONS ARISING FROM THE 2014 NAMAQUA CROSS COUNTRY RALLY THAT TOOK PLACE FROM 25<sup>th</sup> APRIL TO 03<sup>rd</sup> MAY 2014, AS WELL AS TO FOLLOW UP ON THE PRELIMINARY CONDITIONS STIPULATED IN THE INTERIM FINDINGS DATED 25<sup>th</sup> JUNE 2014.**

Present:	Vito Bonafede	-	Court President
	Wally Pappas	-	Court Member
	Hanko Swart	-	Court Member
	Richard Shuttle	-	Court Member
	Wayne Riddell	-	MSA Sporting Services Manager
	Carmen Hill	-	MSA Scribe

The Court re-convened in camera after affording Mr. Booker a reasonable period of time to address the three key issues identified and noted in the original court findings as follows:

***“These findings will be decided on after the following actions are taken by Mr. Booker on or before the stated respective deadlines:***

- 1. Mr. Booker is to submit to MSA a full detailed list of monies owing to all the various parties by close of business on or before 11th July 2014.***
- 2. Mr. Booker is to send letters of apology to all the relevant land owners, provincial departments and other affected parties. Proof in this regard must be provided to the MSA Steward for the event, Mr. Botes, on or before 15th July 2014. Mr. Botes will then report back to MSA (in the person of the Sporting Services Manager Mr. Wayne Riddell) in this regard.***
- 3. Mr. Booker is to ensure that all outstanding debts and prize monies arising from the event are paid and settled, with proof in this regard being submitted to the MSA Steward, Mr. Botes, on or before 15th August 2014. Mr. Botes will also report back in this regard to Mr. Wayne Riddell, who will in turn report back to the court members on the status of all three of these items.***

***Following the 15th August deadline, the court will re-convene in camera to deliberate on the final findings of the court in relation to Mr. Booker. The court wishes to point out to Mr. Booker that it will be in his own interests to comply with the above stipulations as compliance, or otherwise, will play a significant role in the ultimate findings of this court.”***

These are now the final findings in this matter:

After all documented evidence submitted to the court members was read and discussed, the court finds the following:

***MOTORSPORT SOUTH AFRICA IS THE ONLY RECOGNISED MOTORSPORT FEDERATION IN SOUTH AFRICA***



Directors: Adv. G. T. Avvakoumides (Chairman), A. Scholtz (CEO – Operations), A. Taylor (Financial), M. du Toit, P du Toit, D. Easom, J. Fourie, G. Hall, S. Miller, M. Rowe, Ms N. Singh, T. Sipuka – Hon. Presidents: T. Kilburn, Mrs. B. Schoeman

1. Mr. Booker did not comply with instruction 1 above, in that he did not supply the full list of outstanding monies as requested, with the court having received additional information in this regard from other parties.
2. Mr. Booker did comply with instruction 2 above, albeit that the letters of apology to all concerned were plainly not of a sincere nature and bordered on flippant at best.
3. Mr. Booker has not provided proof of payment of any of the outstanding debts, nor has he provided any evidence of agreements reached with any of the parties in respect of settlement of the debts.

As far as the court has been able to ascertain, the list of monies owing by Mr. Booker to various parties in respect of the event reads as follows:

<u>Name</u>		<u>Amount owing</u>
Produsa TV Company	-	R138 122.40
Race Control	-	R10 000.00
Goshawk Printing	-	R19 665.00
Enzo Kuhn	-	R16 000.00
Lions of Vredendal	-	R108 800.00
Marshals and Officials	-	R37 195.96
Media	-	R24 000.00
Prize money to competitors	-	R145 833.33
MSA Fees & Trust Monies	-	R36 876.25
<b>TOTAL</b>	-	<b>R536 492.94</b>

4. Despite the Court having given Mr. Booker reasonable opportunity to address all of the key issues, he has made no sincere attempt to do so, if indeed any attempt at all. It is patently clear to this court that Mr. Booker has contravened the provisions of GCR 172. All the mails received from Mr. Booker clearly indicate that he has no respect for MSA and totally disregards the sport and the rules of South African motorsport, further evidenced by a written confirmation that he has no intention of settling the inordinate amount of debt he has created within the industry.

The wording of General Competition Rules 186 and 187 is quoted below:

**“186. DISQUALIFICATION**

- i) A **person, body, vehicle, or make of vehicle**, shall be disqualified when expressly forbidden by the proper authority to take part in or be connected with any competition whatsoever.

**187. SENTENCE OF DISQUALIFICATION**

- i) A sentence of disqualification shall entail the permanent loss for the **person or body** concerned of any right to take part in any manner in any competition whatsoever.
- ii) It may only be pronounced by **MSA** or the National Court of Appeal and will be reserved for cases of extreme gravity.” (emphasis added)

This Court strongly urges MSA to institute the provisions of GCRs 186 and 187 against Mr. Booker with immediate effect, and for said sentence of disqualification to remain in force for as long as the monies owed by Mr. Booker to the abovementioned parties remain unpaid.

Additionally, and in line with the provisions of GCR 178, this court issues Mr. Booker with a fine of Fifty Thousand Rand (R 50 000-00) for the contravention of GCR 172.

Mr. Booker is reminded of his rights of appeal as per GCR 212.

These final findings distributed via email on 18<sup>th</sup> September 2014.