



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## COURT OF ENQUIRY 1162

### TO INVESTIGATE THE ALLEGATIONS OF ASSAULT ON A FELLOW COMPETITOR BY MR LEON DUROW AND MR JACQUES DORMEHL AT THE 2015 MONSTER SA NATIONAL MOTOCROSS PRIZEGIVING AND OTHER SUBSEQUENT GATHERINGS ON 10<sup>TH</sup> OCTOBER 2015.

ENQUIRY HELD IN THE MSA BOARDROOM ON 28<sup>TH</sup> OCTOBER 2015 AT 19h30

<b>Present:</b>	Vito Bonafede	-	Court President
	Wally Pappas	-	Court Member
	Darryn Lobb	-	Court Member
	Hector North	-	Court Member
	Wian Carstens	-	Advocate on behalf of Leon Durow and Jacques Dormehl
	Jacques Dormehl	-	Father of Competitor Cayle Dormehl
	Leon Durow	-	Father of Competitor Cameron Durow
	Wayne Smith	-	Witness and parent of Competitor Slade Smith
	Sara Martin	-	Witness and parent of Competitor Slade Smith
	Ashleigh Mayberry	-	Witness
	Shane Broodryk	-	Witness
	Garric Pretorius	-	Competitor and Witness
	Paddy Venske	-	Observer
	Wayne Riddell	-	MSA Sporting Services Manager
	Carmen Hill	-	MSA Scribe

### BACKGROUND TO THE HEARING

On 23<sup>rd</sup> October 2015, MSA received a letter from attorney Robyn Wills, acting on behalf of Messrs Durow and Dormehl, requesting a postponement of the court of enquiry stating that they would not be able to attend the enquiry. MSA declined to postpone the court of enquiry.

On 27<sup>th</sup> October 2015, attorney Robyn Wills wrote to MSA reiterating the request for a postponement and threatened MSA with an urgent High Court application if MSA declined to agree to a postponement. MSA declined to agree and indicated that it would oppose any High Court application.

Surprisingly Messrs Durow and Dormehl appeared at the court of enquiry, accompanied by an Advocate.

### INTRODUCTION

The court members were introduced, then the attendees started with the introductions. The first attendee introduced himself as Advocate W. Carstens from the JHB Bar. At this point the Court President interjected and reminded him that, in accordance with GCR 220, he was not entitled to be present and he was requested to leave the hearing. Advocate Carstens complied and, on leaving the room where the hearing was taking place, he made the following remark: "we will see you again".

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



sport & recreation  
Department  
Sport and Recreation South Africa  
REPUBLIC OF SOUTH AFRICA

Directors: Adv. G. T. Avvakoumides (Chairman), A. Scholtz (Chief Executive Officer), A. Taylor (Financial), M. du Toit, P du Toit, D. Easom, J. Fourie, G. Hall, M. Rowe, Ms N. Singh, T. Sipuka

Honorary Presidents – Mrs B Schoeman, T Kilburn

The Court President then commenced with the introductions. When the introduction process arrived at Mr Leon Durow, he presented the court with an application for a postponement for both himself and Mr Jacques Dormehl, a copy of which was handed to the court.

The court feels it is relevant to record that the written postponement application is an application envisaged to be brought in the High Court of South Africa and not MSA.

The application for postponement was delivered personally by Messrs Dormehl and Durow. The court was told that they were scheduled to fly from OR Tambo International Airport at 20h50, and they produced boarding passes in support of this contention. The time that this exchange took place was 19h45.

Neither Messrs Dormehl nor Durow offered any explanations for their presence in Johannesburg particularly in the context of the correspondence addressed to MSA by their joint attorney Robyn Wills.

The court was asked to reconsider an application for a postponement. The court, on inspection of the documentation, noticed that it was not an application to MSA but rather to the High Court. The request was therefore declined.

At the time of delivering the postponement application, the court invited Messrs Dormehl and Durow to answer questions. Both Messrs Dormehl and Durow were advised that they could decline to answer the questions if they so wished.

Mr Durow was asked whether he had assaulted anyone at the event on the 10<sup>th</sup> October 2015, by hitting, pushing or biting them, to which he answered, "No".

Mr Dormehl was asked whether he had a firearm, or gun in his possession on the evening at the hotel, to which he answered, "No".

Mr Dormehl was asked by the court members if he had anything that resembled a firearm or gun, to which Mr Dormehl stated that he did, and that he had been in possession of his son's toy gun.

At this point Messrs Dormehl and Durow requested to be excused from the court of enquiry as they had a flight to catch. The Court President thanked them for their attendance and, at 19h59, Mr Dormehl, Mr Durow and Advocate Carstens left the premises, the latter having being refused permission to remain as an observer.

## **PROCEEDINGS**

The Court President then continued with the proceedings by asking all the witnesses present if they had any objection to the court hearing what it believed to have been four different distinctive events. These were:

1. Alleged altercation at the track between competitors' fathers Wayne Smith and Jacques Dormehl.
2. Alleged altercation at the track between competitors' fathers Wayne Smith and Leon Durow.
3. Alleged altercation at the Protea Hotel after the prize giving between Jacques Dormehl and various competitors present
4. Alleged pointing of a firearm against the heads of Garric Pretorius (this in the presence of minors at the hotel).

The court received no objections to the above.

## **EVIDENCE**

After hearing evidence from the remaining witnesses, the court believes from what it heard that both Messrs Dormehl and Durow had contravened GCR 172 (iv) and (vi).

The court heard additional evidence around items 3 and 4 above from Mr Garric Pretorius and Ms Sara Martin that Mr Sean Docherty had also been a witness to the events. Mr Sean Docherty was contacted telephonically to get his version of events.

It emerged from the evidence of Ms Sara Martin, Mr Garric Pretorius and Mr Sean Docherty that:

- 1) Mr Dormehl was removed from the hotel by various members present, including Mr Sean Docherty who stated that, at that time Mr Jacques Dormehl's removal, Mr Jacques Dormehl had drawn a firearm and pointed it at Mr Sean Docherty. At this juncture Mr Sean Docherty returned to the hotel to notify the people in the hotel of the presence of the firearm.
- 2) Mr Jacques Dormehl re-entered the hotel premises with a firearm in his hand and shouted, "What are you going to do now?" at the same time pointing the firearm at the people present in the room.
- 3) Mr Garric Pretorius approached Mr Jacques Dormehl in an attempt to dissuade him from conducting himself in the manner that he was doing. At this juncture, Mr Jacques Dormehl held the gun in his hand to the forehead of Mr Garric Pretorius.
- 4) Mr Garric Pretorius stated that he heard the gun being cocked by Mr Jacques Dormehl.
- 5) Mr Sean Docherty, Mr Garric Pretorius and Ms Sara Martin all informed the court that they believed that the gun was a real firearm and they were all fearful for their lives and the lives of the children present.
- 6) Written statement that was forwarded to MSA from the hotel in question corroborates the evidence given to the court.

### **FINDINGS**

- 1) The court finds that Mr Leon Durow contravened GCR 172 (iv) and (vi) during incident 2 above at the prize giving. To this end the court withdraws the competition licence of competitor Cameron Durow (Licence No. 07330) for a period of 12 months. This withdrawal of licence is however suspended for a period of 24 months from the date of publication of these findings and shall only come into effect in the event of Mr Durow and/or his son being found guilty of a further infraction of the applicable GCRs in the intervening period.
- 2) Mr Durow is further fined the sum of R2 500-00.
- 3) The court finds that Mr Jacques Dormehl contravened GCR 172 (iv) and (vi) during incidents 1, 3 and 4 above, the most serious of these infringements being the intimidation and threatening of fellow competitors with a firearm. To this end the court withdraws the competition licence of competitor Cayle Dormehl (Licence No. 01273), with immediate effect and until such time as he is of legal age to represent himself at motorsport events, i.e. 18 years old. The portion of the withdrawal of licence that begins on 01<sup>st</sup> January 2016 and ends on his 18<sup>th</sup> birthday is however suspended and shall only come into effect in the event of a further infraction of the relevant GCRs during the intervening period. To clarify, Cayle Dormehl's licence is immediately withdrawn for the balance of 2015 but he shall be permitted to again obtain a competition licence in 2016 (subject to the provisions of the suspended portion of the penalty).
- 4) The court further requests MSA to issue a disqualification notice, as per GCR 186 and 187, to Mr Jacques Dormehl, father of competitor Cayle Dormehl. This disqualification is permanent.
- 5) Mr Dormehl is further fined the sum of R25 000-00.
- 6) The re-issuing of a competition licence to competitor Dormehl shall be conditional upon the payment of the abovementioned fine.

All parties are reminded of their rights in terms of GCR 212 B).

These findings were distributed via email at 16H45 on 29<sup>th</sup> October 2015.

**160191/098**