



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MSA COURT OF ENQUIRY 1081

**COURT OF ENQUIRY HELD INTO THE CONDUCT BY COMPETITOR OTTO GRAVEN, IN WHICH IT WAS ALLEGED THAT HE BROUGHT MOTORSPORT INTO DISREPUTE. THE HEARING WAS HELD AT 17:30 ON MONDAY 3<sup>RD</sup> OCTOBER 2011 AT MOTORSPORT SA, NO. 9 MONZA CLOSE, KYALAMI PARK, MIDRAND, 1686**

### PRESENT

Glenn Rowden	-	Court President
Alan Kernick	-	Court Member
Dick Shuttle	-	Court Member
Otto Graven	-	Competitor (Monster Mob Director)
Melicia Labuschagne	-	Liqui Moly SA
Wayne Webb	-	Pit Crew
Mikey Skelton	-	XS Promotions (Drifting Promoter)
Jim McFarlane	-	XS Promotions (Drifting Promoter)
Wally Pappas	-	MSA Commission President
Partner of Otto Graven	-	Observer
Karin Britton	-	Scribe

### PROCEEDINGS:

The President introduced the court members and there were no objections to the composition of the court.

In terms of GCR 220, the hearing may proceed to judgment in default of appearance by any party or witness.

The Court confirmed that Mr Graven had been granted permission by MSA to race in the USA and enter as a South African Competitor.

Written evidence was presented to the court regarding the improper business dealings conducted between Mr Graven and liquid Moly. The court could not admit the financial aspect of the dealings as they were of a business nature and were between Liqui Moly and Mr Graven and subject to civil action should Liqui Moly wish to recoup monies owing to them. The court did, however allowed Ms Labuschagne to present to it the detrimental effect that Mr Graven's continued participation in the Drifting series has on the current Liqui Moly sponsorship in the series. Ms Labuschagne stated that Liqui Moly's dealings with Mr Graven were well known and had the effect of reducing their credibility.

Written evidence from Mrs Marise Coetzee was presented as Mr John Coetzee was still stranded in the USA.



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Directors: G. Nyabadza (Chairman), J.F. Pretorius (Chief Executive Officer), A. Taylor (Financial), J. du Toit, M. du Toit, P. du Toit, D. Lobb, E. Mafuna, S. Miller, N. McCann, C. Pienaar, B. Sipuka, B. Smith, D. Somerset, L. Steyn, P. Venske – Hon. President : T. Kilburn, Mrs. B. Schoeman

Mr Wayne Webb presented evidence of his relationship with Mr Graven and his subsequent "firing" in the USA and presented his eviction notice from Monster Mob from his SA accommodation. He further stated that he had been left stranded in the USA without a return ticket and had, as with Mr Coetzee, purchased his own ticket to return to SA. Mr Graven countered the allegation stating that both Mr Webb and Mr Coetzee had left the team of their own free will and that he had purchased return tickets for them. Mr Webb stated that he had been dismissed and abused and that there were no tickets given to him. Accusations were made back and forth between Mr Graven and Mr Webb.

Mr Graven produced a Virgin Atlantic e-ticket showing return flights for Messrs Webb and Coetzee. The return flight dates were before the dates on which Mr Webb and Mr Coetzee left his employ. On questioning him regarding this fact, he stated that the flights could be changed at any time and the onus was on Messrs Webb and Coetzee to do so as he was "just the driver who had bought the tickets". The tickets had become null and void as the return flights were not used on the scheduled date.

Further evidence was produced in the form of a contract between Monster Mob and City Tire Online signed by Mr Graven committing himself to an amount of \$415 000.00. This was signed on the 31<sup>st</sup> May and payments had not been affected. Further to this there is an invoice from CTO for \$37937.55 which is not paid. Mr Graven stated that he is in litigation with CTO and that he was coerced into signing the contract in order to get tyres to race. There is much in the correspondence referring to "Quincy". This mystery man is purported to be Mr Graven's sponsorship manager, logistics manager and Team Manager and was the go-between mentioned on several occasions by Mr Webb.

The court is of the opinion that the signed contract between CTO and Monster Mob could be subject to legal action between the parties but, nevertheless, has become public knowledge within USA drifting circles which is most detrimental to any other SA competitors travelling to the USA to compete. Similarly, Mr Coetzee's plight is equally well known as he has been accommodated and looked after by other drifting competitors in the USA.

There was no plan or itinerary provided by Otto Graven to his crew as to how long they were to be in the USA showing complete disregard for them in every respect. The Court is most perturbed at Mr Graven's total lack of ethics in his dealings with his staff and that he has shown no remorse in this regard.

The Court has not taken into consideration the Formula D website entry purporting Mr Graven as an SA National Champion (In contravention of GCR 172(v) as it may have been published as a result of journalistic poetic licence.

### **FINDINGS:**

The Court is satisfied that Mr Graven is guilty of contravening GCR's 172 (iii), (iv) and (vi).

The Court instructs MSA to withdraw Mr Graven's competition licence for a period of 12 months with immediate effect.

All parties are reminded of their right of Appeal.

**10<sup>th</sup> October 2011**

**Ref: 157840/098**



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