Findings of the National Appeals Committee

Appeal:

On September 25, 2005, Mike Gilbert presented to the BMW CCA Board of Directors an official appeal of the rules clarification issued by the Club Racing Rules Committee on September 12th regarding Prepared Class rule 1E. The Board agreed to consider the Appeal and convened the National Appeals Committee (NAC) as outlined in section 3.7.10 of the BMW CCA Operations Manual. There were two main issues raised in the Appeal:

1. Was the Rules Clarification process followed, as outlined on page 33 of the CR - 2005 Rules (including December Mid-Season Rules Changes) manual?
2. Was the published clarification actually a “rules clarification"?

Committee:

Section 3.7.10 of the BMW CCA Operations Manual specifies that the NAC will consist of the CR Chairperson, the National Board Liaison to CR and a member from the Club Racing Advisory Committee (CRAC). In order to avoid any real or perceived conflicts of interest, the acting CR Chairperson and the National Board appointed alternates, and the committee was convened with the following individuals on October 11th.

Larry Fletcher – National CR T&S Steward - representing CR

Bruce Hazard – Secretary, BMW CCA - representing the National Board

David McIntyre – North Atlantic CRAC - representing CRAC

Process:

The NAC met and communicated via conference calls and emails identifying three fundamental questions for consideration:

1. Was the initial Request for Clarification (RFC) submitted by Mike Gilbert on August 18th properly considered by the CR Rules Committee in accordance with the Rules Clarification process as outlined on page 33 of the CR - 2005 Rules (Including December Mid-Season Rules Changes) manual?
2. Was the clarification issued on September 12th a rules change rather than a clarification?
3. If deemed a rules change, what is a proper clarification of rule Prepared Class 1E?

These questions were considered in the above order and an answer of NO on either question one or two would stop deliberations as there would be no reason to consider the next question.

***Investigation**:*

The Committee solicited and reviewed the following:

1. Reviewed the CR Rules – 2005 manual.
2. Solicited input from the individuals involved in the original Rules Clarification process.
3. Reviewed the responses to the questions, including supporting emails submitted as part of the responses.

Findings:

1. The NAC unanimously finds that the Clarification was considered by, voted on and issued by the Rules Committee in accordance with the CR Rules manual. There were four members of the Rules Committee, as identified by the CR Chairperson. All four members voted on the rule clarification resulting in a vote of three in favor, and one against.

   This process was technically in compliance with the CR Rules. However, the NAC is concerned that changes in the Rules Committee membership during this RFC consideration phase leave the perception of a less than fair process. Nevertheless, we find that the rules clarification process was followed.

2. The NAC unanimously finds that the Clarification actually resulted in a rules change rather than a clarification of the existing rule.

   The main part of the clarification is, as follows:

   > "The rule (Prepared 1E) as written allows a maximum of .040 inch overbore in the Prepared Class, with NO further qualification."

   The concerning phrase is "with NO further qualification."

   Rule Prepared Class 1E as written includes two other components: factory replacement specifications and compression ratio. These were not addressed in the clarification and thus excluded by the "with NO further qualification" statement. However, even if these other two components are implicitly included and only the overbore specification is without further qualification, then the clarification allows the possibility of non-factory specification replacement pistons which is contrary to the first part of the rule.

3. The NAC unanimously finds that Prepared Class Rule 1E needs to be considered in its entirety of all three parts: factory replacement specifications/geometry, overbore allowances and compression ratio. The interpretation of any one item cannot negate any other. Therefore, although the rule allows for a .040 overbore, if the only available factory replacement specification piston is a .020 overbore, then a .040 overbore (or any overbore over .020) is not allowed. Likewise, if a factory replacement specification piston were available as a .050 overbore, it would not be allowed because rule 1E establishes a maximum of .040 over.

4. The NAC clarifies Prepared Rule 1E as follows:

   All pistons must be factory replacement spec. and match factory dome, dish, valve relief configuration, ring geometry, weight, wrist pin height; compression must meet factory replacement specifications. *The maximum allowable overbore is limited to the largest available factory replacement piston, not to exceed .040 inch.* Compression ratio may be changed only within the tolerances affected by resurfacing for trueness.

5. The NAC unanimously finds that the Rule Clarification issued on September 12th did not address clarification of the piston overbore in Stock Rule 1G that was also part of the original RFC. The NAC clarifies Stock Rule 1G as follows:

   All pistons, including aftermarket replacements, must be factory replacement spec and match factory dome, dish, valve relief configuration, ring geometry, weight, wrist pin height; compression must meet factory replacement specifications. *The maximum allowable overbore is limited to the largest available factory replacement piston, not to exceed .020 inch*.

The NAC finds that there are considerable and strongly held opinions about whether this rule is adequate for the current BMW models being raced. This discussion and proposed rule changes need to be considered within the Rules Change provisions of CR Rules manual.

Submitted Respectfully,

Larry Fletcher, National Timing and Scoring Steward

Bruce Hazard, BMW CCA National Secretary

David McIntyre, North Atlantic Club Racing Advisory Committee Representative