

From: Michael Gilbert
To: President, BMW Car Club of America
Subject: Official Appeal to National Appeals Committee per section 3.7.10 of BMW CCA Operations Manual
Date: September 25, 2005

Pursuant to section 3.7.10 of the BMW CCA Operations Manual, I am filing an official Appeal of the Rules Committee's decision to allow custom piston overbore sizes in stock and prepared classes, sent in an email to all active racers on September 12th. I believe that this is a change in the rules from the conventional interpretation over the past 10 years of club racing, and is very damaging to the class-based rules system that is the basis for club racing. I believe that the BMW CCA board supports our class-based rules system, and also supports increased compliance checking from the club racing to help ensure a level playing field for all racers. I hope that by hearing this Appeal, the BMW CCA board will re-assert the mandate of clearer rules, more consistent interpretation and enforcement of the rules, and the limiting or elimination of class creep going forward.

Here are the reasons for my appeal:

1 - This decision is a direct reversal of 10 years of policy and precedent in club racing. It is not appropriate for a new administration to come in and in their first month (and in the middle of a race season) and make dramatic changes that conflict with racers' current understanding of the rules, and conflicts with the history and precedent of communications and enforcement activities.

2 - The vast majority of club racers in stock and prepared class have engines that are developed to the letter of the rules (that is, the maximum overbore allowed in stock and prepared is limited by the overbore sizes that are available as factory replacement spec, not an absolute limit of .020" and .040"). Implementing the rule change from this clarification would require anyone wanting to be competitive in stock or prepared class to have a race motor built with custom overbore and custom pistons made - raising the cost of competitiveness in stock or prepared by \$10k - \$15k. This is the largest example of class creep there has ever been in club racing.

3 - The email sent to all racers as written does not "clarify" the issue - it makes it more cloudy than ever. I support a series of truly clarifying statements (included below) that were discussed and agreed by many CRAC members, staff members and rules committee members and I believe support the board's desired direction for club racing.

4 - The decision process and change of staff and rules committee members during the period this clarification was being considered is highly suspect and does not represent a fair decision process. Nanci Maloney had just taken over as Chairperson and handed her seat on the rules committee over to Mike Akard, the National Rules/Compliance Officer at the time. Mike felt opposite to her on the rules issue in question here. She then fired Mike and brought in Jeff Penley as Operations Officer, and reinserted herself on the rules committee. This effectively stacked the deck and the fourth member of the committee, Jack Money, was superfluous and wasn't really included in the discussion. This calls into question the legitimacy of any decisions or clarifications issues during this time.

5 - The inclusion of Clement Schmitt in the decision process represents a conflict of interest

for two reasons and again calls into question the legitimacy of the decisions issued. It has been shown that Clement has issued many unilateral "clarifications" in personal emails to racers, where he did not involve the rules committee. He was clearly pushing his own agenda and committing club racing to a path which was not desirable and was hard to retreat from once established. He personally viewed a set of questionable pistons for a racer who had already been proven illegal, and declared them legal to the racer without involving the rules committee. Knowing what a hot issue "pistongate" was earlier in the year, this was at best an oversight and at worst a purposeful manipulation of privilege to achieve a desired result. Since this clarification was issued, other racers have posted emails from Clement that include his interpretations of other rules such as "piston valve relief configuration" meaning "location only, not depth" which is a ridiculous statement - where else could you put the valve relief in the pistons instead of underneath the valves?

6 - Jeff Penley, one of the original drafters of the rules and now the club Operations Officer, said in an email to me on August 31: "Common sense, I thought, should dictate that if the block won't accommodate, or the piston isn't available in factory spec, one must use a lesser overbore than .040." However, once he was hired by Nanci he quickly changed his mind to toe the party line. Clearly this shows that the original intent of the rule was reversed with the clarification issued on September 12th.

Please consider this Appeal and inform me if you need any more information. I have approximately 200+ emails from the last two months to support the position that this is the wrong road for club racing to go down - we need to quickly reverse course and return to the growing, consistent organization we had under Steve Olsen's helm.

Respectfully submitted,
Mike Gilbert
BMW CCA Club Racing License #885
BMW CCA Member #279583
Club Racing Webmaster