



COMPETITION DIRECTIVE

2021 – 02

DISCIPLINE FOR UNBECOMING CONDUCT

General Rule / Race Procedure Rule 4Q shall be deleted in its entirety and immediately replaced with the following. Counsel to H1 is directed to incorporate the following into the Rules and Regulations / General Rules at the earliest opportunity but no later than the 2022 Rules and Regulations.

1. Every Participant (Drivers, Pit Crew, Race Officials, Owners and Promoters), and including for the purposes of this Rule only, members of any committee, or members of the H1 Board of Directors (including any officer, spouse, partner, employee or agent of any of the above), may be subject to disciplinary action by H1 for “unbecoming conduct.”
2. “***Unbecoming conduct***” is defined as any act or series of acts, omissions, appearance, or series of omissions, whether on or away from the race course, committed prior to, during or subsequent the H1 Race Season (basically, at any time) which: (1) tends to bring racing, H1, its race teams, Promoters, race sites and/or their sponsors, into disrepute or to cause embarrassment to any of them; (2) endangers the person or property of others; (3) constitutes dangerous, careless or reckless operation of boats or equipment; including, without limitation:
 - a) Tortuous or negligent interference with a contract or business relationship between H1 and any Promoter, Broadcast Partner or any H1 Series, Promoter, or Race Sponsor; or unauthorized communications with any of the same;
 - b) Making any statement and/or conduct (including via social media) tending to distract from the integrity or reputation of, or to discredit APBA, H1 (including the H1 Board of Directors), any Promoter and any of their sponsors, or the sport of boat racing;
 - c) Failing to comply with or any action contrary to the spirit or intent of any H1 Rule or Regulation, including, without limitation, regarding any protest or appeal or any prohibition thereof;
 - d) The unauthorized inspection of another Participant’s equipment (such unauthorized inspection shall include, without limitation, removing covers, using tools and/or measuring devices, or going aboard any team equipment without permission);
 - e) Disclosure of any materials deemed “confidential information” of H1 or any other Participant;
 - f) Entering the water or otherwise causing the stoppage of a Heat, in absence of a life-threatening situation existing under circumstances at the time;
 - g) Causing anyone, including another Participant, to be thrown into the water at a race site;
 - h) Use of improper language (including homophobic, racist, sexist, oppressive or otherwise offensive language) directed at any other participant or in general; or

- i) Use of "tag-team" tactics or "team orders" to gain an unfair competitive advantage over another Participant at any time during a Heat or Race.

Conduct Unbecoming shall be determined in the sole discretion of Race Officials, the Executive Director (if any), or the Chairman of the H1 Board of Directors (Chairman), as applicable.

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3. Penalties for unbecoming conduct may include:

- a) Fines of up to \$10,000;
- b) Suspensions for up to Twelve (12) Months; or
- c) Any combination of the same.

Fines shall be payable to H1 within five (5) days of notice of the infraction, and prior to any appeal allowed therefrom.

4. Enforcement of this Rule by Race Officials acting through the Chief Referee (or his or her designee) may be made in connection with a Race — from arrival of the Participant at the race site until 24 hours after the Race shall have been completed. Enforcement of this Rule by the Executive Director or Chairman may be made at any time, irrespective of a Race or the Racing Season.
5. Notification of any infraction under this Rule may be made in person or in writing (including by email), but no later than (i) 24 hours of such determination by Race Officials, or (ii) within one week of such determination by the Chairman or Executive Director.
6. Any penalty levied hereunder may be appealed by the offending Participant.
 - a) If enforcement was by Race Officials, such appeal shall be made to the Chairman;
 - b) If enforcement was by the Chairman or Executive Director such appeal shall be made to the Chairman, who shall form a committee of at least three (3) disinterested Participants for review of such appeal.

Any appeal must be in writing and received by the Chairman within seven (7) days of notice of such infraction, and only following payment to H1 of any fine payable under Paragraph 3 above. Any such appeal shall be ruled upon within thirty (30) days of receipt of the appeal, otherwise the penalty shall be vacated.

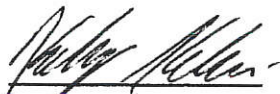
7. **ANY SUCH RULING OR DECISION MADE BY THE CHAIRMAN OR COMMITTEE ON THE APPEAL SHALL BE FINAL, CONCLUSIVE AND NON-APPEALABLE THROUGH ANY OTHER PROCESS, INCLUDING THE COURTS, APBA OR UIM.** Any party involved in or affected by any such decision on appeal agrees to release and waive any and all claims that such party may now or hereafter have or possess arising out of or connected with such a decision against any other Participant or H1, whether for damages or for any other remedy or relief.
8. With respect to any offending party claiming to not to be a "Participant" as defined herein, and in their opinion not subject to this Rule, or any Participant failing to comply with such penalty or fine levied under Paragraph 3 above, such party may be prohibited from participating in or attending any

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H1 Event, including accessing any H1 or Promoter controlled area (such as in any area of admission or hot or cold pit area or any area near or adjacent to Race Officials) at any and all H1 race sites for a period of up to ten (10) years. However, such prohibition may be converted by H1 to a penalty under **Paragraph 3** above at any time such party expresses a desire to become and becomes a Participant, and adheres to such penalty.

This 2021 Competition Directive is necessary due to inconsistencies and redundancies in the current rule, as well as a need to address "unbecoming conduct" occurring beyond the race site and in connection with the commercial affairs of H1; as well as to allow for an "appeals" process for Participants from major fines or suspensions.

Submitted by:



Kelky Stocklin,
Chairman -- Rules and Competition Committee
Date Submitted: **06.06.21**

Approved by:



Timothy L. Austin
H1 Chairman of the Board
Date Approved: **06.06.21**