

## **Notice of Decision**

**29 June 2020**

**Decision by Rob Oakman**

**TRAK Race Director and Steward**

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This report and decision is made with regards to the verbal and physical altercation herein referred to as 'the incident' that occurred in the scale area following the Sr Rok session during TRAK race 1 on 20 June 2020. The participants in the incident are Nick Palladino, Nicky Palladino, Scott Bower, and Nolan Bower. It has been completed by Rob Oakman, TRAK Race Director and Steward.

### **Incident**

During TRAK Race 1, after the Rok Sr class completed its session, a physical and verbal altercation occurred in the scale area between Nick Palladino, Scott Bower, Nicky Palladino, and Nolan Bower (The incident).

The incident took place in the midst of the Covid-19 outbreak.

### **Initial Decision**

Saturday 20 June 2020

The Race Director of the day, Denys Beaudin, received an inquiry form from the Bower family informing him of their description of the incident. Denys investigated by speaking to both parties and decided to place Nicky Palladino and his father on probation for three races.

Sunday 21 June 2020

Dan Dileo, TRAK Owner and President, forwarded Deny's decision to the official TRAK Race Director and Steward Rob Oakman. This decision was then published on the website and the parties involved informed.

### **Opening of the Investigation**

Sunday 21 June 2020

- Late in the day private messages and phone calls began being sent to Rob Oakman (RD) about the incident from concerned witnesses.

Monday 22 June 2020

- More witnesses contacted Rob Oakman (RD) about the incident. After speaking to them it was clear that the incident may have been more serious than was understood. It was decided by Rob Oakman to open an official investigation into the incident.
- Dan Dileo President of TRAK and owner of Goodwood Kartways was informed of the investigation and consulted with to help coordinate the communications between parties and to provide contact information for potential witnesses at the request of the Race Director and Steward.
- Scott Bower, Nolan Bower, Nick Palladino, and Nicky Palladino were informed about the investigation and asked a series of questions set by email from Rob Oakman (RD). They were also informed that a face to face meeting would take place at 9:00 am on Saturday 27 June 2020, previous to Track race 2, and that the final decision would come after the completion of the race 2 event.
- Security camera footage was provided by Dan Dileo of the incident on the evening of 22 June 2020.

#### Tuesday 22 June 2020

- A written description of the incident was sent by Tracy Bower. New information about an incident between Nicky (370) and Nolan (388) in the scales was described. This opened a new line of the investigation.
- Multiple witnesses were contacted directly by Rob Oakman.

#### Wednesday 22 June 2020 to Friday 26 June 2020

- Emails to both parties with questions are sent by Rob Oakman.
- A break down of the meeting is sent.
- Several more witnesses are questioned.
- Both parties responded to the questions and confirmed some details.

#### Saturday 27 June 2020

- Face to face meetings are held on track at Goodwood Kartways at 9:00 am. The participants were Rob Oakman in his position of Race Director and Steward, Scott Bower, Nolan Bower, Nick Palladino, and Nicky Palladino.
  - o Scott and Nolan Bower were given the opportunity to hear the description of the series of events of the incident as put together during the investigation. Both Scott and Nolan had the opportunity to confirm, deny, clarify, or correct the information.
    - Scott Bower couldn't recall having said anything threatening towards Nicky or Nick. However, the descriptions by Nick and Nicky Palladino, and several witnesses described Scott having said something to the effect of "watch out or else/stop it or else" to either Nick or Nicky.
    - Scott wanted to make it known that he felt Nick had broken the Canadian Human Rights Act by his actions during the incident. However, after

consulting the Human Rights Tribunal website at <http://www.sjto.gov.on.ca/hrto/> there is no evidence that discrimination played any part in the incident.

- Nick and Nicky were given the same description of events and the same opportunity to confirm, deny, clarify, or correct the information in the description of events.
  - Nick stated that the proximity between himself and Scott before he push Scott away, (Approximately 4 to 5 feet in the video) was close enough that he felt spit land on his face from Scott as he argued.
  - Nick described his discomfort with the proximity of Scott to him while Covid is still active was intensified because he has family who is vulnerable.
  - Nick felt Scott was being aggressive both by moving towards him and in his words (stop it or else/watch it or else).

## Conclusion

Based on the conversations with witnesses, the individuals involved, and by the evidence presented in the video, this is the understood description of events.

- Between Drivers
  - After the race, the karts entered the scale area. Nicky Palladino (370) arrived in line several karts ahead of Nolan Bower (388). Once stopped, Nolan pointed at Nicky. Nicky exited his kart, took off his helmet and began insulting Nolan from a distance including calling him a “pussy”. Nolan Bower did not reciprocate. Nicky continued making comments right up to the altercation between the adults.
- Between Parents
  - As the karts enter the scale area Scott Bower (father of Nolan, Kart 388) arrives at the fence near the scale exit waiting for his son Nolan (kart 388). Nick Palladino (Father of Nicky, Kart 370) enters the scale area and stands near the garage door under the tower. Nicky (370) continues making comments while next onto the scales. Nolan is still several karts behind. Scott Bower tells Nolan not to respond. Nick Palladino is accused of telling Scott Bower to “let them fight/figure it out”. Nicky asks Scott why he cannot let him and Nolan deal with it. Scott Bower approaches Nick Palladino and tells him he doesn’t want the kids to fight. Scott is then accused of saying “... he better watch out or else/stop it or else”. Nick Palladino responds, “Don’t you threaten him.” Scott Bower then moves towards Nick Palladino arguing loudly. Nick Palladino quickly steps forward and Scott Bower braces. Nick Palladino pushes Scott Bower away towards the scale exit and is accused of calling him a “mangia-cake” and telling

him he (Nick) “isn’t afraid of him.” As Scott Bower stops to steady himself Nick Palladino pushes him a second time. Nick Palladino is then accused of challenging Scott to take it “off the property”. The two men are separated by onlookers. None of the people involved are wearing masks.

### **Points of Failure**

In the interactions that took place there were 4 specific points and 1 alleged point where the decisions made by the participants led directly to the altercation.

#### 1. Nicky Palladino making comments to both Nolan and Scott Bower

- This started the incident that eventually led to the physical altercation. Had Nicky not began making comments to Nolan the entire event may not have happened.

#### 2. Scott Bower moving towards Nick Palladino, twice.

- Both actions are an escalation of the incident. In the context of the Covid pandemic, and in that he was involved in an argument as he moved towards Nick Palladino, these actions are considered threatening. Had Scott not moved closer to Nick, then the physical altercation would likely not have occurred.

#### 3. Nick Palladino moving towards Scott and pushing him, twice.

- This escalated the incident to physical. Had Nick Palladino moved away from Scott Bower when Scott was walking towards him, he would have increased the distance between them. Instead, he put himself at greater risk of Covid transmission by physically touching Scott. I do, however; recognize that in order for Nick to move away he would have had to enter into the restricted scale area and may have considered that such a move would have carried a penalty as well. However, telling officials he was getting away from an aggressive person would have waved any such penalty.

#### 4. Scott Bower and Nick Palladino arguing in the pit lane.

- Had both men taken Nolan Bower’s lead and not engaged with each other then the entire event would have not happened.

#### 5. The alleged threat of Scott Bower directed at Nick or Nicky Palladino to the effect of “watch it or else/stop it or else”

- This escalated the situation and added to the physical threat to Nick Palladino of Scott approaching him.

## Additional Points

1. Both Scott Bower and Nick Palladino arguing with each other instead of remaining quiet and/or reporting the other to officials.

## Decision

The following decision is presented as the final say in the matter. There is no appeal.

- Nick Palladino
  - For physical violence, verbal abuse, and breaking social distance protocols in contravention of Kartsport Canada Book 1 rules 3.2 b and f
    - Nick is placed on probation for three consecutive TRAK points races including concurrent Kartstars events.
  - With respect to rule 3.1
    - Further Penalties are applied to his driver Nicky Palladino.
- Nicky Palladino
  - For verbal abuse of a fellow driver in contravention of Kartsport Canada Book 1 rules 3.2 b and f, and 12.3 e and f
    - Nicky Palladino is scored in last place from the results of TRAK Race 1 in Rok Sr.
  - For the actions of his father Nick Palladino with respect to rule 3.1
    - Nicky is excluded from the results of TRAK Race 1 in Rok Sr.
    - Nicky is placed on probation for three consecutive TRAK points races including concurrent Kartstars events.
- Scott Bower
  - For making threatening actions towards another person, verbal abuse, and breaking social distancing protocols in contravention of Kartsport Canada Book 1 rules 3.2 f, 12.3 e and f
    - Scott Bower is placed on probation for three consecutive TRAK points races including events concurrent with Kartstars.
  - With respect to rule 3.1
    - Further Penalties are applied to his driver Nolan Bower
- Nolan Bower
  - For the actions of his father Scott Bower with respect to Kartsport Canada Book 1 rule 3.1
    - Nolan Bower is scored in last place in the Sr Rok final from TRAK Race 1.
    - Nolan is placed on probation for three consecutive TRAK points races including concurrent Kartstars events.

## **Rules Glossary**

### Kartsport Canada Sporting Book 1

#### 3.1 The Driver is Responsible

Drivers are at all times responsible for the conduct of their mechanics, parents/guardians, or team members. When drivers are under the age of majority, their mechanics, parents/guardians, or team members are responsible at all times. A violation of these Regulations committed by a driver, mechanic, parent/guardian, or team member may be directly chargeable to the driver and result in penalties that may ultimately affect the outcome of a competition.

#### 3.2 Participants Code of Conduct

f) All participants are required to display courtesy and etiquette to other members and participants in training, testing and race events. Any disputes or problems that may arise during an event must be addressed in a respectful manner, to the correct person (official) at the event.

#### 12.3

Breach of Regulations In addition to any other offences, the following offences shall be deemed to be a breach of these Regulations.

(e) Abusing (physically or verbally) another competitor or official.

(f) Unsportsmanlike conduct.

Signed

Rob Oakman

TRAK Race Director and Steward

29 June 2020