

DECISION

Request No.: 21

Protest by PC and Reopening by PC

Event: 100th Korea Sports Festival Sailing Event Race Number: 7

Hearing Date: 2019-10-08

PARTIES AND WITNESSES

Request No.: 21: Protest Committee

Laser - Senior - 209505, 215057 and 211040

Witnesses: A video of the incident was taken by a member of the jury and it was presented at the hearing.

Interpreters: Kim Hakjoon (a member of the jury)

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Hail not required

Red Flag Displayed: Not required

DECISION: Request Valid

PROCEDURAL MATTERS

1. Hearing 19 was reopened based on new video evidence.
2. Laser 211040 was made a party to the hearing number 19 under RRS 60.3(a)(2).

FACTS FOUND

1. Five seconds before the starting signal of race number 7, Lasers 209505, 215057 and 211040, on starboard tack, were stationary along the starboard end of the starting line. The gap between the boats was more than one metre.
2. Laser 209505 was the leeward most of the three boats, Laser 215057 was the middle boat and Laser 211040 was the windward most boat. There was no other boat to windward of Laser 211040.
3. Three seconds before the starting signal, Laser 211040 bore down and made a contact with Laser 215057. Laser 211040 then pushed Laser 215057 towards Laser 209505 and caused Laser 215057 to make contact with Laser 209505.
4. The contacts did not cause any damage or injury to the three boats and none of them took a penalty.
5. Laser 211040 admitted during the hearing that she was aware she broke a rule and did not take a penalty because she would lose places.

Diagram: Protest Committee diagram attached

CONCLUSIONS AND RULES THAT APPLY

1. Laser 211040, to windward, failed to keep clear of Laser 215057, to leeward, and broke RRS 11.
2. Laser 211040, the keep clear boat, did not avoid contact when it was reasonably possible, and broke RRS 14.
3. Laser 215057, to windward, failed to keep clear of 209505, to leeward, and broke RRS 11.
4. Laser 215057 was compelled to break RRS 11 by the actions of Laser 211040 breaking RRS 11. Laser 215057 is exonerated for breaking RRS 11 under RRS 64.1(a)
5. It was not reasonably possible for Laser 215057 to avoid contact with Laser 211040 when it became clear that Laser 211040 was not keeping clear. Laser 215057 did not break RRS 14.
6. It was not reasonably possible for Lasers 209505 and 215057 to avoid contact with each other when it became clear that Laser 211040 was not keeping clear. Lasers 209505 and 215057 did not break RRS 14.
7. 211040 by knowingly breaking a rule and not taking the appropriate penalty, breaks the basic principles of sportsmanship and the rules. Therefore, she breaks RRS 2.

DECISION

Date & Time: 2019-10-09 10:00 KST

1. The original decision in hearing 19 is deleted.
2. 215057 is to be reinstated in her finishing place in Race 5.
3. Laser 211040 is DNE in race number 5.

PROTEST COMMITTEE

