

# DECISION

Request Number: 01

Protest and Request for Redress

Event: 2018 KiteFoil GoldCup World Series Pingtan Race Number: 2

Hearing Date: 2018-09-12

## PARTIES AND WITNESSES

**Initiator:** KiteFoil - Male - GER 86 - GER 86 - Florian Gruber

**Respondent(s):** KiteFoil - Male - MEX 133 - MEX 133 - Xantos Villegas

**Witnesses:** Video from MEX 133

## VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed

**Red Flag Displayed:** Not required

**DECISION:** Request Valid

## PROCEDURAL MATTERS

## FACTS FOUND

During the first upwind leg of the 2nd race, GER 86 and MEX 133 were sailing on port tack with GER 86 clear ahead of MEX 133.

Two kiteboards were coming on starboard tack on the lay line, and on a converging course.

MEX 133 bore away to pass behind them, sailing to leeward of GER 86. GER 86 also bore away.

When MEX 133 reached the lay line, he tacked on to starboard, and immediately after there was contact between the kites.

The kites were in contact for a couple of seconds. Then GER 86 kite collapsed and went in the water. The lines of GER 86 got tangled in the water and it took 5 minutes for him to recover.

MEX 133 continued sailing, however his bridles were broken.

MEX 133 took a one turn penalty, including a tack and a gybe with forward movement between the maneuvers and finished the race.

GER 86 did not finish race 2.

**Diagram:** Diagram not endorsed

## CONCLUSIONS AND RULES THAT APPLY

MEX 133, a right of way kiteboard, by changing the position of his kite, did not give GER 86 room to keep clear, breaking RRS 16.1

GER 86, a port tack kite, did not keep clear of MEX 133 on starboard tack, breaking RRS 10. However, GER 86 is exonerated under RRS 21(a) because of MEX 133's breach of RRS 16.1.

For GER 86 was not reasonably possible to avoid contact and, therefore, did not brake RRS 14

It was reasonably possible for MEX 133 to avoid contact, and therefore broke RRS 14.

MEX 133, despite taking the one turn penalty, did not take the appropriate penalty, according to RRS 44.1(b)

Because GER 86 did not get tangled with MEX 133, and because he did not sustain damage or injury, he is not entitled to redress.

## DECISION

MEX 133 is DSQ in Race 2.

**Date & Time:** 2018-09-12 20:00 CST

## PROTEST COMMITTEE

**Chaired By:** Elliot Levy (USA)

**Committee Members:** Anastazja Lewandowska (POL), Paco Quinonero (ESP)

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