

# DECISION

Request to Reopen

Request No.: 15

Heard Jointly With Number(s): 16

Event: 41 Copa del Rey MAPFRE Race Number: 2  
Hearing Schedule: 2023-08-04 10:00

## PARTIES AND WITNESSES

Request No.: 15: ORC 3 - Italia ITA27102 - SCUGNIZZA - VINCENZO DE BLASIO

Protest Committee

Request No.: 16: ORC 3 - Italia ITA27102 - SCUGNIZZA - VINCENZO DE BLASIO

Protest Committee

## VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** N/A

**Proper Hail:** N/A

**Red Flag Displayed:** N/A

**Decision:** Request Valid

## PROCEDURAL MATTERS

1. Diogo Cayolla attended the hearing representing Scugnizza.

## FACTS FOUND

1. Scugnizza alleged that there were three errors in hearing No. 14.
2. First: the protest was delivered one minute after the protest time limit posted and it was a mistake to extend the time limit.
3. Second: the hearing request was not listing the red flag as being displayed, and they never saw the red flag on the other boat.
4. Third: they could not attend the hearing because they were not informed that they have been protested.
5. The protest time limit for ORC 3 expired at 18:16.
6. At 18:20 the international jury scheduled hearing No. 14.
7. SI 14.3 states "Notices will be published no later than 30 minutes after the protest time limit to inform boats of hearings in which they are parties or named as witnesses."
8. Scugnizza did not check the notice board after 18:16.
9. The time set by the race officers and the time recorded by the hearing request system are not synchronized.
10. Scugnizza presented a photo showing Santina without a visible red flag that they obtained right after asking it to a photographer in the night. The photo shows only one side of the boat.
11. During hearing No. 14, Santina confirmed that they displayed a red flag promptly.
12. The international jury re-checked the conclusions and decisions of hearing No. 14 as provided in RRS N1.4(b).

**Diagram:** Diagram not endorsed

## CONCLUSIONS AND RULES THAT APPLY

**Rules:** RRS 66.1, 63.3(b) and N1.4(b)

1. A one minute difference between the PTL and the hearing request timing can be related to a few seconds offset in the system itself. Hence, it was appropriate to extend the protest time limit by one minute. The international jury did not make a significant error in the original hearing. Therefore, the requirements in RRS 66.1 for reopening the hearing are not met.
2. The evidence that Scugnizza plans to present could have been available at the time of the original hearing, had they asked it at that moment. Furthermore, the photo is not proving that the flag has not been displayed. The evidence that Scugnizza plans to present is not new. Therefore, the requirements in RRS 66.1 for reopening the hearing are not

met.

3. Scugnizza did not attend hearing No. 14 because they did not check the ONB within the timing provided in the SI. Hence, they were not unavoidably absent. Therefore, the requirements in RRS 63.3(b) for reopening the hearing are not met.
4. There were no error on Hearing no. 14.

**DECISION**

**Date & Time:** 2023-08-04 10:25 CEST

Hearing No. 14 will not be reopened.

**PROTEST COMMITTEE**

**Committee Type** Protest Committee

**Chaired By:** Andres Perez (ESP)

**Committee Members:** Pinar Coskuner Genc (TUR), Manuel Ken Gamito (POR), Giorgio Davanzo (ITA), David Gosalbez (ESP)

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