

DECISION

Request No.: 10

Protest

Event: Sunset Series Race Number: 8
Hearing Schedule: 2022-06-02

PARTIES AND WITNESSES

Request No.: 10: PH C - Racing - USA 60449 - Sam - Jerome Sammarcelli

PH C - Racing - USA 97979 - TVL - Stephen Arkle

Witnesses: My crew

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: Yes

Decision: Request Valid

PROCEDURAL MATTERS

FACTS FOUND

Incident between SAM and TVL occurred a few minutes after the Start

Boat speeds were approximately 4 to 4.5 knots

Both boats were initially on starboard tack, with SAM ahead by 1 to 3 boat lengths . Lateral separation was 1 to 2 boat lengths

SAM initially was clear ahead and had right of way

SAM headed up, starting a turn. After reaching head to wind Rule 13 applied

SAM completed her tack onto port, on a close hauled course, then realized there was insufficient room to cross. With collision imminent, SAM turned up. SAM's stern swung to leeward towards TVL

TVL initially thought SAM would cross

On a close hauled course, SAM was unable to keep clear resulting in contact and serious damage

TVL had insufficient time for crew to react

SAM recognized its error and performed one tack and gybe penalty turn

Photos of damage to SAM filed with original protest form

Diagram: No Diagram Needed

CONCLUSIONS AND RULES THAT APPLY

Rules: 10 and 14

As starboard tack boat TVL had right of way. SAM failed to keep clear and broke Rule 10 and Rule 14

DECISION

Date & Time: 2022-06-10 09:49 PDT

Initially, SAM was clear ahead and had R-O-W. When SAM luffed, she still had R-O-W as either clear ahead or leeward boat. When SAM passed head to wind she was required to keep clear per Rule 13. After SAM passed head to wind and came to a close hauled course on port she was required to keep clear under Rule 10. She did not do so, therefore broke Rule 10. SAM could have avoided contact by not tacking onto port in front of TVL, and therefore broke Rule 14.

With serious damage caused, the applicable penalty for a breach of Rules 10 and 14 outside the zone for a mark, under Rule 44.1.(b) was for SAM to retire; the one-turn penalty did not exonerate SAM for rule breach with damage.

Once it was clear that SAM would not keep clear, there was no reasonable opportunity for TVL to avoid contact. Therefore, TVL did not break Rule 14.

SAM disqualified for breaking Rules 10 and 14.

TVL broke no rule.

PROTEST COMMITTEE

Chaired By: Greg Rutter (USA)

Committee Members: Kathy St. Amant, Marilyn Cassidy, Nora Harria & Stacy Sinclair