

# DECISION

Request No.: 30

## Protest and Request for Redress

Event: 2024 Formula Kite World Championships Race Number: 5 silver  
Hearing Schedule: 2024-05-18 17:45

### PARTIES AND WITNESSES

Request No.: 30: Formula Kite - M - COL 89 - Víctor Alfonso Bolaños Lopez

Formula Kite - M - BRA 73 - Lucas Fonseca

### VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed

**Red Flag Displayed:** N/A

**Decision:** Request Valid

### PROCEDURAL MATTERS

1. Edgardo Vieytes (coach of BRA 73) and Alessio Brasili (coach of COL 89) attended the hearing as observers.
2. COL 89 provided video evidence.

### FACTS FOUND

1. The wind speed was up to 10 knots, with choppy water.
2. COL 89 and BRA 73 were sailing upwind on leg 1 on port tack approaching the protector mark.
3. When 30 meters away from the mark, COL 89 and BRA 73 were on converging courses, with COL 89 sailing on a close-hauled course overlapped 15 meters to leeward to BRA 73 who was sailing below the close-hauled course.
4. When 1 meter away from the mark and when the distance between the hulls was 3 meters, COL 89 kept his course.
5. BRA 73 lifted his kite in response and there was an immediate contact with damage between the leeward kite tip of BRA 73, bridles and kite of COL 89, causing COL 89 to capsize.
6. The damage to COL 89 was 2 broken bridles.
7. COL 89 did not finish the race.
8. BRA 73 finished the race.
9. BRA 73 did not take a penalty.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** RRS 11, 14, 43.1(b), 62.1, 64.2(a), F2.18.2(a)(1) and F4.44.1(b)

1. COL 89 outside overlapped at the zone failed to give BRA 73 mark-room, and broke RRS F2.18.2(a)(1).
2. BRA 73 to windward failed to keep clear of COL 89 to leeward, and broke RRS 11.
3. Since BRA 73 broke RRS 11 while she was sailing within the mark-room to which she was entitled, she is exonerated under RRS 43.1(b) for this breach.
4. It was not reasonably possible for BRA 73, the kiteboard sailing within the mark-room to which she was entitled, to avoid contact with COL 89 when it was clear that COL 89 was not giving mark-room. BRA 73 did not break RRS 14.
5. COL 89 did not avoid contact when it was reasonably possible, and broke RRS 14.
6. By retiring, COL 89 took an appropriate penalty under RRS F4.44.1(b).
7. COL 89's score in race F5 was made significantly worse through her own fault. Therefore, the requirements for redress in RRS 62.1 are not met.

### DECISION

**Date & Time:** 2024-05-18 18:42 CEST

The protest is upheld. Since COL 89 took an applicable penalty, she is not further penalized under RRS 64.2(a). Redress is not given.

**PROTEST COMMITTEE**

**Committee Type** International Jury

**Chaired By:** Alan Baser (GBR)

**Committee Members:** Yoann Peronneau (FRA), Anastazja Lewandowska (POL), Sandy Grosvenor (USA), Alain Champy (FRA)