

# DECISION

Protest by PC

Request No.: 03

Event: Barcolana 55 Coppa D'autunno Race Number: 1  
Hearing Schedule: 2023-10-08 17:45

## PARTIES AND WITNESSES

**Request No.: 03:** Protest Committee

S - Open - MONTENEGRO MNE 13 - 3 - Maxi Jena MM - Miloš Radonjić Marko Radonjić

**Witnesses:** Tito Morosetti, Video

## VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** N/A

**Red Flag Displayed:** N/A

**Decision:** Request Valid

## PROCEDURAL MATTERS

1. MNE 13 was informed at 16:22 in writing on ONB about the intention of the int.jury to protest.
2. MNE 13 did not ask for an online hearing.
3. MNE 13 did not come to the hearing, the hearing proceeded in accordance with RRS 63.3(b).

## FACTS FOUND

1. MNE 13 was authorized by the Organizing Authority to keep the engine running after the starting signal as provided in NoR 1.16.
2. The sea was calm and there were 4 knots of wind.
3. The International jury was on the water observing the race.
4. Before the starting signal and while racing, MNE 13's engine was switched on.
5. At the starting signal, MNE 13's engine was in gear, propelling the boat.
6. When the international jury approached MNE 13, a crew member changed the throttle from forward to neutral.
7. At approximately 30 minutes after the start, the International jury moved to about 15m to the stern of Way of Life watching the leeward side of MNE 13.
8. The international jury observed MNE 13 accelerating faster than Way of Life when MNE 13 was initially parallel to Way of Life with a lateral distance of at least 60 m.
9. As the international jury moved back to the stern of MNE 13, a crew member of MNE 13 put the gear into neutral again.
10. After the second incident, the international jury told MNE 13 that after the race they wanted to see the video evidence they were required to take that the propeller was not used.
11. MNE 13 did not reply and did not produce a video at any time.

**Diagram:** Diagram not endorsed

## CONCLUSIONS AND RULES THAT APPLY

**Rules:** 63.3(b), NoR 1.9, NoR 1.16, SI 22.2, RRS 42.1, RRS 2

1. MNE 13 had in two occasions the engine engaged to propulsion breaking rule 42.1.
2. By not producing the video evidence as required by the international jury, MNE 13 broke SI 22.2.
3. The International Jury is convinced that MNE 13 knowingly broke rule 42.1 and did not compete in compliance with the recognised principles of sportsmanship, therefore broke RRS 2.

**DECISION****Date & Time:** 2023-10-08 19:28 CEST

MNE 13 is to be scored DNE.

**PROTEST COMMITTEE****Committee Type** International Jury**Chaired By:** Willii Gohl (GER)**Committee Members:** Pinar Coskuner Genc (TUR), Giuseppe Gentile (ITA), Giuseppe D'amico (ITA), Franco Battistin (CRO)**Printed:** 08 Oct 19:48