

DECISION

Request for Redress

Request No.: 02

Event: Lipton Cup Race Number: 1,2,3,4
Hearing Date: 2019-10-29

PARTIES AND WITNESSES

Request No.: 02: J105 - California YC - Allie Blecher
Organizational Authority

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

California YC is requesting redress from the organizing authority and the hearing was opened under Addendum Q5.3. All boats were notified and made parties to the hearing.

Parties attending the hearing:

1. California Yacht Club
2. San Francisco Yacht Club
3. St Francis Yacht Club
4. Southwestern Yacht Club
5. Newport Harbor Yacht Club
6. Chicago Yacht Club
7. San Diego Yacht Club
8. Tim Fuller - Organizing Authority/Regatta Chair

FACTS FOUND

1. On October 22 at approximately 1200 the organizing authority sent a draft of the sailing instructions including attachment C, C2 **Permitted Items and Equipment**. C2.1(f) "devices for determining timing and bearing, either analog or digital. Devices and electronic instruments with additional capabilities relating to a boats performance are **prohibited**." Hereinafter referred to as "these devices".
2. The organizing authority stated in the body of the email with the draft of the SIs attached that these devices would be allowed.
3. The official sailing instructions were posted on October 23, 2019, the wording in C2.1(f) had been changed from these devices "**are prohibited**" to these devices "**are allowed**."
4. At the skipper's meeting on October 25 a question was asked about whether these devices were prohibited or allowed.
5. The organizing authority (Tim Fuller) said at the skipper's meeting that he didn't care what they brought on the boats regarding electronic devices.
6. The posting time limit set forth in the sailing instructions for changes to sailing instructions is 0940 each day. No sailing instruction changes were posted prior to 0940.
7. Before leaving the dock California Yacht Club asked Tim Fuller of the organizing authority whether these devices were allowed. He responded that he didn't think they were going to be allowed that the protest committee was writing up a decision which would be posted shortly.
8. The protest committee answered the question regarding these devices and said that they are allowed under SI C2.1(f) and posted the answer at approximately 1030.
9. California Yacht Club and San Francisco Yacht Club left their devices ashore.
10. Shortly before the warning signal for race 1 the race committee announced over the VHF Ch 69 that these devices are allowed.
11. California Yacht Club flew a red flag shortly thereafter and requested redress before the start of race 1.
12. California Yacht Club started and finished all four races on October 25.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

1. The sailing instructions distributed by the organizing authority on October 22 at approximately 1200 were not official.
2. The official sailing instructions published by the race committee allowed the devices.
3. Oral changes may be given only on the water (RRS 90.2(c)) and the information provided by the organizing authority to California Yacht Club and San Francisco Yacht Club did not meet the requirements for a change in the sailing instructions required by RRS 90.2(c).
4. The organizing authority by informing California Yacht Club and San Francisco Yacht Club that the devices were not going to be allowed prior to the protest committee posting the answer to the question submitted committed an improper action.
5. The boats' scores or places in the race or series were not, through no fault of their own made significantly worse by the error on the part of the organizing authority.

DECISION

Redress Denied

Date & Time: 2019-10-26 08:30 PDT

PROTEST COMMITTEE

Chaired By: Mark Townsend (USA)

Committee Members: Don Becker (USA), Kim Kymlicka (USA), Karen Butler (USA), Graham Kelly (USA), Raymond Groble (USA)

Printed: 2021-02-10 10:46