

# DECISION

Request Number: 01

## Protest

Event: IOD North American Invitational Race Number: 5

Hearing Date: 2018-09-01

### PARTIES AND WITNESSES

**Initiator:** IOD - 8 - La Diva - Patrick Cooper

**Respondent(s):** IOD - 3 - Chris Gould

**Witnesses:** Craig Davis,

### 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

1. Two members of the judges on this panel were competitors on other boats in the same regatta and of the same class. The third member of the panel is the PRO of the event. The panel acknowledged its conflicts of interest, there were no objections made by either party, and the parties accepted the panel as composed. The protest committee then agreed to proceed as composed.
2. After the protest was filed, on 1 Sept, the protested boat (IOD 3) acknowledged fault and responsibility for any damage and retired from race 5. IOD 8 then requested that she be allowed to withdraw the protest. The jury accepted this request.
3. As a result of the incident, there was damage to both boats and the skipper of IOD 3 fell into the water.
4. On 2 Sept, the jury concluded that allowing the protest to be withdrawn was a mistake and proceeded to a hearing under RRS 66.
5. Both parties attended the hearing and the following facts were found by the protest committee.
6. On the first beat to windward in race 5 in 8-10 knots of wind, IOD 3 was close hauled on port tack on a collision course with IOD 8, also close hauled but on a starboard tack.
7. The skipper of IOD 8 believed that IOD 3 was aware of her presence.
8. The skipper of IOD 3, on port, was not aware of the presence of IOD 8 until it was too late to avoid a collision.
9. When it was clear that IOD 3 was not avoiding her, the skipper of IOD 8 attempted to luff to windward to avoid IOD 3.
10. IOD 8 collided with IOD 3 on the leeward side across the boat from where the skipper was seated.
11. The skipper of IOD 3 fell backward into the water.
12. The headstay of IOD 8 dented the boom of IOD 3. There was significant damage to the shear of IOD 3.
13. There was minor damage to the stem of IOD 8.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

1. IOD 3 on port failed to keep clear of IOD 8 on starboard, as required by RRS 10
2. It was not reasonably possible for IOD 8, the right-of-way boat, to avoid contact with IOD 3 when it was clear that IOD 3 was not keeping clear.
3. Although it was reasonably possible, IOD 3, did not avoid contact with IOD 8 as required by RRS 14.

### DECISION

Protest withdrawn on 1 Sept 2018.

Protest reopened on 2 Sept 2018.

IOD 3 retired from race 5 so no further penalties are imposed.

**Date & Time:** 2018-09-01 13:21 ADT

### PROTEST COMMITTEE

**Chaired By:** Paul Zupan (USA)

**Committee Members:** Paul Zupan (USA), Danielle Lawson (USA), Colin Mann (CAN)