

# DECISION

**Request Number: 07**

## Protest

**Event:** Jeonbuk 2018 Korea National Sports Festival - Sailing **Race Number:** 8

**Hearing Date:** 2018-10-16

### PARTIES AND WITNESSES

**Initiator:** 49er - 369 - Shin Seung Mo

**Respondent(s):** 49er - 940 - Bae Sang Woo

**Witnesses:** Han Ho Jin (skipper of KOR 940)

**Interpreters:** Jeong Sungchul (a member of the Protest Committee panel)

### VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed

**Red Flag Displayed:** Not required

**DECISION:** Request Valid

### PROCEDURAL MATTERS

#### FACTS FOUND

1. The wind was between 4 to 5 knots and the sea was flat.
2. Boats were lining along the starting line and waiting for the starting signal for race number 8.
3. KOR 369 was on starboard tack and stationary. KOR 940 was also on starboard tack, stationary and one boat length to leeward of KOR 369. There was another boat to leeward of KOR 940.
4. Thirty seconds before the starting signal, KOR 940 involuntarily luffed, passed head to wind to port tack, completed her tack and made contact with KOR 369.
5. The contact caused a scratch on the wing of KOR 369.
6. KOR 940 admitted that he broke RRS 10 and 14 and chose not to take a penalty.
7. No boat took a One-Turn Penalty.

**Diagram:** Endorsed by Protest Committee

#### CONCLUSIONS AND RULES THAT APPLY

1. KOR 940 on port tack failed to keep clear of KOR 369 on starboard tack, and broke RRS 10.
2. KOR 940 did not avoid contact and broke RRS 14.
3. It was not reasonably possible for KOR 369, the right-of-way boat, to avoid contact with KOR 940 when it was clear that KOR 940 was not keeping clear. KOR 369 did not break RRS 14.
4. By knowingly breaking a rule and not taking the appropriate penalty, KOR 940 failed to compete in compliance with the principles of sportsmanship and fair play, and broke RRS 2.

#### DECISION

**Date & Time:** 2018-10-16 00:00 KST

1. KOR 369 is scored a DNE for race number 8.

#### PROTEST COMMITTEE

**Chaired By:** Katsumi Shibamura (JPN)

**Committee Members:** Pat Healy (USA), Selvam Mookken (SGP), Sungchul Jeong (KOR), Katsumi Shibamura (JPN), Leonard Chin (MAS)

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