

DECISION

Request No.: 14

Protest

Event: 41 Copa del Rey MAPFRE Race Number: 2
Hearing Schedule: 2023-08-04 19:20

PARTIES AND WITNESSES

Request No.: 14: Orc3 - Swe 1066 - Santina - Thomas Rudewald

ORC 3 - Italia ITA27102 - SCUGNIZZA - VINCENZO DE BLASIO

Witnesses: Concessur 50

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

Original hearing:

1. Santina was represented by Thomas Rudewald.
2. Scugnizza did not attend the hearing and the hearing proceeded under RRS 63.3 (b).
3. The protest time limit on August 3rd for ORC 3 expired at 18:16.
4. The protest was lodged at 18:17.
5. Since the protestee immediately lodged the protest upon arrival ashore, the Jury decided to extend the protest time limit.
6. Javier Canizares attended as witness (crew member of ESP 8440).
7. During the day, the Jury received photos that could show that the red flag has not been displayed after the incident. Based on this photo, the Jury decided that it might have made a significant error in deciding the case and reopened the hearing to reassess the validity as provided in RRS 66.1.
8. Original hearing panel members: Pinar Coskuner, Maria Torrijo, Ken Gamito

After the reopened hearing:

1. Diogo Cayolla represented Scugnizza.

FACTS FOUND

Facts found at the original hearing:

1. Race 8, 18-19 knots of wind, choppy water.
2. Santina and Scugnizza were sailing upwind on opposite tacks.
3. Santina was sailing on starboard tack, Scugnizza was sailing on port tack slightly ahead.
4. When Scugnizza and Santina were bow-to-bow, the distance between both was less than a boat length.
5. When the bow of Santina was half a boat length away from the starboard amidships of Scugnizza, Santina bore away sharply and sailed 2m astern of Scugnizza.
6. No contact occurred and neither boat took a penalty.

Facts found after the reopened hearing:

1. Santina displayed the red flag 1 minute after the incident.
2. The red flag was wrapped on the starboard pushpit and any crew member could have displayed the flag immediately after the incident.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 61.3; 63.3 (b); 10

Conclusions of the original hearing

1. Scugnizza on port tack failed to keep clear of Santana and broke RRS 10.

Conclusions of the reopened hearing:

1. Santana failed to display the red flag at her first reasonable opportunity as required by RRS 61.1(a).

DECISION

Date & Time: 2023-08-04 19:40 CEST

Decision after the reopening:

1. Protest invalid.

Original Decision:

1. Scugnizza is DSQ in Race 8.

PROTEST COMMITTEE

Committee Type Protest Committee

Chaired By: Andres Perez (ESP)

Committee Members: Pinar Coskuner Genc (TUR), Giorgio Davanzo (ITA), David Gosalbez (ESP), Manuel Ken Gamito (POR)

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