DECISION

Protest

Event: 2022 CORK Olympic Classes Regatta and Sail Canada Senior Championships Formula Kite (Foiling) and KiteFoil Open   **Race Number:** 3
Hearing Schedule: 2022-08-19 18:15

PARTIES AND WITNESSES

Request No.: 01: Kite - 30 - Alexis Vandame

Kite - Kite - 27 - Martyna - Martyna Dakowiz

Witnesses: Video

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Hail not required

Red Flag Displayed: Not required

Decision: Request Valid

PROCEDURAL MATTERS

Arbitration Inappropriate - The incident includes a tangle.

FACTS FOUND

1. 10 seconds after the start of race #3, 30 on Starboard attempted to cross 27 on Port .
2. 30 attempted to avoid contact. 27 also attempted to avoid contact.
3. There was contact between the kites.
4. After the contact the kites separated and made contact again.
5. There was damage to the kite of 30 as a result of the contact.
6. 30 was not able to complete the race.
7. 27 did not complete the race.

Diagram: No Diagram Needed

CONCLUSIONS AND RULES THAT APPLY

Rules: 10, 14

27 on Port failed to keep clear of 30 on Starboard, breaking rules 10 and 14.

It was not reasonably possible for 30, the right of way boat, to avoid contact when it was clear that 27 was not keeping clear.

30's score in race #3 was made significantly worse, through no fault of her own, by physical damage because of the action of 27 that was breaking RRS 10 and 14 and took the appropriate penalty.

DECISION

Date & Time: 2022-08-19 18:58 EDT

Protest upheld.

27 is not further penalized since she took the appropriate penalty which was to retire.

Redress is given to 30. 30 is to be scored in race #3 points equal to the average, rounded to the nearest tenth of a point, of her points in all races sailed before Sunday, August 21st, except race #3.

PROTEST COMMITTEE

Chaired By: Hugh Morrin (CAN)
Committee Members: Andrew Alberti, Peter Alberti