

DECISION

Request No.: 04

Protest and Request for Redress

Event: Sunset Series Race Number: Sunset Series race 5
Hearing Schedule: 2021-06-23

PARTIES AND WITNESSES

Request No.: 04: PH D - Performance - USA 18474 - Zulu - Team Zulu

PH D - Performance - USA 77303 - Syndicate - David Haas

Witnesses: Crimson star

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

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules:

California Yacht Club

Protest Committee Decision

Protest/Request for Redress filed on 23 June 2021

Sunset Series Race #5

Hearings held 29 June, 30 June

Decision date: 30 June 2021

Protest Committee: Greg Rutter (Chair), Neil Frasier, Jamie Myer

Protestor: "Zulu" - Cesar Berger

Protestee: "Syndicate" - David Haas, Tim Hohlman

Representing the OA: Bill Stump

1. Zulu alleged that Syndicate broke several rules, by 1) Entering the starting area too early, thus interfering with boats racing and 2) Starting and racing in the wrong class.

Testimony and evidence show that Syndicate requested and was approved for change of fleet by the OA, from Fleet E to D, before the start of the season. Evidence and testimony show that by changing Syndicate's fleet without proper notification to the fleets involved, the OA created a violation of Conflict Between Rules (RRS 63.7) . Because of OA's error, Syndicate broke the rules, including SI 1.1, 7.3 and RRS 23.1, 28.1. However, because Syndicate acted in good faith under the OA's written approval, **she is exonerated.**

2. Zulu requested scoring redress. The PC reviewed event documents including NOR and class splits as published before the season. Noting that Syndicate's rating of 126 was within E Fleet, and absent compelling reasons to ignore published class splits, the PC agrees **redress is warranted** (RRS 64.1).

Redress given: Syndicate will race in E Fleet for the remainder of the season; Syndicate will be re-scored in E Fleet for all races, vacating her first four race scores, to be replaced by an average of her scores over the remainder of the season (RRS A9). Similarly, results from D Fleet will be recalculated without Syndicate.

This decision should be communicated in a Notice to Competitors to the affected fleets before racing 30 June.

DECISION

Date & Time: 2021-06-30 12:26 PDT

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PROTEST COMMITTEE

Chaired By: Greg Rutter (USA)

Committee Members: Jamie Myers, Neil Fraser

Printed: 2021-07-10 19:11