

DECISION

Request No.: 02

Protest and Request for Redress

Event: StFYC Kite Series Race Number: 3
Hearing Date: 2021-06-08

PARTIES AND WITNESSES

Request No.: 02: Kite - US 19 - Xantos - Xantos Villegas

Kite - US 13 - Upwind Wave - Neil Marcellini

Witnesses: None

Interpreters: None

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Protest hailed At time of the incident, as well as on the beach after racing. Kite 13 acknowledged hearing the hail.

Red Flag Displayed: Not required

Decision: Request Valid

PROCEDURAL MATTERS

1. This hearing was held via videoconference.
2. The parties read and agreed to be bound by the Code of Conduct for Remote Hearings.
3. The protestor first advised the race office of the incident and his intention to protest via email, time stamped 20:00 hours on the day of the race.
4. Video evidence was provided by both parties, available at the following hyperlinks:

Kite 19 -

<https://www.dropbox.com/s/d99vnet52tmnhwm/Video%20Jun%2008%2C%205%2022%2015%20PM.mp4?dl=0>

Kite 13 - https://drive.google.com/file/d/1qx5skI9dxdN9IR3fEIRJGnJT1g4_oct1/view?usp=sharing

FACTS FOUND

1. On the first beat, Kite 19 was sailing to the windward mark on starboard tack layline.
2. Kite 13, on port, crossed ahead of Kite 19 and tacked to starboard and to windward. After tacking, the lateral separation between Kites 13 and 19 was less than one meter.
3. After passing head to wind, Kite 13 was overlapped to windward of Kite 19 and continued to bear away below a close hauled course.
4. Kite 13 then lowered her kite, positioning her control lines across the path of Kite 19.
5. In less than 2-3 seconds, there was contact between the control lines of the two boards, resulting in a tangle and capsize of both boards.
6. During the incident, Board 19's bridle was broken, and she was unable to relaunch her kite successfully and finish the race.
7. Board 13 took a one-turn penalty.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: 15, 14

1. When acquiring right of way through her own actions, Kite 13 failed to initially give Kite 19 room to keep clear, and broke RRS 15 and 14.

2. It was not reasonably possible for Kite 19 to avoid contact with Kite 13 when it was clear that Kite 13 was not keeping clear. Kite 19 did not break RRS 14.

3. Kite 19's score in race 3 was made significantly worse through no fault of her own by physical damage because of the action of Kite 13 that was breaking RRS 15 and 14 and was penalized.

DECISION

Date & Time: 2021-06-08 18:50 PDT

Kite 13 is to be scored DCT.

Redress is given to Kite 19. Kite 19 is to be scored in race 3 points equal to the average, rounded to the nearest tenth of a point (0.05 to be rounded upward), of her points in all races sailed before the last scheduled day of the series, except race 3. This shall not be worse than her finishing position in the race. No other boat's score shall change.

PROTEST COMMITTEE

Chaired By: Mays Dickey (USA)

Committee Members: Paul Zupan (USA), Greg Meagher (USA)

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