

# DECISION

## Protest

Request No.: 02

Event: 2022 CORK Olympic Classes Regatta and Sail Canada Senior Championships Formula Kite (Foiling) and KiteFoil Open Race Number: 2  
Hearing Schedule: 2022-08-19 18:45

### PARTIES AND WITNESSES

**Request No.: 02:** Kitefoil - Formula Kite - 22 - Logan Sutherland

IKA - CAN - Marie-Eve Mayrand

**Witnesses:** Dan Cunningham

### 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.

On 2022-08-20 at ~1700, the protest committee decided that it may have made a significant error, and scheduled a re-opening of the hearing for 1745, in accordance with RRS 66.1.

The parties were present.

There was no change to the facts found, though the conclusions and decision did change following the re-opening.

Chris Walmsley joined the protest committee for the re-opening, as recommended in rule 66.3(b). The original three judges also participated.

The original decision is available at <https://app.box.com/shared/static/6orwjpmvec4hebydoheas7cn2m4xszzr.pdf>.

### FACTS FOUND

1. After race 1 and before the warning signal of race 2, 22 was sitting on the coach boat on Starboard with the kite still in the air well below the start line.
2. 44 approached on Starboard from above the coach boat calling that she was approaching. She raised her kite intending to stop adjacent to the coach boat.
3. 22 and the coach were not keeping a look out and did not hear the hail so did not see 44 approaching.
4. Both parties and the witness said it would have taken 5-10 seconds for 22 to raise his kite to keep clear had he been aware that 44 was approaching.
5. The kites became seriously tangled.
6. 22 was not able to sail the next two races.
7. 44 completed race 2.
8. 44 and 22 were both in the racing area and intending to race.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** 14; Appendix F2, 22.2

Revised Conclusions, based on re-opening 2022-08-20:

While aboard the coach boat, 22 did not have steerage, and thus was in a state of recovering during the incident. While recovering, 22 failed to keep clear of 44, breaking rules Appendix F2, 22.2 and 14.

44 did not act to avoid contact with 22 when it was reasonably possible, breaking rule 14.

Both 22 and 44 can be disqualified for breaking rule 14, even though neither boat was racing, as the contact resulted in a tangle, per Appendix F2, Part 2 – Preamble.

### DECISION

Date & Time: 2022-08-21 07:45 EDT

Revised Decision, based on re-opening 2022-08-20:

22 took the applicable penalty and is not further penalized. However, her infraction does count as a first incident, per Appendix F8, A10.

44 is disqualified from race #2, the race immediately after the incident, in accordance with rule 64.2. She is DCT per Appendix F8, A10.

**PROTEST COMMITTEE**

**Chaired By:** Hugh Morrin (CAN)

**Committee Members:** Andrew Alberti, Peter Alberti, Chris Walmsley

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