

DECISION

Request No.: 02

Protest

Event: Finn Gold Cup Race Number: 4
Hearing Schedule: 2022-05-19 19:10

PARTIES AND WITNESSES

Request No.: 02: FINN - AUS 110 - Marcus Whitley

FINN - ITA 11 - Paolo Cisbani

Witnesses: NED 68, Joost Houweling

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: N/A

Decision: Request Valid

PROCEDURAL MATTERS

Mina Stanikic, a member of the protest committee saw the incident, stated that fact and presented evidence while the parties were present.

A 3-person panel was appointed by the chairman as permitted by N1.4(b).

FACTS FOUND

1. In race 4 there was up to 8kn of wind and flat water.
2. AUS 110 and ITA 11 were sailing downwind on starboard tack, approaching the port gate mark.
3. At about 5 boat lengths from the port gate mark AUS 110 was clear ahead of ITA 11.
4. At approximately 1.5 boat lengths from the mark, ITA 11 was inside overlapped with AUS 110 with 0.5 boat length between them.
5. NED 68 was outside overlapped on port tack and at least 1 boat length to starboard of AUS 110.
6. While in the mark zone, AUS 110 was sailing at 2kn and ITA 11 was sailing at 3kn.
7. ITA 11 and AUS 110 both gybed to round the mark with about 0.5 boat lengths between them.
8. Boom of ITA 11 hit the torso of AUS 110 immediately after ITA 11 completed the gybe.
9. No boat took a penalty.
10. There was no damage or injury.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: 18.2(e), 18.2(b), 11, 14

1. Since there was reasonable doubt that ITA 11 obtained the overlap before AUS 110 reached the zone, in accordance with RRS 18.2(e) it is presumed that she did not do so.
2. ITA 11, clear astern at the time AUS 110 reached the zone, failed to give AUS 110 mark-room, and broke RRS 18.2(b).
3. ITA 11 to windward failed to keep clear of AUS 110 to leeward, and broke RRS 11.
4. ITA 11 did not avoid contact when it was reasonably possible, and broke RRS 14.
5. It was not reasonably possible for AUS 110, the boat sailing within the mark-room to which she was entitled to avoid contact with ITA 11 when it was clear that ITA 11 was not giving mark-room. AUS 110 did not break RRS 14.

DECISION

The Protest is Upheld

Date & Time: 2022-05-19 20:24 CEST

ITA 11 is DSQ in race 4.

PROTEST COMMITTEE

Chaired By: Claudio Uras (ITA)

Committee Members: Bojan Gale (SLO), Mina Stanikic (SRB)