

# DECISION

Request Number: 3

## Protest

Event: Hydrofoil Pro Tour - La Ventana Race Number: 2 Blue

Hearing Date: 2016-03-21

### PARTIES AND WITNESSES

**Initiator:** # 56 Matt Taggart

**Respondent(s):** # 25 John Van Tesmer

### VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed

**Red Flag Displayed:** Not required

**DECISION:** Request Valid

### PROCEDURAL MATTERS

### FACTS FOUND

1. #56 was on a starboard tack sailing upwind on the first windward leg of the second race.
2. #25 was on a starboard tack clear astern of #56.
3. #56 hailed for room to tack.
4. #25 did not respond.
5. #56 tacked and immediately capsized.
6. #56 held her position with her kite vertical while other boats were near.
7. #25 collided with #56 and tangled.
8. #56 incurred some minor damage to her foils and kite.
9. Neither #56 nor #25 finished the race.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

#25 failed to keep clear of #56 while capsized and broke rule F23.1.

#25 failed to avoid contact breaking RRS 14

#56's score was made significantly worse through no fault of her own because of the actions of #25.

### DECISION

Protest Upheld

**Date & Time:** 2016-03-20 18:45 PDT

No further penalty shall be imposed on #25 as she retired. <br> #56 is granted redress for race 2 in the form of points equal to the average of her score for races 1, 3 and 4.

### PROTEST COMMITTEE

**Chaired By:** Paul Zupan (USA)

**Committee Members:** Rafael Zarazua (MEX), Paul Zupan (USA)

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