



**YACHT RACING ASSOCIATION  
QUARTERS 35S, FORT MASON  
SAN FRANCISCO, CALIFORNIA, CA 94123  
415-771-9500 - fax 415-276-2378  
E-mail = info@yra.org**

DECISION ON APPEAL, Appeal # 06-01  
*ALETA vs. CIPANGO*  
GGYC Midwinter #4, February 4, 2006

June 3, 2006

#### **SUMMARY OF SITUATION:**

*ALETA* (a 46' sloop) and *CIPANGO* (a 56' sloop) were involved in an incident as they approached the pin end of the start line of the GGYC midwinter race on February 4, 2006. There was a light wind and a current carrying the boats toward the start line. Just prior to the start signal, the two boats contacted each other and there was damage. Both boats filed valid protests. A hearing took place on March 7 and a written decision was delivered to the parties on March 8. Both boats were disqualified. *ALETA* has appealed the conclusions and the decisions of the protest committee, as well as the appropriateness of their procedures.

#### **FACTS FOUND BY PC:**

1. Wind was 6 to 8 knots from the west. The current was ebbing (toward the west) at approximately 1.3 knots.
2. *CIPANGO* and *ALETA* approached the starboard (pin) end of the start line on starboard tack, 30 seconds prior to the start.
3. *CIPANGO* was close-hauled, at approximately 8 knots, and overlapped to leeward of *ALETA*.
4. *ALETA* was trimmed for close-hauled, but sailing on a beam reach at 3 knots.
5. *ZEPHYRA* was also on starboard tack, overlapped with both *CIPANGO* and *ALETA*, about 15 feet to leeward of *CIPANGO*.
6. At 15 seconds before the start, *ZEPHYRA* luffed, and *CIPANGO* responded by also luffing.
7. At 10 seconds before the start, *ZEPHYRA* bore off and sailed away down the line.
8. *CIPANGO* hailed *ALETA* to come up, but *ALETA* did not respond.
9. *CIPANGO* continued to luff until she collided with *ALETA* just before the start signal. Damage was sustained by both boats.

#### **CONCLUSIONS OF PC, RULES THAT APPLY, AND DECISION:**

1. *ALETA* did not keep clear, per Rule 11.
2. *CIPANGO* did not give *ALETA* room to keep clear, per Rule 16.1.

3. *ALETA* is disqualified, per Rule 11; and *CIPANGO* is disqualified, per Rules 16.1 and 14.

**BASIS FOR APPEAL BY *ALETA*:**

1. If *CIPANGO* did not give *ALETA* room to keep clear per RRS 16.1, it is not reasonable to also disqualify *ALETA* for failing to keep clear of *CIPANGO* per RRS 11.

2. At 10 seconds prior to the start, if *ZEPHYRA* was able to (and did bear off to) sail down the line, *CIPANGO* could likewise have borne off, sailed down the line, and avoided contact.

3. *ALETA* cites RRS 68(c), which states that “a basic purpose of the rules is to prevent contact between boats,” and *ALETA* contends that *CIPANGO* failed to comply with a primary requirement of the rules.

4. *ALETA* contends that PC denied *ALETA* equal opportunity to present her case by encouraging *ALETA* to limit the testimony of her witnesses. This PC procedure was improper and prejudicial (and subject to appeal, per RRS 70.1).

5. *ALETA* contends that photographic evidence of the damage to *CIPANGO*'s bow (included with her appeal documents) supports her version of the incident.

**DECISION:**

During the fifteen seconds prior to contact, it is clear from the facts found and the protest committee's diagram that *ALETA* and *CIPANGO* were converging, both on starboard tack, with *CIPANGO* to leeward and right-of-way.

During this period, *CIPANGO* altered course continuously toward *ALETA*, but did not cross head-to-wind. *ALETA* broke Rule 11 by failing to keep clear. *CIPANGO* did not break Rule 16.1, as she gave *ALETA* room to keep clear.

During the 10 seconds before contact, *CIPANGO* traveled approximately two boat lengths through the water (at about 6 knots), had ample room to avoid contact by turning down, but failed to do so. *ALETA* also had ample room to avoid contact by turning up, but failed to do so. *CIPANGO* and *ALETA* both broke Rule 14 by failing to take reasonable action to avoid a collision that resulted in damage.

Considering the fact that testimony was taken from approximately 12 witnesses, it appears that *ALETA* had sufficient opportunity to present her case. The decision of the protest committee is sustained and both boats are disqualified.

**THE APPEALS COMMITTEE OF THE YACHT RACING ASSOCIATION OF SAN FRANCISCO BAY**

Thomas V. Allen, Jr. Chairman

copy: *CIPANGO*, Rob Barton, Jr., P. O. Box 6325, Santa Rosa, CA 95406  
*ALETA*, Keith Brown, 38 Bryant Street, #508, San Francisco, CA 94105  
John Super, Protest Chair, P. O. Box 410483, San Francisco, CA 94141-0483  
Appeals Committee Members, via email