



**YACHT RACING ASSOCIATION  
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DECISION ON APPEAL, Appeal # 06-02  
*AKULA* vs. *WHISPER* vs. *DONKEY JACK*  
J/105 Invitational Regatta, June 3, 2006  
Host: San Francisco Yacht Club

August 30, 2006

**SUMMARY OF SITUATION:**

Three J/105 sloops were involved in an incident as they approached the windward mark in the first race of the day. The mark was to be rounded to port. *AKULA* approached short of the lay line on port tack and tacked to starboard just outside the two-length zone. *WHISPER* approached the mark on starboard tack to a position about ½ boat length behind *AKULA* as *AKULA* completed her tack. *WHISPER*, sailing faster, overtook *AKULA* as the two boats arrived at the mark. *WHISPER*'s bow made contact with *AKULA*'s stern, causing damage, and the two boats became locked together for several seconds. During this period, both boats turned to windward, tacked to port, and rotated to a direction approximately 180 degrees from their original point of sail. As this point, *DONKEY JACK* approached the mark on starboard tack and contact occurred between *AKULA*'s port bow and the port side of *DONKEY JACK*, causing damage. *DONKEY JACK* filed a valid protest. At a subsequent protest hearing, both *AKULA* and *WHISPER* were disqualified. *AKULA* has appealed the decision of the protest committee.

**FACTS FOUND BY PC:**

1. Wind strength was about 10-12 knots. Windward mark was to be rounded to port.
2. *AKULA* approached the windward mark on port tack. *WHISPER* approached the mark on starboard tack.
3. As the boats converged, *AKULA* tacked, at the zone, in front of *WHISPER* (subsequently clarified).
4. At the time of the tack, *WHISPER* was within ½ boat length behind *AKULA*, and moving more rapidly.
5. *WHISPER* closed the ½ boat length in 3 seconds, and contacted *AKULA* on the transom causing damage.
6. The contact caused both boats to spin clockwise to port together.
7. The boats continued to turn at the mark and both came to a port tack, facing back down the course.
8. *DONKEY JACK* was on starboard tack, inside the zone, approaching to round the mark.
9. With *AKULA* and *WHISPER* still together, the bow of *AKULA* made contact with the port side of *DONKEY JACK* and caused severe damage.

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

1. *AKULA* tacked too close in front of *WHISPER*, and did not give her room to keep clear, per RRS 15.

2. *WHISPER* did not make an attempt to keep clear of *AKULA*, per RRS 14, and made contact that caused damage.
3. The impact of the collision caused the boats to spin onto port tack, facing back downwind into the path of *DONKEY JACK*, on starboard and approaching to round the mark.
4. The bow of *AKULA* caused severe damage to the port side of *DONKEY JACK*, breaking RRS 10 and 14.
5. *AKULA* is DSQ, per RRS 14, 15 and 10. *WHISPER* is DSQ, per RRS 14.

#### **BASIS FOR APPEAL BY AKULA:**

1. The PC's verbal report at the end of the hearing referenced RRS 13 as the reason for disqualifying *AKULA*, but the written decision cites RRS 10, 14, and 15. This constitutes an error of process which denied *AKULA* an opportunity to request reopening to argue the applicability of RRS 14.
2. The conclusion that the impact of the initial contact between *AKULA* and *WHISPER* caused the boats to immediately start to spin is not correct (the initial contact was slow and gentle).
3. When the boats became locked together and were spinning *AKULA* was out of control, and it was not "reasonably possible" for *AKULA* to avoid the collision with *DONKEY JACK*. Thus, *AKULA* should be exonerated for breaking RRS 14.
4. The fact found that *AKULA* "tacked at the two BL circle" is not sufficiently complete to determine whether a breach of rules occurred at that time, so RRS F5 should be invoked to define this fact more precisely.
5. The fact found to the effect that *WHISPER* covered ½ boat length in 3 seconds prior to contact with *AKULA* is not consistent with arithmetic calculations relating to the likely speeds of the two boats. This constitutes another reason for invoking RRS F5 to determine more precise facts.
6. Based on the above it is unlikely that *AKULA* broke any rules whatsoever during this incident.

#### **DECISION:**

Because *AKULA* completed her tack to starboard approximately ½ boat length (17 feet) in front of *WHISPER*, and because the closing speed between the boats was approximately five feet per second, and because three seconds was sufficient time for *WHISPER* to alter course and avoid *AKULA*, *WHISPER* broke rule 12. Because it was reasonably possible for *WHISPER* to avoid contact with *AKULA*, *WHISPER* also broke rule 14. *WHISPER* is disqualified for breaking rules 12 and 14.

A few seconds later, when *DONKEY JACK* arrived at the mark, and when contact occurred between *AKULA* (on port tack) and *DONKEY JACK* (on starboard tack), *WHISPER* and *AKULA* were still connected together and out of control. Although *AKULA* broke rule 10 at this time, she is exonerated per rule 64.1(b). Furthermore, it was not reasonably possible for *AKULA* to avoid contact with *DONKEY JACK*, so *AKULA* did not break rule 14.

Prior to the contact between *AKULA* and *DONKEY JACK*, because *DONKEY JACK* could neither turn left nor right without hitting another boat, we rule that it was not reasonably possible for *DONKEY JACK* to avoid contact with *AKULA* and that *DONKEY JACK* did not break rule 14.

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

Thomas V. Allen, Jr. Chairman

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