



**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 # 06-03
BRICK HOUSE vs. *REGAZZONI*
MELGES 24 PCC's, July 15, 2006
Host: Tahoe Yacht Club

December 1, 2006

SUMMARY OF SITUATION:

BRICK HOUSE and *REGAZONNI* were approaching the starting line to start. Before the start signal, *BRICK HOUSE* was below the line on starboard tack, moving slowly with sails luffing. *REGAZZONI* was reaching down the line, on starboard tack, and attempted to cross the bow of *BRICK HOUSE*. As *REGAZZONI* was crossing in front of *BRICK HOUSE*, contact occurred between the port aft side of *REGAZZONI* and the bow of *BRICK HOUSE*, causing damage. Both boats subsequently submitted protests, and a protest hearing took place following the race.

FACTS FOUND BY PC:

1. At thirty seconds before the start signal, *BRICK HOUSE* was about 35 feet below the start line, on starboard tack, almost head to wind, with sails luffing (per PC's diagram).
2. At thirty seconds before the start signal, *REGAZZONI* was on starboard tack, sailing parallel to the start Line on a constant bearing to pass in front of *BRICK HOUSE*, at a speed of almost 5 knots (per PC's diagram).
3. As the boats converged, *BRICK HOUSE* was to leeward of *REGAZONNI*. Between 30 and 20 seconds before the start, *BRICK HOUSE* remained head to wind, almost stationary with no headway.
4. At twenty seconds before the start signal, there was contact between the boats and *BRICK HOUSE*'s bow eye caused a tear in the fiberglass at the port stern of *REGAZZONI*.

CONCLUSIONS OF PC, RULES THAT APPLY, AND DECISION:

1. Rule 11 was violated by *REGAZONNI*. *REGAZONNI* is scored DSQ.

BASIS FOR APPEAL BY *REGAZONNI*:

1. *REGAZONNI* contends that the PC refused to accept her protest because it was submitted two minutes late. *REGAZONNI* explains there was no one present at the Regatta Table to receive her protest when its delivery was attempted during the protest filing period (the protest was subsequently delivered to the PRO, at a different location, two minutes after the filing period ended).
2. At a subsequent protest hearing convened to review this incident, the PC did not consider (1) *REGAZONNI*'s testimony to the effect that the contact between the boats resulted in a substantial hole in *REGAZONNI*'s hull and/or (2) that *BRICK HOUSE* should have taken action to avoid this contact.

DECISION:

As a result of a letter to PC Chairman Stout from the appeals committee, additional facts and a diagram were provided by the PC in a letter to the appeals committee dated October 24. These new facts have been included with the facts originally itemized by the PC on the protest form.

Although *REGAZZONI* appears to have a reasonable explanation for filing her protest late, this issue is moot because the PC had previously received a valid protest from *BRICK HOUSE* during the filing period.

It appears that the PC took evidence from both parties during a properly noticed hearing in accordance with RRS 63. Parties are reminded that there are often conflicting descriptions of what actually happened on the race course; and it is the job of the PC members to ask questions of the participants, resolve in their minds any conflicts in testimony, and then declare what they believe to be the facts (per RRS 63.6). The facts found by the PC are summarized above.

The appeals committee agrees with the PC that *REGAZZONI* broke RRS 11 (on the same tack, overlapped).

With respect to Rule 14, the obligation of *BRICK HOUSE* to “avoid contact with another boat if reasonably possible” does not begin “until it is clear that the other boat is not keeping clear.” The appeals committee rules that because *BRICK HOUSE* remained stationary with no headway during the 10 seconds prior to contact, there was no reasonable action she could have taken to avoid contact and consequently she did not break RRS 14 (avoiding contact).

However, because *REGAZZONI* maintained a constant course and speed during the 10 seconds prior to contact, and made no attempt to avoid contact, *REGAZZONI* broke RRS 14.

REGAZZONI is scored DSQ.

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

Thomas V. Allen, Jr. Chairman

copy: *REGAZONNI*, Nigel Donnelly, 1828 Leavenworth St., San Francisco, CA 94109
BRICK HOUSE, Kristen Lane, 187 St. Thomas Way, Tiburon, C 94920
BRICK HOUSE, Ward Cromwell, 206 Collingwood Ave., Charleston, SC 29407
Richard Stout, PC Chair, 1835 Wendy Way, Reno, NV 89509
Appeals Committee Members, via email