



**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 # 08-01
Wabbit #24K vs. Wabbit #11, Race #3
Big Daddy Regatta, Wylie Wabbit Fleet
Host: Richmond YC; Date: March 8, 2008

April 17, 2008

SUMMARY OF SITUATION

In Race #3 of this regatta, #24K and #11 were approaching the windward mark, converging on opposite tacks, with #11 on starboard. About five boat lengths from the mark, #11 tacked on to port, after which she was overlapped to leeward of #24K and ahead by about $\frac{3}{4}$ of a boat length. As the boats rounded the mark leaving the mark to port, there was contact. #24K hailed "protest" and somewhat later displayed her protest flag. After the race, #24K filed a protest against #11. At a subsequent hearing, the protest committee decided that the protest was invalid because the #24K's flag was not displayed at the first reasonable opportunity. #24K has submitted this appeal alleging that the protest committee misinterpreted RRS 61.1(a).

FACTS FOUND BY PROTEST COMMITTEE

1. #24K did not display her protest flag until one minute after the incident.
2. #24K completed her rounding and set her spinnaker prior to displaying her flag.

CONCLUSIONS, APPLICABLE RULES, AND DECISION OF PC:

#24K did not display her protest flag at the first reasonable opportunity. RRS 61.1(a) is applicable. Protest is invalid.

BASIS FOR APPEAL BY #24K:

1. When #11 altered course to round the mark, her bow pushed #24K up and #24K lost control due a subsequent (forced) crash tack.
2. As a consequence of the above, #24K almost capsized because the trap person was caught on the wrong side of the boat and the jib was back-winded on the wrong side. It took 15 seconds for #24K to right the boat and resume her downwind course.
3. As soon as #24K was stabilized on her downwind course, the helmsman retrieved the protest flag from its storage position on the barney post, hailed protest again, and displayed the flag. The flag was attached to the boat and displayed through the finish line at which time it was acknowledged by the RC.
4. #24K alleges that there could be no confusion about which boat she intended to protest as there were no other boats nearby and there had been multiple hails from #24K prior to the incident. At the finish, both boats hailed the RC that they intended to protest.

5. Taking into account the Wabbit's unique sailing requirements and safety considerations, #24K believes she displayed her flag at the first reasonable opportunity.

DECISION:

Appellant is reminded that a party may appeal a protest committee's decision or its procedures, but not the facts found (RRS 70.1). The facts found include a statement that "#24K took **one minute** after the incident to put up (her) protest flag..."

Appellant states in his appeal that, "the boat was righted the boat, the crew hiked hard, got steerage, and turned the boat downwind... within 15 seconds of the incident." Did it then take 45 seconds more for all the crew to get #24K "flat and reasonably stable?" Considering that the PC members had ample opportunity to investigate this issue with the participants during the hearing, there is no reasonable basis for the appeals committee to question the judgment of the protest committee. Guidance regarding the timing of the protest flag is provided in two US SAILING appeals, as follows.

US SAILING Appeal #67 describes a situation in which the PC judged that "two crew members had a reasonable opportunity to display the protest flag, but did not do so." The decision of the PC was upheld.

US SAILING Appeal #82 describes a situation in which the PC judged that there was "need for all crew members to hike to keep the boat under control..." It was therefore reasonable to delay display of the flag for 12 to 20 seconds. Again, the decision of the PC was upheld.

The Association Appeals Committee believes that #24K did not display the protest flag at the first reasonable opportunity [per RRS 61.1(a)]. The appeal of #24K is denied.

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

Thomas V. Allen, Jr. Chairman (email: tomallen2@comcast.net)

copy: *Wabbit #24K (SYZYG)*, Simon Winer, 891 Willow Street, Martinez, CA 94553
(email: simonwiner@gmail.com)
Wabbit #11 (Weckless), Tim Russell, 870 Lamont Avenue, Novato, CA 94945
(email: Timothy@AldersFinancial.com)
Appeals Committee Members, via email