



**YACHT RACING ASSOCIATION  
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DECISION ON APPEAL, Appeal # 08-04  
IC-82 vs IC-103 & IC-164 vs IC-103, Race #2  
WBRA Regatta, San Francisco IOD Fleet  
Host: Sausalito YC; Date: September 8, 2008

January 22, 2009

### **SUMMARY OF SITUATION**

In Race #2 on September 8, 2008, IC-82 was sailing upwind on starboard tack and IC-103 was sailing upwind on port tack. As the boats converged, IC-103 bore off to avoid IC-82, but misjudged the distance and the two rigs made contact resulting in serious damage to both. IC-164 was also sailing upwind to leeward of the other two and observed the incident. Both IC-82 and IC-164 hailed protest and displayed protest flags. A short time later, both IC-82 and IC-103 retired from the race. A protest hearing took place on October 28, during which representatives of the three boats appeared as parties. It was ruled that #103 broke some rules, and IC-82 was awarded redress. No other penalties were assessed.

IC-164 objected to this decision and composed an appeal letter dated November 13, 2008. It was mailed to the Association Appeals Committee at the local YRA office sometime later (no date on the postmark). The appeal materials were misplaced along the way (apparently by USPS) and were found undelivered in another office on December 16 by a YRA employee.

### **ACTIONS OF THE PROTEST COMMITTEE:**

After determining they had a valid protest, the protest committee elected to conduct a single hearing combining the two protests. In summary, the protest committee determined numerous facts and concluded that IC-103 broke RRS 10 and 14 and did not break RRS 44.1; but because IC-103 retired from the race, RRS 44.4(b) was applicable and IC-103 should not be further penalized. IC-82 was awarded redress. On October 29, the protest committee distributed a written decision by email to the three parties.

### **BASIS FOR APPEAL BY IC-164:**

1. IC-164 contends that the protest committee failed to consider allegations by IC-164 that other specific rules were broken by IC-103, including RRS 1.1, 44.1, 44.4 and 64.1.
2. IC-164 contends that the protest committee incorrectly interpreted RRS 44.1 and RRS 44.4(b).

## **DECISION:**

The first question to resolve was whether this was just a complaint about a protest that had been properly submitted for which there had never been a hearing, or was it an appeal of the decisions of a protest committee following a properly conducted hearing. After formally questioning the protest committee chairman, it was confirmed that the IC-164's protest was heard together with that of IC-82 in a combined hearing on October 28, 2008.

However, contrary to its original statement in its acknowledgment letter dated December 22, 2008, this appeals committee now rules that this appeal does NOT comply with Appendix F1.1. F1.1 directs that an appeal of a decision of a protest committee shall be sent to the Race Administration Director at US SAILING in Portsmouth, RI, who will forward it to the association appeals committee for the place in which the event was held.

There is no language in Appendix F to excuse this type of oversight. Also, this appeals committee believes there is no substantive ambiguity in the sailing instructions or in YRA publications or communications that might excuse this procedural error by the appellant.

Because it does not conform to F1.1, this appeal is denied, the decision of the Protest Committee is unchanged, and the scores of the boats shall be recorded in accordance with the protest committee's decision.

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

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