



THE YACHT RACING ASSOCIATION of SAN FRANCISCO BAY
1070 MARINA VILLAGE PARKWAY, SUITE 202-G
ALAMEDA, CALIFORNIA 94501
Phone: 415-771-9500; Fax: 415-276-2378
E-mail: info@yra.org

DECISION ON APPEAL, Appeal #12-01
WONDER, #266 vs AKULA, #16
Summer Keel Regatta, Race #5
San Francisco YC, August 19, 2012

October 3, 2012

SUMMARY OF SITUATION:

WONDER (#266) and AKULA (#16) were two J/105 class boats competing in a one-design race, a division of the 2012 Summer Keel Regatta hosted by the San Francisco YC. An incident occurred during the start of the J/105 fleet, in Race #5.

AKULA was on starboard tack, in irons, for 30-seconds to a minute, backing through the water near the starting line. WONDER was on starboard tack, converging with AKULA. WONDER, with forward speed, overlapped AKULA to windward from astern.

There was contact between AKULA's bowsprit and the port side of WONDER near the first stanchion behind the pulpit. Contact resulted in a chip in the gel coat of WONDER and damage to the sprit of AKULA.

AKULA did a one-turn penalty, per the SI's.

WONDER submitted a valid protest during the filing period, after which WONDER was disqualified for breaking RRS 11 and RRS 14. WONDER has appealed the decision of the protest committee.

FACTS FOUND BY THE PROTEST COMMITTEE:

1. AKULA was on starboard tack, in irons, for 30-seconds to a minute, backing through the water near the starting line.
2. WONDER was on starboard, converging with AKULA
3. WONDER, with forward speed, overlapped AKULA to windward from astern.
4. WONDER's course took her very close to AKULA's bow.
5. There was contact between AKULA's bowsprit and the port side of WONDER near the first stanchion behind the pulpit.
6. Contact resulted in a chip in the gel coat of WONDER and damage to the sprit of AKULA.
7. AKULA did a one-turn penalty, per the SI's.

CONCLUSIONS AND RULES THAT APPLY:

1. WONDER was required by RRS 11 to keep clear and she failed to do so.
2. It was reasonably possible for WONDER to avoid contact and she failed to do so.

3. WONDER broke RRS 11 and 14.

DECISION:

WONDER is disqualified.

BASIS FOR APPEAL BY WONDER:

WONDER alleges that the wording of the facts found seem illogical and/or physically impossible.

First, since Fact #1 suggests that if AKULA was going backwards, it would be impossible for WONDER to “overlap AKULA from astern and end up close to AKULA’s bow.”

For contact to have occurred as described, WONDER would have to have been bearing off toward AKULA and/or AKULA would have had to have rotated on to port tack prior to contact.

With the wind at approximately 18 knots, WONDER would have been moving much faster and the damage would have been more severe and extended down the port side of WONDER, for which there is no supporting evidence.

The interpretations and actions of the Arbitrator suggest that certain facts found by the protest committee may have been erroneous, and thus the conclusions were incorrect.

In reality, WONDER was close-hauled and moving very slowly when AKULA fell on to port tack and caused the contact.

DECISION OF APPEALS COMMITTEE:

AAC believes that AKULA was initially positioned such that WONDER was more obviously approaching from astern (as suggested in the Committee’s diagram). And, if WONDER’s sails were not close-hauled (as suggested in the Committee’s diagram), and if WONDER was also moving slowly, the boats could have followed the courses described by both the text and the diagram, and the incident could have occurred as described by the Committee.

WONDER’s rationale (basis for appeal) is largely in dispute of the Committee’s facts found which are not subject to appeal (RRS 70.1).

In summary, we believe the Committee’s description and diagram are consistent with reality, and we can not justify an alternative conclusion. The appeal is denied.

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

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

copy: PROTEST COMMITTEE (Mike Gross), (email: mike.gross@charter.net)
WONDER, #266, (Tom Kennelly), (email: tom.kennelly@kp.org)
AKULA (Doug Bailey), (email: doug_bailey@msn.com)
Appeals Committee Members, via email