



THE YACHT RACING ASSOCIATION of SAN FRANCISCO BAY
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DECISION ON APPEAL

Appeal #2013-01
Can o'Whoopass v OYRA
2013 OYRA Ocean Racing Series

2013 March 22

SUMMARY OF SITUATION:

Beginning in October 2012 a dialogue occurred between Mr. vonEhrenkrook, owner of Can o'Whoopass (CO'W), and Mr. Newell, president of the Offshore Yacht Racing Association (OYRA). This discussion centered on a possible waiver for CO'W from the Northern California Offshore Racing Council's (NCORC) Minimum Equipment Requirements (MER) for races in the 2013 OYRA Ocean Racing Series. The OYRA organizes offshore races in the San Francisco Bay area on behalf of the YRA of SF Bay, the Organizing Authority of record.

The NCORC Safety Committee, of which Mr. Newell is a member, met for the first time in October to begin the process of updating the MER for the 2013 season. On 23 October 2012 a draft of the proposed MER was posted on the NCORC website with a final version posted on 1 January 2013.

On 5 January 2013 CO'W sent Mr. Newell an e-mail requesting that:

1. The NCORC modify the MERs regarding the requirement for lifelines and pulpits for boats less than 30 feet LOA, or;
2. The NCORC grant a conditional waiver of the lifeline and pulpit requirements for all boats less than 30 feet LOA, or;
3. The OYRA grant a conditional waiver of the lifeline and pulpit requirements for all Cal 20s competing in the 2013 OYRA Ocean Racing Series.

CO'W also requested that they be notified of any meeting held by the NCORC or OYRA regarding the above requests so that they may be involved in the discussion.

On 23 January 2013 the OYRA responded to the requests by stating that they would not grant a waiver of the lifeline and pulpit requirements for boats under 30 feet LOA or for Cal 20s specifically.

On 29 January 2013 OYRA responded to a tacit request for an individual waiver for CO'W that they agreed with CO'W that an individual waiver was potentially unfair and that their final decision was to not grant any waivers of the NCORC MER.

On 7 March 2013 CO'W filed an appeal with USSAILING which forwarded the appeal to the Association Appeals Committee (AAC).

On 14 March 2013, in response to an AAC inquiry, the OYRA confirmed that CO'W had not yet submitted an entry form or requested a hearing regarding a rejected entry.

BASIS FOR APPEAL BY CAN O'WHOOPASS:

CO'W alleges that the OYRA has rejected their entry in the 2013 OYRA Ocean Racing Series and subsequently refused to hold a hearing related to that rejection.

CO'W alleges that the OYRA denied CO'W representations at the meetings during which changes to the entry requirements and possible waivers to those requirements were discussed.

CO'W alleges that the OYRA has acted in a way that is detrimental to the sport of sailing.

CONCLUSIONS AND RULES THAT APPLY:

1. RRS 70.1 describes the conditions under which a party or boat may appeal.
2. RRS 69 and USSAILING Regulation 15 describes the procedures for reporting incidents of gross misconduct.

DECISION OF ASSOCIATION APPEALS COMMITTEE:

Appeal is denied. We find that CO'W has not submitted a protest or request for redress to the OA that resulted in a decision or the OA's refusal to hold a hearing, either of which is a pre-requisite for an appeal per RRS 70.1.

Allegations of misconduct are not within the jurisdiction of the AAC. Allegations of misconduct by a member of the OA are to be reported to the USSAILING Review Board per USSAILING Regulation 15.01.A.3 and meet the requirements described in USSAILING Regulation 15.02.

Additionally, the AAC makes the following notes and observations:

- The request for a waiver of the MERs and the denial of that request is not equivalent to the rejection of an entry by the OYRA. CO'W may still submit an entry to the OYRA and make any necessary modifications required to meet the MER.
- The decision to grant or not grant any waivers to the requirements listed in the Notice of Race is entirely within the discretion of the OYRA. However, if a waiver is granted, any party may request redress and a hearing shall be held at which time the decision to grant such a waiver may be reversed.
- We find that there are no requirements in the RRS that require that the OA make the deliberations regarding the entry requirements, the minimum equipment requirements, the waiver of these requirements, or acceptance of an entry accessible to any party. The only requirement is that the OA shall provide the reasons for rejecting an entry in writing and hold a hearing should one be requested.

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

John Christman, Chairman
(email: john@christman.org)

copy: Offshore Yacht Racing Association, (Mr. Andy Newell, President), via e-mail
Can o'Whoopass (Mr. Richard vonEhrenkrook), via e-mail
Appeals Committee Members, via e-mail
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