



THE YACHT RACING ASSOCIATION of SAN FRANCISCO BAY
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DECISION ON APPEAL

Appeal #2014-02
JETSTREAM v Jazz Cup Protest Committee
Jazz Cup
30 August 2014

20 March 2015

SUMMARY OF SITUATION:

On 30 August 2014 approximately 105 boats competed in the 26th Annual Jazz Cup sponsored by the South Beach Yacht Club and the Benicia Yacht Club. This point-to-point race started near Treasure Island and finished at Sander's Pier adjacent to the entrance to the Benicia harbor. The course included two inflatable marks, marks A and B, near the finish line. At approximately 15:18 mark B was seen drifting to the east at about the same time that the 15th boat crossed the finish line. At 16:23 the mark was placed back on station at about the same time that the 100th boat crossed the finish line. The drift to the east increased the length of the race course to varying degrees for each boat while the mark was off-station.

Two boats, *JACK AUBREY* and *WOOF*, filed requests for redress. The PC decided that both protests were valid. Although not required as the sailing instructions invoked RRS Appendix T sections B and C, the PC invited any other interested boat to participate in the redress hearing. Eight other boats, including *TUPELO HONEY*, participated. The PC concluded that redress was applicable and decided to award redress by reducing the elapsed time for a boat by either 20, 25, or 30 minutes depending on whether the mark was medium or far from its proper position when the boat rounded it and whether the boat was a slow, medium, or fast boat. Additionally, the PC decided to award redress only to those boats that attended the hearing. *TUPELO HONEY* had her elapsed time reduced by 20 minutes.

The results were first posted shortly before the awards ceremony. Being unaware of the original redress hearing, *JETSTREAM* immediately contacted the Race Committee during the awards ceremony to question the results. E-mail discussions between *JETSTREAM* and the race officials and the race officials and the PC took place over the course of the next five days. Responses from the race officials to *JETSTREAM* indicated that they were investigating the situation and considering different options. On 5 September 2014 *JETSTREAM* filed a formal Request for Redress (RFR) via e-mail to the PC Chairman. On 8 September 2014 the PC Chairman sent *JETSTREAM* two separate e-mails requesting a reason for the delay in filing. *JETSTREAM* promptly responded to each e-mail on 8 September 2014 with their reasons. On 10 September 2014 the PC Chairman informed *JETSTREAM* via e-mail that

"The Protest Committee for the Jazz Cup has reviewed your Request for Redress and decided that it is an invalid Request. It was filed well past the deadline. As required by RRS 63.5, we must stop and close the hearing. No further action may be taken on our part."

JETSTREAM appealed.

BASIS FOR APPEAL

JETSTREAM appealed based on the following:

- The request for redress filed on 5 September 2014 was improperly denied.
- The US Sailing prescription to RRS 63.4 required the RFR to be heard by a different protest committee.

DECISION OF APPEALS COMMITTEE:

The appeal is upheld.

The AAC has concluded that no actual hearing, as required and outlined in RRS 63, has taken place regarding the RFR filed by *JETSTREAM*.

The AAC directs that a hearing meeting the requirements of RRS 63 be held to consider this Request For Redress. Additionally, the AAC directs that:

- This is to be heard by a new protest committee as permitted by RRS 71.2. The Organizing Authority (OA) shall appoint the new PC. The PC shall have a majority of members that were not on the original PC and at least one of the new members being a certified US Sailing Judge.
- The RFR is to be considered as having been filed in the proper format and on the proper form as it meets the requirements of RRS 61.2. SI 13.1 is not valid as it fails to meet the requirements of RRS 86.1(b).

The AAC notes that SI 14.2 states that RRS Appendix T Sections B and C apply and this appendix changes several rules including RRS 63.5.

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



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