



THE YACHT RACING ASSOCIATION of SAN FRANCISCO BAY
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DECISION ON APPEAL

Appeal #2014-03
I-14 1167 v I-14 1185
I-14 Nationals
20 September 2014

20 March 2015

SUMMARY OF SITUATION:

On 20 September 2014 *I-14 1167* and *I-14 1185* were competing in the I-14 Nationals at the Richmond Yacht Club. At the start of Race #5 an incident occurred between *I-14 1167* and *I-14 1185* that resulted in damage to *I-14 1167* forcing her to retire from the race. *I-14 1167* filed a protest against *I-14 1185*. On the evening of 20 September 2014 a protest hearing was held. The hearing was chaired by Ms. Vickie Gilmour with three other members on the protest committee. At the hearing Ms. Gilmour did not disclose any self-interests and neither party raised any objections about any of the jury members. The hearing continued and the PC disqualified *I-14 1185*. On 24 September 2014, *I-14 1185* made a request for copies of the protest form and any other relevant data.

On 6 October 2014 *I-14 1185* appealed.

FACTS FOUND BY THE PROTEST COMMITTEE:

1. 1167, 1185, 1154 are on S tack approaching the starting line.
2. 1167 and 1154 are overlapped but separated by a boat length.
3. 1185 is clear astern of 1167 and 1154.
4. 1167 hailed "leeward boat" as 1185 came in to windward of her and to leeward of 1154.
5. There was contact between 1185's leeward rack and 1167's hull.
6. Damage from the contact was a hole through the hull as well as scrapes on the hull, aft of the hole.
7. Then there was contact between 1185 and 1154.
8. 1167 retired from the race due to damage to the hull.

PC's CONCLUSIONS AND RULES THAT APPLY:

1. Rules 11 and 14 apply.
2. 1185, a give way windward boat, did not keep clear of 1167, a leeward right of way boat.

PC's DECISION:

1185 is disqualified. 1167 is given average points using races 1, 2, 3, & 4.

BASIS FOR APPEAL

I-14 1185 appealed based on the following, referencing RRS 63.4, the definition of *Interested Party*, and US Sailing Appeal 107:

- Ms. Gilmour's son, John Gilmour, was a crewmember aboard *I-14 USA1177*, a competitor in the same regatta;
- Ms. Gilmour did not disclose that she was an interested party;
- Ms. Gilmour did not remove herself from the protest committee.

DECISION OF APPEALS COMMITTEE:

The appeal is upheld. The decision of the PC is nullified.

Ms. Gilmour's adult son was a competitor in the event. Despite Ms. Gilmour not being aware of this at the time of the protest hearing, she met the definition of an interested party. RRS 63.4 requires that, as an interested party, Ms. Gilmour not participate as a member of the protest committee.

The AAC directs the Organizing Authority to appoint a new PC to re-hear the protest at a time and place agreeable to all parties wishing to participate.

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



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