



THE YACHT RACING ASSOCIATION of SAN FRANCISCO BAY
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DECISION ON APPEAL

Appeal #2015-01
QE3 v Corinthian Yacht Club RC
PHRF Non-Spinnaker Division C, Race #4
8 May 2015

6 July 2015

SUMMARY OF SITUATION:

On 8 May 2015, *QE3* was participating in Race #4 of the 2015 Corinthian Yacht Club Friday Night Series in the PHRF Non-spinnaker Division 1. The CYC RC scored *QE3* as OCS in the race. *QE3* filed a Request For Redress (RFR) on the assertion that they were improperly scored. Prior to the hearing the RC reviewed the audio recording of the calls and sound signals from the race deck as well as a video recording of the boats at the starting line. The RC determined that *QE3* was correctly identified as OCS and hailed by the RC at the start. The PRO determined that another boat, *TOPGALLANT*, was also OCS but not hailed at or after the start. The RC changed the score for *TOPGALLANT* to OCS.

A hearing on the RFR was held on 14 May 2015. Based on the evidence presented, the PC found as fact that *QE3* was not OCS. The PC gave redress to *QE3* changing her score from OCS to points equivalent to third place based on her finishing time. The score of no other boat was changed.

On 15 May 2015, with further details being provided on 20 May 2015, the CYC RC requested that the hearing be reopened based on an additional witness being available. The PC considered this request and decided not to reopen the hearing as the new witness, a member of the RC, was available for the original hearing and not called by the CYC RC and was not likely to provide significant new evidence.

The CYC RC appealed.

FACTS FOUND BY THE PROTEST COMMITTEE:

1. *QE3* was not OCS
2. RC scored *QE3* as OCS
3. RC posted race results on ONB (official notice board) and *QE3* filed request within the protest time limit after reviewing posted Race Committee scoring.

PC's CONCLUSIONS AND RULES THAT APPLY:

1. *QE3*'s score in the race and series were made significantly worse, through no fault of her own by an improper action of the Race Committee.
2. Race Committee calculated finish position as third, had she not been scored OCS based on RC recorded finish time. Provided 5/18.

PC's DECISION:

Redress is given as follows – points equal to her finish position, third, for *QE3*. All other scores remain the same, including *QE3* and *Willow* having the same point value.

BASIS FOR APPEAL

The CYC RC appealed based on the following:

- The PC made a significant error in granting redress:
 1. *QE3* was correctly identified by the RC as “over early” as the START (audio recording)

2. RRS 29.1 procedures both sound and flag were properly displayed (audio recording and testimony)
 3. RRS do not anywhere require a "hail" of "over-early" boats; it is a courtesy at the option of the RC.
 4. The CYC FNR SI's change RRS 62.1(a) to remove any omission, etc. of the hail as grounds for redress.
 5. QE3 was hailed at the START.
 6. QE3 relied on the "absence of a hail" of *TOP GALLANT* to justify her choice to continue,
 7. The PC reached a conclusion that "QE3 was not OCS", but did not provide "facts found" to support it.
 8. The PC did not provide 'a diagram of the incident', but one will be provided for the PC's endorsement and filed with other supporting information ASAP.
- There was no "improper action or omission of the RC".
 - The CYC FNR SI's change RRS 62.1(a) to preclude redress based on RC "hailing".
 - QE3's reliance on "the absence of a hail" to *TOP GALLANT* was "a fault of her own".

DECISION OF APPEALS COMMITTEE:

The appeal is upheld. While the CYC RC may not appeal the facts found by the PC (RRS 70.1(a)), the PC erred in not reopening the hearing as the testimony from the additional RC witness may have provided new and significant evidence. The PC is directed under RRS R5.1 to reopen the hearing to hear any additional evidence from any new witnesses of either party and proceed as instructed by RRS 63.6.

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



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