



**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: AAC 15-02: All Hail v. Quimada  
INTER CLUB SERIES - 2015 - Race #5, August 8, 2015  
USSAILING: 15-15

Nov 2, 2015

### **SUMMARY OF SITUATION**

The Inter Club Race Series is a series of handicap races for monohull and multihull boats organized by five yacht clubs and a sailing association. The series is comprised of six races, one per month, over the span of April to September. In race 5 of the series, on August 8, 2015, as *ALL HAIL* (a Catalina 34) and *QUIMADA* (a Catalina 34) approached the starting line to start, an incident occurred. As a result of the incident, *ALL HAIL* filed a protest alleging *QUIMADA* had broken rule 11. That protest was heard and decided on Sept. 1, 2015. On Sept. 9, 2015 the Race Administration Director of US SAILING received an appeal of the protest decision from *QUIMADA*, and forwarded the appeal to this committee on Oct. 8, 2015. The Protest Committee and parties were notified of the appeal on Oct. 9, 2015 and on Oct. 23, 2015 *ALL HAIL* provided comments on the appeal.

### **FACTS FOUND BY PROTEST COMMITTEE:**

"1) Proper Protest Received: Written Protest was received, postmarked Monday, 8/10/2015 which is in compliance with SI's."

"2) "Protest" Hailed At First Reasonable Opportunity: At time of incident, AH hailed "you fouled me". Q made a 360 turn. AH waited for Q to complete her second 360 turn. When it was evident that Q was not making the second 360 turn, AH hailed "Protest" to Q when they crossed tacks - aprox. 6 minutes after the start."

"3) Red Flag Was Flown At The First Reasonable Opportunity: AH claims she flew the red flag two minutes after the incident after waiting for Q to complete her 2nd 360 turn. Q claims AH did not fly the flag until 4 minutes after the incident. There was no definitive data to support when the flag was actually flown. The Protest Committee determined that the red flag was flown at the first reasonable opportunity."

"4) The Incident: It was determined that Q fouled AH breaking Rule 11 of Section A. That determination was made after hearing testimony from the Parties, asking questions of the Parties and by the Parties, looking at still pictures and watching a video of the incident. The pictures and video evidence were provided by Q. The incident occurred within 10 seconds of their start. There was a moderately strong current (aprox. 3 knots) from Port to Starboard. Both AH and Q were moving at aprox. 5.5 knots. The pin end of the line was at the starboard end of the line. AH was alternating sailing head-to wind/falling off to keep from being over early. It was found that Q failed to keep clear of AH preventing AH from continuing to sail head-to-wind. Both boats were on Starboard Tack with AH being leeward of Q."

## **CONCLUSIONS, APPLICABLE RULES, AND DECISION OF PROTEST COMMITTEE:**

"Quimada failed to keep clear of All Hail at the start breaking rule 11 of Section A."

"Quimada is disqualified."

## **APPELLANT BASIS FOR APPEAL:**

"I. Protest Requirements (61) were not met and PC failed to properly interpret the requirements for "Informing the Protestee" under rule 61.1a. As the facts found show that while AH had the opportunity to hail "Protest" at the time of the incident AH waited until (after their 2nd tack) 6 minutes after the incident to first hail "Protest." AH also failed to display a red flag until after tacking approximately 2 to 4 minutes after the incident as facts found show. Both of these requirements must be met for a valid protest. Relating to this, at beginning of hearing the PC refused my request to follow rule 63.5 stating, since we were all gathered for the hearing they wanted to hear the details of the incident & see my video."

"II. PC failed to find that rule 16.1 was applicable in its ruling, applying only rule 11, even though finding of facts determined AH was altering course multiple times which required AH to give Q "room" to keep clear as per 16.1. PC did not find that Q failed to maneuver promptly in a seamanlike way in response to AH altering course which should have been shown to find that Q did not keep clear."

## **ASSOCIATION APPEALS COMMITTEE DECISION:**

The Protest Committee found at the time of the incident *ALL HAIL* hailed "you fouled me" and hailed "Protest" about six minutes later. USSAILING Appeal 61 guides protest committees in the application of rule 61.1. Clearly, hailing "Protest" six minutes after the incident demonstrates *ALL HAIL*'s hail was not at the first reasonable opportunity.

Further, the Protest Committee found the red flag was displayed between two to four minutes after the incident because *ALL HAIL* was waiting for *QUIMADA* to complete penalty turns. USSAILING appeal 67 guides Protest Committee in the application of rule 61.1. Clearly, displaying the red flag after the shorter two minute period while waiting for *QUIMADA* to maneuver was not at the first reasonable opportunity.

The Protest Committee found no fact that would cause any of the exceptions in 61.1(a) (1-4) to apply.

In the first sentence of finding #2 and the first sentence of finding #3 the Protest Committee stated: "'Protest' Hailed At First Reasonable Opportunity:" and "Red Flag Was Flown At The First Reasonable Opportunity:", respectively. Since each of these statements include an interpretation of rule 61.1 they are each subject to change by the Association Appeals Committee (see ISAF Case 104, Q1 & A1). The Association Appeals Committee finds that these two conclusions are in error.

At the beginning of the hearing the Protest Committee took evidence regarding the validity of the protest but erred in its application of rule 61.1 and then erred by not closing the hearing under rule 63.5. US SAILING Appeal 46 gives further guidance on the application of rule 61.1 and rule 63.5.

It is the decision of the Association Appeals Committee to uphold the appeal, and under rule 71.2 declare the protest invalid, reversing the Protest Committee decision. *QUIMADA* is to be reinstated in the race results.

Best Regards,

Michael Gross, Chair  
The Appeals Committee of the Yacht Racing Association of San Francisco Bay

Cc:

Page van Loben Sels

David Sanner

George Lythcott

Appeals Committee Members:

John Christman

Paul Kamen

Tom Roberts

John Siegel

Amended:

- 1) Redacted personal email addresses
- 2) Corrected typo in AAC Decision, para. 3 rule reference