



**THE YACHT RACING ASSOCIATION of SAN FRANCISCO BAY**  
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DECISION on APPEAL: AAC 16-07; Monterey Peninsula YC Protest Committee decision of Rolly v. Yankee  
Monterey Peninsula Yacht Club Luke's Regatta Race 3, 11 September 2016

November 2, 2016

#### **SUMMARY OF SITUATION**

On September 11, 2016 the Shields class participated in a race of the Luke's Regatta. An incident occurred between two boats, *Rolly* and *Yankee*, near the Race Committee Signal boat at the start of race 3. Both boats filed protests which were heard together by the Protest Committee on the evening of September 20, 2016.

US Sailing received a request to appeal the decision of the Protest Committee on September 22, 2016 from *Rolly*. The appeal was forwarded to the Appeals Committee of the Yacht Racing Association of San Francisco Bay on September 23, 2016.

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

- 1) Parties agree the incident occurred in race 3.
- 2) Yankee (Hull 187) established an overlap to leeward of Rolly (Hull 209) below the starting line approximately 15 seconds before the start. The boats sailed overlapped for a period of time before 209 abruptly altered course in a windward direction. 209's stern struck 187 in the starboard aft quarter. Damage was minimal.
- 3) Appeals book case 24 applies.
- 4) Conclusion: 209 disqualified under rule 11.

#### **CONCLUSIONS, APPLICABLE RULES, AND DECISION OF PC:**

- Rule 11 was violated by 209.
- Boat 209 is disqualified from race 3 on 9/11/16.

#### **APPELLANT BASIS FOR APPEAL:**

- The protest committee refused to allow the only Rolly witness to testify despite having heard multiple witness from Yankee.
- The protest committee failed to apply rule 15 and 16 to the incident.

#### **ASSOCIATION APPEALS COMMITTEE DECISION:**

The Appeal is upheld. The Protest committee is directed to reopen the hearing and hear the witnesses called by any party to the original hearing.

In a comment letter to the AAC the Protest Committee wrote, in part:

"(ed: stated at the hearing) 'Since we have heard detailed descriptions of the incident from both parties and have heard witnesses from two other nearby boats, with ample opportunity for questioning, if there is no strong objection, the *Protest Committee* feels it would be redundant to have numerous crew members corroborating the accounts we have already heard.'

"At this point neither party objected or indicated they had a crew member who could present new testimony not already heard by the *Protest Committee*.

We don't think a Protest Committee is required to hear what could be an endless parade of witnesses once we are satisfied we understand the pertinent facts."

The Association Appeals Committee looks to rule 63.6 which requires the Protest Committee take the evidence of the parties present at the hearing and of their witnesses. Having not taken the evidence of some witnesses the PC has made a procedural error and under rule 71.2 is directed to reopen the hearing and take the evidence of any witnesses of any party.

As the Protest Committee may find new facts in the reopened hearing, it would be premature of the AAC to comment on the appellant assertion that the PC did not apply some rules correctly.

Best Regards,

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

Cc:

Richard Clark, Protest Committee Chair

Larry Gamble, *Rolly*, appellant

Michael Polkabila, *Yankee*, party

Appeals Committee Members:

John Christman

Paul Kamen

Tom Roberts

John Siegel