

NOLSC / YYC
Protest Committee Decision



Hearing No. 2022-02

Summary of Protest (see attached Hearing Request Form)

Aurora protested Battlestar Pegasus for failure to keep clear under Rule 10. A collision occurred with serious damage to Aurora. Great Laker Series, Race 4. August 24, 2022.

Validity of Protest or Request for Redress

Form submitted within the time limit? Yes No

Objections to Committee membership? Yes No

Submitted form identifies incident? Yes No

Protest hailed at first reasonable opportunity? Yes No

Red flag flown at first reasonable opportunity? Yes No The committee found that since serious damage had occurred the flying of a red flag was not required as per RRS 61.1(a)(4).

Protest valid, hearing will continue; or Protest invalid, hearing is closed.

Facts Found

The incident occurred during the first upwind leg of the race.

Aurora was sailing upwind on starboard tack. They had been on starboard tack approximately 10 minutes.

Battlestar Pegasus was sailing upwind on port tack. They had been on port tack approximately 10 minutes.

Aurora thought Battlestar Pegasus saw them sailing on starboard tack and would keep clear.

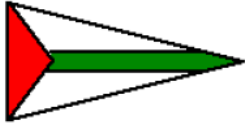
Battlestar Pegasus did not see Aurora until their mainsail was in front of them. There was no opportunity to avoid collision.

Battlestar Pegasus hit Aurora on the port quarter, damaging their stern pulpit and cockpit coaming, and breaking their primary winch and winch base off which were lost overboard.

Aurora hailed that they were protesting and immediately retired from the race.

Battlestar Pegasus continued racing. They completed a two-turn penalty on a later leg of the course and completed the race.

Battlestar Pegasus admitted fault and that they had failed to keep clear as port-tack boat.



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Conclusions and Rules that Apply

Battlestar Pegasus on port failed to keep clear of Aurora on starboard, and broke RRS 10.

By delaying her two-turn penalty to a following leg of the course, Battlestar Pegasus failed to comply with the requirements of RRS 44.2.

Since Battlestar Pegasus caused serious damage by her breach, her penalty was to retire as required by RRS 44.1(b).

Decision

Battlestar Pegasus is DSQ in Race 4, Great Laker Series.

Protest Committee

Chairman	Andrew Durward	adurward@cogeco.ca
Member	Glenn Berglund	glennberglund1@gmail.com
Member	Chris Doyle	CDoyle@hodgsonruss.com

Chairman Signature

August 29, 2022

Date



HEARING REQUEST FORM and OTHER REQUESTS FOR ACTION BY THE PROTEST COMMITTEE

Received Date: Aug. 24, 2022	Time: 23:12 Aug. 24, 2022	By: AD	Protest Time Limit: 12:00 Aug. 25, 2022	Case Number: 2022-02
1. Date of Race: Aug 24/2022		Series: Great Lakes	Race Number: 3	
2. TYPE of HEARING				
<input checked="" type="checkbox"/> Protest – (an allegation that one or more boats broke a rule)		<input type="checkbox"/> Report for DP Penalty (rule 64.6)		
<input type="checkbox"/> Request for redress		<input type="checkbox"/> Report concerning a Support Person		
<input type="checkbox"/> Request to reopen a hearing (rule 66 or N1.4(b))		<input type="checkbox"/> Report of Misconduct (rule 69)		
3. MY DETAILS – The INITIATOR – the protestor, the person making the allegation, request or report				
Class/Fleet: Main & Jib	Sail No/Boat Name: Aurora 5964	OR	Committee:	
Represented By:	Name: Jens Gemmelch	Telephone: 905 321 7236		
4. The RESPONDENT – protestee, committee for redress, support person, person reported for misconduct.				
Class/Fleet or Committee: Main & Jib	Sail No/Boat Name/Person: Battestar Pegasus 3855	Telephone (if known): 716 946 5917		
5. INFORMING the PROTESTEE – If you are protesting, how did you inform the boat of your intention to protest?				
By hailing: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes				
Displaying Red Flag: <input type="checkbox"/> Not required <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				
Informed some other way: <input type="checkbox"/> No <input type="checkbox"/> Yes				
6. The INCIDENT When and Where?		Diagram (if relevant): Include wind and current.		
Brief Description. Battestar Pegasus + boned us while on a port-tack, we were on starboard-tack. witness Bad Habit				
Rules that apply: rule 10		Names of witnesses: Rick Sherk		
Request to Withdraw:		Request Approved:		

Continue on the back of this form or other paper if necessary.