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14 November 2022

Appeal 2022-02

## **J/80 RAVENETTE v J/80 PELAGIA**

2022 Aldo Alessio Race; 2022 Phyllis Kleinman Swiftsure Regatta  
St. Francis Yacht Club  
August 20-21, 2022

# **DECISION**

### **SUMMARY OF SITUATION**

RAVENETTE and PELAGIA were competing in a One Design Division in the Phyllis Kleinman Swiftsure Regatta consisting of five races over the two days of the regatta. In Race 3, RAVENETTE protested PELAGIA over an incident that occurred during a rounding at the first leeward gate.

A protest hearing was held on 21 August 2022. The protest by RAVENETTE (#80) alleged that PELAGIA (#37) failed to give *mark-room* which resulted in a collision between the two boats. The protest by RAVENETTE alleged that PELAGIA took *mark-room* to which she was not entitled, breaking rule 18.2 and by causing an ensuing collision, also broke rule 14. The protest committee upheld RAVENETTE'S protest and disqualified PELAGIA.

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

1. Wind, sea state, sailing conditions: Wind speed 18-20, flat seas, flood current, boats were traveling 7-8 knots.
2. J88s #80 and #37 were sailing downwind, approaching the gate on starboard gybe.
3. Boat 80 entered the zone clear ahead of 37.
4. Inside the zone, boat 80 gybed to port and doused her spinnaker. Boat 80 then headed up and gybed back to starboard, rounding the mark.
5. Boat 37, sailing faster, approached boat 80 from clear astern. Boat 80 hailed 'No room'.
6. There was contact between the port stern quarter of boat 80 and the bow of boat 37. There was damage to boat 80's stern pulpit.
7. Boat 37 executed a 360 degree turn after completing her rounding.
8. Both boats finished the race.
9. RRS Appendix V was in effect.

No diagram was endorsed or produced by the protest committee.

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

1. Boat 37 clear astern failed to keep clear of boat 80 clear ahead, and broke RRS 12.
2. Boat 37 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. Boat 37, clear astern at the time boat 80 reached the zone, failed to give boat 80 *mark-room* and broke RRS 18.2(b).
4. By not completely taking the two-turns penalty, boat 37 failed to comply with the requirements of RRS Appendix V1.
5. Because boat 80 finished the race, she is ineligible for redress.

**DECISION:**

The protest is upheld.

Boat 37 is disqualified from Race 3.

**APPELLANT'S BASIS FOR APPEAL:**

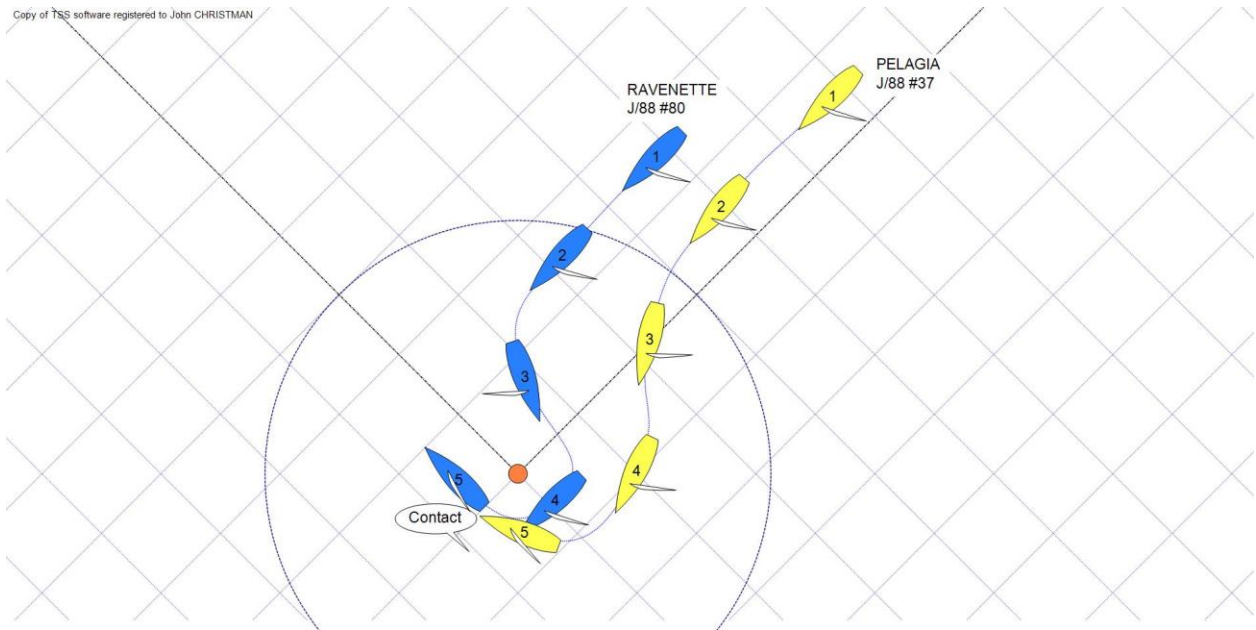
PELAGIA appealed the decision on 9/3/22 on the following grounds:

- PELAGIA (#37) provided sufficient room for RAVENETTE (#80) to round the gate mark. Prior to contact, both boats, #80 and #37, had completed the mark rounding by having left the mark astern. Therefore RRS 18.2(b) no longer applied.
- At the time of contact, #37 was the leeward boat and overlapped #80. The overlap was established due to #80's actions, when #80 gybed from starboard to port. The boats remained overlapped when #80 gybed from port back to starboard. Therefore RRS 12 did not apply.
- Following the mark rounding #37 was the right-of-way boat. #80 did not sail her proper course to close hauled and failed to give room to #37.

**PROTEST COMMITTEE COMMENTS:**

The appeals committee determined that the facts found by the protest committee were inadequate and, acting under rule R5.4(b), asked the protest committee to supply additional facts (including a diagram) to clarify those already found. The protest committee responded with the following clarifications as well as a diagram of the incident (below).

- Regarding Fact #2, the boats were rounding the mark at the starboard end of the gate from the boats' perspective as they sailed downwind, i.e. a starboard rounding.
- Regarding Fact #4, after dousing her spinnaker, #80 bore away and gybed back to starboard to round the mark.
- Regarding Fact #6, the initial contact was not on the port side of #80's hull, but on the transom at the port edge.
- Regarding Fact #8, the protest committee added that: both boats started, sailed the course, and finished Race 3.



#### SUBSEQUENT ACTIONS BY APPEALS COMMITTEE

The appeals committee circulated the revised facts and incident diagram to the parties.

PELAGIA responded that RAVENETTE was pointing well below close hauled at position 5 at the time of contact. They also added clarifying information on the damage and location of the damage sustained.

RAVENETTE did not comment.

**ASSOCIATION APPEALS COMMITTEE DECISION:****The appeal is denied.**

The appeals committee finds that the conclusions and decision of the protest committee are supported by the facts supplied by the protest committee. While the appeals committee solicited additional facts including a diagram of the incident, it concluded that none of those details contradicted the facts found in the protest committee's original decision. Rather, they were clarifications and elaborations that in no way conflicted with the original document.

The appeals committee is bound by rules 70.1(a) and R5.4(a) to accept the facts found by the protest committee unless it finds the facts inadequate. The facts found are deemed adequate and consistent. Addressing the appellant's specific points:

- By entering the zone clear ahead of boat 37, boat 80 was entitled to *mark-room* and was sailing within the *mark-room* to which she was entitled when boat 37 collided with boat 80's transom.
- Both boats were in the process of "rounding" when the contact occurred.
- Boat 80 was clear ahead at the time the contact occurred.
- There is no requirement for a "clear ahead" boat to sail or come to her "proper course".
- The appeals committee has decided that the conclusions and decision reached by the protest committee are supported by the facts found.
- The protest committee properly applied the rules in their analysis of the situation, specifically rules 12, 14, and 18 were properly applied based on the facts found.

The Appeals Committee of the Yacht Racing Association of San Francisco Bay

s/John Siegel  
John Siegel, Acting Chair

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