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23 December 2022

Appeal 2022-03

StFYC Protest Committee Request for Redress for Race 1
2022 Fall Dinghy Regatta & I420 Pacific Coast Championship
22-23 October 2022

DECISION

SUMMARY OF SITUATION

The 2022 Fall Dinghy Regatta & I420 Pacific Coast Championship regatta was scheduled for a maximum of six races for each of nine classes on two different race areas, City Front and Fort Mason, over two days. On Saturday, 22 October, while the boats were on the water, the wind increased from 3-5 knots to 27 knots.

On the City Front race course, the signal boat displayed AP over H with the appropriate sound signals after starting four fleets and prior to the start of the fifth fleet in the first race.

On the Fort Mason race course, the Signal boat displayed N over A with the appropriate sound signals.

On both race courses, after making their respective signals, the Race Committee (RC) assets (signal and mark set boats) began acting as safety boats, offering assistance to any boat that required it.

One hour and ten minutes after AP over H was displayed by the City Front Signal boat, the RC displayed N over A on the flagpole on the StFYC race deck with the appropriate sound signals. According to the sailing instructions, this was a signal made ashore. At that point no races were in progress, one boat was in tow, one was on the beach, and all others were in the harbor.

It was later learned by the Protest Committee (PC) that the RC made the N over A signal ashore but subsequently scored fleets in Race 1. None of the affected boats requested redress. The PC filed a hearing request under rule 60.3(b) on Sunday at 1035 AM requesting redress for all classes that were scored in Race 1 on Saturday. The PC held a hearing, Hearing 01, with only the RC attending the hearing as a party, and posted their decision, to abandon Race 1 for all fleets, on Sunday at 1746.

On Monday, 24 October 2022, the PC decided to reopen Hearing 01 per rule 66.1 and identified it as Hearing 05. Hearing 05 was held using Zoom on 27 October 2022 and the new decision was posted at 1819 that evening. In addition to the RC, six competitors attended this hearing as parties.

The decision by the PC was that all races for all fleets on Saturday were to be abandoned and that the series scores should be adjusted accordingly.

The Race Committee appealed.

FACTS FOUND BY PROTEST COMMITTEE

1. After racing had commenced for the day on Saturday, the wind increased from 3-5 knots to more than 27 knots.
2. The City Front Signal Boat posted AP over H at approximately 12:17.
3. The Fort Mason course hoisted N over A.
4. On the race deck flagpole, N over A was hoisted and signaled at approximately 13:27.
5. Scores were posted for Race 1.

CONCLUSIONS, APPLICABLE RULES, AND DECISION OF THE PROTEST COMMITTEE

1. Rule RRS 90.3(a) and US Appeal 100 applied.
2. By signaling N over A on the race deck without class or race number indicated, the RC made an error in scoring race number 1 in all fleets.

The scores for race number 1 are to be eliminated, and the regatta scores starting with the first race sailed on Sunday.

BASIS FOR APPEAL

The RC based their appeal on:

1. **The Request for Redress by the PC should be invalid as not satisfying Rule 62.1 Introduction and 62.1(a)**

The Request for Redress by the PC does not satisfy rule 62.1 Introduction and 62.1(a). The PC did not identify a single boat whose score was made worse by the display error of the RC and “through no fault of her own”. The PC filed the redress request on its own, not as a response to a competitor’s request. Nor did the PC witness the incident.

2. **The PC does not have the authority to direct the RC to abandon any race or races after this RC signal error and the RC did not intent to abandon.**

The PC did not properly apply rule 90.3(a) and US Appeal 100. US Appeal 100 refers to rule 32.1 giving the RC permission to abandon a completed race.

3. **The interpretation of N over A as abandoning all prior races is not reasonable.**

Consider the implication had the RC made this signal after the fifth race in the series. How many races would the PC direct the RC to not score as it directed the RC to do with race 1 in this case?

COMMENTS RECEIVED

The AAC received comments from the race committee, from competitors, and from the PC. All these comments included statements of facts not found in the protest decision. One statement, by the PC, was that some boats were told by safety boats to return to shore even though the RC had displayed AP over H. As this was not a fact found in the hearing, the AC takes no position on those safety-boat actions.

ASSOCIATION APPEALS COMMITTEE DECISION**The appeal is upheld.**

The AAC finds that the meaning of N over A is that all races in progress are abandoned and boats should expect no further racing that day. It does not abandon races already completed. The PC erred in their interpretation of the meaning of N over A by abandoning all races, including those that could have been scored, by not considering:

- The context of the statement in Race Signals. N without any additional modification means that “All races that have started are *abandoned*.” The remainder of the definition describes what the boat is to do next, i.e. “Return to the starting area” with the expectation that another race will be started shortly after the removal of the N flag. The clear intent of the addition of H or A to the N flag is to change the boat’s expectations concerning what happens next. The H flag indicates that the boat should expect additional signals ashore and there may be additional racing today. The A flag indicates that there will be no more racing today and that the competitors may derig their boats and leave the venue without missing a race. Neither of these is intended to change the basic meaning of the N flag. The signal N over A is commonly displayed afloat to mean that the races in progress are abandoned and there will be no more racing that day
- The audience for signals made on the water and on shore. Signals made ashore are intended for when the fleets are ashore. Signals made by the signal boat are intended for those boats on the water in the vicinity of the racing area. In this case, the signals made on the water were followed by those made on shore. As no boat considered to be on shore was part of a race that has started, the meaning of N over A when displayed ashore cannot have the effect of abandoning a race that has been completed. The only reasonable interpretation is that there will be no more racing today.
- The expectations of the competitors. For competitors on the Fort Mason course, where N over A had already been displayed, the signal made ashore was a duplicate signal and had no additional meaning. For the competitors on the City Front course, where AP over H had been displayed on the water, the display of N over A ashore informed the competitors that there would be no more racing today. There was no expectation that this also meant that the races that had been completed would be abandoned.

The AAC agrees that there is some ambiguity in the meaning of the signal as written. However, when faced with such an ambiguity, the PC should interpret the rule as it is commonly understood by the competitors in line with long-standing practice.

Addressing the appellant’s specific points, the AAC:

1. does not address the question of whether all of the requirements for redress were met. In deciding this case, it was sufficient for the AAC to determine that the PC’s interpretation of N over A was incorrect and, therefore, there was no error made by the RC in scoring races already completed.

2. does not address the question of whether the removal of all scores from Race 1 was appropriate redress. In deciding this case, it was sufficient for the AAC to determine that the decision by the PC to grant redress for the posting of scores in completed races was incorrect, without dealing with the actual redress granted. If a PC has correctly determined that one or more boats are entitled to redress, the PC has wide latitude to decide what the appropriate redress is, provided they make as fair an arrangement as possible for all boats affected.
3. concludes that to interpret this signal, whether displayed on the water or on shore, as abandoning all races, without limitation, is not the correct meaning of the signal. That interpretation would lead to the absurd conclusion that N over A displayed in the last race of a series would abandon all races of the series.

The AAC also notes that:

- signaling N over A over a race number, as suggested by the PC, is not an option available to the RC per the Race Signals.
- if there were other RC actions that may have been improper, the boats may request (rule 60.1(b)) and the PC may consider redress (rules 60.3(b) and 63.1).
- the RC may, of course, abandon any race, even one that is already scored, subject to the requirements of rule 32.1.

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



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