



PROTEST FORM

also for requests for redress and reopening
www.ussailing.org

Date & time received 9/30/17 1:49pm
Received by [signature] Filing no. _____

Fill in and check as appropriate

1. EVENT SUMMER Series Organizing authority CHNYC Date 27 Sep 2017 Race no. Race 1 on 9/27
Race 7 of Summer Series
2. TYPE OF HEARING
- ☐ Protest by boat against boat
 - ☐ Protest by race committee against boat
 - ☐ Protest by protest committee against boat
 - ☒ Request for redress by boat or race committee
 - ☐ Consideration of redress by protest committee
 - ☐ Request by boat or race committee to reopen hearing
 - ☐ Consideration of reopening by protest committee

3. BOAT PROTESTING, OR REQUESTING REDRESS OR REOPENING

Class Rhodes 19 Sail no. 14 Boat's name Jun o
Represented by JEFF MOYER Tel. 401-741-7184 E-mail SMOYER1964@gmail.com

4. BOAT(S) PROTESTED OR BEING CONSIDERED FOR REDRESS

Class Rhodes 19 Sail no. 14 Boat's name Jun o

5. INCIDENT

Time and place of incident ~1730 Near race mark #11

Rule(s) alleged to have been broken AS (by RC) Witness(es) PRO (JEFF Schuldheiss), remainder of fleet

6. INFORMING PROTESTEE How did you inform the protestee of your intention to protest?

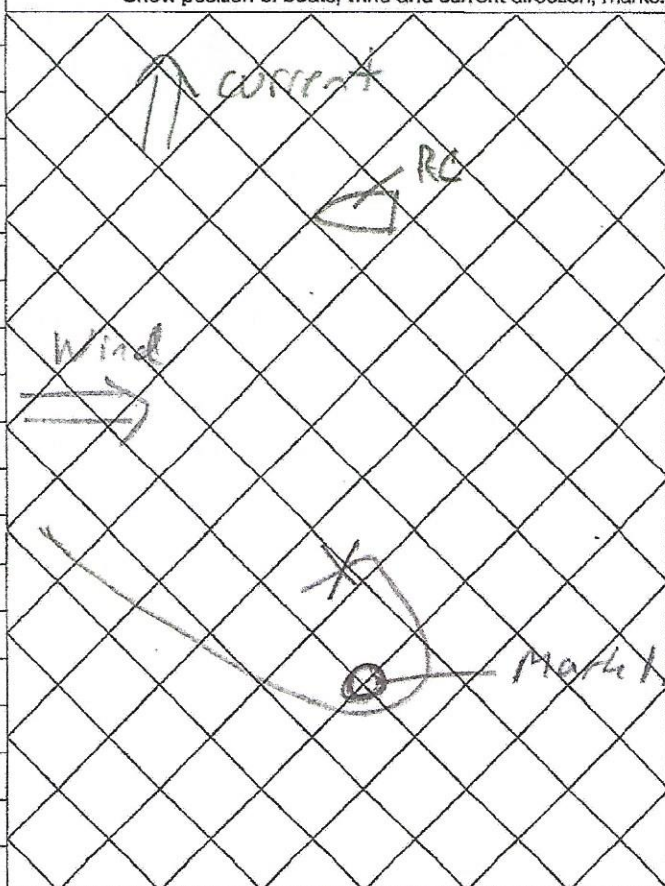
- ☐ By hailing When? _____ Word(s) used _____
- ☐ By displaying a red flag When? _____
- ☐ By informing her in some other way Give details Notice was emailed to the R.C.

7. DESCRIPTION OF INCIDENT

(use another sheet if necessary)

see attached

Diagram: one square = one hull length
Show position of boats, wind and current direction, marks.



Mark 12
~50 yds to
windward

Diagram is endorsed by Protest Committee
As Modified Above.

8. During the entire season the finish procedure was 1 horn for the 1st boat + no other sounds.

7. After the race the RC chair became aware of the circumstances + rescored the race results + sent them out with an extension of the redress deadline.

THIS SIDE FOR PROTEST COMMITTEE USE
Fill in and check as appropriate.

Class R-19 Race# 9/27 Filing# 1
Heard together with numbers _____

☐ Withdrawal requested; signature _____

☐ Withdrawal permitted

Protest time limit _____

☐ Protest, or request for redress or reopening, received within time limit

☒ Time limit extended

Protestor, or party requesting redress or reopening, represented by Seth Moyer (#14)

Other party, or boat being considered for redress, represented by Boats Affected - GUNZELMAN (#12)

Names of witnesses McDonald (#16), Jencks (#17)

Witnesses - Campbell (#12) + Kimberly (#17)

Interpreters RC - Jeff Schildhies / Ed Lyons (RC boat driver)

No objection about interested party _____

Written protest or request identifies incident _____

'Protest' hailed at first reasonable opportunity _____

No hail needed; protestee informed at first reasonable opportunity _____

Red flag conspicuously displayed at first reasonable opportunity _____

☒ Protest or request valid; hearing will continue

☐ Protest or request invalid; hearing is closed to 9/30/17.

FACTS FOUND

1. After the start the conditions began to diminish with dropping wind to 5-6 kts + approaching fog that was affecting visibility. Current was approx. 1/2-1 kt.
2. The RC boat remained anchored with mark #11 to port + hoisted "S" with 2 sound signals. The orange line flag was changed to a blue flag. This was done while the boats were in the vicinity of mark #12.
3. Boat #14 was well ahead of the rest of the fleet and had a speed of 3 kts. As #14 approached #11 she left it to port, rounded it + lifted to a close hauled course on port tack. Then #14 tacked to starboard + crossed the finish line from the leeward side. #14 was close to mark #11 during this process.
4. The RC sounded 1 horn as #14 crossed. There were no other sound signals made. #14 tacked back to port + cleared the finish area.
5. #16 had been in 6th place on the downwind leg but observed the finish line + sailed straight to the finish line where it crossed from the windward side (direction of previous mark #12). ~~At~~ There was no sound

☒ Diagram of boat #14 is endorsed by committee.

☐ Committee's diagram is attached.

CONCLUSIONS AND RULES THAT APPLY

1. RC PRO acted correctly in accordance with RRS 32.1(6) and 32.1(d). His actions were correct 32.2(a). The RC, while acting using this fleet accepted practice of giving the 1st boat a horn + by giving a horn to a boat ~~for~~ crossing the finish line from the wrong side. Relying upon the horn, a RC action, #14 made no attempt to unwind #11 + cross the line properly. No other boat attempted to unwind #11. The RC acted properly to rescore the race using def. finish + A3, A4.2 + A5. [See back]

DECISION

Protest: ☐ dismissed Boat(s) _____ is (are)

☐ disqualified from race(s)

☐ penalized as follows _____

Redress: ☐ not given ☒ given as follows All boats scored as they crossed the finish line (from either direction)

Request to reopen a hearing: ☐ denied ☒ granted Reopened via email

PROTEST COMMITTEE

Members Tripp Allyn

Chairman's signature Tripp Allyn

Date & time 10/6/17 8pm

Written decision requested

When 10/16/17

By whom M. McDonald

Date provided not sent - more

5. (cont'd) signal. After finishing #16 sailed up + down the line sailing at the other boats + possibly hindered them.

6. #11, 12, 17, 10 left mark #11 to port + rounded, lifted to close hauled + crossed the line. No sound signals were made. There were no hints of protest. (The four boats were in a loose group) Their place by the race. There was no shuffling of (The four boats were in a loose group)

Seth Mayer - Request For Redress - Race 9/27/17 - CHNYC R-19

Conclusions & Rules (contd.)

Had the RC made NO signal when #14 crossed from the wrong side there was sufficient time for #14 to unwind & cross the finish line properly - still in first place. Thus, this action by the RC led to confusion & affected the finish position of #14. While #16 may have finished one or more finishes, no one signalled "Protest" & the protest ^{committee} cannot take action due to RRS 60.3(a).

Case 129 supports the RC action of RC boat placement at the shortened course ^(Mark #11), but it still requires finishing properly. Case 45 is the only relief, after taking extensive testimony to best determine the facts & probable results. Using 45 permits an arrangement which is the most fair - the order in which they crossed the finish line. Had the RC not sounded the horn for #14 in error the only result could be as the RC chair rescued the race (#16 first, all others DNF). Note: these circumstances will result in add'l. training for RC members. Also, normal procedures were followed to permit questioning and cross examination. No one, at any time, expressed any objections to this procedure. The "other boats" stated that, had they seen #14 unwinding at #11, they would have sailed directly for the finish line & crossed it properly.

Tripp Alyn

From: Brenda and Seth Moyer <rimoyers@cox.net>

(#14)

Moyer p.1

To: Kim Lyons <kimlyons@aol.com>; kimlyons.chnyc <kimlyons.chnyc@gmail.com>; Scott Viloudaki <scottviloudaki@gmail.com>

Subject: Re: Results for Wednesday Racing 9/27/2017

Date: Sat, Sep 30, 2017 1:49 pm

Attachments: Scan0077.pdf (1723K), Redress Request Boat 14 27 Sept 2017.docx (52K)

Hi Kim,

(RC CHMN)

I'm sure you're not surprised to see us requesting redress to the change in scoring. I've attached the scan of the full redress request but also the word file that includes the description for block 7. I'll be happy to work with you and Tripp to arrange a mutually agreeable date for the hearing (I've got quite a bit of travel during Oct - but I'm sure we can figure out a day/time).

Thanks for your efforts as RC this year!

Regards,

Seth Moyer (#14)

On 9/29/2017 3:54 PM, Kim Lyons wrote:

Hi everyone,

The results for the Wednesday Race (9/27) are posted on the CHNYC Forum and attached. The initial finishing order reported by the RO was 14, (16), 11, 12, 17, 10, 18. The race results were corrected in accordance with RRS 32.2, RRS A3 and RRS A5. The window for submitting a request for redress has been extended from Friday, 29 Sep 1600 to Saturday, 30 Sep, 1600. Request for Redress forms can be scanned and sent kimlyons.chnyc@gmail.com.

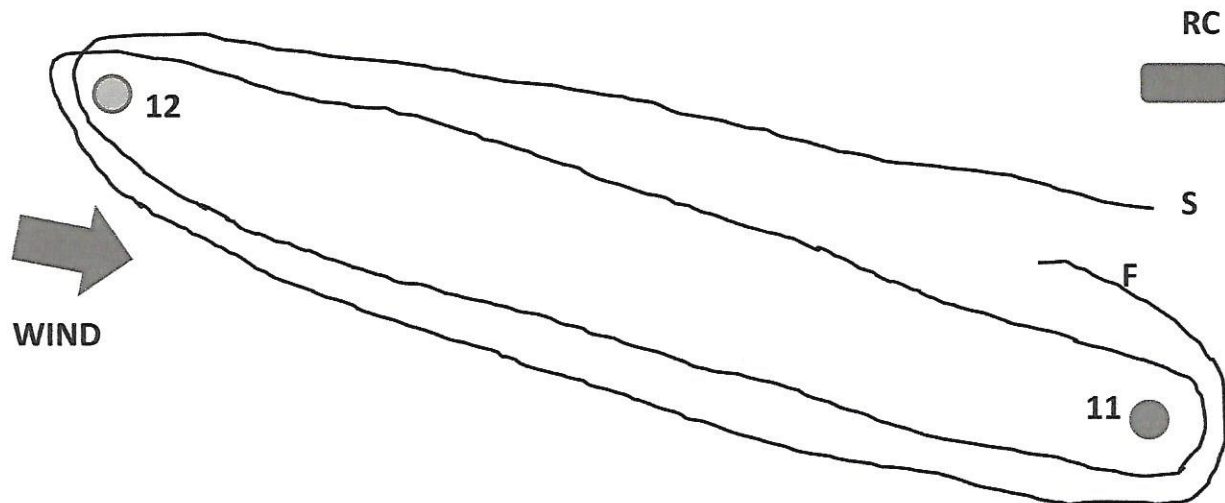
Have a great weekend!!

Kim RC chair

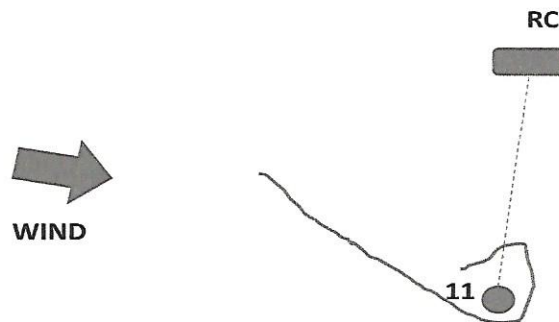
90.3

Description of situation on the water.

The course settled on by the Principal Race Officer (PRO) on 27 Sept 2017 was 12p 11p (twice around), creating a race course as shown below:



Due to light winds and encroaching fog, the PRO made the decision to shorten the course prior to any of the boats rounding #11 on the first leg. The PRO did not move the RC boat relative to mark #11 in establishing the finish line. The lead boat (#14) continued to take mark #11 to port and then tacked to cross the finish line, as shown below:



As the lead boat #14 crossed the finish line as shown, the PRO provided a whistle finishing signal, indicating to #14 that they had finished in first place. The first place finish for boat #14 was recorded by the PRO as indicated in the email from Kim Lyons on 29 Sept.

Request for Redress.

Boat #14 requests redress of the RC decision to modify the scoring as provided by the PRO. This redress request is undertaken in accordance with RRS 62.1 as Boat #14's score and place in a race or series has been made significantly worse by an improper action or omission of the race committee (condition a of 62.1), through no fault of our own. Boat 14's score and place in the series have been made

significantly worse by this action. Not only did our score in the race in question change from 1 to DNF, the resultant effect on our place in the summer series and the overall season would be changed from First to Second as a result of the RC action.

The basis for this redress, relative to an improper action or omission of the race committee, has multiple factors.


- (1) The RC acted against RRS A5 – Scores determined by the race committee. By changing the original PRO race scoring without a hearing, the RC violated this rule. None of the conditions of the first sentence of A5 apply that allow the race committee to modify scores without a hearing. By rule A5, only the protest committee may take other scoring actions that worsen a boat's score. This rule was not followed.
- (2) Regarding whether Boat #14 indeed *finished*, it is clear from the PRO's actions that Boat #14 finished as the PRO intended.
 - a. Firstly, by keeping the RC boat in its original position the PRO was signaling to the fleet that the finish was to be as originally planned (per the first figure above), by taking Mark 11 to port and then crossing as shown. If an alternate finish was intended, proper race management (as indicated in several Race Management guides) would have called for the PRO to move the RC boat to the other side of Mark 11 so that the boats could have finished down wind without rounding mark 11 while still keeping it to port.
 - b. More importantly, as boat #14 crossed the finish line as shown above, the PRO provided a whistle finish signal indicating to boat #14 (and the remainder of the fleet) that #14 had finished in the manner intended by the PRO.
- (3) Further, Boat #14 had a significant lead over the remaining boats at the time it finished. If the PRO had not signaled to boat #14 that it had finished, there was still sufficient time for boat #14 to reverse course, take mark #11 to starboard and finish in the opposite direction and still win the race. However, since boat #14 had been signaled as finishing, boat #14 had no reason to take this action and left the finish area as to not create an obstruction to other boats.
- (4) If it is determined that, by providing a finish signal to boat #14, the PRO took action that is inconsistent with the RRS or related cases, this should be deemed an improper action or omission of the race committee (per RRS 62.1) as the PRO is the on water representative of the race committee. This should then contribute to the determination of redress decision, not result in a DNF for the fleet who finished as intended (and signaled) by the PRO.

Accordingly, and in consideration of the basis for redress above, Boat #14 requests that its original first place score as recorded by the PRO be reinstated and that equitable scoring for the remainder of the fleet be determined in recognition of their position relative to the finish line at the completion of the race.



CHNYC RACE COMMITTEE WORK SHEET



Event	Rhodes 19 Series					Race Officer		Ed Lyons
Date/Race#	27 Sept 17					Assistant		Jeff Schuldheiss Maurice Lynch
Wind	Time	Wind Dir	Speed	Gust	Data	Time	Comment	
Forecast		East			Low Tide			
Actual					High Tide			
Actual					Sunset			
Time	Min	Signals				Meaning		Signaled Course: (12p 11p Twice)
	5	Class Flag(s) UP with sound				Warning		
	4	"P" or "I" or "Z" or "Z/I" or "Black" UP with sound				Preparatory		
								
	1	Preparatory Flag(s) DOWN with long sound						
	0	Class Flag(s) DOWN with sound				Start		OCS/Recalls:
Boat # Check-in	Skipper			Finish Place	Boat #	Finish Time/Comment		
1	Schuldheiss / Dill			1				
7	DeAscentis / Stefani			2				
10 ✓	Petres			3	6	17:36:21		
11 ✓	Terkanian / Kniffen			4	3	17:35:48		
12 ✓	Gunzelman / Coupland			5	4	17:35:55		
14 ✓	Moyer / Viloudaki			6	1	17:34:45		
16 ✓	McDonald			7	(2)	17:35:45		
17 ✓	Lyons / Jencks			8	5	17:36:07		
18 ✓	Herne			9	7	17:41:45		
				10				
				11				
				12				
				13				
				14				
				15				
				16				

Comment:	Intent to protest recorded at finish?
1	