



**Ontario Sailing Appeal # OS2012-06**

**It's a Conspiracy vs Heart Breaker**

Heart Breaker is appealing the decision of the Protest Committee at Bronte Harbour Yacht Club on June 20, 2012

<b>Rule 61.2(b)</b>	<b>Protest Contents</b>
<b>Rule 63.2</b>	<b>Time and Place of the Hearing</b>
<b>Rule 63.3(b)</b>	<b>Right to be Present</b>
<b>Rule 63.5</b>	<b>Validity of the Protest</b>
<b>Rule 63.6</b>	<b>Taking Evidence and Finding Facts</b>
<b>Rule 63.4</b>	<b>Interested Party</b>
<b>Rule 66</b>	<b>Reopening a Hearing</b>
<b>Rule 70.1</b>	<b>Appeals</b>
<b>Rule 78.1</b>	<b>Compliance with Class Rules</b>

*When a protest committee determines a protest is invalid an appeal must be on the issue of validity and not on contents of the invalid protest.*

**Summary**

It's a Conspiracy protested Heart Breaker for using an unmeasured sail in Races 2, 3, 4, and 5 of the Thursday series of Bronte Harbour Yacht Club. No description of the incident was provided on the protest form.

The protest committee ruled the protest was invalid under rule 61.2(b) and thus closed the hearing under rule 63.5

Heart Breaker appealed the decision of the protest committee alleging that the protest committee heard the protest at a time when the owner was unavailable, that the protest committee took evidence from an unqualified authority, that the sail does not require measurement, and that the protest committee showed bias towards Heart Breaker

**Decision of the Ontario Sailing Appeals Committee.**

Appeal denied.

Heart Breaker is not appealing the decision of protest committee that determined that the protest was invalid. Once a protest is ruled invalid the matter is closed.

OS Appeals Committee,

Peter Wood, NJ, Chairman

Wendy Loat, NJ

Alex McAuley, IJ

Katie Nicoll, NJ

Robert Stewart, IJ