



Ontario Sailing Appeal #OS2015-03

Force 10 v Mindemoya

Mindemoya is appealing the decision of the protest committee at the Kingston Yacht Club on 7 July 2015 for a race held on 30 June 2015.

Rule 11 On the same tack, overlapped

Rule 70.1 Appeals and Requests to a National Authority

When overlapped on the same tack, a windward boat shall keep clear of a leeward boat.

Facts found (including additional facts (in italics) provided under rule R5)

1. *Force 10 and Mindemoya were sailing on converging courses.*
2. Force 10 established an overlap to leeward of Mindemoya *several boat lengths below the starting line.*
3. *At least 10 seconds* after Force 10 established the overlap on Mindemoya, Force 10 had to alter course below their proper course, to avoid Mindemoya.
4. *When Force 10 changed course, the boats were within a boat length of each other.*

The protest committee concluded that Mindemoya broke rule 11 when she failed to keep clear of Force 10, who was leeward boat. It disqualified Mindemoya.

Mindemoya appealed claiming that the protest committee did not determine any facts concerning angles, distances, courses, speeds, directions or the timing of the incident. The remainder of the document submitted by the appellant seeks to introduce his own description and diagram of the incident, which is not permitted by rule 70.1(a). This information was not presented at the time of the hearing because the appellant was neither Mindemoya's representative nor a witness at the hearing.

Decision of the appeals committee

Appeal denied. The facts show that the boats converged and Mindemoya to windward did not keep clear of Force 10, breaking rule 11.

OS Appeals Committee:

Ms. Wendy Loat, NJ, Chairman

Ms. Kathy Dyer, IJ

Mr. Robert Stewart, IJ

Ms. Katie Nicoll, NJ

Mr. Peter Wood, NJ

•• September 15, 2015