



# Protest Form

also for requests for redress and reopening

Fill in and check as appropriate

Axel.Mehnerdt@sbcglobal.net

Date and time received May 16, 2017  
 Received by A. Shand Filing no. \_\_\_\_\_  
 Protest time limit 10 pm

1. EVENT FWS#5 Organizing authority SBYC Date May 26 19 Race no. 1

### 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 F Sail no. 41227 Boat's name Heart of Gold  
 Represented by AXEL MEHNERDT Tel. 408748207 E-mail AXEL.MEHNERDT@SBCGLOBAL

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

Class F Sail no. 18619 Boat's name Northern Lights - DFT

### 5. INCIDENT

Time and place of incident 2:07 pm first downwind leg  
 Rule(s) alleged to have been broken \_\_\_\_\_ Witness(es) \_\_\_\_\_

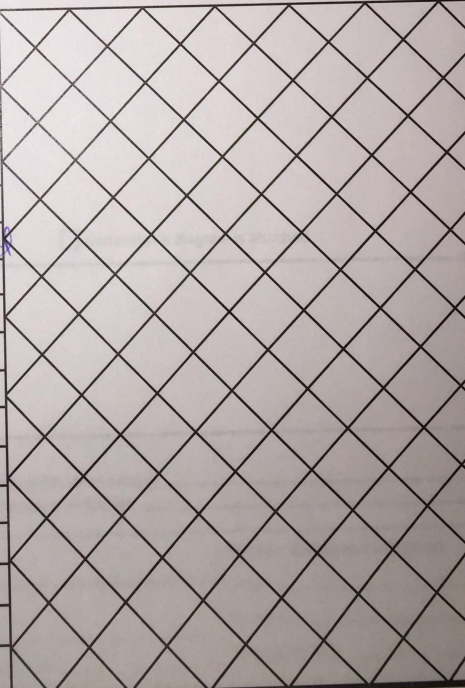
### 6. INFORMING PROTESTEE How did you inform the protestee of your intention to protest?

- By hailing When? IMMEDIATE Word(s) used PROTEST
- By displaying a red flag When? IMMEDIATE
- By informing him/her in some other way Give details \_\_\_\_\_

### 7. DESCRIPTION OF INCIDENT (use another sheet if necessary)

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

On the first downwind leg Northern light came from clear eastern and did not keep clear when changing her position from leeward to windward of Hogs. NC took Hogs stern while doing so. NC kite touched Hogs Backstay, the Helium wire of Hogs could touch the kite





# Protest Form

also for requests for redress and reopening

Fill in and check as appropriate

Date and time received May 26 2017  
 Received by f. Sheehan Filing no. \_\_\_\_\_  
 Protest time limit 10 pm

1. EVENT PNR Organizing authority SPYC Date 5/26/17 Race no. #1; F

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 F Sail no. 18617 Boat's name Northern Light  
 Represented by Red Neathery Tel. 408 736 8733 E-mail Neathery@comcast.net

4. BOAT(S) PROTESTED OR BEING CONSIDERED FOR REDRESS  
 Class F Sail no. 41329 Boat's name Heart of Gold

5. INCIDENT  
 Time and place of incident 7:10 pm approaching NAS1 on 1st leeward leg  
 Rule(s) alleged to have been broken irregular/round Witness(es) crew of both boats

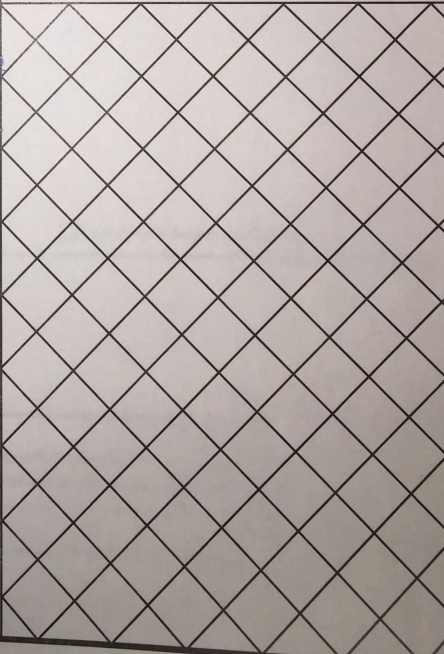
6. INFORMING PROTESTEE How did you inform the protestee of your intention to protest?  
 By hailing When? "protest" immediately Word(s) used "protest"  
 By displaying a red flag When? right away - approx 30 seconds  
 By informing him/her in some other way Give details \_\_\_\_\_

7. DESCRIPTION OF INCIDENT (use another sheet if necessary)

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

Northern Light (NL) + Heart of Gold (HOG) were on a starboard broad reach approaching the NAS1 mark. \* NL hiked HOG to head up to keep clear several times. HOG made no attempt to head up. HOG was slowly moving faster than NL. HOG hailed "No Overtake". Shortly after that the spinaker of NL ~~was~~ touched the backstay of HOG.

\* NL was leeward and HOG was windward.



<b>THIS SIDE FOR PROTEST COMMITTEE USE</b> <i>Fill in and check as appropriate</i>	Class: <u>F</u> Race: <u>5</u> Filing: <u>5</u> Heard together with numbers: <u>6</u>
---	--

<input type="checkbox"/> Withdrawal requested; signature: <input checked="" type="checkbox"/> Protest or request for redress/reopening, rec'd within time limit Protestor, or party requesting redress or reopening, represented by: Other party, or boat being considered for redress, represented by: Names of witnesses: _____ Interpreters: _____ <input checked="" type="checkbox"/> Conflict of interest declared    Objections: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Written protest or request identifies incident <input checked="" type="checkbox"/> 'Protest' hailed at first reasonable opportunity <input type="checkbox"/> No hail needed; protestee informed at first reasonable <input checked="" type="checkbox"/> Red flag conspicuously displayed at first reasonable opportunity <input checked="" type="checkbox"/> Protest or request valid; hearing will continue	<input type="checkbox"/> Withdrawal permitted <input type="checkbox"/> Time limit extended <u><b>Axel Mehnert (Heart of Gold)</b></u> <u><b>Rod Neatherly (Northern Light)</b></u>  <div style="text-align: right;"><b>Remarks</b></div>   <input type="checkbox"/> Protest or request invalid; hearing is closed
--	---

<b>THIS SIDE FOR PROTEST COMMITTEE USE</b> <i>Fill in and check as appropriate</i>	Class: <u>F</u> Race: <u>5</u> Filing: <u>6</u> Heard together with numbers: <u>5</u>
---	--

<input type="checkbox"/> Withdrawal requested; signature: <input checked="" type="checkbox"/> Protest or request for redress/reopening, rec'd within time limit Protestor, or party requesting redress or reopening, represented by: Other party, or boat being considered for redress, represented by: Names of witnesses: <u><b>Cat Reining (NL), Jason Wells (NL)</b></u> Observer: Kirk McClelland _____ <input checked="" type="checkbox"/> Conflict of interest declared    Objections: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Written protest or request identifies incident <input checked="" type="checkbox"/> 'Protest' hailed at first reasonable opportunity <input type="checkbox"/> No hail needed; protestee informed at first reasonable <input checked="" type="checkbox"/> Red flag conspicuously displayed at first reasonable opportunity <input checked="" type="checkbox"/> Protest or request valid; hearing will continue	<input type="checkbox"/> Withdrawal permitted <input type="checkbox"/> Time limit extended <u><b>Rod Neatherly (Northern Light)</b></u> <u><b>Axel Mehnert (Heart of Gold)</b></u>  <div style="text-align: right;"><b>Remarks</b></div>   <input type="checkbox"/> Protest or request invalid; hearing is closed
---	---

**FACTS FOUND:**

- 1) Judge Mr. Molnar declared a possible conflict of interest as he was a neighbor of Mr. Neatherly about ten years ago and sailed aboard Northern Light.
- 2) At the time of the incident the wind was 10-12 kts, seas were 2-3 ft and current was not a factor.
- 3) Northern Light (NL), a Santana 35 and Heart of Gold (HG), an Olson 911S, were broad reaching to a leeward mark.
- 4) The boats were on starboard tack and overlapped at a distance more than two boat lengths for some minutes with HG to windward of NL.
- 5) HG was sailing a slightly lower course and slightly faster.
- 6) HG advanced to a position where NL bow was only overlapped 1½ meters across HG transom line and 2 meters to leeward. The gap between the boats expanded and contracted as the boats 'traded waves'.
- 7) NL hailed "leeward boat". A moment later HG responded "overlap" as she sighted her transom line against the bow of NL.
- 8) HG changed course 10-15 degrees to windward in an attempt to clear her transom line ahead of NL. Again sighting the bow of NL, she hailed "no overlap" as the transom line cleared the bow of NL.
- 9) HG resumed her course with NL's bow now again across the HG transom line.
- 10) NL changed course 10-15 degrees to windward.
- 11) After 2-3 seconds, while still changing course to windward, the spinnaker of NL contacted the backstay of HG.

- 12) There was no damage as a result of the contact.
- 13) Neither boat did a penalty turn.

14) After the original hearing closed, the PC decided it made a significant error and reopened the deliberations under RRS 66 and added conclusion #5 which changed the decision.

Diagram of boat endorsed by committee.       Committee's diagram is attached.

**CONCLUSIONS AND RULES THAT APPLY:**

- 1) HG was a windward overlapped boat required to keep clear of NL. She failed to do so and thereby broke RRS 11.
- 2) NL was a leeward right of way boat changing course toward HG. She was required to give HG room to keep clear, failed to do so and thereby broke RRS 16.1.
- 3) As there was no damage as a result of the contact and NL was the right of way boat, she is exonerated under RRS 14(b).
- 4) As there was no damage as a result of the contact and HG was entitled to room, she is exonerated under RRS 14(b).
- 5) While HG was sailing within her room she broke a rule of section A as a result of NL breach of rule 16 and HG is entitled to exoneration under RRS 21.

**DECISION:**

Boats HG and NL are ~~disqualified~~      Boat NL is  disqualified from race 5.

<p><b>PROTEST COMMITTEE:</b>  Members: Fred Molnar, Charlie Roskosz, Mike Gross (chair)  Chairman's signature: mikegross  Date and Time: 6/29/17 2011 hrs      Reopen: 7/1/17 0900 hrs</p>	<p><b>Written decision requested</b>  When  By whom  Date provided</p>
--	--

