

# HEARING DECISION BY A PROTEST COMMITTEE

Filing  Heard with  Race   
Event

**TYPE OF HEARING** ☐ Protest ☒ Redress ☐ Reopening ☐ Support Person

**PARTY: Protestor / Requester / Person Reporting**

Boat (sail #, name, etc.)   
-OR- Committee   
Person/Represented by

**PARTY: Protestee / Committee / Reported Person**

Boat (sail #, name, etc.)   
-AND/OR- Committee   
Person/Represented by

**WITNESSES** Name (Role)

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**BEFORE THE HEARING (without parties present)**

----- Relevant information -----

- Committee member conflict of interest? ☐ Yes ☒ No  
Committee member witness? ☐ Yes ☒ No  
US Sailing Prescriptions 63.1 & 63.2 satisfied? ☒ Yes ☐ No ☐ N/A

  
  

**PROCEDURAL MATTERS (with parties present)**

- Party needs time to prepare? ☐ Yes ☒ No ☐ N/A  
Hearing proceeds without party? ☒ Yes ☐ No ☐ N/A  
Objection based on conflict of interest? ☐ Yes ☒ No  
Representatives on board at time of incident? ☒ Yes ☐ No ☐ N/A

  
  
  

**VALIDITY OF PROTEST OR REQUEST**

- Filed within relevant time limit? ☒ Yes ☐ No ☐ Extended  
Identifies incident (protest) / reason (request)? ☐ Yes ☐ No ☐ N/A  
Identifies where and when (protest)? ☒ Yes ☐ No ☐ N/A  
Identifies any rule believed broken? ☐ Yes ☐ No ☒ N/A  
'Protest' hailed (first reasonable opportunity)? ☐ Yes ☐ No ☒ Exception  
Flag displayed (conspicuously, at first reasonable opportunity, and until no longer racing)? ☐ Yes ☐ No ☒ Exception  
Crew in danger, injury, or serious damage? ☐ Yes ☐ No ☒ N/A  
Informed some other way? ☐ Yes ☐ No ☒ N/A  
Other validity requirements satisfied? ☒ Yes ☐ No ☐ N/A

  
  
  
  
  
  
  
  

**VALIDITY CONCLUSION**

Protest or request is valid? ☒ Yes  $\Rightarrow$  Hearing proceeds ☐ No  $\Rightarrow$  Hearing closes

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**PARTY**

**PARTY**

## FACTS FOUND (Number 1, 2, etc. for easy reference)

- 1) On 7/21/21 at 23:09:01 PDT. One crewman and owner had contact with white strobe light in water. No vessel nearby, nor lights nearby. The crew started procedures for man overboard. Initiated MOB on instruments to mark location. Started emergency take down of spinnaker 2A (wind speed 27+ kts). In take down the sail was torn and loss overboard. Within 8 minutes spinnaker was down motor on and engaged, and boat turned around heading back to MOB location at 27 8'N 144 2.6'W. Called on VHF CH16 seeking any boat in the area and alerting of our spotting the strobe in the water.
- 2) At 23:32 crew obtained visual contact with strobe light.
- 3) At 23:44 crew made contact with strobe light. It was identified as a buoy, with a second red fishing buoy attached.
- 4) At 23:48 cleared on VHF CH 16.
- 5) 7/22/21 at 00:03 Crew made visual contact with fishing boat in the area. Crew searched the area for any other vessels or lights in vicinity, there were none. Crew only saw them after they turned on their light. After multiple attempts to contact on CH16 they finally replied. They identified at being the vessel "Mary Ann", voice on radio sounded foreign and didn't seem to understand English very well. At no time did the AIS system receive any AIS information from vessel "Mary Ann".
- 6) Resumed racing at 01:35am with A2 heavy spinnaker.

☐ Committee's diagram is attached ☐ Committee endorses diagram by boat (sail # / name)

## CONCLUSIONS AND APPLICABLE RULES (Number 1, 2, etc. for easy reference)

Rapid Transit properly stopped racing to investigate a possible vessel in danger meeting Rule 1.1 requirements.  
Rapid Transit meets Rule 62.1 (c) in compliance with Rule 1.1 requirements.  
Rapid Transit is due redress for the amount of time she stopped racing to when she was back up and racing again.

## DECISION AND SCORING CHANGE, IF ANY (Number 1, 2, etc. for easy reference)

Rapid Transit to be awarded 2 hours 30 minute credit on her elapse time on course.

## PROTEST COMMITTEE (List Chair and other members)

Michael Roth Tom Pochereva, Hideki Hayashi, Phillip Katzman,  
Bruce Ladeira

Sign & date:

## WRITTEN DECISION REQUESTED?

By whom?

Time & date?

Time & date provided?