

Hearing Decision



Central and South American Championship 2023

Case Number
18

With Case

Race Number
9

Hearing Status
Closed

Type of Hearing

Protest - an allegation that one or more boats broke a rule

Valid
yes

Date of Race
21/02

Received Time
17:13:46

PARTIES

Class/Fleet	Fleet	Boat or Committee or Person	Represented By/Not Present
ILCA 4	Single	PER 200325	Sergio Gutarra Martínez
ILCA 4	Single	ARG 203193	Delfina Kuttel

Witnesses

Name	Boat - Committee - Role
Lola Aubert	PER 214115
Franco Sanchez	ARG

Case Summary:

Procedural Matters:

1. PER 200325 did not withdraw the protest after the arbitration meeting.

Facts Found:

1. 10 knots
2. PER 200325 and ARG 203193 were approaching to the second downwind mark of race 9 on starboard tack.
3. PER 200325 and ARG 203193 were overlapped at the zone of the mark with PER 200325 to the outside.
4. They continue sailing overlapped towards the mark on slightly converging course.
5. After passing both boats the mark they started sailing on close hauled course with PER 200325 overlapped to leeward.
6. 1 boat length from the mark, PER 200325 luffed sharply and there was contact between PER 200325's bow port side and ARG 203193 starboard side

Conclusion & Rules:

- 1. PER 200325 outside overlapped at the zone gave ARG 203193 mark-room and complied with RRS 18.2(b).
- 2. After passing the mark, when changing course, PER 200325 the right-of-way boat failed to give ARG 203193 room to keep clear, and broke RRS 16.1 and 14
- 3. ARG 203193 to windward failed to keep clear of PER 200325 to leeward, and broke RRS 11.
- 4. Since ARG 203193 was compelled to break RRS 11 as a consequence of PER 200325 breaking RRS 16.1, she is exonerated under RRS 43.1(a) for this breach.
- 5. It was not reasonably possible for ARG 203193 the boat sailing within the room to which she was entitled to avoid contact with PER 200325 when it was clear that PER 200325 was not giving room. ARG 203193 did not break RRS 14.

Decision:
DSQ PER 200325 in race 9

Short Decision:	Decision Date	Decision Time
DSQ PER 200325 in race 9	22/02	18:55:25
Panel Chair	Panel Members	
Claudio Fontecha	Clara Ibarborde, Juan Luis Marabotto, Claudio Salvatore, Santiago Villamil	