

# Hearing Decision



## FRENCH OLYMPIC WEEK

<b>Case Number</b> 70	<b>With Case</b>	<b>Race Number</b> 20	<b>Hearing Status</b> Closed
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### Type of Hearing

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

<b>Valid</b> yes	<b>Date of Race</b> 29/04	<b>Received Time</b> 13:06:38
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### PARTIES

Class/Fleet	Fleet	Boat or Committee or Person	Represented By/Not Present
FORMULA KITE M	Gold	POL 32	Maksymilian Zakowski
FORMULA KITE M	Gold	ITA 50	Riccardo Pianosi

### Witnesses

Name	Boat - Committee - Role
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### Case Summary:

### Procedural Matters:

1. Heard by a 3 persons panel under RRS N1.4(b).
2. POL 32 did not come to the hearing, the hearing proceeded in accordance with RRS 63.3(b).
3. POL 32 arrived in the jury room after all evidence had been given, questions asked and ITA 50 had summarised her case. POL 32 had not checked the official notice board for the scheduled hearing time.
4. Simone VANNUCCI (coach of ITA 50) attended the hearing as translator for ITA 50.

### Facts Found:

1. Wind 10-12 knots, choppy water.
2. Upwind leg approaching windward mark.
3. POL 32 and ITA 50 were starboard close-hauled, ITA 50 as a windward and astern board. Both were foiling.
4. Distance between the boards was 20 meters.
5. POL 32 sailed on her layline.
6. Both boards were on a converging course.
7. ITA 50 was sailing faster.
8. POL 32 luffed to higher course.
9. Immediately after, the kite of ITA 50 touched the helmet of POL 32.
10. The contact was 100 meters before the windward mark.
11. One bridle line of ITA 50 was broken.
12. No injury, no tangle.
13. Neither kiteboard took a penalty turn.

Conclusion & Rules:

1. When changing course, POL 32 the right-of-way board failed to give ITA 50 room to continue keeping clear, and broke RRS F2.16.1.
2. ITA 50 clear astern failed to keep clear of POL 32 clear ahead, and broke RRS 12.
3. Since ITA 50 broke RRS 12 while she was sailing within the room to which she was entitled, she is exonerated under RRS 43.1(b) for this breach.
4. It was not reasonably possible for ITA 50 the board sailing within the room to which she was entitled to avoid contact with POL 32 when it was clear that POL 32 was not giving room. ITA 50 did not break RRS 14.
5. POL 32 the right-of-way board did not act to avoid contact when it became clear that ITA 50 was not keeping clear. POL 32 broke RRS 14.

Decision:

POL 32 is DSQ in race 20

Short Decision:

Kite men gold : POL 32 DSQ in race 20.

Decision Date

29/04

Decision Time

15:59

Panel Chair

John Doerr

Panel Members

Line Juhl, Arnaud Mante