

MHYC Thursday Twilight Series 2021-22

3838 Kaizen v 6820 Equinox

Hearing at MHYC on 30 March 2022 at 18:30 Hours.

Kaizen represented by: Anthony Mellowes

Equinox: Did not come to the hearing

PROCEDURAL MATTERS

Conflict of interest

Protest Committee members declared that they had no conflicts of interest and no party objected to the members hearing the protest

Other Procedural Matters

Equinox did not come to the hearing. The owner of Equinox advised, through MHYC that he was unable to attend and was agreeable to the hearing proceeding in his absence. The protest committee proceeded with the hearing in accordance with rule 63.3(b).

Validity

1. Kaizen delivered a Hearing Request containing the information required by rule 61.2 to the race office within the protest time limit. The Hearing Request also contained the information required by rule 62.2 for a Request for Redress.
2. Kaizen hailed 'protest' at the first reasonable opportunity.
3. Kaizen displayed a red flag, which was stowed on Kaizen's backstay, between 2 and 7 minutes after the incident.
4. Kaizen carried a crew of 6.
5. Kaizen was not flying a spinnaker.
6. Kaizen's protest is invalid and the hearing of the protest is closed in accordance with rule 63.5.
7. Kaizen's request for redress is valid and the hearing of that request continued.

FACTS FOUND

1. Kaizen does not allege that her place or score in the race was made worse by:
 - any improper action or omission in race management;
 - any injury or damage
 - giving help in compliance with rule 1.1.
2. There has been no penalty imposed on any boat under rule 2 or any penalty or warning under rule 69.2(c).

CONCLUSION AND RULES THAT APPLY

- A. The requirements of rule 62.1 are not met. Kaizen is not entitled to redress.

DECISION

Redress is not given.

John Allan
Chairman

Protest Committee: John Allan NJ, Geoff Charters CJ, John Crawford CJ

2022-03-24-1

24/3/22 20.09

[Handwritten Signature]

PROTEST FORM – also for requests for redress and reopening

Fill in and tick as appropriate

1. EVENT TWILIGHT SERIES Organizing authority MHC Date 24/3/22 Race no. 12

2. TYPE OF HEARING

- Protest by boat against boat Request for redress by boat or race committee
- Protest by race committee against boat Consideration of redress by protest committee
- Protest by protest committee against boat Request by boat or race committee to reopen hearing
- Consideration of reopening by protest committee

3. BOAT PROTESTING, OR REQUESTING REDRESS OR REOPENING

Class TWILIGHT Fleet D1 Sail no. 3838 Boat's name KAIZEN
Represented by A. MELLOWES Tel., e-mail 0429685454

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

Class TWILIGHT Fleet D2 Sail no. 6820 Boat's name EQUINOX

5. INCIDENT

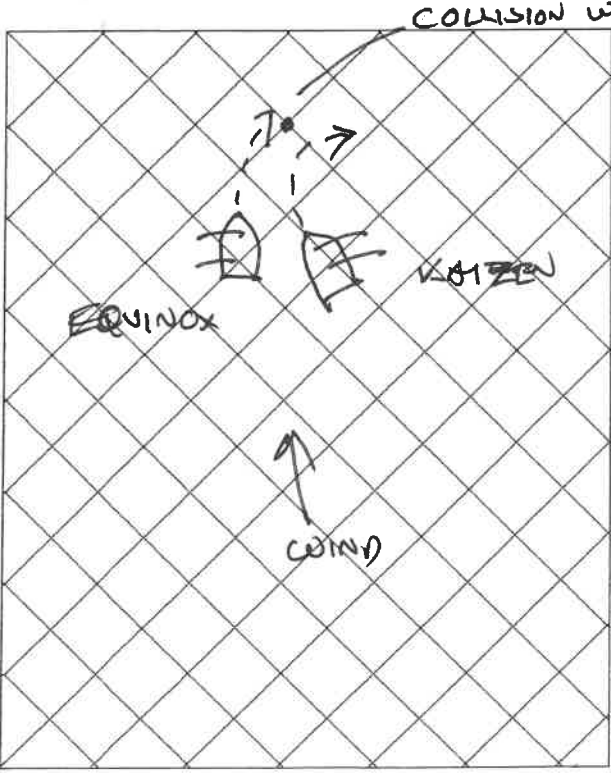
Time and place of incident 1850 NEILSON PARK AS MARK
Rules alleged to have been broken R.18 Witnesses B. NEWTON
P. SORENSON

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

- By hailing When? AT TIME Word(s) used 'WE INTEND TO PROTEST'
- By displaying a red flag When? APP 2 MIN AFTER
- By informing her in some other way Give details

7. DESCRIPTION OF INCIDENT

Diagram: one square = hull length; show positions of boats, wind and current directions, marks.



FLEET DOWNWIND. APPROACHING NEILSON PARK AS MARK. EQUINOX INSIDE BOAT ON STBD TACK. KAIZEN OUTSIDE BOAT ON PORT TACK. KAIZEN HAILED 'OVERLAP' AS ENTERED ZONE. KAIZEN THEN HAILED 'BOUY ROOM' MULTIPLE TIMES. EQUINOX REPLIED BY HAILING 'STARBOARD'. EQUINOX CLOSED OUT KAIZEN FROM ROUNDING. IN DOING SO EQUINOX BOW CONTACTED STERN OF PHILOSOPHERS. KAIZEN

MISSED BOUY TO GOOD COLLISION, HAILED PROTEST. KAIZEN REQUESTED TO WAIT FOR REMAINDER OF FLEET TO ROUND.