

**Appeal OSA 2003-04
Laser 28 (Rags (CAN1006) vs. Mimico Cruising Club Protest Committee**

Final Decision November 13, 2003

Appeal Request:

- (1) The appeal request is based on the finding of the Protest Committee of the Mimico Cruising Club, September 13, 2003.
- (2) The race in question was sailed on the evening of Wednesday, September 3, 2003, and was the final race of the summer race series.

Situation and Protest Committee Decision:

A request for redress by Green with Envy was disallowed and a protest by Rags against 3 spinnaker division boats was not heard because in the opinion of the PC the decision on redress settled the second protest.

Appeals Committee Response:

- (a) The Race Committee posted a course of (9 as the start), 4, 8, 4, 9. The Race Committee signalled, "sail the short course" when the boats were on the second leg, according to Rags. The protest committee found that the course was shortened to mark 9 by proper signals before the lead boat had crossed the extended finish line at mark 9. The race committee finished boats at mark 9. Rags and GWE sailed beyond mark 9 to finish at mark 8 and were not scored as finishers.
- (b) The Sailing Instructions are defective. SI #7 is ambiguous, both requiring the race to be no less than two legs, and permitting the finish line to be established at mark 9. The Race Committee used this SI to establish a finish line before the boats had completed two legs of the course. This resulted in boats sailing two different courses.
- (c) When sailing instructions are defective or badly written and mislead competitors, and in this case the Race Committee, the matter should be resolved as fairly as possible to all concerned. Refer to CYA Appeals 42 and 73.

Appeals Committee Decision:

The Appeal is upheld, and the matter should reference Rule 62.1 and Rule A10 (c).

The Appeals committee recommends that the finish line at Mark 9 stand, and that Rags and Green with Envy be scored in duplicate first and second place in the race, according to their finish order and the records adjusted accordingly. We add the following proviso that as we think these boats are all handicapped racers, and that if their times are still available they could also be considered in determining finishing positions, in fairness to all concerned.