

APPEAL – PANAMA JACK v SIMPLE MINDS

Decision and Request for Reopening

The appeals panel has decided to change the protest committee's decision in the following respects:

1. PANAMA JACK broke Rules 18.2(b) and 18.2(c)(2);
2. SIMPLE MINDS broke rule 14;
3. There was no serious damage in terms of Rule 44.1(b).

The appeals panel requests the protest committee to reopen the hearing and find further facts to support a decision whether PANAMA JACK or SIMPLE MINDS broke Rule 2.

In particular:

- (a) Whether PANAMA JACK deliberately failed to give SIMPLE MINDS mark room, or room to sail her proper course while overlapped;
- (b) Whether SIMPLE MINDS deliberately failed to fulfill her obligations under Rule 14 when she gybed;
- (c) Whether either boat acted with reckless disregard of the rules or the safety of the boats and their crews.

The protest panel should refer to the comments made by the parties in this appeal.

The protest committee is requested to report their findings back to the appeal panel, together with details of the reopened hearing.

There were contradictions between the protest committee's facts found and some of the factual statements made in their comments on appeal. Those were not material. In this instance the protest committee should find additional facts rather than facts in substitution of their earlier findings, unless they made a significant error in their initial investigation.

The appeals panel will make its decision on the boat's scores, and will provide reasons for its decision, after the protest committee reports their findings regarding Rule 2.

Shane Borrell, IJ (Chairman)
Mike Alison, IJ
John Grace, IJ
John Rountree, IJ