

FACTS FOUND

1. For race five of the Gold Fleet series, the OA assigned Boat 103 to the Fishers Island Fleet team skippered by Charlie Van Voorhis.
2. Before Boat 103 left the harbor, the event measurer checked the water level in the bilge of Boat 103, and found excess water in the boat up to the level of the floorboards on the boat's cabin sole.
3. The OA removed the excess water from the boat.
4. After leaving the harbour and before the warning signal of race five, Boat 103's crew shipped at least five buckets of water onboard and placed it in the bilge of the boat, with the intention of potentially improving the boat's performance (the helmsman admitted this fact during the hearing),.
5. Before the warning signal of race five, the event measurer re-checked the water level in the bilge of Boat 103, and found that the water level in the boat exceeded the water level when Boat 103 left the harbor. The event measurer reported this fact to the race committee.
6. Before the warning signal of race five, the event measurer removed the excess water from Boat 103 that had been shipped aboard by its crew after leaving the harbor.

CONCLUSION

The addition by Boat 103's crew of approximately 25 gallons of water to the boat after Boat 103 left the harbor for the race course changed its ballast. This action, which was intentional, was a modification of the boat contrary to Sailing Instruction 5.3.

DECISION

Having applied the discretionary penalty guidelines published by World Sailing, the jury finds that the infraction falls within Band 3 (30% to 70%) for discretionary penalties. Accordingly, the scorer is instructed to score Boat 103 in fourth place (DPI) in race five. No other boat's score is to be changed.

(signed) *Luca Babini*

International Jury Chair