

Cruising Yacht Club of Australia

LAND ROVER WINTER SERIES 2016

Rule 69 Hearing Against Jeffery Taylor Arising from reports received as a result of Race 4 of the series held on 22nd May 2016

Hearing at the Cruising Yacht Club of Australia on 10th June 2016.

Arch Nemesis, Represented by, Jeffery Taylor

FACTS FOUND

1. Arising from the hearing of a protest by ELENA NOVA against ARCH NEMESIS and a further protest by SANTE against ARCH NEMESIS each of which were held on 26th May 2016, the protest committee, from its own observation during these hearings believed that Mr Taylor may have broken RRS 69.1(a).
2. This view was reinforced by a number of reports from members received following race 4 of the series held on 22nd May 2016 and subsequently the protest committee decided to call a hearing as provided by RRS 69.2(a).
3. Notice of the hearing was served on Mr Taylor at 09:40 on Sunday 29th May 2016 together with copies of the reports received and the decision of the two protests. Mr Taylor's signature was obtained in acknowledgement of receipt.
4. Mr Taylor is a member of the CYCA and part owner of ARCH NEMESIS.
5. As a result of Mr Taylor's inability to attend the hearing first scheduled for 6th June, he was given alternate dates and choose Friday 10th June for the hearing. He conveyed his thanks to the protest committee for the scheduling flexibility extended to him.
6. Mr Taylor acknowledged that he was on board ARCH NEMESIS during the race held on 22nd May 2016 and was the person in charge.
7. The start of race 4 held on 22nd May 2016 was postponed for over one hour due to lack of wind
8. Approximately one hour before ARCH NEMESIS was due to start in race 4 Mr Taylor was hit on the head by the boom. No member of the crew believed the injury required medical intervention either during or after racing.

9. Mr Taylor did not seek medical attention for any injury arising from the hit on the head until the following week and no medical evidence was presented.
10. A photograph of ARCH NEMESIS in the vicinity of the CYCA starting line was produced showing a naked person steering. Mr Taylor admitted that it was him. Witnesses from three other boats found this conduct offensive, lodged formal complaints and attended the hearing.
11. During the race ARCH NEMESIS became involved with ELENA NOVA and SANTE in different and separate incidents resulting in the two protest hearings referenced above.
12. ARCH NEMESIS was scored DSQ in the protest by ELENA NOVA and DNE in the protest by SANTE.
13. As found in the protest decision of ELENA NOVA v ARCH NEMESIS, ARCH NEMESIS as the give way boat failed to keep clear of ELENA NOVA resulting in serious damage to ELENA NOVA.
14. As found in the protest decision of SANTE v ARCH NEMESIS, ARCH NEMESIS as the give way boat failed to keep clear of SANTE and altered course on two occasions causing a collision and damage to SANTE.
15. Mr Taylor acknowledged the use of bad language and abuse during each of these incidents with SANTE and apologised to the owner of SANTE and the two crew members that attended the hearing.

CONCLUSION

1. The admitted nudity of Mr Taylor was a gross breach of good manners and conduct bringing the sport into disrepute.
2. The bad language used by Mr Taylor was gross misconduct, a gross breach of good manners and conduct bringing the sport into disrepute.
3. From Fact 11 in the protest decision SANTE v ARCH NEMESIS, ARCH NEMESIS bore away and contacted SANTE. This was a gross breach of a rule.
4. From Fact 14 in the protest decision SANTE v ARCH NEMESIS, ARCH NEMESIS did not take any action to avoid SANTE. This was a gross breach of a rule.

RULES APPLICABLE

69.1(a), 69.2(c) (2)

DECISION

1. The scores to date of ARCH NEMESIS are to be removed from the series.
2. ARCH NEMESIS is excluded from the remainder of the series.
3. As this series is under the jurisdiction of the Cruising Yacht Club of Australia as the organising authority, Mr Jeffery Taylor is excluded from participating in any race conducted by the Cruising Yacht Club of Australia for a period of one year from today.

Tony Mooney

Chairman

10th June 2016.

Protest Committee: Tony Mooney, Karl Garavan, John Kirkjian, Lister Hughes and Erica Kirby.