

Findings of US PHRF Appeal Hearing Committee regarding the Yacht SOUVENIR

An appeal of the method of rating assignment to the yacht SOUVENIR, a standard C&C 115 equipped with a roller furler headsail, by the Lake Champlain PHRF Committee was heard on October 3, 2007. The hearing was conducted by telephone conference call with the following representatives present:

Craig Meyerson; Appellant
Gene Cloutier; Representative, Lake Champlain PHRF Committee
Bruce Bingman; Hearing Chair Appeals Committee
Jim Tichenor; Appeals Committee
Bob Warnecke; Appeals Committee
Paul Ansfield; Moderator and Chair, US SAILING PHRF National Appeals Committee

DISCUSSION: Testimony and rebuttal was given by both the appellant and the Lake Champlain PHRF Committee representative followed by questioning from each member of the Appeals Committee. The entire discussion centered on whether Lake Champlain PHRF had properly credited the roller furler headsail installed on SOUVENIR. Lake Champlain PHRF assigned a +3 spm credit for above deck drum only with no further credit for the UV cover. Mr. Meyerson contended that the roller furling headsail as installed with UV cover warranted a +6 spm credit per Lake Champlain PHRF by-laws in force at the time of the start of the sailing season. The Lake Champlain PHRF representative stated that no credit had been given for Mr. Meyerson's sail with UV cover since it was lighter than the standard "sunbrella" cover and was more like a "racing" furling sail. There was also discussion about whether Mr. Meyerson should have been present at all Lake Champlain PHRF appeals hearings held.

The Appeals Committee has determined the following:

1. **FACTS:**

- a. Mr. Meyerson filed a proper handicap rating application for a stock C&C 115 including "standard" oversize pole and spinnakers and a roller furler headsail with UV cover. Mr. Meyerson stated the UV cover was a separate piece of cloth laminate approximately 6" in width.
- b. Lake Champlain PHRF assigned a base handicap of 66 spm assuming a "J" length spinnaker pole. Lake Champlain assigned a -3 spm adjustment for oversize pole and spinnakers and a +3 spm credit for roller-furler headsail with above deck drum and UV cover.
- c. Mr. Meyerson was informed of this rating via e-mail on May 15, 2007.
- d. Mr. Meyerson filed a proper appeal of the assigned handicap via e-mail on May 15, 2007 and a formal appeal including the fee on May 18, 2007, specifically regarding both spinnaker pole and roller furling adjustments.
- e. Upon hearing the appeal, Lake Champlain revised the base handicap of 66 spm to include the oversize pole and spinnakers but continued to assign a +3 spm credit for the roller-furler headsail with above deck drum and UV cover.

There were subsequent appeals and e-mails requesting the credit be revised to +6 spm but no further adjustments were made.

- f. The Lake Champlain PHRF by-laws Adjustment Schedule applicable at the start of the sailing season show that a roller-furler headsail with above deck drum and UV cover receives +6 spm credit. The Adjustment Schedule states that there is no credit for class boats coming stock with roller furlers or with “racing” roller furlers. There is no further description of what constitutes a “racing” roller furler or what weight or type of material constitutes a UV cover receiving the +6 spm credit. The by-laws also state that the adjustment schedule is set “thirty days before the first race of the upcoming season”.
- g. Boats are not credited uniformly on Lake Champlain for the UV cover. The Lake Champlain PHRF representative acknowledged that some boats with UV covers similar to Mr. Meyerson’s were probably given +6 spm credit and some boats were not.
- h. The Lake Champlain PHRF representative acknowledged that Mr. Meyerson was not invited to one or more of the appeals hearings although he had been invited to some and was present at those.

2. FINDINGS:

- i. The Lake Champlain PHRF Committee did not uniformly follow its by-laws in regards to assignment of handicap adjustments for roller furler headsails with UV covers. The Lake Champlain PHRF by-laws do not differentiate between various types of UV covers other than to state “. . . sail with UV protected cloth, tacked above drum . . .” or if it is a “racing roller furler”. We find that although Mr. Meyerson’s UV cover is lighter than a “sunbrella” type cover, it is not a “racing roller furler” which typically would have no extra cloth attached as a UV cover as well as possibly other racing features. Thus, although perhaps not meeting the intent of authors of the by-law, Mr. Meyerson’s roller furler headsail meets the published by-law requirement in force at the start of the sailing season. Per the by-laws, changes to the adjustment schedule made after the start of the season would not be applicable until the next season. The handicap given to Mr. Meyerson’s C&C 115 SOUVENIR was affected by the roller furler adjustment assigned.
- j. Per the Lake Champlain PHRF by-laws in force at the time, Mr. Meyerson should have been invited to all appeals committee meetings discussing his yacht.
- k. Insufficient data was presented to allow this committee to evaluate the assigned handicap for Mr. Meyerson’s yacht, thus no ruling is made with regard to the assigned base handicap or the adjustment schedule.
- l. This appeal is remanded back to Lake Champlain PHRF with the following comments:
 - i. Mr. Meyerson should have been credited with a +6 spm for his roller furler sail following the hearing of his appeal submitted May 18, 2007. Races held after that date of that hearing should be rescored with a handicap of 72 (the Lake Champlain PHRF assigned base handicap of 66 and +6 assigned for Mr. Meyerson’s roller furling

- headsail).
- ii. No ruling is made with regard to the handicap assigned to SOUVENIR. Thus no 2-year moratorium is in effect on the base handicap or adjustment schedule. It is our understanding from the testimony given that Lake Champlain PHRF is in process of rewriting the by-laws regarding credit adjustments. We endorse this effort and suggest they consult several of the larger PHRF fleets that have previously undertaken this task.
 - iii. Since this appeal is remanded back to Lake Champlain PHRF, Mr. Meyerson's check is returned.