

# DECISION

Request Number: 06

Protest

Event: 17th Royal Langkawi International Regatta Race Number: 6

Hearing Date: 2019-01-11

## PARTIES AND WITNESSES

**Initiator:** White Sails - MAS616 - Chantique - Hakim Klunker

**Respondent(s):** White Sail - Linda - Woodrow Christensen

**Witnesses:** Suzanna, Anna Amrina, Dewi Kirana, Zuri, and Dharma

## VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit Submitted 16:24. PTL for White Sail Class 16:48.

**Incident Identified:** Yes Crew of Chantique alleged that a crew of Linda exposed his private parts to urinate when they were abeam of each other .

**Proper Hail:** Hail not required

**Red Flag Displayed:** Yes

**DECISION:** Request Valid A report received of alleged misconduct which may result in a Rule 69 hearing

## PROCEDURAL MATTERS

## FACTS FOUND

### Preliminary Hearing to investigate under 69.2(b):

- 1.The Skipper of Chantique , Hakim Klunker stated that in Race 6 on a beat to windward, they were passing Linda abeam to leeward when a crew of Linda unfastened his pants, exposing his private parts and urinated in full view of his crew.
2. Hakim Klunker did not see the incident but all his crew saw different stages of the act of urinating by a crew of Linda.
3. The following are individual interviews with the crew who saw the incident:
  - a. Suzanna: Saw the initial unfastening of the trousers and immediately looked away.
  - b. Anna: She saw the unzipping, exposure of private part and urinating. She looked away and when she next looked again he was still urinating. She was embarrassed by the urinating act.
  - c. Dewi: Mentioned that as the crew unzipped and exposed himself, he was smiling and found it offensive especially as there were two kids on the boat. She felt offended.
  - d. Zuri: Felt offended as well as curious as to why the crew on Linda would choose to urinate when there was the presence of another boat.
  - e. Dharma: Though male crew of Chantique, he felt uneasy for his crew especially as there were women and children. Described the crew who urinated as a tall 6 footer caucasian.
  - f. Shaheer: Not called to give statements.
  - g. Chantique's crew were seated on the windward gunwhale facing the leeward side of Linda about 70 feet away. The crew of Linda was easing himself over the leeward side of Linda in full view of Chantique's crew.

**The Jury then deliberated and found that there were grounds to hold a Rule 69 hearing against the crew of Linda who may have broken RRS 69.1(a). As both parties were in the vicinity of the Jury hearing room, the skipper of Chantique, Hakim Klunker, the skipper of Linda, Bob Mather, his other crew from Linda, Stephen Gurnhan were invited to the hearing verbally without posting a notice as required by RRS69.2(e). Both parties agreed to appear for the Rule 69 hearing.**

The Chairman explained that the jury found grounds to have a rule 69 hearing as the criteria under Rule 69.1(a) was met i.e. an act of misconduct by a crew of Linda which was offensive to a number of female crew of Chantique.

- 1.The skipper of Linda, Bob Mather stated that he was aware that one of his crew had urinated while they were racing in the proximity of Chantique.
- 2.He is able to identify the crew who urinated during the race.
- 3.The hearing was adjourned for 15 minutes while Stephen Gurnham was released to look for the crew implicated in the case. Stephen Gurnham returned to the hearing with crew Graham Goodwin of boat Linda.
4. Graham Goodwin admitted that the incident did happen and that he was very sorry for his action. He sincerely apologized to the skipper of Chantique and asked the skipper to convey his apologies to his crew. He would also arrange with the skipper of Chantique to personally apologise to the crew who were offended if required.
- 5.The boat Linda had a toilet in the cabin which he could have used out of sight of the crew of Chantique.

**Diagram:** Diagram not endorsed

## CONCLUSIONS AND RULES THAT APPLY

The Jury is comfortably satisfied that Graham Goodwin when exposing his private parts and urinating in full view of Chantique's crew of mostly women was an act of misconduct under RRS69.1(a), and a breach of good manners under RRS69.1(b) while racing in Race 6.

**DECISION****Date & Time:** 2019-01-11 18:10 +08

- 1.A warning is given to Graham Goodwin under RRS 69.2(h)(1), and that he would be expelled from the Regatta if the action is repeated.
- 2.Graham Goodwin is to apologise to the crew of Chantique he offended through the Skipper or apologise to the individual crew members of Chantique if they so choose.

**PROTEST COMMITTEE****Chaired By:** Leonard Chin (MAS)**Committee Members:** Say Chu (MAS), Katsuya Hashiba (JPN), Tee Suan Tan (SGP), Lock Kit (SGP)**Printed:** 10 Aug 10:50