



UIM Appeal Board

Decision

Concerning the appeal of
Driver Stefano Acanfora, team Baia Attolini boat no. 38

- the appellant -

against

the Race Jury decision dated 09. August 2009 taken at Göteborg not to accept the protest of the appellant against 2 time penalties issued against the appellant (boat 38) for overspeeding in the P1 Supersport Race on 9th August 2009.

The UIM Appeal Board decided in a telephone conference on 11th September 2009

Those present:

Kimon Papachristopoulos, Chairman

Luis Calvario, Member

Dieter Komm, Member

the appellant

Stefano Acanfora and Driver Renato Guidi

On the basis of the documents received, of the telephone conference the UIM Appeal Board decided:

The appeal is not upheld. The time penalty imposed against boat no. 38 remains in effect.

The appeal fee shall not be reimbursed to the appellant.

Grounds

I.

In round 2 of the UIM P1 Grand Prix, held in Göteborg on 09. August 2009 P1 timing System "Bluefinger" recorded in round 7 for a duration of 12 seconds and in round 15 for a duration of 11 seconds a speed of boat 38 in excess of 85 mph.

The official results sheet, generated by the timing computer displays the "race time, calculates and displays automatically an eventual "time penalty", adds such penalty to the "race time" and shows the result as "total time". Since boat 38 was due to a time penalty of 2:30 minutes according to rule T.6.o the system generated the following figures in respect of boat 38:

Race time 01:01:03,66; penalty 02:30,00; total time 01:03:33,66

By error and prior to the printing of the official results sheet the penalty of 02:30,00 was manually added to the race time by a race official. Off course the system added the penalty automatically to the increased race time which resulted in a double consideration of the 02:30,00 time penalty and a printout of the following figures:

Race time 01:03:33,66; penalty 02:30,00; total time 01:06:03,66

After this error was detected the race officials corrected it and new results were posted.

Still the appellant protested against the penalty. He said that despite of the automatic timing system a double time penalty was given by error. This would prove that the automatic timing system would not work and that a penalty could not be imposed against the appellant.

The Race Jury did not accept the protest and said it would be invalid since a protest would no be entertained against the timing according to rule S 27 of the UIM Pleasure navigation P1 rules.

II.

With his appeal the Apellant contests the jury decision. In addition to the justification of his protest he brings forward that the measurement by the Bluefinger System of the two overspeed infringements would be due to the following error in measurement:

The GPS device which is mounted on the boat measures the ground speed continuously. The Bluefinger System transmits this GPS speed data via a radio signal continuously to the main computer of the time keeping. Mistakes would occur, if the radio signal would be interrupted for a short period since then the system (i.e. the main computer) would assume for the duration of the interruption that the boat speed remains the same as it was before the signal was interrupted. In cases when the boat decelerates to a speed below the speed limit during such interruption, this could result in a reading showing a longer period of overspeed than in reality. An indication for such mistake would be a significant jump in the speed data at the end of the overspeed period (i.e. when the interruption of the radio signal ends).

This effect happened at least in round 7 and 15 of the Sunday race since the race track was far away from the race control and obstacles (islands) hindered the radio signal says the Appellant. This would have been the first time, that his own data, generated by another GPS timing device owned by the Appellant would show a sig-

nificant difference to the official timing data. That would be why the Appellant did not appeal against past time penalties.

Furthermore the timing system would not be duly certified as foreseen in rule S 27 says the Appellant. The "Test Result Sheet" presented by the P1 management would not meet the requirements of a certification according to rule S. 27. Only one sample device was tested and not all Bluefinger devices that have been mounted to the boats have been tested criticises the Appellant especially.

III.

The Race Jury correctly refused the protest according to rule S. 27. According to this rule the timekeepers shall be declared as Judges of Fact, and no protest against the results they issue will be entertained, unless the Timekeeper can be shown to have been grossly negligent or to have used incorrect information to arrive at a result. After the first error, the double consideration of the time penalty, has been corrected, it could not be shown that the Timekeepers have been gross negligent. The possibility that the figures shown by the results sheet can be changed manually does not constitute gross negligence or incorrect information as long, as these figures represent the data established by Bluefinger. There is no reason to assume that this might not be the case.

Considering the further contention of the Appellant the decision of the Jury was to be upheld.

The Bluefinger system consists of a differential GPS and a radio unit that submits the continuously measured GPS ground speed data every second to the main Computer at the race control. The computer produces a "Speed Report" for each boat showing the boat speed for every single second of the race.

According to a statement of Mr. Andy Hindley, who had asked the Timekeeper and the responsible electronic engineer for the respective information on request of the Appeal Board, the main computer does neither interpolate missing values nor assume that the boat keeps the speed of the last transmission in case of an interruption of the radio signal. On the contrary the system would in cases of interruption not show any value for the period of the interruption. The Appeal Board does neither doubt in this statement of the electronic engineer nor in its conveyance by Mr. Hindley. This statement is confirmed by the fact that the speed record for boat 38 from the relevant race does not show the speed for the 3rd, 4th and 6th second of the race because there the radio signal was interrupted. In the relevant periods in the 7th and in the 15th round however the system recorded correctly a speed value for every subsequent second. The Appeal Board therefore sees no reason to assume that the recorded speeds constitute incorrect information. The results

are rather established correctly within the measuring tolerances of the Bluefinger system.

The appellant cannot argue against this result that his own timing system would show no overspeed infringement. The Appellant claims that he did not exceed the allowed speed of 85 mph for a period of 12 respective 11 seconds but for shorter periods than 11 seconds what would not constitute overspeed. It can be left open, if the Appellants timing system or Bluefinger was more precise at that moment. The results of the official timing system are according to rule S 27 authoritative and can only be contested in cases of gross negligence or incorrect information.

Incorrect information in this regard is not any deviation from the true speed value since the device of course produces results within a certain measuring tolerance. Such tolerances have to be accepted and an official race timing can only fulfil its duty when the reading of the timing device is accepted as authoritative including the measuring errors. This is meant by the wording of rule S 27: "The Timekeepers are Judges of Fact".

On the other hand rule 27 allows drivers to show that the Timekeepers have based themselves on incorrect information. Since incorrect information cannot be constituted by a normal measuring error, incorrect information means an error of considerable severity. Such a gross error could not be found.

The Appellant finally cannot plead on missing certification of the timing system since rule S. 27 allows protests against the Timing only in cases of gross negligence of the Timekeepers or in case of incorrect information. The case of missing certification of the time keeping equipment is not mentioned in rule 27 as reason to allow a protest. The legitimate reason for this restriction of protests against the timing is to protect the operational capability of the timing system and to avoid the loss of the timing due to a successful contest of the formality of the certification.

Anyhow the Appeal Board sees no infringement of Rule S 27 since the rule does not specify details of how the timing equipment shall be certified. The timing equipment only need independent certification that has been conducted.

The Powerboat P1 management mandated MIRA Ltd. with the certification of the Bluefinger system. MIRA is an independent engineering, testing and certification company, based in the United Kingdom with agencies in various countries in Europe and Asia. According to a "Test Result Sheet" that has been subject to the appeal procedure MIRA have tested the accuracy of one Bluefinger System by comparing its measuring results with the results of a Racelogic VBox3 which is a standard automotive industry equipment used in the calibration of vehicle speedometers under ECE regulationn97/39. MIRA certified in its "Testing Result Sheet" an accuracy better than

0.1 knots.

The fact that not every single GPS unit that has been mounted on the participating boats has been tested by MIRA should not constitute missing certification since rule 27 does not determine that a general certification of the System as provided by the P1 Management would be insufficient.

The appeal fee is not to be reimbursed to the Appellant (rule 405.10).

Signatures of the Appeal Board Members