

OFF SOUNDINGS CLUB

OFFICE OF
THE SECRETARY
P. O. Box 502
New Haven, Conn.

August 17, 1959

NOTICE

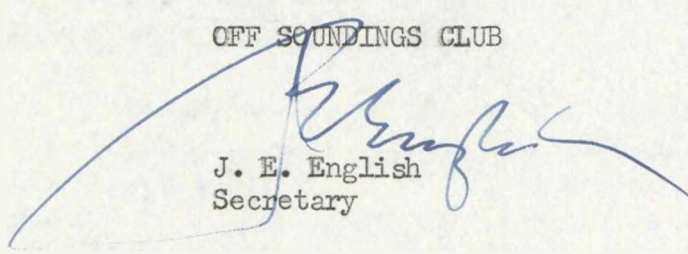
There will be a meeting of the Board of Governors
at 6:00 P.M., Thursday, September 17, 1959, at Burr's office,
Burr's Dock, New London, Connecticut.

If you are unable to attend, please notify the
Secretary.

By Order of the Commodore

Sincerely,

OFF SOUNDINGS CLUB


J. E. English
Secretary

Enclosure - Commodore Daggett's memorandum.

OFF SOUNDINGS CLUB

6 August 1959

From: Frederick K. Daggett, Commodore

To: The Board of Governors

Subject: Ramifications of Penalties Assessed for Placing First, Second, Third, and ~~Fourth~~ in an Off Soundings Series

Two incidents resulting from our spring 1959 races have caused questions to be raised concerning penalties which, I believe, are at the Board of Governors policy level for decision.

The first incident raises the question as to what, if anything, should be done in the case of an individual who sails his vessel in a series and places so as to incur a penalty for future series as now prescribed; and then sells this vessel but in the next or a subsequent series enters a nearly identical sister ship.

Specifically, in the 1958 Spring Series, a Corporation owned Oxford 500 was sailed by one of the members of the Corporation, a Mr. Cluett, a guest participant in the Series. This vessel won first place, Class B.1 that time.

In the Spring Series this year, the same Mr. Cluett sailed a sister ship Oxford 500 in the same class, and, I believe, placed second. It is my understanding that Cluett was a guest participant in 1959 also.

So, here we have the same man sailing sister ships - possibly because he imports them - which vessel is not penalized by the add-on percentages, under which the rest of us, quite happily, do the best we can. It is possible, for example, that Cluett might have a different Oxford 500 for each race for several years, each time doing well, yet each time starting with a clear, not increased, handicap.

The next incident raises the question of what happens when a member of Off Soundings Club charters his vessel for the races to another individual and that vessel by placing in the first four for the series incurs a penalty. Should the

6 August 1959

The Board of Governors
Off Soundings Club
Page 2

vessel retain the penalty for the prescribed time even though in subsequent races she is sailed by the owner?

As far as I can determine, it has been our custom to wipe out penalties when a vessel changes hands but we are unable to find precedent covering charters. More particularly, we know of no case where a man engaged in the boat business has entered a succession of the same designed craft one or more of which have incurred penalties as a result of successful finishes.

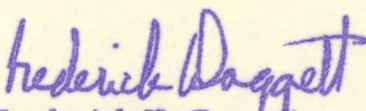
It seems to me, then, that we are called upon to decide:

1. Whether and in what instances the penalty reverts to the owner if he enters a sister ship of a winning boat.
2. Whether the presence of the previous owner on board during a subsequent race requires that vessel to continue her penalty even though she may now be owned by another.
3. Whether a charter constitutes for penalty purposes a change of ownership.

In the last instance, Tomadrus, owned by Tom Miller of Stonington, was chartered to another member, R. D. Cutler, Farmington, Connecticut. Tomadrus placed second in her class in the spring series and, thus, incurred a 10% penalty. John McPherson has ruled, and I have approved, the continuance of this 10% penalty even though Tomadrus has been entered in the fall races by her owner, on the basis that a charter does not constitute a change of ownership.

At this time, I know of no other business that need come before the September 17 meeting.

Respectfully yours,


Frederick K. Daggett
Commodore

pfw