

M I N U T E S  
OF  
BOARD OF GOVERNORS' MEETING  
OF  
OFF SOUNDINGS CLUB

A meeting of the Board of Governors was held at Burr's Dock, New London, on Thursday, September 17, 1959, at 6:15 P.M. Commodore Daggett presided and other Governors present were:

Henry B. duPont  
John E. English  
John R. Fales  
Prescott W.N. Gustafson

John B. McPherson  
Melvin D. Southworth  
Roderick Stephens, Jr.

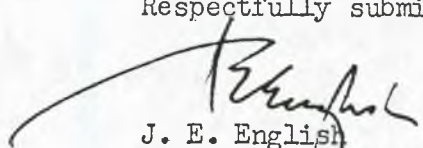
The Minutes of the last Board of Governors' meeting were accepted as circulated.

*attached*  
Commodore Daggett addressed himself to the problems raised in his memorandum to the Governors of August 6, 1959. The various facets of the question were discussed at length and it was VOTED that where one owner sails a different boat of the same one design class which he sailed in a previous race any penalty earned remains with the owner. It was further VOTED that in all other situations any penalty earned stays with the boat unless that boat changes ownership or is sold. Upon such change of ownership or sale the penalty is dropped. Decision as to what constitutes a bona fide sale or change of ownership rests with the Flag Officers of the Club.

Mr. Gustafson then raised the question of the matter of validity of measurement certificates for boats upon a change of ownership and it was VOTED that where a new owner presents satisfactory evidence from the former owner that there have been no changes affecting the then valid measurement certificate, such certificate would be valid until its normal expiration. In the absence of such evidence satisfactory to the measurer a certificate issued to a former owner would become void, and a new certificate required.

There being no further business, the meeting thereupon adjourned.

Respectfully submitted,

  
J. E. English  
Secretary

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

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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.

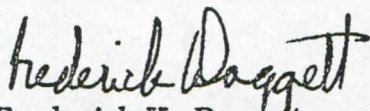
It seems to me, then, that we are called upon to decide:

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