Allegation of possible gross misconduct by the owner, skipper and crew of boat „Scugnizza“ – ITA 16639 during the ORC European Championship held in Porto Carras, Greece from 3 – 10 July 2016

An analysis of the ORC International certificates of boat „Scungizza“ – ITA 16639 issued during 2015 and 2016 is showing possible gross misconduct of the crew that participated on the ORC European Championship in Porto Carras composed of:

Vicenzo De Blasio, owner
Lars Borgstrom
Luigi Castria
Federico Colaninno
Ferdinando Colaninno
Umberto Coppola
Michele de Giovanni
Alberto Grippo
Carlo Alberto Malagoli
Paolo Scutellaro

During 2016 „Scugnizza“ had several certificates with changes on appendages shape, weight, trim, righting moment, sails and rig measurement. After each change, changed items were re-measured and new certificate has been issued. However, changes of hydrostatic data calculated from new measurements cannot always follow actual changes coming from the re-measurements. This will be explained from the following facts and technical data:

1. Certificate prior the ORC European Championship (Appendix 1)

Offset file: I16639E.OFF

Freeboard forward FFM = 1.485 m
Freeboard aft FAM = 1.078 m
Specific gravity SG = 1.024
Righting moment measured RM = 177.4
Displacement in measurement trim DSPM = 6148 kg
VCG from the offset datum VCGD = 0.018 m
LCG from the stem LCG = 6.494

The flotation was already very trimmed aft as shown on the following picture:
Measurement inventory included total of 358.9 kg of internal ballast with LCG of total of internal ballast of 5.583 m from the stem and VCG of internal ballast recorded as 0.

Therefore displacement, LCG and VCG of hull only can be calculated from the data above as follows:

<table>
<thead>
<tr>
<th></th>
<th>DSPM</th>
<th>LCG</th>
<th>VCGD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boat as measured with the ballast</td>
<td>6148</td>
<td>6.494</td>
<td>0.018</td>
</tr>
<tr>
<td>Ballast</td>
<td>358.9</td>
<td>5.583</td>
<td>0.000</td>
</tr>
<tr>
<td><strong>Boat without ballast</strong></td>
<td><strong>5789.1</strong></td>
<td><strong>6.550</strong></td>
<td><strong>0.019</strong></td>
</tr>
</tbody>
</table>

2. Certificate used the ORC European Championship (Appendix 2)

Offset file: I16639F.OFF

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Freeboard forward</td>
<td>FFM</td>
<td>1.528</td>
<td>m</td>
</tr>
<tr>
<td>Freeboard aft</td>
<td>FAM</td>
<td>1.045</td>
<td>m</td>
</tr>
<tr>
<td>Specific gravity</td>
<td>SG</td>
<td>1.025</td>
<td></td>
</tr>
<tr>
<td>Righting moment measured</td>
<td>RM</td>
<td>177.6</td>
<td></td>
</tr>
<tr>
<td>Displacement in measurement trim</td>
<td>DSPM</td>
<td>6236</td>
<td>kg</td>
</tr>
<tr>
<td>VCG from the offset datum</td>
<td>VCGD</td>
<td>0.057</td>
<td>m</td>
</tr>
<tr>
<td>LCG from the stem</td>
<td>LCG</td>
<td>6.650</td>
<td></td>
</tr>
</tbody>
</table>

The flotation compared to the previous one is showing a trim moved extremely aft with increased lateral area of the fin, reduced internal ballast weight with increase in displacement.

Measurement inventory included total of 125 kg of internal ballast with LCG of total of internal ballast of 5.552 m from the stem and VCG of internal ballast recorded as 0.

Therefore displacement, LCG and VCG of hull only can be calculated from the data above as follows:

<table>
<thead>
<tr>
<th></th>
<th>DSPM</th>
<th>LCG</th>
<th>VCG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boat as measured with the ballast</td>
<td>6236</td>
<td>6.650</td>
<td>0.057</td>
</tr>
<tr>
<td>Ballast</td>
<td>125</td>
<td>5.552</td>
<td>0.000</td>
</tr>
<tr>
<td><strong>Boat without ballast</strong></td>
<td><strong>6111</strong></td>
<td><strong>6.672</strong></td>
<td><strong>0.058</strong></td>
</tr>
</tbody>
</table>
It must be noted that the boat „Scugnizza“ was checked for freeboard and stability measurements as a part of the post-race measurement check during the ORC Europeans. Both freeboards and inclining test results were found in accordance with her certificate and tolerances of ORC rule 305.2(a).

Additionally, freeboards were also checked during the measurement protest. Freeboards were in range of those recorded in the certificate, still with extreme aft trim.

However, the question that could not be solved during the measurement checks in Porto Carras is how that trim could have been achieved with changes made on the boat from Certificate 1 to Certificate 2 as described above.

Comparing boat in two certificates without ballast we have

<table>
<thead>
<tr>
<th>Certificate</th>
<th>DSPM (m³)</th>
<th>LCG (m)</th>
<th>VCG (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificate 1</td>
<td>5789.1</td>
<td>6.550</td>
<td>0.019</td>
</tr>
<tr>
<td>Certificate 2</td>
<td>6111.0</td>
<td>6.672</td>
<td>0.058</td>
</tr>
<tr>
<td>Difference</td>
<td>321.9</td>
<td>8.866</td>
<td>0.760</td>
</tr>
</tbody>
</table>

This is showing that to achieve trim in certificate 2 from certificate 1, a weight of 321.9 kg should be added at LCG of 8.866 m from stem and VCG of 0.760 m above the waterline. Following picture is showing overlay of two keel modifications between Certificates 1 and 2 and position where additional weight should be added to get change of trim from Certificate 1 to Certificate 2.

As the only modification declared by the owner is made on the fin, the difference between keel in Certificate 1 and 2 can be calculated as follows:

<table>
<thead>
<tr>
<th>Certificate</th>
<th>Keel Volume (m³)</th>
<th>Keel LCG (m)</th>
<th>Keel VCG (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificate 1</td>
<td>0.20</td>
<td>5.707</td>
<td>-1.269</td>
</tr>
<tr>
<td>Certificate 2</td>
<td>0.23</td>
<td>5.860</td>
<td>-1.232</td>
</tr>
<tr>
<td>Difference</td>
<td>0.03</td>
<td>6.880</td>
<td>-0.985</td>
</tr>
</tbody>
</table>

Assuming that difference in volume is made of lead it will add approximately 340 kg and change of trim then can be calculated as follows:
<table>
<thead>
<tr>
<th></th>
<th>DSPM</th>
<th>LCG</th>
<th>VCG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boat without ballast – Certificate 1</td>
<td>5789.1</td>
<td>6550</td>
<td>0.019</td>
</tr>
<tr>
<td>Ballast from Certificate 2</td>
<td>125</td>
<td>5552</td>
<td>0.000</td>
</tr>
<tr>
<td>Added weight in fin – Certificate 2</td>
<td>340</td>
<td>6880</td>
<td>-0.985</td>
</tr>
<tr>
<td><strong>Calculated trim in Certificate 2</strong></td>
<td><strong>6254.1</strong></td>
<td><strong>6548</strong></td>
<td><strong>-0.035</strong></td>
</tr>
<tr>
<td><strong>Certificate 2 as measured</strong></td>
<td><strong>6236</strong></td>
<td><strong>6650</strong></td>
<td><strong>0.057</strong></td>
</tr>
</tbody>
</table>

The difference in VCG of 0.092 m would require Righting moment of about 188.3 kg*m while the measured one was 177.6 kg*m.

Asking to the crew about how this could have been possible, they gave another unofficial explanation that change of trim is the result of adding 300 kg in the rudder. This would be the calculation with the above modification:

<table>
<thead>
<tr>
<th></th>
<th>DSPM</th>
<th>LCG</th>
<th>VCG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boat without ballast – Certificate 1</td>
<td>5789.1</td>
<td>6550</td>
<td>0.019</td>
</tr>
<tr>
<td>Ballast from Certificate 2</td>
<td>125</td>
<td>5552</td>
<td>0.000</td>
</tr>
<tr>
<td>Added weight in rudder</td>
<td>300</td>
<td>10109</td>
<td>-1.04</td>
</tr>
<tr>
<td><strong>Calculated trim in Certificate 2</strong></td>
<td><strong>6214.1</strong></td>
<td><strong>6702</strong></td>
<td><strong>-0.033</strong></td>
</tr>
<tr>
<td><strong>Certificate 2 as measured</strong></td>
<td><strong>6236</strong></td>
<td><strong>6650</strong></td>
<td><strong>0.057</strong></td>
</tr>
</tbody>
</table>

Also in this case, the difference in VCG and relevant righting moment cannot be justified comparing it with measured values.

Furthermore, comparing the measurement trim extremely aft with the sailing trim shown on the pictures taken during the ORC European Championship (attached below) it must be noted:

- Measurement trim is in light ship (completely empty) conditions
- Sailing trim includes sails, gears, safety equipment and crew
- To achieve trim as shown on picture 2 we estimate that longitudinal moment of 2500 kg*m is needed, that would require 625 kg to be moved for 4 meters longitudinally forward or 400 kg to be moved forward more than 6 meters.
- It is impossible to find such a weight in sails, gears and safety equipment to be moved longitudinally to achieve trim on picture 2. Even if such a weight is in some form of ballast moving of ballast is not allowed by the RSS 51.
- In addition, the crew position in the aft cockpit in the above picture (that is trimming boat further aft in the cockpit) has been neglected and this would require even more weight to move forward
- It was not possible to check the boat in the measurement trim in the race area as this would require unloading of sails, gears, safety equipment and crew and calm water conditions that is obviously not possible when wind is blowing in the race area
- therefore, flotation measurement check have been performed only in the marina where it was possible to put boat in measurement and have it in calm water conditions.

As a result of technical analysis above there is reasonable assumption that boat “Scugnizza” had an internal system that was adding some weight and changing the trim from measurement conditions while that weight and the trim were changed while racing.

While boat was considered to be in compliance with her certificate during the measurement check, it must be considered that she was not presented for the measurement in conditions as required by the IMS Rule B4 and water or liquid contents were not removed from all tanks with intention to get more favourable rating from the extremely aft trim.
Immediately after winning the ORC Europeans Championship “Scugnizza” changed again completely displacement and trim to get new certificate that was used on the ORC Italian Championship (see below conditions 3.).

3. Certificate used after the ORC European Championship on the ORC Italian Championship (Appendix 3)

Offset file: I16639F.OFF

<table>
<thead>
<tr>
<th></th>
<th>Freeboard forward</th>
<th>Freeboard aft</th>
<th>Specific gravity</th>
<th>Righting moment measured:</th>
<th>Displacement in measurement trim:</th>
<th>VCG form the offset datum</th>
<th>LCG from the stem</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FFM = 1.480 m</td>
<td>FAM = 1.182 m</td>
<td>SG = 1.028</td>
<td>RM = 137.9</td>
<td>DSPM = 4918 kg</td>
<td>VCGD = 0.080 m</td>
<td>LCG = 6.239</td>
</tr>
</tbody>
</table>

The flotation compared to the previous one is showing trim much more levelled with significant decrease in displacement (1318 kg lighter) with significantly less righting moment.

There was no internal ballast in this certificate. Comparing now certificates 2 and 3 without ballast we have:

<table>
<thead>
<tr>
<th></th>
<th>DSPM</th>
<th>LCG</th>
<th>VCG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificate 2</td>
<td>6111</td>
<td>6.672</td>
<td>0.058</td>
</tr>
<tr>
<td>Certificate 3</td>
<td>4918</td>
<td>6.239</td>
<td>0.080</td>
</tr>
<tr>
<td>Difference</td>
<td>1193</td>
<td>8.457</td>
<td>-0.033</td>
</tr>
</tbody>
</table>

This means that to achieve trim in certificate 3 from certificate 2, a total of 1193 kg needs to be removed with LCG of all removed items at 8.457 m and approximately -0.033 m below the offset datum waterline.

As requested by the Measurement Committee of the ORC Italian Championship, Vincenzo De Blasio, the owner of “Scugnizza” declared the following changes on the boat from Certificate 2 to Certificate 3:

- appendices generally made lighter (without changing its shape and profile)
- removal of internal ballast
- replacement of fuel tank
- replacement of “Magic wheel”
- replacement of damaged rudder

While difference for the ballast is already taken into account in the calculation above neither of the other explained changes cannot justify change of LCG/VCG as measured because:

- replacement of fuel tank, magic wheel and rudder cannot have significant difference in weight
- any changes in appendages are a lot below calculated VCG and removal of weight in appendages should lower VCG, not make it higher

Conclusion

Although each change of the certificate was re-measured and a new certificate was issued, hydrostatic calculations do not justify these changes.

There is no technical explanation how measurement data can change from certificate 1 to certificate 2 and subsequently from certificate 2 to certificate 3 without an internal removable ballast that was not declared for the measurement.

Internal removable ballast was most probably materialized with a system consisting of an electrical pump and tanks specially designed and constructed, hidden within the boat internal structure, to be filled with sea water for the measurement and emptied while racing.

Such an action is in contrast with recognised principles of sportsmanship. By doing this owner and all crew have committed gross misconduct and action by the Protest Committee is asked in accordance with the RRS 69.2.

Bruno Finzi
ORC Chairman
TUULBERG AND ORC v. DE BLASIO

HEARING 30TH AND 31ST MARCH 2017

DECISION OF THE INTERNATIONAL JURY

Facts found

At the ORC European Championship 2016 held at Porto Carras, Greece, from the 3rd to the 10th July 2016 the yacht Scugnizza, ITA 16639, was seen to have a different trim in measurement condition from that when she was in racing condition.

The certificate submitted by Scugnizza at registration for the event was dated 30th June 2016. It disclosed, among others, the following measurements and other information:

<table>
<thead>
<tr>
<th>Measurement</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freeboard Forward Measurement (FFM)</td>
<td>1528 mm</td>
</tr>
<tr>
<td>Freeboard Aft Measurement (FAM)</td>
<td>1045 mm</td>
</tr>
<tr>
<td>Vertical Centre of Gravity Datum (VCGD)</td>
<td>0.057 m</td>
</tr>
</tbody>
</table>

During the event the boat was measured twice, on the 7th July and 9th July, to check the freeboard measurements and to carry out a stability test. There was no discrepancy between the figures recorded and measurements taken.

Scugnizza’s stern-down trim in measurement condition was greater than that of other boats in the championship.

In sailing trim, Scugnizza was level in flat water.

In the hearing, Mr. Tuulberg and the ORC presented hydrostatic information and calculations questioning whether it was possible for Scugnizza’s sailing trim to be achieved legitimately. They alleged that this could not be achieved by the use of the available moveable ballast.

Mr. de Blasio in his initial statement said that the first thing that was done on board in preparation to get into sailing trim was “to put all the available weights at the bow using also the forepeak.” Subsequent evidence by Alessandro Paganini, a naval architect, called by Mr. de Blasio as his expert witness, provided a more detailed explanation of the position of the items placed in the boat. Mr. Paganini stated that the information, both as to weight and position of each item, was provided by Mr. de Blasio. The information included a reference to the position of the crew and their position in the boat as well.

The items referred to are as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>LCG.m</th>
</tr>
</thead>
</table>

First and spare anchors with chain in the forepeak (60 kg) 0.600
Drink water in the forepeak (30 kg) 0.600
Sails (genoa, spare sails, spi, etc.) 95kg 2.400
Safety, sailing gear (105kg) 2.400
Crew on deck mid boat (700 kg) 6.500
Crew in cockpit (170 kg) 9.200
Crew gears (50 kg) 4.850

The international jury considered video and photographic evidence produced by all parties and some witnesses including a jury member.

The international jury has itself calculated the distances between the stem and the transom respectively and the waterline, using the weight and LCG of the items and crew in Mr. Paganini’s table 9, as follows:

From a point 6.2 cm aft of the foremost point of the stem off the offset file, a vertical line has been taken through the hull to the bottom of the boat. The distance from the bottom of the boat to the waterline is 15.1 cm.

From a point 11.38m aft of the foremost point of the stem off the offset file, a vertical line has been taken through the hull to the bottom of the boat. The distance from the bottom of the boat to the waterline is 4.7 cm.

For this calculation the international jury took the Moment Unit Trim from the ORC VPP output off the certificate issued on the 30th June 2016 and also the LSF, Sink, FFM, FAM, SFFP, SAFP and Displacement figures from the measurement certificate and also used the offset file I16639F.off in order to identify the described distances.

Conclusion

The explanation by Mr. de Blasio and his expert witness is not sufficient to explain the large difference between the boat’s measurement trim and her observed sailing trim.

The jury’s calculations demonstrate that if Mr. Paganini’s figures are accepted, Scugnizzza in sailing trim would still be well down at the stern.

The trim calculated by Mr. Paganini as the boat’s sailing trim is different from the actual trim observed on the water and does not provide an explanation of the difference complained of.

The only explanation open to the international jury for the difference in the two trims is that provided by the hydrostatic information provided by Mr. Tuulberg and the ORC, namely that some illegitimate ballast has been used by Mr. de Blasio to achieve the stern-down measurement trim of Scugnizza. Equally it must be accepted that the ballast was removed to achieve the level sailing trim.
The international jury is confident that in a boat of this nature there is ample space to hide the necessary equipment and that the technical devices are available to achieve the changes in trim that were observed.

**Rules Applicable**

Because the championship took place under the Racing Rules of Sailing 2013 – 2016, those are the applicable rules, which are more favourable to the competitor than the current rules.

The procedure to conduct the hearing adopted by the international jury was that laid down by the current rules.

Mr. de Blasio is in breach of rule 69.1 (a) in that he committed gross misconduct by committing a gross breach of a rule, a breach of good sportsmanship and by bringing the sport into disrepute, all of which were committed deliberately.

The rules broken were RRS 2, 78.1 and ORC Rating System 2016, 304.3 a) all of which were broken deliberately.

The international jury is comfortably satisfied on all the facts contained in this decision.

**Decision**

1. Scugnizza, ITA 16639, is disqualified from all races of the championship under rule 69.2 c (2).
2. This decision will be reported to FIV, to the Hellenic Federation and to Organising Authority.

**Time April, 1st 16.50 hrs**

**Jury members: Willii Gohl, Costas Tsantilis, Konstadina Sfakianaki, David Lees, Lorenz Walch**
Dear Mr. Hunt,

During the ORC European Championship held in Porto Carras, Greece from 3rd to 10th July 2016, owner and crew of boat “Scugnizza” committed a gross misconduct as it was established by the International Jury hearing under RRS 69 based on report of alleged misconduct by one of the competitors as well as report with technical explanation provided by the ORC.

International Jury has found that Mr. de Blasio, owner of “Scugnizza” was in breach of rule 69.1 (a) in that he committed gross misconduct by committing a gross breach of a rule, a breach of good sportsmanship and by bringing the sport into disrepute, all of which were committed deliberately.

As required by the RRS 69, International Jury reported the decision to the competitor’s National Authority – Federazione Italiana Vela (FIV) together with the statement in accordance with rule 69.2 (k) that the jury considered that the actions of every member of the crew of Scugnizza on board during the regatta probably also constituted misconduct but that it was impractical to conduct a hearing in respect of those actions.

As we were informed, FIV made a decision that no further action should be taken against the owner and the crew of “Scugnizza”. Taking in account seriousness of gross misconduct as found by the International Jury we would like to make an appeal to the WS Judicial Board in accordance with the WS Regulation 35.5.12.

With due respect to all persons and bodies involved, we would ask if you as the CEO of World Sailing could share your opinion with us, if the decision of FIV is appropriate, lenient or unduly lenient.

We also would appreciate to be informed in case Reg. 35.5.12 (c) will be used by you within the time limit outlined in Reg. 35.5.13 or not.

I am at your disposal, if any further information is needed.

Kind regards

Bruno Finzi
ORC Chairman
Facts on “Scugnizza” case

1. During the ORC European Championship 20016 boat “Scugnizza” has been checked for freeboard and stability measurements as a part of the post-race measurement check. Both freeboards and inclining test results were found in accordance with her certificate and tolerances within ORC rule 305.2(a).

2. Additionally, freeboards were also checked during the measurement protest. Freeboards were in range of those recorded in the certificate, still with extreme aft trim.

3. It must be noted, that during that during two measurement checks boat was found in compliance with her certificate. However, as it was shown later the boat was not presented for the measurement as it is required by the rules.

4. After the ORC European championship, boat “Scungizza” was significantly modified, re-measured and new certificate was issued.

5. Based on the fact from the new certificate, a report about possible gross misconduct was presented against boat “Scugnizza” by the boat “Katariina II” that was participating at the ORC European Championship.

6. Additionally, technical analysis of the certificates of “Scugnizza”, before, during and after the ORC European Championship was performed by the ORC resulting in allegation of possible gross misconduct by the owner, skipper and crew of boat „Scugnizza“ during the ORC European Championship held in Porto Carras submitted to the Organizing Authority (as attached).

7. Organizing authority has informed the International Jury about the allegation of possible gross misconduct received and new International Jury has been appointed to call a hearing under the RRS 69.2(b).

8. The hearing was held on 30th and 31st March 2017 in Athens. The decision of the Jury was that boat “Scugnizza”, ITA 16639, is disqualified from all races of the championship under RRS 69.2 c(2).

9. The decision was reported to Italian Sailing Federation (FIV), to the Hellenic Federation and to Organizing Authority.

10. FIV made a decision that no further action should be taken against the owner and the crew of “Scugnizza”.

11. Taking in account seriousness of gross misconduct as found by the International Jury ORC made an appeal to the WS Judicial Board in accordance with the WS Regulation 35.5.12 (as attached).
From: Stan Honey
Sent: 23 May 2018 02:01
To: Jon Napier
Cc: Carlos de Beltran
Subject: RE: Scugnizza

Jon Napier,

Thank you for the background, the explanation and a copy of the letter. I have not had access to any of that other than a brief conversation with you in the halls at PV, when all you had time to relay was that WS was not pursuing an appeal. For your background, I had encouraged Bruno to bring the original rule 69 protest, so it is helpful to me to know where the effort stopped, given that Bruno followed through on his protest and then strenuously complained to me that he did what we discussed and World Sailing dropped the ball.

As you may know, offshore racing suffered from rampant cheating at the highest levels of competition, and by the most well-known sailors, in the early 1980's. Many of us are stridently opposed to slipping back into that morass. I don't know how much would have become public had we pursued an appeal and lost, but even in the event of a loss, the fact that we appealed would have been a helpful event to communicate publically to our sport that if we think that you're cheating, World Sailing will attempt to set it right. Whereas not attempting an appeal because we might not win doesn't sound very compelling to a community of competitors who don't always win. I don't know about the financial cost to WS of an appeal but I'm aware that it is likely a factor.

Your email is clearly marked as being confidential, so I will honor that, but is there a way that you could write up and post your findings and the reason that World Sailing decided not to appeal? Even the public statement that World Sailing lodged a holding action and seriously considered appealing would reflect well on our organization.

Thank you for the copy of the letter and the background. It is very helpful to me as Chair of Oceanic and Offshore to have the benefit of your briefing. Is there a way that I can stay briefed on these issues in the future or even be involved in the decision if it is an offshore or oceanic event in question? One of my largest concerns about offshore sailing is trying to avoid reliving the 1980's.

Best Regards,
Stan

e-mail stan@honeynav.com
skype stanhoney