

**BEFORE AN INDEPENDENT PANEL
OF THE WORLD SAILING JUDICIAL BOARD**

IN THE MATTER OF:

COSMIN ANDRONIC

Appellant

**RACE OFFICIALS' COMMITTEE
(AUTHORISED COMMITTEE OF WORLD SAILING)**

Respondent

DECISION

1. In November 2020, the Appellant lodged an appeal against a decision to reject his application for First Appointment as an International Judge.
2. The Appellant subsequently filed a Statement of Appeal setting out the grounds for appeal.

The Statement of Appeal was lodged slightly outside the time frame as provided for in the World Sailing Judicial Board Rules of Procedure.

The Respondent also sought a minor extension of time in which to file its reply to the appeal.

There being no prejudice, both extensions were granted by the Independent Panel Member (IPM).

3. The Respondent rejected the application by its authorised Committee, the Race Officials' Committee (ROC), as it considered the Appellant did not provide the required references as provided for in the Race Officials Roles, Qualifications and Competencies document (RQC) as published by World Sailing from time to time.

WS Regulations set out in Regulation 31 requirements for appointment and reappointment in respect of World Sailing Race Officials disciplines. Pursuant to Regulation 31.7, *a candidate for appointment shall meet general qualifications for appointment as published by WS by 1 February each year*. That document sets out in the various discipline specific qualifications for the category of Race Official being applied for, and in this case Regulation 31.7(a) is applicable.

4. The issue at large in this appeal is whether or not the candidate for a first time appointment has complied with requirements outlined in RQC paragraph 4.2, being *during the Designated Period (in this case the 4 year period from 4 October 2017 to 13 October 2021 inclusive) the obtaining of at least 3 complete reference forms from the relevant jury chairman at the events attended*.

The reference form is a specific form provided for by WS, setting out various standards in respect of different competencies required.

The Appellant provided 3 reference forms for the purposes of satisfying Regulation 4.2(d) of the RQC, one of which was accepted as complying with the requirements and the other two, being references provided by Ms Genc and Mr Jakelic were found to be non-complying.

5. For the purpose of this appeal it is therefore relevant to look at each of the references provided which were found not to be in compliance by the ROC.

Ms Conskuner Genc Reference

A reference was provided in respect of an event by Ms Genc, being the 2019 Warnemunda Woche event (WW).

As part of the appeal process, the Appellant lodged a letter from the Chairman of the International Jury for WW 2022 seeking to clarify the situation in respect of WW 2019. In summary, the further information clarified that WW week is a substantial event which due to geographical reasons is divided into an eastern part and a western part by the River Warnow. The Chairman for the Jury of the WW event was Dr Jansen who was responsible for the eastern part and his Vice-Chair, Dr Kornfeld was responsible for the western part.

6. The J22 Worlds was conducted in the eastern part and was treated by the organising authority as a single event, with Ms Genc being the Panel Chair for that World Championship. Accordingly, and not surprisingly, the Appellant obtained a reference form from her. Unfortunately, the reference form provided referred to WW 2019 but for the reference to be considered it should have been issued in the name of the J22 Worlds 2019, it being treated as an entirely separate event.

The International Judge reference form is signed Ms Genc as Jury Chairman, but the event referred to is 2019 Warnemunde Woche (otherwise referred to as WW in this decision). Accordingly, the error in the document has been made by the Jury Chairman who has incorrectly referred to the event as 2019 Warnemunder Woche as opposed to the J22 Worlds Jury. This has since been clarified by the correspondence from Dr Jansen.

7. At the time of considering the application, the ROC had the incorrect reference, and could only deal with the matter on that basis.
8. The Appellant submitted that the RQC document in paragraph 4.2(d)(d) stated *that “at least one of the three most forms confirmed as IJ standard shall be from an IJ instructor or an IJ grouped as chief or lead. This person may have been the jury chairman or a member of the IJ for the event.”*

That submission misunderstands the requirement of 4.2 which clearly states that at least 3 complete reference forms ... from the relevant Jury Chairman. An applicant can submit more than 3 reference forms, but 3 must from the relevant Jury Chairman. Additional reference forms can be submitted in support of the application which could include from either an IJ Instructor, or IJ grouped as Chief or Lead. Such a person may have been the Jury Chairman or a member of the IJ for the event. This additional criteria for the submission of a reference form does not derogate from the requirement that there must be as part of the application at least 3 complete reference forms from the relevant Jury Chairman.

In this case, the event was not shown as a J22 Worlds, being the event in which Ms Genc was the Chair (as shown by the additional information).

9. The purpose of the Regulation and the RQC is to provide appropriate criteria for satisfaction for the appointment to the position of a Race Official of WS. It provides process to ensure that appropriate persons are appointed to these important positions. There are many such applications for such appointments and I am well

versed in that having been a member of the International Judges Sub-Committee previously. There is a substantial amount of material to be reviewed by the relevant Committee and it is important that all relevant and correct information is submitted at the time of lodging the application. The ROC when considering such applications cannot be expected to understand or know the idiosyncrasies of certain events and how such Events are framed. As Dr Jansen quite properly acknowledges, WW “is a bit confused”.

10. Laser Event (Lazer Europa Cup Bulgaria in Varna 2019).

The Race Officials’ Committee by letter of 27 October 2021 advising of the rejection of the application, noted that Mr Zlatko Jakelic who had provided a reference was not in the position of Jury Chair at the relevant event, and consequently cannot be counted towards the requirement.

Subsequent evidence has been provided that Mr Jakelic was in fact the Jury Chairman and the reference in the application to the Appellant being the Jury Chairman incorrect. This is an error that has been made by the Applicant himself, however it would have been rather odd for the Applicant himself to be providing such a reference for himself.

It appears that Mr Jakelic was in fact the Jury Chairman (refer Appendix 6 to the Appeal, being the World Sailing International Judges Sub-Committee Event reporting system) which confirms the Jury Chairman’s name as Zlatko Jakelic.

An examination of the report from Mr Jakelic discloses that there were no hearings or requests for redress at the event.

This was a new and additional matter raised in the reply from the ROC as an alternative submission. In order to facilitate the resolution of the matter the IPM sought submissions from the Appellant on this submission.

The Appellant acknowledged there were “new facts stated by myself and the ROC”, and foreshadowed a new application being made as an IJ.

It is therefore clear that the Application cannot succeed as RQC 4.2(d) makes it clear that any such reference form with no events is not a “complete reference form” for the purpose of consideration of an appointment as a IJ.

11. The IPM notes the importance for Applicants to ensure that the information lodged with their application is correct in all respects and that all of the information provided demonstrates the basis in which the regulations are satisfied in such applications.

The Race Officials’ Committee have many applications to consider, and this will assist them considerably in that process.

12. The IPM encourages the Appellant to proceed with his foreshadowed new application for appointment. It further notes that the reference provided by Ms Genc referred to the Warnemunde Week rather than the J22 Worlds Jury, and this is information now before the ROC.
13. The *raison d’etre* for the application process is to facilitate the appointment of high quality race officials, and whilst it is recognised that it is up to the ROC to determine such applications (subject of course to appeal), the ROC is encouraged to accept the reference form in any subsequent application provided by Ms Genc having regard to

the clarification provided by the Chairman of the International Jury for Warnemunde Woche which confirms Ms Genc was in fact the Chair of the J22 Worlds, and in that role gave the applicant the reference form (subject of course to the event being within the relevant time period for a new application).

14. Accordingly, it necessarily follows the appeal must be dismissed.

Order

The Appellant's appeal is therefore dismissed.

David Tillett AM
Independent Panel Member

3 February 2022