

Complaints by Mr. David Pratley against the results of the F5J Trophy, Cootamundra  
Date of Contest: 3 and 4 November 2018

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#### First Complaint

By email to the CD, Trevor Smith on 5 November 2018

Full text of Complaint: See Appendix A

#### Second Complaint

By email to LSF Committee: 12 November 2018

Full text of Complaint: See Appendix B

### **Deliberations and Decision of the LSF Committee**

#### **Background**

1. The event was a team trial to select pilots for the F5J World Championships in 2019. As such it was run strictly according to the FAI Sporting Code. The Sporting Code sets out both the rules for F5J competitions and the complaint/protest procedure.
2. In round 12 of the event, Marcus Stent suffered damage (not due to a mid-air collision) to his model during flight.
3. David alleges in his complaints that this damage resulted in loss of part of the model and should have resulted in a zero score.
4. Marcus completed the flight despite the damage and recorded a good score.

#### **Deliberations**

1. The FAI Sporting Code has a rule to manage complaints and protests. The full text of the rule is contained in Appendix D.

A protest must be accompanied by the protest fee. No such fee has been paid. The rule says that the latest time that any protest can be made is before the prize giving.

We conclude that David's emails and allegations did not meet the requirements of the rule in that they were made after the latest time allowed. Also, no protest fee was lodged.

2. David alleges that he did not have the opportunity to review the results before the prize giving.

In order for a protest to be made, the competitor has to have the opportunity to know that there is an issue. In this case, that a good score has been recorded rather than, as David believes, a zero score.

In the case of this competition the results were published before the prize giving. Refer Appendix E and Appendix G.

David says that he did not see the results at the time. However, the opportunity was there and the fact that he did not take that opportunity is unfortunate, and nothing else.

3. David Pratley relied on Rule 5.5.11.7. b)

The full text of the rule is set out in Appendix C.

In particular, the rule talks about the loss of a part in flight. The consequence, if found to be true, would be cancellation of the flight resulting in a zero score.

The exact definition of a “part” for the purposes of this rule is not clear.

The various dictionary definitions that the Committee have seen all define a physical part in a similar way, typically as “an amount or section which, when combined with others, makes up the whole of something”.

If anything was missing from Marcus’ wing, it would fit with the definition of a piece, typically “a portion of an object or of material, produced by cutting, tearing, or breaking the whole”.

The intent of the rule is not spelt out so that too is not clear. However it can reasonably be inferred that it is intended that no pilot gains any advantage by breaching the rule.

It is clear that Marcus did not gain any advantage from what happened.

This Committee accepts that there was no advantage gained, or intended to be gained, by Marcus as a result of the alleged ‘loss’.

It is also relevant to note that one of the people who gave information to the CD after David’s first complaint was also a member of the Jury that would have been convened if David had put in an official protest. This Jury member concluded and stated that no part was missing. This strongly suggests that even if a formal protest had been lodged, it would have failed.

4. As a general principle, events have to finish, with all protests out of the way, within the time limit set by the rules, that is, they finish with the prize giving. This gives certainty to everybody that the results at the time of the prize giving are immutable.
5. The question of protecting the integrity and fairness of the Team Trail process was considered.

This Committee feels that, having given the authority to run the event to Trevor Smith, provided that all rules and processes are followed, this Committee will have no grounds to interfere with the results. In any event, any protest would have to be raised with this Committee within the time limits allowed and if necessary, settled by the Jury and not this Committee.

## **Conclusion**

The Committee concludes

1. That no complaint was raised at the contest, nor was a formal protest lodged.
2. David had the opportunity to review the scores before the prize giving. There are no grounds for protest on the basis that he did not see them until much later.
3. That the scores remain as they are.

### LSF Committee

Tom Dupuche – President

Daniel Haskell – Secretary

Gerry Carter – Treasurer

Jim Houdalakis – Executive

Appendix A - David's first complaint and CD's reply

Reply to Mr David Pratley dated 6 November 2018 (and David's email further below)

Hi David,

The incident you are referring to was in Round 12 Group 4. I have spoken to Marcus, his timer David Millward and another timer in that group who saw Marcus's model after it landed. All confirm that the spar had become separated producing cracks in the wing as you have stated. They also confirm all material remained on or within the wing with no material departing the model.

The flight scores recorded for Marcus in Round 12 Group 4 are therefore valid and no change will be made to the results.

Regards... Trevor

From: sales@davestoys.com.au  
Sent: Monday, 5 November, 8:55 pm  
Subject: Marcus and the score that was submitted  
To: trevor\_d\_smith@bigpond.com

Hi Trevor sorry you have been brought into this  
I did not see till I looked at the results that Marcus did not have a zero score for his flight that resulted in his wing fluttering and not all parts remained on the aircraft  
His wing was missing a section about 200mm from the end of the center panel  
This was like klaus and is not fair on him to have a zero and Marcus no zero  
This will also play a big part in the F5J team selection  
Can you please correct the scores before you email to the LSF and Gerry  
Sorry to put this on to you but it needs to be sorted  
If you need to talk about this please let me know

Regards  
David

## Appendix B

David's second complaint

Hi Tom and committee

I have a problem with the F5J team selections that were held at Cootamundra over the long weekend

While we all had our problems in the team selections it seems that Marcus wants the spot more than anyone else

In the 12th round off memory Marcus flew his lite Stork and with full throttle made a hard left turn

His model went into a violent flutter and damaged his wing. He flew the full flight with this damaged wing which was remarkable as it had some major D Box damage

I looked at his model and noticed a part of the skin missing on the top and bottom about 150mm in from the end of the center panel and then it had torn the skin from that point all along the spar towards the center of the wing

It was my understanding that he had put in the zero score for that round

When the placings were called out Marcus was in second place and I had concluded that this was because he had a zero for that flight

It was only when we had a copy of the scores that we found that this was not the case

I did report this to Gerry and also to Trevor

Gerry tells me that it is a zero score if a part of the model, but it is a score if it is a piece of the model

Trevor asked David Milward and he got the answer that the broken or missing parts were inside the wing

When I looked at the wing it was a hole clean through the wing and the parts had been torn off and were not inside the wing

Marcus rang me today and asked what the problem was and I explained my case to him and he tells me that there was no skin missing and went on to say well you prove it as I have already started the repair

I asked him to do the write thing and he got very defensive with me

On 1 hand David tells us the missing parts were inside the wing and Marcus tells me there was no part missing at all

I ask the committee to ask Marcus to present the wing and any parts he has removed for inspection ASAP and send an email out for any one that has a photo of the damage

Also not to do any more on the wing till this is sorted

Regards

Dave

## Appendix C

### Extract from F5J rules

#### 5.5.11.7. Cancellation of a flight and/or disqualification

The Flight is cancelled and recorded as a zero score if:

- a) the competitor used a model aircraft not conforming to any item of rule 5.5.11.1;
- b) the model aircraft loses any part during the launch or the flight, except when this occurs as the result of a mid-air collision with another model aircraft. Except that the loss of any part of the model aircraft during the landing (coming into contact with the ground) is not taken into account;
- c) the model aircraft is piloted by anyone other than the competitor;
- d) during landing, the nose of the model aircraft does not come to rest within 75 meters of the centre of the competitor's designated landing spot;
- e) the AMRT does not record any Start Height data.

A competitor shall be disqualified if, in the judgment of the Contest Director, there has been intentional or flagrant violation of the rules or unsafe flying.

## Appendix D

Extracted from SC4\_CIAM General\_Rules\_18

C.20.3 b) and the Note seem to be most relevant.

### C.20 COMPLAINTS AND PROTESTS

#### C.20.1 Complaint

The purpose of a complaint is to obtain a correction without the need to make a formal protest. It is recommended that a complaint is filed before submitting a protest (see FAI Sporting Code General Section 6.1).

#### C.20.2 Protest

- a) All protests must be presented in writing in English to the contest director of the event, or the appropriate contest director for an event with multiple classes and must be accompanied by the deposit of a fee. The amount of this fee shall be the equivalent of 50 Euro. The deposit is returned only if the protest is upheld.
- b) The same person (team manager or competitor depending on the type of contest) is not permitted to present two consecutive protests on the same incident.
- c) Protests must be arbitrated in compliance with FAI Sporting Code General Section 6.4.

#### C.20.3 Time limit for lodging protests

- a) Before the beginning of the event: a protest against the validity of an entry, qualification of competitors, the contest rules, the flying and contest area, the processing of models, the judges or other contest officials, must be lodged at least one hour before the opening of the contest.
  - b) During the event: a protest against a decision of the judges or other contest officials or against an error or irregularity committed during an event by another competitor or team manager must be lodged as soon as the contest situation requires but not later than 60 minutes after the incident.
- Note: a protest relative to official results must be lodged as soon as the official results have been published on the flight site of the event and no later than the prize-giving.

## Appendix E

### Notes on investigation by Tom Dupuche

#### Time line of events

F5J trophy and world champs selection was on 3 and 4th Nov

On the 4th round 12 group 4 Marcus' model fluttered on launch and it is alleged that parts came off the model and should have resulted in a zero score

David P was flying in the same group

No official or unofficial protest was raised

At the end of round 13 (end of the contest) the scores were printed and made available for review prior to the presentation

The presentation was given and everyone went home

David saw the scores the next day and 30 hours after the event raised it to Trevor as the "first complaint"

Trevor asked Marcus, David M and Phil Steveson (who was on the next landing spot and timing for someone) if they saw something come off the model. All 3 said no. It's important to note that Phil was a member of the jury and an independent third party

Trevor also asked about the missing part from the wing - David M responded these were inside the wing

Trevor concluded there was no penalty or need to change the scores. Either way the protest was after the prize giving.

On the 12 Nov it was raised to LSF committee "second complaint"

On the 12 Nov Tom Dupuche spoke with Trevor and Marcus

On the 18 Nov Tom Dupuche spoke with David

On the 24 Nov Tom Dupuche again spoke to David to clarify if he raised the incident formally and directly to Trevor Smith. He confirmed he did not.

#### Key notes from interviews

##### Trevor

Confirmed he did not receive an official or unofficial protest from David at the event

Confirmed the scores were available before the presentation giving

When the first complaint was received he investigated with Marcus, David Milward and Phil Steveson

Concluded the scores should stand

##### Marcus

Confirmed he did not see parts come off the model

Found some pieces of wing inside which could account for the believed missing parts

Also believes parts came off the model putting it in the wing bags

Confirmed the model was available for inspection the rest of the day

##### David

Confirmed he was flying at the time of the incident

Did not see parts come off the model.

Believes the wing was so badly damaged that parts must have come off

Believes that there were parts of the wing missing on the ground

Did not see the scores available before prize giving

First time he saw the scores was the following Monday

Appendix F

Photograph of damaged part of the wing



## Appendix G

Clarification by CD, Trevor Smith

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**From:** [Trevor Smith](#)

**Sent:** Saturday, 24 November 2018 1:12 PM

**To:** [Gerry Carter](#)

**Subject:** Re: Official protest

Hi Gerry,

There was no protest immediately after the flight or indeed for the remainder of the competition and therefore there was no on-field inspection or investigation. I did not see the flight at the point of failure but heard it (flutter) and immediately turned to look. At the time I was watching those who were launching towards the pit area and trying to prevent this from occurring. When I turned back towards the flight line I did not see any parts falling to ground although the distance would have been greater than 100m and the plane was low when the failure occurred. I like most others observed the remainder of the flight out of interest and at no time saw anything fall to ground. No one came to me suggesting that parts had fallen from the plane immediately after the flight. The plane was left unattended after the flight as Marcus was on a back-to-back and it would have been inspected by those keen to see what failed, but still no protest or comment from anyone.

The results were displayed for all to look at prior to the presentation. If anyone had a concern about the results, and had not seen them displayed, they only had to ask. At the presentation, even the fact that Marcus came second should have prompted interest in the results if someone thought a flight should have been a zero, but still no protest or questioning of the results.

The protest from David was received via email (attached) at 8.55pm on Monday the 5th November, some 30 hours after the event finished.

Regards.....Trevor

## Appendix H

Follow up clarification with David P on 24<sup>th</sup> Nov on when he raised the protest. He confirmed he did not directly raise it to Trevor after the incident.