

## **THE FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION**

*Sitting on behalf of Amateur Football Alliance*

### **NON-PERSONAL HEARING**

of

**Michael Oral (consolidated with Nezar Shubbar)**

### **THE DECISION AND REASONS OF THE COMMISSION**

#### **Introduction**

1. These are the written reasons of Martin Hill (“Chair” or the “Commission”), having considered the matter on papers as Chair alone on a Non-Personal Hearing basis.
2. These written reasons contain a summary of the principal evidence before the Chair and does not purport to contain reference to all points made. The absence in these reasons of any particular point, piece of evidence or submission should not imply that the Chair did not take such point, piece of evidence or submission into consideration when determining the matter. For the avoidance of doubt, the Chair has carefully considered all the evidence and materials furnished in this matter.

#### **The Charge**

3. By a Misconduct Charge Notification dated 23<sup>rd</sup> October 2023 (the “Charge Notification”) issued by the Amateur Football Alliance, Michael Oral was charged with a breach of FA Rule E3 - Improper Conduct against a Match Official - (including threatening and/or abusive language/behaviour).
4. It is alleged that Michael Oral used threatening and/or abusive and/or indecent and/or insulting words or behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Threatening Behaviour Against a Match Official as defined in FA Regulations. This refers to the allegation that Mr Oral entered the field of play and shouted at the match official and/or told them that a Ravenscroft Old Boys First player was called “Fuck you”. This made the referee feel frightened.
5. As part of the consolidated hearing, Nezar Shubbar, by a Misconduct Charge Notification dated 23<sup>rd</sup> October 2023 (the “Charge Notification”) issued by the Amateur Football Alliance, was charged with a breach of FA Rule E3 - Improper Conduct (not including threatening and/or abusive language/behaviour (including abusive language/behaviour) which refers to the alleged misconduct in a match against Southbury Athletic Reserves on 30/09/2023. It is alleged that during the fixture Mr Shubbar refused to leave the field of play and/or give the referee their name when shown a red card which is improper pursuant to FA Rule E3.1.
6. Further, as part of the consolidated hearing, Nezar Shubbar, by a Misconduct Charge Notification dated 23<sup>rd</sup> October 2023 (the “Charge Notification”) issued by the Amateur Football Alliance, was charged with a breach of FA Rule E3 - Improper Conduct against a

Match Official - (including threatening and/or abusive language/behaviour) which refers to alleged misconduct in a match against Southbury Athletic Reserves on 30/09/2023. It is alleged that Nezar Shubbar used threatening and/or abusive and/or indecent and/or insulting words or behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Threatening Behaviour Against a Match Official as defined in FA Regulations. This refers to the allegation that Mr Shubbar acted in a confrontational and/or intimidating manner towards the match official that made them feel unsafe/frightened or similar.

7. Michael Oral pleaded not guilty to the charge. He was content for the matter to be dealt with by way of correspondence.
8. Nezar Shubbar accepted both charges against him and was content for the matter to be dealt with by way of correspondence.
9. Accordingly, all matters have been dealt with by me, as Chair alone, on a Non-Personal Hearing consolidated basis.

### **Evidence**

10. Following the fixture between Ravenscroft Old Boys First v Southbury Athletic Reserves on 30<sup>th</sup> September 2023, Giuseppe Pentangelo, the Match Official submitted an Extraordinary Incident Report Form dated 05<sup>th</sup> October 2023, which stated, inter alia:

*“After 30 minutes from the start of the match, number 31 of the Home team Ravenscroft Old Boys 1st, committed a foul ( handball ) which I whistled and called, the player, which never provided his name, had dark olive skin, black short beard and straight short hair, asian looking, he had number 31. He shouted at me "you fucking idiot" so for me to send him out with a red card, which I displayed, I called him back to get his name but he never gave me it instead he insisted to not to leave the pitch so for me to impose myself towards him and tell him to leave, straight after this a manager of the team came in the pitch to discuss my decision. I told him to leave the pitch immediately because he was not allowed to stay in. I calmed down the situation, even if I whistled to stop the game I had to recall the attention of all the players because they thought the game was still on, once done this, I went at the board of the pitch to call the managers and ask again, the name of the player that I sent off, having number 31, but I have been told by one of them "his name is Fuck you". Given the situation and the heat of the moment, also considering that the home team had a terrible attitude towards me for whistling the foul, continuing debating my decision, making the game stop and not having any respect for what I said, I left the pitch and abandoned the game, I felt frightened, I haven't even changed myself, leaving the venue with my boots and kit, only changed when I was away from the location.”*

11. In undated correspondence between Robert King, Football Services Assistant for the Amateur Football Alliance, and the match official, Mr Pentangelo states;

*“Good afternoon Robert, As we spoke over the phone earlier, I confirm what said in our conversation in this email. Player 31 after I called the handball foul he yelled at me swearing*

*"Fucking idiot" and walked to me as to question my decision, his attitude and body language were arrogant and aggressive. I didn't feel safe at that point, because at the same time I called the foul, the team shouted at me complaining about it, their attitude also was not the greatest, they were getting the heat and they were angry. At the same time one of the two managers stepped in the pitch, questioning my decision and trying to make me change my mind, number 31 refused to leave the pitch, so I had to recall all of them to observe order and for him and the managers to step away from the pitch. I asked the name but he stepped off without giving me his name ( player number 31 ), so I went at the board of the pitch to ask for his name to one of the two managers there, and one of them told me to calm down and to change my attitude, when I was perfectly calm, and when I asked him for the name of the player he told me "the name of the player is Fuck You". At that point I left the game, I had no support from them on this regard, nothing that made me able to proceed with the game in a decent way. Thank you again for your help. Kind regards. Giuseppe."*

12. In email correspondence dated 09<sup>th</sup> October 2023 between Robert King, Football Services Assistant for the Amateur Football Alliance, and the match official, Mr Pentangelo states;

*"Good afternoon Rob, good afternoon Team, please find below further details for the match on subject and apologies for the confusion. I replied to Melanie the day the email was sent, but I will reply in case the email hasn't arrived. Thanks again for your support and patience in this. Kind regards, Giuseppe Pentangelo.*

***We are now looking into the contents of your report and to help us could you please answer the below questions:***

***1. Did the number 31 for Ravenscroft Old Boys say anything to you when they refused to leave the pitch after you had shown them the red card- please use "" for any direct quotes.***  
*He shouted at me "fucking idiot" , straight after I called the handball foul, and when I told him to leave he came towards me face to face, very close to me, so I had to step back, I don't remember what he said but he was refusing to leave, so I had to tell him to step away from the pitch, but his attitude was arrogant and challenging, like trying to intimidate me.*

***2. When the Ravenscroft Old Boys manager entered the pitch what did they say to you, how did they approach you, what was the tone of their voice when they spoke to you.***  
*Ravenscroft manager was agitated and was shouting at me to change my decision, during all the episode their attitude was indeed arrogant.*

***3. Can you recall who told you that the name of the player you dismissed that their name is "Fuck you"- can you recall their shirt number or provide a description of this person.***  
*There were two managers of the Ravenscroft team, one of them was a man in his late 50s I presume, with grey hair, balding.*

***4. In your report you state that you felt frightened- could you please explain more about why you felt like this, if you felt frightened due to a specific person could you please tell us who made you feel like this.***

*I felt frightened by the player and the manager, and the team was ganging up against me saying that I was ruining the game, that "I wasn't applying the rules", it was just half an hour from the start, I was expecting support from the managers and not yelling at me in that way, who represents the team should avoid these things to happen and call the player to behave, instead I had the opposite, plus I don't know who I am dealing with, so I felt insecure to stay there, given the circumstance and the lack of professionalism that a management is supposed*

*to have towards an official, in fact I didn't even bother to change my uniform, I just left as I was."*

13. In a witness/participant statement dated 06<sup>th</sup> October 2023 Mark Collicott, Second Team manager, Southbury Athletic, states,

*"The game kicked off at 1.30pm. We scored after about 10 minutes. Approximately around 15 minutes our striker was through on goal and he lobbed the goalkeeper who then jumped up and punched the ball whilst outside of his area. The referee stopped the game and called the goalkeeper over and produced a red card and sent the goalkeeper off for deliberate handball. Some of the Ravenscroft players thought it was a bit harsh, but we all agreed it was a red card and it was accepted. Around the 23rd minute Southbury had a corner which was cleared, Ravenscroft attacked down the right wing, the ball was passed into the centre circle to the striker and as he controlled the ball the ball bounced up and hit him on the hand. The referee called for a foul, and the opposition player got angry and started to remonstrate with the referee, swearing in general, and directed "fuck you" at him. The referee asked for his name but I don't think he gave it. The referee went over to the opposition bench and asked for the players name, but again, not sure it was given. At that point the subs and manager got into a heated argument with the referee and "fuck you" was heard again. At that point the referee abandoned the game and walked off into the changing rooms. 3 people followed the referee, 2 from Southbury including myself and 1 from Ravenscroft. Myself and Jamie wanted to check he was okay and the opposition captain wanted to find out why the game was abandoned. The referee said he didn't want to speak to anyone as he looked visibly shaken by the incident. All 3 players left the changing rooms and then the referee left the changing rooms and exited the ground. All three of us returned to the pitch".*

14. In a witness/participant statement dated 17<sup>th</sup> October 2023 Michael Oral states,

**"1. In the report it states that after Ravenscroft Old Boys player, Nezar Shubbar, was shown a red card they refused to give their name to the official and refused to leave the field of play. They also approached the referee in a manner that made the referee feel threatened. Could we please ask for Nezar's observations on this incident.**

*Nezar DID REFUSE TO LEAVE THE PITCH. I HAVE TOLD HIM GOING FORWARD TO LEAVE THE PITCH AND LET ME DEAL WITH ANY DISAGREEMENTS. There were a few players around the ref, all they wanted some clarity because the player was sent straight off for swearing as we already were a player down from a goalkeeper handball out of the area, we are talking about four players, they were not being threatening.*

**2.It has also been reported that a Ravenscroft Old Boys coach, entered the field of play and when the referee asked for Nezar's name, they said their name was "fuck you". This person also made the referee feel frightened. Could we please ask for them to be identified and ask for their observations on this incident.**

*I am the coach/Manager. I have never in my football career made a referee feel threatened, I tell my players to move away if they are arguing with a ref. I am so sorry to say the ref in question is not being totally honest with the league. I would be more than happy to appear in front of a board. Not at any time did I step on to the pitch. When he waked of the pitch I ask him to calm down and we can continue. He told me to F. OFF. The referee came to the side*

line and SHOUTED AT Pira (AS PER STATEMENT) SWORE AT HIM TO TELL HIM THE PLAYERS NAME

**3. Lastly, it has been reported that the Ravenscroft Old Boys players debated most decisions made by the referee. Could I please ask for your observations on this.**

*We felt the ref decisions were incorrect."*

15. In further undated statement from Michael Oral he states,

*"Dear Sirs, Firstly I would like to apologise for the abandonment of the London Old Boys Drummond Cup first round between Ravenscroft vs Southbury Athletic 2nd on 30 September 2023. I am very disappointed in the referee's decision to walk off the pitch due to an incident involving three of our players. The first incident happened against Nezza Shubbar who was accused of hand ball and in his frustration, he swore indirectly at the referee who gave the player a straight direct red card. In my opinion I think this was unfair decision and the player should have been given a yellow card and a sinbin. (I was informed that the referee did not ask the player for his name) I had 2 subs on the side line who was shouting about the unfair decision (Andri Bebja & Pira Xheladin). Referee came straight over to Pira Xheladin and said why are you fucking shouting at me and the other reply was what is your fucking name & in reply from Pira was my name is fuck you. Lastly the ref swore at me as he walked off, all I said let talk and calm down, reply was fuck off. There was no retaliation of any sort from me, after that I just let him carry on walking off. The referee had no right to swear at any player. Especially as a red card was produced for swearing. The referee lost control, had no respect for players. He should have spoken directly to me or the captain instead of walking off. Players from both sides paid money for travel and the oppo paid up front. I have busted a gut to get new players, some are young, some are not so, there is respect from my players, BUT ALSO THERE MUST BE RESPECT FROM THE OFFICIALS. I DID NOT DESERVE TO BE SWORN AT UNDER ANY CIRCUMSTANCES, SAME AS REFEREES DO NOT. BUT IT HAPPENS IN FRUSTRATION. There was another game going on behind us, I must of heard at least 20 times players swore at the referee, the ref handled it. I am trying my hardest to get money off player to cover pitches, I had to refund some money to players. Last year I believed we had a couple of red cards, we are not a troublesome club. Kind regards Michael Oral/Ravenscroft."*

16. In a witness/participant statement dated 17<sup>th</sup> October 2023 Nezar Shubbar states,

*"My account to what happened on the following date was an incident that involves the referee saying I handled the ball, it was clearly ball to hand, I did explain to the ref, but he was not listening. It was his attitude towards me WAS VERY RUDE. I did swear I said f off, I was just frustrated. I understand getting a card, but to get a straight red was unfair, I should have got a yellow & sin bin. I did not refuse to give my name, I said my name is N Shubbar, he did not look at the sheet, he said that is not your name, you are making it up ... but to my understanding was my manager gave my name as well."*

17. In a witness/participant statement dated 16<sup>th</sup> October 2023 Xheladin Pira states,

*"On Saturday 30th September I was watching the game while my teammates were playing. There was an incident in the pitch where a player disputed a hand ball, and the referee gave him a red card. I could not hear what the conversation was or what was said I just saw the*

*referee lifting the yellow card as hi was approaching the player. Player was surprised and asked him why the red card and the referee stated raising the voice and told him he is the ref and that he made the decision for him to be out. Referee started walking towards me where I was watching the game on the sideline and started shouting and demanding his name. I told the referee that there is no need to shout at me and that he should speak and not shout as I can hear you, you are only two feet away so please calm down and don't shout. The referee then said (shouting) to me that "I am the f... referee and I want his name now" to which I responded ( as a joke) that his name if "F... You" and he should write that down. I was not the player on the list to play and I was there watching the game while the manager was standing by the sideline few feet away, which is why I was surprised why was he there. This is the truth and I recognise that I should have not lowered myself to the level of that referee and use the language he has used. I have been with the club for 6 years and I have been booked a red card. Instead, I am always the one doing my best at most situations in the pitch to calm the situation and keep the spirit of football going. Perhaps would go with my profession as a university senior lecturer to do this. Despite all the above, I do apologise for using the "F" word and I would expect the same from the referee in return. I know that neither one of us did mean anything bad but nonetheless it is not professional, regardless whether I am playing or not."*

18. As aforementioned, Michael Oral denied the charge against him. Nezar Shubbar accepted both charges against him.

#### **Determination**

19. As aforementioned, Michael Oral pleaded not guilty to the charge. He provided a couple of statements outlining his version of events, clearly outlining in his view that he was not guilty of the charge made against him.
20. Having regard to all evidence within the disciplinary commission case papers I find the charge against Michael Oral for a breach of FA Rule E3 - Improper Conduct against a Match Official - (including threatening and/or abusive language/behaviour) Not Proven.
21. On the balance of probabilities, I am not content that Michael Oral used threatening and/or abusive and/or indecent and/or insulting words or behaviour contrary to FA Rule E3.1, nor did he display behaviour that constituted Threatening Behaviour Against a Match Official as defined in FA Regulations. This is premised on evidence available that the match official is not 100% clear as to whom used the words 'Fuck you' towards him, and within the case papers another individual has admitted to using the term directed at the match official. Given an admission from another club representative, alongside Mr Oral's denial that he committed any of the allegations against him, I find the case against him unproven.
22. As aforementioned, Nezar Shubbar, admitted both charges against him, and therefore I will proceed to sanction accordingly.
23. I have had regard to the FA Sanction Guidelines, which is referred to in the Charge Notifications.
24. The applicable sanction guidelines outline the following,

Charge 1 - FA Rule E3 - Improper Conduct (not including threatening and/or abusive language/behaviour)

Outside National League System

1. Low: 0 - 1 match suspension/£0 - £20 fine
2. Medium: 1 - 2 match suspension/£10 - £30 fine
3. High: 2 - 3 match suspension/£20 - £40 fine

The Commission may also impose a sanction either below or above the guidelines where appropriate to do so based on the evidence of the case.

Charge 2 - FA Rule E3 - Improper Conduct against a Match Official - (including threatening and/or abusive language/behaviour)

- a. suspension from all football activities for a period of between 56 days and 182 days. The recommended entry point, prior to considering any mitigating or aggravating factors is 112 days.
- b. a fine of up to £100, with a mandatory minimum fine of £50.
- c. an order that the Participant completes an education programme before the time-based suspension is served.

25. These guidelines give me a sanctioning range, and I must now also take into account aggravating and mitigating factors.
26. The Commission was made aware of Nezar Shubbar's disciplinary history for the purposes of imposing a suitable sanction. There were no other E3 charges identified.
27. It is clear that Nezar Shubbar accepted that he refused to leave the field of play when shown a red card, which constitutes Improper Conduct (not including threatening and/or abusive language/behaviour (including abusive language/behaviour). He also accepted that he acted in a confrontational and/or intimidating manner towards the match official that made them feel unsafe/frightened or similar, which constitutes Improper Conduct against a Match Official - (including threatening and/or abusive language/behaviour).
28. Although both charges were accepted by Mr Shubbar, in his written submission following the game he stated that he did give the match official his name. Given this, the other statements within the case pack were taken into consideration when deciding over sanction. The nature of Mr Shubbar's behaviour, where he has admitted to using foul and abusive language towards the referee and refusing to leave the field of play once dismissed, alongside the fact that the referee felt frightened due to his aggressive behaviour is of significant concern. Although Mr Shubbar has admitted the charges on paper, he has not shown in written correspondence any remorse for his actions or how he made the match official feel, and moreover seems to 'downplay' the seriousness of his actions placing more emphasis on, in his view, the poor attitude of the match official.
29. As to mitigation, Nezar Shubbar pleaded guilty at the earliest opportunity, which they are afforded credit for. The five-year history was also taken into consideration, with no other misconduct charges noted.

30. Taking all the above into account, and in considering a sanction that in my discretion strikes the correct balance between effective punishment, deterrence, and the protection of match officials, I impose sanctions at the mid-point of the sanctioning range.
31. Charge 1 - I determine that Nezar Shubbar is made subject to a 2-match suspension and a £20 fine.
32. Charge 2 – I determine that Nezar Shubbar is made subject to a 112-day suspension from all football and all football activities, with a fine of £55 imposed, and he must complete an online education programme before the time-based suspension is served.
33. I determine that these sanctions will be served concurrently.

### **Outcome**

34. For the reasons set out above:

#### **Michael Oral**

- i. The Charge is found Not Proven

#### **Nezar Shubbar (consolidated)**

- i. The Charges are found proven by acceptance
- ii. Nezar Shubbar shall serve a 2-match suspension.
- iii. Nezar Shubbar shall serve a 112-day suspension from all football and all football activities.
- iv. These two suspensions will be served concurrently.
- v. Nezar Shubbar shall pay a total fine of £75, £20 for Charge 1 and £55 for Charge 2.
- vi. Nezar Shubbar must complete an education programme before the time-based suspension is served.
- vii. 6 penalty points will be attributed to the club.

35. This decision is subject to the right of appeal under the relevant FA rules and Regulations.

**Mr Martin Hill**

**31<sup>st</sup> October 2023**