**IN THE MATTER OF**

**COUNTY FA NATIONAL DISCIPLINE PANEL DISCIPLINARY COMMISSION**

**On behalf of Middlesex FA**

**VERBAL PLEAS BY MOHMIN ZAHEED AND BILAL BUTT,**

**TOGETHER WITH**

**A NON-PERSONAL, NOT GUILTY PLEA BY PRINCE M’BENGUI,**

**TO BE CONSIDERED USING CORRESPONDENCE**

1. These are written reasons for the findings of a CFA National Discipline Commission held by WebEx on behalf of Middlesex FA on Thursday 30th October 2020, following charges raised against Mohmin Zaheed, Bilal Butt and Prince M’Bengui. The charges arise from incidents alleged to have taken place during a game between Putney Town FC (PTFC) and Old Southall Sunday FC (OSFC) in the Middlesex FA Premier Cup played on Sunday March 8th, 2020.

**PARTIES**

1. The following members of the County F.A. National Discipline Panel were appointed by The Football Association to this Disciplinary Commission:

Keith Allen (Chair), Barry Casterton and David Edmunds.

1. Jenny Gregory, the Discipline Manager of Somerset F.A. acted as the Secretary to the Commission.
2. Tom Simmonds attended by WebEx in person.

**CHARGES**

1. By Middlesex FA Misconduct Charge Notification, dated 24th March 2020, the following charges were raised:

**CHARGE 1 MOHMIN ZAHEED (62008486)** FA Rule E3 – Improper Conduct against a match official (including physical contact and threatening and/or abusive language/behaviour).

**CHARGE 2 BILAL BUTT (1353355)** FA Rule E3 – Improper conduct against a match official (including physical contact and threatening and/or abusive language/behaviour).

**CHARGE 3 PRINCE M’BENGUI (1332354)** FA Rule E3 – Improper conduct against a match official (including abusive language and behaviour).

**DETAILS OF THE CHARGES**

1. **CHARGE 1 MOHMIN ZAHEED** “The individual has made alleged physical contact against a Match Official in addition to using threatening and/or abusive language/behaviour which has caused the game to be abandoned”.
2. **CHARGE 2 BILAL BUTT** “The individual has made alleged physical contact against the Match Official by kicking the ball towards the referee’s head in addition to using threatening and/or abusive behaviour”.
3. **CHARGE 3 PRINCE M’BENGUI** “His language/behaviour of “prick”, “cheat” and “fucking joke” towards the Match Official was abusive.

**PLEA**

1. **CHARGE 1 MOHMIN ZAHEED** entered a guilty plea and requested to attend a Disciplinary Hearing to enter a verbal plea for leniency.
2. **CHARGE 2 BILAL BUTT** entered a guilty plea and requested to attend a Disciplinary Hearing to enter a verbal plea for leniency.
3. **CHARGE 3 PRINCE M’BENGUI** entered a not guilty plea and requested the case to be dealt with in his absence and that any correspondence he had submitted to be considered.
4. With all charges arising from the same match, the charge against Mr Zaheed, Mr Butt and Mr M’Bengui, together with a charge against Mr Tom Simmonds were all considered part of a consolidated hearing.

**WRITTEN EVIDENCE**

1. The written evidence available consisted of:
2. A statement from Mohmin Zaheed, a player for OSFC FC.
3. A statement from Mr Simmonds.
4. Two witness statements from Chris Fernandes, who was an Assistant Referee at the fixture.
5. Correspondence between OSFC and Middlesex FA, regarding events that occurred at the match.
6. Three reports from Mr Simmonds the Match Referee of disciplinary action taken during the game, which had led to the charges being brought.
7. A statement from Dalvear Virdee, Manager of OSFC.
8. Witness statements from Lee Rosborough and Luke Wheeler of PTFC.
9. Three Videos submitted as part of the witness statements from PTFC.
10. Correspondence between Mr Simmonds and Middlesex FA, regarding incidents during the game.
11. A further statement from PTFC following enquiries by Middlesex FA.

All the above written evidence was received and considered in depth by the Commission in excess of seven days prior to the hearing, all relevant evidence being given due weight.

**HEARING AND EVIDENCE**

1. By means of WebEx **Mr Bilal Butt** was represented at his verbal plea for leniency by Mr Dalvear Virdee, but the Chair agreed he could make submissions on his own behalf.
2. Mr Butt began by personally apologising to the match referee for his actions which were out of character and brought about by frustration at events that had occurred during the game. He also took the opportunity of apologising to the Commission for taking up their time.
3. Mr Virdee then informed the Commission that as the team Manager he had given Mr Butt a good telling off for his actions and that neither he nor the Club were contesting the charge.
4. Mr Virdee continued that he was not defending or justifying Mr Butt’s actions but would like to put them into the context.
5. He said Mr Butt is a shy lad and a good player, with this incident out of character and that the ball thrown at the referee was shown in the video evidence not to have hit the referee on the head but on his back.
6. He said Mr Butt was frustrated having seen two of his teammates sent off and then a third receive a red card, also at the conduct of the referee who he felt was aggressive and had a poor attitude.
7. He referred to Mr Butt’s circumstances since lockdown, that he had not played since the incident in March, he missed football and as he played for other clubs, he had missed a lot of games.
8. He explained Mr Butt was a PE Teacher and also ran his own Academy for youngsters.
9. At this point the Commission were provided with the five-year disciplinary record of Mr Butt, which evidenced 41 cautions and 7 standard charges, but none for misconduct.
10. Mr Butt and Mr Virdee were thanked by the Chair and left the hearing, pending the decision on Sanction of the Commission.
11. **Mr Mohmin Zaheer** then joined by WebEx and gave a personal plea for leniency.
12. He informed the Commission that he had no intention to harm the referee, but when the official made physical contact with him, he exhibited an aggressive reaction.
13. It was the same reaction he would give anywhere if subjected to physical contact and was just to get the referee off him.
14. He claimed the confrontation with his opponent that brought about this incident would have not escalated, until the referee intervened.
15. In mitigation he said this was his first ever red card and at this point the Secretary informed the Commission that Mr Zaheer had a good record over the past five years with just a few yellow cards, no red cards and no misconduct charges.
16. Mr Zaheer then left the hearing, pending a decision on Sanction by the Commission.

**DELIBERATION**

***The Commission considered all of the principal evidence, these written reasons do not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or evidence, should not imply that the Commission did not take such point, or evidence, into consideration when the members determined the matter. For the avoidance of* *doubt, the Commission has carefully considered all the evidence and materials furnished with regard to these cases, both written and verbal.***

1. With Mr. Butt and Mr. Zaheed both accepting the charge the only decision before the Commission was that of sanction.
2. **Mr Butt’s** plea for leniency was considered carefully, he had shown remorse personally at the hearing and it was accepted that the ball thrown at the referee had not hit him on the head but on the back.
3. The Commission noted Mr Butt’s frustrations on the day, but the video evidence clearly showed his take deliberate aim and throw the ball at the referee, which hit him as he was walking away.
4. The Commission were concerned that the action taken by Mr Butt in throwing the ball was even more reprehensible, as the altercation between Mr Zaheed, the PTFC player and then the referee did not involve him, as he was several yards away.
5. The Commission also noted the poor disciplinary record of Mr Butt over the past five seasons.
6. **Mr Zaheed’s** plea for leniency was also considered carefully.
7. In neither his plea nor verbal submission he had shown little or no remorse and had not chosen to apologise to the referee for his actions.
8. He had claimed the confrontation was under control and would not have escalated, but the Commission did not consider his actions during the incident exhibited this to be the case.
9. The Commission noted that all evidence agreed the referee made the first physical contact, but that this was no excuse for Mr Zaheed’s subsequent behaviour.
10. The Commission accepted that Mr Zaheed’s intention was not to harm the referee, but that in his own words “it was an aggressive reaction” just to get the referee off him.
11. The Commission also noted the incident also led to the abandonment of the game.
12. The Commission also noted the good disciplinary record of Mr Zaheed over the past five seasons.

**SANCTION**

1. Taking into account **Mr Butt’s** mitigation, remorse, plea for leniency and disciplinary record, the Commission consulted the FA Recommended Guidelines for this E3 charge and could see no compelling reason to vary the maximum recommended sanction and **imposed on Mr Bilal Butt** **a suspension from involvement in all football for a period of** **182 days and a fine of £150, with ten penalty points to be recorded against the record of Old Southall Sunday FC.**
2. Allowance of 60 days to cover the non-playing months of June and July was also made, increasing the length of the sanction to **242 days to be served by Mr Butt.**
3. However, the suspension is back dated until 12th March 2020, giving a period of 234 days already served, **leaving a further eight days to be served by Mr Butt.**
4. With regard to **Mr Zaheed** the Commission took into account his mitigation, plea for leniency and good disciplinary record, the Commission consulted the FA Recommended Guidelines for this E3 charge and could see no compelling reason to vary the maximum recommended sanction and imposed on **Mr Mohmin Zaheed** **a suspension from involvement in all football for a period of 182 days and a fine of £150, with ten penalty points to be recorded against the record of Old Southall Sunday FC.**
5. Allowance of 60 days to cover the non-playing months of June and July was also made, increasing the length of the sanction to **242 days to be served by Mr Zaheed.**
6. However, the suspension is back dated until 12th March 2020, giving a period of 234 days already served, **leaving a further eight days to be served by Mr Zaheed.**

**NOT GUILTY PLEA BY PRINCE M’BENGUI**

1. The Commission then considered the **Not Guilty plea submitted by Prince** **M’Bengui**, as detailed in points 5, 8 and 11 above.

**EVIDENCE**

1. The referee submitted a Misconduct report, following his decision to send Mr Prince M’Bengui from the field of play for a separate incident.
2. The referee reported that: “He became very aggressive and confrontational calling me a prick, a cheat and a fucking joke. He took approximately 3 minutes after being shown the red card to finally be escorted off the field of play by his teammates”.
3. Mr M’Bengui denied the charge but the case papers contained no other direct response in support of his plea from the player.
4. A witness statement was received from Mr Navinder Singh, Secretary of Old Southall Sunday FC.
5. Mr Singh had been asked for his comments on the allegations against Mr M’Bengui, by Middlesex FA and replied by email on 11th March 2020:

“I’m going to have to say absolutely not. As always with a sending off that may have gone either way, there will be frustration from the player, but at no point was Prince confrontational or aggressive towards the referee. This would have been completely out of character for the player had it been the case”.

1. No further evidence was received in regard to this charge.

**STANDARD OF PROOF**

1. **The applicable standard of proof required for his case is the civil standard of the balance of probability. This standard means, the Commission would be satisfied that an event occurred if they considered that, on the evidence, it was more likely than not to have happened.**
2. The Commission considered the report of the referee and considered it credible.
3. The Commission considered the witness statement from Mr Singh, which denies Mr M’Bengui was “confrontational or aggressive towards the referee” and “that it would have been out of character”.
4. With the referee reporting that the player took three minutes to leave the field of play after the red card, finally to be escorted off the field by his teammates, the Commission considered it unlikely that Mr Singh could have missed the incident. In addition, he would have been a long way from the alleged abusive language and so it would also be unlikely that he would have heard it.
5. The Commission noted that there was no response in his defence by Mr M’Bengui.
6. After deliberation, the Commission unanimously found the charge against Mr Prince M’Bengui **proven.**
7. The Secretary then informed the Commission of the disciplinary record over the last five years, which showed eight (8) cautions, one (1) dismissal and no misconduct charges.

**SANCTION**

1. Taking into account Mr M’Bengui’s acceptable record, the Commission consulted the FA Recommended Guidelines for this E3 charge, placed the Sanction in the medium category and imposed **a suspension from involvement in all football for two (2) matches, together with a fine of £30, with five (5) penalty points to be recorded against the record of Old Southall Sunday FC.**
2. **There is a right of appeal against these decisions in accordance with the relevant Provisions set out in the Rules and Regulations of The Football Association.**

Keith Allen (Chair)

Barry Casterton

David Edmunds 30th October 2020.