# FA NATIONAL DISCIPLINE PANEL DISCIPLINARY COMMISSION The Football Association on behalf of the

# SURREY FA

V

MOLESEY FC

Case ID: 11151518M

and

IAN THOMAS (56241815)

Case ID: 11151495M

# WRITTEN REASONS

#### **Factual Background and Chronology**

1. These are the Reasons for the decision of the Disciplinary Commission held on Thursday 30th March 2023 by Teams Video Conference at 6-30am.

2. The Commission members were Keith Allen Chair (CFA National Chair Panel), Raffi Coverdale (CFA National Panel) and Jack Chapman (CFA National Panel). The Commission Secretary was Hayley Gregory (CFA National Secretaries Panel) and all members were appointed by The Football Association.

3. The following is a record of the main points which the Discipline Commission considered.

4. The charge in question arose following a game between Griffin Athletic FC and Molesey FC played on 8<sup>th</sup> February 2023.

5. By letter dated 2<sup>nd</sup> March 2023 **MOLESEY FC** was charged as follows:

FA Rule E20 Improper Conduct – Failed to ensure directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any Match.

6. Details of the charge: "This refers to the allegation that following a red card been shown to a player another unnamed Molesey player has grabbed the referee's arm and said "What the fuck do you think you are doing? I will fucking cunt you, you prick". The same player then grabbed the referee by shirt collar or similar.

7. By the WGS dated 8<sup>th</sup> March Molesey FC **pleaded Not Guilty** to the charge and requested a personal hearing.

8. By letter dated 2<sup>nd</sup> March 2023 **IAN THOMAS**, a player for Molesey FC was charged as follows:

FA Rule E3 Improper Conduct against a Match Official (including abusive language/ behaviour). 9. Details of the charge: "It is alleged that during the fixture Ian Thomas used abusive and/or insulting words towards the Match Official saying "I'm not fucking giving you their names, am I" or similar.

10. By the WGS dated 8<sup>th</sup> March 2023 Ian Thomas **accepted** the charge and requested it to be considered by correspondence.

11. FA Disciplinary Processes/General Provisions Section 1 Rule E3.1 provides for: A participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into dispute or use anyone, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.

# EVIDENCE

The following is a summary of the principal evidence provided to the Commission. It does 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 regarding this case.

12. The Commission had before it the following items to consider:

a) A report from Match Referee Oliver Gillman:

"In the 90th minute of the match, Player A for Molesey Veterans kicked a Griffin Athletic player in the leg off the ball. I had a clear and unobstructed view of the incident from about 15 yards away. I stopped play and awarded a free kick to Griffin Athletic. I called over Player A for Molesey Veterans and informed him I was sending him off for violent conduct, before showing him the red card.

I was unable to ask Player A for his name because Player B from Molesey Veterans then charged towards me from 20 yards away and grabbed my arm which was holding the red card aloft. He then moved his face within a couple of inches of mine and shouted: "What the fuck do you think you are doing? I will fucking cunt you, you prick." He grabbed the collar of my shirt and pulled me towards him, refusing to let go. He was physically restrained by other players and tried to charge back at me again but was held back.

I then abandoned the match. I asked the Molesey Veterans captain, who I only know as "Tomo", for the names of Players A and Players B, however he refused, saying: "I'm not fucking giving you their names, am I?" I then left the field of play for my own safety.

This incident has also been reported to Surrey Police."

b) A further statement from the match official:

"I'm afraid I can't help you with a number, I was mostly preoccupied with trying to leave safely. He has brown hair, shorter than me (5ft 11ins) and appears to be in his 40s.

Everyone saw the incident so if they're denying knowing who it is, I'm afraid they are having you on."

# c) A statement from Rob Stedman, manager of Molesey veterans FC. **the parts** relevant to this incident are detailed below, although for the avoidance of all doubt the statement was considered in its entirety:

"The game was a hard-fought match between a much younger side (Griffin) and Molesey vets on a hard frosty pitch that go worse as the game went on. In the 2<sup>nd</sup> half the Ref turned down a blatant hand ball in the Griffin 18-yard box, the referee was right there but said he didn't see it? a few Molesey players who were in that part of the incident were trying to explain what happened and he immediately sin binned 2 players close to him and said to our captain they can come back on after 10 minutes. 15 minutes later I said can they come back on he said yes once the players came on, he said no only one of them the other one was a sending off? But didn't know which one so one stayed on and the other came back off (the one closest to the dug-out) – he never told the 2 players or our captain the one that wasn't too come back on? Griffin then offered us a player because that wasn't fair, so we accepted. The game went on we had a header which was 2 feet over the line before Griffin scrambled it away, in a split second we all shouted GOAL the Ref said no and once more he was right there? The ball went to one of our players STILL in the 18 yard box he was brought down and we all said penalty and again the ref turned it down even the Griffin players stopped as it was blatant, so we all carried on – very late in the game I had 90 mins on my phone our midfield player raced through on goal and one of their defenders raced across him and our player couldn't stop and just clipped his foot and he went sprawling in which the ref blew his whistle and produced a red and said your off, at worse if should have been a yellow (if that) more just a free kick, the ref then blew his whistle for the end of the game and never said to anyone he was abandoning the game ?? not to either side, one of our players said got close and said how was that a sending off - no hands raised, he's not that type of player and this time I was 2 yards away and come away its no point arguing the games finished, the ref called our captain over and explained he did not like the player ranting about why did he send the midfielder off. My captain I'm afraid would never swear at an official – not in a million years that's why he is captain, he's a role model and everyone at the club looks up to him."

"We all went home STILL not thinking the game was supposed to have been cancelled"

"I shook hands with him as we walked off the pitch and thank you ref and gave him his flag back and again, he never mentioned the game was abandoned."

d) A statement from Jack Sweenie, the Molesey player sent off:

"I made a tackle for which I was sent off for, but I never touched the ref. I only threw my hands up and said fuck off and then walked off the pitch."

e) A statement from Molesey player Ricky Martin, the parts relevant to this incident are detailed below, although for the avoidance of all doubt the statement was considered in its entirety:

"After maybe an hour we became very frustrated, and I asked the referee what is going on in which he said u can't talk to me and gave me a yellow card and sin bin. Then another player asked, what is that for he only asked why it's not a penalty and he also got shown the yellow card and sin bin."

"As for the kicking it was right at the end of the match and out of pure frustration just a kicking out which happens in most games and the referee again decided to make a big deal out of it and sent the player off. As for anyone laying their hands on him, I didn't see this I've played with these boys for many years and have never seen anyone lay their hands on another player or a referee.

At most there was some swearing and raised voices towards him."

#### f) A statement from Brian Hoggett, Molesey spectator, **the parts relevant to this incident are detailed below, although for the avoidance of all doubt the statement was considered in its entirety:**

"After making their point, 2 players were walking towards the dug-out. On asking what was happening I player said he had been sent off, while another sin binned, for their Verbal protests."

"With about 5 minutes remaining, an MFC player was on a run, when he looked as if he run into an opposing player trying to block his run. The MFC was then shown a red card for what just seemed a clash between two players. At this point the ref blew for full time, with MFC players amazed at the sending off, with probably a few minutes remaining."

# g) A statement from Ed Wilham, player for Molesey FC, the **parts relevant to this** incident are detailed below, although for the avoidance of all doubt the statement was considered in its entirety:

"Taking in mind we are a vet's team and I am 49, I was defending against a 24 year old, he literally ran past me I couldn't get near him. And he darted past me I tried to put a tackle and it was late. He went over and the referee gave a free kick against me and warned me if I did that again he would book me I tried explaining the was 25 years younger than me and I couldn't get near him not that I was aggressive. But he was so much younger I couldn't get near him. I think the referee lost the fact that it was a vets team playing players 20 years younger."

# h) A statement from Alex Lindsell, a player from Griffin Athletic FC, the parts relevant to this incident are detailed below, although for the avoidance of all doubt the statement was considered in its entirety:

"I was getting a drink from the bench after heard the whistle go when called for a goal kick, I believe the ball struck the hand of one of our players in the box, shouted for a penalty then they shot and carried on complaining to the ref. I then turned my back to get a drink, heard a lot of commotion coming from the opposition, saw a yellow card go up more complaining few "your fucking shit ref" "how the fuck did you not see that" the ref then shows a red card to one of their players and sinbins another for swearing at him.

Towards the end of the match game started to get out of hand, opposition did not like some of the decisions the ref was giving. Ref then blew up about 6 mins from full

time as the opposition were getting annoyed with, the decisions, "fucking useless" "fucking shit ref" I went to shake the players hands and didn't see what was going on behind me, saw no hands on the ref or anything.

i) A statement from Tracy Teague, Chair of Molesey FC:

"I've attached a number of reports from players and a spectator I have spoken to all the players individually then again together on Sunday.

It a shame that the referees report is not clearer, and he did not take the time to collect individual names or deal with the game at hand. He says that match was abandoned. According to the players the referee blew the whistle been 88 and 90 mins. I don't class that as an abandoned match.

With regards to the sending offs again very difficult as the referee has no names. Player A I have come to the conclusion with the team that this was Jack Sweeney who admits to kicking out and he was physically shown a red card. His reaction was to swear at the referee. Which he has also admitted to but he did not physically touch the referee. There was only one red card shown all game and as you can see from the Managers report neither Ric nor Paul D are sure which one of them were shown the yellow card or who was sinned binned!!! This is also stated in Ric's report.

I have spoken to our Captain and he says he did swear at the referee out of pure frustration of his handling of the game. He says he was unaware of the referee asking for names, but he admits he was dismissive of him at the time.

On speaking to the team, it would seem that the referee struggled with this game not taking the two teams ages into mind, it was a friendly (my team would not of played this game if they had been Ware of the age of the other team) and the weather conditions and the pitch. The referee has not really provided a clear report of the match. Seems though he is very keen to share his opinions on social media once this matter has been dealt with shame, he can't provide county or us a more detailed report. And with Surrey Police whom I've not heard from. This chat has been shared with the vet's group and sent to me. Please are attached. And apparently was sent to us via the other team!!!

Yes, the above players were verbal towards the referee and I can assure you that this has been dealt already at a club level. One red card for Jack Sweeney (player A) but player B who this maybe I'm at a loss for??? And as you can see by the reports as is the players and spectator. Manhandling of the referee certainly did not happen and to be honest I know my vets' team very well and I was shocked this was implied by the referee. Also, the game was clearly not abandoned. I do hope county will address the social media issue with him also. Naming and shaming!!! Really when he can't even name the players concerned!

Molesey Vets and I have been honest with our view of what occurred last Thursday evening."

j) Two screenshots from "Surrey Referee", who was not named.

Whilst social media comments are not be condoned the perpetrator has not identified himself in the screenshot evidence by name and the contents not relevant to the charges being considered.

k) Email correspondence between Surrey FA and Griffin Athletic, in which Griffin Athletic confirm that neither players nor spectators from their club saw any player grab the match official's shirt.

#### HEARING

13. Match referee Oliver Gilman was called as an Association witness and in response to questions from the Commission and then the club, replied:

a) When he produced the red card he saw someone run towards him, he was surprised when he grabbed his arm and tried to pull down the card, just a yank.

b) The player then moved his face close to him and shouted, he tried to step back but the player grabbed his shirt, pulled him towards him and would not let go.

c) Two or three players then restrained him, not sure exactly how many as he was concentrating on the red card, he could recall any comments at that stage.

d) He tried to break free and moved back, there was no damage to his shirt or injury to his arm.

e) He was only holding his shirt a short time and then immediately let go, the whole thing only lasted maybe 25 to 30 seconds.

f) He then blew his whistle to abandon the game, the incident was later reported to the police.

g) He did not speak with the manager after the game, but he did speak with "Tommo" the captain and asked for the names of the players involved, he refused to give the names.

h) The game started ok, but behaviour deteriorated, maybe because they thought "I was a poor referee".

i) He definitely abandoned the game, with time added still to be played, the man who allegedly grabbed him was in his 40's with brown hair.

There was evidence submitted that the referee had posted comments about the incident on Social Media, which was not considered relevant to the charge against the club or the player.

j) The Chair advised Oliver Gilman against making comments about his refereeing on Social Media and certainly not about this hearing, to which he replied "I am allowed to make comments and I have right to free speech".

14. With no further Association witnesses, Tracey Teague gave evidence on behalf of the club, although she was not at the game and it was pointed out by the Chair that much of her evidence was not admissible as it was third party, after giving her evidence she answered questions from the Commission:

a) She knows all the players extremely well, they don't play in a league, just friendlies, it was a bitterly cold night, and the game was at Banstead.

b) She was told the next day what had happened, no one said anything other than he was a shocking referee.

c) She spoke to six players and asked them what went on and then as a complete group.

d) She offered the names of the players involved when requested by the County.

e) The players told her there was confusion, players lost their temper, but then decided to walk away.

f) When it "all kicked off" there was confusion, no one was sure what cards had been shown and to whom, the referee had lost control.

g) Rob Steadman had been with the club "forever" as had the captain "Tommo", with the players in the team all from 35 to late 40's.

15. Brian Hoggett a Molesey spectator, was then called by the club as a witness and in response to questions from the club and then the Commission, stated:

a) The problem in the incident involving who the referee described as "player A and player B", came about when an appeal for handball and a penalty that should have been given was turned down.

b) The two players questioned the referee as to why he had not given the handball and I saw one sin binned and the other sent off, I was not sure which.

c) With it being a friendly we asked if we could bring two players on to avoid playing with nine men and the referee said no, the opposition also offered to take two players off to even up the numbers and he again said no.

d) Right at the end of the game Jack was sent off, it was just a clash between two players and looked harsh.

e) I did not hear what was said but the referee blew his whistle to end the game, he did not tell us he was abandoning the match.

f) The game itself was a miss match, it was a friendly and there was a big age difference as we are a vets team, the referee did not take it in the right manner and seemed to bias against us.

g) At the end of the game we all shook hands. Including the referee.

h) He did not hear any foul language, when the cards were dished out, he was too far away to hear what was said, he was on the halfway line touchline and the incident was in the penalty box.

i) He did not see a red card shown when player A and B were sent to the sin bin.

k) In the final incident there was no real time for "commotion", I don't think anyone manhandled the referee, who was standing side on to me.

I) I heard nothing said after Jack's red card I was too far away to hear, and I did not see any players get near to the referee.

m) Personally I thought the referee was poor and the players were frustrated, you always swear but obviously not at the referee, swearing was possible but he did not hear any.

n) He heard the captain refused to give the referee any names, but he gave no reason, but he was not aware at the time.

16. Rob Steadman, Molesey manager and club assistant referee, was then called as a witness by the club and in response to questions from the club and then the Commission stated:

a) In the player A and Player B incident, two players were sin binned for asking why the hand ball had not been given.

b) Ten minutes later the two players returned to the pitch, but the referee said no I sent one of you off, so one of them returned to the touchline and the other stayed on the pitch.

c) One of the opposition players then played for us, to even things up.

d) I did not see any player touch the referee at any point during the game.

e) The pitch was becoming frozen and was getting dangerous, the referee refereed well in the first half, then there was the hand ball incident, and the pressure may have got to the referee.

f) The players could have got to the referee, but he was on the touchline and did not hear.

g) In the final minute the sending off was not merited and then the referee abandoned the game, he did not speak with him just gave his flag back, he never mentioned anything about the incidents or abandoning the game.

h) At the time of the Jack Sweenie sending off in the final minute, he was on the halfway line and the incident occurred in the penalty area.

i) After the final whistle he came onto the pitch and "pulled the player away" and to calm things down. He heard no abusive language at all, but Ricky may have "f and blinded", he was 10 inches to a foot away from the official and he saw no hands raised and then he came way.

k) He spoke to Tommo after the game, but he did not say what he had said to the official, he was frustrated and in any game you "f and blind".

I) He was adamant that no one touched the referee.

m) He was on the halfway line and the incident was near the 18-yard box, the referee had his back to him, I did see the red card raised but could not have missed a player trying to pull his arm down. n) Tommo himself admitted swearing at the referee, but he would not have done so unless something had happened to frustrate him enough to do so.

17. Ricky Martin, a player on the day for Molesey, was called by the club as a witness and in response to questions from the club and then the Commission he stated:

a) The incident involving me, and Paul (players A and B) happened after a handball in the penalty area that was not given, which was the final straw, we got angry and had a "bit of a swear", being sin binned by the referee. He did not say who the red card was for and we only knew there was a red card when he would only let one of us back onto the field.

b) He did not see anyone charge at the referee and heard no swearing.

c) At the end of the game the referee called the captain over and he did not believe he gave the referee any names, he just said, "for f's sake" and other things and walked off.

d) He did not see any physical contact by anyone or anyone restraining a player, but all he was interested in was just wanting to get off the pitch.

e) There were raised voices and swearing towards the referee, but he was not sure by whom and what was said.

f) He did not know until after the game that the captain had refused to give the players' names, he was told directly but he just "picked it up" and never asked.

18.With no further witnesses called, the Chair asked Tracey Teague if she was satisfied, she had been able to present her evidence, as from this point she could not introduce any new evidence and that she was also satisfied the club had received a fair hearing. She replied she was satisfied.

19. Tracey Teague then summed up on behalf of the club, stating:

a) She took into consideration that there had been foul and abusive language used by the players, which had been dealt with at club level as the club would not tolerate such behaviour.

b) She had been pro-active in giving the names of the players carded to the County, when requested to do so after the event.

c) She was surprised at Tommo's behaviour; he is not normally like that.

d) She does not normally complain about referee's, they put their hands up to foul and abusive language, which the club do not condone, however, the referee should have taken the names of players involved at the time the cards were issued.

e) She accepted they did swear and did not behave as they should have done.

# DELIBERATION

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.

20. The Commission reminded itself that the charge against Molesey FC was a contravention of FA Rule E20 Improper Conduct – Failed to ensure directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any Match.

21. The Commission considered all evidence before them both written and verbal and after giving appropriate weight to all submissions noted:

a) Ian Thompson, "Tommo" in his written statement had accepted the charge Improper Conduct including foul and abusive language/behaviour.

b) Ricky Martin admitted he and other players openly swore at the match official, with him being "6 to 9 inches" away from him when he did so.

c) The evidence was muddled when it came to physically grabbing the referee's shirt and trying to pull down his hand as he showed the red card to James Sweenie, there was no other evidence or witness produced to confirm this occurred.

d) There were seven statements from Molesey players, officials, and spectators, who denied seeing any contact made with the official, which were clearly less than independent.

e) There were two written statements from Griffin Athletic, one from a player and one from the club, the player stating he did not see any contact made with the referee and in email correspondence between Surrey FA and Griffin Athletic, Griffin Athletic confirm that neither players nor spectators from their club saw any player grab the match official's shirt.

f) It was observed that the players, officials, and spectators of Griffin Athletic, were all independent, which added weight to their statements.

g) The Commission considered that even with this match being a friendly, the referee had adopted a singularly cavalier approach.

h) He did not record the names of players shown cards, he allowed a player to change teams to "even up" the sides, evidence was produced that he did not show cards at all for the incident involving player A and B, then he did not make it clear to both sides he was abandoning the game.

i) Notwithstanding that, the referee did give clear and consistent evidence, both verbally and written, all of which was considered, discussed, and given appropriate weight.

j) However frustrated Molesey players were, the referee must always be treated with the upmost respect and receive no abuse, verbal or physical, in this case he did not appear to receive the respect due.

k) By their own admission Molesey FC failed to ensure their players conducted themselves in an orderly fashion and that their captain had refused to name the players who had received cards, using foul and abusive language in the process.

I) . Having read and given appropriate weight to all written evidence the Commission unanimously found the charge against **MOLESEY FC** FA Rule E20 Failed to ensure directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any **Match PROVEN on the balance of probability.** 

22, After the Commission had reached their decision, they were furnished with the disciplinary record of Molesey FC over the past five seasons, the club has four teams including the Veterans team charged in this case, which showed: No E20 or E21 charges against the Veterans team, but a double E20 and E21 charge against the first team on 21<sup>st</sup> November 2022.

23. Tracey Teague then gave a plea in mitigation on behalf of the club, saying:

a) They are a good bunch of boys and were just frustrated by the referee.

b) The charges in November 2022 were for the actions of a first team individual and resulted in him leaving the club.

c) She runs a tight ship.

d) She admitted the use of foul and abusive language, the club do not condone such conduct.

# SANCTION

24. The Commission were required to decide whether they feel the misconduct charge should classed as Low, Medium, or High. When reaching their decision, the Commission took into account any aggravating or mitigating factors. The FA's recommended sanction guidelines for this E20 offence are as follows:

Outside NLS: Low £0-£70 fine. Medium £70-£140 fine. High £140-£300 fine.

25. In the E20 charge against MOLESEY FC of Failing to ensure spectators FA Rule E20 Failed to ensure directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any match, the Commission unanimously placed the charge in the medium category and imposed a fine of £80 and a warning as to its future conduct.

26. There is a right of appeal against this decision in accordance with the relevant provisions set out in the Rules and Regulations of the Football Association.

# IAN THOMAS ACCEPTED THE CHARGE

# WHICH WAS CONSDERED BY CORRESPONDENCE

# For the avoidance of all doubt, the Commission carefully considered all the statements, evidence and materials furnished with regard to this case.

27. The charge against Ian Thomas arose following a game between Griffin Athletic Fc and Molesey FC played on 8<sup>th</sup> February 2023.

28. By letter dated 08/02/23 **IAN THOMAS** a player with Molesey FC was charged as follows: **Charge** FA Rule E3.1 Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour).

29. Details of the charge: "It is alleged that during the fixture Ian Thomas used abusive and/or insulting words towards the Match Official saying "I'm not fucking giving you their names, am I" or similar.

30. By WGS dated 08/03/23 IAN THOMAS accepted the charge and asked for it to be considered by correspondence in his absence.

# STANDARD OF PROOF

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.

# DELIBERATION

31. The written evidence submitted by the referee, all witnesses and lan Thomas were considered, and appropriate weight given to all submissions.

32. With the player having entered a guilty plea and requesting the case be considered on correspondence in his absence, the Commission had only to consider the sanction.

33. The Commission noted that the words the referee reported Ian Thomas said were exactly those admitted by the player himself.

34. The Commission noted with disappointment that neither Ian Thomas nor the club had expressed any apology or remorse for the admitted actions of the player.

35. The Commission were then furnished with the disciplinary record of Ian Thomas over the past five seasons which was clear, which is to the player's credit.

36. Having considered all evidence and the acceptance of the charge by lan Thomas, the Commission considered lan Thomas should receive mitigation for admitting the charge and his previous good record.

# SANCTION

37. With the charge against Ian Thomas of a contravention of FA Rule E3 Improper conduct against a Match Official (including abusive language/behaviour) being **ACCEPTED** the Commission were only considering sanction. When reaching any decision on sanction, the Commission will consider any aggravating and mitigating factors and refer to the FA Sanction Guidelines. They will also determine whether the offence is placed in the low, medium, or high category. For this offence the sanction guidelines recommend:

OUTSIDE -NLS (except youth): Low 0-2 match suspension and a fine of £0 to £35, medium 1-3 match suspension and a fine of £10 to £50, high 3-6 match suspension and a fine of £70.

38. Considering all evidence and giving credit for all mitigation, the Commission unanimously considered the charge as in the medium category and decided to impose on IAN THOMAS: a suspension from all football activities in the form of a ground ban, for a period of THREE (3) matches, a warning as to future conduct and a fine of £30, with eight (8) penalty points recorded against the record of his club.

39. There is right of appeal in accordance with FA Regulations.

Keith Allen (Chair) Jack Chapman Raffi Coverdale

2<sup>nd</sup> April 2023