

In the Matter of Rob Tolfrey (Kingstonian FC)

Reasons for Regulatory Commission Decision

Wednesday 15th April 2014

1. These are the written reasons for an FA Regulatory Commission decision made on Wednesday 15th April 2015.
2. The Regulatory Commission members were Mr. G Thompson, Mr. RG Pawley and Mr. G Mabbutt.
3. Mr. M. Ives the Football Association's Head of Judicial Services acted as Secretary to the Commission.
4. Mr. Tolfrey had been charged by the Football Association with a breach of FA Rule E3 in that it was alleged that his behaviour after the match in that he entered the stand and confronted a spectator amounted to improper conduct.
5. The incident happened at the conclusion of the match on 23rd February 2015 in the Isthmian Premier League fixture Kingstonian FC v Bognor Regis Town FC
6. The FA had designated this as a Non Standard Charge due to the unusual nature of the incident.
7. By his form of acknowledgment, dated the 24th March 2015, Mr. Tolfrey admitted the charge but did not request an opportunity to attend before a Commission for a Personal Hearing and understood that the charge would be dealt with at a paper hearing on the content of the documents served upon him and the response from the Club Secretary Karen Muir dated 24th March 2015.

8. The Regulatory Commission had before them the following evidence/mitigation;
- (1) Report of the Match Referee, Mr N Davies, dated 24 February 2015
 - (2) Letter from Mr T Shamel of The FA Regulation Team to Miss K Muir, Club Secretary of Kingstonian FC, dated 24 February 2015
 - (3) Letter from Miss K Muir to Mr T Shamel dated 8th March 2015
 - (4) Letter from Mr T Shamel to Mr S Cook, Secretary, Bognor Regis Town FC, dated 24 February 2015;
 - (5) Letter from Mr S Cook to Mr T Shamel dated 2nd March 2015;
 - (6) Video clips of the incident and
 - (7) Plea in Mitigation from Miss K Muir dated 24th March 2015.
9. As this was a plea in mitigation, the Secretary confirmed that there was no previous record for Mr Tolfrey.
10. The video clearly shows Mr Tolfrey entering the stands and starting a confrontation where two spectators were standing. It is unclear whether the concern was with just one spectator or both but that did not have any effect in the final sanction.
11. As a result of Mr Tolfrey's altercation several players came to "assist" and this then escalated into further disruption between players from both sides.

Sanction and Mitigation

12. In considering sanction and mitigation the Commission recognized Mr Tolfreys previous clean record.
13. The Commission found it unacceptable no matter what the provocation for a player to climb into the crowd and become involved in an altercation which is clearly an aggravating factor.

14. The Commission consider this to be a serious act and that the sanction should recognize the seriousness of the misconduct.
15. The Commission originally considered a 10 match suspension but took into consideration the guilty plea and the previous record and reduced the sanction to 7 matches.
16. In considering the financial penalty the Commission considered Mr Tolfrey's football income and ordered that he be fined the sum of £375.
17. Mr Tolfrey was also warned as to his future conduct.
18. There is a right of appeal against this decision.

Geoff Thompson (Chairman)

17th April 2015