

**THE FOOTBALL ASSOCIATION
REGULATORY COMMISSION
DECISION & WRITTEN REASONS**

IN THE MATTER OF DISCIPLINARY PROCEEDINGS BROUGHT AGAINST

PORT VALE FC

**FOOTBALL LEAGUE – DIVISION ONE
ROCHDALE AFC V PORT VALE FC
SATURDAY 28TH NOVEMBER 2015**

Members of the Commission comprised:-

Mr. Barry W. Bright - Chairman

Mr. M.M. Armstrong

Mr. M. Buxton

Mr. P. McCormack – Judicial Services Manager of The Football Association acted as
Secretary to the Commission

Commission held Thursday 10TH December 2015

1. By a letter dated the 2ND December 2015 PORT VALE FC (“PVFC”) was charged with misconduct for a breach of FA RULE E20(a) in that it was alleged that in or around the 39th minute of the above fixture PVFC failed to ensure that its players conducted themselves in an orderly fashion. It was stated that the matter was designated as a Standard Case – Surrounding Match Official (Schedule B).
2. In addition to the aforementioned FA charge letter, the members of the Commission had before them:-
 - i. The Extraordinary Incident Report Form of the Match Referee, Mr. D. England
 - ii. The Extraordinary Incident Report Form of the Match Assessor, Mr. P. Cullen
 - iii. A Disciplinary Proceedings: Reply Form (S) from PVFC
 - iv. One video clip of the incident submitted on behalf of The FA
 - v. One video clip submitted in response by PVFC
 - vi. Email correspondence from Mr. B. Lodey, Club Secretary of PVFC
3. By way of a response, dated 8TH December 2015, PVFC’s completed “Disciplinary Proceedings: Reply Form (S)” was submitted and ADMITTED the charge but did not accept the ‘Standard Penalty 1’ and, by way of mitigation outlined below, requested the ‘Standard Penalty 1’ to be re-assessed. PVFC understood that this matter would be dealt with by the Commission at a ‘Paper Hearing’.
4. The members of the Commission noted the content from the Extraordinary Incident Report Forms from the Match Referee, Mr. D. England, and the Match Assessor, Mr. P. Cullen.
5. The members of the Commission viewed both videos several times and carefully read the correspondence from Mr. B. Lodey, Club Secretary of PVFC, which formulated reasoning for a reassessment of the Standard Penalty.

6. The first video noted in point 2 above, was utilised by The Football Association in bringing forward the charge, and showed the actual occurrence in or around the 39th minute (of the above referenced match).
7. The second video noted in point 2 above, was submitted by PVFC, and showed the incident in or around the 39th minute (of the above referenced match), but also showed a series of other incidents during said match.
8. The members of the Commission were satisfied that the first video supported the view of the Match Referee, and likewise the Match Assessor i.e. that more than two players surrounded the Match Referee.
9. The Commission noted PVFC's primary basis for mitigation was that the Club felt the occurrences, as outlined in their written & video submission, were relevant to the reaction of their players and a reflection on the circumstances which lead to that reaction. The Commission unanimously rejected this opinion of PVFC. In this instance, the Commission found that any preceding incidents in the match did not justify the confrontational reaction of two or more of their players who surround the Match Referee in or around the 39th minute of the match in question and therefore, no reasonable Commission could find the matter as truly exceptional.
10. Furthermore, the Commission noted that PVFC did not submit any details for consideration which would have demonstrated that the financial element of the relevant Standard Penalty would have been disproportionately harsh due to the level of their income.
11. Accordingly, as the Commission found that no truly exceptional mitigation exists, it unanimously DISMISSED the case.
12. The members of the Commission were then informed that PVFC had one previous FA Rule E20(a) charge proven against them in the last five years, namely:-
 - i. 27th August 2011 v Southend United FC – Fined £1,000
13. Having reviewed The FA's Sanction Guidelines in relation to FA Rule E20, the Commission noted that £2,500 was the entry point for Football League One clubs who admitted the charge and accepted the Standard Penalty.
14. The Commission members were unanimously of the opinion that the Standard Penalty fine of £2,500 was appropriate on this occasion and did not exercise their discretion to alter from that.
15. This decision is subject to appeal in accordance with the relevant provisions set out in the prevailing FA Rules and Regulations of the Association.

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BARRY W. BRIGHT
CHAIRMAN - 11th DECEMBER 2015