

The Football Association Regulatory Commission

In the Matter of

The Football Association

-v-

Kyle Lafferty (Norwich City FC)

=====

Reasons for Regulatory Commission decision

Friday 5th August 2016

The Regulatory Commission members were Messrs. Brian M. Jones (Chairman), Brian Talbot and Keith Allen appointed by The Football Association.

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

The following is a record of the salient points which the Regulatory Commission considered and is not intended to be and should not be taken as a verbatim record of the hearing.

The hearing took place at Wembley Stadium, London on Friday 5th August 2016.

CHARGE:

1. By a Charge letter of the 28th July 2016 Mr Lafferty was charged with Misconduct for a single breach of FA Rule E8(1)(a)(i) [to be found at page 115 of The FA handbook for season 2015/16] in respect of 1 bet placed on the 20th February 2016 on the result, progress, conduct or any other aspect of, or occurrence in, a football match or competition whilst being a 'Participant'.

THE BET:

2. The single bet was placed on the 20th February 2016 in a Ladbrokes shop in East Kilbride, Scotland and was a 'double': Leg 1 Real Betis v Sporting Gijon (Spanish League 1), both teams to score; and Leg 2 Celta Vigo v Eibar (Spanish League 1), both teams to score. The stake was a £1,000.00 double and was successful.
3. The successful bet returned £3,300.00 which equates to a net profit of £2,300.00.

DEFINITION AND INTERPRETATION:

4. "Participant" means an Affiliated Association, Competition, Club, Club Official, Intermediary, Player, Official, Match Official, Management Committee Member, Member or Employee of

an affiliated Club and all such persons who are from time to time participating in any activity sanctioned either directly or indirectly by The Association.

PARTICIPANT:

5. At all material times Mr Lafferty was a registered player with Norwich City Football Club and was therefore clearly a Participant in accordance with the above definition and interpretation.
6. Mr Lafferty, at the earliest opportunity admitted the breach and fully assisted The FA in their investigations and at interview on the 27th April 2016 made a transparent, full, frank and open admission.
7. Mr Lafferty did not request the opportunity to attend a Commission for a Personal Hearing nor did he put forward any other mitigation than was to be found in the transcript of the interview with The FA on the 27th April 2016.

CONCLUSION:

- 8 As stated above Mr Lafferty admitted the charge and we were pleased to be informed that Mr Lafferty had no previous record of similar misconduct.
- 9 FA Rule E8 (1)(a)(i) is to be found at page 115 of The FA Handbook for season 2015-2016 and is simply repeated in the charge letter referred to above. No useful purpose would be gained by setting out that Rule here as that would only add to the authors typing and the readers reading.
- 10 We noted that this offence fell to be dealt with under the Sanction Guidelines as *“Bet placed on any aspect of any football match anywhere in the world, but not involving Participant’s Club competitions)”*.
- 11 That being the case the sanction available to us was as below:
 - *Financial Entry Point – Any fine to include, as a minimum, any financial gain made from the bet(s) – Warning/Fine.*
 - *Sports sanction range – Suspension not applicable.*

DOCUMENTATION:

- 12 We had before us a bundle of documentation the main documents being as follows:-
 - a. Charge letter dated 28th July 2016;
 - b. Statement by Ian Ryder, FA Integrity and Anti-Corruption Manager dated 17th May 2016 and with photographs attached thereto;
 - c. Transcript of Interview with Kyle Lafferty dated 27th April 2016; and

d. Disciplinary Proceedings Reply Form dated 1st August 2016.

13 All the documents had been read, noted and carefully considered by the Commission members prior to the date of hearing.

MITIGATION:

14 We repeat that we were pleased to hear that Mr Lafferty had no previous record of similar misconduct.

15 Mr Lafferty, without any doubt, is fully aware of the mistake he made and which he accepts and admits was solely his own fault. He is regretful of his action.

16 He made an immediate and the fullest and the most frank admission and co-operated with the investigation by The FA.

17 He never sought to blame anyone else but himself and openly admitted that he fully knew and understood the Rules at the time.

18 He was in the shop for some 35 minutes and had lost a substantial sum of money betting on horses and dogs. It would be unfair to embarrass Mr Lafferty by stating the figure involved, but suffice it to say that it was a 4 figure sum of money.

19 He admits to chasing his losses and as he says in his interview *"when you're chasing money, you do something stupid and I done something stupid"*

20 Apparently he had £1,000.00 left and he saw there were 2 Spanish football games on and, as he says *"I took the chance to put them on and obviously I know I done wrong"*.

21 The bet was made in person, with absolutely no attempt to disguise his identity.

22 Mr Lafferty clearly admits he has an addiction to betting, on horses, dogs and roulette and sadly, according to his interview, that is a long standing addiction.

23 It is the advice of this Commission that he, and as soon as possible, seeks help and advice from the Professional Footballers' Association.

24 There was only 1 bet.

25 The bet was not on a match in which he was a participant or on a match where he had particular knowledge or influence.

26 The stake was in the sum of £1,000.00 and his net profit was £2,300.00.

27 There was no suggestion that he made use of any inside information and there was clearly no suspicion of match fixing.

28 The integrity of the game was not in jeopardy.

29 For the sake of completeness, and in order to reach a decision on sanction, the Regulatory Commission took into account the following factors:

- a. Overall perception of impact of bet(s) on fixture/game integrity;
- b. Player played or did not play;
- c. Number of bets;
- d. Size of bets;
- e. Fact and circumstances surrounding pattern of betting;
- f. Actual stake and amount possible to win;
- g. Personal circumstances;
- h. Previous record – (any previous breach of betting Rules will be considered as a highly aggravating factor);
- i. Experience of the participant; and
- j. Assistance to the process and acceptance of the charge.

30 For the avoidance of doubt we were provided with Mr Lafferty's net weekly wage but in our opinion that is a private matter between him and the members of the Commission and not for publication in these written reasons, but was a consideration in our deliberations.

SANCTION:

31 The Regulatory Commission came to the unanimous view that the following sanction was both fair and proportionate to the misconduct in question.

32 Mr Lafferty be warned as to his conduct.

33 Having taken into consideration all the relevant rules, regulations and guidelines, along with the factors identified above under the heading Mitigation he be fined the total sum of £23,300.00 which includes any financial gain made from the bet in question.

34 This decision is subject to the relevant Appeal Regulations.

Brian M. Jones (Chairman)

Brian Talbot

Keith Allen

Saturday 6th August 2016