

Football Association Regulatory Commission (the 'Commission') in the matter of FA Charges of Misconduct brought against AFC Wimbledon ('AFCW') and Milton Keynes Dons FC ('MKD') .

Regulatory Commission Decision

1. These are the written reasons for a decision made by an Independent Regulatory Commission which sat on Wednesday 13th March 2024.
2. The Commission members were Mr. Stuart Ripley (Chairman), Mr. Peter Fletcher and Mr. Stuart Nelson, who are all Independent Football Members of the FA's Judicial Panel.
3. Mr. Marc Medas, of the FA's Judicial Services, acted as Secretary to the Regulatory Commission.
4. The following is a summary of the principal submissions and evidence provided to the Commission. It does not purport to contain reference to all points made, however the absence in these reasons of any particular point, or submission, should not imply that the Commission did not take such point, or submission, 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 this case.

5. On 2nd March 2024 AFC Wimbledon played Milton Keynes Dons FC in the EFL League Two.

6. The Match Referee, Mr. Craig Breakspear, reported the following: *“After I blew the final whistle on the field of play and players started to shake the match officials hands, there was a mass confrontation involving a large number of players and technical area staff from both AFC Wimbledon and MK Dons. Please can you review the match footage for any misconduct not witnessed by the match officials?”*

7. The Match Observer, Mr. David Crick, reported the following: *“Following the final whistle there was a mass confrontation between players and staff of both clubs on the field of play. I invite The FA to view the footage and determine whether any further action is required.”*

8. Following a review of the footage, on 5th March 2024, both clubs were charged by The FA with Misconduct for breaches of FA Rule E20.1 in respect of the above fixture.

9. It was alleged that upon completion of the fixture, both clubs had failed to ensure that their players and/or technical area occupants did not behave in a way which was improper and/or provocative.

10. The Football Association designated the case as a Non-Standard Case due to the involvement of technical area personnel from both clubs.

11. The above charges were consolidated pursuant to Regulation 13 of the Disciplinary Regulations 2023/24 at page 173 of The FA Handbook Season

2023/24. As such, the hearings were conducted together and the charges were determined at a joint hearing.

12. The Football Association relied on the following evidence:

- i. Report of the Match Referee, Mr. C. Breakspear, dated 2 March 2024;*
- ii. Report of the Match Referee Observer, Mr. D Crick, dated 2 March 2024;*
- iii. Video clip of the incidents;*
- iv. Extract from Essential Information for Clubs 2023-24; and*
- v. Non-standard penalties 2023-24*

13. Both clubs admitted the charge by way of the FA's Disciplinary Proceedings Reply Form and requested that the matter be dealt with by way of a Paper Hearing and submitted reply documentation.

14. MKD submitted a letter dated 8th March 2024 from Martin Harris, Head of Football Administration, that contained the following observations: *"In the 94th minute, AFC Wimbledon scored a late goal, which turned out to be the winner, as the match concluded only a few moments later. Due to the nature of any late goal, and particularly the emotions around this fixture in general, this increased the tension between supporters within the stadium. Following the full-time whistle, AFC Wimbledon player Mr Lee Brown (wearing number 3), who at this point was located midway inside the half closest to our supporters, immediately turned to the away end and proceeded to move back into the 18-yard box located nearest our supporters. He made several gestures*

with his arms to the away end, ignoring his own goalkeeper in the process, who was walking towards him. Mr Brown continued his goading and inciting of our supporters, which lasted in total for around 30 seconds. He was briefly joined by Mr Isaac Ogundere (wearing number 33) during this period, who also waved sarcastically to our supporters. These actions towards our supporters, who were proceeding at this point down the stand towards the single exit near the corner, drew a reaction from several of them, who were now being held back by stewards at the front of the stand nearest the pitch. In addition to this, substitute Mr. James Ball (wearing a green bib and number 16) who was situated in the home technical area, at the sound of the whistle proceeded initially to move to the halfway line to hug a team mate, before then running half the pitch, to the corner nearest to the away fan exit to again goad our supporters. Mr. Ball can be seen pulling his green bib down, tapping his club crest on his jumper, waving his arms, and shouting towards our supporters. As you can hear from the footage (appendix 2 and 3), this further incited our supporters, who by this point were also being goaded separately by Mr Brown. On seeing our supporter's reaction, tension within the area mounting and no steward looking to intervene or move Mr Brown away from the area, one of our players, substitute Mr Nathan Harness, ran from his position near the technical area over to Mr Ball. On recognizing the aggravated crowd, he moved Mr. Ball back towards the middle of the pitch and away from our supporters, in an attempt to help defuse the situation and the mounting anger that was developing from the supporters. Another concern during this period were the actions of Mr Ronan Curtis (wearing number 24), who on conclusion of the match initially shook the hands of a couple of our players and the match officials located on the halfway line. He then ran past our player Mr Warren O'Hara (wearing number 5) towards the away end and the edge of the 18-yard

box and began shouting and gesturing towards our supporters in the process. On seeing this unfolding and sensing the rapid growing tension from the away end (who by this point had several AFC Wimbledon players goading them), Mr O'Hora ran after Mr Curtis. In an attempt to prevent Mr Curtis' actions from inciting our supporters further, Mr O'Hora moved him in the opposite direction away from our supporters and in the direction back towards the middle of the pitch. Mr Curtis at this point turned to square up to Mr O'Hora, resulting in players and staff from both teams coming together. After a little jostling, the group start to separate and disperse at which point AFC Wimbledon staff member, Rob Turvey who was seen pushing several of our players, before being moved away by a steward, then proceeded to tap the AFC Wimbledon club crest on his chest and then stuck two fingers up in the direction of our players/ staff. It was only at this point that the AFC Wimbledon players and staff moved into the opposite half furthest away from our supporters, to celebrate as a group with their fans. We also wish to highlight at this point, Mr Curtis' attitude towards our club and incitement of our supporters continued in the aftermath of the game, where the following day a video was shared on social media of him singing an insulting song, towards our Club (see appendix 4). In the immediate two days following the game, we have received numerous concerns from our supporters, on various aspects of the day itself, including one who noted as follows: "At the end of the match several of their players came over to taunt our supporters. Our players intervened and I'm sure that besides a fine for the cards dished out there'll be a sanction for the melee that followed. Frankly I'm grateful that the players intervened. I did speak to a police officer at the tunnel after the match and asked him why the police didn't get involved with the AFCW players inciting the crowd. He said to me that it's an FA matter and not a police one" (see appendix 5 – note some names and emails removed for GDPR). At the conclusion of the match, there were several other players who made gestures towards the away end, but the three players

in particular highlighted previously, were focused on provoking our own supporters in an improper manner, rather than celebrating with their own fans, whilst the actions of the staff member Rob Turvey was also very unprofessional and insulting, all of which contravene regulation E20 and contrary to the specific pre-match instructions provided by Charles Breakspear. The provocation of our supporters could have caused a significant safety issue and serious repercussions for those within the stadium. It put fans and stewards in undue danger, which our players themselves had noticed and sort to defuse, by moving the AFC Wimbledon players away from the immediate area, before the situation escalated beyond control. Whilst we cannot deny the charge, as set out in the Essential Information For Clubs document 2023-24, the direct cause that ultimately resulted in the mass confrontation was the provocative, insulting and improper conduct of the AFC Wimbledon players towards our away supporters, as noted above, immediately at the final whistle, which we request is taken into consideration should any sanction be imposed. Thank you for your time and consideration on this matter. For your reference the following appendices have been included:

- i. Appendix 1 – Wide angle footage from AFC Wimbledon goal through to post full time whistle.*
- ii. Appendix 2 – Separate footage of James Ball taken from Away Stand vantage point.*
- iii. Appendix 3 – Wide angle footage of AFC Wimbledon goal through to post full time whistle, with James Ball overlay.*
- iv. Appendix 4 – Social media post-dated 3rd March 2024 featuring Mr Ronan Curtis*
- v. Appendix 5 – Email from supporter regarding concerns v AFC Wimbledon.*

15. AFCW Club Secretary, John Stanley, by letter dated 7th March 2024, submitted the following written observations: *"I write in response to the FA charge against AFC Wimbledon ('Wimbledon'), who are alleged to have breached FA Rule E20.1A 'Club shall be responsible for ensuring that its Directors, players, officials, employees, servants and representatives, attending any Match do not behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative', (the 'Charge'). For the avoidance of doubt, Wimbledon admits the Charge and views its culpability as equal to that of Milton Keynes Dons ('MKD') It is regrettable that the incident occurred and the visuals of the confrontation do not promote the values associated with the game. I hope that the Panel take the events at the end of the fixture vs MKD, on Saturday 2nd (the 'Fixture'), as isolated and also view them taking into account the magnitude of the day itself. Clearly the match needs no introduction, with 22 years of history behind the two clubs. Wimbledon lost to MKD 3-1 in the reverse fixture, with two red cards against Wimbledon. On that day, there were deliberate and antagonising celebrations from MKD and some very difficult conversations between Wimbledon's coaching staff and players were had. This Fixture was the first time that Wimbledon had beaten MKD back at the spiritual home of the club in Plough Lane. With a 94th minute winner, the history of the fixture, what it had meant to the players, coaching staff and supporters, emotions were running extremely high. This does not condone the resulting actions, but does provide context of the mindset of the persons involved. Wimbledon will not seek to comment upon who initiated the confrontation, other than it seemed to be an equal coming together between Wimbledon's #24 and MKD's #5. What ensued after this point was clearly not appropriate for a football field. This being said, from*

either party there was no strong aggression. Both clubs appear to be trying to split the players apart from a situation that looked worse from afar. Wimbledon would like to draw the Panel's attention to the fact that there were no players or coaching staff who had their hands raised in an aggressive manner. This incident is to be treated as a confrontation, with no acts of focused aggression. The charge has been admitted by Wimbledon. This alongside the fact that the confrontation was not aggravated, despite the context and culmination of the Fixture, Wimbledon appeals for leniency in respect of any sanction that may be issued."

16. A Hearing was set for Wednesday 13th March 2024. The Commission had before it all of the above mentioned video footage and the written submissions of both clubs.

17. With the two E20.1 charges against AFCW and MKD being admitted the Commission moved to consider sanction for the breaches.

18. In order to reach a decision on the level of sanction to be imposed on the respective clubs the Commission viewed the video clips that had been made available to it on numerous occasions and took into consideration the contents of the documentation submitted by both clubs as well as paying heed to the FA's Guidelines on Sanction for E20 charges.

Sanction Guidelines for Standard and Non-Standard Cases

19. The Commission noted that at EFL League Two level, for Standard Cases, the Standard Penalty 1 (admitted) is a fine of £1000 and the Standard Penalty 2 (denied but found proven) is £1500.

20. In Non-Standard cases where a breach has been admitted or found proven, a Regulatory Commission may disregard the standard penalty and may impose sanctions as high as those shown in the FA's guidelines. At EFL League 2 level the maximum fine for a Non-Standard E20 breach is set at £10,000.

21. For each successive Non-Standard breach of FA Rule E20, including E20.1 and E20.2, within a 12-month period the maximum fine shall double and then treble (and so on) the amount set out above. A Regulatory Commission may exceed the above sanctions in exceptional cases where it deems appropriate at its absolute discretion.

Aggravating and Mitigating Factors

22. The Commission noted that both clubs had admitted the charges.

23. The Commission was informed By Mr. Medas that both clubs had three previous E20.1 proven charges on their 5-year disciplinary record but that none of these charges fell within the previous 12-month period. The fines received for all of the above-mentioned charges was £2500. As such, the Commission moved forward on the basis that, save for its discretion to move

outside the guidelines in exceptional circumstances, the maximum fine for either of the Clubs would be £10,000.

24. Notwithstanding the above, the Commission considered the previous disciplinary history of both clubs, to some extent, to be an aggravating factor.

25. In coming to its decision on the level of sanction to be imposed on each club the Commission noted the following:

- i. It is clear from the correspondence made available to the Commission that extensive dialogue took place prior to the fixture between the Clubs and the Police to support and ensure the safety of those attending the fixture. Indeed, prior to the game and during the team sheet exchange, the match referee addressed the potential for increased tension by speaking to both Managers about the importance of ensuring celebrations did not incite the crowd (pages 23/29 Hearing Bundle).
- ii. With regard to who was culpable for initiating the Mass Confrontation, the Commission considered AFCW to be largely if not solely to blame. AFCW scored the only goal in the last minutes of the game and the final whistle went shortly afterwards. The video footage provided to the Commission showed several clearly unnecessary actions from four of the AFCW players (Brown - #3; Ogundere - #33; Ball - #16 and Curtis - #24) who instead of celebrating with their own supporters went directly to where the MKD

supporters were situated, goading them with words and gestures. Unsurprisingly, as a direct result there was a visceral reaction from the MKD supporters and this prompted the initial intervention and subsequent involvement of the MKD Players. Stewards and security staff could be seen trying to prevent MKD supporters from accessing the pitch. The actions of the AFCW players had the potential to cause serious disorder. This provocative behaviour endangered the safety of the stewards and security personnel.

- iii. The Mass Confrontation included the involvement of numerous technical area staff from both Clubs. This was reflected in the case being designated as Non-standard and is an aggravating feature for both Clubs. The aggressive and confrontational actions of AFCW staff member, Rob Turvey were also noted by the Commission and added to the aggravating factors that applied to AFCW when assessing the level of sanction to be applied.
- iv. Similarly, the need for the involvement of Stewards in the Mass Confrontation is also an aggravating feature.
- v. In terms of the Mass Confrontation itself, the levels of aggression and confrontation were not considered by the Commission to be particularly high. There was a lot of pushing and shoving with verbal exchanges but there was

nothing exceptionally aggressive or violent about the situation as a whole.

26. The Commission members were unanimously of the mind that AFCW was significantly more culpable than MKD in respect to causing the Mass Confrontation and that the fines imposed on the two clubs ought to reflect this.

27. The Commission fines MKD the sum of £2500 to reflect the number of its players and technical area staff that became involved in the confrontation and that the Club has three proven E20 charges on its previous 5-year disciplinary record and the involvement of stewards.

28. The Commission fines AFCW the sum of £8000 to reflect that it was undoubtedly the provocative actions of its players that caused the Mass Confrontation, the number of players and technical area staff that became involved, the individual actions of Rob Turvey, the Club's three proven E20 charges on its previous 5-year disciplinary record and the involvement of stewards.

29. In assessing the sanction to be imposed on AFCW, the Commission did not take into consideration the Social media post featuring Ronan Curtis, considering it irrelevant to the Mass Confrontation charges.

30. Having taken all the mitigating and aggravating factors of the case into consideration the Commission came to the conclusion that the following

sanctions were proportionate and appropriate for this Non-Standard case in all the circumstances:

- a) MKD is fined the sum of £2500.
- b) AFCW is fined the sum of £8000.

31. This decision is subject to Appeal in accordance with the FA's Rules and Regulations.

Stuart Ripley

Regulatory Commission Chairman

16th March 2024