

The Football Association Regulatory Commission

In the Matter of

The Football Association

Frome Town FC

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Reasons for Regulatory Commission decision Thursday 15th December 2016.

The Regulatory Commission members were Messrs Brian M. Jones (Chairman), Stuart Ripley and Kenneth Monkou 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 hearing was conducted by WebEx on Thursday 15th December 2016.

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.

CHARGE:

By a letter dated the 1st December 2016 Frome Town FC was charged with misconduct for a breach of FA Rule C2(a)(ii) (see page106 of The FA Handbook 2016/7).

- i) It was alleged that on or around the 3rd and 4th August 2016 the club approached a player, Eddy Baldy, without giving seven days formal written notice to Paulton Rovers FC, the club to which he was registered.

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1. The Football Association relied on the following evidence:

- 1) Transcript of interview - Josh Jeffries of Frome Town FC with David Matthews of The Football Association on the 13th September 2016;
- 2) Screenshots of text messages that were sent from the mobile phone of Nick Bunyard to Eddy Baldy of Paulton Rovers FC on 3rd and 4th August 2016.
- 3) Statement of Josh Jeffries in response to FA charge in respect of Nick Bunyard interim suspension.

HEARING:

- 2 The members of the Commission had before them a bundle of documents which they had read before convening and consisting of the above.
- 3 We reminded ourselves that the charge had been admitted at an early stage and by the Reply Form dated the 7th December 2016.

CONCLUSION:

4. We also reminded ourselves that the standard of proof is the civil standard of the 'balance of probability'. That means the Regulatory Commission is to be satisfied, on the available evidence that the incident was more likely than not to have occurred. Put simply we had to weigh up the evidence before us and decide which version was most probably true.
5. Therefore the charge under FA Rule C2 was proven.

MITIGATION:

- 6 We were pleased to hear that the club had no previous record of misconduct of this nature and for this the club was given credit.
- 7 We had no additional mitigation presented to us by the club; they accepted the charge, for which the club was also given credit, and requested the matter be dealt with at a paper hearing.

SANCTION:

- 8 We were advised that there are not set sanction guidelines for an offence of this nature. For general context of the financial penalties imposed at this level of football (Step 3), our attention was brought to the sanction guidelines with regard to FA Rule E20. We were informed there would be a fine of £300 or £450 for 'Standard Cases' depending on the plea. However, we were cognisant of the fact this was not an FA Rule E20 breach and the penalties were just guidelines.
- 9 Having considered the matter in detail we were first minded to impose a sanction of £750. However, we came to the unanimous conclusion, in these circumstances and giving credit for the admittance & previous good record, that a fair and proportionate sanction for this offence and at this level of football is a fine of £500.
- 10 Frome Town FC is therefore fined the sum of £500.
- 12 This decision is subject to the relevant Appeal Regulations.

Brian M. Jones (Chairman).

Stuart Ripley

Kenneth Monkou

Sunday 18th December 2016.