

The Football Association Regulatory Commission

In the Matter of

The Football Association

Kazenga Lua Lua (Brighton & Hove Albion 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.

CHARGES:

By a letter dated the 8th December 2016 Mr Lua Lua was charged with misconduct for two breaches of FA Rule E3 in respect of the fixture AFC Wimbledon v Brighton & Hove Albion FC in the EFL Trophy played on 6th December 2016.

- i) It was alleged that following his dismissal in or around the 88th minute he used threatening language and/or behaviour towards a Match Official; and
- ii) It was alleged that in the tunnel area after the match his language and/or behaviour was abusive and/or insulting and/or improper.

The Football Association designated this as a Non Standard Case as the incident occurred outside the jurisdiction of the match officials, and due to the persistent and/or aggressive nature of the reported behaviour.

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1. The relevant reports by the match official Charles Breakspear are set out below:

- *In the 88th minute of play, after dismissing Mr Kazenga Lua Lua, Mr Lua Lua did state in an aggressive manner towards me "if you don't move out my way I will knock you out".*

- *In the 88th minute of play, after dismissing Mr Kazenga Lua Lua, he refused to leave the field of play attempting to walk back towards my assistant referee, Mr Marc Wilson, until one of his own players held him back and moved him towards the tunnel off the field of play.*
- *After leaving the field of play after the final whistle, I was confronted aggressively, together with the match officials, in the tunnel by Mr Kazenga Lua Lua of Brighton and Hove Albion FC. Mr Lua Lua was being held back by Brighton and Hove Albion club officials and AFC Wimbledon stewards. Mr Lua Lua did state to us "why did I get sent off by that little prick". With this, I did inform Mr Lua Lua and the Brighton and Hove Albion club officials that this would be reported as misconduct.*

- 2 That evidence was corroborated by Paul Melin , the Match Observer and whose report is set out below:

The away No 30 made a rude gesture towards the home supporters using his middle finger in an insulting gesture. I witnessed the incident and also so did the assistant referee, who informed the referee who duly showed him the red card for his actions, dismissing him from the field of play.

The away team player once shown the red card refused to leave and started to make his way back towards the assistant referee. The match referee intervened and pointed for the player to leave. It was later confirmed (post match in the de brief) that the player had used threatening language towards the referee also

The away player slowly walked to the tunnel area not before again showing the score 1-2 on his fingers towards the home supporters in an proactive manner and also proceeded to kiss his shirt / badge.

I witnessed all of the above incidents and the referee would be reporting all the incidents to the relevant authorities.

- 3 By a Reply Form dated 12th December 2016 Mr Lua Lua admitted the charges and confirmed that he wished the case to be dealt with in his absence and as a paper hearing.

HEARING:

- 4 The members of the Commission had before them a bundle of documents which they had read before convening and consisting of the following: Charge letter dated 8th December 2016; three reports by Referee Charles Breakspear dated 6th December 2016; report by observer Paul Melin dated 7th December 2016; emails between The Football Association and Marc Wilson and Ian Rathbone the assistant referees dated 7th December 2016; Reply Form dated 12th December 2016 and letter from Mr Lua Lua also dated the 12th December 2016.
- 5 There were also two additional reports from the match official but were classed as Unused Evidence.

- 6 We also viewed the video evidence of the incident following Mr Lua Lua being dismissed from the field of play, such being self-explanatory.
- 7 The Football Association take matters of this nature very seriously.
- 8 We reminded ourselves that the charges had been admitted at an early stage.

CONCLUSION:

9. We 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.
10. The charges had been admitted at the earliest opportunity and it was perfectly clear from his letter that Mr Lua Lua was apologetic and contrite.
11. He clearly states therein that his behaviour towards the end of the match and in the tunnel was extremely inappropriate, immature and lacked total respect for all the match officials.
12. He states that he regrets his actions and completely accepts that his behaviour was embarrassing and he is aware that his disgraceful conduct (his words) has totally let down the management team and players of the club.
13. The members of the Commission were unanimous that on the balance of probability, after considering all the available evidence that the comments alleged to have been made by Mr Lua Lua were in fact made and that is confirmed by the acceptance of the charges.
14. Therefore the charge under FA Rule E3 was proven.

MITIGATION:

- 15 We were pleased to hear that Mr Lua Lua had no previous record of misconduct of this nature.
- 16 We considered the mitigation before us and noted the sincere apology by Mr Lua Lua.
- 17 Having viewed the video evidence we came to the conclusion that although he was not overly aggressive, he clearly and persistently ignored the match official and of course verbally threatened him.

SANCTION:

- 18 Mr Lua Lua is to be warned as to his conduct.
19. Mr Lua Lua will be suspended with immediate effect from all domestic club football until such time as his registered club have completed four (4) first team competitive matches in approved Competitions.

20. We considered a higher suspension of six (6) matches but due to his clean record, early admission, he being contrite and his sincere apology mitigated down to four (4) matches.

21. Mr Lua Lua be fined the sum of £8000.

22. For the same reasons as in paragraph 20 above we mitigated the fine down.

23. This decision is subject to the relevant Appeal Regulations.

Brian M. Jones (Chairman).

Stuart Ripley

Kenneth Monkou

Sunday 18th December 2016.