

**THE FOOTBALL ASSOCIATION**

*and*

**JAMES GANNON**  
**Stockport County FC**

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**THE DECISION AND REASONS**  
**OF THE FA REGULATORY COMMISSION**

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<u>Content</u>	<u>Page</u>	<u>Paragraphs</u>
Introduction .....	3.....	1 – 6
The Charge .....	3.....	7 – 9
The FA Rules .....	4.....	10
The Regulatory Commission .....	4.....	11
The Hearing .....	5.....	12 – 20
The FA’s Case .....	6.....	21 – 34
<i>FA Witness 1: Mr Geoffrey Russell</i> .....	6.....	21 – 23
<i>FA Witness 2: Mr Dan Robathan</i> .....	10.....	24 – 26
<i>FA Witness 3: Mr Iain Williamson</i> .....	13.....	27 – 30
<i>FA Witness 4: Mr Mick Thorpe</i> .....	16.....	31 – 32
<i>FA Witness 5: Mr Matt Foley</i> .....	17.....	33 – 34
Clarification on Relevant Evidence to the Charge .....	18.....	35 – 36
Mr Gannon’s Defence .....	19.....	37 – 39
Closing Submissions .....	21.....	40 – 41
<i>The FA</i> .....	21.....	40
<i>Mr Gannon</i> .....	21.....	41
Our Findings .....	22.....	42 – 53
The Decision .....	23.....	54 – 55
Mr Gannon’s Previous Disciplinary Record .....	24.....	56
Mr Gannon’s Mitigation .....	24.....	57
The Sanction .....	24.....	58 – 62

**Introduction**

1. On Saturday, 03 November 2012, Stockport County FC (“Stockport County”) played in a FA Cup 1<sup>st</sup> Round Proper fixture away at Southend United FC (“Southend United”) with a kick-off time of 3.00pm. Stockport County played in white shirts and Southend United were in blue shirts.
2. The Match Officials were Mr Iain Williamson (Referee), Mr Geoffrey Russell and Mr Matt Foley (Assistant Referees), and Mr Dan Robathan (4<sup>th</sup> Official). Mr Mick Thorpe, the Match Assessor, was also in attendance.
3. Mr James Gannon is the Manager and Director of Football at Stockport County.
4. At 33<sup>rd</sup> minute of the match, a throw-in was awarded to Southend United and subsequent play from this throw-in led to Southend United scoring the first goal of the match.
5. We were told that some Stockport County players and Mr Gannon thought it should have been their throw-in. However, apart for a caution to a Stockport County player after the goal was scored, for dissent against the Assistant Referee for this throw-in decision, there were no other disciplinary issues for the Match Officials on this incident at this time.
6. It appeared that this incident led to further discussions between Mr Gannon and the Match Officials at half-time in the dressing rooms area, just before start of the second-half in the technical area and in the Referees’ dressing room after the 30 minutes cooling off period after the match.

**The Charge**

7. Mr James Gannon was charged by The Football Association (“The FA”) with misconduct for a breach of FA Rule E3 in respect of his conduct after the match.
8. It was alleged that Mr Gannon’s language and/or behaviour in or around the dressing room area at the end of the above fixture amounted to improper conduct.
9. The case was designated as a Non Standard Case.

## **The FA Rules**

10. The FA Rule E 3 states:

*“(1) A participant shall at all times act in the best interest of the game and shall not act in any manner which is improper or bring the game into disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.*

*(2) In the event of any breach of Rule E 3(1) including a reference to any one or more of a person’s ethnic origin, colour, race, nationality, faith, gender, sexual orientation or disability (an “aggravating factor”), a Regulatory Commission shall consider the imposition of an increased sanction, taking into account the following entry points:*

*For a first offence, a sanction that is double that which the Regulatory Commission would have applied had the aggravating factor not been present.*

*For a second offence, a sanction that is treble that which the Regulatory Commission would have applied had the aggravating factor not been present.*

*Any further such offence(s) shall give rise to consideration of a permanent suspension.*

*These entry points are intended to guide the Regulatory Commission and are not mandatory.*

*The Regulatory Commission shall have the discretion to impose a sanction greater or less than the entry point, according to the aggravating or mitigating factors present in each case.”*

## **The Regulatory Commission**

11. The FA appointed the following members to the Regulatory Commission (“the Commission”) to hear this case:

Mr Thura KT Win, JP (Chairman)

Mr Gary Aplin

Mr Paul Raven

Mr Rob Marsh, the FA Senior Disciplinary Assistant, acted as Secretary to the Commission.

### **The Hearing**

12. The hearing commenced just after 11am on Monday, 26 November 2012 at the Macdonald Burlington Hotel in Birmingham.
13. Ms Amina Graham, FA Regulatory Legal Advisor, was the Counsel for The FA.
14. Mr James Gannon was in attendance with Mr John Duncan of the League Managers Association. We clarified who would be representing Mr Gannon and pointed out that only one representative is permitted. Our permission was sought, and granted after a discussion – no objections from Ms Graham, that Mr Gannon would be representing himself throughout the hearing and Mr Duncan would only be making the Closing Submissions for Mr Gannon.
15. During the case management and opening statements, we noted the following:
16. It was agreed that:
  - 16.1. At or around 33<sup>rd</sup> minute of the match, the throw-in incident referred to occurred;
  - 16.2. Conversation between Mr Gannon and Mr Williamson, the Referee, took place at the half-time about the throw-in incident;
  - 16.3. Conversation between Mr Gannon and Mr Robathan, the 4<sup>th</sup> Official, in the technical area just before the second-half started;
  - 16.4. Conversation between Mr Gannon and one or more Match Officials took place in the Referees' dressing room after the 30 minutes cooling off period after the match;
  - 16.5. Mr Gannon entered the Referees' dressing room with permission and/or agreement;
  - 16.6. The material time was after the 30 minutes cooling off period after the match;

- 16.7. The material place was the Referees' dressing room;
- 16.8. The four Match Officials and Match Assessor mentioned in paragraph 2 were present during the material time and in material place.
17. The FA intended to rely on the written submissions and witness evidence from:
  - 17.1. Mr Iain Williamson, the Referee – in attendance;
  - 17.2. Mr Matt Foley, Assistant Referee – via telephone conference;
  - 17.3. Mr Geoffrey Russell – via telephone conference;
  - 17.4. Mr Dan Robathan – in attendance;
  - 17.5. Mr Mick Thorpe – in attendance;
  - 17.6. A short video clip of the throw-in incident.
18. The order of The FA's witnesses to be called was addressed by Mr Gannon. We pointed out that it would be for The FA to call their witnesses in the particular order Ms Graham desired but, to assist Mr Gannon as much as possible, Ms Graham tried to accommodate and agreed to call her witnesses in the following order: Mr Russell, Mr Robathan, Mr Williamson, Mr Thorpe and Mr Foley, for which Mr Gannon was grateful.
19. Mr Gannon intended to rely on his own written submission and would be giving evidence at the hearing.
20. We are grateful to all the representatives and witnesses who attended, or joined us via telephone conference, for their help with this case.

### **The FA's Case**

#### ***FA Witness 1: Mr Geoffrey Russell – via telephone conference***

21. During the examination-in-chief from Ms Graham, Mr Russell told us that:
  - 21.1. He was the Assistant Referee operating on the side of the technical area.
  - 21.2. When the 33<sup>rd</sup> minute throw-in incident occurred, he said into the mic:

*“off the white”* [Stockport County], Mr Williamson said he agreed over the mic, and gave the throw-in to Southend United.

- 21.3. Mr Gannon then asked if the decision was correct and said that it was the only way they [Southend United] were going to win.
- 21.4. At half-time, Mr Gannon was asking Mr Williamson if he was sure about the decision on the 33<sup>rd</sup> minute throw-in, and Mr Williamson was sure. They were just outside the Referees’ dressing room at that time. Mr Russell was in the dressing room, with the door open, but could not assist any further.
- 21.5. During the second-half, Mr Gannon asked Mr Russell who played the ball last and whom did it come off last. Mr Russell told Mr Gannon that it was not the right time to discuss this and Mr Gannon then said that he would be in later.
- 21.6. After 30 minutes post match cooling-off period, Mr Gannon visited the Referees’ dressing room. Mr Gannon was interested in Mr Williamson’s part in the decision-making and why the throw-in was given to ‘the blues’ [Southend United]. Mr Williamson replied that it was clearly ‘the blues’ throw.
- 21.7. Mr Gannon then said Mr Robathan told him before the start of the second-half that the Referee ‘thought’ the ball came off ‘the white’ and, therefore, “you’re lying” or “you’re a liar”. Mr Russell said that Mr Robathan tried to apologies for the incorrect word, ‘thought’, he used but Mr Gannon would not allow him to finish his sentence.
- 21.8. Mr Gannon added that his players told him that the ball had came off their [Southend United] player and it should have been our [Stockport County] throw, therefore, you’re a liar.
- 21.9. Mr Russell then told Mr Gannon that the ‘white player’ last kicked the ball so it was ‘the blue’ throw. Mr Gannon then accepted this.
- 21.10. Mr Russell did not remember Mr Gannon calling him a liar.
- 21.11. Mr Russell did not feel Mr Gannon was angry or abrupt at any time. Mr

Gannon was being ‘a matter of fact’ and ‘this is how it is’, and not accepting what was being said to him by Mr Williamson.

22. In cross-examination by Mr Gannon, Mr Russell told us that:

- 22.1. At the time of the throw-in incident, Mr Russell said over the Match Officials’ headset system: “*off the white*”, and Mr Williamson said: “*yes, off the white*”. He said it is difficult to hear the players’ shouts when using the headset system and he did not hear players shouting for the throw.
- 22.2. With reference to reactions of the players, Mr Russell said that one Stockport County player approached him after the goal was scored saying something. The way the player approached Mr Russell and from his body language, Mr Williamson cautioned this player.
- 22.3. Mr Russell confirmed that Mr Gannon neither used bad language nor left the technical area during this time, as far as he was aware.
- 22.4. The Match Official’s headset system is open-mic between the Referee and Assistant Referees during the match but the 4<sup>th</sup> Official would need to push a button to talk. He therefore did not hear the conversation between Mr Gannon and Mr Robathan just before the start of the second-half in the technical area.
- 22.5. Mr Russell confirmed that Mr Gannon tried to speak with him in the first five minute of the second-half when he was near Mr Gannon in the technical area but he told Mr Gannon: “*I have a lot of respect for you, Jim, but this is not the right time*”.
- 22.6. In the Referees’ dressing room after the match, before Mr Gannon came in, there was a discussion between the Match Officials about Mr Gannon being upset with the throw-in decision. In this discussion, Mr Russell believed Mr Robathan realised then that he might have used the words, ‘the Referee thought the ball came off the white’, with Mr Gannon which was not what Mr Williamson had said and was the wrong terminology.
- 22.7. During Mr Gannon’s conversation with Mr Williamson when he visited,

Mr Russell believed Mr Robathan tried to apologise for the use of wrong terminology but Mr Gannon did not give him the chance to finish. Mr Gannon might have thought that Mr Robathan was trying to defend Mr Williamson.

- 22.8. The conversations were mainly between Mr Gannon and Mr Williamson with Mr Robathan trying to join in.
  - 22.9. When Mr Williamson said: *“not had the opportunity to see the DVD yet but the ball came off the white”*, Mr Gannon said something along the line of: *“you’re lying, because my players told me that it come off a blue – so you’re a liar”*. Mr Williamson then said: *“we are not liars, if we got it wrong then we will apologise but we are not liars”*. Mr Gannon then repeated his comments again. [There was a delay in receiving the DVD from the media.]
  - 22.10. Mr Russell did not remember Mr Gannon saying: *“you’re making me and my players liars”*.
  - 22.11. Mr Russell stated that Mr Gannon was very professional towards him and accepted what he had said. He was sure that Mr Gannon did not call him a liar.
  - 22.12. Mr Russell explained that he received an EMail from The FA to submit a report about the incidents. He had not included some of these words in his statement, as he did not want to include anything that was not factually accurate. He was going from his best recollection of what he remembered.
23. In response to our questions, Mr Russell told us that:
- 23.1. Mr Gannon used the words *“you’re lying”* or *“you’re a liar”* once to Mr Robathan and twice to Mr Williamson.
  - 23.2. It was his opinion that by Mr Gannon calling someone a liar, Mr Gannon was questioning that person’s honesty and integrity.
  - 23.3. Mr Gannon was forthright and was taking it as: it was what I was told

by my team so you were liars.

- 23.4. There were six people in the Referees' dressing room at the time, including Mr Gannon, and he had the attention of everyone.

***FA Witness 2: Mr Dan Robathan – in attendance***

24. During the examination-in-chief from Ms Graham, Mr Robathan told us that:
- 24.1. He was the 4<sup>th</sup> Official and stood next to Mr Gannon when the ball went out for the throw-in at 33<sup>rd</sup> minute.
- 24.2. Due to the position he was standing, Mr Robathan did not see who the ball off the throw-in. However, from the reactions of the players, he thought it was a Stockport County throw.
- 24.3. At half-time, Mr Gannon asked Mr Williamson about the throw-in incident and Mr William said he believed it came off Stockport County player. Mr Gannon said his players told him it came off Southend United player and therefore it was a statement of fact that it came off Southend United player. Mr Gannon then asked if Mr Williamson was calling his players liars and added that if the decision was proven incorrect then Mr Williamson would be lying.
- 24.4. He did not put everything in his report as it was more of an overview but he accepted that he should have included everything and would learn from this experience.
- 24.5. When he came out for the second-half, Mr Robathan approached Mr Gannon and said that in Mr Williamson's opinion, he got the decision right. Mr Gannon then asked to repeat it, which Mr Robathan did. Mr Gannon then said to Mr Robathan: "*don't talk to me if you're going to lie to me as well*" and that the Referee changed his mind and was backtracking. Mr Gannon then mentioned that he would be coming in after the match.
- 24.6. When Mr Gannon came in to the dressing room after the match, he asked Mr Williamson about the throw-in decision. Mr Williamson told Mr Gannon that he had not seen the DVD yet and would call Mr Gannon

if the decision was shown to be incorrect.

- 24.7. Mr Gannon then asked who made the decision – whether it was the Referee or the Assistant Referee. Mr Williamson said that as the team leader he had made all the decisions with the support of his team.
- 24.8. Mr Robathan said he was only referenced once in the 5 minutes that Mr Gannon was in the dressing room, and Mr Gannon was mainly speaking directly to Mr Williamson.
- 24.9. Mr Robathan could not remember the exact words but he recalled Mr Gannon saying something along the line of: *“if that’s proven incorrect then you’re lying”*.
25. In cross-examination from Mr Gannon, Mr Robathan told us that:
  - 25.1. He did not hear the conversation between the Mr Williamson and Mr Russell or between the players and Mr Williamson after the goal was scored.
  - 25.2. Mr Robathan confirmed that he could not see whose throw-in from his position next to Mr Gannon but, from the reactions of the players, he thought it was Stockport County’s throw-in.
  - 25.3. Mr Gannon did not dispute anything at the time but seemed upset with the decision. He did not do anything untoward or concerning as Mr Robathan would have ‘removed him’ otherwise.
  - 25.4. At the end of first-half, Mr Robathan confirmed that the players came past first and were saying something to Mr Gannon. After the Match Officials came into the tunnel, Mr Gannon asked Mr Williamson about the throw-in decision and said, as Mr Williamson made a statement of fact, Mr Williamson was calling his players liars. Mr Robathan thought Mr Gannon was being offended that his players were being calls liars.
  - 25.5. Mr Robathan did not put everything in his report as he thought the incident was clear-cut, did not think it would come to a hearing, this was

his first ever hearing, and his statement was an overview.

- 25.6. Mr Gannon had also said that if the decision was proven incorrect then Mr Williamson would be lying.
- 25.7. Before the start of the second-half, as Mr Gannon still seemed upset, Mr Robathan approached him to strike up a conversation. Mr Robathan thought that it would help him manage the situation for the second-half if he had told Mr Gannon that Mr Williamson had said: *“if Jim asks again, tell him that I believe the decision was correct and he would apologise if it was wrong.”*
- 25.8. Mr Robathan confirmed that Mr Gannon asked to repeat it, which he did. Mr Gannon then said: *“don’t speak to me if you’re going to lie”*. Mr Robathan said he did not say anything and walked away. Mr Gannon said he wanted to see Mr Williamson after the match, which Mr Robathan informed Mr Williamson after the match had ended.
- 25.9. Mr Robathan did not see or hear the conversation between Mr Gannon and Mr Russell during the second-half.
- 25.10. After end of the match in the Referees’ dressing room, Mr Gannon made the reference to the conversation at half-time.
- 25.11. Mr Robathan said that the conversation in the dressing was mainly between Mr Gannon and Mr Williamson, and he was referenced in it rather than joining in the conversation. As Mr Robathan tried to join in the conversation, Mr Williamson stepped in which is usual for the team leader to lead the conversations in the dressing room.
- 25.12. Mr Russell joined in the conversation briefly when Mr Gannon asked about who made the throw-in decision. Mr Williamson said that he made all the decisions with the support from the team. Mr Robathan could not remember the exact words between Mr Gannon and Mr Russell but recalled Mr Russell saying it was a common practice.

- 25.13. Mr Williamson said that if he made a mistake then he would telephone Mr Gannon to apologise. Mr Gannon said that it was a statement of fact that the decision was wrong and they were lying.
26. In response to our questions, Mr Robathan told us that he started the conversation with Mr Gannon about the throw-in incident to help him manage the second-half better, and thought ‘lying’ and ‘liar’ was the same thing in his opinion.

***FA Witness 3: Mr Iain Williamson – in attendance***

27. Before Mr Williamson gave evidence, we watched the video clip of the throw-in incident a few times.
28. During the examination-in-chief from Ms Graham, Mr Williamson told us that:
- 28.1. He was the Referee of the match and, on the 33<sup>rd</sup> minute’s throw-in decision, Mr Russell said it was blue throw via the headset system, which he agreed. A Stockport County player played the ball out and a Southend United player tried to keep the ball in play – although it was their throw-in.
- 28.2. He had to caution a Stockport County player after the goal was scored for dissent by action towards Mr Russell.
- 28.3. At half-time, Mr Gannon asked which player played the ball last and Mr Williamson replied that it was one of his players. Mr Gannon then went on to say, *“his players must be lying if they were saying something different”*. Mr Gannon said that Mr Williamson was making a statement of fact, and the fact was wrong, therefore Mr Williamson was a liar. Mr Williamson said, *“if I made a mistake then it’s an honest mistake”*.
- 28.4. Mr Williamson said that his report is a summary of incident and he did not expect the case would come to a hearing, and hence the ‘statement of fact’ or ‘calling him [Mr Williamson] a liar’ were not included in his report.

- 28.5. Mr Williamson did not have any dealings with Mr Gannon during the second-half. Mr Robathan informed him that there was a conversation with Mr Gannon at the start of the second-half when he was called a liar and Mr Gannon would be coming to see Mr Williamson later.
- 28.6. When Mr Gannon came in to the dressing room after the 30 minutes cooling-off period at the conclusion of the match, he wanted to discuss about the 33<sup>rd</sup> minute throw-in incident. Mr Williamson said that his opinion remained the same as at the time of the throw-in, at half-time, and now as he had not had a chance to view the DVD yet.
- 28.7. Mr Gannon then asked who made the decision about the throw-in and Mr Williamson replied that as a leader of the team, he made the decision in discussion with his team. Mr Williamson felt that Mr Gannon was unhappy with this reply.
- 28.8. At this point, Mr Gannon said that Mr Williamson had made a statement of fact and, in his opinion, the fact was wrong and, therefore, Mr Williamson was lying. Mr Williamson replied that he might have made a mistake but he was not a liar. He told us that Mr Gannon had used the words, 'statement of fact'.
- 28.9. Mr Gannon then said: "*you are liars*", directing at Mr Williamson and Mr Russell, as they had made the decision between them. Mr Williamson felt that Mr Gannon was questioning the integrity of himself and Mr Russell as the comments were directed at them.
- 28.10. The majority of Mr Gannon's attention and conversations were directed at, and with, Mr Williamson but Mr Russell joined the conversation just before Mr Gannon calling them liars and, therefore, Mr Williamson took it that Mr Gannon was referring to them both.
- 28.11. Mr Williamson confirmed that he was not present, and did not hear the comments, when Mr Gannon called Mr Robathan a liar before start of the second-half. It was what was reported to him by Mr Robathan.

- 28.12. Mr Williamson told us that Mr Gannon appeared upset and aggrieved but not aggressive.
29. At start of the cross-examination by Mr Gannon, we were shown the video clip that we saw earlier (in 27) and Mr Gannon asked some clarification questions to Mr Williamson. He confirmed what he had already said earlier and agreed that a couple of Stockport County players thought the throw-in was theirs.
30. In response to other questions by Mr Gannon, Mr Williamson told us that:
- 30.1. Mr Williamson once again confirmed what he said earlier about Mr Gannon's approach and conversation at half-time. Mr Williamson was sure that Mr Gannon used the words 'statement of fact' but he did not know why Mr Gannon used these particular words.
- 30.2. As Mr Gannon seemed upset, Mr Williamson said to Mr Robathan that if Mr Gannon approached Mr Robathan again about the incident then to explain to him again that in Mr Williamson's opinion the decision was correct, but apologised if Mr Williamson got it wrong, and it would be an honest mistake.
- 30.3. After the match in the Referees' dressing room, the conversation was mainly between Mr Gannon and Mr Williamson, and lasted about five to six minutes. During this time, Mr Gannon did not ask for Mr Russell's opinion or Mr Thorpe's (Assessor), and there was no dialogue with Mr Foley either. Mr Williamson could not recall whether Mr Gannon and Mr Robathan exchanged some words.
- 30.4. Mr Williamson confirmed that Mr Gannon used the words, 'questioning your integrity' generically, and felt it was directed at the team and not just to him.
- 30.5. Mr Williamson explained the use of 'separate occasions' in his report as: Mr Gannon calling him a liar at half-time, calling Mr Russell and himself liars in the dressing room after the match, and to Mr Robathan at start of the second-half.

- 30.6. With reference to Mr Gannon calling Mr Russell and himself liars, it was his opinion that Mr Gannon referred to both of them as they both made the decision, they were sat together next to each other, and Mr Gannon was directing his comment in their direction.
- 30.7. Mr Williamson thought the conversation was going round in circle and, therefore, got up and walked towards Mr Gannon to ask him to leave but the conversation came to an end and Mr Gannon left the room. Mr Williamson could not recall if anyone had brought the conversation to an end.
- 30.8. Mr Williamson did not feel Mr Gannon's comments at half-time alone was misconduct and he did not take any actions at that time but it was the combination of events, which he felt warranted to submit a report.

***FA Witness 4: Mr Mick Thorpe – in attendance***

31. During the examination-in-chief from Ms Graham, Mr Thorpe told us that:
- 31.1. He was the Match Assessor, and in the Referees' dressing room conducting debriefing when Mr Gannon came in. They stopped the debriefing at that point.
- 31.2. Mr Gannon exchanged views with Match Officials regarding the throw-in decision. The conversation was primarily with Mr Williamson but also with Mr Russell and Mr Robathan.
- 31.3. The discussion was mainly around who made the decision to award the throw-in. Mr Gannon then questioned Mr Williamson's integrity – Mr Gannon expressly used the word, 'integrity'.
- 31.4. Mr Gannon thought the throw-in decision should have been given the other way and thought it was incorrect decision. Mr Gannon's words were something along the line of *"you got the throw-in decision wrong so I have to question your judgement and integrity"*.

- 31.5. Mr Thorpe said that the Match Officials were called liars three times and the word, 'liar', was used and primarily directed at Mr Williamson but also to Mr Robathan.
32. During cross-examination by Mr Gannon, Mr Thorpe told us that:
- 32.1. The comments from Mr Gannon were more of a generic approach and not specific to a person in the room. He could not remember the individual conversation with Mr Robathan.
- 32.2. Mr Gannon was very calm, articulate but used the words, 'liar' and 'judgement and integrity'. Mr Gannon was talking to Mr Williamson at the time, and looking at him, when 'judgement and integrity' was said.
- 32.3. Mr Thorpe said that Mr Gannon was talking to the dressing room most of the time and, therefore, everyone could be involved/referred to in the comments.
- 32.4. Mr Thorpe recalled that Mr Robathan spoke about 30 seconds, out of five minutes in total, about half-time incident but he could not recall what was said.
- 32.5. Mr Thorpe confirmed that he did not say anything and the conversation came to an end when Mr Williamson got up to his feet.

*FA Witness 5: Mr Matt Foley – via telephone conference*

33. During the examination-in-chief from Ms Graham, Mr Foley told us that:
- 33.1. He was one of the two Assistant Referees at the match.
- 33.2. When Mr Gannon asked about who made the decision, Mr Williamson had said that he carried the can for all decision but this decision was made between Mr Williamson and Mr Russell after a brief chat over the headset system. Mr Russell had said the ball came off Stockport County.
- 33.3. Mr Foley said Mr Gannon believed he was lied to and was saying along the line of 'you're lying to me', 'don't lie', 'liars' etc.

- 33.4. Mr Gannon did not single out one individual in his comments. Mr Gannon had said the comments were in a plural sense and, therefore, Mr Gannon was questioning 'our' integrity as a result of these comments.
- 33.5. Mr Williamson had told Mr Gannon that 'we weren't liars'.
34. During cross-examination by Mr Gannon, Mr Foley told us that:
- 34.1. At half-time, Mr Gannon said directly to Mr Williamson 'don't lie to me'.
- 34.2. Mr Foley accepted that he had not written every word in his statement.
- 34.3. Mr Foley confirmed that Mr Gannon did not address anyone individually and was said to everyone, as plural.
- 34.4. Mr Gannon had said "you're liars" more than once.

#### **Clarification on Relevant Evidence to the Charge**

35. Before we proceed to next stage of Mr Gannon giving evidence, we addressed both Ms Graham and Mr Gannon about what had come out of the evidence heard from The FA's witnesses. There had been references to Mr Gannon's comments at half-time to Mr Williamson, before start of second-half to Mr Robathan, and after the match in the Referees' dressing room. We noted that the Charge was 'in and around the dressing room area at the end of the fixture'. Whilst we had accepted that Mr Gannon's alleged language and/or behaviour at the end of the fixture was not an isolated incident, and related to the events leading up to the end of the fixture, and therefore we needed to hear the evidence of the earlier events. However, Mr Gannon should know what he needed to be addressing in his evidence in response to the Charge, which he came prepared to the hearing.
36. Ms Graham stated that The FA charged Mr Gannon after receipt of statements from the Match Officials. Ms Graham accepted that the allegations in the Charge was only at the end of the fixture and plenty of evidence had come out about the incidents leading up to the end of the fixture. Ms Graham told us that a reference had been made in Mr Robathan's statement about the incident

before the second-half. However, in fairness to Mr Gannon, she accepted that we would only be dealing with the allegations at the end of the fixture.

### **Mr Gannon's Defence**

37. Mr Gannon gave evidence and told us that:

37.1. Most of his evidence had been made in his written submission. It was his case that the words had been used out of context.

37.2. At half-time, Mr Williamson had said that the ball definitely touched the white player, which was different to what his player had said to him, so he thought Mr Williamson was accusing his team of being liars.

37.3. Mr Gannon said that his emotions had died down after the conversation with Mr Williamson had half-time. However, the spark rekindled when Mr Robathan approached him before the start of the second-half and talked about Mr Williamson's comments from half-time again.

37.4. Mr Gannon then started thinking again and why would his players be telling him different things, Mr Williamson said at half-time that the ball definitely touched the white player, he therefore felt that 'we were being accused of lying'.

37.5. Mr Robathan told him Mr Williamson 'thought' and it was no longer 'definitely'. Mr Gannon got confused and wondered why he had been told different things and thought Mr Williamson was backtracking. He then watched closely how the Match Officials worked in the second-half.

37.6. Mr Gannon wanted to find out who is telling the truth and raised this in the Referees' dressing room after the match. Mr Williamson maintained that the decision was correct and that he had not watched the DVD yet. Mr Gannon felt that "we're being called liars" and did say, "*someone is lying and it won't be us*".

37.7. Mr Gannon said that he used the word liars but it was said as "*we're being made liars*" and a lot of players were disappointed.

38. During cross-examination by Ms Graham, Mr Gannon told us that:
- 38.1. The 33<sup>rd</sup> minute's throw-in decision went against his team, and both the players and Mr Gannon thought it was Stockport County throw-in. Mr Gannon and the players were naturally upset by the goal conceded from this throw-in decision.
  - 38.2. Mr Williamson had said at half-time that he definitely made the right decision and both sides were adamant that they were right. Mr Williamson was so certain that he made Mr Gannon feel like a liar.
  - 38.3. After the half-time team talk, Mr Gannon had forgotten about the incident and was focusing on winning the match.
  - 38.4. Mr Robathan brought the subject up again before the start of the second-half when he approached Mr Gannon with the message that Mr Williamson thought he had made the right decision. Mr Gannon then thought why was Mr Williamson backtracking now when he was so adamant at half-time.
  - 38.5. Mr Gannon admitted to saying "*the footage will show who will be liars but it won't be us*".
39. In response to our questions, Mr Gannon told us that:
- 39.1. He abided by the 30 minutes cooling-off time instructions and try to set right example for the players in expectation of conducting themselves properly.
  - 39.2. Mr Gannon might have used the word, 'liars', but not directly and in a different context.
  - 39.3. Being the Director of Football, Mr Gannon deals with disciplinary and Codes of Conduct at the Club.
  - 39.4. Mr Gannon felt that the Match Officials got that one decision wrong and it was the judgement of that one decision. It was not personal on the integrity issue but only on this one decision.

## **Closing Submissions**

### *The FA*

40. In closing, Ms Graham told us that:

- 40.1. The FA brought the Charge, and it was for The FA to prove on the balance of probabilities that Mr Gannon called the Match Officials ‘liars’.
- 40.2. From The FA’s five witnesses:
- 40.3. Mr Russell told us that Mr Gannon called Mr Robathan, “you’re a liar”, and had not called him ‘a liar’.
- 40.4. Mr Robathan told us that Mr Gannon said, “you’re lying” to Mr Williamson and Mr Russell, and not to him.
- 40.5. Mr Williamson told us that Mr Gannon said, “you’re liars” referring to himself and Mr Russell.
- 40.6. Mr Thorpe told us that Mr Gannon said, “you’re a liar” generically.
- 40.7. Mr Foley told us that Mr Gannon said, “you’re liars”.
- 40.8. It is the act of saying “you’re a liar” or “you’re liars”, nothing less, which amounted to improper conduct in this case. Mr Gannon might have called the Match Officials a liar/liars because he felt the story was changing from the Match Officials, and his players were adamant that it was their throw.
- 40.9. The FA did not charge based on Mr Gannon’s admitted use of words, “one of us will be shown/proven to be liars” but it would be up to the Commission to decide whether this amounted to misconduct.

### *Mr Gannon*

41. In closing, Mr Duncan on behalf of Mr Gannon told us that:

- 41.1. The Match Officials were mistaken and two of them were clear that they

were not called 'liars'. Mr Williamson took it as being called 'a liar' but no manager thinks that a Referee is a liar because he got a decision wrong and there was no evidence to take it that way.

41.2. This was all about a decision and not about a person. Mr Gannon wanted clarification about the decision.

41.3. There were discrepancies in the evidence from The FA's witnesses and the statements were lacking in details.

41.4. There was no context for a liar. Mr Williamson was wrong about context and he had taken it personally. If Mr Gannon was calling anyone a liar then it would be more heated exchanges.

41.5. Mr Gannon kept his decorum and everyone had said he was calm, very professional and forthright in the dressing room.

41.6. Mr Williamson was the only one taken the wrong way.

### **Our Findings**

42. We noted with disappointment that some of the evidence we received at the hearing were not included by the Match Officials in their written reports.

43. We agreed that there were some inconsistencies in the evidence.

44. We only considered the events in the dressing room at the end of fixture as per the Charge.

45. We noted that Mr Russell and Mr Robathan were of the opinion that they were not called 'liars' directly in the events occurred in the dressing room after the match.

46. We also noted that Mr Gannon was mainly having the conversation with Mr Williamson and it was probable that others thought Mr Gannon's comments were directed at Mr Williamson himself only.

47. We heard from Mr Williamson that he thought the word, 'liars', was referred to

him and Mr Russell as they both played a part in making the initial throw-in decision, which started all the subsequent events; Mr Russell was sat next to him at the time; and Mr Gannon was looking in his direction.

48. We heard from Mr Thorpe and Mr Foley that Mr Gannon’s comments were generic or in plural.
49. We noted that none of the witnesses stated Mr Gannon naming an individual or individuals after saying, “you’re a liar” or “you’re liars”. Therefore, it was the opinion of those in the room who the comments were being directed and hence the possible confusion of who the comments had been directed.
50. Mr Gannon was not charged with improper conduct against an individual.
51. However, all the witnesses were consistent that on at least once occasion that Mr Gannon had said, “you’re liars” and the common time of this comment made was when Mr Gannon was talking with, and in the direction, of Mr Williamson.
52. On the level of seriousness, we found that this was at a lower end.
53. We noted that Mr Gannon was calm and professional during the incident and also the way he conducted himself at the hearing was credit to him.

### **The Decision**

54. Having considered all the evidence presented before us, we had decided that the Charge against Mr Gannon was found proven. We were of the opinion that Mr Gannon’s language in or around the dressing room area at the end of the fixture amounted to improper conduct.
55. We had found on the balance of probability that Mr Gannon had said “you are liars” towards the Match Officials on one occasion in or around the dressing room area after the fixture.

**Mr Gannon's Previous Disciplinary Record**

56. We were told that Mr Gannon had two previous disciplinary records:
- 56.1. In April 2008, Mr Gannon was warned as to his future conduct for a breach of FA Rule E3.
  - 56.2. In September 2012, Mr Gannon was given one match touchline ban and fined the sum of £250 for a breach of FA Rule E3.

**Mr Gannon's Mitigation**

57. Mr Duncan asked us to take into consideration of how Mr Gannon handled himself during the incident. Mr Gannon did not swear, was not abusive, or shown dissent. Mr Duncan also pointed out that Mr Gannon's previous records were unrelated to this incident. Mr Gannon had also instilled fair play attitude within the Club and they had won Fair Play Awards previously.

**The Sanction**

58. Having denied a breach of FA Rule E3 which was subsequently found proven, and having considered the mitigation presented as well as the previous disciplinary record, we decided that commencing with immediate effect Mr Gannon serve a one match touchline ban and be fined the sum of £450.
59. The touchline ban in this instance has extended restrictions, in that Mr Gannon must not enter the changing rooms or the Field of Play at any time 30 minutes prior to kick-off nor 30 minutes following the end of the match, including extra time and kicks from the penalty mark. This also includes the half time period.
60. We order that the personal hearing fee shall be retained and Mr Gannon is ordered to pay £250 towards the costs of this hearing.
61. The Decision is subject to right of appeal in accordance with the relevant FA Rules & Regulations.
62. As Mr Gannon made an application for an opportunity to review the Reasons,

we order that the Sanction is stayed until either a) the period for appealing has expired or b) the outcome of any appeal lodged by Mr Gannon against this decision or c) Mr Gannon has confirmed in writing that he does not wish to appeal.

Signed...

**Thura KT Win, JP (Chairman)**

**Gary Aplin**

**Paul Raven**

Thursday, 28 November 2012