

**IN THE MATTER OF A HEARING
BEFORE AN APPEAL BOARD
OF THE FOOTBALL ASSOCIATION**

BETWEEN:

**PETER CAVANAGH
DAVID MANNIX
ANDREW MANGAN
JAMES HARRIS
ROBERT WILLIAMS**

Appellants

and

THE FOOTBALL ASSOCIATION

Respondent

DECISION OF THE FA APPEAL BOARD

FA Appeal Board

Mr Paul Gilroy QC
Mr Brian Jones
Mr Alan Jones

Venue and Date of Hearing

Wembley Stadium
21 and 22 September 2009

(The Appeal Board deliberated in private in Manchester on 30 September 2009).

The original charges

Peter Cavanagh

- 1) On 4 April 2008, being a player registered with Accrington Stanley FC, using his telephone betting account (no. c30945) with Gala Coral, he placed a stake of £40 on a double bet including Accrington Stanley FC to win the match between Accrington Stanley FC and Dagenham & Redbridge FC on 4 April 2008, thereby betting on the result and/or progress of a match in which he was participating.
- 2) On 1 May 2008, being a player registered with Accrington Stanley FC, using his online betting account (no. 1734589) with Gala Coral, he placed a stake of £5 on a multiple bet including:

- i. Bury FC to win the match between Accrington Stanley FC and Bury FC on 3 May 2008, thereby betting on the result and/or progress of a match in which he was participating, and/or
 - ii. Lincoln City FC v Wrexham FC, thereby betting on the result and/or progress and/or conduct of a Competition in which he was participating.
- 3) Being a player registered with Accrington Stanley FC, using his online betting account (no. 1734589) with Gala Coral, he placed a stake or stakes on a match or matches between clubs involved in the League 2 Competition, namely:
 - i. on 25 April 2008, a stake of £10 on a multiple bet including Notts County FC v Wycombe Wanderers FC; and/or
 - ii. on 25 April 2008, a stake of £10 on a multiple bet including Bradford City FC v MK Dons FC and Grimsby Town FC v Peterborough United FC; and/or
 - iii. on 2 May 2008, a stake of £20 on a multiple bet including Lincoln City FC v Wrexham FC,thereby betting on the result and/or progress and/or conduct of a Competition in which he was participating.

David Mannix

Being a player registered with Accrington Stanley FC, he placed a stake or stakes on the match between Accrington Stanley FC and Bury FC on 3 May 2008, namely:

- i. on 2 May 2008, a stake of £1,000 on Bury FC to win that match, at Ladbrokes (Derby Lane), and/or
- ii. on 2 May 2008, further stakes totalling £3,000 on Bury FC to win that match, in various betting shops in the Liverpool area,

thereby betting on the result and/or progress and/or conduct of a match in which he had an influence and/or a Competition in which he was participating.

Andrew Mangan

Being a player registered with Bury FC, he placed a stake or stakes on the match between Accrington Stanley FC and Bury FC on 3 May 2008, namely:

- i. on 2 May 2008, a stake of £1,000 on Bury FC to win that match, at Ladbrokes (Derby Lane), and/or

- ii. on 2 May 2008, a further stake of £500 on Bury FC to win that match, at Ladbrokes (Derby Lane), and/or
- iii. further stakes totalling approximately £2,000 on Bury FC to win that match, in various betting shops in the Liverpool area.

thereby betting on the result and/or progress and/or conduct of a match in which he had an influence and/or a Competition in which he was participating.

James Harris

Mr Harris faced two sets of charges, known as and referred to as “The Bury Charges” and “The Chester Charges”.

The Bury Charges

Being a player registered with Accrington Stanley FC, he placed a stake or stakes on the match between Accrington Stanley FC and Bury FC on 3 May 2008, namely:

- i. on 2 May 2008, a stake of £1,000 on Bury FC to win that match, at Ladbrokes (Derby Lane), and/or
- ii. on 2 May 2008, a further stake of £1,000 on Bury FC to win that match, at Ladbrokes (Derby Lane),

thereby betting on the result and/or progress of a match in which he was participating.

The Chester Charges

On 5 December 2008, being a Player registered with Chester City FC, using his online betting account with William Hill (a/c no. 23G090), he placed a stake of £5 on a treble bet including:

- i. Chester City FC to win the match between AFC Bournemouth and Chester City FC, thereby betting on the result and/or progress of a match in which he had an influence, and/or
- ii. Bradford City FC v Dagenham & Redbridge FC and/or Macclesfield Town FC v Bury FC, thereby betting on the result and/or progress and/or conduct of a Competition in which he was participating.

Robert Williams

Being a player registered with Accrington Stanley FC, he placed a stake or stakes on the match between Accrington Stanley FC and Bury FC on 3 May 2008, namely:

- i. on 2 May 2008, a stake of £500 on Bury FC to win that match, at Ladbrokes (Mill Lane), and/or
- ii. on 2 May 2008, a further stake totalling £500 on Bury FC to win that match, in another betting shop in the Liverpool area,

thereby betting on the result and/or progress and/or conduct of a match in which he had an influence and/or a Competition in which he was participating.

Decisions made by the Regulatory Commission

Peter Cavanagh

(1) Mr Cavanagh was found guilty as charged. The Regulatory Commission imposed a single penalty to cover all breaches, in the form of a suspension from all footballing activity for 8 months, with immediate effect, together with a fine of £3,500.

(2) Mr Cavanagh was also ordered to pay £5,000 towards the costs of the Regulatory Commission generally, and costs incurred by the Commission in the sum of £4,626.45 including VAT in respect of the obtaining of a report from a vocal expert who examined an audio recording which was found to be of Mr Cavanagh placing one of the relevant bets by telephone.

(3) The Commission ordered that half of the fine and half of the costs of £5,000 be paid by 31 October 2009, with the whole then outstanding balance to be paid by 31 January 2010. As to the costs of the expert's report, it was ordered that payment of the sum of £4,626.45 would be by 10 instalments of £462.64 by Bankers Order commencing on 28 February 2010, with subsequent payments of that amount on the 28th day of each month until the final instalment on 28 November 2010.

David Mannix

(1) Mr Mannix was found guilty as charged. The Regulatory Commission imposed a single penalty to cover both offences, in the form of a suspension from all footballing activity for 10 months, with immediate effect, together with a fine of £4,000.

(2) Mr Mannix was also ordered to pay £5,000 towards the costs of the Regulatory Commission.

(3) The Commission ordered that half of the fine and half of the costs of £5,000 be paid by 31 October 2009, with the whole then outstanding balance to be paid by 31 January 2010.

Andrew Mangan

(1) Charge iii in Mr Mangan's case was dismissed, but he was found guilty as charged in relation to the first two charges he faced. The sanction imposed in his case, therefore, was in respect of placing a total stake of £1,500 on his then club, Bury FC, to win the match between Accrington Stanley FC and Bury FC on 3 May 2008.

(2) The Regulatory Commission imposed a single penalty to cover both offences, in the form of a suspension from all footballing activity for 5 months, with immediate effect, together with a fine of £2,000.

(3) Mr Mangan was also ordered to pay £5,000 towards the costs of the Regulatory Commission.

(4) The Commission ordered that half of the fine and half of the costs of £5,000 be paid by 31 October 2009, with the whole then outstanding balance to be paid by 31 January 2010.

James Harris

(1) Mr Harris was found guilty as charged in respect of the Bury Charges and Charge ii of the Chester Charges.

(2) In respect of the Bury Charges, the Regulatory Commission imposed a single global penalty, namely a suspension from all footballing activity for 12 months, with immediate effect, together with a fine of £5,000.

(3) In respect of the Chester Charge, Mr Harris was warned as to his future conduct and fined the sum of £500.

(4) Mr Harris was also ordered to pay £5,000 towards the costs of the Regulatory Commission, by way of a global costs order relating to the Bury Charges and the Chester Charge.

(4) The Commission ordered that half of the fine and half of the costs of £5,000 be paid by 31 October 2009, with the whole then outstanding balance to be paid by 31 January 2010.

Robert Williams

(1) Mr Williams was found guilty as charged. The Regulatory Commission imposed a single penalty to cover both offences, in the form of a suspension from all footballing activity for 8 months, with immediate effect, together with a fine of £3,500.

(2) Mr Williams was also ordered to pay £5,000 towards the costs of the Regulatory Commission.

(3) The Commission ordered that half of the fine and half of the costs of £5,000 be paid by 31 October 2009, with the whole then outstanding balance to be paid by 31 January 2010.

The Appeals

Mr Cavanagh, Mr Mannix, Mr Mangan and Mr Williams appealed against all findings of guilt, sanction and costs made in each of their respective cases. Mr Harris appealed against the findings made against him in relation to sanction and costs

Appearances

For Mr Cavanagh, Mr Harris and Mr Williams: Mr Martin Budworth of Counsel.

For Mr Mannix: Mr Jonathan Crystal of Counsel.

For Mr Mangan: Mr Mark Milliken-Smith QC.

For the Respondent: Mr Dario Giovannelli (FA Regulatory Legal Adviser).

Decision of the Appeal Board

The unanimous decision of the Appeal Board in relation to the five appeals is as follows:

- (1) The appeals of Mr Cavanagh, Mr Mannix, Mr Mangan and Mr Williams in relation to the Regulatory Commission's findings of guilt of various offences contrary to FA Rule E8(a), and the appeals of all five Appellants against the sanctions imposed in respect of those offences, are dismissed.
- (2) In the case of each Appellant except Peter Cavanagh, the costs order imposed by the Regulatory Commission shall be substituted with an order for the payment of the sum of £1,000. In the case of Peter Cavanagh, the costs order imposed by the Regulatory Commission in the sum of £9,626.45 shall be substituted with an order for the payment of the sum of £2,000.
- (3) In the case of Peter Cavanagh, half of the fine of £3,500, and half of the costs of £2,000 shall be paid by 30 November 2009, with the whole then outstanding balance to be paid by 28 February 2010.
- (4) In the case of David Mannix, half of the fine of £4,000, and half of the costs of £1,000 shall be paid by 30 November 2009, with the whole then outstanding balance to be paid by 28 February 2010.
- (5) In the case of Andrew Mangan, half of the fine of £2,000, and half of the costs of £1,000 shall be paid by 30 November 2009, with the whole then outstanding balance to be paid by 28 February 2010.
- (6) In the case of James Harris, half of the overall fine of £5,500, and half of the costs of £1,000 shall be paid by 30 November 2009, with the whole then outstanding balance to be paid by 28 February 2010.
- (7) In the case of Robert Williams, half of the overall fine of £3,500, and half of the costs of £1,000 shall be paid by 30 November 2009, with the whole then outstanding balance to be paid by 28 February 2010.
- (8) Save as stated above, the Regulatory Commission's findings and orders remain undisturbed.

Costs

There shall be no order as to costs in relation to these appeals save that the appeal fee of £100 paid by each Appellant shall be reimbursed in each case.

Signed

Paul Gilroy QC
(Chairman of the Appeal Board)

this 23rd day of October 2009