

Matter: FA Rules of the Association 2023/24 E3 and E20 Improper Conduct
Ref: 11458674M, 11503282M and 11503281M
Decision date: 21 December 2023

**Decision of the Football Association
Serious Case Panel Chair
Amateur FA**

Participant: Hale End Athletic Veterans 45's
Participant: Oluwabemiga (Gbenga) Adetimole [62559712]
Participant: Said Essabih-Eddafali [63741221]

1. Charges

1.1 I have considered the following charges against Hale End Athletic, Said Essabih-Eddafali and Oluwabemiga Adetimole:

1.2 Hale End Athletic:

1.2.1 'FA Rule E20 - Failed to ensure directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any Match.

Details: Hale End Athletic Veterans 45's are hereby charged with misconduct for a breach of FA Rule E20 in respect of the behaviour of players, officials, employees, servants, representatives in the above fixture. It is alleged that during the fixture that multiple Hale End Athletic Veterans 45's players surrounded the referee.'

1.3 Oluwabemiga Adetimole

1.3.1 'FA Rule E3 - Charge : FA Rule E3 - Improper Conduct against a Match Official - (including threatening and/or abusive language/behaviour)

Details: It is alleged that Oluwabemiga Adetimole used threatening and/or abusive and/or indecent and/or insulting words or behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Threatening Behaviour Against a Match Official as defined in FA Regulations. This refers to the allegation that Mr Adetimole was verbally abusive towards the match official and/or acted in a confrontational and/or intimidating manner towards the match official, these actions made the referee feel intimidated/threatened or similar.'

1.4 Said Essabih-Eddafali

1.4.1 'FA Rule E3 - Improper Conduct against a Match Official - (including threatening and/or abusive language/behaviour)

Details: It is alleged that Said Essabih-Eddafali used threatening and/or abusive and/or indecent and/or insulting words or behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Threatening Behaviour Against a Match Official as defined in FA Regulations. This refers to the allegation that Mr Essabih-Eddafali acted in a confrontational and/or

intimidating manner towards the match official, these actions made the referee feel intimidated/threatened or similar.'

2. Decision

Hale End Athletic

- 2.1 I find that the club failed to ensure its players behaved in an orderly fashion during the game on 4 November 2023. Multiple players surrounded the referee. This was improper conduct in breach of rule E20.

Oluwabemiga Adetimole

- 2.2 I find that Mr Adetimole was verbally abusive towards the referee and behaved in a confrontational manner, intimidating and threatening manner. This was improper conduct, and he brought the game into disrepute. His conduct breached rule E3.1.

Said Essabih-Eddafali

- 2.3 I find that Mr Essabih-Eddafali behaved in a confrontational and intimidating manner towards the referee which made the referee feel intimidated and threatened. This is improper conduct and he brought the game into disrepute. His conduct breached rule E3.1.
- 2.4 The reasons for my decision are contained in section six.

Sanction

Hale End Athletic

- 2.5 I fine the club £70.

Oluwabemiga Adetimole

- 2.6 I suspend Mr Adetimole from football and all football activity for 112 days.
- 2.7 I fine him £50.
- 2.8 Mr Adetimole must attend an online education course. He remains suspended until completion of this course.
- 2.9 I impose five penalty points on the club Hale End Athletic.

Said Essabih-Eddafali

- 2.10 I suspend Mr Essabih-Eddafali from football and all football activity for 112 days.
- 2.11 I fine him £50.
- 2.12 I impose five penalty points on the club Hale End Athletic.

3. Relevant FA Rules

3.1 Conduct of participants at matches

E20 Each Affiliated Association, Competition and Club shall be responsible for ensuring that its directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any match and do not:

E20.1 use words or otherwise behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative.

3.2 Improper conduct

Rule E3.1 of the FA Rules of the Association 2023/24 states that a participant shall at all times act in the best interests of the game and shall not:

act in any manner which is improper or brings 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.

3.3 In imposing a penalty, I must apply any standard sanctions as may be communicated by the FA. I may only depart from the standard sanctions where I consider it appropriate having regard to the facts of an individual case. For example, where a particular act of misconduct is sufficiently serious that the guideline sanction would not constitute a sufficient penalty for the misconduct that has taken place. I must also consider any aggravating and/or mitigating factors (paragraph 42 General Provisions - FA Disciplinary Regulations 2023/24).

3.4 **Offences against match officials:** the categories of offence against match officials include:

3.4.1 Threatening behaviour, words or action that cause the match official to believe that they are being threatened. Examples include but are not limited to the use of words that imply (directly or indirectly) that the match official may be subjected to any form of physical abuse either immediately or later, whether realistic or not; the raising of hands to intimidate the match official; pretending to throw or kick an object at the match official [Rule 96 Section Three FA Disciplinary Regulations 2023/24].

3.5 In relation to threatening and abusive behaviour towards a match official the standard sanctions I must consider are:

3.5.1 A suspension of between 56 and 182 days with the recommended minimum sanction of 112 days.

3.5.2 A fine of up to £100 with a mandatory minimum fine of £50.

3.5.3 A mandatory education course.

3.6 Disciplinary penalty points are imposed on the player's club.

3.7 The standard of proof is the balance of probabilities. This means that I am satisfied an event occurred if, on the evidence, the occurrence of the event was more likely than not to have happened. It is for the FA to prove the case to this standard.

4. Documents

4.3 I received and considered three bundles of documents each including a table of contents numbered pages 1 to 17. The evidence in the three bundles was the same. They included three separate misconduct notification charge letters dated 30 November 2023 addressed to Paul Walters of Hale End Athletic.

5. Summary of evidence

5.3 On 4 November 2023 Harold Wood Athletic Veterans over 45s played Hale End Athletic O45 in the Essex Veterans Trophy. The referee, Dean Fenn made a report about the match on the same date. In summary he said:

5.3.1 The behaviour of Hale End, especially the two centre backs and goalkeeper was disgusting.

5.3.2 They complained about every decision and called for offside when defending nearly every attack. They complained to him if he went with their own linesman and also complained if he did not. There was non-stop moaning.

5.3.3 He apologises for not booking any of them as they were all constantly in his face and surrounding him. At times it felt like he was going to get a right hook from somewhere.

5.3.4 This is the first time he has had to referee a side like Hale End. The opposition team, Harold Wood were trying to protect him in respect of the decisions that he made.

5.3.5 At the end of the game a number of Hale End players refused to shake his hand and told him he was 'a disgrace and pathetic.'

5.4 On 6 November 2023 the Amateur FA asked the referee for clarification in respect of his report. He responded as follows:

5.4.1 The two central defenders' names were Pasuale Amico and Alberto Mastro. Their shirt numbers were 6 and 19. He knew the defenders' names because they were arguing with each other during the game. He could not recall the goalkeeper's name. He was not provided with a team sheet and cannot check their names. The game started 30 minutes late and no one gave him a form.

5.4.2 Throughout the first half the number 6 argued with every decision he made. This player argued if he went to the linesman, argued because he was not over ruling the linesman and also arguing because he did not overrule the linesman. One time the player got into his face and pointed his finger at him. At half time he said to the captain that this could not carry on and if there was any more of this type of behaviour the player would be sent to the sin bin.

5.4.3 The main incident happened in the second half when the opposition team scored their fourth goal. There was an incident between the number 6 player and a Harold Wood player resulting in a goal being scored by Harold Wood. A

50/50 ball was won by the defender and a Harold Wood player attempted to get the ball. The defender went to the ground asking for a foul. This decision along with allowing the goal caused at least six of the Hale End players to surround him and question why it wasn't offside and why there wasn't a foul.

- 5.4.4 The goalkeeper was talking to him and staring at him in an aggressive manner telling him to speak to the linesman. He refused because when he looked at the linesman at the time his flag was down.
- 5.4.5 He was sure the goalkeeper during the rest of the second half called him a 'cunt' but because he could not be sure he did not do anything.
- 5.4.6 The goalkeeper and the other defender refused to shake his hand when it was offered.
- 5.4.7 On a personal note, he feels like he let himself down as he can handle himself in situations like this and has been doing so in previous games. This was the first time he was surrounded by at least six players shouting 'explicit.' No harm was done, and this is just taken as an experience.

Response from Gbenga Adetimole

- 5.5 I note that in his statement dated 26 November 2020³ Mr Adetimole states his name as 'Gbenga' and he signed his statement as 'Ben Adetimole'. He was the goalkeeper and said the following:
 - 5.5.1 He would like to emphasise his full respect for the referee and adherence to the FA regulations. In the first half he sought to ensure fairness by suggesting the referee consulted with the linesman for completeness after an offside decision in their favour.
 - 5.5.2 During the second half amidst a heated situation where their number 6 player was seriously fouled, he approached the referee requesting a consultation with the linesman. This was to maintain fairness. His genuine intention was misconstrued as aggression. In his forty years of playing, he has never encountered such a situation.
 - 5.5.3 He walked away to diffuse any tension. His decision not to shake hands post-match was rooted in the need to avoid escalating a potentially volatile situation. He believes in respectful communication and was saddened by the perceived lack of it during this incident.
 - 5.5.4 He trusts that upon reflection he and the referee can reconcile their differing perspectives and continue to uphold the spirit of fair play that is paramount in their beloved sport.

Response from Said Essabih-Eddafali

- 5.6 In his statement dated 2 November 2020³ Mr Essabih said he was the team captain of Hale End and the number 6 player. He said:
 - 5.6.1 During the game he approached the referee to request a consultation with the linesman as the referee had mentioned before the game that he would

consistently seek input from the linesman. At no point did he mean to threaten the referee and wants to reiterate his respect for FA rules and high esteem for all referees.

- 5.6.2 They understand the importance of maintaining a positive and respectful environment on the field. They will internally address this matter to ensure better communication and adherence to guidelines in the future full stop

Response to the allegations

- 5.7 On 3 December 2023 Hale End Athletic accepted the charge. On 11 December 2023 Mr Essabih and Mr Adetimole accepted the charge against them. They each asked for the matters to be dealt with by correspondence.
- 5.8 As the charges arise out of the same game and the same evidence is relied on, based on one report from the referee I have dealt with the cases together on a consolidated basis.

6. Reasons

Hale End Athletic – Rule E20 – player conduct

- 6.1 I find the allegation of improper conduct by spectators proved. The club has admitted the charge.
- 6.2 During the game, at least six players surrounded the referee. The referee said they were all 'shouting explicit' (I presume he means expletives). Although there is no specific information about what they were shouting, the club accepts this happened. The conduct was improper and abusive. This was in breach of rule E20.

Gbenga Adetimole

- 6.3 Mr Adetimole admitted the charge. He was the goalkeeper referred to by the referee in his report. I note that the referee said the goalkeeper in particular was threatening towards him and he thought he swore at him in the second half, although he could not be sure. I make no finding in respect of this. The referee said the goalkeeper 'looked like he wanted to do damage to me just with his stare.' The goalkeeper was talking to him in an aggressive manner and staring at him, telling him to speak to the linesman.
- 6.4 I find that Mr Adetimole's conduct was improper, and he brought the game into disrepute. His conduct towards the referee was confrontational, intimidating and threatening. This was in breach of rule E3.1.

Said Essabih-Eddafali

- 6.5 There was discrepancy about who the number 6 player was. The referee said the defenders' names were Pasuale Amico and Alberto Mastro. He thought their shirt numbers were 6 and 19. The referee said the number 6 player continually challenged him during the game and he spoke to the team captain at half time about his conduct. He told the captain that the number 6 player would be sent to the sin bin if the conduct continued. However, in his statement Mr Essabih states he was the team

captain and the number 6 player. I also note that there are no players called Pasuale Amico and Alberto Mastro on the team sheet in the bundle.

- 6.6 The charge was brought against Mr Essabih, and I note in his statement he wanted to respond to the report of the referee. Although the charge was accepted it was not clear to me that he is aware of it. On 17 December I asked, through the FA judicial services team, for clarification of these discrepancies from the Amateur FA. I was told that Mr Essabih was aware of the charge.
- 6.7 Based on his admission, I find the charge proved. The referee described how the number 6 player constantly argued with him, 'got into his face' and pointed his finger at him. The referee said the player was threatening towards him leading to some opposition players intervening and standing in between them. This conduct was confrontational and intimidating and it made the referee feel threatened. This was in breach of rule E3.1.

Sanction

Hale End Athletics 45s - E20

- 6.8 The club admitted the allegation. This is a mitigating factor.
- 6.9 The conduct took place during the game and was ongoing. It continued after the referee raised his concerns and warned the captain. The club has an extensive disciplinary history. It has four misconduct charges proved from 2021/22, two charges proved in 2022/23 and five proved charges in 2023/24. A number of the previous cases involve conduct against match officials. These are aggravating factors.
- 6.10 Given the aggravating factors the conduct is in the high range of sanctions and I fine the club £200.

Gbenga Adetimole

- 6.11 He has no previous disciplinary history and admitted the charge. I considered his acceptance, and some insight and apology for his behaviour. I note that he wishes to reconcile with the referee. These are mitigating factors.
- 6.12 However, Mr Adetimole's conduct was repeated and threatening. These are aggravating factors.
- 6.13 For these reasons, I placed his conduct in the low range of the recommended sanction and impose a 112 day suspension which is calculated from the date of the charge letter.
- 6.14 I also impose the mandatory minimum fine of £50.
- 6.15 Mr Adetimole must attend an online education course. He remains suspended until the course is completed.
- 6.16 I impose five penalty points on Hale End Athletic Veterans 45s.

Said Essabih-Eddafali

- 6.17 Mr Essabih has no disciplinary history. He said he approached the referee to ask him to consult with the linesman. He did not mean to threaten the referee and reiterated their respect and high esteem for referees. They will address the matter internally to ensure better communication and adherence to guidelines in the future. These are mitigating factors.
- 6.18 Aggravating factors are that the conduct was repeated, and Mr Essabih pointed his finger at the referee and other players had to intervene at one point during the game.
- 6.19 For these reasons, I placed his conduct in the low range of the recommended sanction and impose a 112 day suspension which is calculated from the date of the charge letter.
- 6.20 I also impose the mandatory minimum fine of £50.
- 6.21 Mr Essabih must attend an online education course. He remains suspended until the course is completed.
- 6.22 I impose five penalty points on Hale End Athletic Veterans 45s.

7. Appeal

The club, Mr Adetimole and Mr Essabih can appeal by providing notice of their intention to do so within seven days of notification of our decision (the notification date). They must provide their grounds of appeal within fourteen days of the notification date (Disciplinary Regulations 2023/24).

Miss N Zulfiqar
Serious Case Panel Chair