

National Serious Case Panel

Case ID:

11611895M

Disciplinary Commission

Correspondence Hearing - Chair Sitting Alone

Amateur Football Alliance

County FA

v

Vernel Montoute

Participant

The Decision and Written Reasons of The Commission

Disclaimer:

These written reasons contain a summary of the principal evidence before the Commission and do not purport to contain reference to all the points made, however the absence in these reasons of any particular point, piece of evidence or submission, should not imply that the Commission did not take such a point, piece of evidence or submission, into consideration when determining the matter. For the avoidance of doubt, this Disciplinary Commission has carefully considered all the evidence and materials in this matter.

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Introduction

1. On the 28th January 2024, there was a football match (the “match” or “game”) between *Real Lucia FC 1st Team* (“Real Lucia”) and *Vallance FC 1st Team* (“Vallance”). Vernel Montoute was playing for Real Lucia and this means he is a “participant” for the purpose of this case.
2. Relevant parts of the referee’s (unamended) report states: “...*Most of the players from Real Lucia were abusive and used foul language and constant swear words either to each other and every decision I had made throughout the 64 minutes. Vernel Montoute was the player throughout the match abusing or trying to intimate opposition players and thereafter coming after me whilst the match was being abandoned (Demanded referee's match fee's back too). I was walking away to the sideline to collect my bag after calling the game off, Vernel Montoute ran and jumped in front of me 3 times and Infront of my face around 10 cm away, on the 4th occasion he was being held back from his manager and his club teammate. Vernal Montoute demanded that the referee match fee's should be returned back due to abandonment of the game and he first wanted to walk off with his players prior to my rightful decision. Vernal Montoute was 1 metre away and was visibly angry, frustrated and had no control of his actions throughout the game and even worse after the abandonment. I had felt nervous at the point of the restraint moment for a minute, as I was noting the whole situation down and luckily the manager and teammate of Real Lucia walked in front of me to stop Vernal Montoute and his actions of demanding money and intimidation. Vallance manager had tried to support me in this situation and Vallance players had behaved appropriately and tried to protect me....*”
3. This was investigated by the County FA and statements were obtained to establish what took place. The County FA communicated to the participant that they had made a decision to charge on the evidence below.

4. The County FA are subject to managing games within their jurisdiction pursuant to rules and regulations set out by The Football Association (“The FA”).

The Commission

5. The County FA prepared the bundle for these matters and the National Serious Case Panel (“NSCP”) officially appointed me as the “commission” to adjudicate on this case alone as a Chair member.
6. For the purpose of fairness, I am independent to the parties referred to in this case and I did not have a conflict of interest to declare. My decision is based only on the evidence I have been sent and this is outlined below.

The Charge(s)

7. The County FA laid the following charges (detailed within The FA Handbook¹):

Charge 1

- 7.1. FA Rule E3 – Improper conduct against a match official (including threatening and/or abusive language/behaviour).

The Reply

8. The participant accepted the charge and I conducted this as a correspondence-only case.

The Hearing and Evidence

9. Below is a list of documents and/or witnesses in the bundle, that I was provided to consider.

10. County FA’s evidence in support of the charge(s):

- 10.1. County FA correspondence;

- 10.2. Hamzah Bodiya, referee.

11. Participant’s evidence:

¹ <https://www.thefa.com/football-rules-governance/lawsandrules/fa-handbook>

- 11.1. Theodosius Auguste, Real Lucia secretary;
- 11.2. Hervan Volney, Real Lucia Chairman.

Standard of Proof

12. As directed by The FA, the appropriate standard of proof in such cases is that of the civil standard. This means that the commission must be satisfied on the balance of probabilities that, as per the evidence presented before it, it was more likely than not that the events occurred as they have been charged.

The Decision

13. I was not required to make a decision on whether the charge was proven or not as it was accepted by the participant. For the avoidance of doubt, the elements of the charge would have been proven given that the participant jumped in front of the referee 3 times (around 10 cm away) and had to be held back by his manager and teammate. This would have made the referee feel threatened.

Previous Offence History

- 14. After making a decision, I was provided with the participant's 5-year previous record.
- 15. The participant has no other misconducts save for these proceedings. There is a red card from 2022 but this will not impact credit being afforded for sanction.

Aggravating and Mitigating Factors

- 16. Aggravating factors as per the FA Handbook, sanction guidelines and other observations:
 - 16.1. Insufficient grounds for aggravating factors.
- 17. Mitigating factors as per the FA Handbook, sanction guidelines and other observations:
 - 17.1. Previous offence history.
 - 17.2. Guilty plea.

Sanction

18. The FA Handbook and County FA Disciplinary Sanction Guidelines set out the scope and range of sanctions that are available. The applicable season is 2023/24.

19. After taking everything into account, I considered that the starting point was appropriate and reduced this accordingly where there were mitigating factors present. Therefore, the sanction that will be imposed is the following:

19.1. To serve an immediate suspension of 135 days from all football and footballing activity, from the date of notification of this decision. The original sanction was 105 days but this has been extended by 30 days, as per Regulation 101 of the FA Handbook, to take into account the off-season period.

19.2. To complete an FA online education programme before the end of the above sanction, or within 28 days of the Disciplinary Commission's decision, whichever is the later. Otherwise, the participant will be suspended until such a date that the programme has been successfully completed. Programme details will be provided;

19.3. A fine of £50;

19.4. Penalty points of 7.

Consolidated cases

20. The following non-serious cases are treated as consolidated matters because they arise from the same match and the facts relate to a charge(s) against one or more participant(s) which are sufficiently linked. Decisions were made using evidence from all bundles provided in accordance with Rule 13 "consolidation of proceedings" under the disciplinary regulations of The FA Handbook.

Real Lucia Football Club 11612194M

21. FA Rule E20 – Failed to ensure directors, players officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any match.

21.1. Proven (accepted): fine of £70.

Vernel Montoute 11611897M

22. FA Rule E10 – (Participant) Failed to comply with a decision of the Association.

22.1. Proven: A ban of 2 matches, fine of £20 and penalty points of 5.

Real Lucia Football Club 11611898M

23. FA Rule E12 – (Club) Failed to comply with a decision of the Association.

23.1. Proven: fine of £50.

24. Decisions above are subject to a right of appeal under relevant FA Rules and Regulations.

Alban Brahimi, Chair

4th March 2024