

THE FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION

NON-PERSONAL HEARING

of

YANNIS FREDERIC

and

LOUIS WENIGHA

THE DECISION AND REASONS OF THE COMMISSION

Introduction

1. The Football Association ('The FA') convened a Disciplinary Commission ('the Commission'), to adjudicate upon disciplinary charges levied against Yannis Frederic ('YF') and Lewis Wenigha ('LW') arising from a match between Alcey Old Boys and Old Blues Reserves which took place on 2 December 2023 ('the match').
2. The Disciplinary Commission was constituted of a single member, Mr Resh Sohota, an Independent FA appointed Chair.

The Charges

3. By way of letter dated 14 December 2023, YF was charged with a breach of FA Rule E3 - Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour).
4. It is alleged, in the detail of the charge that *'Mr Frederic came onto the field of play at the end of the match to confront the Match Referee and this action caused the Match Referee to feel threatened and shaken, and/or it is also alleged Mr Frederic verbally*

abused the Match Referee, saying "you have to wait till they score, this is fucking disgraceful, you cunt" or similar'.

5. YF was given until 28 December 2023 to reply to the charge. The Commission was provided with (as part of the bundle) a screenshot of the Whole Game System which showed that YF submitted a response on 18 December 2023, in which he accepted the charge and asked for the matter to be dealt with by correspondence.
6. Louis Wenigha ('LW') was charged with a breach of FA Rule E3 – Improper Conduct against a Match Official (including abusive language/behaviour). It is alleged within the detail of the charge that LW used abusive and/or insulting words towards the Match Official by saying 'shit', or similar, and/or 'stupid' or similar and/or 'you are the worst ref I have ever seen', or similar and/or 'fuck off', or similar, which is improper pursuant to FA Rule E3.1.
7. LW responded to the charge on 18 December 2023. He accepted the charge against him and requested for the matter to be dealt with by correspondence.
8. As the offences were alleged to have been committed during the same match and there was related or common evidence, the proceedings against each of the parties were consolidated pursuant to Regulation 13 and were therefore considered at a joint hearing. However, due to the nature of the respective charges, these Written Reasons are only in respect of the more serious charge which YF faces.

Evidence

9. The following is a summary of the principal evidence provided to the Commission. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or evidence should not imply that the Commission did not take such point, or evidence into consideration when the Commission determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case.
10. Where the written statements provided to the Commission contain typographical and/or grammatical errors, they have been transcribed as drafted, without correction, to provide a true and accurate reflect of the evidence which has been submitted.

11. The County FA relied upon a An Extraordinary Incident Report Form authored by Chen Xu ('CX'), the Match Referee, in support of the charge raised against YF. The report form is dated 3 December 2023 and states:

'In 2nd half, Old Alleyn's goal keeper Louis Wenigha was injured due to clash with one of his own defenders, so game has to be stopped for about 3 mins so that he could recover and get some water. Together with getting ball back time, I gave 5 mins added time at the end, Old blues equalized just on the full 5th added minute, then I indicated goal given and then blew the full time whistle. ALLEYN 4TH's Captain Yannis immediately ran onto pitch to confront me, saying "you have to wait till they score, this is f..king disgraceful, you c#nt..." and he almost put his face on me, others (from both sides came in to pull him away two or three times), I definitely felt physically threatened, and I was still shaken on Sunday morning. This is not all, their goal keeper Louis Wenigha started challenging and swearing at me just while Yannis was being pulled away. Louis used the words "shit, stupid, you are the worst ref I have ever seen..." When I was changing and getting ready to go at my car near the Club house, Louis swore at me again and said "F.. K off" to me. When I said, "Your behaviour is not acceptable, I am gonna have to report you to the league", he said "go on, I don't give a sh. T" Captain Yannis did come to toilet a few mins later to apologize to me for his language and later on in the evening, he sent me a message to apologize again. I accepted his apology, this is also why I didn't comment on his actions in the initial game comment. Here is his message:

Evening Chen. Just wanted to apologize again for my behaviour at the final whistle. My emotions got the better at me and my anger should have been more directed at my players for not seeing out the game which needless to say I shared my feelings with them in the bar. Anyway apologies again and if I don't see you again this season I wish you a Merry Xmas & happy New Year. Yannis.

Thanks TONY (CHEN XU)

12. The County FA also rely upon a document named, 'post match form to the league from Referee'. It states, inter alia:

'..Other Comments

*After game, HOME team goal keeper (No 20, Louis Wanigha) insulted and swore at me from pitch to club building (using the "F*word many times.. Many home and away players witnessed this. Old blues players tried to comfort me. Home team manager apologised for his own swearing'.*

13. Richard Ashton ('RA'), the Captain of Old Blues 2nd provided a witness statement which is dated 8 December 2023. It states:

I, Richard Ashton will state:

The incident occurred a matter of seconds after the final whistle was blown. Old Blues had just scored a last minute equaliser and the referee blew for full time immediately afterward. Approx 5-10 second later, Alleyns 4th manager/coach stormed on to the pitch to confront the referee. I saw him walk over but couldn't hear what he said as I was too far away, but he was right in the referees face pointing at him aggressively. He was then led away by one of the Alleyns players only to return 10 seconds later. By this point, I was stood next to the referee. He got right up to his face and shouted 'you're a fucking cheat'

I've spoken to a couple of my players who were also near the incident, Dom Fryer and Graham Thomson. Neither of them could recall the actual words used by the Alleyns manager, but confirmed he was 'in the ref's face' and acting aggressively' and that he was angry because he claimed the referee had said there was a minute left of the game and Old Blues scored 4-5 mins after that.

The manager was mixed race, late 30s/early 40s, wearing a green coat and was bald. He was around 5'10" but the ref was short, maybe around 5'6", so the manager was considerably larger. The ref didn't seem too phased and remained calm whilst myself and some of the Alleyns players tried to refrain the manager'.

14. The County FA also relied upon a video clip which is 2 minutes and 32 seconds in duration.

Yannis Frederic's case

15. YF authored a witness statement dated 12 December 2023. It states:

I, Yannis Frederic, will state:

In our home game vs Old Blues 2XI on 2nd December 2023, I did confront the referee to voice my displeasure at full time. He immediately blew for full time as soon as Old Blues 2XI equalized in the 97th minute. He claimed he played 4 minutes added on time when in fact he played close to 8 minutes. During that time my players and I kept asking him how long to go where he kept replying 1 minute multiple times despite asking him on the 90th minute, 92nd minute etc. I know the times due tot the match day app. There was also an incident which I raised with him where one our

player Isa Igor Islam was carried off due to a two footed challenge which was late. Referee acknowledged it was dangerous but gave the opposition player a yellow card.

In regards to what was said. Firstly I was at no point aggressive or threatening but I will admit to swearing at the referee 3-4 times where I used the word “fucking” in my sentence. I did not name call him at any point. I will admit I was upset which can be interpreted as angry but again at no point threatening or aggressive.

As soon as the ball hit the back of our net and he blew the whistle straight afterwards I walked onto the pitch and said to the ref that he waited for the opposition to score before blowing for full time. I said it was a “fucking” joke and a disgrace. He said that was not the case and that he played 4 minutes of added on time. I replied saying that “fuck off” you played almost 8 minutes. We were asking you over 5 minutes ago how long to go and you kept saying 1 minute. He continued to repeat that was not the case. I said “fuck off” and walked away. I would say during that time that I was about 2-3 metres away from the referee

I then saw quite a few of my players were talking to ref so I ran back to get them off the pitch. I heard the referee mention the incident in the first half where Isa Igor Islam was brought off and I mentioned to the ref that decision was awful and pathetic and was the most blatant red card. I said even their players were expecting the red.

I can't recall anything else being said but after calming down I did go to the ref in the clubhouse before he left and apologised for my behaviour and language to which we had a decent 2-3 minute conversation about the game where he clarified a few points and which I accepted. We then later exchanged text messages where I again apologised again and to which we wished each other a happy new year.

I apologised as I realised my language and behaviour regarding questioning his decision making was completely wrong and inappropriate and I should never have done that. I made it clear to him at the clubhouse and via the text messages that my displeasure/anger should have been directed to my players and that it is out of character for me to say the things I did say especially as I have never spoken to a referee after a game before the way I did in the 40 + years I've been involved in football.

I am not aware of the incident regarding Louis Wenigha.

I'll accept whatever punishment is deemed necessary but again I'd like to stress I was never threatening at any point'.

16. On 14 December 2023, YF sent an email stating:

'I have received an email regarding evidence of the charges against me. I'm not disputing the charges only that I don't feel my behaviour was threatening. As I said in my statement I'm happy to accept what ever punishment is deemed acceptable. I have acknowledged in my statement that my behaviour towards the referee and the language I used was not acceptable and was wrong'.

Determination

17. While YF has accepted the charge, he has lodged two documents, one of which is a witness statement and the other is an email sent two days later. In both documents YF states that, in his view, he was not threatening. Indeed, in his witness statement, YF says 'I was at no point aggressive or threatening', 'again at no point threatening or aggressive', and 'I'd like to stress I was never threatening at any point'. In the later email, YF states, 'I'm not disputing the charges on that I don't feel my behaviour was threatening'.

18. The detail of the charge states that YF has been charged on the basis that the alleged conduct of 'coming onto the field of play at the end of the match to confront the Match Referee and this action caused the Match Referee to feel threatened and shaken, and/or it is also alleged Mr Frederic verbally abused the Match Referee, saying "you have to wait till they score, this is fucking disgraceful, you cunt"', constitutes Threatening Behaviour Against a Match Official as defined in FA Regulations.

19. In circumstances where YF has been clear in his submissions that, in his view, he did not threaten the Match Official, his acceptance of the charge is equivocal and cannot properly be accepted. Therefore, the Commission records that YF has not accepted the charge against him and notes that liability is a live issue, which requires determination.

Regulation 96

20. Offences against match officials are set out at Regulation 96. For offences which relate to *threatening behaviour* towards a match official the relevant test can be found at Regulation 96.1, which states:

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.

21. After careful consideration, the Commission found the charge against YF proven. The Commission was satisfied that YF's actions and words constituted threatening behaviour and satisfied the test as outlined above. It was so satisfied because:

- i) The video evidence shows YF enter the field of play once CX has blown the final whistle. YF paces towards CX remonstrating with his arms. YF proceeds to walk quickly and directly towards CX. Upon approach YF continues to remonstrate and gets very close to CX. As to the proximity between YF and CX, YF suggests that it was 'about 2-3 metres'. CX says that YF 'almost put his face on me', and RA states that YF was 'right in the referees face pointing at him aggressively'. The Commission preferred the evidence of the County FA on this point given the corroborated evidence of CX and RA, and the video evidence which shows that YF was very close to the referee.
- ii) By his own admission, YF verbally abused the referee on several occasions. YF states 'I will admit to swearing at the referee 3-4 times where I used the word 'fucking' in my sentence'. RA and CX both give details of the abhorrent language used by YF, in their respective witness statements.
- iii) YF had to be restrained and physically moved away from CX on several occasions. The Commission noted from the video, that an opposition player pushed YF away from the referee, then, when YF took steps towards the referee again, the same opposition player put his hands on YF's waist and physically pushed him backwards, away from CX. Almost immediately after the player stopped moving YF away, YF started to walk towards the referee and the player had to push him away again. A few seconds later (having walked towards the side of the pitch) YF decided to turn around and pace back towards CX for the fourth time. On this occasion YF's teammate tried to stop him, but YF pushed him off and continued to make a beeline for CX. Again,

YF approached CX and gets very close to him. Once again, he had to be ushered away from CX.

22. Clearly YF was angry. He says so himself. YF felt that CX had played too much stoppage time, and the opposition scored a very late equaliser. YF was so angry that he felt the need to approach the CX and verbally abuse him, swearing several times. Players from both sides tried to stop YF approaching CX and move him away on numerous occasions, but YF was determined to confront CX.
23. Given YF's demeanour, the abusive language he directed towards the match official and the proximity in which he was to CX, the Commission unhesitatingly found that the words and actions used by him, constituted threatening behaviour towards a match official.

Sanction

24. Given that the charge against YF has been found proven, the Commission went on to consider sanction.
25. Guidance in relation to the instant offence can be found at Regulation 101 of the FA Handbook 2023-24 which states:

Threatening behaviour:

*101.1 suspension from all football activity for a period of **between 56 days and 182 days**. The recommended entry point, prior to considering any mitigating or aggravating factors, is 112 days.*

101.2 a fine of up to £100, with a mandatory minimum fine of £50.

101.3 an order that the Participant completes an education programme before the time-based suspension is served.

26. In considering the appropriate sanction and penalty, the Commission considered the severity of the offence and all other mitigating factors along with the non-exhaustive list set out at Regulation 102 of the FA Handbook 2023-2024.

27. Insofar as aggravating factors, the sustained nature of the abuse and the fact that YF had to be ushered away, on several occasions aggravates this offence.
28. The Commission noted that YF is the Allyn Old Boys Fourth Captain and therefore holds a position of responsibility, which also aggravates this offence.
29. Turning to the mitigating factors, the Commission gave YF some credit for partial acceptance of the charge against him at the earliest opportunity. However, YF cannot avail himself of the full credit which would have been afforded had he have unequivocally accepted the charge.
30. Furthermore, the Commission gave YF credit for apologising for his behaviour, shortly after the match, again later that evening and in the documents which he has submitted as part of these proceedings.
31. The Commission was provided with YF's previous misconduct history. YF has a previously unblemished misconduct history for which he was also given credit.
32. Balancing those matters and having regard to the facts and circumstances of YF's conduct, the Commission concluded that the appropriate sanction was:
- i. A suspension of 119 days from all footballing activity.
 - ii. A fine of £75.00.
 - iii. YF to satisfactorily complete a mandatory online education programme. The education programme must be completed by YF by the time the time-based suspension is served.
 - iv. 6 Club Disciplinary Points (an increase on the 5-point entry point referred to at Regulation 90, to reflect the nature of the proven charge but taking account of the aggravating and mitigating factors).
33. Whereby the participant fails to comply with the order, a Sine-Die (indefinite) suspension shall be imposed until such time the participant becomes compliant with the order of the Disciplinary Commission.

34. This decision is subject to the right of appeal under the relevant FA rules and Regulations.

Mr Resh Sohota

2 January 2024