

Disciplinary Commission (“The Commission”)
On behalf of Berks & Bucks Football Association (B&BFA)
In the matter of
Mr. Nicholas HOPPING – Case ID: 10176950M

Hearing Summary including Written Reasons

1. This is a hearing summary and includes written reasons for the decision of the Disciplinary Commission which sat on Friday 20th March 2020.
2. B&BFA had raised the following charge against Mr. Nicholas Hopping:-

FA Rule E3 – Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour).

The charge was detailed as follows:

“Details: E3G – Nicholas Hopping is hereby charged with misconduct for a breach of FA Rule E3 in respect of the above fixture. Having reviewed the evidence presented to the Association, it is deemed that his actions are contrary to FA Rule E3(1), moreover, that the individual has made alleged physical contact against the Match Official in addition to using threatening and/or abusive language/behaviour...” (sic).

A further charge has also been raised against Mr. Hopping under case ID: 10171735M as follows:-

FA Rule E3 - Improper Conduct against a Match Official (including abusive language/behaviour)

That charge was detailed as follows:

“Details: E3C – Nicholas Hopping is hereby charged with misconduct for a breach of FA Rule E3 in respect of the above fixture. Having reviewed the evidence presented to the Association, it is deemed that his actions are contrary to FA Rule E3(1), moreover, that his language/behaviour towards the Match Official was abusive...” (sic).

Both charges had been raised following alleged misconduct by Mr. Hopping during the match between Eversley & California Youth U12 Pumas (Eversley) and Sandhurst Town Boys & Girls U12 Royals (Sandhurst) played on Saturday 7th March 2020 in the U12 – East Berks Football Alliance.

3. B&BFA received 2 misconduct reports, both dated 7th March 2020, from the match referee, Mr. Nicholas Pyne. In one he said, *"...In the 28th minute Nick called me a "fucking cunt."* In the second he said, *"...In the 28th minute the Sandhurst no 12 ran past me and said "You're the shittest ref ever", I blew my whistle and called him over. When he got to me I said "I heard what you said" at this point the assistant manager (Nick Hopping) came over saying "leave it out ref. I told him "I'm not having a player say that to me so he can have a rest for 8 minutes, 2 in this half and 6 in the second half"...Nick then said "you can't tell him off for saying the truth, you are the shittest ref ever, you've got a problem with Sandhurst and kids" Then he called me a "fucking cunt" so I asked him for his name. He walked off to then turn around and walk back to me. He said "it's Nick Hopping and I'll quote that I said that "whilst pointing at my note pad. I showed him a red card and dismissed him ...He walked away to then come back very aggressively and used his hand to punch my note pad out of my hands. Twice he looked like he was going to return to assault me with a clenched fist, but supporters were shouting "Nick, leave it it's not worth it."..."* (sic)
- 4 As a result of those misconduct reports B&BFA undertook an investigation during which it obtained clarification from Mr. Pyne and statement/observations from:-
 - Mr. Steve Whittall, Sandhurst Royals manager;
 - Mr. Daryl Cox, Sandhurst Royals coach;
- 5 In the first of his responses Mr. Whittall said that he had not been at the match. He provided a match report, written by Mr. Cox. He also stated that Mr. Hopping had been at the match in the capacity as a parent rather than as a club official. In his second response he said, *"...Nick is a former coach but was at the game in the capacity as a parent. However, in my absence, i spoke to Daryl and can confirm he sort support from Nick on the day, and was standing on the coach's side. When I am unavailable, then Daryl will ask Nick to help him out. Very similar to having a parent run the line and a parent liaison to help do the admin. The job is too big for one man so it's just assistance and involving the parents as part of the bigger team. However, in no way does this excuse the altercation between Nick and the Referee...As a former Coach he should have shown more discipline..."* (sic)
- 6 At the conclusion of the investigation the charges referred to in paragraph 2 above were raised by B&BFA on 13th March 2020.
- 7 An on-line response was received in respect of each charge in which a plea of *"accept - correspondence"* was entered, indicating he was content for the matters to be dealt with in his absence. No further written response was received from Mr. Hopping.

- 8 The foregoing is a summary of the principal submissions 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 submission, should not imply that the Commission did not take such point, or submission, into consideration when the members determined the matter. For the avoidance of doubt, the Commission carefully considered all the evidence and materials furnished with regard to this case.
- 9 As Mr. Hopping had accepted both charges the Commission was only concerned with determining the sanctions to be imposed. For clarity it should be noted however that, after considering all the evidence, the Commission was content to accept his pleas and would have determined both charges to have been proven on the balance of probabilities if he had either pleaded “not guilty” or had not responded at all.
- 10 The Commission then considered Mr. Hopping’s disciplinary record over the previous 5 years which showed no relevant recorded misconduct.
- 11 Reference was then made to paragraphs 96, 101 and 102 of Part D, Section Three of the FA’s Disciplinary Regulations 2019/2020 and the Disciplinary Sanctions Guidelines issued by the FA in coming to its decision. It was noted that the recommended sanction for the “*physical contact*” charge was 182 days suspension from all football and football activity and a fine of up to £150, with a mandatory minimum sanction of 84 days suspension and a fine of £100. It also noted the recommended sanction for the other charge (which when considered in isolation was determined to be of a “*low*” category) was a sporting sanction of 0 -2 matches and a fine of 0 - £35. The Commission did, however, consider the totality of the matters.
- 12 The Commission considered if there were any mitigating or additional aggravating factors in respect of all matters. It found no mitigating factors. There were aggravating factors in that there was a series of abusive language and behaviour exhibited by Mr. Hopping and physical contact with the referee, all of which happened in the presence of young players.
- 13 The Commission determined that the following sanction be imposed in respect of the “*physical contact*” matter:
- a suspension from all football and football activities, to include coaching, management, administration and a qualifying ground ban, for 182 days with effect from 13th March 2020;
 - a fine of £125;
 - 5 disciplinary penalty points imposed on the club, Sandhurst;

14 In respect of the other, "*abusive language*," matter the Commission imposed no sporting sanction or fine but imposed 5 disciplinary penalty points on the club, Sandhurst.

15 There is a right of appeal against these decisions in accordance with the relevant provisions set out in the Rules and Regulations of the Football Association.

T. Edwards

Chairman

20th March 2020