

DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Non-Personal Hearing

of

**DAN TRENKEL
(Catholic United FC)
Case ID: 9530404M**

THE DECISION AND REASONS OF THE COMMISSION

Warning: This document may contain offensive language. Any reference to participants under the age of 18 has been redacted

Introduction

1. On 15th September 2018 Catholic United played Rayleigh Town First in a match in the The Prokit UK Essex Olympian Football League, Premier Division (“the match”).
2. A report was forwarded to Essex County Football Association (“Essex FA”) by the Referee, Graeme Smith, on 15th September 2018. This contained allegations that Dan Trenkel, a player in the match, used threatening and abusive language and behaviour towards the referee and needed to be dragged away from the referee by his team mates.
3. This was sufficient evidence for a charge to be raised and Essex FA raised charges on 25th September 2018 with a response required by 9th October 2018.

The Charge

4. Dan Trenkel was charged under FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour) after being sent from the field of play.
5. The details of the charge against Dan Trenkel, contained in the charge notification, were: *“In the 88th minute, I called Dan Trenkel over to me in a break in play with the intention of showing a yellow card for dissent and sending him to the sin bin. On seeing me reach for my cards, he immediately moved aggressively towards me and shouted “What are you fucking doing, you’re fucking shit” ref, so I informed him that I would be sending him off.) As I showed the red card, he pointed in my face and shouted “You’re a fucking cunt, you’re a cunt and I’m going to find you after”, before being dragged away by teammates and then leaving the FOP.”*
6. The relevant section of FA Rule E3 states: *“A Participant shall at all times act in the best interest 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.”*
7. The charge notification also stated the recommended sanction should the charge be found proven: *“Should the Charge be Found Proven, the Recommended Sanction to be Considered by a Discipline Commission is a Suspension of 112 days and a Fine of £100, with a minimum sanction of a suspension of 56 days and a fine of £50.”*

Documentation

8. Essex FA included within the charge notification the following evidence they intended to rely on:
 - (i) The Referee report from the match as indicated above.

The Reply

9. On 8th October 2018 Dan Trenkel and the Club Secretary responded to the charge by ticking option B on the box return form, pleading Guilty to the charge and wishing to enter a Verbal Plea for leniency. There was no further documentation submitted.
10. Essex FA made the appropriate arrangements for the Verbal Plea to be heard and on 25th October 2018 advised the Club of the hearing date of 7th November at 7:00pm. The Club Secretary, Warren O’Neill confirmed this date and advised that they have a witness who is unable to attend on that date but a written statement would be submitted.
11. The Club were advised that witnesses were not permitted at Verbal Pleas as the report and charge have been accepted and the hearing is only to consider mitigation before the sanction is determined. However, any additional statements submitted would be added to the case papers.

- 12.** On 26th October the Club submitted a hand-written statement dated 25th October from Tom Ranger, a player for Rayleigh Town. This statement confirmed the abusive language following the issuing of the red card but indicated that Tom did not hear Dan 'threaten' the Referee.
- 13.** The Club were again advised that the content of the Referee's report is not in question as this has been accepted by the player.
- 14.** Dan Trenkel responded to this by stating that the referee is lying and he did not say what is written in the report. He stated there was little point in coming all the way to Chelmsford to not be able to challenge the report in any way.
- 15.** The Club were advised that a hearing was set up for the Verbal Plea on the basis of the response to the charge and that if they wished to change their plea to not guilty it would have to be dealt with by correspondence only.
- 16.** Dan Trenkel responded by requesting the plea be changed to not guilty stating that he had misread the form.
- 17.** Prior to the date set for the hearing Dan Trenkel submitted a written statement in denial of the charge containing the following:
"I fully deserved to be sent off, let me make no bones about that. I entered the field as a late substitute, frustrated, one at my team's performance, and two at the standard of officiating for BOTH teams during the game.

With a few minutes remaining, the referee gave what I perceived as yet another wrong decision.

*I told him he was wrong, I didn't swear at him, but I showed dissent. The referee said "that's it, you are going in the sin bin". I knew that I would play no further part in the game as it was less than ten minutes from the end. So in the heat of the moment I called him a c**t. His immediate response was "now you're going off", and so I responded by pointing at him and saying "you f-ing little c**t, to which he replied "and now I'm going to put that in my report". I replied with "Do what you f-ing like", and I turned away and walked off the pitch to the changing rooms which are a good 200 yards from the pitch.*

I was expecting a few match ban, and was not surprised when I received an automatic 2 match ban. Which I have served. I have played 4 games since, without any issues whatsoever.

What I am being accused of saying is defamatory and completely and utterly untrue. I cannot believe anyone would even think I would say something like that."

The Commission

- 18.** The Discipline Commission members appointed by the Essex County Football Association were:
Mr David Emerton (Chairman)
Mr Michael Hemsted (Essex FA Council Member)
Mr Brian Reed (Independent)
- 19.** Mr Robert Craven, of the Essex FA Governance Team, acted as Secretary to the Commission.
- 20.** The Commission took place at the Essex County Football Association Headquarters on 7th November 2018, commencing at 8:30 pm.
- 21.** This was a non-personal hearing so neither the Player charged nor the Referee were in attendance.
- 22.** The Commission had received and read the documents prior to the hearing.

Standard of Proof

- 23.** The Commission reminded itself that the burden of proving a charge falls upon the County FA.
- 24.** The applicable standard of proof required for this case is the civil standard of proof namely, the balance of probability. This standard means the Commission would be satisfied that an event occurred if it considered that, on the evidence, it was more likely than not to have happened.

Findings

- 25.** The charge was that there was Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour). As stated above the player had initially pleaded Guilty to the charge requesting a Verbal Plea but had now changed his plea to Not Guilty.
- 26.** Having carefully considered the documentation and the email trail between the Club/player and the Essex FA Discipline department, the Commission members unanimously concluded that the charge against Dan Trenkel under FA Rule E3 – Improper Conduct (including threatening and/or abusive language/behaviour) was Proven.
- 27.** The reasons for this were as follows:
 - (i) we found no reason to believe that the referee would fabricate the words that were said to him;
 - (ii) we believed that, given the abusive language and behaviour exhibited at the time and admitted by Mr Trenkel, it was more likely than not that the threatening words reported by the referee had been used;
 - (iii) the charge had originally been accepted with the full implications of accepting the charge detailed in the notification.

Sanction

- 28.** The Sanction Guidelines for a Proven charge of Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour) indicate that the recommended punishment for Threatening Behaviour against a Match Official is a suspension of 112 days/12 matches plus a fine up to £100 with a minimum of 56 days/6 matches and a £50 fine.
- 29.** The Commission considered the player's five-year disciplinary record which showed no previous incidents of a similar nature. It was noted that the player had originally pleaded guilty to the charge. It was also noted that the statement from the opposition player had indicated that such behaviour was out of character.
- 30.** In view of this mitigation, the decision of the Commission is to impose a suspension from All Football for a period of 6 matches and a fine of £50
- 31.** The decision of the Commission is subject to the right of appeal under the relevant Rules and Regulations of the Football Association.

Signed

Mr. David Emerton (Chairman)
Mr. Michael Hemsted
Mr. Brian Reed
(9th November 2018)