

DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Non-Personal Hearing

of

**KYLE SHOVLAR
(Palmers FC)
Case ID: 9571770M**

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 14th October 2018 Palmers Reserves played Belfry First in a match in the Essex Sunday Junior Cup (“the match”).
2. A report was forwarded to Essex County Football Association (“Essex FA”) by the Referee, Mark Pond, on 14th October 2018. This contained allegations that the person who was acting as Club Assistant Referee for Palmers used threatening and abusive language and behaviour towards the referee and needed to be calmed down and restrained by his team mates.
3. This was sufficient evidence for a charge to be raised and Essex FA, having ascertained the name of the individual concerned, raised a charge on 19th October 2018 with a response required by 2nd November 2018.

The Charge

4. Kyle Shovlar was charged under FA Rule E3 – Improper Conduct against a Match Official by a Club Official (including threatening and/or abusive language/behaviour).
5. The details of the charge against Kyle Shovlar, contained in the charge notification, were: *“In the last few minutes of the game I sent two players off, one from each team for violent conduct. After I had issued both cards I found this person next to me challenging my decision. The Palmers player I had sent off was also in my face challenging the decision, I told him that he had been given a red card so needed to leave the field of play, my words were ‘youve been sent off, go away’. To be clear this was directed at the player not the linesman. The palmers linesman then said ‘don’t get mouthy to me you little prick’ he then went back to his line. At the end of the game the palmers linesman kept hold of the flag until I politely asked him for it, he turned round and said ‘you wanna watch your mouth’ while pointing the flag at me In an aggressive manner nearly touching my chest. He had to be calmed down and restrained by some of the players, I then got the flag back. I said to one of the palmers players that what had just happened was ‘not on’ and ‘ridiculous’. The person in question overheard what I had said and replied with ‘next time I’ll ram it down your throat you little cunt’.”*
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 or 12 matches plus up to a £100 fine, with a minimum sanction of a suspension of 56 days or 6 matches and a £50 fine.”*

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 19th October 2018 the Club Secretary responded to the charge by selecting option A on the WGS portal form, pleading Guilty to the charge and accepting the details in the referee’s report. There was no further documentation submitted.

The Commission

10. 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)
11. Mr Robert Craven, of the Essex FA Governance Team, acted as Secretary to the Commission.
12. The Commission took place at the Essex County Football Association Headquarters on 7th November 2018, commencing at 8:45 pm.
13. This was a non-personal hearing so neither the individual charged nor the Referee were in attendance.
14. The Commission had received and read the documents prior to the hearing.

Standard of Proof

15. The Commission reminded itself that the burden of proving a charge falls upon the County FA.
16. 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

17. The charge was that there was Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour). A guilty plea had been submitted in response.
18. The referee reported that the linesman had:
 - (i) showed aggressive behaviour with the referee's flag before returning it to him;
 - (ii) been abusive in calling the referee a '*little prick*'; and
 - (iii) threatened the referee by saying '*next time I'll ram it down your throat you little cunt*'.
19. As a result the Commission members unanimously concluded that the charge against Kyle Shovlar under FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour) was Proven. The Commission additionally considered the level of offence to be High.

Sanction

20. 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.
21. The Commission considered the individual's five-year disciplinary record which showed one similar incident had occurred in April 2017. It was noted that the player had pleaded guilty to the charge but had not submitted any statement in mitigation.
22. The decision of the Commission is to impose a ground ban for a period of 112 days and a fine of £75. This type of suspension means the individual is not permitted to attend the ground where Palmers Reserves is participating at any time before, during or immediately after a game during this period.
23. 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)