

DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Personal Hearings

of

DANIEL WALLACE

and

DOMINIC CRICHLOW

(Alpha FC)

Case IDs: 9649530M and 9649542M

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 21st October 2018 Alpha FC (“Alpha”) played Ping City Phoenixes (“PCP”) in a match in Division Three of the Essex Sunday Corinthian League (“the match”).
2. A report was forwarded to Essex County Football Association (“Essex FA”) by the Referee, ___ (aged 17), on 21st October 2018. This contained allegations that Daniel Wallace had aggressively screamed abuse into the referee’s face and when the Referee went to walk away Daniel grabbed the referee’s arm tightly and pulled him around. Additionally when walking to the changing rooms Daniel Wallace and one of his players Dominic Crichlow, called the Referee a cheat and persisted in trying to intimidate the Referee with abusive and threatening language.
3. A report/complaint regarding the behaviour of the Referee was forwarded to Essex FA by Daniel Wallace on 23rd October 2018 which contained details of perceived inconsistencies in the Referee’s performance together with descriptions of the events after the match giving rise to the Referee’s allegations.
4. Essex FA commenced an investigation into the allegations and noted from the Referee’s report that a second Referee, ___ (aged 17), had witnessed part of the alleged misconduct. The second Referee supplied a witness report on 31st October 2018 detailing what he had noticed in the changing room
5. Essex FA raised charges against Daniel Wallace and Dominic Crichlow on 27th November 2018.

The Charges

6. Daniel Wallace was charged under FA Rule E3 – Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour) by a Club Official.
7. Dominic Crichlow was charged under FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour) by a Club Official.
8. The details of the charge against Daniel Wallace, contained in the charge letter, were: *“After the game, the Alpha manager (Daniel Wallace) sprinted onto the pitch and aggressively screamed abuse in my face, including ‘you’re a shocking ref’, ‘you were f***ing us useless’ because I disallowed a goal at the end of the game due to a foul on the keeper. When I told him to stop shouting and then walked away, he then grabbed my arm very tightly and pulled me around.”*
9. The Referee added: *“Then, as I collected my match fee from the home team, Wallace and one of his players (Dom Critchlow) walked past me and loudly called me a cheat and said ‘now you’re happy you’ve got your money ref’. I ignored them and walked to the changing rooms but they persisted in trying to intimidate me. They followed me as I walked to the changing rooms and called me a ‘clown’ and a ‘pr**k’ and when I said that all of this would be reported to the league and the FA, the manager, Wallace, replied ‘fuck the report, the report can suck my dick, I’ll report you’.”*
10. The details of the charge against Dominic Crichlow, contained in the charge letter, were: *“Then, as I collected my match fee from the home team, Wallace and one of his players (Dom Critchlow) walked past me and loudly called me a cheat and and said ‘now you’re happy you’ve got your money ref’. I ignored them and walked to the changing rooms but they persisted in trying to intimidate me. They followed me as I walked to the changing rooms and called me a ‘clown’ and a ‘pr**k’ and when I said that all of this would be reported to the league and the FA, the manager, Wallace, replied ‘fuck the report, the report can suck my dick, I’ll report you’. Critchlow then said ‘you think because you’re young and you’ve got a badge I won’t hit you?’ I felt extremely threatened and was lucky that there were other people in the sports centre reception, as I feared for my safety.”*
11. The second Referee stated in his witness report: *“I was not appointed to this game but after the game I noticed that one of the players from one of the teams had been following [the Referee] into the building with the changing rooms. The player had been very aggressive towards [the Referee] and wouldn’t leave*

him alone. I spoke to the player to allow [the Referee] to get away from him. When I walked back into the referees changing room to see if [the Referee] was alright I noticed that he feared for his safety as he was standing behind the door to make sure that the player was not able to get in."

12. 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."

Documentation

13. Essex FA included within the charge letters the following evidence they intended to rely on:

- (i) Referee report dated 21st October 2018
- (ii) Witness report from the second Referee dated 31st October 2018
- (iii) Details of an email exchange (21st to 23rd October 2018) between Daniel Wallace and Essex FA with regards to a complaint against the Referee's behaviour.
- (iv) Details of an email exchange (23rd to 25th October 2018) between Essex FA and Mike Locke of the Essex Sunday Corinthian League regarding any previous complaints about the Referee.

The Reply

14. On 30th November 2018 Daniel Wallace responded to his charge, pleading Not Guilty, requesting a Personal Hearing and supplying reasons for the request.

15. On 8th December 2018 Dominic Crichlow responded to his charge, pleading Not Guilty, requesting a Personal Hearing. The reason for the request was stated by Jamie Dodd (Club Secretary) as "the referee's report is inaccurate".

The Commission

16. The Discipline Commission members appointed by the Essex County Football Association were:

- Mr David Emerton (Chairman)
- Mr Michael Hemsted (Essex FA Council Member)
- Mr Andrew Schooler (Independent)

17. Mr Robert Craven, of the Essex FA Governance Team, acted as Secretary to the Commission.

18. The Commission took place at the Essex County Football Association Headquarters on 4th January 2019. The Commission was scheduled to commence at 8.00 pm but, due to an over-running previous hearing, commenced at 8:45pm. As both cases were linked the hearing was conducted as a consolidated hearing.

19. In attendance in support of the charges were the Referee and the second Referee accompanied by Harry Yennaris (Referee mentor). Stephen (the second Referee's father) was also in attendance but remained outside the hearing to assist in the welfare of the young persons.

20. In attendance in defence of the charge was Daniel Wallace. Dominic Crichlow had confirmed his attendance but had indicated to Daniel Wallace via WhatsApp that work commitments may preclude this. Dominic Crichlow had not communicated that he was unable to attend in advance and was unable to be reached by telephone on the evening. Following discussions it was agreed to proceed with the hearing as Daniel Wallace was currently under sine die suspension and wanted this resolved as soon as possible.

21. The Commission had received and read the documents prior to the hearing.

22. The following 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 it determined the matter. For avoidance of doubt, the Commission have carefully considered all the evidence and materials furnished with regard to this case.

- 23.** In accordance with the regulations regarding young persons at a Discipline Hearing, the Referee was questioned by the Chairman only with questions supplied by the charged party and commission members. The Referee confirmed details from his report that Daniel Wallace had run onto the pitch and screamed abusive language at him from a close distance for about 20 seconds. He demonstrated the actions that Daniel had used in grabbing and pulling his arm. He confirmed that Daniel Wallace had called him a cheat and had said “now you're happy you've got your money”. The Referee confirmed that the changing rooms are in the same building so all players would normally have been making their way to the same building but stressed that this was not the case. He confirmed that the remarks of 'clown' and 'pr**k' were said by either Daniel or Dominic but was unsure who had said them. The Referee also confirmed that Daniel Wallace had said 'fuck the report, the report can suck my dick, I'll report you' and that Dominic Crichlow had said 'you think because you are young and you've got a badge I won't hit you?'. The Referee confirmed that the second Referee had re-entered the referees' changing room and asked what had happened as he had seen a player follow him shouting at him. The Referee declined to go into details to the second Referee.
- 24.** There being no further questions, the Referee left the Commission.
- 25.** In accordance with the regulations regarding young persons at a Discipline Hearing, the witness, the second Referee, was questioned by the Chairman only with questions supplied by the charged party and commission members. The witness confirmed that he was in the process of leaving the referees changing room having changed following his match when the Referee entered the building followed by a player who was being aggressive towards the Referee. He confirmed that he approached the player and spoke to him, asking him to leave the referee alone. The player made a comment such as “all you refs are the same” and walked way to the changing room. The second Referee confirmed that he went back to the referees' changing room to ensure the Referee was ok and had to persuade him to open the door as the Referee was standing behind to door to prevent the player from entering. He confirmed that the Referee felt threatened by what the player had said but was not aware of the details. The second Referee confirmed that he was not aware of Daniel Wallace being present during his observations, only the player.
- 26.** There being no further questions, the second Referee and Harry Yennaris left the hearing.
- 27.** In defence of the charge Daniel Wallace explained that, at half time, he had requested the Referee be more consistent in his decisions but was met with the response that “the league have warned all of us refs about you lot and to just card you all if need be”. This response incited the players who started calling him “a cheat and wearing a yellow shirt” (the opposition's playing colours). At the end of the match Daniel admitted that he was angry due to a potential winning goal being disallowed and did say that the Referee had been “atrocious” but stressed he did not handle the referee. He admitted refusing to shake the Referee's hand.
- 28.** Mr Wallace admitted that the Referee was correct in that he did throw the team-sheet onto the ground but denied shouting any abusive language to the Referee. He confirmed that he had stated “now you are happy you've got your money” but denied calling the referee a “clown” and a “pr**k”.
- 29.** Mr Wallace confirmed that Dominic Crichlow has said “If you were a grown man and we were anywhere else but here and you weren't a referee I'd hit you”. He also confirmed that there was a continued discussion between Dominic and the referee as they walked into the building where the changing rooms but he had gone ahead into the changing room.
- 30.** With regards to the reasons given by Dominic Crichlow, Daniel Wallace was unable to give further details.

Standard of Proof

- 31.** The Commission reminded itself that the burden of proving a charge falls upon the County FA.

- 32.** 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.

DANIEL WALLACE

Findings

- 33.** The charge was that there was improper conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour). For this to be found proven the Commission have to be satisfied that there was physical contact. From the correspondence and from the live evidence we heard the Commission were satisfied that Mr Wallace had been angry at what he saw was an unjust decision near the end of the match combined with other incidents and comments throughout the match. He had approached the Referee to remonstrate with him and it was more likely than not that he grabbed the Referee's arm to continue the discussion when the Referee turned away.
- 34.** Mr Wallace has confirmed that some parts of the Referee's report were correct and the Commission were satisfied that the evidence given by the Referee both verbally and in his report were credible.
- 35.** Mr Wallace had admitted to abusive behaviour.
- 36.** The Commission members unanimously concluded that the charge against Daniel Wallace under FA Rule E3 – Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour) was Proven. The level of offence was considered to be low.
- 37.** Mr Wallace returned to the hearing and the Secretary read the decision of the Commission.
- 38.** Mr Wallace referred to the mitigation contained in his written statement that the behaviour and comments by the Referee had led to an increased level of frustration by the end of the match. He had been Club Secretary for four years.
- 39.** Mr Wallace's five-year Disciplinary record was examined that showed a previous E3 charge for refusing to give a name in 2013 but nothing of a similar nature to this charge.

Sanction

- 40.** The Sanction Guidelines specify that the recommended punishment for a Proven case of Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour) is a suspension from all football of 182 days plus up to £150 fine with a minimum of 84 days and a £100 fine.
- 41.** Considering all the mitigation provided and the level of seriousness of the offence the Commission agreed a sanction of 112 days suspension from All Football and a fine of £100. The personal hearing fee was retained in lieu of costs.
- 42.** The decision of the Commission is subject to the right of appeal under the relevant Rules and Regulations of the Football Association.

DOMINIC CRICHLAW

Findings

- 43.** The charge was that there was improper conduct against a Match Official (including threatening and/or abusive language/behaviour). For this to be found proven the Commission have to be satisfied that there was threatening and/or abusive language. From the correspondence and from the live evidence we heard the Commission were satisfied that Mr Crichlow had called the Referee a cheat as well as using other abusive language toward the referee. Mr Wallace had confirmed that Mr Crichlow had made a threat toward the Referee.

- 44.** The Commission members unanimously concluded that the charge against Dominic Crichlow under FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour) was Proven. The level of offence was considered to be high.
- 45.** Mr Crichlow's five-year Disciplinary record was examined that showed a previous E3 charge for Improper Conduct including violent conduct was found proven in December 2015 and an E3 charge for Improper Conduct against a Match Official including threatening language/behaviour was found proven in 2014.

Sanction

- 46.** The Sanction Guidelines specify that the recommended punishment for a Proven case of Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour) is a suspension from all football of 112 days or 12 matches plus up to £100 fine with a minimum of 56 days or 6 matches and a £50 fine.
- 47.** Considering the player's previous record and the level of seriousness of the offence the Commission agreed a sanction of 112 days suspension from All Football and a fine of £100. The personal hearing fee was retained in lieu of costs.
- 48.** 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. Andrew Schooler
10th January 2019