

# **DISCIPLINARY COMMISSION**

**On behalf of the Essex County Football Association**

**Non-Personal Hearing**

**of**

**DAVID LACEY  
(May & Baker Eastbrook Community YFC)  
Case ID: 9714209M**

## **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 21<sup>st</sup> October 2018 May & Baker Eastbrook Community Y U15 Red ("M&BEC") played Bealonians U15 Maroon in a match in the Echo Junior Football League Under 15 B Division ("the match").
2. A report was forwarded to Essex County Football Association ("Essex FA") by the Referee, Bernard Webb, on 23<sup>rd</sup> October 2018. This contained allegations that David Lacey, the M&BEC manager, used persistent loud verbal abuse to the referee and the club assistant including sarcastic comments disputing decisions. When asked for his name it is alleged David Lacey acted aggressively and invited the referee to "*come around talk about it anytime*". The referee took this as a threat.
3. Following receipt of this report Essex FA commenced an investigation into the matter on 26<sup>th</sup> October 2018 and requested the Referee to provide examples of the persistent verbal abuse and sarcastic comments using the exact language. The Referee was also asked to clarify the reasons why David Lacey was requested to leave the vicinity of the field of play
4. The referee provided a further report of the circumstances and stated that he had been made aware that an individual connected to Bealonians had witnessed the final conversation between the referee and David Lacey and felt that Mr Lacey had acted in a threatening manner.
5. In his further report the referee stated that following an incident in the 10<sup>th</sup> minute '*Mr Lacey was shouting at the top of his voice in a very aggressive manner "Ref, Ref, come on. How can you not give that?" .... Mr Lacey carried on shouting "This is a joke." '.* Throughout the remainder of the half the referee reported that Mr Lacey acted in a loud and intimidating manner. Following a further incident that Mr Lacey did not agree with, the referee reported that Mr Lacey '*screamed loudly at the club assistant referee "You saw that, you saw that." ..... He then shouted at me as I went to retreat: "You saw that as well. You know that ball went out." He then leaned forward and very sarcastically shouted "Don't you know ref? The whole of ball, the whole of the line, eh ref, eh ref?" '.* During the second half Mr Lacey was initially quiet but following a further decision Mr Lacey shouted '*How come you trusted him before but not now? This is becoming a joke.*'. Following a later decision in Mr Lacey's team's favour Mr Lacey '*screamed out in a very sarcastic tone "is that what it takes to get a decision? At last."* '. At this point Mr Lacey was asked to leave the vicinity of the pitch and when asked his name Mr Lacey '*moved forward into my personal space, placed his head close to mine and said "David Lacey, and I live at number (unheard by me) Hainault Road and you're welcome to come around and talk about it anytime."* I then said "*Is that a threat?" Mr Lacey still leaning into my space said to me "You've made this personal, you're a joke". In using his body and head in this manner Mr Lacey was clearly trying to intimidate me and I naturally interpreted this and his words as a veiled threat to me. Mr Lacey walked away towards the Jack Carter Pavillion, still ranting "You're a joke" as he went."* '.
6. This was sufficient evidence for a charge to be raised and Essex FA raised a charge on 17<sup>th</sup> January 2019 with a response required by 31<sup>st</sup> January 2019.

## The Charge

7. David Lacey was charged under FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour).
8. The details of the charge against David Lacey, contained in the charge notification, were as initially reported by the Referee '*David Lacey, manager. Persistent loud verbal abuse to referee & club assistant — sarcastic comments disputing decisions from 10th min. Warned in 1st half. Asked to leave vicinity of pitch in 60th min. Leaned over me aggressively face close to mine, gave name & home address inviting me to "come around talk about it anytime". The nature of his tone & body language show this was a clear threat to me.*' and as further detailed in his additional report as stated in the above paragraph 5."
9. 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.”*

- 10.** The charge notification also stated the recommended sanction should the charge be found proven: *“Should the charge be found Proven, the recommended punishment for threatening behaviour against a Match Official carries a 112 day or 12 match suspension plus up to £100 fine. The minimum sanction to be imposed if the charge is found Proven is 56 days or 6 matches and a £50 fine.”*

## **Documentation**

- 11.** 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.
  - (ii) The additional report from the Referee as indicated above.
  - (iii) Email correspondence sent by the investigation team to Bealonians YFC

## **The Reply**

- 12.** On 21<sup>st</sup> January 2019 David Lacey responded to the charge by selecting option C on the proforma response sheet pleading Not Guilty to the charge and wishing the case to be dealt with in his absence. A statement from Mr Lacey was also submitted in which Mr Lacey admitted that he had disputed decisions that he felt went against his team incorrectly and claimed that the referee had approached him in a sarcastic and threatening manner. With regard to the words that the referee took as a threat, Mr Lacey admitted giving the referee his address and saying *“if you want to do that you can come round me house at 176 Hainault Road, Romford to discuss anything that you want”*

## **The Commission**

- 13.** The Discipline Commission members appointed by the Essex County Football Association were:  
Mr David Emerton (Chairman)  
Mr Wayne Deller (Essex FA Council Member)  
Mr Michael Kay (Independent)
- 14.** Mr Greg Hart, of the Essex FA Governance Team, acted as Secretary to the Commission.
- 15.** The Commission took place at the Essex County Football Association Headquarters on 4<sup>th</sup> March 2019, commencing at 7:30 pm.
- 16.** This was a non-personal hearing so neither the individual charged nor the Referee were in attendance.
- 17.** The Commission had received and read the documents prior to the hearing.

## **Standard of Proof**

- 18.** The Commission reminded itself that the burden of proving a charge falls upon the County FA.
- 19.** 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**

- 20.** The charge was that there was improper conduct against a Match Official (including threatening and/or abusive language/behaviour).

- 21.** The charged party had pleaded Not Guilty to the charge.
- 22.** The Commission considered the statement provided in defence of the charge.
- 23.** It was noted that the request for information from Bealonians witnesses sent on 26<sup>th</sup> November had not been received by 17<sup>th</sup> January 2019 and the Commission concluded that the Club were not able to support the charge brought against David Lacey.
- 24.** A discussion took place as to whether the providing of one's home address and the invitation to 'come round and talk about it' constitutes a threat. The Commission was satisfied that this statement alone would not be sufficient to be threatening as the onus would be on the referee to initiate any such meeting.
- 25.** The Commission members unanimously concluded that the charge against David Lacey under FA Rule E3 – Improper Conduct (including threatening and/or abusive language/behaviour) was Not Proven.

### **Sanction**

- 26.** As the case had been found Not Proven the hearing was completed. No sanction was imposed.
- 27.** 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. Wayne Deller  
Mr. Michael Kay  
10<sup>th</sup> March 2019