

DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Correspondence Hearing

of

**JACK FULLER
(Holland FC)
Case ID: 9556727M**

THE DECISION AND REASONS OF THE COMMISSION

Warning: This document may contain offensive language.

Introduction

1. On 28th September 2018 Holland FC played in a match against Wivenhoe Town FC in the Eastern Counties League Division One South
2. A report was forwarded to Essex County Football Association ("Essex FA") by the match referee and the one of the neutral assistant referees. This contained allegations of misconduct by Jack Fuller
3. Essex FA commenced an investigation into the allegations and raised charges on 11th October 2018.

The Charges

4. Jack Fuller was charged under FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive behaviour)
5. The details of the charge against Jack Fuller were contained in the charge letter: *"In the 56th minute, Mr Jack Fuller was substituted. Before the restart I was advised by my assistant Ben Hughes-Day to caution Mr Fuller for dissent for something that he had said as he walked past him. I ran over to the bench and cautioned the now substituted Mr Fuller. As I turned to run away, he shouted 'you fucking cunt ref, you cunt!' I turned and sent him from the field of play for a straight red card. On his slow walk to the changing rooms he repeatedly shouted 'you little cunt. Cunt. You're a cunt'. After finally restarting the game, I was made aware ten minutes later that he had returned from the changing rooms in a black hoodie, with his hood up. I was made aware by Ben Hughes-Day that Mr Fuller was verbally threatening him, including death threats, and making attempts to jump over the barrier towards Ben. Ben made me aware that he had returned from the changing room, and so I again asked him to leave. He walked to the stand and sat down. I asked him one more time and he said to me 'I'm gonna take that bun off your head, meet me outside'. He then eventually walked back into the changing room. I was told after the game by my other assistant, Steve Tovey that Mr Fuller had again emerged from the changing room, and Steve had to ask a Holland FC club official to remove him again. This incident left all three of us worried for our personal safety as we walked into the changing room after the game. We stayed in the changing room for a considerable amount of time before having the courage to walk out as a team and collect our match fees and expenses. When we collected our fees from the bar, we noticed that Mr Fuller was in there still, and so we decided to be escorted to our cars by two Holland FC club officials. The fact that Mr Fuller forced us to feel concerned for our personal safety is completely unacceptable, and has actually made us question our standing as referees for future games. We would like to be updated with the course of action and the discipline that Mr Fuller receives, so that we can feel confident about returning as match officials for the rest of the season. We would also appreciate not being appointed to any Holland FC fixtures for the rest of the 2018/19 season."*
6. The relevant section of FA Rule E3 states: Offences against Match Officials:- *"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

7. Essex FA included within the charge letter the following evidence they intended to rely on:
 - (i) A report from the match referee, Jack Lock, submitted on 29th September 2018;
 - (ii) A report from League appointed and neutral assistant referee, Benjamin Hughes-Day, submitted to Essex FA's Referee Development Officer, James Lisher, on 28th September 2018;
 - (iii) A report from League appointed and neutral assistant referee, Steve Tovey (undated).

The Reply

8. Jack Fuller responded to the charge on 15th October 2018 pleading Guilty.

The Commission

9. The Discipline Commission members appointed by the Essex County Football Association were:
 - Mr Wayne Deller (Chairman)
 - Mr Michael Hemsted (Essex FA Council Member)
 - Mr Lawrence Segal (Independent)
10. Mr Robert Craven, of the Essex FA Governance Team, acted as Secretary to the Commission.
11. The Commission took place at Essex County Football Association headquarters on 26th October 2018, commencing at 8.40pm and finishing shortly after 9.00pm.
12. The Commission had received no additional documents prior to the hearing.
13. The statement from League appointed and neutral assistant referee was also considered by the Commission. Mr Hughes-Day stated: *"In the 54th minute of the game I awarded a throw in to Wivenhoe Town. A player I now know to be JACK FULLER from Holland FC showed dissent towards me and I asked match referee JACK LOCK to caution the player for dissent. FULLER was then substituted and whilst stood by the dugout the referee received Verbal abuse from .IACK FULLER. he was then shown a red card for foul and abusive language in the 56th minute. I can only describe his body language as aggressive. FULLER eventually left the field of play and entered the changing rooms. Whereby he put a grey hood} on, pulled the hood up over his head and proceeded to then enter the stadiums seated area approach me from behind lean over the barrier and shout. "Ben. If I ever see you about. I'll fucking kill you". "Fuck off you cunt". Then he sat down.. I then replied. "Jack please leave this area and go back to the changing rooms". He then stood back up and came right up behind me again and continued verbally abusing me. This was very aggressive and intimidating. I had to step onto the field of play and ask for the match referee to have him removed from the stadium. He then walked away before re-entering several minutes later, when my colleague Steve Tovey noticed he had returned he asked another club official to remove him from the premises once again. This incident made me feel incredibly intimidated worried and quite frankly upset. I struggled to concentrate for the remainder of the second half due to this incident. I was increasingly worried about mine and my colleague's safety. I had to keep checking over my shoulder and scanning the crowd to ensure he 1 wasn't behind me again. Following the game we remained in our changing room for a considerable amount of time to allow any emotions to calm down. Upon leaving and requesting our payment. I noticed FULLER was still stood in the bar area. We had to ask Robert Batten the Holland FC manager to escort us off of the premises and to our cars due to our safety concerns. I do not expect to be subject to this sort of abuse from any one in life let alone during a football match where I am there to do a job. The player knows my name. I am concerned about being approached by this individual outside of football. This is causing me some anxiety. Although this incident is fresh in my mind and very recent as it happened tonight. I'd seriously have to consider whether or not I'd feel comfortable to officiate a game where this individual is present ever again. If any of these threats, are attempted or I start to receive phone calls any unwanted attention etc. I will have to report it to the Police, as you can hopefully understand personal safety and my families safety is paramount. FULLER is also known to me through previously working as a Constable with Essex Police which is obviously adding to my worries. I'd like to be kept informed of these proceedings and the outcome of any disciplinary action that maybe taken. I will be in contact with my County FA about my next steps."*
14. The match official had been clear in his original misconduct report and had received no additional requests from the ECFA for details and clarity.

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. From the documentation that we read there was no doubt that there was a confrontation between the match officials and Jack Fuller.
18. The Commission were satisfied that there had been a confrontation with both the match officials.
19. Having carefully considered such documentation as had been submitted the Commission members: Unanimously concluded that the charge against Jack Fuller under FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive behaviour) was proven by his own admission. The Commission determined that the level of sanction was to be in the High range due to the facts that there were several repeated instances of abuse of both the referee and his assistant and that the assistant referee had been the subject of a threat to “kill” him and further that after being sent away Jack Fuller had returned to the pitch side to continue his threats and abuse on three separate occasions.

Sanction

20. The Commission considered the relevant rules and The FA’s Sanction Guidelines. In relation to these cases this was a minimum sanction of a 112 days and a fine of up to £100.00
21. The Commission carefully considered the guilty plea in mitigation but further noted that there was a previous disciplinary record for this participant involving a misconduct offence although this was some four years ago.
22. The Commission unanimously agreed that there was no reason to mitigate the recommended sanction and determined that Jack Fuller receive 112 days ban a fine of £100.00.
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 Wayne Deller (Chairman)
Mr. Michael Hemsted
Mr. Lawrence Segal
13th January 2019