

DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Non-Personal Hearing

of

**LUKE MASON
(Leigh Rockets FC)
Case ID: 9696502M**

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 6th January 2019 Leigh Rockets played Hawkwell Athletic Reserves in a match in the Sceptre Sunday League Division Four (“the match”).
2. A report was forwarded to Essex County Football Association (“Essex FA”) by the Referee, Kenneth Goff, on 6th January 2019. This contained allegations that, whilst leaving the field having been sent off the player had shouted to the Referee: *“I’ll see you in the car park after the game Ref”*.
3. This was sufficient evidence for a charge to be raised and Essex FA raised a charge on 8th January 2019 with a response required by 22nd January 2019.

The Charge

4. Luke Mason 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 Luke Mason, contained in the charge notification, were: *“As Luke MASON was leaving the field having received 2 cautions, he shouted at me “I’ll see you in the car park after the game Ref”. I informed that this kind of threatening behaviour would be reported to the League.”*
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’s report from the match dated 6th January 2019.

The Reply

9. Luke Mason responded to the charge by ticking box C on the response form pleading Not Guilty to the charge and wishing the case to be dealt with in his absence. A letter in response to the charge was received from Mr Mason in which he stated that he had received a yellow card for questioning the Referee’s decision to bring play back for a free kick after the Referee had played advantage and a subsequent shot on goal had gone wide. Mr Mason goes on to state:
*“Now at this point I walked over to the referee and said “how is this a free kick because the advantage has been played”. The referee told me to go away which I did but whilst walking back I have then said again “how is it a free kick though” (I would also like to mention at this point, I have not shouted or been aggressive in any way shape or form) at which point he has called me and said “whats your name” and proceeded to give me for a yellow card. Upon receiving this booking I said “I am just asking you how the advantage rule works” before he could even finish writing my name down he had given me my second yellow card. At this point all I could do is laugh and I said was “are you being serious” (still laughing) and the reply was yes. The referee did not was to tell me why I was being sent off and simply shouted OFF.
At this point and I quote I said “Ok I’ll see you after the game” (again whilst still laughing) to discuss his decision and how he thought it was worthy of two yellow cards.”*

10. Mr Mason suggested that the Referee had added the words “*in the car park*” to escalate a scenario that never happened. There was no further contact with the Referee and Mr Mason categorically denies that he said he would see the Referee in the car park or threaten the referee in any way.

The Commission

11. The Discipline Commission members appointed by the Essex County Football Association were:
Mr David Emerton (Chairman)
Mr Alan Dare (Essex FA Council Member)
Mr Lawrence Segal (Independent)
12. Mr Robert Craven, of the Essex FA Governance Team, acted as Secretary to the Commission.
13. The Commission took place at the Essex County Football Association Headquarters on 31st January 2019, commencing at 9:30 pm.
14. This was a Non-Personal Hearing so neither the individual charged nor the Referee were in attendance.
15. The Commission had received and read the documents prior to the hearing.

Standard of Proof

16. The Commission reminded itself that the burden of proving a charge falls upon the County FA.
17. 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

18. The charge was that there was Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour).
19. The Referee had indicated in his report that he considered that the comment made by the player was threatening. Conversely, the player had stated that his remark was not intended as a threat and was said as a result of not getting a response from his questioning the Referee.
20. The player admitted that he had said words to the Referee as he left the field but disputed the words “*in the car park*”.
21. There was no reported abusive language although the Commission considered that laughing at the Referee's decision to issue a second yellow card could be considered abusive behaviour.
22. Following a full discussion on the correspondence the Commission members unanimously concluded that, because the Referee had felt threatened, the charge against Luke Mason under FA Rule E3 – Improper Conduct (including threatening and/or abusive language/behaviour) was Proven.

Sanction

23. 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.
24. The Commission considered the individual's five-year disciplinary record which showed no similar previous incidents. It was noted that the player had pleaded not guilty to the charge as from his viewpoint there was no threat in what he said. The explanation of the background events and circumstances of the incident was taken as a mitigating factor.

- 25.** The decision of the Commission is to impose a suspension from all football for a period of 56 days and a fine of £50.
- 26.** 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. Alan Dare

Mr. Lawrence Segal

2nd February 2019