

DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Correspondence Hearing

of

**MARK BERGONZI
(Britannia FC)
Case ID: 9672745M**

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 8th December 2018 Britannia F.C. played Ryan Vets F.C. in a match in the Greene King Veterans League (“the match”).
2. A report was forwarded to Essex County Football Association (“Essex FA”) by the Match Official Yaron Woolf on 10th December 2018.
3. Essex FA commenced an investigation into the allegations and raised charges on 14th December 2018.

The Charges

4. Mark Bergonzi was charged under FA Rule E3 – Improper Conduct (Including physical conduct and threatening and/or Abusive Language/Behaviour).
5. The details of the charge, contained in the charge letter, were: *“On cautioning Mr Berjonzi for dissent, he continued to show complete disrespect and even after several warnings by myself and his Player/Manager that he was close to receiving a second caution for dissent, his response was ‘I don’t care’. He was then sarcastic towards me and was tapping me on the back whilst praising me for my decision. I then cautioned Mr Berjonzi for the second time and followed this up with a red card. Mr Berjonzi then squared up to me and grabbed a hold of my shirt collar as if he was about to throw a punch but was quickly held back by some of his players. On leaving the pitch, Mr Berjonzi was abusive and offensive towards me, he told me to ‘Fuck off’ and called me a ‘Cunt’. Mr Berjonzi then refused to leave the pitch side until I threatened that the game would have to be abandoned unless he left the vicinity. Britannia’s Manager was very apologetic for Mr Berjonzi’s behaviour and actions and Mr Berjonzi also apologised to me after the game for putting his hands on me”.*
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.”

Documentation

7. Essex FA included within the charge letter the following evidence they intended to rely on:
 - (i) Match Report form submitted by Yaron Woolf, dated 10th December 2018.
 - (ii) Email sent from Fran Smith to Mark Bergonzi informing him of his charge and if he would like to add anything for the Commission to take into consideration and a due back date given. There was no response to this email.

The Reply

8. On 2nd January 2019 the Club Secretary of Britannia F.C. responded to the charge stating that he had sent the charge notice to Mark Bergonzi by email and had text him twice asking him to respond to the charge but had received no reply. As such no plea submitted in response to the charge.

The Commission

9. The Discipline Commission members appointed by the Essex County Football Association were:
Mr Andy Chaplin (Chairman)
Mr Roger Crane (Essex FA Council Member)
Mr Paul Deller (Independent)
10. Ms Fran Smith, of the Essex FA Governance Team, acted as Secretary to the Commission.
11. The Commission took place at the Essex County Football Association Headquarters on 15th February 2019.

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

Standard of Proof

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

14. 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

15. The Match Officials report was unambiguous and gave clarity to the incident.

16. The Commission noted that Mr Bergonzi made physical contact with the Match Official on two separate occasions, tapping him on the back in a highly sarcastic manner followed by a more aggressive act by squaring up to Mr Woolf, and then by grabbing hold of his shirt collar. The Match Official felt threatened by this act and in his own words believed that Mr Bergonzi was going to throw a punch and it was only through the intervention of his own players that this did not occur.

17. The Commission also noted that having being dismissed from the field of play Mr Bergonzi continued to be abusive and offensive towards the Match Official. It was noted that he refused to leave the field of play and only did so following the Match Officials' threat to abandon the game.

18. Having carefully considered the whole of the documentation before us the Commission members:
(i) unanimously concluded that the charge against Mark Bergonzi under FA Rule E3 – Improper Conduct (including physical contact and threatening and/or abusive language/behaviour) was Proven;

19. The Commission determined that the level of sanction was High.

Sanction

20. The Commission considered the relevant rules and The FA's Sanction Guidelines for Season 2018/19. In relation to these cases this was a recommended punishment for physical contact against a Match Official of 182 days plus up to £150 fine.

21. Whilst the Commission noted that Mr Bergonzi apologised to the Match Official after the game and there was no previous discipline record for him, he had failed to respond to the charge, despite be given ample opportunity by his Club or put forward any mitigation. The Commission wished to make it clear that at no time was it appropriate for a player to make physical contact with a Match Official.

22. The Commission unanimously agreed that Mark Bergonzi be given the maximum punishment for this offence being a 182 day suspension plus a fine of £150.

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. Andy Chaplin (Chairman)

Mr. Roger Crane
Mr. Paul Deller
Tuesday 19th February 2019