

DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Personal Hearing

**LEE MUNDAY
(Intersports Youth)
Case ID:10295491M**

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 13th September 2020 Intersports Y U16 Blue played Tigers Y U16 Black in a match in the Chelmsford Youth League (“the match”).
2. A report was forwarded to Essex County Football Association (“Essex FA”) by the Referee, Andrew Ray, on 14th September 2020. This contained details that: *“The Intersports U16 red manager, Mr Lee Munday, was aggressive for most of the match and had warnings of failing the (sic) control himself. I stopped the game in the first half after the referee’s assistant (Kevin Nicholson – Level 5 – a qualified referee from the opposition) said he was verbally abused when asking the Intersports manager, Mr Lee Munday, to stand back so he could see the line, Mr, Nicholson said he was called ‘a cunt’ by the Intersports manager. When I asked him to please step back and show respect to the assistant he initially refused to stand back and argued his position saying he can stand where he liked, he had a very aggressive and agitated attitude to a simple request from me. I asked him to show respect to the referee’s assistant who was volunteering to assistant (sic) me, and not to make any comments to him. I (sic) the second half of play I sent an Intersports player off for violent conduct, and Mr Lee Munday entered the pitch without permission and asking for the reason to the sending off, which he clearly had not seen, and asked me to send the opposition player off. I requested he leave the field three times and did so after numerous parents from each team told him too (sic) and that the decision was a correct one. This set a poor example to his players, which made game management more difficult for me. In the second half of play the Intersports group of substitutes were shouting abuse at myself. The manager, Lee Munday was the chief culprit in shouting aggressively at me, which in my opinion set a level of lack of respect that influenced the substitutes behaviour. I stopped the game and approached him, he continued with an aggressive attitude and demeanour towards me with initially refusing to supply his name, the verbal abuse continued from the substitutes at this time but as there were a number of them it was difficult to hear who it was from so I informed the manager of Intersports that he was been (sic) sent off for failing to control himself and his non-playing players/bench/club. He continued with aggressive verbal abuse for the rest of the match, calling me a cheat repeatedly, which resulted in the club now being reported. During the sending off of Mr Lee Munday I believed I heard a number of threats to me from the players and their friends. After the game the referee’s assistant, Mr Kevin Nicholson (Level 5 referee) told me that they were threatening to smash up my car and to assault me after the game, and he said it was very vile to hear that. This confirmed what I thought I heard. At the end of the game an Intersports player kicked the match ball a long way away. Mr Lee Munday asked for the ball and I told him it was kicked away, he informed me that if it was lost he would want £125 in compensation for the ball, I was spoken to in an aggressive manner. The ball was given to him by a player of the opposition. This was witnessed by Me (sic) Kevin Nicholson. As a safety precaution, I waited until Intersports players had left before going to my car. In the car park three Tiger U16 (opposition) parents approached me and thanked me for my handling of the game in what was very difficult circumstances and informed me that they were appalled by the Intersports manager, who they blamed for the poor respect by the Intersports players and the hostile atmosphere. At the start of the game, when the players were lining up to start Mr. Lee Munday gave me the match fee, I did not check it and put it in my bag quickly to start the game. I rarely check the fee payment as I trust clubs on payment. When I had got home, which was sometime after the match, I received a text from Mr. Lee Munday asking for £2 change for the fee, and I had to drive around to his house later that day to give him £2. At no time after the. Game, when there was plenty of opportunity, did he mention that, though he did mention the £125 for the match ball. I felt intimidated, humiliated and embarrassed by this whole incident. This completes my report”.*
3. Following receipt of this report Essex FA carried out an investigation and then raised a charge on 30th October 2020 against Lee Munday with a response required by 13th November 2020.

The Charge

4. Lee Munday was charged with Breach of FA Rule E3 – Improper Conduct against a Match Official (Including threatening and/or abusive behaviour).
5. 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.”
6. The charge notification also stated the recommended sanctions should the charge be found proven: The recommended sanction for threatening behaviour against a Match Official is a suspension of 112 days or 12 matches plus a fine up to £100. The minimum sanction to be imposed should the Disciplinary Commission find the charge proven is a suspension of 56 days or 6 matches and a £50 fine.

Documentation

7. Essex FA included within the charge notification the following evidence they intended to rely on:
 - I. Detailed match report from the Match Official Andrew Ray, dated 14th September 2020
 - II. Further match report from Match Official Andrew Ray, dated 14th September 2020
 - III. Statement from Cindy Rowson, parent of Intersports Y U16 Blue, undated
 - IV. Statement from James Scott, club Secretary of Intersports Y, dated 28th September 2020
 - V. Statement from Kevin Nicholson, club assistant referee, dated 24th September 2020
 - VI. Statement from Lee Munday, dated 28th September 2020
 - VII. Statement from Lisa Di Palma, club secretary of Tigers Y, dated 3rd October 2020
 - VIII. Team sheet and match details from Paul Shed, manager of Tigers U16 Black, supplied by Lisa Di Palme on 3rd October 2020
 - IX. Statement from Terry Austin parent of Intersports Y U16 Blue, undated

The Reply

8. The Club responded to the charge by selecting option D on the WGS Portal pleading Not Guilty to the charge and wishing the case to be dealt with by a Personal Hearing. They submitted statements as detailed above 7 (I) & 7 (IX), and confirmation of the reasons for the Personal Hearing request from Lee Munday dated 5th November 2020.

The Commission

9. The Discipline Commission members appointed by the Essex County Football Association were:
Ms Sheryl MacRae (Chairman)
Mr Michael Hemsted (Council)
Mr Anthony Mercer (Independent)
10. Mr Robert Craven, of the Essex FA Governance Team, acted as Secretary to the Commission.
11. The Commission took place by WebEx on 4th December 2020 commencing at 7:05pm.
12. This was a Personal Hearing so the charged participant Lee Munday was in attendance, along with his club representative James Scott. James Scott however did leave the meeting after the referee had given his verbal submission at 8:06pm, by agreement with Lee Munday.
13. The Commission had received and read all the documents prior to the hearing.

Standard of Proof

14. The Commission reminded itself that the burden of proving a charge falls upon the County FA.
15. 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

16. 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, or to all the statements and information provided, 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 in this case.
17. The Commission found that Lee Munday presented his case well and he conducted himself in a good manner.
18. The Commission felt that there were many inconsistencies between the referee's written report to his verbal submission and felt that Kevin Nicholson's statement and verbal submission were more credible.
19. Lee Munday in his written statement and verbal submission admitted that he did call the assistant match official a 'fucking idiot'. This by his own admission means that the threshold was met on whether there was abusive language/behaviour.
20. Lee Munday did agree in his verbal submission that he did approach the assistant referee and that he did get close although he did not agree with Kevin Nicholson, the assistant referee, that he got within inches.
21. Lee Munday did also agree that due to his height and size that he could come across as aggressive. He does walk up and down the touch line and can get animated whilst doing this.
22. Both Lee Munday & Kevin Nicholson agreed that what was said by Kevin Nicholson of 'is that what you're saying to me' could have been misinterpreted and Lee Munday took this to be a derogatory comment. Kevin Nicholson explained it as he meant 'are you questioning me keeping up with play', Lee Munday took the comment as a slight on his weight.
23. The referee Andrew Ray reported that he had to speak to Lee Munday on three occasions, Lee Munday disagreed with this although does agree that it was twice.
24. The referee Andrew Ray reported that Lee Munday refused to give his name, on questioning Lee Munday agreed that the referee did ask for his name but he did not give it as continued to question the referee, only when he was asked again did he give it.
25. The referee Andrew Ray reported that the assistant referee Kevin Nicholson informed him that Lee Munday had called him a 'cunt'. Lee Munday disagreed that he had used the word 'cunt' and Kevin Nicholson also confirmed that Lee Munday had not used this word.
26. The referee Andrew Ray, a few times in his report, said that Lee Munday was aggressive and agitated, when he was questioned on this he said it was due to his body language and the tone he used.
27. Both the referee Andrew Ray and the assistant Kevin Nicholson agree that Kevin Nicholson was waving his flag to gain the referees attention and when the ball went out of play Andrew Ray approached the touch line to find out what had occurred. When the referee arrived, he did think

that there had been a verbal altercation between Lee Munday and the assistant and that both parties did not deny what the other had reported them to have said.

28. The referee Andrew Ray on questioning said that Lee Munday was shuffling on the touch line with his arms crossed and his chest puffed out when he had been asked to step back from the touch line.
29. The referee Andrew Ray reported in his written statement and confirmed in his verbal submission that he was called a cheat by Lee Munday excessively in the second half. Kevin Nicholson did not hear the word 'cheat' from Lee Munday. He confirmed that spectators/substitutes of Intersports were using the word 'cheat', however he did agree that he was constantly shouting out his disagreement to the referee.
30. The Commission felt that due to Lee Munday's size and that by his own admission he did get close to the assistant and that he could come across as aggressive and that he did have a verbal exchange with the assistant that the threshold for threatening was met.
31. The Commission noted that even though the referee said he didn't feel threatened in his written statement he did in fact say in his verbal submission that he waited for all of the Intersports players to leave before he did so that Lee Munday had also left, also meeting the threshold of threatening in the charge.
32. The Commission on the balance of probability feel that the threshold for threatening was also met due to submissions from the referee Andrew Ray and assistant referee Kevin Nicholson.
33. The Chair did inform Lee Munday that any interaction with an assistant, whether club appointed or not, is the same as having that interaction with a referee, which is why he was charged with Improper Conduct against a Match Official (including threatening and/or behaviour). He thanked the Chair for explaining this.
34. The Commission unanimously found the charge of E3 – Improper Conduct against a Match Official (including threatening and/or behaviour) Proven.

Sanction

35. The Sanction Guidelines for a Proven charge of E3 – Improper Conduct against a Match Official (including threatening and/or behaviour) is a recommended suspension of 112 days or 12 matches and a fine up to £100, with a minimum sanction of 56 days or 6 matches and a fine of £50.
36. The Commission considered the participant's five-year disciplinary record which showed no previous history.
37. The Commission noted that Lee Munday did apologise on the day of the incident. He had assumed that the assistant had slighted his weight. The assistant, although a registered referee, was acting as a club assistant/parent on the day.
38. The Commission, when deciding upon the sanction, did discuss the difference between a match-based suspension and a period-based suspension but decided in this instance that a period-based suspension was more appropriate.
39. The decision of the Commission is to impose a fine of £50 and a ground suspension of 63 days.
40. The decision of the Commission is subject to the right of appeal under the relevant Rules and Regulations of the Football Association.

Signed

Ms Sheryl MacRae (Chairman)
9th December 2020