

DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Non-Personal Hearing

REECE CLARKE (Sungate FC)

Case ID: 10157785M

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 22nd February 2020 Sungate First played Bishop's Stortford Swifts First in a match in The Prokit UK Essex Olympian Football League ("the match").
2. A report was forwarded to Essex County Football Association ("Essex FA") by the Referee, Christopher McGovern, on 22nd February 2020. This contained details that "Mr Clarke was cautioned for a 2nd time in a few mins C1 SP, and dismissed from the field of play.
*At which he told me I had been waiting all game to do that, I was a fucking cheating cunt, and that I would die, to which I told him, I would add a mis conduct report with his comments.
Mr Clarke had also been warned in the 1st half of the match with regard to his reactions / dissent to certain decision and warned any future occurrence would result in him being sent to the Sin Bin".*

A report was also forwarded to Essex FA by the Assistant Referee, Chris Girdlestone, on 22nd February 2020. This contained details that "After being dismissed in the 78th minute, Sungate No. 11 Reece Clarke made his way to the bench side. As he arrived I asked the player to leave the field of play to which he responded "leave me alone you cheating cunt". As I asked him to remove himself a second time his response changed to "leave me alone or I will knock you out".

3. Following receipt of this report Essex FA raised a charge on 24th February 2020 against Reece Clarke with a response required by 9th March 2020.

The Charge

4. Reece Clarke was charged with Breach of 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 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:
"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 and a fine up to £100, with a minimum sanction of a suspension of 56 days or 6 matches and a fine of £50."

Documentation

7. 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 Assistant Referee report as indicated above.
 - (iii) An undated statement from Reece Clarke.

The Reply

8. The Player (or Club Secretary on the player's behalf) responded to the charge by selecting option A on the WGS Portal pleading Guilty to the charge and wishing the case to be dealt with by way of correspondence in his absence.

The Commission

- 9.** The Discipline Commission members appointed by the Essex County Football Association were:
Ms Sheryl MacRae (Chair)
Mr Barry Fitzgerald (ECFA Council Member)
Mr Stephen Murphy (Independent)
- 10.** Mr Robert Craven, of the Essex FA Governance Team, acted as Secretary to the Commission.
- 11.** The Commission took place by Microsoft Teams on 30th March 2020, commencing at 10.00a.m.
- 12.** This was a non-personal hearing so neither the Player Charged nor the Club were in attendance.
- 13.** The Commission had received and read 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.** As Mr Reece Clarke requested that the matter be dealt with by correspondence the commission were unable to test the evidence he submitted, and as such were wholly reliant on the statements presented.
- 18.** The Commission noted that Reece Clarke accepted the charge and did provide some mitigation in response to the charge although this was not dated.
- 19.** The Commission noted that both match officials reported the same foul and abusive language being used and that Reece Clarke was being threatening in the words that were used to both match officials.
- 20.** From the documentation that was included the commission noted that Reece Clarke had apologised and referred to his mental health as being the reason for his outbursts, however the commission also noted that Reece Clarke has stated 'since the turn of the new year' that he had been having a tough time.
- 21.** The Commission unanimously found the charge of Improper Conduct (including threatening and/or abusive language/behaviour) Proven.

Sanction

- 22.** The Sanction Guidelines for a Proven charge of Improper Conduct (including threatening and/or abusive language/behaviour) indicates 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.
- 23.** The Commission considered the player's five-year disciplinary record which showed a previous proven charge of E3 Improper Conduct (including threatening and/or abusive language/behaviour) in 2016 as

well as many cautions and send offs, we took this as an aggravating factor.

- 24.** The Commission considered the guilty plea to the charge and his report of having mental health issues as mitigating factors.
- 25.** In view of the above, the decision of the Commission is to impose a suspension from All Football for a period of 8 matches and a fine of £60.
- 26.** 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 (Chair)
30th March 2020