

FA NATIONAL SERIOUS CASE PANEL
CONSOLIDATED DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

on behalf of Gloucestershire Football Association

NON-PERSONAL HEARING

of

Almondsbury FC

[Case ID: 10927620M]

&

Patric Fuller

Almondsbury FC

[Case ID: 10927612M]

THE DECISION AND REASONS OF THE COMMISSION

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Introduction

1. On 24 September 2022, Almondsbury FC First ("Almondsbury", the "Club"), played an FA Challenge Vase fixture against Oldland Abbotonians FC First ("Oldland") – collectively the "match".
2. The appointed Match Officials for the fixture submitted Extraordinary Incident Reports regarding the alleged misconduct that took place during the fixture.
3. Gloucestershire Football Association ("Gloucestershire FA") investigated the reported incidents.

The Charges

4. On 07 October 2022 Gloucestershire FA Charged Almondsbury FC:
 - 4.1. with misconduct for a breach of FA Rule E21 - Failed to ensure spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any Match (the original letter notes and E20 charge however there is a note that specifies it is an E21; the charge has been amended to reflect);
 - 4.2. It is alleged that Almondsbury FC failed to ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) conducted themselves in an orderly fashion and refrained from improper, offensive, violent, threatening, abusive, indecent, insulting or provocative words and/or behaviour contrary to FA Rule E21.1. This refers to the allegation that the comment "*you ain't getting home tonight*" or similar was directed by a Almondsbury FC supporter/spectator towards Assistant Referee Tobias Franklyn towards the end of the match.
 - 4.3. Gloucestershire FA advised in the charge letter the offence carried a sanction range of £0-400 fine.

4.4. The relevant section of FA Rule E21 states¹:

"E21 A Club must ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any Match and do not:

E21.1 "use words or otherwise behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative;

E21.2 throw missiles or other potentially harmful or dangerous objects at or on to the pitch; E21.3 encroach on to the pitch or commit any form of pitch incursion;

E21.4 conduct themselves in a manner prohibited by paragraph E21.1 in circumstances where that conduct is discriminatory in that it includes a reference, whether express or implied, to one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability" [...]"

5. In consolidation on 07 October 2022, Gloucestershire FA charged Mr Patric Fuller:

5.1. with misconduct for a breach of FA Rule E3 – Improper Conduct against a Match Official including abusive language / behaviour;

5.2. It is alleged that Patric Fuller used abusive and/or indecent and/or insulting language/behaviour against Match Official(s) contrary to FA Rule E3.1. This refers to the allegation that Patric Fuller directed the comment *"yeah and your teams fucking shite"* or similar towards the match officials during the match.

5.3. Gloucestershire FA advised in the charge letter the offence carried a sanction range of a suspension between 0-6 Matches a fine of up to £100.

5.4. The relevant section of FA Rule E3 states²:

"E3.1 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

¹ p. 146 of FA Handbook

² p. 141 of FA Handbook

one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.

[...]"

6. Gloucestershire FA included within each charge letter the evidence that they intended to rely on in this case, the evidence to be used is identical and relevant for each case.
7. Both participants were required to respond to their respective charges by 21 October 2022

The Reply

8. The responses are as follows;
 - 8.1. For case **10927620M** E21 club charge against Almondsbury FC a response was received online on 30 November 2022 denying the charge and requesting it be dealt with by correspondence.
 - 8.2. For case **10927612M** E3 offence for abusive language / behaviour the Match Official against Mr Patric Fuller, a response was received online on 20 October 2022 accepting the charge and requesting it be dealt with by correspondence.
9. During the investigation, evidence was submitted from:
 - 9.1. Match Officials Extraordinary Incident Reports x 6;
 - 9.2. Response from Almondsbury FC.

The Commission

10. The Football Association ("The FA") appointed me, Steve Francis, as a Chair member of the National Serious Case Panel, to this Discipline Commission as the Chairman Sitting Alone to adjudicate in these cases.

The Hearing and Evidence

11. The case bundle was sent via e-mail to the appointed Chair 08 December 2022 to be completed within 3 working days.
12. I adjudicated this case on 08-09 December 2022 as a consolidated correspondence hearing.
13. The following is a summary of the principal submissions provided. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or submission, should not imply that we did not take such point, or submission, into consideration when we determined the matter. For the avoidance of doubt, we have carefully considered all the evidence and materials furnished with regard to this case. Where relevant witness details have been removed.
14. The appointed Referee for the fixture submitted two Extraordinary Incident Reports on 25 September 2022 which contains the following details;
 - 14.1. The first report is regarding the behaviour of an Almondsbury spectator and states *"In the changing room after the end of the match my senior assistant, [redacted], told me he had been abused and threatened by two Almondsbury supporters. [redacted] told me that during the abuse one supporter had said in an aggressive and threatening manner "you ain't getting home tonight". [redacted] was clearly distressed by this. I notified the Almondsbury Chairman that we would be reporting the incident."*
 - 14.2. The second refers to the actions of Mr Fuller and notes *"At half-time I was advised by my senior assistant, [redacted], that he had warned the Almondsbury assistant manager Pat Fuller about his conduct. In the 85th minute my assistant drew my attention and told me the Almondsbury assistant manager, when speaking about the team of officials, said "yeah and your teams fucking shite". I then dismissed Mr Fuller from the technical area for using Offensive, Insulting or Abusive language and showed him the red card"*.

15. The next set of reports are from the senior Assistant Referee (AR1) the first submitted on 25 September 2022 and the second on 28 September 2022 and note the following information;

- 15.1. The first is in regards the alleged actions of a supporter of Almondsbury, after two red cards in the final five minutes of the game states *"I began to receive consistent abusive language from spectators stood behind me, one of which wearing an Almondsbury T shirt. I was originally asked by a man with short brown hair, a black shirt and blue jeans what the red card was for and I responded "it was for abusive language".*
- 15.2. AR1 continues *"He then responded "well you can't send me off you prick". Between him and the man in the Almondsbury T Shirt, I started to receive comments around being fucking dreadful, being a prick and how Somerset FA referees have always been shit. However, around the 88th minute I was then threatened by the man in the black shirt and blue jeans who said "you ain't getting home tonight". I alerted Ian Butler to this in the changing room after the game. We also notified the Almondsbury chairman after the game of the incident, and that we would be putting in a report".*
- 15.3. The second report provided details the actions of Mr Fuller, who was leaving the Technical Area throughout the first half to contest decisions with the officials. Towards the end of the first half Mr Fuller *"began contesting a decision and stood behind me shouting that I need to be talking to the ref. I asked that he calm down and as I began to walk back towards the dugout, he responded by calling me a "fucking melt". At this time, I warned him that I don't want to hear any more from him and that the referee will be called over if he spoke to me in the same manner again".*
- 15.4. AR1 spoke to the referee at half time about the warnings issued and it was agreed he would call the referee over if it continued. In the 85th minute *"following a decision against Almondsbury, the assistant manager again started to contest the decision and when I warned him to calm down he said "I'm not talking to you, I'm talking to the referee". I responded "we're all one team" to which he said "yeah and your teams fucking shite". I flagged to*

[the referee] *and advised him of what I'd heard and that I believe this should now be a red card for abusive language*".

16. The third set of Extraordinary Incident Reports are from the other Assistant Referee (AR2), they are both dated 30 September 2022 and advise as to the following;

16.1. Of the incident with the s[pectator and AR1 they note *"At the final whistle whilst in the middle of the field of play Tobias said to both Ian and myself that he had been threatened by an Almondsbury supporter who said "that he wont get out of the ground alive" again I was on the opposite side of the field of play so did not hear what was being said."*

16.2. Regarding the actions of Mr Fuller, they note *"At half time of the above game, [AR1] was discussing with the referee that the manager of Almondsbury was getting very vocal and using inappropriate language, the referee said ok if this continues in the second half then let me know and I will come over to the dugout and deal accordingly. During the 2nd half whilst I could not hear what was being said by the manager, I could clearly see from my position him gesturing in an aggressive manner towards [AR1] who called the referee over and following a discussion dismissed the manager from the dugout."*

17. The next entry into both bundles is a response from Almondsbury, dated 19 October 2022 this notes the following;

17.1. The author was at the fixture and was recording the match details, he notes the red cards issued towards the end of the fixture, the first for a player saw the individual leave *"with no fuss"*. He approached the technical areas to *"congratulate the opposition manager as he was an Almondsbury player a couple of seasons ago and a good friend. At that point the referee produced another red card for a member of the management team, Pat Fuller. He returned to the dressing room immediately"*.

17.2. After the end of the game, they went to the referee's changing room to thank them and was informed by the referee of the alleged comments towards AR1 and *"I immediately went about looking into this allegation and*

was able to speak with [redacted] as I'd seen him in conversation with [AR1] on the dugout side of the pitch. He acknowledged that he had been over verbal to the official in the heat of the moment and was waiting for him to get changed and apologise. Regarding the comment in [AR1] report "you ain't getting home tonight", he absolutely denied saying that".

17.3. They have spoken to their supporters since that had attended who noted *"most of the general banter was of a good nature with the occasional expletives in a closely competitive game".* They then note and observation that *"in no way deflecting the charge. I have attended games over many years and thankfully not experienced to many incidents that were necessary for the club officials to be involved. But with this case if the official could have alerted the referee immediately this incident had taken place, possibly the game could have been stopped the home club officials alerted and those supporters identified and escorted from the ground".*

17.4. The author does not find it acceptable that *"officials should have to listen to or be part of unwanted criticism on or around the field of play. I'm extremely disappointed by the behaviour of those supporters who would look to tarnish our good name".* In conclusion they note *"We would be grateful if you would take into consideration our history regarding any incident of this nature every happening and as a club and look to ensure our supporters observe the respect of any visitor involved on match day inclusive to our home or away venues. We will obviously respect any decision and recommendations going forward from the panel".*

18. That concluded the relevant evidence in the case.

Standard of Proof

19. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, we would be satisfied that an event occurred if we considered that, on the evidence, it was more likely than not to have happened.

The Findings & Decision

20. For case **10927612M** E3 against Mr Patric Fuller there was a response accepting the charge and therefore the charge is **Proven**
21. For cases **10927620M** E21 against Almondsbury the Commission considered the evidence in front of them. The report from AR1 is clear in the allegation of the verbal abuse from two Almondsbury supporters including a threat received from one, to add credibility both his colleagues statements note this has been reported to them after the fixture.
22. Furthermore, the report from AR1 is very specific as to the descriptions given of the alleged individuals and had, according to the club, enabled them to identify them. They also confirm this was reported to the club after the fixture in the changing rooms. Whilst the club note the individual was steadfast in his denial of any such threatening comments they did admit to *"being over verbal to the official in the heat of the moment"*.
23. The Commission believe, on the balance of probability, comments were made and they did include one that was interpreted as threatening by AR1 and have found the charge **Proven**.

Previous Disciplinary Record

24. During the review of the offence history, it was noted there were duplicate FANs for Mr Fuller each with a different spelling of the first name; both were listed as the Assistant Manager of Almondsbury FC. Mr Patric Fuller's five-year offence only contains a single C1 caution for handball in season 2018/19. The Offence history for Mr Patrick Fuller included the following;
 - 24.1. 18 September 2021 E3 Improper Conduct against a Match Official including abusive language/behaviour sanction 1 Match suspension and a fine of £30.
25. Almondsbury FC have two teams, the five-year offence history contains the following previous misconduct charges relative to the charge;

25.1. 25 January 2020 E20 sanction £75.

Mitigation

26. The club note their “*extreme disappointment*” at the behaviour of the supporters taking action on the day to talk to the alleged offender, also noting the individual wished to apologise once the Officials had got changed. The club are also looking for ways to help moving forward, there is a request for recommendations from the Panel, the advice is to contact Gloucestershire FA initially for any advice.

The Sanction

27. For case **10927612M** Mr Patric Fuller’s E3 charge, the sanction range is as follows;

27.1. Suspension of 0-6 Matches;

27.2. A fine up to £100.

28. After taking into consideration Mr Fuller’s previous record, and the nature of the offence, the sanction will be:

28.1. To serve a suspension of 3 Matches to include ground/venue ban;

28.2. fined a sum of £50;

29. For case **10927620M** Almondsbury FC, the sanction range for this offence is;

29.1. Fine up to £400

30. After giving consideration to their previous disciplinary record and mitigation, against the comments directed including a threat the sanction will be:

30.1. Fined a sum of £200;

31. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed...

Steve Francis (Commission Chair)

09 December 2022