

**IN THE MATTER OF  
GLOUCESTERSHIRE FOOTBALL ASSOCIATION**

**-v-**

**DAN CREED  
(CASE REFERENCE 10447050M)**

**REASONS FOR DISCIPLINARY COMMISSION DECISION**

**MONDAY 23<sup>rd</sup> AUGUST 2021**

**INTRODUCTION**

1. These are written reasons for the findings of a Disciplinary Commission (the Commission), held on behalf of Gloucestershire FA (GFA), on Monday 23<sup>rd</sup> August 2021. The Commission considered misconduct charges against Dan Creed (DC), a registered player with Upton St Leonards FC (USL). Charges were raised following a game in the Reg Davis Memorial Cup between Smiths Barometrics Athletic and USL on Saturday 7<sup>th</sup> August 2021.

**PARTIES**

2. The appointed stand alone Commission Member, a member of the County FA's Serious Case Panel, was Anthony Rock.

**MISCONDUCT CHARGE NOTIFICATION**

3. By GFA Misconduct Charge Notification, dated 16<sup>th</sup> August 2021, the following charges were raised:
  - a. Charge 1 (DC) - FA Rule E3 - Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour).
  - b. **Alternate Charge** (DC) - FA Rule E3 - Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour).

**FA RULE E3**

4. The relevant section of FA Rule E3 (The FA Handbook, Season 2021-2022, Chapter 10, Part E, Paragraph E3.1) states:

*A Participant shall at all times act in the best interests 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.*

### **CHARGES**

5. Charges were raised when, following his dismissal in the 71<sup>st</sup> minute, DC shouted at the Referee, “*fuck off*”. Then, after the final whistle, DC entered the Field of Play to argue with the Referee about the red card. This altercation included DC allegedly pushing the Referee with one hand in the stomach area and then continuing to be confrontational as he kept making “*cheap personal comments*” towards the Referee.

### **PLEA**

6. In a Whole Game System (WGS) response, dated 18<sup>th</sup> August 2021, DC pleaded Not Guilty to Charge 1 but Guilty to the Alternate Charge, and requested his case be dealt with by correspondence.

### **WRITTEN EVIDENCE**

7. The written evidence available to the Commission consisted of:
- a. County Association Report Form, dated 7<sup>th</sup> August 2021, submitted to GFA by the Referee, Garry Collier.
  - b. Undated statement from DC.
  - c. Misconduct Charge Notification (DC) dated 16<sup>th</sup> August 2021.
  - d. WGS screenshot dated 18<sup>th</sup> August 2021 (Case 10447050M).

### **SUMMARY OF EVIDENCE**

8. The foregoing is a summary of the written evidence 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 the Commission did not take such point or submission into consideration.
9. The only submissions in this case were from the Referee and DC. The Referee reports that, following the final whistle, DC approached him and pushed him with one hand in the stomach area. This was not with any particular force or violence but was, in the Referee’s opinion, to ensure that DC had his attention. In the Referee’s own words, “*it was not forceful, I couldn’t call it a shove, it clearly wasn’t done to have impact and this is about as low down the scale as it gets when someone says pushing. However it is beyond doubt that the player was confrontational and did place a hand on me*”. Following the alleged push, DC made cheap, personal comments to the Referee and continued to shout such comments as he was moved away by the USL Captain.

10. In his statement, DC said that he approached the Referee after the game in order to shake hands. He asked the Referee why he had not awarded a penalty for handball. The Referee started to explain why he had not awarded a penalty but then began to walk away. DC thought this was rude and tapped the Referee on his wrist to grab his attention. The Referee proceeded to dismiss DC. DC felt that the Referee's tone of voice during the verbal exchange was not something he expected from a Match Official. About 10 minutes later, DC approached the Referee to apologise for swearing at him and for making childish comments post match.

## **FINDINGS**

11. The burden of proof is on the County FA meaning it is for GFA to prove each case. The applicable standard of proof in these cases is the civil standard of the balance of probability, sometimes referred to as the 51% test. The balance of probability standard means that the Commission has to be satisfied that the occurrence of an alleged event or events was more likely than not to have taken place.
12. The Commission determined that DC was probably annoyed at being sent off and, at the end of the game, wanted an explanation from the Referee. Whilst his actions when approaching the Referee were unlikely to cause injury, he did make physical contact by pushing the Referee and his actions were confrontational. On the balance of probability, the Commission found the charge of Improper Conduct against a Match Official (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour), **proven**.

## **DISCIPLINARY RECORD**

13. DC has no previous proven charges of misconduct.

## **FA SANCTION GUIDELINES**

14. The Commission noted the FA Guidelines/Regulations for the 2021/2022 Season in regard to the sanction for physical contact or attempted physical contact against a Match Official (FA Handbook, Chapter 11, Part D, Section 3, Paragraph 101): suspension from all football activities for a period of between 112 days and 2 years. The recommended entry point, prior to considering any mitigating or aggravating factors is 182 days. The sanction also attracts a fine of up to £150, with a minimum fine of £75. The participant is also directed to complete an education programme.

## **SANCTION**

15. Taking into account the circumstances in this case, including mitigating and aggravating factors, the Commission concluded that the following sanction is to be imposed:

- a. **DC:** to be suspended from all football and football activity for 121 days and fined £75 (minimum fine imposed). The suspension is to be backdated from the start of his interim suspension order, 16<sup>th</sup> August 2021.
- b. He is to complete an education programme prior to the completion of the 121 days suspension, failing which he shall be suspended from all football activity until completion of said programme. Details of the programme are to be provided by GFA.
- c. USL are to incur 7 disciplinary penalty points.

16. In accordance with FA Regulations there is a right of appeal against the decision.

Anthony Rock (Chair)

Monday 23<sup>rd</sup> August 2021