

**IN THE MATTER OF
GLOUCESTERSHIRE FOOTBALL ASSOCIATION**

-v-

**SEAN EVANS
(CASE REFERENCE 10456435M)**

**REASONS FOR DISCIPLINARY COMMISSION DECISION
TUESDAY 28th SEPTEMBER 2021**

INTRODUCTION

1. These are written reasons for the findings of a Disciplinary Commission ('the Commission'), held on behalf of Gloucestershire FA (GFA) on Tuesday 28th September 2021. The Commission met by videoconference (Webex) to consider a misconduct charge against Sean Evans (SE), a registered player with Kingswood Athletic (KA). The charge arose following a friendly fixture ('the match') between KA and Yate Rangers on Sunday 15th August 2021.

PARTIES

2. The Commission members were Anthony Rock (Chair), Bill Stoneham and Lea Taylor (all members of the FA's Serious Case Panel).
3. Chris Lucker (GFA Football Services Manager) acted as Secretary to the Commission.
4. In attendance throughout the Commission was the KA Secretary, Justin Watts.

MISCONDUCT CHARGE NOTIFICATION

5. By GFA Misconduct Charge Notification, dated 24th August 2021, the following charge was raised against SE:

FA Rule E3 - Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour).

Note: The Commission noted that GFA was given dispensation by the FA to complete the hearing outside of the required 28 days following the abandonment of the match.

FA RULE E3

6. 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.

CHARGE

7. The charge against SE was raised when, immediately following his sending off for Offensive, Insulting, Abusive language, he threatened the Referee with the words, “*knock you out you silly cunt*”. The Referee was concerned for his own safety and abandoned the match. As the Referee walked from the centre circle to the touchline, SE walked very close to him, placing his face a few inches away from the Referee’s face. SE then repeated the threat and made derogatory remarks which included personal comments about the Referee and his home life.

PLEA

8. On 2nd September 2021, SE accepted the charge and requested the opportunity to attend a Disciplinary Commission to enter a verbal plea for leniency.

WRITTEN EVIDENCE

9. The written evidence available to the Commission consisted of:
- a. County Association Report Form dated 16th August 2021, submitted by the Referee, Christopher Wilmot (report of the incident involving SE).
 - b. Incident statement dated 23rd August 2021, submitted to GFA by Sean Collins (Player, Yate Rangers).
 - c. Incident statement dated 23rd August 2021, submitted to GFA by Ryan Higton (Secretary, Yate Rangers).
 - d. FA Charge Form dated 2nd September 2021, submitted to GFA by SE (response to the Charge by SE pleading guilty and requesting the opportunity to enter a plea for leniency).

PLEA FOR LENIENCY

10. The Commission heard SE’s plea for leniency. He said that his actions were borne out of frustration and that it won’t happen again. What he did was out of character and he had never done anything like it before. He wished to apologise to the Referee. An apology would show the Referee his real character. Football is his life and has been for 25 years. He loves to win and things just boiled over on the day.

11. In general he has always had a good relationship with Referees. He accepts that they are appointed to do a job. 90% of what the Referee said in his report he agreed with. He didn’t agree that the Referee was threatened or that the opposition players encouraged him to move away from the

Referee; it was his own managers/coaches who moved him away. There were a lot of stoppages in the game, which he was frustrated by. He ended his plea by, again, accepting full responsibility for his actions and saying that he was mortified by what he had done.

FINDINGS OF THE COMMISSION

12. The burden of proof is on the County FA meaning it is for GFA to prove the case to the appropriate standard. 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.
13. Given that SE pleaded guilty to the charge, the issue for the Commission was not to deliberate on points of fact but to determine the sanction to be imposed. As mitigation, the Commission took account of his plea for leniency and his misconduct record. When considering the aggravating factors, the Commission noted the threatening nature of his actions, the abusive/insulting comments he made, his continuous intimidation of the Referee as they walked off the pitch, the fact that he was the Captain on the day and that his actions caused the match to be abandoned.

DISCIPLINARY RECORD

14. The Commission was informed that SE has no previous proven charges of misconduct.

FA SANCTION GUIDELINES

15. The Commission noted the FA Guidelines/Regulations for the 2021/2022 Season in regard to the sanction for Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour): suspension from all football activity for a period of between 56 and 182 days. The recommended entry point, prior to considering any mitigating or aggravating factors, is 112 days. The sanction also attracts a fine of up to £100, with a mandatory minimum fine of £50. The participant is also directed to complete an education programme.

SANCTION

16. Taking into account the circumstances in this case, the Commission determined that the following sanction is to be imposed:

SE: to be suspended from all football and football activity (playing and refereeing) for 130 days and fined £75. He is also to complete an on-line education programme before the time-based suspension is served, 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. His Club, KA FC, is to incur 7 disciplinary penalty points.

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

Anthony Rock (Chair)

Lea Taylor

Bill Stoneham

Tuesday 28th September 2021