DISCIPLINARY COMMISSION

Sitting on behalf of the Gloucestershire Football Association

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IN THE MATTER OF A PERSONAL HEARING

OF

MARCUS KELLY – SIGNAL GENERALS

***DATE OF COMMISSION:* 21st FEBRUARY, 2020**

***CASE NUMBER:* 10055060**

DECISION & WRITTEN REASONS OF THE DISCIPLINARY COMMISSION

BACKGROUND & HEARING

The referee, Mr Martyn Popel, reported the improper conduct of Marcus Kelly, a Signal Generals player, towards him after the end of the match.

THE COMMISSION

The members appointed to the Commission were: Chairperson: Mr Barrie Phillips

Secretary: Mr Geoff Endicott

Council Member: Mr Nigel Newport-Black

Independent Member: Mr Khalid Tai

THE CHARGE(S)

The Gloucestershire FA charged Marcus Kelly as follows:

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

THE REPLY

Mr Kelly entered a plea of not guilty.

THE RULES

Pursuant to The FA Handbook 2018-2019 Season, FA Rule E3 (1) provides as follows:

"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".

THE BURDEN AND STANDARD OF PROOF

For these charges to be made out in full in this instance there were a test which needed to be satisfied:

a) Was Mr Kelly guilty of improper conduct (including threatening and/or abusive behaviour?

The Commission judged this case and the standard used was on the balance of probabilities.

THE EVIDENCE

Witness statement provided by Marcus Kelly

FINDINGS

The referee, in his report, did not mention he had been threatened but when questioned he felt that the remark 'I will see you outside' could have been a threat.
When questioned the player was adamant he did not, in any way, make threats towards the referee but went on to say that the referee could have misread the questioning of his decisions as threatening. The player insisted he had not sworn or raised his voice at the referee and left the changing room when requested. He also asked if he could discuss the matter later outside of his changing room but received no reply.
It was pointed out to the player that he must not enter the referees changing room without permission or question the decisions of the official at any time.
After considering all the evidence the Commission were of the opinion that entering the officials changing room without permission and to discuss the performance of that official could in all probability feel threatening. The case was proven, the player submitted a plea of mitigation and his previous record as read.
Taking into account he player's mitigation and previous good record, the Commission issued a sanction of a six-match suspension with a fine of £50.

APPEAL

This decision is subject to appeal in accordance with the relevant FA Appeal Regulations.

Chairperson: ..... B. PHILLIPS .....

Council Member: ..... N NEWPORT - BLACK .....

Independent Member / LFADP: ..... KHALID TAI .....

Date of written reasons: 22-2-20