

# **DISCIPLINARY COMMISSION**

*Sitting on behalf of the Gloucestershire Football Association*

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**IN THE MATTER OF A PERSONAL / NON-PERSONAL HEARING**

**OF**

**SHANE LEWIS (REFEREE)**

**DATE OF COMMISSION: 5<sup>TH</sup> JULY 2019**

**CASE NUMBER: 9879130**

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## **DECISION & WRITTEN REASONS OF THE DISCIPLINARY COMMISSION**

### **BACKGROUND & HEARING**

On the 29<sup>th</sup> April 2019 Shane Lewis was an appointed official at the Gloucester Soccer Sixes League. He arrived at the venue without being appropriately dressed in his referee's kit and he was informed by the coordinator, Mr Desmond that he would not be allowed to officiate dressed in the manner that he was. A dispute arose and it was alleged that Mr Lewis used offensive language towards Mr Desmond and assaulted him by poking him in the throat with a finger. Mr Lewis denied the charges and asked for a personal hearing which took place at the headquarters of the Gloucestershire Football Association on 5<sup>th</sup> July 2019.

### **THE COMMISSION**

The members appointed to the Commission were:

Chairperson:	Mr Roy Schafer
Secretary:	Mr Chris Lucker
Council Member:	Mr Roger Pullin
Independent Member:	Mr Steve Francis

### **THE CHARGE(S)**

The Gloucestershire FA charged SHANE LEWIS as follows:

**Charge 1:** FA Rule E3 Assault on a match official

**Alternative Charge 1:** FA Rule E3 – Improper Conduct against a Match Official (including physical contact, violent conduct and threatening and/or abusive language/behaviour).

### **THE REPLY**

1. Email statement of Robert Desmond
2. Statement of Ian Butler (Referee)
3. Statement of Paul Gardiner (West Bromwich Albion FC Academy Coach)
4. Response from Shane Lewis denying the charges and requesting a personal hearing

### **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**

The applicable standard of proof for this case is the Balance of Probability. The balance of probability standard means that the commission is satisfied an event occurred if the commission considers that on the evidence the occurrence of the event was more likely than not.

## **THE EVIDENCE**

The hearing began at 19.30, having established that the appellant had been served with all the evidence relating to this case. The commission began by examining the written statement of Mr Desmond and questioning him regarding the reported incident.

The commission heard that as coordinator for the soccer sixes he was present when Mr Butler and Mr Lewis arrived. He stated that Mr Lewis was inappropriately dressed in that he was not wearing a referee's kit. This was compounded by the fact that this was not the first time he had done this. Mr Lewis was also wearing a leg brace so the question of him being fit to perform his duties as a referee arose. Mr Desmond asked Mr Lewis where his kit was and it was alleged that Mr Lewis became abusive and used offensive language towards Mr Desmond. During this exchange Mr Lewis is alleged to have poked Mr Desmond in the throat with his finger. Mr Desmond stated that he did not believe that Mr Lewis had done this deliberately.

Following questions by the commission Mr Lewis was invited to ask questions of Mr Desmond but declined.

We then admitted Mr Butler into the hearing and the commission questioned him regarding the incident. Mr Butler had taken Mr Lewis by car to the event. He confirmed that Mr Lewis was not dressed in referee's kit. He stated Mr Desmond asked Mr Lewis where his kit was. Mr Lewis replied 'Don't start before I have a chance to explain'. Mr Desmond entered the pitch area whereupon Mr Lewis used offensive language towards Mr Desmond with words of 'You're a fucking prick'. Mr Butler then saw Mr Lewis raise his hand and poke Mr Desmond in the neck/throat area. A coach from the West Bromwich Albion Academy came onto the pitch and instructed both Mr Lewis and Mr Desmond to leave the pitch area immediately. He confirmed that he would be reporting the incident.

Mr Lewis was invited to ask questions of Mr Butler but declined.

The hearing was temporarily suspended at 19.58 and restarted at 20.18. This was due to the fact that Mr Gardiner had been detained at work and was travelling to the hearing.

We then admitted Paul Gardiner to the hearing and questioned him regarding the incident. Mr Gardiner stated he is the Academy Manager of West Bromwich Albion at Gloucester. He had been coaching academy development children at St Peters High School at Gloucester. He became aware of a person who had encroached onto the pitch and was later identified as a Gloucestershire FA Referee. He was identified as being Mr Lewis. He stated Mr Lewis was wearing a high vis jacket and work clothes and was clearly not appropriately dressed. He used foul language towards Mr Desmond, the lead referee and became physically violent towards him. When asked to specify the actual violent behaviour Mr Gardiner stated it was pushing and shoving. Throughout the altercation Mr Gardiner requested that they leave the pitch. What particularly concerned Mr Gardiner was that this was carried out in front of children aged 12 years and was clearly a safeguarding issue. He also stated that 4 parents had complained to him about the incident.

There being no further witnesses they were invited to leave the hearing.

We then asked Mr Lewis to give his account and subsequently the commission questioned him on this.

He confirmed he was wearing a leg brace from his hip down to the ankle. The reason he was not dressed in referee's kit was that his bathroom was being converted into a wet room and he was unable to find his kit. When he got into Mr Butler's car he said Bob is going to go mad because he wasn't wearing his kit and said Ian must have told him. Bob (Mr Desmond) was 50 yards away and shouted 'You are not reffing dressed like that'. Bob then came and was stood in my face and

said 'You are not fucking reffing in that'. He denied he had used offensive language and denied poking him in the throat. He stated that they may have brushed shoulders when he was trying to get past Mr Desmond. Mr Lewis then rang Mr Scotman one of the league organisers who told him to go home. He then received an email suspending him pending an investigation. He said he had been cleared to continue refereeing but was then suspended by the Gloucestershire FA. He stated this was not the first time that Mr Desmond had sworn at him and the only reason he went onto the pitch was to put the balls and bibs down in the corner.

It was put to him that 3 witnesses had given an account, one of whom was independent, which was completely different from his and he had not sought to question them on any part of their evidence. He offered no explanation other than to recognise how this looked.

The commission decided that all the County witnesses were credible.

### **FINDINGS**

The commission unanimously found the case not proven on the charge of Assault on a Match Official but proven on the alternative charge of Improper Conduct against a Match Official (including physical contact) etc.

### **PREVIOUS DISCIPLINARY RECORD**

The Commission examined the disciplinary record of Mr Lewis and found that he had an exemplary record over the past 5 seasons.

### **SANCTION**

The Commission took into account the excellent disciplinary record of Mr Lewis and that he had been refereeing for 30 years and imposed a sanction of a suspension from all football for 133 days and a fine of £100 plus admin fee. He will also forfeit his appeal fee and pay the travelling expenses of those involved in the case amounting to £56.00.

### **APPEAL**

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

Chairperson: Mr Royston Schafer

Council Member: Mr Roger Pullin

Independent Member / LFADP: Mr Steve Francis

Date of written reasons: 8<sup>th</sup> July 2019