**KENT COUNTY FOOTBALL ASSOCIATION LTD.**

**VERSUS**

**FRANKIE PORTELLI**

**CASE I.D. REFERENCE 9609751M**

**WRITTEN REASONS – DISCIPLINARY COMMISSION**

**7th JANUARY, 2019**

1. **INTRODUCTION**

 **These are the written reasons for the Findings of a Disciplinary Commission held to consider an**

 **Appeal by Personal Hearing by FRANKIE PORTELLI, a player registered with Larkfield Under 15**

 **Football Club, against a charge of breach of FA Rule E3 – Improper Conduct against a Match**

 **Official (including threatening and/or abusive language / behaviour) - laid by the**

 **Kent County Football Association Ltd. (KCFA) in response to a written report made by Referee**

 **James Baker that a player – subsequently identified as Frankie Portelli – “called me a f -----g**

 **cheat multiple times and then said I am going to f-----g kill him” after the fixture Tonbridge**

 **Angels Youth Under 15 FC versus Larkfield Under 15 FC played on 7th October, 2018.**

1. **PARTIES**

 **The Disciplinary Panel members appointed to hear the Appeal were:**

 **Terry Lawrence (KCFA Disciplinary Panel Chairman) in the Chair**

 **John Moules (KCFA member)**

 **Mark Tucker JP (Independent Panel member)**

 **Mark Bright (KCFA Football Services Officer) acted as Secretary to the Commission.**

 **James Baker – Match Referee. Witness on behalf of KCFA. The Referee, being under 18 years, was accompanied by his father (Nick Baker).**

 **Frankie Portelli – Appellant (age 14)**

**The appellant being under the age of 18 years was accompanied by his father Andy Portelli, who took the case on behalf of his son.**

1. **MISCONDUCT CHARGE**

**A charge had been laid against FRANKIE PORTELLI by KCFA on 6th November, 2018, of breach of FA Rule E3 (Improper Conduct against a Match Official including threatening and/or abusive language/behaviour). This was supported by the Match Report dated 7th October, 2018, received from referee James Baker.**

1. **RESPONSE FROM APPELLANT**

**An undated “Letter of Response” was received from Andy Portelli (Frankie Portelli’s father) plus notification of his plea of Option 4 – NOT GUILTY to the charge and a wish to attend a Disciplinary Hearing.**

1. **SUMMARY OF WRITTEN EVIDENCE**

**Members of the Commission considered the written Report from Referee James Baker that stated that after the game as he was walking back to the car he heard a player – subsequently identified as Frankie Portelli - “calling me a f-----g cheat multiple times, being held back by his manager (subsequently identified as Frankie Portelli’s father) and then saying I’m going to F---g kill him”**

**Members then considered the written submission of Andy Portelli, Frankie’s father, on behalf of his son, claiming that “at the final whistle James Baker was met by his father, Nick Baker, on the pitch. After a five minutes/or so conversation they both proceeded to follow Frankie, making comments such as “so you think you’re a big man” and “you need to be taught a lesson off the pitch”. Frankie was shouting for them to leave him alone. At this point Andy ran over to Frankie and asked what was going on but at no point was he holding Frankie back. Another coach approached Frankie and tried to comfort him before Frankie was sent by his father to the dressing rooms as he was in tears.**

1. **VERBAL EVIDENCE**

**\*\* Under questioning from Andy Portelli and Commission members, James Baker reiterated that Frankie had used the words stated in his report from a distance of ten to fifteen metres behind him. James Baker allegedly stopped walking and twice asked the player for his name – which was refused. There were no other players in the immediate vicinity.**

**Under questioning from Commission members, Frankie Portelli responded that HE was in front of the Referee – some 200 yards – walking towards the dressing rooms. The Referee and his father gradually caught up with him and began to berate him with the comments highlighted in the statement submitted by his father. At no time was he asked for his name. However, he agreed that the Referee showed him a Red card before making the alleged comments.**

1. **FINDINGS**

**Members fully considered the evidence – both written and verbal – put forward by both parties. However, there were no FACTS to consider since there were two very conflicting reports of what had occurred. Their decision would necessarily be made on the “balance of probability.” Members considered the full meaning of the charge and adduced that there was a strong element of doubt that events were as described by the Referee. The Commission Members by 2-1 majority verdict found the Charge against Frankie Portelli NOT PROVEN.**

1. **Frankie Portelli and his father were accordingly recalled before the Commission and were advised the verdict of the Commission.**

**Thursday, 17th January, 2019.**

**On behalf of the Kent County Football Association Ltd.**

**Terry Lawrence – Commission Chairman.**