

Disciplinary Commission (“The Commission”)
On behalf of Middlesex Football Association (Middx FA)

In the matters of

- 1. Mr. John Jacob RETSCHULTE - Case ID: 10328073M**
- 2. Mr. John Jacob RETSCHULTE - Case ID: 10328279M**

Hearing Summary including Written Reasons

1. This is a hearing summary and includes written reasons for the decision of the Disciplinary Commission which sat on Monday 28th December 2020.
2. Middx FA had raised charges against Mr. John Jacob Retschulte as follows:-

Case ID: 10328073M

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 and threatening and/or abusive language/behaviour)

Those charges were detailed as follows:

“Details: Mr Retschulte is hereby charged with misconduct for a breach of FA Rule E3 in respect of the above fixture. Having reviewed the evidence presented to the Association, it is deemed that his actions of kicking are contrary to FA Rule E3(1), moreover, that the individual has assaulted the Match Official...” (sic)

Case ID: 10328279M

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

That charge was detailed as follows:-

“Details: Mr Retschulte is hereby charged with misconduct for a breach of FA Rule E3 in respect of the above fixture. Having reviewed the evidence presented to the Association, it is deemed that his actions of showing the match official the sign that he is going to kill him by a cut his neck with a knife gesture are contrary to FA Rule E3(1), moreover, that his language/behaviour towards the Match Official was threatening and/or abusive...” (sic)

All the above charges had been raised following alleged misconduct by Mr. Retschulte, a player with FC Sunbury First (Sunbury) during the match between Sunbury and Lpossa First (Lpossa) played on Saturday 12th December 2020 in the Middlesex County Football league Saturday, The Jeff Nardin Division.

3. Middx FA received a misconduct report from the match referee, Mr. Grigorijs Zeigermahers, in which he said, *"...Player number 12 – John Jacob Retschulte from FC Sunbury (he is number 5 in team sheet) wasn't happy with my decision, showed his middle finger to me and I showed him a red card and calmly told him that he is not allowed to show this gesture to the referee, he went off the pitch and after a few seconds ran towards me jumped and powerfully licked me with his studs in the direction of my stomach (video included), thankfully to my reflex I moved my arm to my stomach and the kick was kicked to my arm...When we continued the game, after 10 minutes of this incident same player who was sent off number12...showed me the sign that he is going to kill me (cut my neck with a knife gesture). Because of the shock, I thought that everything is okay with my arm, and I felt almost no pain, but after a few hours whilst I am writing a report I am in pain...in my opinion there was a threat to my life and I was afraid,,,"* (sic)
4. As a result of that report Middx FA sought further information from Mr. Zeigermahers. He said that for a few hours after the match he had pain in his arm. He also provided a short video relating to the alleged incident, which assisted the Commission.
5. Middx FA raised the charges referred to in paragraph 2 above on 16th December 2020. Due to the seriousness of the assault charge Mr. Retschulte was also suspended from all football and football activities from that date pending it being dealt with by a Disciplinary Commission.
6. On line responses in respect of all charges were received from Mr. Retschulte which stated *"accept – correspondence"* indicating he accepted the higher "assault" charge and was content for the matters to be dealt with in his absence.
7. A further written response was provided by the Sunbury secretary, Ms. Shelley-Anne Leftwich in which she said, *"...During the first half a tackle was made against LPOSSA player and the referee gave a foul against Jacob of FC Sunbury in which we all felt was not a freekick, however the referee took offence when Jacob put a hand gesture towards him. The referee clearly took offence to this and issued a red card which we all felt should have been a sin bin offence, Jacob left the field of play but turned to confront the referee on his decision he was pulled back by FC Sunbury players as he felt the decision was unjust, whilst being pulled back a few remarks were made it was not seen that a kick had been made in the direction of the referee or any contact was made. Jacob was removed from the field of play, at half time Jacob approached the referee and apologised for his behaviour, in which the referee and himself shook hands...Whilst I appreciate Jacobs actions was not professional he is one of the most gentlest and kindest players within the team..."* (sic)

8. The foregoing is a summary of the principal submissions provided to the Commission. 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 when the members determined the matter. For the avoidance of doubt, the Commission carefully considered all the evidence and materials furnished with regard to this case.
9. As Mr. Retschulte had accepted both the “assault” charge and the separate “threatening behaviour” charge, the Commission was only concerned with determining the sanctions to be imposed. For clarity it should be noted however that, after considering all the evidence, the Commission was content to accept both the pleas entered by him. Due to his acceptance of the higher “assault” charge the alternative, lesser charge was not considered. Due to the nature of the injury caused to the referee, it also determined that the assault fell within the “low” category of offence.
10. Mr. Retschulte’s disciplinary record over the last 5 years was then considered, which showed no previous recorded misconduct.
11. Reference was then made to paragraphs 96, 101 and 102 of Part D, Section Three of the FA’s Disciplinary Regulations and the Disciplinary Sanctions Guidelines issued by the FA in coming to its decision. It was noted that the recommended sanction for a “low” category assault was a 5 year suspension from all football and football activity and that suspension was also the mandatory minimum sanction for such an assault. The recommended sanction for the “threatening behaviour” matter was a suspension from all football activity for 112 days/12 matches plus a fine of up to £100 with a mandatory minimum sanction of 56 days/6 matches and a £50 fine. It was noted that Mr. Retschulte had been suspended since 16th December 2020.
12. The Commission considered if there were any mitigating or additional aggravating factors in respect of the matter. It found no mitigating factors. It found additional aggravating factors in the nature of the assault, that no remorse had been shown by him and he had not offered any apology for his actions.

13. It was determined that the following sanction be imposed on Mr. Retschulte::-

Case ID: 10328073M (assault charge)

- a suspension for a period of 5 years from all football and football activity. That sporting sanction is to start from 16th December 2020;
- 10 disciplinary penalty points imposed on FC Sunbury;

Case ID: 10328279M (threatening behaviour charge)

- a suspension for a period of 56 days from all football and football activity. That sporting sanction is to be served after the end of the 5 year suspension above;
- a fine of £50;
- 7 disciplinary penalty points imposed on FC Sunbury.

14. There is a right of appeal against all these decisions in accordance with the relevant provisions set out in the Rules and Regulations of the Football Association.

T. Edwards, Chairman

28th December 2020