

DISCIPLINARY COMMISSION

Sitting on behalf of the Norfolk County Football Association

IN THE MATTER OF A NON-PERSONAL HEARING

of

**MR MICHAEL MORAN
OF MATTISHALL FC**

THE COMMISSION'S DECISION AND REASONS

BACKGROUND & HEARING

1. The Disciplinary Commission ("the Commission") convened on Tuesday 29th January 2019 by way of a non-personal hearing. The Commission adjudicated in respect of charges brought by Norfolk County FA against Mr Michael Moran as a result of alleged misconduct in a match between Mattishall FC and Acle United FC on Saturday 10th November 2018.

THE COMMISSION

2. The members appointed to the Commission were:
 - i) Mr Shaun Turner (Independent Chairman)
 - ii) Mrs Raffi Coverdale (Independent Member)
 - iii) Mr Mick Utting (Norfolk County FA Council Member)
3. Mr Matt Carpenter (Norfolk County FA) assisted the Commission as Secretary.

THE CHARGE(S)

4. Norfolk County FA charged Mr Michael Moran as follows:
 - i) Breach of FA Rule E3 – Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour)

and with an alternate charge of:

ii) Breach of FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive behaviour)

which would only be considered in the event of charge i) being found not proven.

5. The particulars of the charge against Mr Michael Moran are that *“it is alleged that in or around the 88th minute, he entered the field of play and confronted the referee extremely aggressively. It is further alleged that he called the referee a wanker, said he would get battered and batter him if he were to enter the bar after the game, his decision was fucking shit, had a shit game and was fucking useless before he pushed the referee which led to his dismissal from the technical area.”*

THE REPLY

6. Mr Michael Moran accepted the charge and confirmed he was content for the matter to be heard in his absence by correspondence.

THE RULES

7. Pursuant to the FA Handbook 2018-19 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

8. In this instance the burden of proof is on the County. The applicable standard of proof is the civil standard of the balance of probability. The balance of probability standard means that the Commission is satisfied an event was more likely than not. Therefore, if the evidence is such that the Commission can say “we find it more probable than not” the burden is discharged, but if the probabilities are equal it is not.

THE EVIDENCE

9. The following is a summary of the principal evidence and submissions provided to the Commission. It does not purport to contain reference to all the evidence and

submissions; however, the absence in these reasons of any particular point, evidence or submission, should not imply that the Commission did not take such point, evidence or submission into consideration when the Members determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case.

10. The documents before the Commission comprised of:
 - i. The Referee's Report
 - ii. An email from the Referee dated 1st December 2018
 - iii. A report from Assistant Referee Kiran Verma
 - iv. Emails from Assistant Referee Kiran Verma dated 15th November 2018 and 21st November 2018
 - v. An email from Assistant Referee Jaden Lister dated 21st November 2018
 - vi. A screenshot of Mr Michael Moran's response to the Charge
 - vii. A statement from Mr Michael Moran dated 19th December 2018
 - viii. An email from Mr Edward Dalton, Secretary of Mattishall FC, dated 29th January 2019

11. The Referee's report indicated that *'Towards the end of the game, roughly the 88th minute Mattishall are on the attack and feel they should have had a penalty. I didn't feel this way, so I turned away their appeals and awarded a throw in to Mattishall.*

As I have awarded the throw in, Michael Moran, manager for Mattishall on Saturday has taken it upon himself to enter the field of play and confront me extremely aggressively. Michael is telling me that I am a 'wanker' and threatened me by saying that if I was to enter the bar after the game, I would get 'battered' and he would 'batter me'.

As Michael is confronting me, there are some Mattishall players between us trying to get in the way of him. However, this did not stop Michael as he reached over the players and pushed me in the chest. Once he had done this the players actively got him away and I dismissed him from the dugout.'

12. On 21st November, Mr Matt Lemmon of Norfolk County FA sent an email to the Referee asking him to provide further details with regards to the physical contact

made with the Referee by Mr Michael Moran.

The Referee responded on 1st December, stating:

'The level of aggression in the push was high due to the nature of his behaviour, he was very aggressive towards me making a large number of threats to me verbally. After being separated from me by team mates, he has reached over their shoulder and pushed me with one hand on the chest. It didn't cause me to lose balance or take a step back, but it made my body slightly rotate...

...this shows how forceful the push was, it wasn't enough to push me over or cause me to lose balance but aggressive enough to rotate my torso.

In regards to any other information, his general behaviour was appalling. Threatening to beat me up in the bar after the game and using foul and abusive language towards me. He was forced by the team captain to come and shake my hand at the end of the game, however this did not feel genuine.'

13. The report from Assistant Referee Mr Kiran Verma stated that:

'Towards the end of the second half, the referee did not award a penalty to Mattishall. This sparked an incident in which a member of the Mattishall management team came on to the field of play and verbally abused the referee for not awarding the decision. The referee therefore dismissed them from the dugout for foul and abusive language and away from the field of play.'

14. On 15th November, Mr Matt Lemmon of Norfolk County FA sent an email to Mr Kiran Verma asking him to provide further details with regards to the language used by Mr Michael Moran during the incident.

Mr Kiran Verma responded on 16th November, stating:

*'From what I can recall, the man who was dismissed was telling the referee that his decision was f*****g s**t, that he had had a s**t game and he was f*****g useless.*

He probably said more but there was a lot going on and it is hard to recall. I also

recall the very angry manner in which he stormed on to the pitch and showing a clear disrespect towards the referee.'

15. On 21st November, Mr Matt Lemmon of Norfolk County FA sent a further email to Mr Kiran Verma asking whether he had witnessed a physical altercation between the referee and Mr Michael Moran.

Mr Kiran Verma responded the same day stating that he *'personally did not witness any physical altercation. Only the verbal abuse.'*

16. On 21st November, Mr Matt Lemmon of Norfolk County FA sent an email to Assistant Referee Mr Jaden Lister asking whether he had witnessed a physical altercation between the referee and Mr Michael Moran.

Mr Jaden Lister responded the same day stating *"I saw the manager come over but due to players blocking my view I couldn't see anything else."*

17. Including in the case papers was a screenshot confirming the Mattishall FC had responded to the charge on the Whole Game System on 19th December 2018, accepting the charge and asking for the matter to be dealt with by a Correspondence Hearing.

18. Due to the fact that there was both a charge and an alternative charge relating to this case, the Commission was provided with a copy of a further email exchange between Mr Matt Lemmon of Norfolk County FA and Mr Edward Dalton of Mattishall FC confirming that Mr Michael Moran had said *"he had no other option but to plead guilty to all elements of the charge and apologise for his behaviour."*

19. It was therefore accepted by the Commission that Mr Michael Moran had accepted the more serious charge of physical contact with a Match Official.

20. In response to the charge Mr Michael Moran had submitted a brief typed response:

"I am writing to apologize (sic) for my behaviour in the match v Acle. I was completely out of order and lost control of my emotion. I have been warned by the club that this behaviour will not be tolerated and I intend to take this onboard."

Please convey my apologies to the officials and I will accept the findings of the Commission.”

FINDINGS

21. The Commission studied the evidence very carefully, being conscious of the burden and standard of proof. The Members noted that Mr Michael Moran had responded by accepting the charge.
22. The Commission reminded themselves that for the charge to be proven, on the balance of probabilities, the following must be taken into consideration:
 - i) Did Mr Michael Moran act as reported?
 - ii) Did this conduct amount to a breach of FA Rule E3?
23. The Commission first considered the alleged actions of Mr Michael Moran and noted that he had accepted the charge in its entirety.
24. The Commission further considered the reports submitted by the Match Referee, the Assistant Referees and the response by Mr Michael Moran. It was noted that whilst neither Assistant Referee had directly witnessed any physical contact between Mr Michael Moran and the Referee, Mr Kiran Verma had made reference to the “very angry manner in which he stormed on to the pitch”. It was further noted that the Referee had provided a very clear account of the nature of the incident, including a detailed description of the physical contact and this was a version of events that the Commission found to be credible.
25. For these reasons, along with the admission of Mr Michael Moran, the Commission found it more likely than not that Mr Michael Moran did commit an act of physical contact on the Match Referee.
26. Furthermore the Commission considered the accounts of the Referee and Assistant Referee Mr Kiran Verma relating to the threatening and abusive language and behaviour of Mr Michael Moran during the incident and also found this to be a credible version of events.
27. In summary, the Commission unanimously found charge i) of Improper Conduct against a Match Official (including physical contact and threatening and/or abusive

language/behaviour) against Mr Michael Moran to be proved.

28. As result of charge i) being found proven, the Commission therefore did not need to consider charge ii).

PREVIOUS DISCIPLINARY RECORD

29. The Secretary confirmed Mr Michael Moran's previous record which included 2 proven misconduct cases:
 - i. Improper Conduct against a Match Official (including abusive language / behaviour) from February 2015, for which he received a £40 fine.
 - ii. Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour) from October 2016, for which he received a 182 day suspension and a £120 fine.

SANCTION

30. The Commission carefully considered all the relevant FA Rules and the Sanction Guidelines issued by The FA.
31. The Commission found this to be completely unacceptable behaviour towards a Match Official, with a combination of both physical contact and abusive and threatening language and behaviour.
32. The Commission noted that the Sanction Guidelines for an offence of this type is a recommended suspension of 182 days and a fine of up to £150. Albeit this is only a guideline and the commission can deviate from this recommended sanction depending on aggravating / mitigating factors.
33. In considering the sanction to impose, the Commission took into account the fact that this had been an intense and unprovoked incident that included Mr Michael Moran pushing the Match Official and subjecting him to threatening and abusive language and behaviour that only ended when he was moved away from the Referee by players of Mattishall FC.
34. The Commission also considered that Mr Michael Moran had previously been suspended for a significant period for a proven case of Physical Contact against a

Match Official as recently as October 2016, so clearly hadn't learnt from his previous transgression.

35. Finally, the Commission also considered the submissions, admissions and apology by Mr Michael Moran, who had accepted that he was "completely out of order" and would "accept the findings of the Commission".
36. Taking all of the circumstances into account and remembering the recommended sanction guideline for this offence, the Commission unanimously decide to impose the following sanction:
 - i. Mr Michael Moran is suspended for 231 days. The Commission noted that as a result of this charge, Mr Michael Moran had been suspended since 13th December 2018 and confirmed that the time already served would be included in the 231 days suspension.
 - ii. Mr Michael Moran is fined £200.
 - iii. Mattishall FC to receive 10 Penalty Points on their Club Disciplinary Record.

APPEAL

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

Shaun Turner (Chair)

Raffi Coverdale

Mick Utting

2nd February 2019