

**IN THE MATTER OF
OXFORDSHIRE FOOTBALL ASSOCIATION**

-v-

**SAMUEL ELKINS
(CASE REFERENCE 11278429M)**

AND

**PETER OSBORNE
(CASE REFERENCE 11278443M)**

AND

**JAMIE ZOLDAN
(CASE REFERENCES 11278461M AND 11278471)**

AND

**JAMIE BUTT
(CASE REFERENCE 11278469M)**

**REASONS FOR DISCIPLINARY COMMISSION DECISIONS
THURSDAY 20th JULY 2023**

INTRODUCTION

1. These are written reasons for the findings of a consolidated Disciplinary Commission ('the Commission'), held on behalf of Oxfordshire FA (OFA) on Thursday 20th July 2023. The Commission met by video conference (Microsoft Teams) to consider misconduct charges arising from a fixture ('the game/match'), between Milton United (Milton) and Clanfield 85 (Clanfield), in a Step 6 semi-final play-off match on Tuesday 25th April 2023.

Comment: in accordance with FA Regulations (The FA Handbook Season 2022-2023, Chapter 11, Part A, Paragraph 13), because the alleged offences were sufficiently linked and there is common evidence, all charges were considered by the same disciplinary panel.

PARTIES

2. The Commission members were Anthony Rock (Chair), Kristian Jones and Anita Poulman, all members of the FA's National Serious Case Panel.

3. Debs Sowton, a member of the FA's National Secretaries Panel, acted as Secretary to the Commission.

MISCONDUCT CHARGE NOTIFICATIONS

4. By OFA Misconduct Charge Notifications (five in total), all dated 26th May 2023, the following charges were raised against Clanfield players and officials:
- a. **Charge (Samuel Elkins)** - FA Rule E3 - Improper Conduct against a Match Official (including abusive language/behaviour).
 - b. **Charge (Peter Osborne)** - FA Rule E3 - Improper Conduct against a Match Official (including abusive language/behaviour).
 - c. **Charge (Jamie Butt)** - FA Rule E3 - Improper Conduct (not including threatening and/or abusive language/behaviour).
 - d. **Charge 1 (Jamie Zoldan)** - FA Rule E3 - Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour).
 - e. **Charge 2 (Jamie Zoldan)** - FA Rule E3 - Improper Conduct against a Match Official (including abusive language/behaviour).

FA RULE E3

5. The relevant section of FA Rule E3 (The FA Handbook Season 2022-2023, Chapter 10, Part E) states:

E3.1: 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.

Comment: The Commission noted that written reasons are required where there is an aggravated element to the charge, or for any serious case involving an assault, or physical contact or threatening behaviour towards the Match Officials or for any personal hearing involving assault by participant on participant. In the above cases this would only apply to the first charge against Jamie Zoldan (JZ). On that basis, and for the sake of clarification, no further reference is made in these written reasons to the charges against Samuel Elkins, Peter Osborne or Jamie Butt. If required, findings in those three cases can be obtained from OFA. Of note, Samuel Elkins and Peter Osborne pleaded guilty to the charges

against them. Jamie Butt pleaded guilty and asked for the opportunity to present a plea for leniency. That plea was heard by the Commission immediately prior to JZ's personal hearing.

Whilst these written reasons will focus on Charge 1 against JZ (threatening and/or abusive language/behaviour), they will also include the findings in regard to Charge 2 (comments he posted on social media).

BASIS OF THE CHARGES AGAINST JZ

6. **Charge 1:** it is alleged that, after the match, JZ had to be forcibly restrained in the changing room door preventing him getting out to confront the Match Official. It is further alleged that JZ shouted verbal abuse and made threats to harm the Match Official. This included the allegation that when leaving and walking out of the changing room, he made yet more threats to the Match Official that "*your time will come*", or similar.
7. **Charge 2:** it is alleged that, after the match, JZ sent a series of Tweets which contained abusive language against the Match Official.

PLEAS

8. On 22nd June 2023, JZ pleaded not guilty to Charge 1 and requested a personal hearing. On the same day he pleaded guilty to Charge 2 and requested that the charge be considered based on the correspondence submitted.

WRITTEN EVIDENCE

9. The written evidence available to the Commission consisted of:
 - a. Reports from the three Match Officials: Referee (Craig Davenport) and the two Assistant Referees (Simeone Stoodley and Coby Woodley).
 - b. Screenshots of social media comments/Tweets posted by Samuel Elkins and JZ.
 - c. Various e-mail exchanges dated 28th April, 11th May, 12th May and 8th June 2023, between Andrew Evans (OFA) and Peter Osborne (Secretary/Chairman of Clanfield).
 - d. Four video recordings showing footage from the match.
 - e. Character references for Peter Osborne submitted by Ralph Davies and Trevor Cuss.
 - f. Further e-mail exchanges dated 26th June 2023 between Andrew Evans and Peter Osborne.
 - g. Match report from various individuals and organisations: Daniel Barry, OxOnFootball, Aleck Everard and Brad Chalmers.
 - h. Character reference for Jamie Butt submitted by Andy Lyne (Director of Football, Clanfield).

- i. FA Whole Game System screenshots detailing the submissions to each charge against players and officials from Clanfield.
- j. OFA Misconduct Charge Notifications (five in total) all dated 26th May 2023.

VERBAL EVIDENCE IN SUPPORT OF CHARGE 1 AGAINST JZ

10. We first heard evidence from the Referee, Craig Davenport.

- a. The Referee said he is now a L3 Match Official. At the time of the game he was a L4. He has no official relationship with either club and was appointed to the game by the Hellenic League Appointment's Officer. At the end of the game, whilst still on the pitch, JZ and a number of Clanfield players approached him and made offensive/abusive comments. Those comments included accusations that the Referee *'is a cheat, after 38 games he had cheated them out of it, won't make it home and things like that'*. The players never accused him of being corrupt. JZ was making most of the comments, but not all of them. The Referee let the comments go and took no action. On three occasions he asked JZ to go away, but he wouldn't. Later, when JZ continued to give him abuse in the changing room, he decided to give him a red card. For fear of inflaming/antagonising the situation, he didn't physically show the player a red card, but included the details in the match record card. The Commission noted that the Referee reported the offence as violent conduct (standard sending off) for which JZ was sanctioned to a 3-match suspension and fine of £40.
- b. As the Match Officials walked down the narrow corridor to their changing room, they were met with more abuse and similar offensive comments from the Clanfield players, including JZ. The Match Officials went into their changing room and closed the door. There was a lot of noise and banging, and the Referee thought that someone was kicking their door. He continued to hear comments from the Clanfield players about how they felt cheated. He didn't know who was making those comments. The Referee said he felt disheartened by the comments and thought the players had an alternative agenda.
- c. After a few minutes the Referee heard his wife in the corridor. As he opened the changing room door to investigate, he saw the Clanfield Chairman, Peter Osborne, standing just outside. He walked past Peter Osborne and spoke with his wife. JZ was standing near to the door on his left, the Clanfield changing room. He was being held back by the Clanfield Manager, Jamie Butt. The Manager didn't physically have hold of JZ, but had his arms out in front of him, blocking JZ's attempts to leave the changing room. JZ was pushing the Manager, trying to get out.
- d. JZ made more abusive threats to harm him. The Referee recalled that JZ's go to line was

'your time will come'. JZ was very angry and trying to get at the Referee as he spoke with his wife. The time between the end of the match and talking with his wife in the corridor was about 10-15 minutes. The Referee told his wife that he was OK and to take the kids and wait for him in the car. He then returned to his changing room. Dee, from Milton, paid them in the changing room and asked if they were going into the bar after the game. The Match Officials declined her offer. As they finally left the changing room to make their way to the car park, the Referee was subjected to more abusive comments from JZ, including more threats about how *'my time would come'*.

- e. When asked by the Commission about the whole experience, the Referee said it had been a very high tempo game. At the end he felt upset and a little bit in fear for his safety. Whilst, initially JZ may have appeared calm and in control, in the changing room corridor he was a little threatening and continuing to use the phrase, *'your time will come'*.
- f. When questioned by JZ during the hearing, the Referee said he was not aware of who had made the video recording of Peter Osborne (part of the written evidence at paragraph 9d above) and certainly didn't know if his wife had submitted any video evidence. The Referee confirmed that he thought JZ's initial comments at the end of the game were made in frustration and so he chose to ignore them. When JZ then made further offensive comments in the changing rooms, the Referee thought that he had overstepped the mark and so subsequently issued a red card. The Referee refuted any suggestion by JZ that he, JZ, had left the changing room to diffuse the situation with his wife and children. The Referee also stated that JZ made the comments about the number of games they had played and how they were now being cheated. Those comment were said both on the pitch at the end of the penalty shoot-out and again later in the changing rooms.

11. We next heard evidence from one of the Assistant Referees, Simeon Stoodley.

- a. The Assistant said he is a L4 Match Official and was appointed to the game by the Hellenic League. He couldn't remember exactly where Jamie Butt or JZ were at the end of the game, but players from both sides approached the Match Officials. He didn't recall hearing any of them make offensive or abusive comments. After a couple of minutes the Match Officials left the pitch and returned to their changing room.
- b. As they walked through the corridor, past the home and away changing rooms, he heard JZ say, *'38 weeks and we have been cheated out of it'*. He knew it was JZ who made the comment because he was able to identify him by his yellow goalkeeper's strip. He couldn't remember exactly where JZ was at the time, but thought that he was sat down next to another player. However, he wasn't certain of that. He didn't recall JZ having to

be held back, but again he couldn't be sure that was the case.

- c. The Match Officials went into their changing room and shut the door. Simeon heard more abusive comments about being cheated out of the game and recognised JZ's voice as the person making those comments. All three Match Officials were aware of the immediate environment and the commotion that was going on outside in the corridor. There was banging on their door. He personally was not thin skinned so probably expected something like that to happen. The Assistant couldn't remember if their changing room had a lock but he didn't feel unsafe or in danger of being beaten up. He felt able to manage the situation and to deal with it. He accepted that, as the Clanfield changing room was sufficiently close to theirs, it was plausible that the Match Officials would have heard any comments made by the Clanfield players.
- d. After about 3-5 minutes he heard a ladies' voice in the corridor. The Referee told them that he thought it was his wife in the corridor and that he would go out and see. He directed them to stay in the changing room. He didn't know if the Referee took anything with him to give to his wife. As the Referee opened the door, the Assistant could see Peter Osborne in the doorway with his back to the door, barricading people from getting to the Match Official's changing room. Peter Osborne was not trying to break in. The Assistant thanked Peter for what he was doing. Because the door was closed and the Match Officials couldn't see what was going on in the corridor, he thought it would be pure speculation to suggest that Peter had to stop any players getting to the Match Officials or had to move people away from the door. The Assistant had no idea if JZ was trying to get into the Match Official's changing room. He did not see JZ or Jamie Butt, they were not in the corridor. He also didn't recall seeing anyone else. He didn't hear anymore comments about the 38 weeks and being cheated, and didn't hear any threats to the Match Officials. Whilst there was still a lot of swearing going on, within the context of the game neither he nor the other Assistant Referee, Coby Woodley, felt the comments were aimed at them. The two sets of players were very civil to each other, particularly in the centre circle during the penalty shoot-out. In regard to JZ's overall demeanour, the Assistant said he thought JZ was distressed and physically upset.
- e. All three Match Officials finally left together. There may have been a few players left in the changing rooms, but he couldn't remember. He also couldn't remember if any further comments were made to them as they left. In regard to his own general feelings during the period between the final whistle and leaving the car park, the Assistant said he was initially anxious and the anxiety heightened as they entered the changing room corridor. In his head he kept saying to himself, be professional and keep the senses up. It was

uncomfortable and he knew the atmosphere was against the Match Officials. He personally felt apprehensive, but not unsafe. It was definitely not a normal game but he was not surprised by the player's reactions at the end. Certain incidents during the game were lodged in this mind and he wouldn't forget them.

- f. On their way home he and Coby discussed what had happened. He said to Coby that they should report what they remembered and not their opinion of what happened. This was the first time in his refereeing career that he had been asked or required to submit a report. When home, he spoke to his wife about the mad events. Overall, there were some blurry bits but he didn't feel threatened. The one comment he will remember is in regard to the 38 weeks and how Clanfield felt cheated. He wasn't aware that the Referee had given JZ a red card.

12. In support of the charge, we lastly heard evidence from the second Assistant, Coby Woodley.

- a. The second Assistant said he is a L4 Match Official and was appointed to the game by the Hellenic League. He was so focussed on providing support to the other officials that he didn't really remember what happened on the pitch at the end of the penalty shoot-out. Nothing was said to him directly. As the Match Officials walked into the corridor, they had to pass by the home and away team changing rooms. The Referee was in front, followed by Simeon and then himself. The Assistant said his focus was on getting to their changing room. No comments were aimed at him directly, but he did remember JZ being aggressive towards the Referee. JZ was angry and made several comments but he couldn't remember exactly what he said. At the time, JZ was stood just inside his own changing room. He thought there were 5 or 6 Clanfield teammates having to hold him back. JZ didn't leave the changing room.
- b. The Assistant said the commotion in the changing room area went on for about 10 minutes. He did hear a number of Clanfield players saying that the Referee was a cheat, but he didn't know who said it. The Referee did leave their changing room to speak to his wife in the corridor. As the Referee opened the changing room door to leave, the Assistant could see Peter Osborne standing in front of their door, with his arms across the doorway. The Referee had to pass by him to get out, but the Assistant didn't remember if the Referee had to physically push past him. Peter said to the Assistant that he was preventing their goalkeeper from getting into the Match Official's changing room.
- c. The Match Officials spent about 20 minutes in their own changing room. The Assistant said this was probably less time than he would normally spend. He left the changing room area with the other Assistant, Simeon Stoodley, and they went straight to the car park. As

they left the changing room, he thought the Referee was just ahead of them, but he didn't really remember. He didn't recall hearing any abusive or offensive comments as they left. The next thing he remembered was shaking hands with the Referee in the car park. He then drove home with Simeon.

- d. When asked how he felt about the whole experience, the Assistant said he wasn't overly worried and was more focussed on getting changed than what was going on in the corridor. The commotion was unusual and he had never experienced that sort of atmosphere at a game before. He wasn't aware that JZ had been shown a red card and didn't remember if the Referee had mentioned it to him.

VERBAL EVIDENCE IN DEFENCE OF CHARGE 1 AGAINST JZ

13. In defence of the charge we first heard evidence from the Participant charged, JZ.

- a. JZ said the whole experience was hugely frustrating. The Referee was one of the worst officials he'd come across. After Clanfield's third goal to go 3-2 up, all 50/50s went to Milton. There were three big decisions which went against his team. Everyone was upset. It had been a long season, with lots of travel. At the end of the penalty shoot-out, the Referee walked towards him. JZ said he didn't speak or approach the Referee and left the pitch.
- b. JZ said he was in his own changing room for about 3-4 minutes before the Referee walked down the corridor. He felt very frustrated that the Referee had let them down. There was about 20 people in the Clanfield changing room and many of them were saying things to and about the Referee. He wondered why he had been singled out by the Referee. He felt that it was probably due to the fact that he was in bright yellow and, as a result, stood out. He was surprised that none of his teammates were in a similar position of being charged. Other people were stood in the entrance to the Clanfield changing room and he didn't see the Referee go past. He had no visual or verbal contact with the Referee. JZ said that, in the changing room, he may have made comments about the Referee but none of them were said directly to any of the Match Officials. He admitted making a comment about the 38 games and how his team had been cheated. He didn't see the Referee until later in the corridor, when he, JZ, spoke with the Referee's wife.
- c. He didn't see or hear anyone banging on the Referee's changing room door. He did note that Peter Osborne was stood in a position to hear Clanfield players into their own changing room, away from the Match Official's doorway. It was an abnormal situation and Peter was probably concerned about his own player's reactions. There was a lot of commotion, players were swearing and making comments, and water bottles and other

things were being thrown about in frustration.

- d. After 5-10 minutes, JZ said he heard children's voices in the corridor. He went outside to investigate. There was a woman and children in the corridor. JZ said he remained very calm and told her that it was inappropriate for her to be there and asked her to leave. The woman said she had a video recording of the Clanfield Chairman. That video subsequently appeared all over Twitter. The woman, the Referee's wife, aggravated the situation. She should not have been in the changing room area. JZ said it was a shame she was not giving evidence. He said that he was diffusing the situation with the Referee's wife, and at no point was he aggressive or insulting. He did not see or speak to the Referee again.
- e. JZ said that he never threatened to harm anyone and had no history of violence. It was upsetting that the Referee had accused him of making threats. He again stated that he didn't know why he had been singled out by the Referee. By the time he had showered and gone to the bar with his dad, he had calmed down. But the whole experience was upsetting and emotional. He admitted re-tweeting something on social media and uploading a photo of the Referee.

14. We next heard evidence from the Clanfield Manager, Jamie Butt.

- a. Jamie said that he had been sent off during the game and at the final whistle was stood in the tunnel area. He went onto the pitch to shake hands with the Match Officials who were stood in the centre circle. Some of the players had already gone into the changing room. He was not fixed on JZ so didn't see him leave the pitch. He didn't see JZ approach the Referee on the pitch but accepted that he could have done. Jamie said he personally was last into the Clanfield changing room and believed that JZ and all his players were already in there.
- b. About 2 minutes later the Match Officials entered the very tight tunnel area. As they walked past the Clanfield changing room, a number of players, who were already off their seats, moved towards the door to engage with them. It was possible that JZ was one of those players. He didn't remember if JZ had taken his yellow shirt off by that time. As a precaution and so that no players could get to the Match Officials, Peter Osborne positioned himself by the Referee's door. Jamie said to Peter Osborne that he would stand just inside the entrance to the Clanfield changing room. In hindsight, Jamie said that he should have just gone into the Clanfield changing room and closed the door.
- c. There was banging inside the Clanfield changing room but none of his players were banging or kicking the door to the Match Official's changing room. His players were

making comments, including some about the 38 league games and how they had been cheated, but none of those comments were directed at the Match Officials. Some of his players were swearing but the comments were not offensive or abusive. He said the changing rooms are very close together and at the time there was a lot of noise, including loud music from the Milton changing room.

- d. Jamie said he was stood just outside the Clanfield changing room when the Referee's wife appeared in the tunnel area. The wife, who had children with her, made a number of comments about how she had video evidence on film. Her comments included use of the 'C' word. Jamie asked her what she was doing. A number of Clanfield players then went to the changing room door to see what was happening. JZ, who was one of those players, saw that she had children with her and told the other players to calm down and shut up. Jamie didn't think JZ spoke directly to the wife. The Referee then came out of his changing room on his own. Jamie didn't see the other two Match Officials. At that point, Jamie went into the Clanfield changing room, closing the door behind him. That left only Peter Osborne, the Referee and his wife in the corridor. He didn't know if Peter Osborne then spoke to any of the Match Officials or to the Referee's wife.

15. We next heard evidence from the Clanfield player and captain, Cameron (Cam) Pirie.

- a. Cam said that he couldn't remember who shook hands with the Match Officials at the end of the game. He and JZ were the first two players to return to the Clanfield changing room. It took a while for everyone to return to the changing room and sit down. It had been a very frustrating night and his team were on the wrong end of a few decisions. It took a while for everyone to calm down. There was a lot of shouting and banging in the changing room, but no one was banging on the Referee's door. There was a lot of bad language and his players were in shock. He didn't hear JZ say anything, either directly or indirectly, to the Match Officials. Cam couldn't remember any specific comments.
- b. Cam didn't recall seeing Jamie Butt inside the changing room, and assumed that he must have been outside in the corridor. Cam said the away team changing room door was broken and had been since they played at Milton earlier in the season. They weren't able to close the door. When the Referee's wife appeared, Cam thought that JZ must have been stood by the Clanfield changing room as he told all the players that they should calm down as children were present. Cam assumed that JZ had seen the wife and children in the corridor, or at least had heard their voices. He didn't see JZ speak to the wife and didn't hear anything that was said in the corridor. Cam thought the Referee must have escorted his wife out of the changing room area. He didn't see the Referee or any of the other Match

Officials finally leave.

16. In defence of the charge, we lastly heard evidence from the Clanfield Secretary/Chairman, Peter Osborne.

- a. At the end of the penalty shoot-out, Peter said he was stood about 5 metres from the halfway line, on the opposite side to the dugouts. He went straight into the changing room without speaking to the Match Officials. He was the first person in the changing room and met a couple of Clanfield players as they returned. He left the changing room when he heard a commotion in the corridor. There were a number of players in the corridor, including some from Milton. It was all very tight and looked really busy. The Match Officials were moving towards their own room. Peter said he started to usher players into the changing room. He didn't think JZ was already in there and thought he was still outside making his way back. The Manager, Jamie Butt, also returned a little while later. There was no mass return of the players in one group, they were spaced out.
- b. Peter said emotions were running high and he wanted to make sure his players went into their own changing room. None of his players were kicking or banging on the Referee's door. To do so, they would have needed to go past him, and none of them did. The Manager was also helping to usher players into the changing room. There was a lot of shouting and noise from both sets of players. There was no bad language being used by any of his players, they were just shouting. He couldn't remember any specific comments. The Manager then went into the changing room to debrief the players. Peter remained by the Referee's door to ensure that none of his players approached the Referee's changing room. None of the players had to be restrained. Peter didn't remember saying anything to Jamie Butt and didn't recall any of his players coming back out of their changing room.
- c. In dribs and drabs they started to pick up the kit. By this time it was nearly 11pm. Peter said he didn't speak to the Referee's wife in the corridor, and didn't see or hear JZ speak to the wife. He didn't recall the wife making any comments to either himself or anyone else. As the Referee left his changing room to talk to his wife, Peter allowed him past. Peter didn't speak to either the Referee or his two Assistants.

CLOSING SUBMISSION BY JZ

17. In a brief closing submission, JZ said there was a lot going on and he didn't know why the Referee had singled him out. Other people should also have been charged.

SUMMARY OF EVIDENCE

18. The following is a summary of both the verbal and written evidence provided. 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 we did not take such point or submission into consideration. For the record, no written statements or observations were submitted by the Clanfield players or officials.

19. The Referee said that on the pitch, at the end of the penalty shoot-out, he was approached by a number of Clanfield players, including JZ. JZ made some abusive and offensive comments, including calling the Referee a cheat. On three occasions the Referee asked JZ to go away, but he wouldn't. The two Assistant Referees didn't remember where JZ or Jamie Butt were at the end of the game, and did not recall hearing any abusive or offensive comments from the Clanfield players. As the Referee entered the changing room area, Clanfield players, including JZ, made further abusive comments. One of the Assistant Referees, Simeon Stoodley, said that he heard JZ make a comment about 38 weeks and being cheated out of it. He recognised JZ by his yellow goalkeepers shirt. He didn't recall JZ having to be held back. The other Assistant Referee, Coby Woodley, said that as they walked down the corridor back to their changing room, JZ was being very aggressive towards the Referee. He couldn't remember exactly what JZ said, but thought that he was having to be held back by a number of players.
20. Once in their changing room, Simeon Stoodley said he heard further abusive comments about 38 weeks and being cheated. He recognised the person's voice as that of JZ. Cody Woodley reported hearing comments about the Referee being a cheat, but was not able to say who made those comments. Having left the changing room to speak with his wife, the Referee reported that he was subjected to more verbal abuse from JZ, which included JZ's go to comment, '*your time will come*'. JZ was being stopped from leaving his changing room by Jamie Butt, the Clanfield Manager. The two Assistants were not in a position to see or hear what comments were made in the corridor by any of the parties involved, but they did report seeing Peter Osborne in the doorway. Coby Woodley said Peter informed him that he was preventing his goalkeeper (JZ) from entering the Referee's changing room.
21. When finally leaving the changing room area, the Referee reports that he was subjected to further verbal abuse from JZ, which again included the comment, '*your time will come*'. The two Assistant Referees could not remember leaving the changing room and did not report hearing any comments as they left. All three Match Officials thought that JZ was in an angry and emotional state after losing the penalty shoot-out. Whilst they didn't feel particularly threatened by him, his behaviour and language were abusive.
22. JZ said that he did not speak to, or approach the Referee at the end of the game. Whilst in the changing room he may have made comments about the Referee, but those comments were not

directed at the Referee, or any of the Match Officials. He admitted making comments about the 38 games and being cheated by the Referee. When the Referee's wife entered the corridor, JZ said he spoke to her and asked her what she was doing. He told his own teammates to calm down as there were children present. He acted calmly to diffuse the situation. Any suggestion that he made violent threats to the Referee were simply not true and at no time did he have to be restrained or held back from leaving the changing room to confront the Referee. He did not see or speak with the Match Officials as they left the changing room area. He didn't understand why he was being singled out and accused of something which he did not do. He thought other players should have been subjected to disciplinary action as well.

23. Jamie Butt said he was the last person into the Clanfield changing room. As the Match Officials moved down the corridor, a number of his players, who were already stood up, moved towards the door to confront them. He thought JZ may have been one of those players. Players were making comments about 38 games and how they had been cheated. None of those comments were directed at the Match Officials. He saw and heard JZ talk to the Referee's wife. JZ was trying to calm things down. Jamie Butt said he did not speak with the Referee's wife but, as the Referee came out of his changing room, Jamie went into the Clanfield changing room with all his players and closed the door. That left only Peter Osborne, the Referee and his wife in the corridor.
24. Cam Pirie said that he and JZ were the first two players back in the changing room. All players were in shock and they were using bad language. It took a while for them to calm down. Their language/comments were not directed at the Match Officials and he did not hear JZ use any offensive or abusive language. He said that the away team dressing room door was broken and had been since their league game at Milton earlier in the season. They were unable to close the door. When the Referee's wife appeared in the corridor, JZ must have been stood by the changing room door. JZ told the players to calm down as children were present. He didn't see JZ speak to the Referee's wife and wasn't aware of any conversation that took place in the corridor. He didn't see the Match Officials finally leave the changing room area.
25. Peter Osborne said there was a commotion in the corridor at the end of the game. He ushered his players into the Clanfield changing room and went and stood by the Match Official's door to ensure that none of his players could get to the Match Officials. He didn't hear any bad language from his players. He thought both JZ and Jamie Butt were still outside making their way into the changing room area. He later said that Jamie Butt was helping him usher players into the changing room. He didn't see or hear JZ speak to the Referee's wife. The Referee left his changing room and walked past Peter to speak with his wife. Peter said he did not speak with the Referee as he left. He also did not speak to either of the Assistant Referees.

BURDEN OF PROOF

26. The burden of proof is on the County FA, meaning it is for OFA to prove the case to the appropriate standard. The applicable standard of proof in this case is the civil standard of the balance of probability. The balance of probability standard means that the Commission must be satisfied that the occurrence of an alleged event or events was more likely than not to have taken place.

FINDINGS/DECISION

27. The Commission reviewed the video evidence which showed what happened immediately the penalty-shoot out finished. It is clear that, in an act of frustration and/or petulance, JZ ‘booted’ a ball out of the ground. He is then seen walking towards and engaging with the Match Officials. The Referee appears to be gesturing for JZ to go away. Any suggestion by JZ that he did not approach the Referee after the game is not true. The Commission found the Referee to be a particularly credible witness. Whilst his version of events, from the time the game ended to when he left the ground, is not fully corroborated by his two Assistants, collectively they provided evidence that JZ made a number of abusive and offensive comments towards the Referee. Those comments were made on a number of occasions; as the Match Officials entered the corridor, once they were in their own changing room, when the Referee spoke with his wife and again when all three Match Officials left the ground.
28. Verbal evidence from the Clanfield witnesses regarding what happened in the changing room area after the game had finished was not consistent. Peter Osborne was not sure if JZ was already in the changing room when the Match Officials returned, whereas JZ, Jamie Butt and Cam Pirie all say that he was. Of note, JZ said that he did make comments about the 38 games and the Referee being a cheat, but that such comments were not directed at the Referee. Jamie Butt also states that he heard comments about 38 games and cheating, but couldn’t be sure who said them. Whilst the question of whether or not the away team changing room door could be closed is not of great significance, it brings further into question the reliability of the Clanfield evidence. Key for the Commission was that JZ was keen to ask why he had been singled out by the Match Officials, suggesting that other players should have faced charges as well. At no time did he strongly plead his innocence.
29. On the balance of probability, the Commission found Charge 1 against JZ of Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour), **proven**. The Commission noted that JZ had already pleaded guilty to Charge 2, Improper Conduct against a Match Official (including abusive language/behaviour).

FA GUIDELINES/CATEGORISATION OF THE OFFENCES

30. In regard to Charges 1 and 2, the Commission noted the following FA Sanction Guidelines:

- a. **Charge 1:** for a proven charge of Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour): suspension from all football activities for a period of between 56 and 182 days. The recommended entry point, prior to considering any mitigating or aggravating factors, is 112 days. A fine of up to £100, with a mandatory minimum fine of £50. An order that the Participant completes an education programme before the time-based suspension is served. The Commission placed JZ's offence at the low end of the sanction range.
- b. **Charge 2:** for a proven charge of Improper Conduct against a Match Official (including abusive language/behaviour): a suspension of 0-6 matches and a fine of between £0-100. The Commission placed JZ's offence at the high end of the sanction range.

DISCIPLINARY RECORD

31. The Commission noted that JZ has no previous proven charges of misconduct.

SANCTION

32. The Commission discussed at some length the red card for violent conduct which JZ was subsequently shown at the end of the game. For that offence he incurred a 3-match suspension and £40 fine. The Commission concluded that the red card was related to the misconduct charge (Charge 1) and reduced the sanction for Charge 1 accordingly. So, taking into account the FA Guidelines and Regulations, nature of the offences, his misconduct record, submissions and observations, mitigating and aggravating factors, including the low level of threat felt by the Match Officials, the Commission concluded that the following sanctions are to be imposed:

Charge 1: JZ to be suspended from all football activity for a period of 65 days (ground ban imposed for this period of time) and fined £10. He is also required to complete an on-line FA education programme, the details of which are to be notified by OFA, failing which he shall be suspended from all footballing activity until completion of said programme. His Club, Clanfield 85, is to incur 6 disciplinary penalty points. The entry point for disciplinary penalty points is 5. Penalty points are not a deduction of points from any league standings, but are added to the cumulative total within the Club's disciplinary record/total.

Note to clarify how the Commission determined the sanction: the Commission started with a 112 day suspension (the FA's recommended entry point). Taking into account the aggravating and mitigating factors, this suspension was reduced to 75 days (one third reduction). A further 10 days (3 matches) was removed for the related red card offence,

leaving JZ to serve 65 days. The Commission imposed an initial fine of £50 (the FA's mandatory minimum fine). Taking into account that he has already paid £40 for the related red card, a fine of £10 was imposed.

Charge 2: JZ is to be suspended for 3-matches (ground ban imposed) and fined £50. These 3 matches are to be served consecutively with the 65 days for Charge 1 i.e. once the 65 day suspension has been served then JZ will serve a further 3-match ban. The Commission did consider the totality of Charges 1 and 2 (65 day suspension, 3 match suspension, fine of £60 and ordered to complete an education programme) concluding that this was a fair overall sanction.

RIGHT OF APPEAL

33. In accordance with FA Regulations there is a right of appeal against the decision.

Anthony Rock (Chair)

Kristian Jones

Anita Poulman

Monday 24th July 2023