

## Disciplinary Commission (“The Commission”)

### Oxfordshire Football Association (OFA)

In the matter of Mr. Patrick Gaughan – Case 9680666M. DOB 27/03/1985

### 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 Thursday 3<sup>rd</sup> January 2019
2. The Commission members were Mr. D .Bridger (Chairman), Mr. V. Williams and Mr. P. Fisher (independent member). Mr. S. Honey was Commission Secretary.
3. Mr. Gaughan had been charged by OFA in respect of the following matter:-

*Charge: FA Rule E3 - Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour)*

with an alternative, lesser charge of:

*Charge 2: FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive behaviour)*

The charges were further detailed as follows:

Details;

Patrick Gaughan ‘the player’ is charged with FA rule E3 – Improper conduct against a Match Official (including physical contact and threatening and or abusive language/behaviour together with an alternative charge FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive behaviour)

The circumstances are;

In the 85<sup>th</sup> minute of the Hellenic League Division Two West game between Headington Amateurs and Addington Park Firsts ‘the player’ having been shown a Red Card and dismissed by the Referee for Violent Conduct, ran towards the referee, swearing at him and being aggressive. The referee holding a flat hand in front of him ‘the player’ then pushed his chest into the referee’s hand causing the arm to bow. The referee then put both hands out to prevent the player getting any nearer to him, however the player continued to push forward against the arms of the referee screaming expletives at him. The player then pushed his face close to the referee’s face and said to him “You cannot put your hands on me” and “I will fucking stab you”

Having been distracted the player moved away but returned to the Referee saying “You better run home after the game because I will fuck you up”

The referee abandoned the game after this incident.

The charges had been raised following alleged misconduct by Mr. Gaughan during the match between Headington Amateurs and Adderbury Park Firsts on 17<sup>th</sup> November 2018 in the Hellenic Football League Division Two West

4. The OFA received a misconduct report from the match referee, Mr. Benjamin Allen, in which he reported misconduct by Mr. Gaughan. In that report he stated, "...He (Mr Allen) had issued a Red Card to Mr Gaughan for violently kicking an opposing player. Mr Allen called Mr Gaughan towards him and issued the Red Card to Mr Gaughan when he was approximately ten yards away and pointed to the dressing rooms. Mr Gaughan ran towards me using many expletives I raised my left hand as he pushed his chest into my straight arm causing it to bow. I placed the red card into my pocket and used both hands to keep Mr Gaughan as far away as possible He was screaming expletives and with his face very close to mine said things like "You can't put your hands on me" and "I will fucking stab you" Mr Gaughan was distracted by a comment shouted from an opposing player and his team mates blocked his way to the player at which point he came back towards me shouting "You had better run home after the game because I will fuck you up" Mr Gaughan then headed towards the changing rooms still shouting at me (Sic) I abandoned the game after this incident.
5. As a result of the content of that misconduct report the OFA undertook an investigation, during which it sought further information from Headington Amateurs and Mr Gaughan and sought observations from Adderbury Park. No observations were received from Adderbury Park or Mr Gaughan .
6. 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.
7. At the conclusion of the investigation the charge was raised against Mr. Gaughan by the OFA on 21<sup>st</sup> December 2018.
8. An on-line response to the charge raised against Mr. Gaughan was received by OFA in which he entered a plea of "guilty" and indicated he was content for the matter to be dealt with by a Commission in his absence. No written response was received from Mr. Gaughan. However, a statement was received from Mr. Don Light Headington Amateurs Secretary.
9. Mr. Light has issued two statements in response to the issue one by e-mail dated 11 December 2018 stated, "*Whilst the general consensus was that the red card shown to Mr P Gaughan for retaliation may have been harsh it was correct, but the behaviour of this player afterwards was unacceptable*" A further letter dated 28<sup>th</sup> December was received from Mr Light stating "*The reaction of Mr Gaughan after being dismissed by the match referee was appalling*" It should be noted Mr Light was not present but has based his correspondence on people who were present.
10. The Commission had convened at the OFA offices to consider the matter on 3<sup>rd</sup> January 2019. All the available evidence in this matter had been supplied in advance to all its members and had been studied by them.

11. Mr. Gaughan had entered a “guilty” plea in respect of the charge. For the record, after considering all the evidence, the Commission was content to accept that “guilty” plea. The Commission was therefore only to consider the sanction in this matter. There was no evidence of mitigation from Mr Gaughan.
12. Mr Gaughan has been suspended Sine Die since the 21<sup>st</sup> December 2018 due to these nature of these charges.  
There are no other offences of Misconduct recorded against him in the last 5 years.  
Mr Gaughan received a 4 match suspension and a £55 for being Sent Off in this game, again the subject of the Misconduct charges before you. That suspension is part served.  
There was a Sending Off for Serious Foul Play on the 15/9/18 in the Hellenic Div 2 game for Headington Amateurs. Mr Gaughan received a 3 match suspension and a £55 fine.  
There was just one other Sending Off offence in season 2014/2015 although not similar circumstances.
13. In respect of this breach of FA Rule E3 the Commission referred to the Disciplinary Sanctions Guidelines issued by the FA in coming to its decision. It noted there was a mandatory minimum sanction and that any sporting sanction was required to be from all football and football activity. It also noted that, due to the serious nature of the charge, that Mr. Gaughan had been suspended from 21<sup>st</sup> December 2018 when the charge had been raised. At this stage of the matter the Commission also took into consideration Mr. Gaughan’s early “guilty” plea.
14. The Commission therefore unanimously determined that the following sanction be imposed in respect of the matter:-
  - A suspension for 182 days from all football and football activities, commencing on 21st December 2018.
  - A fine of £110.00
  - 5 Disciplinary points

This sporting sanction is to be served first and any uncompleted suspension in respect of the sending off will commence after its completion.
15. There is a right of appeal against these decisions in accordance with the relevant provisions set out in the Rules and Regulations of the Football Association.

D Bridger

V Williams

P. Fisher

4<sup>th</sup> January 2019