SURREY COUNTY FOOTBALL ASSOCIATION

Versus

Darryl Siaw

Case No: 9531020

Disciplinary Commission – Written Reasons

4th March 2019

Fixture: Farnham Town First v Chessington & Hook United First. Played on 8th September 2018.

1. INTRODUCTION:

These are the written reasons for the findings of a Surrey County Football Association (SCFA) disciplinary commission held to consider an appeal by personal hearing by Darryl Siaw, a player registered with Chessington & Hook United FC. Darryl Siaw had been charged by the SCFA in response to a written report made by referee William Siegmund alleging that Darryl Siaw made physical contact with him during the above-mentioned fixture. A written report had been received from William Siegmund. Various additional items of correspondence had been received. These included written statements from Steve Rudrum (assistant referee); Eric Strange (assistant referee) and Vince Dillion (Farnham Town FC official). Darry Siaw had submitted his own written comments denying the charge(s) against him. Written responses were also received from various players/members of Chessington & Hook United FC. Submissions were made by Andrew Ellis, Ben Ewing, Grace Hunter, Jamie Watts and Trey Masikini. In his written statement, Darryl Siaw refutes that any physical contact occurred between him and the referee William Siegmund. Darryl Siaw's response to the charge(s) levied by the SCFA is '**not guilty'.**

2. PARTIES:

The disciplinary panel members appointed to hear this appeal were:

Bill Stoneham (KFA director) Chairman;
Peter Martin (Independent member);
Steve Sale (Independent member).

Matt Leary (Amateur Football Association Football Services Officer) acted as secretary to the commission.

SCFA Witness:

William Siegmund – Referee;
Steve Rudrum – Assistant referee;

Eric Strange – assistant referee.

Witnesses for the Appellant:

Andrew Ellis – Chief executive of Chessington & Hook United FC. Mr Ellis had acted as team manager on the day of the fixture.

The SCFA had submitted, in advance of the hearing, a written statement from Vince Dillon (Farnham Town FC) in support of the charge(s) levied. Mr Dillon was unable to attend the disciplinary hearing.

Darryl Siaw had submitted, in advance of the hearing, written statements from Ben Ewing, Grace Hunter, Jamie Watts and Trey Masikini. All four were members of Chessington & Hook United FC when the game was played and were present at the fixture.

Darryl Siaw was accompanied throughout the hearing by his club secretary Lauren Preston. Though Ms Preston had been present at the game, she attended the commission solely as an observer. She took no part in the hearing.

Before the official start of the hearing, the chairman informed both parties that the written submissions received from those who could not be present would be given full consideration when the panel members made their deliberations. Both parties were also informed that commission members were aware that a previous hearing had taken place, but that the outcome was not known by them. The chairman stressed to all parties that no references should be made to the previous hearing.

3. Misconduct Charge:

A charge was laid against Darryl Siaw by the SCFA on 20th September 2018 for a breach of FA Rule E3g -Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour).

The details of the charge were as follows:

Details: Darryl Siaw is charged under FA Rule E3 – **Improper conduct against a match official (including physical contact and threatening and/or abusive language/behaviour).**

FA Handbook page 179 para 91.2 – Offences against match officials states:

'Physical contact or attempted physical contact: examples include but are not limited to: pushing the match official, pulling the match official (or their clothing or equipment), barging or kicking the ball at a match official (causing no injury) and/or attempting to make physical contact with the match official (for example, attempting to strike, kick, butt, barge or kick the ball at the match official).'

In the event of this charge being found not proven, an alternative charge (E3e) was levied against Darryl Siaw. **This charge was also under FA Rule E3 - Improper conduct against a match official (including threatening and/or abusive language/behaviour).**

FA Handbook page 179 para 91.1 – Offences against match officials states:

'Threatening behaviour: words of action that cause the match official to believe that they are being threatened.'

4. Supporting Evidence:

William Siegmund submitted a written report to the SCFA on 10th September 2018.
Steve Rudrum submitted a written report to the SCFA on 17th September. This was followed by additional written comments on an undated document.
Eric Strange submitted a written report to the SCFA on 10th September 2018.
Vince Dillion submitted an undated written report to the SCFA.

5. Response from the Appellant:

Various items of written correspondence had been provided by Darryl Siaw and by members of his club. These included:

- An undated item from Darryl Siaw denying the allegations made against him.
- An undated item from Andrew Ellis confirming that a red card issued to Darryl Siaw had been shown to him and not to Mr Siaw. In his submission Mr Ellis clearly states he did not see all the alleged incidents.
- A written statement from Ben Ewing. The only date quoted is the date of the game.
- A written statement from Grace Hunter dated 15th September 2018.
- A written statement from Jamie Watts dated 15th September 2018.
- A written statement from Trey Masikini dated 15th September 2018.

6. Summary of Written Evidence:

In his report, William Siegmund stated that at the culmination of the game Darryl Siaw approached him and that a confrontation took place. This event was confirmed in their reports by both Steve Rudrum and Eric Strange. Vince Dillion, in his written report confirmed that Darryl Siaw approached the referee. Darryl Siaw did not deny approaching the referee and his assistants at the culmination of the game. Andrew Ellis stated he did not see any confrontation at the end of the game because he was dealing with an injured player. All Mr Siaw's witnesses, in their written statements, agree that Darryl Siaw approached the referee and his assistants at the culmination of the game. In none of the written statements is there any reference to Darryl Siaw using foul or abusive language. Physical contact between Darryl Siaw and William Siegmund is mentioned by William Siegmund and by Steve Rudrum. No other witnesses mention any physical contact; indeed, some respondents categorically state that nothing was seen.

7. **Verbal Evidence:**

- Messrs Siegmund, Rudrum, Strange, Ellis and Siaw were all asked questions by the panel members. Darryl Siaw asked his own questions of Messrs Siegmund, Rudrum, Strange and Ellis. All confirmed that during the alleged confrontation that took place that no foul or abusive language was used by Darryl Siaw.
- William Siegmund gave his evidence clearly. He stated that he stood by his report but when questioned he volunteered the information that the reference to Darryl Siaw having pushed him was probably clouding the issue.
- William Siegmund said that Darryl Siaw come very close towards him and invaded his personal space. He used the description 'chin to chin', but when questioned about this admitted that their chins did not touch.
- William Siegmund stated Darryl Siaw's hands were in front of his chest.
- Under questioning from Peter Martin and Bill Stoneham, William Siegmund stated that he could not remember whether Darryl Siaw's hands were open or clenched, but on reflection he thought they were open.
- William Siegmund agreed that if he and Darryl Siaw were chin-to-chin it would be difficult for Darryl Siaw to have gained any leverage to enable him to push William Siegmund.
- William Siegmund admitted that at no time did Darryl Siaw extend his arms in a parallel and horizontal motion thereby exerting pressure on William Siegmund's chest by way of a physical push. He said that Darryl Siaw's hands made contact with his chest because they were so close together.
- Bill Stoneham pressed William Siegmund on his account and he again admitted, by demonstration, that no push using a horizontal arm movement had been made by Darryl Siaw.
- Steve Rudrum described Darryl Siaw's conduct as being 'non-aggressive' but he was adamant that he had seen physical contact between William Siegmund and Darryl Siaw. He was equally certain that no pushing had taken place.
- When questioned by Steve Sale, Steve Rudrum was unable to state with certainty exactly where Darryl Siaw's hands had been placed on William Siegmund's body. His answers lacked precise detail.
- He accepted a suggestion from the chairman that Darryl Siaw's hands could have been placed anywhere from around the shoulders to just above the waste.
- When questioned further by Steve Sale, he agreed that Darryl Sale might have been gesticulating with his hands in an expressive, rather than aggressive, way. He agreed that in these circumstances some unintentional physical contact might then have occurred.
- It is worth noting that William Siegmund and Darryl Siaw are of similar age, height and build.
- When questioned, both Eric Strange and Andrew Ellis clearly stated that they were unaware of any physical contact between William Siegmund and Darryl Siaw. Both explained how their physical positions at the time of the alleged incident precluded them from seeing any possible physical contact.
- All witnesses questioned agreed at the time of the altercation between William Siegmund and Darryl Siaw, something like 10-15 people were in the vicinity, yet

no witnesses had come forward who could unequivocally state that physical contact had taken place.

- When questioned Darryl Siaw acknowledged that he was agitated at the end of the game and that he did approach William Siegmund. He answered all questions posed to him in a quiet but confident way.
- Though he vehemently denied any deliberate or intentional physical contact with William Siegmund, he did admit being 'wound up' and that he would have been using his hands in a demonstrative way. Though he said he could not remember any contact, he agreed that he was very close to William Siegmund and while using his hands in a demonstrative manner, he might have inadvertently made contact with William Siegmund. He repeated that any contact would have been minimal and totally unintentional.

8. Findings:

- After weighing up the evidence (both written and verbal) presented, members of the commission were unanimous in their opinion in relation to the first charge *FA Rule E3g – Improper Conduct against a match official (including physical contact and threatening and/or abusive language/behaviour)* against Darryl Siaw was **NOT PROVEN.** Commission members deduced that on the balance of probability Darryl Siaw had not pushed the referee. William Siegmund admitted that his reference to 'being pushed' in his report had confused matters and Steve Rudrum had not seen a push.
- After weighing up the evidence (both written and verbal) presented, members of the commission were unanimous in their opinion in relation to the second charge *FA Rule E3e – Improper conduct against a match official (including threatening and/or abusive language/behaviour)* against Darryl Siaw was **NOT PROVEN.** Commission members deduced that on the balance of probability Darryl Siaw had not threatened, nor been abusive towards the referee. In none of the evidence presented, either in writing, or during the hearing, was there any indication that Darryl Siaw had threatened the referee or had been abusive.

9. Additional Information:

- The commission commenced at 19.35.
- County witnesses left the commission at 20.35.
- The defendant and his witness and observer left the commission at 21.02.
- The defendant and his witness returned at 21.20.
- At this point, the chairman asked both parties if they felt that the commission had been fair and if they had been offered every opportunity to present their evidence.
- They both agreed that the hearing had been fair,
- Darryl Siaw was then informed by Matt Leary of the **not proven** verdict on both charges. He was advised about the implications associated with this decision, including the return of all fees and the impact on his disciplinary record.
- The commission closed at 21.27.

Friday 8th March 2019.

Bill Stoneham – Commission Chairman
On behalf of the Surrey County Football Association.