

Case 10074153M

The Football Association Disciplinary Commission sitting on behalf of Surrey FA

In the matter of Jonny Franks(60381800)

Hearing date 14/02/20

Written Reasons for Decision

1. These are the written reasons for the FA Disciplinary Commission decision made on Friday 14th February 2020
2. The panel member was Mr R. Purkiss MBE (Chairman) Sitting alone, appointed by the FA.
3. Paras Akhter from the FA acted as Secretary to this panel.
4. Jonny Franks was charged, on the 17/12/2019, with a breach of FA Rule E3(1) - Improper Conduct (including Foul and abusive language), and FA Rule E3(2) – Improper Conduct – aggravated by a person’s Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability, in a match between Ash United Sunday V Bosco Athletic. On 17/11/2019
5. Jonny Franks was alleged to have said to the referee that “You fucking ruined that referee” “You’re a joke and fucking autistic” at the end of the game.

6. Relevant FA Rules

Rule E3(1) provides that:

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 dispute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.

Rule E3(2) provides for:

Improper conduct, aggravated by a reference, whether express or implied, to any one or more of the following – ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.

Rule E3(3)(i) provides for:

Where a participant commits an Aggravated Breach of Rule E3(1) for the first time a regulatory commission shall impose an immediate suspension of at least six matches on the participant. The Regulatory Commission may increase the suspension depending on any additional aggravating factors present.

7. Jonny Franks responded to the charge on 03/01/2020 by entering a not guilty plea and for the matter to be dealt with by correspondence.
8. The bundle of evidence provided to the Commission consisted of.
 - 1 The charge sheet and
 - 2.The referees report
9. In respect of all the matters the burden of proof is 'the balance of probability'. The Balance of probability Standard mean that the Commissions is satisfied an event occurred if, based on the evidence provided, the occurrence of the event was more likely than not to have happened.
10. The referees report stated that; **“After the final whistle, after extra time, the above named manager who had previously been cautioned during the match for his persistent dissent, came up to me and said “You fucking ruined that referee, You’re a joke and fucking autistic” he did this in an aggressive manner and in front of the 3 match officials. I therefore showed the manager the red card”**
11. Apart from the case correspondence denying the charge, the commission noted that there was no response or explanation for the denial from Mr Franks
12. Having reviewed the submitted statements and heard the evidence provided by the witness, the Commission made the following observations. The decision 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 has carefully considered all the evidence and materials furnished regarding this case.

13. The referees report was clear and not challenged
14. After considering the information provided to it the Commission found that on the balance of probabilities, the charges were Found to be PROVEN
15. The Commission Therefore determined that Jonny Franks is given a Ground ban for 6 matches and fined £75 . He is also required to complete an online education course within 4 months. Failure to do so will result in a complete ban until complied with. Surrey FA to inform him of details. 6 disciplinary points are also given against his club
16. These decisions may be appealed in accordance with the provisions in The FA Handbook.

14th February 2020

Robert Purkiss. MBE (Chairman)