

# National Serious Case Panel

Case ID:

*10981897M*

## Disciplinary Commission

*Correspondence Hearing - Chair Sitting Alone*

### Surrey Football Association

County FA

v

### Femi Rozzaldo

Participant

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The Decision and Written Reasons of The Commission

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#### Disclaimer:

*These written reasons contain a summary of the principal evidence before the Commission and do not purport to contain reference to all the points made, however the absence in these reasons of any particular point, piece of evidence or submission, should not imply that the Commission did not take such a point, piece of evidence or submission, into consideration when determining the matter. For the avoidance of doubt, this Disciplinary Commission has carefully considered all the evidence and materials in this matter.*

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## **Introduction**

1. On the 9<sup>th</sup> October 2022, there was a football match (the “match” or “game”) between *Ewell Dons* (“Ewell”) and *The Willoughby Arms* (“Willoughby”). Mr Femi Rozzaldo was playing for Ewell and he is therefore a “participant” for the purpose of this case.
2. It is alleged that during the game there was some tension between Mr Rozzaldo and a Willoughby player named Charlie Howe. At some point it is suggested that Mr Rozzaldo put his hand around the throat of Mr Howe and was pushed away. Mr Rozzaldo was told to calm down by multiple people. A further incident is said to have happened after the game where Mr Rozzaldo approached Mr Howe and put his head towards his face. Mr Rozzaldo is then heard to say to Mr Howe - “you’re a faggot aren’t you, yeah you faggot” and “don’t be such a pussy next time you fucking faggot”. Mr Rozzaldo is alleged to have called Mr Howe a “faggot” on multiple occasions.
3. This incident was investigated by the County FA and statements were obtained to establish what took place. On the 1<sup>st</sup> November 2022 the County FA communicated to the participant that they had made a decision to charge on the evidence below.
4. The County FA are subject to managing games within their jurisdiction pursuant to rules and regulations set out by The Football Association (“The FA”).

## **The Commission**

5. The County FA prepared the bundle for these matters and the National Serious Case Panel (“NSCP”) officially appointed me as the “commission” to adjudicate on this case alone as a Chair member.
6. For the purpose of fairness, I am independent to the parties referred to in this case and I did not have a conflict of interest to declare. My decision is based only on the evidence I have been sent and this is outlined below.

## **The Charge(s)**

7. The County FA laid the following charges (these are extracts from The FA Handbook that can be accessed online<sup>1</sup>):

### ***Charge 1***

7.1. Rule E3 – Improper Conduct (including foul and abusive language/behaviour).

7.2. The relevant section of FA Rule E3 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”.*

### ***Charge 2***

7.3. Rule E3.2 – Improper Conduct – aggravated by a person’s Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability.

7.4. The relevant section of FA Rule E3.2 states:

*“E3.2 A breach of Rule E3.1 is an “Aggravated Breach” where it includes 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”.*

## **The Reply**

8. The participant responded by accepting the charges and I was instructed to conduct this case as a correspondence-only hearing.

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<sup>1</sup> <https://www.thefa.com/football-rules-governance/lawsandrules/fa-handbook>

## **The Hearing and Evidence**

9. Below is a list of documents and/or witnesses in the bundle, that I was provided to consider.

Statements that are within quotation marks are unamended extracts from the original source.

10. County FA's evidence in support of the charge(s):

11. Charlie, for Willoughby

11.1. Statement: *"During the first half of the game as there will be in every single match of Sunday league I'm sure, there was bickering between the players and lots of obscenities said which seem to get the Ewell Dons number 13 very agitated and looking to get physical. This went back and forth between him and our own number 4. It would seem that although the Ewell Dons player had been giving it out most he didn't like having someone standing up to his bullying nature and said "we'll see after the game" in regards to a fight. Now it's important to state that nothing more was said for the rest of the first half and the entirety of the second. Our number 4 mocked the slang used to try and intimidate him, repeating the words "init" and "bruv" after it was said to him by Ewell number 13. I am aware that Ewell Dons have alleged this is racist behaviour by our number 4, im not sure how this possibly constitutes racism. If anything I find it rather ironic that Ewell dons have such a stereotypical view of the language used, I would question if they are suggesting only black people use this slang? Ifso I would invite them to spend some time in south London, and indeed around our own team, where multiple players and supporters of all races use this slang. I would suggest the mocking is related to the attempted intimidation and is irrespective of race. Further to that I would argue that Ewell Dons siteing this as racism makes a mockery of what we are all trying to achieve by saying football is for ALL. To allege racism after being called out for homophobia is compatible to mud slinging. The match*

*has finished and they have won the game 6-1 but the Ewell Dons number 13 still decided to come over to our number 4 on the side of the pitch and enter his personal space, pressing his head into our players and continue asking “what was that you was saying” all the while being told by our team and his own team mates to walk away before being physically restrained after pushing out towards our number 4 as he seemed desolate for a reaction so he has the excuse to get physical. A good 5 minutes have passed since he’s been lead away by his own team mates and he’s now waiting at the bottom of the field which leads to the car park to continue to confront and intimidate our player. As our number 4 walks over with his hands full of kit bags and a bag of footballs (no way to protect himself) the Ewell Dons number 13 continues to be aggressive and press his head towards our player only at this point he becomes homophobic. Even with several people around telling him to calm down and leave it alone now the game is done he calls our number 4 a “faggot” at least 6 times over and over. “You’re a faggot aren’t you, yeah you faggot” our number 4 is now feeling very defenceless with no way to protect himself if the Ewell Dons player becomes physical, as he eventually manages to walk past and continue towards his car without reacting to this abuse. Just as we think the whole ordeal might be over as our number 4 reaches his car the Ewell Dons number 13 comes up behind him and says “don’t be such a pussy next time you fucking faggot”.*

12. Chris Morrison, for Willoughby

12.1. Statement: *“As most people were walking off and shaking hands, a few Ewell dons players came over to our side to say good game. Number 13 then headed over in a fairly calm manner, I assumed to shake hands but then got straight in the face of our captain. He kept saying ‘say something now’ and getting very close with his shirt off in a suddenly very aggressive way. Charlie looked a bit confused and to be honest I*

*was very confused. A lot of Ewell dons players tried to calm number 13 to no avail. As there was no aggressive behaviour shown back to number 13 I thought it may die down but then he put his hand to Charlie's throat out of nowhere. Charlie pushed number 13 away as anyone would in that situation. Everyone got in the way, Ewell dons players still pleading with their own player to calm down. Finally number 13 surrendered but seemed reluctant to do so. After what we thought was the last of the commotion number 13 walked by himself to the ally we needed to go through to get to the cars. More than 5min have passed now so we decided to leave. I was walking with Charlie back to the car. We could hear more Ewell dons players trying to still calm 13 but he then preceded to approach Charlie and put his head in Charlie's face. Charlie at the time was carrying a bag of footballs and other bags and in no way able to defend himself. From what number 13 was saying to Charlie I understand Charlie had said 'init' 'bruv' or 'blud' at some point in the first half. Number 13 was saying this is racist which is completely absurd. With still no reaction from Charlie number 13 unloaded a barrage of homophobic language in a last ditch effort to insight a fight. 'Faggott' was the preferred term used in a very aggressive and derogatory manner. Everything went calm shortly after this, we went back to our cars and out of nowhere number 13 approached Charlie one final time. He said something to him which I didn't hear, got in his car and left".*

13. Charlie Howe, player for Willoughby

13.1. Statement: *"At some point around the midway point of the first half myself and the Ewell Dons number 13 were involved in a little spat of words where we both called each other a dickhead. Even though he said it first, when I said the same thing back to number 13 he became very angry and confrontational. He followed me around the pitch as the game continued, saying how I should "watch after the match". During the*

*second half everything was calm and we completely avoided each other. Then at full time he came over to our group of players and again was very angry and confrontational. Pressing his head into mine and grabbing my throat. He was eventually pulled away by his own team mates who all told him to “leave it”. He then decided to wait by the entrance to the car park to do the same exact thing again but this time he called me a “faggot” at least six times before I was able to walk away”.*

14. Other documents for Willoughby:

- 14.1. Samuel, referee;
- 14.2. Alessandro Malpeli;
- 14.3. Hossein Aref;
- 14.4. Chain of emails including images.

15. Participant’s evidence:

16. David Miller, for Ewell

- 16.1. Statement: *“I’m still looking to ascertain who the number 13 for your team was on the day of the fixture Ewell Dons v The Willoughby Arms”.*
- 16.2. Further statement: *“Our player is upset as he feels the racism isn’t being taken seriously, and doesn’t wish to cooperate as a result... Please let us know what the charge would be and we will update you with the outcome”.*

17. Ramsey, for Ewell

- 17.1. Statement: *“In complete honesty the reason we have so far been uncooperative with you regarding the name of the in question player is because we have not been completely honest about it. The player was on a trial with us in the match and from our messaging with him had every intention of playing for us this season. We had every intention of getting him on the books after the match if he performed, but since the incident occurred we had been unable to contact him until yesterday in which we have*



*finally received his details. I appreciate your need to investigate and our apologies for not providing so far. No13's name is, Femi Rozzaldo. He was unregistered at the time and we have been attempting to sign him on properly in order to provide his full details to you. You should now see his details on our team. We understand that playing unregistered players is not allowed and have therefore attempted to rectify the situation by signing him on to the system, he had 1 trial game for us in which the incident occurred which has created a difficult situation for everyone. Since that interaction we had not heard from him until now. We are prepared to accept any punishment you deem necessary in this regard but hope that our previous track record of good behaviour and cooperation goes for rather than against us. The player in question has been told to not attend games for the foreseeable future in order to ensure he is aware of the severity of his behaviour and the situation, however we do still deny the homophobic comments alleged".*

18. Other documents for Ewell:

- 18.1. Emails regarding to response and counter allegations of racism;
- 18.2. Emails regarding registration of player concern.

**Standard of Proof**

19. As directed by The FA, the appropriate standard of proof in such cases is that of the civil standard. This means that the commission must be satisfied on the balance of probabilities that, as per the evidence presented before it, it was more likely that not that the events occurred as they have been charged.

**The Decision**

20. I was not required to decide on whether the case was proven or not because the charges had already been accepted. However, for the avoidance of doubt, I would have found them

proven because the alleged comments are abusive and improper as per the first charge. The second charge is also satisfied because the use of the word “faggot” is an insulting reference to a person’s sexual orientation.

### **Previous Disciplinary Record**

21. After making my decision for the participant, I was then provided with a copy of his previous records in the last 5 years.
22. The participant has a positive record save for one caution this season. I will therefore be giving him credit when considering sanction.

### **Aggravating and Mitigating Factors**

23. Aggravating factors as per sanction guidelines and other observations are:
  - 23.1. I considered there was some argument for there being more than one phase because there was reference to physical aggression ahead of the comments being made;
  - 23.2. I also found there to be a repetition of the abusive language given that it was said multiple times to the opposing player;
  - 23.3. I also note that Mr Rozzaldo had to be told to calm down and leave the situation by several other people.
24. Mitigating factors as per sanction guidelines and other observations are:
  - 24.1. The guilty plea to this matter;
  - 24.2. The almost entirely positive previous disciplinary record.

### **The FA Guidance on Sanctions**

25. The FA Handbook and County FA Disciplinary Sanction Guidelines set out the scope and range of sanctions that are available. The applicable season is 2022/23:
26. Appendix 1 – Standard Sanctions and Guidelines for Aggravated Breaches:

26.1. *“A finding of an Aggravated Breach against a Player, Manager or Technical Area Occupant will attract an immediate suspension of between 6 Matches and 12 Matches (‘Sanction Range’) [for first offence]. A Regulatory Commission shall take all aggravating and mitigating factors into account, including but not limited to those listed in these guidelines when determining the level of sanction within the Sanction Range. The lowest end of the Sanction Range (i.e. 6 Matches) shall operate as a standard minimum punishment (the ‘Standard Minimum’)”.*

27. Education in Appendix 1 – Standard Sanctions and Guidelines for Aggravated Breaches:

*“Any Participant who is found to have committed an Aggravated Breach shall be made subject to an education programme, the details of which will be provided to the Participant by The Association”.*

### **Sanction**

28. After taking everything into account, I found that there the aggravating factors carried more weight than the mitigating factors. The lower penalty points I have awarded reflect mitigating submissions from the club. Therefore, the sanction that will therefore be imposed upon the participant is the following:

28.1. To serve an immediate 8 match ban from all football (from the date of notification for this decision) until such time as the participant’s club have completed their number of qualifying matches.

28.2. To complete an FA online education programme before the end of the match bans, or within 28 days of the Disciplinary Commission’s decision, whichever is the later. Otherwise, the participant will be suspended until such a date that the programme has been successfully completed. Programme details will be provided;

28.3. Fined the sum of £90;

28.4. 6 penalty points.

29. These decisions are subject to the right of appeal under the relevant FA Rules and Regulations.

**Alban Brahim**, *Chair*

20<sup>th</sup> November 2022