

**IN THE MATTER OF THE FOOTBALL ASSOCIATION  
DISCIPLINARY COMMISSION  
CHAIR ALONE NON – PERSONAL HEARING**

**SURREY FA  
(on behalf of the Football Association)**

**and**

**OLD WIMBLEDONIANS**

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**DECISION AND WRITTEN REASONS**

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**Preliminary Matters**

1. These are the written reasons for the decision and sanction in relation to a non-personal hearing on 3 April 2023 following a charge brought by Surrey FA against Old Wimbledonians ("**Wimbledonians**") (Case ID: 11163566M).
2. The appointed Chair for the hearing was Elliott Kenton.

**The Charge**

3. Wimbledonians has been charged by Surrey FA with the following breach of the FA Rules:
  - (a) FA Rule E20 – Failed to ensure directors, players, officials, employees, servants, or representatives conducted themselves in an orderly fashion whilst attending any Match.
  - (b) The particulars of the E20 charge were that players failed to conduct themselves in an orderly fashion and failed to refrain from improper, threatening, abusive, indecent, insulting and provocative language, contrary to Rule E20.1.
  - (c) This refers to allegations that at the end of the game, comments were made to the referee about getting to his car and getting home or similar.
  - (d) Wimbledonians has accepted the charge.

**The Evidence**

4. This matter relates to a fixture between Wimbledonians and Old Altonians Vets ("**Altonians**") which took place on 5 February 2023.
5. The relevant factual background herein is a summary of the principal submissions provided to the Chair. It does not purport to contain reference to all the points made, or to all the statements and information provided, however the absence in these reasons of any particular point, or submission, should not imply that the Chair did not take such point, or submission,

into consideration when it determined the matter. For the avoidance of doubt, the Chair has carefully considered all the evidence and materials furnished in this case.

6. The Chair has before him the following evidence:

6.1 Football Association Extraordinary Incident Report Form of Gavin Collins dated 5 February 2023, which is reproduced herein:

*"After game I went to get my flag back and members of Wimbledon said hope car save ref coz we going to burn it out you prick and your fucking awful" [sic].*

6.2 Email correspondence between Gavin Collins and Surrey FA where Mr Collins clarifies his evidence. He states:

- (a) Most of the comments were made by the two players I sent off.
- (b) The car being burnt was shouted at me by a team player, not sure who but did make me feel unsafe. The opposition made sure I got to my car and left.

6.3 Statement from Julian Agostini, Manager of Wimbledonians who states:

- (a) The referee came over at the end of the game.
- (b) I said he had been a disgrace and asked him if he was happy with his performance. He responded belligerently with 'were you happy with yours'.
- (c) I said I would be reporting him and he said he would report us back.

6.4 Statement from Craig Kelly (Old Atonians) by email dated 6 February 2023. Mr Kelly's evidence is summarised below:

- (a) Once the game had finished, myself and a couple of other players headed towards the changing room.
- (b) It was at this point that the referee had retrieved his flag and was putting his things in his bag on the sideline.
- (c) A number of comments were made towards him including 'you're a fucking embarrassment ref', 'good luck getting to your car' 'you've got no power over us now ref, so you best fuck off away from us'.

6.5 Statement from Dr Stefan Milewczyk, Club Secretary dated 19 March 2023. Dr Milewczyk's statement can be summarised as follows:

- (a) We have a 7-man committee but with 6 teams in the club, none of us were at the game in question so our committee cannot give a personal view. Although our manager has stated that nothing was said after the game, we feel that it is very much our word against the referee's with no way of establishing what exactly was said so pleading not guilty would not be in anyone's benefit.
- (b) We absolutely do not condone behaviour that threatens the referee and if this happened and the referee could identify the player, we would be happy to subject him to internal club discipline and expel him from the club if appropriate.

- (c) The referee confirms that no player moved towards him or his car at any point, so I suspect that if something was said it would have been done in the heat of the moment and not in character.
- (d) We believe that any player guilty of threatening the referee should receive extreme sanctions but it seems unfair to penalise the club's other players who not only have nothing to do with this team but would also be appalled by the allegations

### **Decision on Sanction**

- 7. As Wimbledonians admitted the charge, the Chair considered the appropriate sanction to impose.
- 8. In doing so, the Chair consulted Wimbledonian's disciplinary record and noted that prior to this case, there were a number of misconduct charges proven against the club.
- 9. The Chair referred to the FA Rules and the Disciplinary Sanction Guidelines 2022/23 issued by the FA.
- 10. It is at the Chair's discretion to vary a sanction where there are aggravating or mitigating factors present. The Chair considered if there were any aggravating or mitigating factors that should be taken into consideration when deciding the sanction.
- 11. The Chair considers that the early acceptance of the charge should be credited in mitigation along with Wimbledonian's cooperation with the FA's investigation. This has to be balanced against the aggravating features of the previous disciplinary history of the club, which included a number of serious misconduct charges.
- 12. Accordingly, the Chair imposed **a fine of £150** to the club.
- 13. There is a right of appeal against this decision in accordance with the relevant provisions set out in the rules and regulations of the Football Association.

Elliott Kenton  
National Serious Case Panel Chair  
3 April 2023