

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

CHAIRMAN SITTING ALONE

*on behalf of Surrey Football Association*

CORRESPONDENCE HEARING

*of*

**ZACK SIMPSON**

KUDOS ATHLETIC

[Case ID: 11476736M]

THE DECISION AND REASONS OF THE COMMISSION

## **Introduction**

1. On 29<sup>th</sup> October 2023, Kudos Athletic (“the Club”) played a fixture against Haydons Park (“Haydons Park”) – collectively the “Match”.
2. The Match Referee, Mr Belin Demiro, reported the conduct of Mr Zack Simpson (“ZS”) a Club non playing participant.
3. Surrey Football Association (“Surrey FA”) investigated the reported incident.

## **The Charge**

4. On 20<sup>th</sup> November 2023, Surrey FA charged ZS:
  - 4.1. with misconduct for a breach of FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour) contrary to FA Rule E3.1 It is alleged that Zack Simpson used threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Threatening Behaviour Against a Match Official as defined in FA Regulations. This refers to the allegation that Zack Simpson has said to the referee that he was “a shit referee and that he was a ball sucker”. This has been followed by a comment towards the referee of are you scared of me which made the referee feel threatened or similar.
5. The relevant section of FA Rule E3 states:

*“E3.1 A Participant shall at all times act in the best interest 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.”*
6. Threatening Behaviour against Match Officials is defined, under *Offences Against Match Officials*, as:

*“96.1 Threatening behaviour; words or actions that cause the Match Official to believe that they are being threatened. Examples include but are not limited to: the use of words that imply (directly or indirectly) that the Match Official may be subjected to any form of physical abuse either immediately or later, whether realistic or not; the raising of hands to intimidate the Match Official; pretending to throw or kick and object at the Match Official”.*
7. Surrey FA included with the charge letters the evidence that it intended to rely on in this case.
8. ZS was required to respond to his charge by 27<sup>th</sup> November.

## **The Reply**

9. On 22<sup>nd</sup> November 2023 ZS responded to the charge online via the Whole Game System and he admitted the same, requesting that it be dealt with in his absence at a Correspondence Hearing.

## **The Commission**

10. The Football Association (“The FA”) appointed me, Karen Hall, as a Chairman member of National Serious Case Panel, to this Discipline Commission as the Chairman Sitting Alone to adjudicate in this case.

## **The Hearing & Evidence**

11. I adjudicated this case on 28<sup>th</sup> November 2023 as a Correspondence Hearing (the “Hearing”).

12. I had received and read the bundle of documents prior to the Hearing.
13. The following is a summary of the principal submissions provided to me. 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 I did not take such point, or submission, into consideration when I determined the matter. For the avoidance of doubt, I have carefully considered all the evidence and materials furnished with regard to this case.
14. Mr Belin Demirov, the Match Referee, submitted a Report dated 29<sup>th</sup> October 2023 in which he states that ZS asked him why he had not awarded a foul in the build up to Haydon Park scoring their 7<sup>th</sup> goal. After he explained, ZS said "you're a shit referee anyway". He went to ask for his name and ZS replied "my name is puta". Mr Demirov said "please do not carry on with this attitude as you are the team manager and we want to finish this game and you just refused to give me your name". ZS replied and said "finish your game" and when he turned his back he also said "you're a fucking ball sucker and can't do anything". Mr Demirov no longer felt safe to continue with the Match and abandoned it. Having done so, ZS appeared next to him. Mr Demirov asked him not to be next to him and he replied "what's wrong ref, are you scared of me". As he packed up his belongings, ZS approached him and told him his name and said that the Club would report him and said "you are a fucking useless, shit referee".
15. In response to further questions posed by Surrey FA, Mr Demirov stated that he did not feel safe to carry on and so abandoned the Match. He was uncertain what ZS's next move would be and so left the ground as quickly as possible. He also stated that at the time ZS was acting as Club Assistant Referee. He has also asked not to officiate on the same ground as the Club going forward as he is concerned about ZS.
16. Mr Aaron McNamara, Haydons Park player and club official, provided a Statement dated 31<sup>st</sup> October 2023 in which he states that the match had 2 minutes remaining when they had scored their 7<sup>th</sup> goal. At this point ZS started calling the Referee "shit". The Referee warned him that the Match would be abandoned if he continued. At this point ZS told him to "suck his mum" and at this point the Match was abandoned.
17. That concluded relevant evidence in this case.

### **Standard of Proof**

18. The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, I would be satisfied that an event occurred if I considered that, on the evidence, it was more likely than not to have happened.

### **The Findings & Decision**

19. It was noted ZS had accepted the charge and credit would therefore be given for the guilty plea.
20. In respect of ZS and the 1<sup>st</sup> Charge, liability was predetermined by the guilty plea. Based on that and the evidence before the Hearing, I found that in respect of the charge of improper conduct against a Match Official (including threatening and/or abusive language/behaviour), the charge was PROVEN.

### **Previous Disciplinary Record**

21. After finding the charge proven, I sought the participants offence histories. I note that ZS has no previous misconduct charges in the preceding five years. However, I note a dismissal for spitting

at an opponent in February 2023 and a further dismissal for using offensive, insulting or abusive language and/or gestures in September 2021.

### **Mitigation**

22. There is no mitigation within the bundle from ZS.

### **The Sanction**

23. In respect of the charge, the relevant FA Disciplinary Regulations on sanction (Regulation 101.7.1) states that in respect of this charge a sanction of a suspension from all football activities for a period of between 56 days and 182 days. There shall also be an order that the participant completes an education programme before the time based suspension is served.
24. Regulation 102 provides factors to be considered when determining sanction. In that regard I note the comment made towards the Referee made him concerned for his safety and resulted in the Match being abandoned. There was no apology on the day and no remorse shown since. I found that these were all aggravating factors in respect of sanction. In addition ZS was fulfilling the role of Club Assistant Referee at the time and holds a position of authority in the Club as Manager. ZS disciplinary record is a further aggravating factor in sanction.
25. After taking into consideration all the circumstances in this case, Mr Simpson is:
- 25.1. to serve an immediate suspension from all football and football activities for 142 (one hundred and forty two) days;
- 25.2. fined a sum of £60 (sixty pounds); *and*
- 25.3. to satisfactorily complete an online mandatory education programme before the time-based suspension is served, or Mr Simpson be suspended until such time he successfully completes the mandatory education programme, the details of which will be provided to him.
26. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed...

**Karen Hall F.C.Inst.L.Ex** (Chairman)

28<sup>th</sup> November 2023