

Disciplinary Commission (“The Commission”)
On behalf of Surrey FA
In the matter of Daniel Elliot (Case ID: 11372586M)
Hearing Summary including Written Reasons

The Commission

1. This is the hearing summary and the written reasons for the decision of the Disciplinary Commission which convened on-line on Monday 13th November 2023 to consider the above matter.
2. Nick Leale (Chairman), Jairo Marin and Philip Chaplin were the Commission members appointed by the FA to consider the case. Ravel Cheosiaua was appointed by the FA as Commission Secretary.

The charge

3. Daniel Elliot was charged by Surrey FA in respect of the following matter:

Charge 1: FA Rule E3 - Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour).

The charge followed the alleged misconduct of Daniel Elliot (of Copthorne FC) at a match between Sedlescombe Rangers FC and Copthorne FC on 2nd September 2023.

Key background facts and evidence

4. The following is a summary of the key submissions provided to the Commission. It does not contain reference to all the points or submissions made and the absence of any point does not mean that it has not been considered.
5. For the avoidance of doubt, the Commission have carefully considered all the evidence and materials in respect of this case.
6. Surrey FA had received an extraordinary incident report from match referee Frank Meilack dated 2nd September 2023.
7. In summary, it was alleged that Mr Elliot had approached the referee at the end of the match and threatened him by saying to him “I’ll fucking sort you out later”. He also told the referee to “fuck off”.
8. A summary of the key evidence in support of the allegation appears below.
9. On 25th September 2023, Surrey FA notified Mr Elliot's club of the misconduct charge being brought against him, as outlined above. On 6th October 2023 the charge was denied and a personal hearing requested. Mr Elliot attended the hearing and represented himself.

Summary of relevant evidence

10. The written evidence considered by the Commission included:
 - Extraordinary Incident Report and further clarifying e-mail from match referee Frank Meilack;

- Statement of Daniel Elliot;
- Statement of Wes Brannigan (Cophthorne FC Manager);
- Statement of Harry Bryant (member of Cophthorne FC, acting as assistant referee at the relevant match).

11. The Commission heard oral evidence from:

i) Referee Frank Meilack – who confirmed the content of this statement and reiterated that he was threatened by Mr Elliot in the way described in his statement.

The Commission were also able to view of a video recording of events after the final whistle which showed Mr Elliot approach the referee after the game and then walk away from the referee after a period out of shot of the camera.

ii) Daniel Elliot – who confirmed the content of his statement. He repeated that although he told the referee to “fuck off” he did not threaten him and was, in his evidence, on the receiving end of aggressive and incoherent shouting from the referee. Mr Elliot accepted that he had been abusive , including the use of “fuck off”, but did not believe he had been threatening.

iii) Wes Brannigan – who confirmed the content of his statement and reiterated that he did not hear any altercation between the referee and any of his players and did not hear Mr Elliot threaten the referee.

iv) Harry Bryant – who confirmed the content of his statement and reiterated that he did not hear Mr Elliot use threatening words towards the referee. Mr Bryant also confirmed that he was stood near the referee during the alleged incident, and did not consider that the referee became aggressive or incoherent.

Decisions and reasons

12. The Commission carefully considered all of the written and oral evidence provided.

13. The burden of proof rests with the County FA.

14. The standard of proof is the civil standard, the balance of probability. In simple terms, the Commission has to be satisfied, on the evidence, that it was more likely than not that an event occurred.

15. The Commission concluded that on the evidence they could be entirely satisfied that it was more likely than not that Mr Elliot did threaten the referee at the end of the game in the way described. The charge was therefore found proved.

The Commission found the referee Mr Meilack (an official with 35 years experience) to be a highly credible witness who was clearly providing an accurate account of events.

The video recording of events assisted the Commission greatly as it showed Mr Elliot in an aggravated frame of mind (by way of his body language) coming onto the field of play at the end of the game, having served a sin-bin suspension, and that Mr Meilack walked away at the end of any exchange with Mr Elliot in a calm manner and clearly not raising his voice at anyone. In short, the recording demonstrated as far as it could (given the relevant people were out of shot when the words were allegedly used) that Mr Elliot’s version of events was inaccurate. That, coupled with

the compelling evidence of Mr Meilack, caused the Commission to be satisfied that the allegation was made out.

16. The Commission were informed that Mr Elliot had a clean record with no misconduct findings against him in the preceding 5 years. The Commission took this into account when considering sanction, reducing the length of the suspension slightly from where they started which was above the recommended entry point given the fact that the misconduct occurred at the end of the game and Mr Elliot had denied the allegation.

17. The Commission imposed the following sanctions in respect of this matter:

- 112 days suspension from all football and all football activities;
- a fine of £75;
- 9 club disciplinary points;
- A requirement to complete an F.A. approved on-line education course prior to completion of the suspension. If he fails to do so within that timescale he is to be suspended from all footballing activity until such time as he is in compliance with this order. Details of the course will be provided to him.

18. This decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Nick Leale (Chairman)

Jairo Marin

Philip Chaplin

13th November 2023

