

Disciplinary Commission (“The Commission”)
On behalf of Sussex County Football Association (Sussex FA)
In the matter of
Mr. Edward MESQUITTA – Case ID: 10451616M
Hearing Summary including Written Reasons

1. This is a hearing summary and includes written reasons for the decision of the Disciplinary Commission which sat on Saturday 2nd October 2021.

2. Sussex FA had raised 2 charges against Mr. Edward Mesquitta as follows:-

Charge 1: FA Rule E3 – Improper Conduct (including foul and abusive language);

Charge 2: FA Rule 3.2 – Improper Conduct – aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability.

Those charges were detailed as follows:-

Details: It is alleged that Edward Mesquitta used abusive and/or indecent and/or insulting language contrary to FA Rule E3(1), and it is further alleged that this is an aggravated breach as defined in FA Rule E3(2) because it includes a reference to disability. This refers to the comment(s) “spastic” and/or similar... “(sic)

The charges had been raised following alleged misconduct by Mr. Mesquitta, a parent/spectator with Lancing U9 Blue (Lancing), during the match between Lancing and AS Eastbourne U9 (Eastbourne) played on Saturday 10th July 2021 in the LPA Tournament.

3. Sussex FA received a misconduct report from the match referee, Mr. Monty Watson-Price (**young person aged 15 years and hereafter referred to as Monty**) in which he said, “...the father of the Lancing player who had been fouled (& hurt) ran onto the pitch to assist his son and called me a “fucking idiot”. At a similar time a Lancing spectator, wearing a checkered pattern shirt, who had been talking to the injured boys father called me a “fucking spastic”. I found both of these remarks offensive and as I have ADHD I found the “spastic” comment extremely upsetting. I finished the game...but was so upset I went and got my father who was refereeing on the adjacent pitch...Unfortunately I became very emotional when I told him what had happened to the point where I cried. My father went to speak to the injured Lancing boy’s father and when my father said “he’s only 15” another lancing spectator shouted out “Well you should know the fucking rules then” (sic)

4. Sussex FA also received an email from Monty's father, Michael Price, who was also refereeing at the tournament. In it he said that the person who had made the "fucking idiot" comment had apologised to Monty. However that person had denied making the "spastic" comment.
5. As a result of that misconduct report Sussex FA undertook an investigation, during which it obtained statements/observation from:-
 - Mr. Anthony Storey, Eastbourne U9 coach;
 - Mr. Eddie Mesquitta, Lancing parent;
 - Ms. Emma Mesquitta, Lancing parent;
 - Mr. Keith Wheatland, Lancing U9 manager;
 - Mr. Paul Funnell, Lancing club official.
6. In his statement Mr. Storey said, "*...One of my players fouled a Lancing player...the child's father and grandad were being really abusive and aggressive towards the referee and my player. I could not hear anything specific that was said but it sounded awful so I headed over to protect my player and support the referee. The referee took a lot of abuse. The referee warned the two adults several times. The grandad was the worst of the two...*" (sic)
7. In his statement Mr. Mesquitta said, "*...Following a terrible tackle on my Son...I said to the referee "that was a terrible tackle, you had better deal with that"...I was looking after my son who was crying badly. The referee then came over to me and said something along the lines of it was not that bad. I obviously reacted to this since my son was badly crying. I said, "that's terrible he should be taken off the pitch". The referee then almost immediately said that he will not resume the game until I leave the field. It was a public playing field and my son was crying so there was no way I was going to leave. I admit to swearing in frustration at this point and said "that's a f***** joke, tackles like that should not be allowed, it's stupid" I also said "There is no way I am going to leave this pitch, it's stupid what a ridiculous thing to say". I then looked after my son...I appreciate that swearing was unacceptable, and this is the reason I decided to go and apologise once things had calmed down...I...would like to apologise again to the referee for swearing..." (sic)*
8. In her statement Ms. Mesquitta said, "*...a player on Lancing FC team was badly injured from a dirty tackle...The father of the injured child took him off the pitch to look after him. The referee approached them off the pitch and a heated debate occurred between them. Unfortunately I was on the other side of the pitch and unable to hear what was said at the time...*" (sic)

9. In his statement Mr Wheatland said, “...one of my players was badly tackled by a player from Eastbourne...and subsequently injured my player to the leg...I took the decision to make my way over to the player I also noticed at this time that the player’s father, who had also witnessed what had happened, made his way over to his son...I would say that the father had arrived around twenty seconds before me...I could see the father was upset and had picked his son up in his arms and moved him off the pitch...I then heard the referee saying to my player’s father YOU NEED TO LEAVE THE PARK AND I AM NOT STARTING THE GAME UNTIL YOU DO. The father then replied “THIS IS A PUBLIC PARK, DON’T BE SO STUPID, I AM NOT ON THE PITCH”...Further words were exchanged over a period of around one minute but nothing I would say that was of note...” (sic)

10. In his statement Mr. Funnell said, “...I was there when the older ref came over. He was very aggressive and accusing Eddie of using the word “spastic” towards his son. Eddie claims that he did not use the word spastic...” (sic)

11. At the conclusion of the investigation Sussex FA raised the charges against Mr. Mesquitta on 26th August 2021.

12. An on-line response to the charges was received in which Mr. Mesquitta entered pleas of “accept – correspondence” to both, also thus indicating he was content for the matter to be dealt with in his absence. No further response was received from him.

13. The foregoing is a summary of the principal submissions provided to the Commission. 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 the Commission did not take such point, or submission, into consideration when the member determined the matter. For the avoidance of doubt, the Commission carefully considered all the evidence and materials furnished with regard to this case.

14. Although Mr. Mesquitta had entered “guilty” pleas to both charges raised against him the Commission was initially of the opinion that there were apparent discrepancies in the evidence before it which could make it unfair to accept both such pleas. Those relevant matters were:-
 - the apparent lack of evidence to show that Mr. Mesquitta is a participant as defined in FA Regulations. Whilst there is a disciplinary record for him there was no other evidence provided to show that he is **currently** a participant;
 - whilst Mr. Mesquitta admitted to having sworn at the referee thus supporting charge 1, the evidence from the referee clearly states that a second person used the abusive comment “fucking spastic.” Therefore it

could be unfair and unjust to accept Mr. Mesquitta's "guilty" plea to charge 2.

15. The matter concerning the issue as to whether Mr. Mesquitta is a participant was referred to Sussex FA via the FA's National Serious Case Panel Commission secretary. Evidence was provided which showed Mr. Mesquitta to be a participant. The Commission was also advised that, initially, an E20 charge had been raised against Lancing but, upon receiving evidence that the spectator complained of (Mr. Mesquitta) was a participant, that charge had been withdrawn and replaced with the charges raised against him.
16. After considering all the available evidence before it in respect of the charges raised against Mr. Mesquitta the Commission was content to accept his plea of "guilty" to charge 1. However, it was not content to accept his plea of "guilty" to charge 2 (the "aggravated" charge). It determined it would be unfair and unjust to accept that plea. In doing so it found:-
 - Monty stated that Mr. Mesquitta had called him a "fucking idiot";
 - Mr. Mesquitta had admitted to saying to Monty "that's a fucking joke";
 - Mr. Mesquitta had admitted to using abusive language towards Monty;
 - Mr. Mesquitta had apologised to Monty for swearing at him;
 - Monty had clearly stated that "a Lancing spectator...who had been talking to the injured boys father called me a "fucking spastic"...";
 - there was clear evidence that someone other than Mr. Mesquitta had made the abusive comment "fucking spastic";
17. The matter in respect of charge 1 was determined to fall within the "low" category of breach.
18. Mr. Mesquitta's disciplinary record over the last 5 years was then considered. It showed no previous misconduct. The Commission considered if there were any mitigating or aggravating factors in respect of the matter before it. Mitigating factors were his previous clear record and the fact he had apologised to the referee on the day. Aggravating factors were that he had made the comment to a 15-year-old referee and had done so in front of teams of under 9s players.
19. Reference was then made to FA Rule E3.1 and the Disciplinary Sanctions Guidelines issued by the FA in coming to its decision. It was noted that the recommended sanction for a "low" category breach was a sporting sanction of from 1 to 3 matches, and a fine of £0 to £20.

20. Having taken into consideration all the facts in the matter the Commission determined that the following sanction be imposed on Mr. Mesquitta:-

- a suspension from all football for 3 qualifying matches, including a ground ban;
- a fine of £20;
- 6 disciplinary penalty points imposed on Lancing FC.

21. 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.

T. Edwards, Chairman