

**Football Association Disciplinary Commission**  
**In the matter of Lee Denyer (Case number 9945592M)**  
**'Chair-Alone' Disciplinary Decision**

**8<sup>th</sup> November 2019**

1. I, Ms. Stacy Newnham-Payne, was appointed to the Commission as chair to conduct a non-personal hearing.
2. Mr. Lee Denyer was charged with a breach of F.A. Rule E3 Improper Conduct in respect of a 'posts' published towards referees on his Twitter Account. It was further alleged that this breach of Rule E3(1) was an "aggravated breach" as defined in Rule E3(2) as it includes a reference to disability
3. The relevant sections of FA Rule E3 (p. 112 of the FA Handbook Season 2019-2020) states:
  - "(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.*
  - (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."*
4. This case was brought by Sussex F.A. following a complaint made regarding 'posts' written on Mr. Lee Denyer's account on 10<sup>th</sup> September 2019:

***"@sussexCountyFA serious question where do u find ur refs??? Coz I've had 4 refs this season so far and 3 have been absolute retards" and "refs like we had tonight is the reason I've retired 6 times... absolute retards"***

5. Mr. Lee Denyer formally responded to the charges and pleaded guilty; requesting that the case be dealt with in his absence. The Commission had been provided with a small bundle of documents including the 'posts' in question and an email from Mr. Darren Ford (Sussex FA Marketing and Communications Manager). I note Mr. Lee Denyer failed to submit written submissions/mitigation.
6. Given the Charges had been admitted I proceeded to determine sanction and consulted the FA Rules and 2019-2020 Sanction Guidelines. Mr. Lee Denyer's record was considered, and it was noted there were no relevant charges to be taken into consideration; the same amounted to a mitigating factor when determining sanction.
7. I am mindful of the sanctions guidelines which require me start at an entry point of 6 games ban together with a £75.00 fine. Further, for an offence of this kind committed via Social Media, and so not face to face, I had the discretion, pursuant to FA Rule E3(4)(iii), to impose a sanction less than the mandatory five match ban. On this occasion however, I was not inclined to exercise such discretion. I note two 'posts' were made. Further, Mr. Lee Denyer failed to offer an apology and/or mitigation for consideration. The sanction imposed is a 6-match ban together with £75 fine and 6 penalty points.
8. Mr. Lee Denyer is also to complete an online FA education programme within four months of original notification of this decision; details of which will be provided by The FA. Failure to complete the mandatory FA Education programme within the relevant timeframe shall initiate the automatic suspension of Mr. Lee Denyer from all football and football related activity until such time as the mandatory FA Education programme has been successfully completed.
9. This decision is subject to the right of appeal in accordance with the relevant regulations within The FA Handbook.

**Stacy Payne, Chairperson**

**9<sup>th</sup> November 2019**