

THE DISCIPLINARY COMMISSION

Sitting on behalf of Sussex County Football Association

NON-PERSONAL HEARING

of

**SAMUEL FAMILTON
FURNACE GREEN UNITED (“the Club”)**

[CASE REFERENCE 10319128M]

THE DECISION AND REASONS OF THE COMMISSION

These written reasons contain a summary of the principal evidence before the Commission and do not purport to contain reference to all the points made, however the absence in these reasons of any particular point, piece of evidence or submission, should not imply that the Commission did not take such point, piece of evidence or submission, into consideration when determining the matter. For the avoidance of doubt, the Disciplinary Commission has carefully considered all the evidence and materials furnished to this matter.

INTRODUCTION

- 1.** The Football Association (“The FA”) convened a Disciplinary Commission (“the Commission”), on behalf of the Sussex County Football Association (“SFA”) on 24th January 2020 to adjudicate upon disciplinary charges levied against Samuel Familton, (“SF”) (Case ID number: 10319128M).
- 2.** I, Mark Ives, have been appointed to sit alone to determine the Non-Personal in accordance with the Disciplinary Regulations of The Football Association.
- 3.** This case relates to an incident during the game between Furnace Green United Firsts v Galaxy Reserves on Saturday 17th October 2020. In relation to this charge, it was reported by the Referee that whilst in the process of sending SF off for a 2nd cautionable offence, SF slapped both his hands down on his arms making physical contact.

4. SF is a player from Furnace Green United FC.
5. The referee, Simon Harwood reported in an extraordinary report the following:

“In, or around, the 70th minute I issued a second caution to Sam Familton of Furnace FC.

While in the process of doing this, and subsequently dismissing him from the pitch, he slapped both of his hands down on my arms with both fists clenched, making physical, and deliberate, contact with me.”
6. In a second extraordinary report he also reported the following:

“After the final whistle, and while I was collecting my match fee, Samuel Familton, who I had earlier dismissed for a second caution approached me and again used verbal threats towards me saying the words "You better run or I'm gonna do you in", "run off because otherwise I'm going to have you", "next time I see you I'm gonna hit you". "just you remember this, next time I see you your going to have it" Again, I was in no doubt that these comments were directed towards me as the referee.”
7. By charge letter dated 11th December 2020, SF was charged under FA Rule E3.1. Improper Conduct against a match official (including physical contact and threatening and/or abusive language or behaviour).
8. A further charge under FA Rule E3.1 Improper Conduct against a match official (including threatening and/or abusive language or behaviour) was also raised.
9. SF had not responded to the case and it was referred to the Commission to be determined as a denial of the charge and the matter was to be dealt with by correspondence.
10. On reviewing the case it was noted in the investigation stage that SF in a statement dated 30th November 2020 had stated, “I would like a face to face hearing to voice my statement as I don't think it would be fair for a punishment for something I did not do.”
11. On that basis, on 26th January I referred the matter back to The Football Association to ask Sussex FA to make contact to ensure he had changed his position and if he was aware that the Club had not responded.

12. By email on 28th January, the SFA chased the Club for a further response. By email on 11th February, I was advised by The FA that the SFA had chased both the Club and the Player directly and had not received a response and asked if I would therefore be content to proceed as a non-response. I am therefore agreeing to proceed on that basis.

13. I am therefore proceeding on the basis as a denial of the charge on correspondence.

RELEVANT RULES AND REGULATIONS

14. The relevant rules and regulations in relation to this case are as follows:

FA Rule E3 states as follows:

“E3.1 A Participant shall at all times act in the best interests 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.

EVIDENCE AND SANCTION

15. The Commission had before them the following statements:

- a. Extraordinary incident reports from the match referee, Sam Rumble.
- b. Email from match referee Sam Rumble dated 30 November 2020.
- c. Sussex FA Witness report form from Matthew Holt, Galaxy FC player.
- d. Sussex FA Witness report form and email from Lee Houghton, Furnace Green FC player.
- e. Sussex FA Witness report form from Sam Familton, Furnace Green FC player and player charged.

16. It was noted that there was also a notification dated 2nd December from SFA to Furnace Green FC that SF was placed under suspension until the outcome of any charge had been determined. Therefore, it is accepted that SF has been under suspension from all football since 2nd December 2020.

17. The Commission noted that within the evidence, the match referee reported that SF had deliberately made contact with him and in email had confirmed there was no injury.

18. The referee also reported that SF after the final whistle had made threatening comments to him as detailed in the report mentioned earlier and that he was “in no doubt that these comments were directed towards me as the referee.”

- 19.** It is noted that the report from the Galaxy Player, Matthew Holt confirmed, inter alia, that the player “slapped the officials book out of his hand.”
- 20.** I observed from the Furnace Green United player that he reports that SF did not make contact with the referee, but he did shout abuse at him.
- 21.** In his report, SF confirmed he did tell the referee to “Fuck Off” and that he also stated that he told the referee “you better fucking go away” but he denied making any contact with him.
- 22.** In considering the evidence, whilst noting that both SF and Matthew Holt deny any contact, the contact from the Galaxy player corroborates the report from the Referee that contact was made.
- 23.** Whilst Matthew Holt reports that SF slapped the book out of the hands of the referee and the referee reports the slapped both his hands down the arms, it is clear there was contact, and I therefore make the finding of fact that on the balance of probability there was physical contact, and the charge is therefore Proven.
- 24.** In relation to the 2nd charge relating to the incident after the final whistle, it is noted that SF does not address this point in his submission.
- 25.** There is no reason to question the credibility of the match official and on that basis, on the balance of probability, I find the report credible and find the 2nd charge against SF is also proven.
- 26.** Whilst considering sanction, the previous record of SF was taken into consideration.
- 27.** In considering his previous record it is noted that SF had previously had a Proven case of misconduct against him relating to an assault on a match official where he had been suspended for 2 years. This offence was in September 2016 where he received a 2-year suspension and returned to the game in September 2018.
- 28.** Additionally, it is noted that the only caution offences he has on his record related to dissent to a match official. Whilst these are only caution offences it does show a propensity to show little or no respect to match officials.
- 29.** I find his previous history to be a serious aggravating factor and will be reflected in the final sanction when considering the latest offence also relates to Physical Contact on a Match Official and a further charge of threatening a Match Official.

30. The Commission also considered the FA Sanction Guidelines as laid down in The FA Handbook 2020/21 Season in addition to the fact that SF has been suspended since 2nd December 2020.

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31. Taking all into consideration the following was ordered in the Samuel Familton is:

- a. Warned as to his future conduct.
- b. Suspended all football and football activity until 1st January 2022.
- c. Fined £200
- d. There was also an order of 12 disciplinary points against the Club.

32. There is a right of appeal against this decision in accordance with FA regulations.

Mark Ives

Chairman

14th February 2021