

Football Association Independent Regulatory Commission
(the 'Commission') in the matter a FA Rule E3 charge for
misconduct brought by The FA against Oumar Niasse of Everton FC.

Regulatory Commission Decision

1. These are the written reasons for a decision made by an Independent Regulatory Commission which sat at on Wednesday 22th November 2017.
2. The Commission members were Mr. S. Ripley (Chairman), Mr. P. Raven and Mr. M. Robinson.
3. Mr. M. Ives of the FA Judicial Services Department acted as Secretary to the Regulatory Commission.
4. Mr. Niasse was charged by The FA with misconduct for a breach of FA Rule E3. The FA alleged that, in or around the 5th minute of the Crystal Palace FC v Everton FC, Premier League Fixture on 18th November 2017, Mr Niasse committed a clear act of simulation which led to a penalty being awarded and that his behaviour amounted to improper conduct.
5. Mr Niasse denied the charge by way of The FA's Disciplinary Proceedings Reply Form, dated 21st November 2017 and requested that documentation be put before the Regulatory Commission.

6. The FA relied on Email correspondence between Mr. N. Dutton of the FA's Regulation Department and the three Simulation Panel Members, dated 20th November 2017; the Guidance for Panel Members; and Video clips of the incident.
7. Everton FC submitted a letter from Mr David Harrison, Club Secretary and Head of Football Operations, dated 21st November 2017 and a witness statement from Mr Niasse, dated 21st November 2017 both of which the Commission noted the contents of and footage of the incident from various different angles as to that submitted by the FA.
8. The Commission noted the comments of the Premier League Delegate whose report on the Match Officials was contained within the documentation submitted by Everton FC who wrote: *"The glaring example of simulation was the penalty award on 4 mins against Palace. In my view, Everton's Niasse has dived to earn his team a penalty and Mr Taylor was successfully deceived. I accept there was contact made by Palace's Dann. However the contact made is minimal – certainly not enough to make Niasse fall to the ground in the way he did"*.
9. For the avoidance of doubt the Commission also considered the point submitted by the Club that Mr Taylor, (the Match Referee), "reiterated his view that he had made the right call because of the contact made."
10. In contrast the Commission also noted that the Simulations Panel was composed of an experienced manager and ex-player, another experienced ex-player and an experienced ex-referee who all came to the conclusion that Mr Niasse had committed an act of simulation.

11. The Commission considered the written guidance provided to the Panel Members which read as follows:

For a panel member to conclude that simulation has occurred they must conclude that there is clear and overwhelming evidence.

In judging these incidents, there are five key questions that should be considered in the decision-making process.

To identify whether an act of simulation has occurred, the following should be considered:

- 1. Is there contact between the players involved? Simulation is more likely in cases where a player attempts to deceive the referee when no contact occurred between the players.*
- 2. Is there fair/normal contact between the players, resulting in no offence being committed?*
- 3. Is a player legitimately avoiding contact with his opponent to prevent injury?*
- 4. Has the player initiated the contact between his opponent and himself in order to deceive the referee?*
- 5. Does the player exaggerate the effect of a normal contact challenge in order to deceive the referee?*

12. The Commission were unanimous that the video footage gave clear and overwhelming evidence that the player had exaggerated the effect of a normal contact in order to deceive the referee.

13. The Commission noted that there was contact between Scott Dann and Mr Niasse but the Commission considered the contact to be normal, fair and expected contact in the situation that arose with Mr Niasse 'taking on' Mr Dann.

14. The Commission unanimously agree that the nature of the contact made by Scott Dan was minimal in nature and would not have thrown Mr Niasse off balance and knock him down in the way that Mr Niasse portrayed it to have done.
15. To the minds of the Commission members the movements of Mr Niasse's body, in particular the arching of the back and the collapsing of both legs, were simply not consistent with the amount of force exerted upon him by Mr Dann and in exaggerating the effect of the contact made between himself and Mr Dann, Mr Niasse deceived the referee and this led to a penalty being awarded by the referee.
16. As such the FA charge brought against Mr Niasse for simulation is found proven and therefore Mr Niasse will serve an automatic 2 match suspension.
17. This decision is final and binding and not subject to any further right of appeal.

Stuart Ripley

Regulatory Commission Chairman

22nd November 2017