

IN THE MATTER OF A FOOTBALL ASSOCIATION
INDEPENDENT REGULATORY COMMISSION

BETWEEN:

THE FOOTBALL ASSOCIATION

and

STOKE CITY F.C.

BARNSELY F.C.

MR. DEAN HOLDEN

MR. RORY DELAP

MR. JOSEPH LAUMANN

MR. TONDA ECKERT

WRITTEN REASONS AND DECISION OF THE INDEPENDENT REGULATORY
COMMISSION FOLLOWING THE HEARING ON 27th SEPTEMBER 2021

1. These are the written reasons for a decision made by an Independent Regulatory Commission (“the Commission”) which sat by video conference on 27th September 2021.
2. The Commission members were Mr. Simon Parry, (Chairman, and Independent Legal Panel Member), Mr. Tony Agana (Independent Football Panel Member) and Mr. Alan Knight M.B.E (Independent Football Panel Member).
3. Mr. Paddy McCormack, FA Judicial Services Manager, acted as Secretary to the Commission.
4. The relevant incident took place in the EFL Championship fixture between Stoke City F.C. (“SCFC”) and Barnsley F.C. (“BFC”) on 15th September 2021.
5. By letter dated 17th September 2021 the F.A. charged both Clubs with a breach of F.A. Rule E20.1, alleging that in or around the 90th minute of the fixture the Clubs failed to ensure that their players and/or club officials conducted themselves in an orderly fashion and/or refrained from provocative behaviour. The FA designated both cases as Non-Standard due to the involvement of bench personnel.
6. By letter dated 17th September 2021 the F.A. charged Dean Holden (“DH”) with a breach of F.A. Rule E3, alleging that his behaviour in or around the 90th minute of the fixture amounted to improper conduct. The FA designated his case as Non-Standard due to the unusual and/or aggressive nature of the reported behaviour.
7. By letter dated 17th September 2021 the F.A. charged Rory Delap (“RD”) with a breach of F.A. Rule E3, alleging that his behaviour in or around the 90th minute of the fixture amounted to improper conduct and/or violent conduct. The FA designated his case as Non-Standard due to the unusual and/or aggressive nature of the reported behaviour.
8. By letter dated 17th September 2021 the F.A. charged Joseph Laumann (“JL”) with a breach of F.A. Rule E3, alleging that his behaviour in or around the 90th minute of the fixture amounted to improper conduct and/or violent conduct. The FA designated his

case as Non-Standard due to the unusual and/or aggressive nature of the reported behaviour.

9. By letter dated 17th September 2021 the F.A. charged Tonda Eckert (“TE”) with a breach of F.A. Rule E3, alleging that his behaviour in or around the 90th minute of the fixture amounted to improper conduct and/or violent conduct. The FA designated his case as Non-Standard due to the unusual and/or aggressive nature of the reported behaviour.
10. The proceedings against both Clubs and all individuals were consolidated pursuant to Regulation 13 of the FA Disciplinary Regulations 2021/22.
11. The FA relied upon the following evidence:
 - a) The Reports of the Match Referee, Mr. L. Doughty, dated 16th September 2021;
 - b) The Report of the Fourth Official, Mr. G. Ward, dated 16th September 2021; and
 - c) Video clips of the incident.
12. By written replies dated 22nd September 2021 SCFC, DH and RD admitted the charges and requested a paper hearing. The Club and staff relied upon helpful written observations of Mr. Chris Laird, Club Secretary of SCFC, dated 22nd and 24th September 2021, together with still images and further video footage.
13. By written replies dated 21st September 2021 BFC, JL and TE admitted the charges and requested a paper hearing. The Club relied upon written observations of Mr. Khaled El-Ahmad, Chief Executive Officer of BFC, Joseph Laumann and Tonda Eckert, all dated 21st September 2021. The Commission was further assisted by the helpful written submissions of Mr. David Wernersson, Club Secretary of BFC, dated 22nd September 2021. BFC also provided us with further video footage.
14. The following 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 account when the members determined the

matter. For the avoidance of doubt, the Commission carefully considered all the evidence and materials provided to it.

15. The Commission had the benefit of viewing the video clips of the incident. That is the most useful evidence in enabling a Commission to assess the seriousness of the various breaches in this case. The following are our findings of fact from the footage. In the 90th minute of a hotly-contested fixture, the ball went out of play for a SCFC throw in. DH, a coach at SCFC, ran into the BFC technical area to retrieve the ball in order that the throw in could be taken quickly. He firstly pushed the BFC Head of Physiotherapy from behind to get to the ball. The ball was then kicked to the feet of the BFC Head Coach and DH also pushed him to the chest to move him away from the ball. However, there was no confrontation between these two men as a result of the push. JL and TE then made their way hastily from their dugout to confront DH. JL took hold of DH, whilst TE joined JL in confronting DH, with TE slapping DH once to the head/neck area before grabbing and pulling at DH. It can be seen from the facial expressions of both JL and TE that both are behaving in an aggressive and confrontational manner. DH does not retaliate. An unidentified member of SCFC staff became involved in the melee and TE can be seen to grab him around the throat from behind. By now, a number of players and staff from both sides involved themselves in the confrontation. Whilst some clearly acted to try to defuse the situation, others were simply acting in a confrontational manner. One such person who involved himself was RD, who ran over to join the confrontation. RD can be seen pushing and pulling at others, in particular BFC number 23 and a member of BFC staff. It is clear from his facial expression that RD, too, was in an aggressive mood. We note that the mass confrontation took place in the immediate vicinity of the SCFC fans nearest to the technical area. They can be seen standing, shouting, gesturing and, at one point, an object is thrown from the fans at those involved in the mass confrontation. A number of stewards had to become involved to separate parties and

restore order.

16. The Commission was informed that SCFC had four previous E20 breaches in August 2017 (fined £3,000), October 2017 (fined £20,000), December 2018 (fined £5,000) and also in December 2018 (fined £10,000). We note that there has been no repetition since 2018. BFC have no previous breaches of Rule E20.
17. The Commission was informed that none of the individual participants charged have any previous E3 breaches.
18. The Commission reminded itself that the FA had designated the cases as Non-Standard and therefore we are not obliged to follow any Standard Penalties, rather the sanction is at our discretion.

CLUB SANCTIONS

19. In our judgment, having watched the footage a number of times, we see no reason to distinguish between the Clubs in terms of their role within the confrontation. Each played an equal part. Whilst we acknowledge that DH's behaviour was the catalyst for what followed, it was BFC staff who instigated the actual confrontation. In our view, those factors balance themselves out. The aggravating features of the mass confrontation are that it involved staff as well as players, that it occurred in very close proximity to spectators who reacted to it and that it required the involvement of stewards. This confrontation had a potential risk of causing wider disorder and risk to the stewards. In addition, we must reflect and distinguish that BFC have no previous findings whereas SCFC have four relevant findings. We pay careful attention to both Club's genuine apologies and remorse and their admission of the charges, and we give credit for that. In our judgment an appropriate starting point is a financial penalty of £15,000. We reduce that in SCFC's case to one of £10,000 to take account of their admission. In BFC's case, there must be a further reduction to reflect their previous good record. In our unanimous

view, a proportionate and fair sanction in their case is a fine of £8,000.

DEAN HOLDEN

20. As we have already noted, his behaviour was the catalyst for what followed. However, having watched the footage, we are satisfied that DH's actions were not aggressive, nor motivated by aggression. However, it was extremely ill-judged of him to enter the opposition technical area and to push people, even if it was simply to retrieve the ball quickly. We take account of the fact that DH did not react when confronted by JL and TE. We further take account of his previous good record, genuine remorse, and admission of the charge. We take as a starting point a two-match touchline suspension and a fine of £3,000. Taking account of the mitigation and admission we reduce that to a one-match touchline suspension and a fine of £2,000.

RORY DELAP

21. The Commission considers that RD joined the confrontation that had already begun. It is appropriate to draw a distinction between him and those who started the confrontation. Nevertheless, he played an active part within that confrontation. In his favour we take account of his previous good record, genuine remorse, and admission of the charge. We take as a starting point a two-match touchline suspension and a fine of £2,700. Taking account of the mitigation and admission we reduce that to a one-match touchline suspension and a fine of £1,800.

JOSHUA LAUMANN

22. We are entirely satisfied that JL, together with TE, instigated the physical confrontation in this case. After DH had pushed the BFC members of staff there was no reaction from either man that required JL or TE to involve themselves. Their involvement was

obviously motivated by a desire to remonstrate with DH and that quickly descended into aggressive behaviour. We accept that JL was not as aggressive as TE. We further take account of his previous good record, genuine remorse, and admission of the charge. We take as a starting point a three-match touchline suspension and a fine of £3,750. Taking account of the mitigation and admission we reduce that to a two-match touchline suspension and a fine of £2,500.

TONDA ECKERT

23. We are unanimously of the view that TE's part in this incident was the most serious. His behaviour was aggressive and violent from the moment that he confronted DH. He slapped DH and later had his arm around someone else's throat. Therefore, we must take a higher starting point in his case. In his favour we take account of his previous good record, genuine remorse, and admission of the charge. Therefore, our starting point is a four-match touchline suspension and a fine of £4,125. Taking account of the mitigation and admission we reduce that to a three-match touchline suspension and a fine of £2,750.
24. In considering each of the individual cases, the Commission takes account of their net weekly football income as declared to us in reaching a fair and proportionate financial penalty.

SANCTIONS

25. Stoke City FC shall be fined the sum of £10,000.
26. Barnsley FC shall be fined the sum of £8,000.
27. Dean Holden shall serve a touchline suspension until such time as SCFC have played one
(1) First Team Competitive Match and be fined the sum of £2,000.
28. Rory Delap shall serve a touchline suspension until such time as SCFC have played one

- (1) First Team Competitive Match and be fined the sum of £1,800.
29. Joshua Laumann shall serve a touchline suspension until such time as BFC have played two (2) First Team Competitive Matches and be fined the sum of £2,500.
30. Tonda Eckert shall serve a touchline suspension until such time as BFC have played three (3) First Team Competitive Matches and be fined the sum of £2,750.
31. The decision is subject to any appeal as provided by the Regulations.

Mr. Simon Parry (Chairman)

Mr. Tony Agana

Mr. Alan Knight M.B.E

30th September 2021