

**Football Association Regulatory Commission (the 'Commission') in the matter of a charge of Misconduct brought against Richarlison de Andrade ('RdA') of Everton FC ('EFC').**

**Regulatory Commission Decision**

1. These are the written reasons for a decision made by an Independent Regulatory Commission which sat on Monday 4<sup>th</sup> July 2022.
2. The Commission members were Mr. Stuart Ripley (Chairman), Mr. Martin Allen and Mr. Matt Williams all three of whom are Independent Panel Members of the FA Judicial Panel.
3. Mr. John Edmunds of the FA's Judicial Services acted as Secretary to the Regulatory Commission.
4. The following is a summary of the principal submissions and evidence provided to the Commission. It does not purport to contain reference to all 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 members determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case.

## Background

5. The incident in question occurred in the 46<sup>th</sup> minute of the Everton FC v Chelsea FC, Premier League fixture that took place on 1<sup>st</sup> May 2022.

6. Having scored for EFC in the 46<sup>th</sup> minute RdA ran to the corner flag and celebrated with his teammates in front of the home fans. After about 20 seconds of celebrating the EFC players started to disperse away from the corner of the pitch. RdA spotted a smoking blue flare that had been thrown on to the pitch. He jogged over to the flare, picked it up, ran a few yards toward the stands and then threw it, using an overarm motion, into an area of the stadium that was most sparsely populated. According to an EFC disability access document the area where the flare landed was designated for disabled supporters.

7. The FA investigated the incident and subsequently, by way of a Charge letter dated 31 May 2022, RdA was charged by The FA with misconduct for a breach of FA Rule E3. It was alleged that RdA's conduct, in picking up and throwing the flare, had been improper.

8. The FA designated the case as a Non-Standard Case due to the unusual nature of the reported incident.

9. In charging RdA The FA relied on the following evidence:

- a. Report of Match Referee, Mr. K. Friend, dated 1 May 2022;
- b. Everton FC disability access document (identifying the area near where the flare landed is for disabled supporters;
- c. View taken from google street view immediately outside the corner stand (Howard Kendall - Gwladys Street stand)
- d. FA Application to remove matter from Fast-Track deadline; and
- e. Video clips of the incident.

10. RdA admitted the charge by way of the FA's Disciplinary Proceedings Reply Form dated 15<sup>th</sup> June 2022 and requested that the case be dealt with at a Paper Hearing.

11. Attached to the Reply Form was a letter from Mr. David Harrison, EFC Director of Football Operations and Club Secretary which confirmed that RdA had admitted the charge and set out a number of points in respect to mitigation. The Club's position on sanction was that *"a reprimand and/or a warning would be the most proportionate sanction given the circumstances"*.

12. The FA provided its view in respect to sanction by way of a document entitled *'Note on Sanction'* dated 21<sup>st</sup> June 2022. This document set out what The FA considered to be the aggravating factors present and responded to RdA's Reply to Charge and the Respondent's submissions. The FA was of the view that a proportionate range for sanction would be a *"suspension of at least 2 matches (or more)"*.

13. A letter signed by RdA and dated 15<sup>th</sup> June 2022 that was, it would appear, mistakenly omitted from the Club's response to the Charge documentation was also provided to the Commission. In the letter RdA apologised to The FA for his actions and admitted the charge. RdA also stated *"I wish to make it very clear that it was never my intention to throw it at anyone or back into the crowd; my only focus was to throw it into an empty space away from the crowd and players. With hindsight, I realise now that I should have left the flare for the security team to deal with and not handled it at all."*

14. With RdA having admitted the charge the Commission's only task was to impose a sanction that was proportionate to the incident.

15. The Commission came to the conclusion that RdA's actions in jogging over to a lit, smoking, flare, picking it up and then throwing it with force into a populated part of the stadium (which we were informed was allocated to disabled fans) were reckless and foolish to the extent that they merited the imposition of a sporting sanction and a fine.

16. In its submissions EFC had made the observations that RdA had not been specifically informed by The FA or Premier League that players should not pick up flares and that in South America, where RdA previously played, the throwing of flares onto the pitch is prevalent and as such RdA was unaware that he would be breaching the FA's Rules in respect to behaviour when picking up the flare. Whilst the Commission took note of these observations it is clear that common sense dictates that picking up a smoking flare and then throwing it forcefully into an area where people are situated is behaviour that, by any standards, is unwise, reckless and therefore self-evidently improper.

17. In deciding how many matches RdA ought to be suspended and the level of fine, the Commission took into consideration the following mitigating factors:

- a. RdA had admitted the charge;
- b. RdA had apologised to The FA;
- c. RdA did not intend to endanger anyone;
- d. RdA has a good disciplinary record;
- e. The fixtures was of enormous importance in respect to EFC maintaining its Premier League status and as such emotions during the match were heightened;
- f. RdA did not intentionally mean to breach The FA Rules;
- g. No supporters or any security staff were actually injured;
- h. RdA is of good character and has supported many initiatives in his home country.

18. The Commission noted RdA's declared football income from EFC. This was stipulated in E-mail correspondence between The FA and the Club that was furnished to the Commission.

19. Having taken all the mitigating and aggravating factors of the case into consideration the Commission felt that the following sanction was proportionate and appropriate in all the circumstances:

- a. RdA is immediately suspended until such time that his Club has completed 1 first team match; and
- b. RdA is fined the amount of £25,000.

20. This decision is subject to Appeal in accordance with the FA's Rules and Regulations.

**Stuart Ripley**

Regulatory Commission Chairman

7<sup>th</sup> July 2022