

**Football Association Independent Regulatory Commission**

**(the 'Commission')**

**in the Matter of Three Consolidated Charges for Misconduct Brought by The FA against Ahmet Rifat (Manager)('AR'), Alkeo Bani (Player) ('AB') and Tristan Thomas (Coach) ('TT') of Wingate & Finchley FC ('WFFC').**

**Regulatory Commission Decision**

1. These are the written reasons for a decision made by an Independent Regulatory Commission which sat on Monday 29<sup>th</sup> April 2024.
2. The Commission members were Mr. Stuart Ripley (Chairman), Mr. Richard Cooper and Mr. Mick Kearns, all of whom are Independent Football Panel Members.
3. Mr. Paddy McCormack of the FA Judicial Services Department acted as Secretary to the Regulatory Commission.
4. 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 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.

## Relevant FA Rules, Regulations and Guidance.

5. FA Rule E3.1 states: *"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."*

## Background

6. On Saturday 20<sup>th</sup> January 2024, Wingate & Fichley FC were due to play Chatham Town FC in Isthmian Premier League. After a pitch inspection carried out by Match Referee, Nathan Oakes ('Referee'), the Game was postponed due to the playing surface being deemed unsafe.
7. On Monday 22<sup>nd</sup> January 2024, The FA received the following Email from the Referee: *"Good Morning, I am writing to you to report Wingate & Finchley following my decision to postpone their game at 1330hrs on Saturday. This cannot be completed on MOAS due to the postponement of this fixture. Wingate organised a local referee to conduct a pitch inspection @ 11am, on a phone call to me, they stated they thought the pitch was playable. On my arrival at 1330hrs, I immediately conducted a pitch inspection, awaiting the arrival of my two assistants travelling together. My initial thoughts were the pitch was not playable. The top level of approx. 2cm had softened, but the ground below remained rock solid. Player safety would have been jeopardised if the fixture was played. The Chatham management team (excluding their 1st team manager) were present and informed me they also believed the pitch to be "unplayable & dangerous". On arrival of my assistants, approximately 10 minutes later, I met with both the first team managers and confirmed that the fixture would not be taking place due to pitch not being playable. I was greeted understandably with a negative response from both managers, but confirmed the fixture would not be played. The first team*

*manager of Wingate begun to question my decision, multiple times I attempted to give an answer but was interrupted on each of my 3 attempts. Due to this, I informed them the conversation was now over & me and my assistants begun to make our way across the pitch to the changing room. I then begun to receive verbal abuse from the home team manager, Ahmet Rifat. Foul & abusive language was used by Mr Rifat & he had to be escorted away by Wingate club sectary Andrew Kouroushi due to becoming extremely aggravated. "You are all the fucking same" was one of the lines I can remember clearly. Me & my assistants then made our way to the changing room to collect our belongings. We waited 10 minutes for any club officials to come ask any questions of us. During this period, we received a knock on the door from home player ' Alkeo Bani' stating that we had to play the fixture. I informed Alkeo that the game would not be played and asked him to leave the changing room door, on trying to close the door, Alkeo physically stopped me from closing the door & became physically aggressive towards me, I again informed Alkeo to remove himself from the changing room door. I had to physically force the door shut to remove him then could hear foul & abusive language being directed at me again from Alkeo as he made his way away from the officials changing room door. Me & my assistants waited a further 5 minutes before heading to our vehicles. My assistants turned left out of the tunnel to their parked car. I turned right and was greeted by the home Sectary, Groundsman & I believe the president of the club. I engaged in polite conversation with all 3 of the above, and explained my decision that the game was not played due to the conditions I previously stated. The president informed me that they had "only ever had 1 game called off" and that he sat on the board for the FA. I again informed him, this game would still not being played. The groundsman continued to ask me questions, however I informed him I would now be leaving the ground. As I went to leave the conversation, I believe a player by the name of "Billy" come out of the tunnel and physically & aggressively got into my personal space, screaming at me "you've made this all about you ref, you fucking idiot". The player had to be physically held back by the club groundsman, who called them by their name. At this point, I feared for my safety and got into my vehicle and left the ground. There was multiple witnesses to this event at the end of the tunnel conducted by the player. I did request via phone call to the club sectary for the players full name to add to the report. I am yet to hear back from the club in response to this or our half*

*payment. I rung both the FA & Isthmian league on my journey home to explain the events. I am disappointed I am having to inform you of this event. But I feared for my physical safety as I went to leave the club & I find this extremely unacceptable. I had driven almost 2 hours to this fixture & of course wanted to play. I am disappointed that the pitch inspection at 11 did not highlight the unsafe pitch. Please let me know if you need anything further from me. Both my assistants George Lowe & Richard Baker are available to be contacted."*

8. The FA investigated and obtained the following email responses from the Assistant Referee's.
  
9. Assistant Referee, George Lowe, wrote on 30<sup>th</sup> January 2024: *"The main thing I remember was in regards to the Wingate manager. As Nathan was trying to explain his reason for postponing the game he became very aggressive and was shouting. Nathan ended the conversation and the manger said "you lot are all the same" referring to us as the match officials. Do you need anything in regards to the player refusing to leave our changing room after or just the club officials?"*
  
10. Assistant Referee, George Lowe, wrote on 31<sup>st</sup> Jan 2024: *"I do not know who the player was but a player came and spoke to us after we had gone back into the changing room. I cannot remember what he said but he was very angry and aggressive towards us. When Nathan told him it was the end of the conversation and tried to close the door he put his foot in the way, preventing the door from closing. Nathan tried to close the door but he would not move. After some effort from Nathan he was eventually able to close the door."*
  
11. Assistant Referee, Richard Baker, wrote on 8<sup>th</sup> February 2024: *"We arrived at the ground at 13:40 and the match referee had already advised on arrival that he had doubts with the playing surface. We then inspected the field as a team and the decision was made to call the game off. Nathan communicated this to both managers and the Wingate manager became incredibly irate. Nathan was really able to get his*

*point across because he was continuously talked over by the Wingate manager who was becoming more angry by the second. It became apparent that the situation was escalating so Nathan ended the discussion and we headed back towards the dressing room. When we walked away the Wingate manager said “you’re all the fucking same” to which Nathan responded by advising him that they would be reported. When in our changing room a Wingate player knocked on the door to further argue the decision. Nathan explained that the club officials had been notified and for the player to leave his doorway. The player put his foot in the door to stop it being shut and Nathan had to forcibly shut the door against the resistance of the Wingate player. George and I then left the tunnel area to head to our car in one direction and Nathan headed in the opposite direction to us.”*

## Charges

12. On the basis of the information gathered from its investigation The FA charged AR, AB and TT.

13. AR was charged as follows: *“You are hereby charged with misconduct for a breach of FA Rule E3.1 in respect of the above fixture. It is alleged that following postponement of the fixture you acted in a manner which was improper and used abusive and/or insulting words and behaviour towards a Match Official(s). Please note that The Football Association has designated this as a Non-Standard Case due to the unusual nature of the particular facts of the reported misconduct.”*

14. AB was charged as follows: *“You are hereby charged with misconduct for a breach of FA Rule E3.1 in respect of the above fixture. It is alleged that following postponement of the fixture you acted in an improper manner and used threatening and/or abusive and/or insulting words and behaviour towards a Match Official(s). Please note that The Football Association has designated this as a Non-Standard Case due to the unusual nature of the particular facts of the reported misconduct.”*

15. TT was charged as follows: *“You are hereby charged with misconduct for a breach of FA Rule E3.1 in respect of the above fixture. It is alleged that following postponement of the fixture you acted in an improper manner and used threatening and/or abusive and/or insulting words and behaviour towards a Match Official(s). Please note this case has been designated Non-standard due to the serious and/or unusual nature of the particular facts of the reported misconduct.”*

16. The Football Association relied on the following evidence against all three Participants:

- i. E-mail correspondence between Mr. J. Gillett, The Football Association and Mr. N. Oakes, Match Referee, dated 22 January – 14 February 2024;*
- ii. Email correspondence between Mr. J. Gillett, The Football Association and Mr. G. Lowe, Assistant Match Official, dated 28-31 January 2024; and*
- iii. Email correspondence between Mr. J. Gillett, The Football Association and Mr. R. Baker, Assistant Match Official, dated 28 January – 8 February 2024.*

### Response to Charges

17. AR responded by denying the Charge and requesting that the matter be dealt with by way of a Paper Hearing.

18. AB responded by admitting the charge and requesting that the matter be dealt with at a Paper Hearing.

19. TT responded by denying the Charge and requesting that the matter be dealt with by way of a Paper Hearing.
20. Various statements were submitted from AR and TT in respect to the charges. It should be noted that much of the documentation submitted by WFFC concerned the Referee's decision to postpone the match and the Referee's behaviour in coming to that decision. Although relevant background information in respect to these Charges it is not for a Commission such as this one to make judgements on whether or not the Referee acted correctly when postponing a match. As such the Commission makes no comment on the matter and these reasons do not reproduce any of the documentation that refers to that element of the case.
21. Andrew Kouroushi WFFC Club Secretary wrote the following: *"We refute the claims that our Manager used the words "you are all the fucking same" stated by referee Nathan Oakes, at no time did our manager use these words. This is corroborated by his colleague George Lowe who in his statement, that he only heard the words "you are all the same" On this day we all were fairly aggrieved at the referee's demeanor as he refused to answer any questions from both managers, Chairman and Secretaries of each team, dismissed everyone like school children and walked off. In fact his demeanor was in fact rude and abrupt to all parties on the day. Our Chairman Aron Sharpe and myself Club Secretary Andrew Kouroushi were both in ear shot of the incident, and are both happy to state this. Confirmation from both parties.*

*I, Aron Sharpe – Chairman of Wingate & Finchley FC deny that Ahmet Rifat used the word "Fucking" in the context the referee has stated.  
Aron Sharpe – Chairman.*

*I, Andrew Kouroushi – Club Secretary of Wingate & Finchley FC deny that Ahmet Rifat used the word “Fucking’ in the context the referee has stated.*

22. TT wrote the following: *“The second time I approached him was as he was leaving the ground and I refute that I acted aggressively towards him. In fact, it was the Referee that acted aggressively to me and told me to again leave him alone when I asked him why he had called the match off. I was led away by our Groundsman, Andy Ward, saying I was not going to get anywhere”.*

23. TT wrote *“As per my previous statement provided on the 29th February 2024, I once again would like to state that I did not approach the referee in an abusive or threatening manner. It’s not in my nature to be that way. However, I admit that I did approach him. The referee was rushing to leave the ground, and has totally misinterpreted my approach and that he was not willing to talk or acknowledge any approach. I admit that I did say to the referee “that you have made today all about you” however not in an abusive or threatening manner. The referee has fabricated that I was abusive or threatening, I am not that person, and again I was the person that I approached him. I put my hands up straight away when he called our Secretary to state that someone had approached him as he drove from the ground, and I was informed by our secretary Andrew, that he included me in a report to the Isthmian League naming me as the person that had, when he was told that the referee was reporting me. He then later got me mixed up with a player from our team Billy Cracknell.*

24. On receipt of the Participants’ responses to the Charges brought against them The FA sought further clarification from the Referee. The Referee responded to a number of questions as follows:

- i. At what distance from Mr Rifat were you when he said the alleged words? *We had just left the left- hand penalty area - Mr Rifat was approximately 15ft from us when he used the insulting language at us - he had been moved on by his secretary due to his nature becoming more heated at my decision to postpone the fixture.*
- ii. What was the noise level at the time of the alleged words? *There was multiple people in the vicinity but the volume was not of a high level - both my assistants were in proximity and could hear the conversation.*
- iii. Please describe your demeanour during any interactions with Mr Rifat. *I was calm and open to conversation - I was asked questions regarding why the fixture was being postponed - I attempted to answer multiple times - on the 3rd time of attempting to answer and being interrupted - I informed both clubs the conversation was now over and me and my team were making my way back to the changing room - this is when the foul and abusive language was received.*
- iv. In respect to the incident with TT: *"The president informed me that they had "only ever had 1 game called off" and that he sat on the board for the FA. I again informed him this game would still not be played. The groundsman continued to ask me questions, however I informed him I would now be leaving the ground. As I went to leave the conversation, a member from Wingate & Finchley come out of the tunnel and physically & aggressively got into my personal space, screaming at me "you've made this all about you ref, you fucking idiot" The player had to be physically held back by the club groundsman, who called them by their name. At this point, I feared for my safety and got into my vehicle and left the ground. There were multiple witnesses to this event at the end of the tunnel conducted by the player. I did request*

*via phone call to the club secretary for the players full name to add to the report.”*

*25. AR responded to the Referee’s further observations, stating: “As per my previous response to the charge, I once again refute the charge that I swore at the referee on or around the pitch and my words were “you are all the same” meaning they do not want to partake in dialogue. There were many people around me and a lot of noise as everyone was aghast that the match had been called off. I am not sure how to further respond to the referee’s inaccuracies of the days events.*

### Decisions of the Commission

26. The standard of proof relevant to these charges is that of the Civil Standard being the ‘*Balance of Probability*’ – that is to say - is something more likely or not to have occurred.

27. The Burden of proof lies with The FA.

### Ahmet Rifat – Manager at WFFC

28. Having considered all the facts and circumstances of the case the Commission found the Charge brought against AR proven. This was based on the following:

- i. It is clear that everyone at WFFC was annoyed and frustrated that the match had been postponed by the Referee in the manner that he did;

- ii. It is common ground between the parties that AR and the Referee had a heated conversation;
- iii. AR admitted to using the insulting phrase “You’re all the same”; Whilst this phrase does not include the expletive ‘fucking’ it still could be considered as being insulting to the extent that it is ‘improper’;
- iv. Assistant Referee, George Lowe states that AR was ‘aggressive’ and ‘shouting’ when in conversation with the Referee;
- v. The Referee stated: “Foul and abusive language was used by Mr Rifat and he had to be escorted away by Wingate club secretary Andrew Kouroushi due to becoming extremely aggravated”;
- vi. Assistant Referee, Richard Baker stated: “...because [the Referee] was continuously talked over by the Wingate manager who was becoming more angry by the second. It became apparent that the situation was escalating so Nathan ended the discussion and we headed back towards the dressing room. When we walked away the Wingate manager said “you’re all the fucking same” to which Nathan responded by advising him that they would be reported”.

29. Despite the statements from the WFFC Chairman and Secretary stating that AR had not used the word *‘fucking’* as part of his insult, the Commission felt that on the balance of probabilities, given the irate nature of the exchange, and the evidence put forward by the Referee and his Assistants, it was more likely than not that AR had used the phrase “*You are all the fucking same*” towards the Referee and as such the charge against AR was found proven on the basis that he had acted in a manner which was improper and had used abusive and/or insulting words and behaviour towards a Match Official. In fact, the Commission would also have found the charge proven without the expletive *‘fucking’* albeit at a lower level of impropriety.

30. The Commission was informed that AR had only one previous proven Misconduct charge on his disciplinary record and that it dated back to 16<sup>th</sup> February 2019. The Commission considered this to be a good disciplinary record.

31. The Commission consider the abuse of Officials to be a serious matter and although at the lower end of this behaviour, the Commission felt that a sporting sanction was merited along with a fine. AR had denied the charge and as such no credit could be given for an admittance. The Commission were informed of AR's football related income and tailored the sanction with that information and his good disciplinary record in mind. AR is the Manager at WFFC and as such his behaviour ought to reflect his position at the club.

32. Having considered all the circumstances of the case the Commission decided that AR ought to be suspended (touchline) for such time as WFFC have completed one competitive First Team fixture and be fined the sum of £200.

#### Alkeo Bani – Player at WFFC

33. AB admitted the Charge brought against him. This was to his credit.

34. The Commission was informed that AB had a clean previous disciplinary record and this also was to his credit.

35. Nevertheless, the Commission took a dim view on AB's behaviour and considered him acting in such a physically aggressive manner towards the Referee as being a serious incident. According to the Referee, he *"physically stopped [the Referee] from closing the door"*. He became *"physically aggressive"* towards the Referee and the Referee had to *"physically force the door shut to remove him"*.

36. The Assistant Referees reported that AB acted in a totally unacceptable way – *"he was very angry and aggressive towards us. When Nathan told him it was the end of the conversation and tried to close the door he put his foot in the way, preventing the door from closing. Nathan tried to close the door but he would not move. After some effort from Nathan he was eventually able to close the door."* (George Lowe)

*"When in our changing room a Wingate player knocked on the door to further argue the decision. Nathan explained that the club officials had been notified and for the player to leave his doorway. The player put his foot in the door to stop it being shut and Nathan had to forcibly shut the door against the resistance of the Wingate player"* (Richard Baker)

37. The Commission felt that AB's intimidatory actions merited a significant sanction and, having been informed of and taking into consideration AB's football income, its starting point was a suspension of three matches and a fine of £300. The Commission then applied credit for AB's admittance and his clean disciplinary record mitigating the sanction down to a two

match ban and a £200 fine. AB is therefore suspended until such time as WFFC have completed two First Team matches and fined the sum of £200.

### Tristan Thomas – Coach at WFFC

38. For clarification, it should be noted that there was some confusion during the FA's investigation process as to who this particular allegation of misconduct related to. The Referee had thought that the person who had approached him was a person called 'Billy' but eventually it became clear, and it is not disputed by WFFC or TT, that the person this charge relates to is TT.

39. TT denied the Charge against him. The Commission found the Charge proven. On the balance of probability the Commission felt that it was more likely than not that TT had acted in a way that was set out in the Charge letter. This was based on the following:

- i. It is clear that everyone at WFFC was annoyed and frustrated that the match had been postponed by the Referee in the manner that he did;
- ii. TT admits that he approached the Referee - *"However, I admit that I did approach him"*.
- iii. The Referee stated that *"[TT] come (sic) out of the tunnel and physically and aggressively got into my personal space"*
- iv. The Referee reported that TT was *"screaming at me"*
- v. The Referee reported that TT said to him *"you've made this all about you ref, you fucking idiot"*.
- vi. The Referee reported that TT *"had to be physically held back by the club groundsman"*;

- vii. The Referee reported that *“At this point, I feared for my safety and got into my vehicle and left the ground.”*
- viii. TT reports that there was aggression within the encounter between the two albeit that he stated that it was the Referee who was aggressive; Raising the likelihood that expletive would have been used.
- ix. TT reports that he did say something close to that which the Referee reported he said – *“I admit that I did say to the referee “that you have made today all about you””* Indicating that the Referee was truthful about the interaction between the two.
- x. TT reports that the Referee *“told me to again leave him alone when I asked him why he had called the match off”*. Indicating that TT was the person pursuing the conversation against the will of the Referee.
- xi. TT reports that he was *“led away by our Groundsman, Andy Ward, saying I was not going to get anywhere”*. Indicating that he was acting in a manner that required the intervention of another.

40. Having considered all the facts the Commission came to the conclusion that TT had acted in an improper manner and it was more likely than not that he had used threatening and/or abusive and/or insulting words and behaviour towards a Match Official. The Commission decided that TT had approached the Referee, got in his personal space, screamed at the Referee *“you've made this all about you ref, you fucking idiot”* and had physically intimidate the Referee to the point that the Referee *“feared for [his] safety”* as the Groundsman physically held him back.

41. With the Charge against TT proven the Commission turned its mind to sanction.

42. The Commission was informed as to TT football related income.

43. The Commission was informed that TT had no previous proven charges on his disciplinary record. This was to his credit.

44. The Commission considered TT's intimidatory action towards a match official to be a very serious matter that merited a strong sanction. TT ought not to have approached the Referee. He ought not to have got in the Referee's personal space. He ought not to have 'screamed' abuse at the Referee, calling him a "*fucking idiot*". Referees should be able to go about their business without fearing for their safety.

45. Having considered all the circumstances of the case and factoring in the mitigation of TT's clean disciplinary record the Commission decided that TT ought to receive a 3 match (touchline) suspension and a £150 fine. TT had denied the Charge therefore no credit was due for an admittance.

46. These decisions are subject to appeal in accordance with the Rules and Regulations of The FA.

Stuart Ripley (Chair)

Mick Kearns

Richard Cooper

Regulatory Commission

29<sup>th</sup> April 2024

