

**IN THE MATTER OF THE FOOTBALL ASSOCIATION
REGULATORY COMMISSION HEARING**

COMMISSION MEMBERS:

**KRISTIAN JONES (CHAIR)
MATTHEW WILLIAMS
FRANNY BENALI**

THE FOOTBALL ASSOCIATION

and

JOSH CLACK

DECISION AND WRITTEN REASONS OF THE REGULATORY COMMISSION

5TH AUGUST 2024

Overview

1. These are the written reasons for the decision and sanction in relation to a Regulatory Commission hearing that took place on 5th August 2024 (the “**Hearing**”) concerning Josh Clack (“**JC**”).
2. The Regulatory Commission comprised of Kristian Jones who acted as Chair, Matthew Williams and Franny Benali (the “**Commission**”).

The Charge

3. JC has been charged by the Football Association (hereafter the “**FA**”) for breaching the following FA Rules:

E8.1 - A Participant shall not bet, either directly or indirectly, or instruct, permit, cause or enable any person to bet on –

E8.1.1 the result, progress, conduct or any other aspect of, or occurrence in or in connection with a football match or competition; or

E8.1.2 any other matter concerning or related to football anywhere in the world, including, for example and without limitation, the transfer of players, employment of managers, team selection or disciplinary matters.

E8 (2) (a) - A Participant shall not bet, either directly or indirectly, or instruct, permit, cause or enable any person to bet on –

(i) the result, progress, conduct or any other aspect of, or occurrence in, a football match or competition:

(A) in which the Participant is participating, or has participated in that season;

or

(B) in which the Participant has any influence, either direct or indirect; or

(ii) any other matter concerning or related to any Club participating in any league Competition, as defined in Rule A2, that the Participant is participating in or has participated in during that season, including, for example and without limitation, the transfer of players, employment of managers, team selection or disciplinary matters

The Particulars of the charge

4. The particulars of the Charge are that there were 5,899 bets placed on football matches between 05 January 2015 to 22 November 2023. Specifically, the charge sheet reads:
5. For the 2014/15 season JC 11 bets on football matches, in breach of FA Rule E8(2)(a)(i), between 05 January 2015 and 19 April 2015 whilst he was a participant at Littlehampton Town FC.
6. For the 2015/16 season JC placed 10 bets on football matches, in breach of FA Rule E8(2)(a)(i), between 20 February 2016 and 21 May 2016 whilst he was a participant at Chichester City FC.
7. For the 2016/17 season JC placed 8 bets on football matches, in breach of FA Rule E8(2)(a)(i), between 05 November 2016 and 23 April 2017 whilst he was a participant at Chichester City FC.
8. For the 2017/18 season JC placed 16 bets on football matches, in breach of FA Rule E8(2)(a)(i), between 03 November 2017 and 06 January 2018 whilst he was a participant at Chichester City FC.
9. For the 2019/20 season JC placed, permitted, caused or enabled 361 bets on football matches, in breach of FA Rule E8.1, between 02 August 2019 and 24 July 2020 whilst he was a participant at Chichester City FC. 327 of these bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition. 34 of the bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition in which JC's club and/or he was participating.
10. For the 2020/21 season JC placed, permitted, caused or enabled 878 bets on football matches, in breach of FA Rule E8.1, between 03 September 2020 and 11 July 2021 whilst he was a participant at Chichester City FC. 812 of these bets were placed on the result and/or progress and/or conduct and/or any other

aspect of a football match or competition. 66 of the bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition in which his club and/or he was participating.

11. For the 2021/22 Season JC placed, permitted, caused or enabled 2,616 bets on football matches, in breach of FA Rule E8.1, between 06 August 2021 and 31 July 2022 whilst he was a participant at Haywards Heath Town FC and Chichester City FC. 2,569 of these bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition. 47 of the bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition in which his club and/or he was participating.
12. For the 2022/23 Season JC placed, permitted, caused or enabled 1,889 bets on football matches, in breach of FA Rule E8.1, between 01 August 2022 and 10 June 2023 whilst he was a participant at Chichester City FC. 1,812 of these bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition. 77 of the bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition in which his club and/or he was participating.
13. For the 2023/24 season JC placed, permitted, caused or enabled 110 bets on football matches, in breach of FA Rule E8.1, between 05 August 2023 and 28 November 2023 whilst he was a participant at Chichester City FC. 108 of these bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition. 2 of the bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition in which his club and/or he was participating.

The Evidence

14. This matter relates to a period of betting between 05 January 2015 to 22 November 2023
15. The relevant factual background herein is a summary of the principal submissions provided to the Commission. It does not purport to contain reference to all the points made, or to all the statements and information provided, 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 it determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished in this case.

The FA's case


16. The FA's case is summarised in the witness statement of [REDACTED] dated 25 March 2024 and is further set out in the written submissions on sanction dated 25 July 2024.

17. [REDACTED] sets out in his witness statement that Josh Clack ("JC") was identified by a betting operator as having potentially breached the FA's betting Rules and they shared JC's account activity with The FA.
18. After confirming the details of where JC had been playing, The FA contacted all UK-licensed betting operators and asked them to share any accounts in the name of JC that showed breaches of The FA's Betting Rules.
19. As a result of the above enquiry, there were four additional accounts supplied by betting operators. These accounts were shared directly with The FA by the betting operators. Therefore, The FA had been provided with a total of 5 betting accounts for JC, showing a total of 5,899 football related bets made by JC.

The overall amount staked across the 9 seasons, is £51,483.96 with returns of £36,892.29 and therefore a net loss of £14,591.67
20. On analysis of the betting accounts, in total there are 271 bets which included games in competitions that JC's clubs participated in during the relevant seasons. There are no bets placed involving JC's own club.
21. The FA interviewed JC and he stated in interview that he was not aware of The FA's betting Rules until being contacted in relation to this investigation.
22. JC accepted all the betting accounts were opened by him and accepted placing the first 45 football bets through the accounts in question, these bets were placed whilst JC was a Participant at Step 5 or below.
23. JC stated the remaining 5,854 football bets were placed by [REDACTED]. These bets were placed whilst JC was a Participant at Step 4.
24. JC went into detail explaining that [REDACTED] and [REDACTED] was unable to open betting accounts in his own name, as such JC provided [REDACTED] with the usernames and passwords of his betting accounts so [REDACTED] could bet through them.
25. JC stated [REDACTED] could access the accounts directly but would need to contact JC if he needed money depositing as JC had his cards registered to the accounts and [REDACTED] would transfer him money or give him cash to fund the bets.
26. JC denied any of the football bets placed since August 2019 were placed by him.
27. Due to [REDACTED], he is a Participant, and [REDACTED] was written to by The FA to co-operate with the investigation. [REDACTED]
28. The FA state in their written submissions on sanction that JC placed 5,899 bets on football matches across nine football seasons between 2014/15 and 2023/24, utilising accounts with five betting operators.

29. The overall amount staked across nine seasons was £51,483.96 with returns of £36,892.29, representing a net loss of £14,591.67. Of the 5,899 bets, 271 bets were placed on competitions JC's own club participated in. The total amount staked on these matches was £2,401.55, with returns of £1,455.96 resulting in a net loss of £945.59.
30. During interview with The FA investigators, JC presented a position that he had various betting accounts, and these were operated (in the main) by another person. The FA were of the view that the arrangement JC describes involved his co-operation/permission and enabling of the football bets through his accounts. Accordingly, The FA does not consider it necessary for the Commission to determine whether JC himself placed the football bets or whether he permitted/ enabled the bets being placed by another person through his accounts. The FA submitted that the sanction should not be affected either way in this instance.
31. The FA accept that JC is to be credited for an early admission of the Charge.
32. The FA submit that In accordance with the guidelines, JC falls to be sanctioned with a fine.
33. The FA accept that as none of the bets involved JC's own club, a sporting sanction is not applicable.
34. The FA submit that JC placed a substantial number of bets in breach of FA Rules, staking a large amount of money and that JC had confirmed that he had being provided with a booklet by Chichester City FC when they were promoted to step four for the 2019/20 season setting out the betting rules.
35. The FA submit that this material would have made clear that betting on football is prohibited.
36. The FA submitted that the sanction imposed should serve as a deterrent to JC and others in relation to breaches of this nature.

JC's Case

37. JC's written submissions can be summarised as follows:
38. JC stated that he acknowledged his responsibility in this matter, even though he stated that many of the breaches of the rules were not initiated by him directly.
39.  Despite this, he is prepared to accept responsibility for my involvement and any consequences that arise.
40. JC stated that he sincerely apologised for his conduct and any harm or inconvenience it may have caused and that he is committed to taking the necessary steps to rectify the situation and to prevent any recurrence in the future.

41. JC stated that he was open to any suggestions as to any reparative actions or steps he should undertake, and that he would comply fully with any suggestions made.

Decision on Sanction

42. As JC has accepted the Charge, the Commission considered the appropriate sanction to impose.
43. The parties have referred to the FA Sanction Guidelines for Betting cases, which are reproduced below:

	Bet placed on any aspect of any football match anywhere in the world, but not involving Participant's Club competitions.	Bet placed on Participant's competition but not involving his Club (including spot bet).	Bet placed on own team to win.	Bet placed on own team to lose.	Bet placed on particular occurrence(s) not involving the player who bet (spot bet).	Bet placed on particular occurrence(s) involving the player who bet (spot bet).
Financial Entry Point – Any fine to include, as a minimum, any financial gain made from the bet(s)	Warning / Fine	Fine	Fine	Fine	Fine	Fine
Sports sanction range	Suspension n/a	Suspension n/a where Participant has no connection with the Club bet on*	0-6 months to be determined by factors below	6 months - life to be determined by factors below	0 – 12 months	6 months - life
Factors to be considered in relation to any increase/decrease from entry point	Factors to be considered when determining appropriate sanctions will include the following: <ul style="list-style-type: none"> • Overall perception of impact of bet(s) on fixture/game integrity; • Player played or did not play; • Number of Bets; • Size of Bets; • Fact and circumstances surrounding pattern of betting; • Actual stake and amount possible to win; • Personal Circumstances; • Previous record – (any previous breach of betting Rules will be considered as a highly aggravating factor); • Experience of the participant; • Assistance to the process and acceptance of the charge. 					

44. It will be seen that in many instances, the suggested sanction range is very wide and therefore the appropriate sanction is therefore left to the discretion of the Commission and will be dependent on the facts of the case.
45. This is addressed specifically in the Guidelines:

The guidelines are not intended to override the discretion of Regulatory Commissions to impose such sanctions as they consider appropriate having regard to the particular facts and circumstances of a case. However, in the interests of consistency it is anticipated that the guidelines will be applied unless the applicable case has some particular characteristic(s) which justifies a greater or lesser sanction outside the guidelines.

The assessment of the seriousness of the offence will need to take account of the factors set out above. A key aspect is whether the offence creates the perception that the result or any other element of the match may have been affected by the bet, for example because the Participant has bet against himself

or his club or on the contrivance of a particular occurrence within the match. Such conduct will be a serious aggravating factor in all cases. A further serious aggravating factor will be where the Participant played or was involved in the match on which the bet was made.

46. The Commission could see that the category of sanction for this type of offending when taken in totality, included a potential fine only. Having identified the applicable sanction category, The Commission considered whether there were aggravating factors which merited an increase from the entry point, meaning the lower end of the sanction range before going on to consider whether there were any mitigating factors present that merited a decrease of the sanction. Having decided this the Commission then considered whether the sanction (fine) should be suspended in whole or in part pursuant to the provisions and principles set out in Regulations.
47. In terms of the appropriate fine, The Commission started with an entry point of zero before looking at whether there were any aggravating factors that caused The Commission to depart from the entry point.
48. The Commission were of the view that the number of bets place and the number of seasons over which the betting took place were both aggravating factors, as was the size of the stake in totality which was considerable. The Commission were mindful of the total weekly football income derived by JC from his participation in the game as set out in his Reply. The Commission were of the view that the aggravating factors justified a departure from the entry point of zero, to a fine equivalent of [REDACTED] net football income for each of the 9 seasons over which the betting took place before any mitigating factors were considered.
49. In terms of mitigating factors, The Commission were informed that in terms of these types of breaches of the regulations JC had a good previous record in the current and last 5 seasons and The Commission were mindful of the fact that JC had cooperated with the investigation and admitted the charge at an early stage. With this in mind The Commission reduced the fine by [REDACTED] net football income for JC's previous good record and by [REDACTED] net football income for JC's cooperation with the investigation and admission of the charge at an early stage.
50. The Commission could see no clear or compelling reason to suspend any part of the sanction.
51. Therefore, taking into account the aggravating and mitigating factors, the Commission applied a fine of £1200 commensurate with JC's football income.
52. The Commission make no order as to costs in these proceedings.
53. There is a right to appeal this decision in accordance with the FA Appeal Regulations.

Kristian Jones (Chair) on behalf of the FA Regulatory Commission

9th August 2024