

**Football Association Regulatory Commission (the 'Commission') in the matter of an E3.1 Misconduct Charge brought by The FA against Mr. Dean Brennan ('DB'), Manager and Head of Football at Barnet FC ('BFC')**

**Regulatory Commission Decision**

1. These are the written reasons for a decision made by an Independent Regulatory Commission that sat on Tuesday 17<sup>th</sup> February 2026.
2. The Commission members were Mr. Stuart Ripley (Chairman), Mr. Bobby Barnes and Ms. Alison O'Dowd, all three of whom are Independent Football Panel Members of the FA Judicial Panel.
3. Mr. Conrad Gibbons 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 to the Charge**

5. The incident in question took place during the Grimsby Town FC (GTFC) v Barnet FC, English Football League Two fixture on 17<sup>th</sup> January 2026.
  
6. The Match Referee, Mr. Jamie O'Connor, stated in his report that:

*“I have to report that I, as the Referee sent off Dean Brennen (sic) of Barnet FC Under Law 12 section: Using offensive, insulting or abusive language and/or gestures. Following the sending off of Barnet no. 30, My fourth official (Anthony Moore) asked me to come over to the technical area. He informed me that the Barnet manager, Mr Dean Brennan, had left his technical area and approached him on three occasions, invading his personal space. On the final occasion, Mr Brennan had made the comment, “you’ve only sent him off because he is black”. Mr Brennan was subsequently dismissed him from the technical area.”*

7. The Fourth Official, Mr. Anthony Moore (‘AM’), stated in his report that:

*“Following the sending off of Barnet no. 30, the Barnet manager, Mr Dean Brennan, left his technical area and approached me on three occasions, invading my personal space. On the final occasion, with Mr Brennan standing directly to my left-hand side I clearly heard him say the words “you’ve only sent him off because he is black.” Finding those words both offensive and insulting, I immediately called the referee, Mr O’Connor, across to my position and informed him of the actions and words of Mr Brennan who was subsequently dismissed him from the technical area.”*

8. The FA charged DB with Misconduct in breach of FA Rule E3.1 in respect of the above fixture.
9. The Charge letter read: *“You are hereby charged with Misconduct in breach of FA Rule E3.1 in respect of the above fixture. It is alleged that in or around the 11<sup>th</sup> minute of the fixture, you acted in an improper manner and/or used abusive and/or insulting words and/or behaviour towards a Match Official, leading to your dismissal”.*
10. The FA designated this as a Non-Standard Case due to the particular facts of the alleged Misconduct being of a serious and/or unusual nature.
11. The FA relied on the following evidence:
  - a. Dismissal report from the Match Referee, Mr. J. O’Connor, dated 18<sup>th</sup> January 2026;
  - b. Report of the Fourth Official, Mr. A. Moore, dated 18<sup>th</sup> January 2026; and
  - c. Video Clips.
12. DB replied to the Charge on 26<sup>th</sup> January 2026 stating that he denied the charge and that he requested an opportunity to attend a Commission for a Personal Hearing.
13. Attached to his reply were:
  - a. Witness Statement from DB dated 26<sup>th</sup> January 2026;

- b. Witness Statement from Connor Smith dated 18<sup>th</sup> January 2026;
  - c. Witness Statement from Jerome Okimo dated 18<sup>th</sup> January 2026
14. In his Statement DB does not dispute saying the words *“You’ve only sent him off because he is black”*, to the Fourth Official. He states: *“I accept that I did say those words, but not that I should have been sent off for them, or that saying them in the context I did would amount to misconduct on any basis.”*
15. DB’s explanation for using that phrase was as follows *“...I used the words quoted above so as to make the point that the Officials (who I knew were dismissing the wrong person), more particularly the Fourth Official, had only chosen Joe Kizzi as the player to be dismissed because of an error in identification with reference to the most obvious characteristic Kizzi shared with Idris Kanu and was therefore likely the reason for Kizzi being chosen for dismissal i.e. their skin colour ...“I was not for a moment suggesting that the Officials had simply dismissed Joe Kizzi on account of his skin colour, despite knowing he had done nothing wrong, or even making a sarcastic quip on that basis to emphasise my disagreement with the dismissal...”*

#### The Joe Kizzi Red Card Incident

16. From the video footage it can be seen that:
- a. During a passage of play GTFC have a counter attacking opportunity when the ball rolls into the middle of the GTFC half of the pitch.
  - b. Evan Khouri (‘GTFC 8’) gets on to the ball first, he goes past Joe Kizzi and plays the ball out to the left wing;
  - c. Immediately after he plays the pass the GTFC 8 and Joe Kizzi cross paths and become entangled;

- d. The GTFC 8 falls to the ground as Joe Kizzi continues to make his recovery run;
- e. Fractionally after, as the GTFC 8 starts getting back to his feet, Idris Kanu, who is also running back, hurdles over him, and appears to make contact with his trailing arm to the head of the GTFC 8, who then goes to ground again;
- f. Having been informed by the Fourth Official that it was Joe Kizzi that had struck the GTFC 8 the referee then sends off Joe Kizzi.

NB

- g. Subsequently, the decision to dismiss Joe Kizzi was overturned by an FA Disciplinary Commission after BFC lodged a successful Wrongful Dismissal claim in respect to the incident.

The Personal Hearing

- 17. A Personal Hearing took place on Tuesday 17<sup>th</sup> February 2026 by way of Microsoft Teams.
- 18. The standard of proof in hearings of this nature is the balance of probability. The burden of proving the Charge lies with The FA.
- 19. The FA was represented by Regulatory Advocate, Mr. Tom Middleton.
- 20. DB was represented by Mr. Craig Harris, Barrister at Furnival Chambers.
- 21. The FA called two witnesses to give oral evidence. Firstly, the Fourth Official, Mr. Anthony Moore and secondly, the Match Referee, Mr. Jamie O'Connor.

22. DB gave oral evidence to the Commission alongside two further witnesses, Mr. Connor Smith (Assistant Manager at BFC) and Mr. Jerome Okimo (First Team Coach at BFC).

23. The following are summaries of the oral testimony that was given to the Commission by the above-mentioned witnesses.

Anthony Moore – Fourth Official ('AM')

24. AM presented as a very credible and honest witness. He said that he saw Joe Kizzi come into contact with the GTFC 8 and thought that Joe Kizzi had struck his opponent. He, therefore, kept his gaze fixed upon Joe Kizzi who had travelled a further 10/15 metres up the pitch until he could make out his shirt number which was number 30. He said that he did not see Idris Kanu make contact with the same GTFC player. Having identified Joe Kizzi's shirt number he then looked back up the pitch and noticed that the GTFC 8 was still on the floor clutching his head. This, he said, reinforced his opinion that Joe Kizzi had struck the GTFC Player. AM informed the Referee what he believed he had seen and the Referee then dismissed Joe Kizzi for Violent Conduct.

25. AM said that DB approached him on three separate occasions, invading his personal space in doing so. DB asked AM *"What's he been sent off for?"* and said *"You've got the wrong player"* on two occasions. AM understood that DB, at that point, was talking about a case of mistaken identity but AM could not understand why. On the third approach, DB said to AM *"You've only sent him off because he is black"*. AM said he could not understand why that had been said to him but that he was taken aback and insulted by it. AM called the Referee over, reported what had been said to him and requested that DB be sent off. The Referee dismissed DB.

26. AM agreed with Mr Harris that the approaches made by DB towards him, in of themselves would not necessarily constitute improper behaviour. He said that, had the phrase “*You’ve only sent him off because he is black*” not been said, he would not have called the Referee over.

27. Later, AM watched a highlights reel of the match from a camera angle located on the opposite side of the pitch to his position between the dugouts and, having viewed the incident between Joe Kizzi and the GTFC Player again, AM realised that he had made a mistake because Joe Kizzi had clearly not struck his opponent at all. Of his own volition and unprompted AM reported his error by way of an e-mail to the FA’s Disciplinary Department.

NB

28. The Commission was provided with the Email correspondence between AM and The FA. AM had written on 18<sup>th</sup> January 2026 the following

*“I wrote (sic) further to my misconduct report of the sending off of the above player in the fixture Grimsby Town v Barnet in EFL League 2 on Saturday 17 January. Having reviewed the match footage, I believe I have incorrectly judged the actions of Mr Kizzi in the 10th minute and they do not constitute an act of violent conduct.*

*Kind regards*

*Anthony”*

29. In a further e-mail, dated 19<sup>th</sup> January 2026, AM elaborated on the situation:

*“The sending off is a result of me misjudging the actions of Mr Kizzi in the 10th minute, where the match footage shows him pulling an*

*opponent (No. 8 Evan Khouri) to the ground off the ball in the centre circle.*

*At the time I believed Mr Kizzi to have struck his opponent with an arm as an act of violent conduct and this is what I advised the referee during the game. The match footage shows that this judgement is clearly wrong and Mr Kizzi's actions are not violent conduct.*

*Therefore, this is not a case of mistaken identity but rather a decision that, in hindsight, is clearly incorrect. The referee (Jamie O'Connor) has advised me of a second coming together involving the Grimsby Town player (no. 8) and Barnet's no. 11 in the immediate aftermath of the initial incident. I have not seen this coming together and therefore have not made a judgement in relation to it."*

#### Jamie O'Connor - Match Referee ('JO')

30. JO said that he had not seen the incident involving Joe Kizzi but that AM had reported to him that Joe Kizzi had struck his opponent. He had asked AM on three occasions to confirm the shirt number of the BFC player. AM had confirmed on each occasion that it had been the BFC number 30. Based on this information he had dismissed number 30, Joe Kizzi. JO had not seen the incident involving Idris Kanu either.

31. When called over by AM to deal with DB, JO said that DB and his staff were making the point that they felt that the wrong player had been sent off. DB was saying that he had been trying to explain this to the Fourth Official. There was, JO said, a "*general perception in the ground that the wrong player had been sent off*". So much so that he started to wonder if this was actually true. However, AM had been very clear as to what he had seen and had identified the number of the BFC player that had struck the GTFC 8.

32. When AM had reported the phrase DB had used towards him, *"You've only sent him off because he is black"* JO felt that he had no option but to send DB off.

Dean Brennan ('DB')

33. DB said that he was convinced, then and now, that it was the second incident involving Idris Kanu (and not Joe Kizzi) that had been the subject of the dismissal. He thought this because the GTFC technical area occupants had *"gone ballistic at the second incident"* and not the first.

34. DB accepted that he had approached the Fourth Official and that he had been close to him but reiterated that he was trying to explain to AM that the wrong player had been dismissed. He came into brief contact with AM only because AM had backed into him as he was trying to get Joe Kizzi back onto the pitch.

35. DB accepted that he said the phrase *"You've only sent him off because he is black"* to AM but that it was said in the context of a case of mistaken identity between two black males (Joe Kizzi and Idris Kanu) and was not meant as an accusation that AM had acted in a discriminatory manner.

36. It was put to DB that he had *"rushed"* at AM, he denied this and also said that he was speaking to AM calmly.

37. It was also put to DB that he could have acted differently in multiple ways, for example, he could have waited until half time to have expressed his views to the Fourth Official. DB said this was unrealistic in the circumstances.

#### Connor Smith ('CS') BFC Assistant Manager

38. CS had been in the technical area or just outside of it. CS said that, following Joe Kizzi's dismissal there had been a "*lot of commotion*" and that "*everyone was saying that the wrong player had been dismissed*". He did not hear the words attributed to DB but was told what they were by AM after the game. Despite the commotion, he said that DB "*was not getting in AM's face*" as had been suggested to him by Mr Middleton.

#### Jerome Okimo ('JOk')

39. JOk had been in the technical area. He had not heard the words attributed to DB. He had spoken to AM after the game to ask why DB had been dismissed. AM told him that DB had invaded his personal space and said "*You've only sent him off because he is black*". He said that, to his mind, DB had not invaded AM's personal space.

#### Objective Test

40. The Commission sought clarity from the parties as to how it should objectively assess what DB had done and particularly what he had said. Both parties agreed that the words spoken by DB and the meaning of those words ought not to be assessed in perfect isolation but rather in the wider context of what had transpired leading up to their utterance.

#### Decision of the Commission

41. It was the Commission's view that, based on the video evidence, there was nothing in DB's physical actions that merited a designation of them being 'improper'. The Fourth Official said himself that absent the words that were said to him he did not feel that any disciplinary action needed to be taken. It was only the phrase, "*You've only sent him off because he is black*" that upset him to the extent that he wanted DB dismissed by the Referee.
42. The Commission did not agree with The FA's submissions that DB had "*rushed*" at AM or that his movements had been particularly aggressive. Whilst outside of the rules of the game (he was outside his technical area and he was approaching the fourth official, albeit the technical areas were in very close proximity to each other) DB's physical actions did not, to the mind of the Commission, reach the threshold of being 'improper'.
43. Nor did the Commission accept The FA's submissions that DB was speaking to the Fourth Official in a "heated and accusatory way". This was also something DB denied when it was put to him in evidence that he was "animated", and the video evidence appeared to support his position.
44. AM's upset at the words directed at him was, of course, completely understandable from his perspective because he simply did not comprehend that DB, his staff and seemingly others in the ground were labouring under the misapprehension that it was Idris Kanu who ought to have been sent off and not Joe Kizzi. AM, understandably, thought that he was being accused by DB of acting in a discriminatory manner.
45. However, the fact that DB was wrong in thinking that it was Idris Kanu who ought to have been sent off and not Joe Kizzi (because AM had identified Joe Kizzi's shirt number after he thought, wrongly as it subsequently turned out, that Joe Kizzi had struck his opponent) does not negate the fact that DB had an

honestly held opinion that there had been a case of mistaken identity in respect to the sending off.

46. From the oral, written and video evidence presented to them, the Commission members were unanimously convinced that when DB spoke the words, "*You've only sent him off because he is black*", he was making reference to a case of mistaken identity between two black players, Joe Kizzi and Idris Kanu, and not accusing AM of acting in a discriminatory manner. The Commission believed that an objective assessment of the evidence before it and the context in which DB's words were spoken would lead the average person to the same conclusion.
47. There were multiple pieces of evidence within the written and oral submissions that indicated that DB was truly labouring under the honestly held misapprehension that there had been a mix up between the two black players, Joe Kizzi and Idris Kanu and that the wrong player had been sent off when he spoke the phrase "*You've only sent him off because he is black*" to AM.
48. The Commission could see from video footage that DB was saying, "*It's the wrong player*" or words very close to that phrase.
49. The Fourth Official had stated that DB had said to him on two occasions "*You've got the wrong player*" just before the phrase giving rise to the Charge was spoken.
50. The Referee stated that DB and his staff were making the point that they felt that the wrong player had been sent off. DB was saying that he had been trying to explain this to the Fourth Official. There was, he said, a "*general perception in the ground that the wrong player had been sent off*". So much so that he started to wonder if this was actually true.

51. DB in his oral testimony was still adamant that there had been a case of mistaken identity, clearly not understanding the situation fully.

52. This was a case complicated by confusion, mistakes, misapprehension and misinterpretation but, after a careful objective assessment of the evidence before it, the Commission found the Charge brought by The FA against DB not proven on the balance of probability. To the mind of the Commission, it clearly was not DB's intention to insult AM by accusing him of discriminatory behaviour.

53. The decision of this Commission may be appealed in accordance with the Regulations.

Stuart Ripley  
Regulatory Commission Chairman

20<sup>th</sup> February 2026