

**IN THE MATTER OF A REGULATORY COMMISSION**

**BETWEEN**

**THE FOOTBALL ASSOCIATION**

**and**

**DAVID COOTE**

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**WRITTEN REASONS OF THE REGULATORY COMMISSION**

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Regulatory Commission: Sally Davenport (Chair) – Independent Legal/EDI Panel  
Member

Grace Cheng – Independent Legal/EDI Panel Member

Alison Royston – Independent Football/EDI Panel  
Member

Secretary: Michael O'Connor – Judicial Services Assistant Manager

Date: 23 July 2025

Venue: Held remotely via Microsoft Teams

**Introduction**

1. These are the written reasons of the Regulatory Commission (“the Commission”) that considered a charge (“the Charge”) against David Coote (“DC”). All the Commission members are members of The FA’s Anti-Discrimination Panel.

2. Until December 2024, DC was a PGMOL match official who officiated regularly in the Premier League.
3. In November 2024, The FA became aware of a video (“the Video”) posted to X (formerly Twitter) which appeared to show DC using discriminatory language in reference to the former Liverpool manager Jurgen Klopp (“JK”).

### **Investigation**

4. On 14 November 2024, an Integrity Investigator from The FA wrote to DC and asked for his observations on the Video and specifically on the reference to JK as a “*German Cunt*”. DC was also asked to provide some context to the Video and why it had come to light over four years after it was recorded.
5. On 20 November 2024, DC wrote to The FA to say that he was not well enough to take part in an FA investigation at that time. He provided supporting medical evidence.
6. DC subsequently provided written observations through his solicitor on 18 December 2024. He confirmed that the Video had been recorded in the summer of 2020 in his living room. The only other person present was a friend with whom he had played cricket. DC stated that the Video had not been intended for a wider audience, although he believed that his friend had shared the Video with a friend of his. He did not know who had released the Video on X. He regretted the language used and accepted that it was highly inappropriate.

### **The Charge**

7. By letter dated 21 May 2025 (“the Charge Letter”), The FA charged DC with a breach of FA Rule E3. It was alleged that he had acted in an improper manner and/or used abusive and/or insulting words, namely “*German Cunt*” in a video recorded in or around July 2020, contrary to FA Rule E3.1. It was further alleged that this was an

aggravated breach, as defined in Rule E3.2, because it included reference (express or implied) to nationality.

8. DC was sent the following documents together with the Charge Letter:

- Witness Statement of JG, FA Integrity Investigator, dated 24 March 2025
- Exhibit JAG/01 – Video of comments made by DC
- Exhibit JAG/02 – Request for observations letter sent to DC, dated 14 November 2024
- Exhibit JAG/03 – Observations of DC, dated 18 December 2024

### **The Response**

9. On 10 June 2025, DC submitted a Disciplinary Proceedings Reply Form to The FA. He admitted the Charge and asked that the case be dealt with at a paper hearing. He also sent a three-page response to the Charge and an email statement from a Cognitive Behaviour Therapist.

10. In his response, DC expressed his deep remorse for what he had done. He acknowledged the gravity of his comments, saying that they were crass, inappropriate and unworthy of the role that he held within the game. He asked the Commission to accept that his decision not to attend the hearing was not the result of avoidance, but rather because of his current mental state.

11. DC wrote at some length about his personal circumstances and mental state, both in 2020 and in the present. He referred to the emotional toll on him of the Covid-19 pandemic and explained that the Video was filmed on one of the first times that he had been in a social environment since the lockdowns. He had drunk more than he should have and had lacked self-control and judgement. He had thought that he was speaking in a private setting, but accepted that once his words entered the public domain they were likely to cause hurt and reputational damage.

12. DC stated that his words did not reflect his true view of JK, for whom he had always had a deep professional respect. He apologised to JK personally and to The FA, PGMOL and the wider football community.

13. DC stated that he felt an immense sense of shame. He had lost a career that formed the very core of his identity. He had lost all his income and the media attention had deepened his sense of humiliation and despair. He was trying to piece his life back together, from a place of near total collapse.

[REDACTED]

### **Relevant Rules**

15. 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.”*

16. FA Rule E3.2 states:

*“A breach of Rule E3.1 is an “Aggravated Breach” where it includes a reference, whether express or implied, to any one or more of the following:- ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.”*

## **The Hearing**

17. In advance of the hearing the Commission read the documents referred to in paragraphs 8 and 9 above. The FA provided written submissions on sanction dated 8 July 2025, which the Commission also read carefully.
18. As the Charge was admitted, the Commission accepted that it was proven and moved on to consider sanction.
19. The Commission noted that DC had no previous charges for misconduct for the current season and five preceding seasons.
20. The Commission reminded itself of the sanction guidelines for aggravated breaches. Appendix 1 of the Disciplinary Regulations, Standard Sanctions and Guidelines for Aggravated Breaches (“the Guidelines”) states:

*A finding of an Aggravated Breach against a Player, Manager or Technical Area Occupant will attract an immediate suspension of between 6 Matches and 12 Matches (“Sanction Range”).*

*A Commission shall take all aggravating and mitigating factors into account, including but not limited to those listed in these guidelines when determining the level of sanction within the Sanction Range.*

*The lowest end of the Sanction Range (i.e. 6 Matches) shall operate as a standard minimum punishment (the “Standard Minimum”).*

21. Although The FA did not refer to them in its submissions, the Commission considered whether any of the exceptions to the Standard Minimum applied in this case, given that the Charge related to the use of a communication device. The Guidelines state that a Commission may only consider imposing a suspension below the Standard Minimum where the following specific (and exhaustive) circumstances arise:

*“Where the offence was committed in writing only or via the use of any communication device and:*

- Where the Regulatory Commission is satisfied that there was no genuine intent on the part of the Participant Charged to be discriminatory or offensive in any way and could not reasonably have known that any such offence would be caused; or*
- The age of the Participant at time of the offence (e.g. where the Participant was a minor at the time the offence was committed); or*
- The age of the offence (e.g. a social media post made a considerable time ago).*

22. The Commission did not consider that DC’s age was a relevant consideration. Equally, although the Video was filmed some years ago, the Commission did not think that the age of the recording was a factor that it should take into account. It discussed the first exception, noting that the offence was committed when DC spoke his remark to his friend who was sat next to him in the living room. Arguably this was neither in writing nor made via the use of any communication device, albeit it was recorded on a communication device and subsequently shared publicly. Furthermore, the Commission would need to be satisfied that there was no genuine intent on DC’s part to be discriminatory or offensive in any way and that he could not reasonably have known that any such offence would be caused. It accepted that DC had not put the Video on social media himself and had been deeply upset when an unidentified third party did so. However, this did not alter the fact that the comments made were clearly offensive and the reference to nationality was discriminatory. DC’s final comment on the Video that it must not be made public clearly showed that he was aware of the potential damage it could cause. Taking all of these points into account, the Commission concluded that the exception did not apply.

23. In its submissions, The FA highlighted the provisions in the Guidelines regarding time-based suspensions. The Commission agreed with The FA that in this instance a time-based sanction would be appropriate, given that DC was a match official rather than a player, manager or technical area occupant. While the Commission noted that DC did not appear to have any current involvement in football, having been dismissed by PGMOL, this did not mean that a suspension should not be imposed. The Commission

agreed with The FA that it should treat one match as equating to one week when deciding on the length of suspension to impose.

24. Having concluded that it should impose a suspension of between 6 and 12 weeks, the Commission moved on to consider the aggravating and mitigating factors set out in the Guidelines.

25. The Commission agreed with The FA that DC's role within football was a serious aggravating factor. The overall tone of the Video was highly offensive, albeit there was just one instance of discriminatory language within the meaning of FA Rule E.3.2. As a match official at the highest level of the game, DC was under an obligation to behave appropriately at all times. His conduct on this occasion fell well short of what was expected of him. Moreover, his comments were directed at another very high profile figure within the sport. Had DC posted the Video on social media himself, the Commission would have had no hesitation in taking the top end of the range as its starting point.

26. The Commission discussed the relevance of the fact that DC said that he had been drunk at the time of his comments. It did not think that this could excuse his actions. From his comment at the end of the Video, DC was clearly aware that what he had said was inappropriate and potentially damaging. Furthermore, and importantly, by allowing a friend to record him, he had relinquished control over what happened to that recording subsequently. For that reason, while giving some credit for the fact that DC had not himself posted the Video on social media, the Commission could not accept that DC had a legitimate expectation of privacy and the mitigation afforded in that regard was limited.

27. The Commission concluded that none of the other aggravating factors listed in the Guidelines applied. In light of the single discriminatory remark and the fact that DC had not himself made the Video public, it decided that a penalty in the middle of the range would be appropriate (8-10 weeks). It then moved on to consider other mitigating

factors. It gave credit for DC's cooperation and good disciplinary record. It noted DC's comments regarding his mental health and emotional state at the time of the recording. It accepted what DC said in his statements to The FA about the strain he had been under. [REDACTED]

[REDACTED] It accepted that his remorse and insight were genuine and felt that he had behaved in a foolish manner rather than out of any malicious intent. On a personal level the Commission had sympathy for DC. Nonetheless, he had committed an aggravated breach of the Rules. Taking all of the above factors into account, the Commission concluded that an eight-week suspension would be appropriate.

28. The Commission discussed whether to impose a financial penalty. It noted that DC had lost his job in football [REDACTED]. It decided against imposing a fine.

29. The Commission made the following order:

- DC is suspended from All Football and Football Related Activity for a period of eight weeks.
- DC must undergo and complete a mandatory face-to-face education programme, the details of which will be provided to him by The FA. That programme is to be completed within a four month period commencing with the date of this Decision. If he fails to satisfactorily complete the programme in that period, he will be immediately suspended from All Football and Football Related Activity until such time as the mandatory programme is so completed.

30. The decision of the Commission may be appealed in accordance with the Appeals – Non-Fast Track Regulations.

Sally Davenport  
Grace Cheng  
Alison Royston



28 July 2025