

IN THE MATTER OF A FOOTBALL ASSOCIATION
INDEPENDENT REGULATORY COMMISSION

BETWEEN:

THE FOOTBALL ASSOCIATION

and

MR JACK COLBACK

WRITTEN REASONS AND DECISION OF
THE INDEPENDENT REGULATORY COMMISSION FOLLOWING THE
HEARING
ON 25 NOVEMBER 2016

Background

1. These are the written reasons for a decision made by an Independent Regulatory Commission which sat by WebEx on 25 November 2016.
2. The Regulatory Commission members were Mr G Farrelly, Chairman, Mr M Robinson and Mr M Kearns.
3. Mr P McCormack of the FA Judicial Services Department acted as Secretary to the Regulatory Commission.
4. By letter dated 15 November 2016, The Football Association (“The FA”) charged Mr Jack Colback with a breach of The FA Rules pursuant to Rule E8(1)(a)(i) in respect of a bet placed on the result, progress, conduct or any other aspect of, or occurrence in, a football match or competition whilst being a Participant.
5. It was alleged that on 16 March 2016, Mr Colback placed a single bet on the UEFA Champions League fixture between Bayern Munich and Juventus.
6. In respect of this bet, Mr Colback staked the sum of £100.00 and this was a losing bet.
7. On 5 August 2016, Mr Colback took part in a telephone interview with The FA. Glenn Paterson, Player Liaison Officer at Newcastle United was also in attendance. The following facts emerged:
 - (i) He admitted placing the bet in question; and
 - (ii) He acknowledged that he knew that he was not permitted to bet on football.
8. Mr Colback assisted The FA at interview where he offered a full, frank and open admission.
9. The Charge was admitted on 19 November 2016.
10. Mr Colback did not request a personal hearing and the case was dealt with on the papers only.

Mitigation

11. Mr Colback submitted a letter of mitigation on 19 November 2016.
12. He fully admitted his guilt and did so at the earliest opportunity.
13. He complied fully with the investigation.

14. He submitted that the bet made was a losing bet, minor in nature for a relatively small amount made during a momentary lapse in concentration whilst making bets on other sporting events.
15. He did not play nor had any influence on the outcome of the fixture.
16. He had no previous record of similar misconduct.

Relevant Guidelines

17. As with cases of this nature, the Regulatory Commission's attention was drawn to the relevant Sanctioning Guidelines produced by The FA for betting cases charged under FA Rule 8. This case concerned a bet on any aspect of any football match anywhere in the world, but not involving the Participant's Club competitions. Therefore, the guidance was –

- (i) *The Financial Entry Point – Any fine to include, as a minimum, any financial gain made from the bet(s); not relevant to this case.*
- (ii) *Sports sanction range – a Suspension was not applicable.*

18. In order to reach a decision on sanction, the Regulatory Commission took into account the following factors:

- (i) *Overall perception of impact of bet(s) on fixture/game integrity;*
- (ii) *Player played or did not play;*
- (iii) *Number of Bets;*
- (iv) *Size of Bets;*
- (v) *Fact and circumstances surrounding pattern of betting;*
- (vi) *Actual stake and amount possible to win;*
- (vii) *Personal Circumstances;*
- (viii) *Previous record – (any previous breach of betting Rules will be considered as a highly aggravating factor);*
- (ix) *Experience of the participant;*
- (x) *Assistance to the process and acceptance of the charge.*

19. There was no suggestion or inference by The FA that Mr Colback made any use of any inside information and there was no suspicion of match fixing.

20. The integrity of the game was not in jeopardy.

21. The Regulatory Commission was provided with Mr Colback's remuneration and this was considered when arriving at sanction.

Conclusion

22. The Regulatory Commission came to the unanimous decision, having carefully considered the relevant factors, and have imposed the following sanction on Mr Colback:

- (i) He is warned as to his future conduct;
- (ii) Fined the sum of £25,000.

23. This decision is subject to the relevant Appeal Regulations.

Mr Gareth Farrelly, Chairman

Mr Marvin Robinson

Mr Mick Kearns

29 November 2016