

THE FOOTBALL ASSOCIATION
DISCIPLINARY COMMISSION

(on behalf of The Amateur Football Alliance ('AFA'))

Participant: Mr Paul Augatis of Old Meadonians ('OMFC')

Hearing: Non-Personal Hearing

Date: 19 December 2019

Incident: Old Tiffinians v OMFC. 16 November 2019 ('the Fixture')

THE DECISION AND REASONS OF THE COMMISSION

Disciplinary Commission

1. The following member was appointed to the Disciplinary Commission:
 - a. Mr Alan Darfi (Independent Chairman appointed by The Football Association)
(‘the Commission’)
2. The case was considered at a non-personal hearing.

Charges

3. AFA received a report following the Fixture, alleging that Mr Augatis had engaged in Improper Conduct.
4. In correspondence dated 29 November 2019, AFA issued a charge letter alleging that Mr Augatis had engaged in Improper Conduct including the use of foul and abusive language, in breach of FA Rule E3. 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 combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behavior’. (‘Charge 1’).
5. It was separately specifically alleged that the foul and abusive language was aggravated by reference to ethnic origin, colour, race, nationality, faith, gender, gender, sexual orientation or disability, in breach of FA Rule E3(2). Rule E3(2) states ‘A breach of Rule E3(1) is an “Aggravated Breach” where it includes reference, whether express or implied, to any one or more of the following:- ethnic origin, colour, race, nationality, faith, gender, gender, sexual orientation or disability (‘Charge 2’).
6. It was alleged Mr Augatis had used the words ‘all these South Koreans are the same, old Son over there’ whilst stood on the side of the pitch accusing an opponent of cheating.
7. Mr Augatis accepted Charges 1 and 2, requesting the matter be considered at a non-personal hearing.

Evidence

8. The Commission had received and reviewed the following documents, in advance of the Hearing:
 - a. AFA charge letter, dated 29 November 2019;
 - b. Evidence in support of the Charges, various dates;
 - c. Evidence in response to the Charges, various dates.

Decision

9. The following is a summary of the principal submissions considered by the Commission. It does not purport to contain reference to all points considered, 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 carefully considered all the evidence and materials furnished with regard to this case.
10. As Charges 1 and 2 had been accepted by Mr Augatis, the Commission had to determine sanction only.
11. Whilst it was noted that the Charges had been accepted, it was noted that, in the response to the Charges, Mr Augatis seemingly disputed the exact words used. For the avoidance

of doubt, the Commission found that the words 'all these South Koreans are the same, old Son over there' were said, whilst accusing an opponent of cheating. It was noted that the evidence in support of the Charges included a clear statement from someone stood next to Mr Augatis as he said the words, on the side of the pitch.

12. The Commission noted the words used were offensive and had seemingly been said completely without provocation. It was noted that the words were only said once and not in an aggressive manner.
13. The Commission noted that Charges 1 and 2 had been accepted. The Commission noted Mr Augatis' discipline record was clean in terms of misconduct charges or red card offences.
14. The Commission referred to sections 46.1, 46.2 and 47.1 of the FA Disciplinary Regulations, which state:
 - a. 46.1 and 46.2 – Whether or not a suspension has been imposed by the Regulatory Commission in accordance with paragraphs 47 to 50 below, in respect of an Aggravated Breach that Regulatory Commission must order that the Participant who commits an Aggravated Breach be subject to an education programme, the details of which will be provided to the Participant by The Association [and] may impose a financial penalty or any other sanction that it considers appropriate.
 - b. 47 – where a Participant commits an Aggravated Breach for the first time, a Regulatory Commission shall impose an immediate suspension of at least six Matches on that Participant. The Regulatory Commission may increase the suspension where additional aggravating factors are present.
15. The Commission further considered the Football Association Sanction Guidelines which indicated that, for a first offence for an aggravated breach of FA Rule E3(1), a £75 fine should be issued.
16. Taking all of the above into account, the Commission agreed that a suspension of 6 matches was appropriate. The Commission agreed that a financial penalty of £75 was appropriate. The Commission agreed that Mr Augatis should be ordered to complete an online FA education course.
17. For the avoidance of doubt, the Commission was not tasked with confirming whether or not Mr Augatis was a 'racist', simply whether, on this occasion, it was felt that his comments had been aggravated by reference to race.

Outcome

18. The Commission ordered that Mr Augatis be:
 - a. Ordered to serve a 6 match suspension;
 - b. Fined the sum of £75;
 - c. Ordered to complete an online FA Equality Workshop within 4 months or be suspended until such time as this course is completed;
 - d. The Commission ordered that OMFC be issued with 6 penalty points.
19. There is the right to appeal these decisions, in accordance with FA Regulations.

Alan Darfi
19 December 2019