

COUNTY DISCIPLINARY COMMISSION

On behalf of Amateur Football Alliance

The Personal Hearing

Of

Ayoola Ologbonori - Case ID: 9966973M;

THE DECISION AND REASONS OF THE COMMISSION

Introduction

1. On 5 October 2019, Southgate Olympic Fourth ("SOF"), played Wood Green Old Boys Fourth ("WGOBF") in the London Old Boys' Cup (North). During the match Ayoola Ologbonori ("AO") of SOF was sent off by Match Official, Paul Fuller ("PF"). Following his dismissal from the field of play AO approached PF, making contact with PF's sternum and chest area, resulting in PF falling to the ground.
2. Amateur Football Alliance ("AFA") investigated the allegation.

The Charge

Ayoola Ologbonori ("AO")

3. Charge 1 - Misconduct for a breach of FA Rule E3 – Assault on a Match Official.
4. Alternative Charge – if Charge 1 was not proven, AFA raised an alternative charge for a breach of FA Rule E3 – Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour).

Relevant FA Rules

5. The FA Rule E3 (1) (p.115 of the FA Handbook Season 2019-20) states:

"(1) A Participant shall at all times act in the best interest 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.

The Reply

6. AFA received a response on behalf of AO accepting Charge 1 and that he wished to make a verbal plea at a personal hearing ("The Hearing").

The Commission

7. The Following members were appointed by The Football Association ("The FA") to this Disciplinary Commission ("The Commission"):

Bradley Pritchard (Chairman);

Trevor Brock, Independent Panel Member;

Tony Kybett, Independent Panel Member; and

Lauren Halsey acted as the Secretary to The Commission.

The Hearing and Evidence

8. The Commission convened on Monday 09th December 2019 at the Islington Town Hall, Upper Street, Islington, London, N1 2UD for The Hearing. The scheduled time was 1830, but due to the late arrival of the Chair, The Hearing commenced at 1900.

9. The Commission received and read the bundle of documents prior to The Hearing, which included:

- a. Misconduct Charge Notification, dated 21 October 2019;
- b. Match Official, PF's County Association Report Form, dated 07 October 2019;
- c. Relevant Referee's Report Card;

- d. Email correspondence between AFA and PF regarding incident details and crime reference number;
- e. Consultation Information Sheet provided by Dr Mary Giblin of Glemsford Surgery and accompanying photographic evidence detailing the injury sustained by PF;
- f. Witness Statement from Elad Hertshten of WGOB;
- g. Witness Statement from Mario Venelinov, WGOB captain;
- h. Witness Statement from Darius Lanee, SOF player;
- i. Witness Statement from Chris Constanti, SOF player/manager;
- j. Witness Statement from Richard Brooks, spectator;
- k. Response to the Misconduct Charge Notification;
- l. Email correspondence between AO and AFA;
- m. Statement from AO; and
- n. Witness Statement from Byron Zimba, SOF player.

10. The following is a summary of the principal submissions provided to the Commission. It does not purport to contain reference to all the 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 it determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case.

11. It must be noted that following The Hearing introductions, AO and his representative Stephen French, stated that they sought a personal hearing for two reasons;

a. AO believed he was admitting to the alternative charge and disputing Charge 1.

b. AO had hoped to see the PF to apologise in person.

12. The first reason alludes to a potential procedural point of contention. There is an implication that AO may not have been fully aware of the charge against him. Therefore, The Commission had to address this issue.

13. In his statement in an email, dated 13 October 2019 (20:16hrs) AO states

“Already very frustrated by the whole situation I regret to say that I lost control and saw red, I wanted to argue the decision but never intended to lay my hands on the referee. At this point I was restrained by my teammates..they were unable to restrain me and I burst free and stumbled into the referee shoving him to the ground”.

14. When asked by AFA to clarify what he meant by *“stumbled into the referee shoving him to the ground”*, in an email dated, 14 October 2019, AO stated *“it was two open palms and around his shoulder/chest height”*.

15. As such, The Commission were of the belief that there was a sufficient level of clarity provided during the investigative process by AFA to AO. The Hearing therefore proceeded on the basis of an admission of the charge and a subsequent plea of mitigation.

Sanction

16. As AO admitted Charge 1, it was for The Commission to decide on an appropriate sanction.

17. With regard to mitigation, AO had a previously clean record of Misconduct, with not even a caution received. Further, his admission was also considered.

18. During oral submissions, AO spoke of his regret and the impact it has had on his mental wellbeing,

"I've been on anti-depressants for the past 2 weeks. It's been stressful not being able to play football"

AO also reiterated that he had hoped to apologise to PF in person

"I was hoping to say sorry to him personally, but I know he lives far away. So I've expressed my regret in a letter and given it to the police to give to him"

19. However, The Commission considered duration and intensity of the incident and found it to be a significantly aggravating factor. Despite AO's submission that he

"would strongly dispute that [he] was attempting to attack the referee while he was on the ground"

It was apparent to the Commission PF was in reasonable fear of his safety. PF states he was

"punched with extreme force..[AO] was then restrained from hitting me again"

In Elad Hertshten's Witness Statement it states [AO]

“ completely lost it and ran towards the referee and punched him strongly in the chest..if people from both teams hadn't intervened to stop him, he would have continued his attack”

20. After carefully considering all the aggravating and mitigating factors, The Commission decided on the following sanction:

- i. An eight-year suspension from all football and footballing activities
- ii. Ten Club Disciplinary Points to be recorded

21. The decisions of the Commission may be appealed in accordance with the provisions in The FA Handbook.

Signed

Bradley Pritchard (Chairman);

Trevor Brock

Tony Kybett

09 December 2019