

Football Association Disciplinary Commission
(‘The ‘Commission’)
In the matter of Max Onabanjo (Case number 10493699M)
Disciplinary Commission Decision
10 January 2022

1. The members of the Commission were Mrs Stacy Newnham-Payne (Chairperson), Ms. Ellie Menezes and Mr. Derek Booth
2. Ms. Hayley Cain (Lincolnshire F.A.) acted as Secretary to the Commission.
3. Mr. Max Onabanjo was charged with a breach of FA Rule E3 Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour).
4. The relevant section is FA Rule E3 (p. 119 of the FA Handbook Season 2021-2022) 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 anyone, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.
5. This case was brought by Amateur Football Alliance following a complaint made of words and conduct at a match played on 18 September 2021. It was alleged Mr. Max Onabanjo spoke to the referee in an aggressive tone and said, ***“I will show you what a threat really is”, “If you are not ready for men’s football you shouldn’t ref it” and “How would you like it if I punched you”.***
6. Mr. Max Onabanjo formally responded to the charges, pleaded not guilty and requested that the matter be dealt with at a personal hearing. The burden of proof was on Old Finchleians First to prove on the balance of probability; meaning the Commission would be satisfied an event occurred if it considered that, on the evidence, the occurrence of the event was more likely than not.
7. At the hearing Mr. Max Onabanjo was represented by Mr. Stuart Saunders of Counsel. The charge was read, and the Commission proceeded to consider the evidence in support of the charge; the first statement being the referee report of Mr. Harry Demosthenous. The Commission noted the submission received and Harry was invited to add, retract, or change the content of the same. This offer was declined.

8. Harry was subjected to lengthy and robust questioning. He acknowledged there had been an incident between the goalkeeper and a Civil Service player, which he did not see, and for which he did not award a foul or penalty to Civil Service but awarded a goal kick. The Civil Service player required surgery subsequent to the match. The Referee was not aware that the Civil Service player had required surgery, but it was his opinion, at the time, that the goalkeeper had not committed foul play. The Referee accepted, in hindsight, that he may have dealt with this incident incorrectly. The 2nd incident related to an opposition player appearing to "slap" a Civil Service player, presumably Max, on the back of the head which the Referee did not see as he was keeping up with play.
9. Harry accepted it had been a hot day but did not recall several players having taken their shirts off. He stated within 2 to 3 minutes of having blown the final whistle he was approached by Max. He described him to have been taking his shirt off on his approach and whilst addressing him. Whilst Harry appeared to accept it was unusual 'per se' with regards to the taking off of one's shirt, he described on this occasion and noting Max to be larger and with a muscular build, his approach and removal of his shirt was in fact intimidating.
10. He accepted Max had asked **"for a word"** which he accepted and was immediately asked *"how would you like it if I punched you"*. He furthered to say Deryll had interjected and asked, **"is that a threat"** and the conversation then came to an end. Upon further questioning Max then described there to have been **"abuse hurled"** at him following Deryll's interjection. He explained he meant his involvement with the conversation had come to an end as opposed to Max having finished in his comments. Max was unable to help the Commission with what words were used at this stage but stated the comment **"how would you like it if I punched you"** was in fact uttered twice. This was not reported in his written submissions.
11. Max appeared to accept the comment **"how would you like it if I punched you"** was not necessarily a threat but insisted Max's retort to Deryll was; namely, **"I'll show you a threat"** was. Throughout the dialogue Harry described Max to have been around 6 yards away. Harry insisted 6 yards was within **"close proximity"** and sufficiently close to feel threatened. He reported **"he [Max] walked up to me in an aggressive way... he is a big guy... muscley... broad shoulders... it looks intimidating especially when saying things like ref you made a mistake again... he was hot and flustered... he is a fully grown man... I am only 18..."**.
12. Harry accepted Max never raised his arms or charged towards him in anyway but stated that he was unsure as to what Max may have gone on to do. He stated, **"I have reflected on this..."**

things could have gone far worse... if Deryll wasn't there I don't know what would have happened". Harry accepted that he did not issue a red card for Max's behaviour and felt sufficiently confident to attend the clubhouse after the game for a drink. He insisted however that he was nowhere near Max at this time and sat with people within whom he was familiar.

13. Harry refused to accept that Max was simply disrespecting him and averred that the combination of his stance, his approach, absence of his shirt, his want to impress upon him his upset and the words used, was sufficient to conclude that he was acting in a threatening manner.
14. Following Max's departure, Harry explained that he and Deryll discussed his overall performance and advice was given on how best to improve. He stated **"we let tensions cool down"** before we discussed the exchange had with Max. He was a little unclear as to what was said but explained the following day, he believed he spoke with Deryll over the phone, and he asked about how to report the incident; as he had never had to do so before.
15. Mr. Deryll David was next to be called to give evidence. The Commission noted the submission received from Deryll and he was invited to add, retract or to clarify any part of the same. This offer was declined.
16. Deryll too was subjected to lengthy and robust questioning. He stated that following the game he spoke with Harry about **"key match decisions"** that may have impacted on the result of the game. He appeared reluctant to accept the incident concerning the coming together of the player and goalkeeper was a serious incident but did state it would have been a key match decision. He too was unaware of the injury sustained and the need for surgical intervention.
17. He could not recall the weather and whether it was a particularly hot day and furthered to comment that he did not recall anyone with their shirt off save for Max. He accepted **"hypothetically speaking"** that taking off a shirt would not be an issue.
18. He reported **"the majority of people were upset about the decision taken regarding the incident between the goal-keeper and player..."**. He furthered to describe when addressing Harry about the same, Max was **"aggressive in his tone and in the way he confronted Harry"**. He refused to accept that he had exaggerated his report and averred that he considered Max to have looked **"ready to start a fight"**. He stated that he only became involved when he considered Max had overstepped the mark. He recalled Max uttering his belief that he felt unprotected but could not recall an occasion where Max had suffered an incident throughout the game.

19. Deryll was certain Max uttered ***"how would you like it if I punched you"*** and stated that he did not think this was an appropriate comment. He furthered to describe that the comment coupled with his demeanour and build would be considered by someone to be a threat. He furthered to state he responded with is that a threat when Max retorted within ***"I'll show you a threat"***. Deryll explained that Max may have ***"pivoted"*** in his stance and take a couple of steps before returning to make the later comment. He insisted that someone not dressed in kit stepped in and ushered Max away. Deryll stated that Max may have laughed but could not be 100% sure. He stated that much was said and certainly more than the above two comments but could not assist with much detail of the full conversation.
20. Deryll would not be persuaded that Max was a reasonable distance away and stated he had been stood between Harry and Max and that Max was approximately 2-3 yards from him. It was suggested by Mr. Saunders that Harry was at no immediate risk of Max making physical contact, but Deryll did not accept this. Deryll argued that it was quite possible for Max to have turned and try make contact; hence why he placed himself between Harry and Mark.
21. Following Max's departure and upon him and Harry walking back to the changing rooms. Deryll accepted they were approached by the Civil Service's Manager. The Commission was keen to control the questioning put to Deryll on these events as it was being suggested there was some ***"bad blood"*** between Deryll and the Civil Service Manager because of an earlier Commission Hearing that Deryll had sat on as the secretary. I was quick to assert such was not appropriate nor relevant.
22. Deryll stated that he and Harry had not discussed the incident with Max in any great detail as he considered his role and duties were to simply offer feedback on Harry's performance and to assist in his development. Deryll accepted that at some point following the incident he had asked Harry if he intended to make a report as he too would be required to prepare his evidence. He insisted it was not for him to decide if a report was to be made and that it was for Harry to determine if misconduct had occurred. He stated he was told by Harry that he intended to report the allegation and it was agreed Deryll would proffer his evidence also.
23. Max was afforded the opportunity to present his version and of events and he explained immediately after the incident between the goal keeper and the player, he addressed the referee to question why a penalty had not been awarded. He stated he was told by Harry to address him after the game and that it was not appropriate to discuss at that time. He further to describe the conversation had post-match and recounted Harry referring to what he believed to have been a similar situation during a Euro 2020 game. Max was at pains to impress upon the Commission that

the conversation between them had been arguably constructive and pleasant in nature and that the tone of the same only changed once Deryll became involved.

24. Max averred he said **"how would you like it if you were punched"** and denied saying **"how would you like it if I punched you"**. Further, he accepted suggesting Harry may not be ready at this stage to referee men's football and expressed his disappointment with feeling unprotected having suffered questionable tackles. He recalled Deryll saying, **"is that a threat"** and accepted he laughed the same off and retorted with **"why would I threaten the ref"** or something similar.
25. Max insisted that he was not angry and/or aggressive in his tone. He insisted that he had taken his shirt off before approaching Harry and had placed the same into this bag. He impressed upon the Commission that he had not given it much thought and that such was only removed because it was a very hot day.
26. Mr. Luke Redman was next to be called to give evidence. The Commission noted the submission received from Luke and he was invited to add, retract or to clarify any part of the same. This offer was declined.
27. Luke explained after the game Paddy (Mr. Patrick Carton, Civil Service Manager) had wanted everyone gathered for end of match team talk and upon noting Max was with the referee, he was asked to get Max. He approached Max and Harry and was able to hear part of their conversation. He stated Max was asking about an incident in the second half when Harry stated that he had not seen it. Luke stated that he thought this reply was fair enough and furthered to confirm **"there was no way the referee could have seen it"**. However, Luke went on to hear Max and Harry discuss the coming together of player and the goalkeeper. He stated Max was saying he that could not understand how **"it ended up in a goal kick"**.
28. Luke reported that Deryll arrived in the vicinity at a similar time to himself and he too let the conversation between Harry and Max **"play out a bit"**. He insisted the mood of the conversation changed once Deryll became involved. Luke accepted Max appeared to be annoyed but did not act in a threatening manner. He recalled Deryll saying **"why are you threatening us"** or similar and he thought at the time it had been a strange thing for him to say. Luke stated he could not understand the need for Deryll to comment as he did. Luke could not overly assist the Commission with the exact words used during the conversation and/or anything said preceding Deryll's comment. He stated it was clear they disagreed with one another and recalled Max shaking his head. He recalled Max having his shirt "half off" with his top being over his head but insisted Max was not stood close, nor was his body language threatening in nature.

29. Following Deryll's comment Luke believed Paddy had arrived in the vicinity and upon his arrival he left. He was aware Max walked away with Paddy and they all walked back to the side-line.
30. Finally, Mr. Patrick Carton ("Paddy") was next to be called to give evidence. The Commission noted the submission received from Paddy and he was invited to add, retract or to clarify any part of the same. This offer was declined.
31. Paddy described Max to have been understandably not pleased "**...there was a clear foul on Max, and he stayed down but the referee waved it away...**". He described Max to be a vocal and quick player and that it would make sense for any opposition player to go after him. Following the game he confirmed he had, as he always did, gathered the players for the end of match talk when he noticed Max was speaking with the referee. He stated he had sent Luke to go and get him.
32. He stated he saw Deryll approached Max and Harry and decided he too would walk over. He confirmed he did not hear the conversation had between up to this point but recalled hearing Deryll say "**is that a threat No 16**" on two occasions. He stated Max laughed the comment off and was quite dismissive. He averred Max did not behaviour in an aggressive manner or appear to look as if he was to start a fight. He stated "**... it did not appear to be a hostile environment... both sets were walking away...**".
33. Mr. Saunders was invited to offer 'closing submissions' to the Commission and on behalf of Max.
34. The above 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.
35. The Commission further reviewed the written submissions and notes taken on the live evidence heard and unanimously found, upon the balance of probabilities, the charge of 'abusive language/behaviour' proven. The Commission was not satisfied on the evidence before it to find the charge of 'threatening behaviour' proven. The Commission noted the distance between Harry and Max at the relevant time and concluded the words used were likely proffered as suggested by Max. Further, such likely did not cause at the relevant time the belief that one might be subjected to physical abuse either immediately or later. The Commission had no doubt that the words and

behaviour adopted could be and was considered to be insulting. It was considered the approach taken and conversation had was not necessary and/or indeed appropriate. The Commission noted no red card was administered. Further, the conversation had was likely much longer and more detailed than that reported by the County witnesses and so the Commission considered the evidence proffered by and on behalf of Max was more reliable.

36. Having found the charge proven, the Commission proceeded to determine sanction and consulted the FA Rules and 2021-2022 Sanction Guidelines. Max's record was considered, and the Commissions noted there were no relevant charges to be taken into consideration; the same amounted to a mitigating factor when determining sanction. The Commission concluded it was appropriate to sanction Max to a 4-game ban together with a £50 fine and 7 disciplinary points.

37. This decision is subject to the right of appeal in accordance with the relevant regulations within The FA Handbook.

Stacy Newnham-Payne

Chairman

10 January 2022