

The Football Association Disciplinary Commission

(‘The Commission’)

Sitting on behalf of Amateur Football Alliance FA

In the matters of Lee Patten.

(Case number 11042421M)

Disciplinary Commission Decision:

1. The members of the Commission were Les Pharo (Chair), Raffi Coverdale and Rupert Bonny, the secretary to the commission was Richard Pallot, all were appointed by the FA. Alex Chakmakhin attended the hearing as an observer, and took no part in the proceedings.

2. The Charge:

Lee Patten of Old Parkonians was the subject of one charge:

A breach of FA Rule E3 Improper conduct against a match official - (Including threatening and/or abusive language/behaviour).

3. **The Reponses:**

Lee Patten had denied the charge and requested a personal hearing, which was due to be held on 12th January 2023, however due to circumstances beyond anyone’s control the matter could not be heard on that date and was rescheduled to Tuesday 24th January.

4. Based on the not guilty plea, the burden of proof was on Amateur Football Alliance to prove these matters, on the balance of probabilities. The balance of probabilities standard means, that the Commission is satisfied an event occurred, if the Commission considers that, on the evidence, the occurrence of the event was more likely than not.

5. **The Rules:**

Rule E3: The FA handbook states the following in respect of the charges shown:

“Threatening behaviour: words or action that cause the Match Official to believe that they are being threatened. Examples include but are not limited to: the use of words that imply (directly or indirectly) that the Match Official may be subjected to any form of physical abuse either immediately or later, whether realistic or not; the raising of hands to intimidate the Match Official; pretending to throw or kick an object at the Match Official”.

6. The case resulted from an initial complaint by the match referee, Abu Taher, in relation to a match played on Saturday 3rd December 2022 between Old Parkonians Fourth and Old Parkonians Third in the Southern Amateur league. He reported that Lee Patten had used words such as “fucking shit referee” “You fucking cunt” and then “attempted to attack him”. The game was abandoned.
7. Written evidence received on behalf of the county consisted of the referee report, and email exchanges between the county and the referee asking for further observations.
8. In response to the charges there were, a letter from the Chair of Old Parkonians Dominic Porter, statements from Lee Patten, Sean Cotton, Burt Cardy, Guy Carter, Martyn Riseley, Nathan Mallett, and Sam Murdoch, all of Old Parkonians.
9. Appearing at the hearing, on behalf of the county, were the match referee Abu Taher.
10. Appearing in defence of the charges were Lee Patten who was represented by Edward Lennard, Sean Cotton, Burt Cardy, Martyn Riseley, Nathan Mallett and Sam Murdoch.
11. The procedure was explained to Lee Patten and his representative and it was ascertained that they had seen the case papers in this matter.
12. The match referee was invited to give his account, and stated that he did not wish to change anything in his statement, and when questioned by the commission, to ask what he meant when using the term aggressive he said that it was the raising of the voice, said that he (Lee Patten) was coming towards him to beat him up, and had to be restrained. He was asked how close he was to Lee Patten and he said 3 to 4 yards, and that Lee Patten was restrained by 3 or 4 players. He stated that he had asked Lee for the ball and he was told to “fuck off” by him, and told by him to stay out of his way. When asked if Lee had given the ball back to him he responded saying yes he kicked it to him aggressively. When asked if he had tried to speak with Lee, he said yes when he was being sworn at, and was told by Lee to “stay away from me”. When asked if it was the case that the ball may have been passed to him by another player, he said he could not remember then said no that did not happen. He stated that he walked off and told people the game was abandoned. He said when asked that he had been refereeing for 15 years, and the responded by saying are you saying I’m inexperienced, which he repeated. The chair advised him that the question was asking how long he had been refereeing and that no one had said that he was inexperienced, and made it clear that this had not been alleged. He was asked what cards he had issued in the game and he said two reds and a yellow, one of the reds being to Lee due to his language. During this questioning he said several times “this is all in my report ok”.
13. When questioned by Edward Lennard, he said in response that there was no contact on him by Lee because he had been restrained. When asked his position when he was given the ball back, he responded by saying he was not sure but was in the centre circle. In continued questions regarding his and Lee’s position he agreed that Lee was on the side line and he was in the centre circle. When asked if that was the case, could he explain when it was that Lee was close enough to have a conversation with him, he said he could not recall. He was asked again if it was right if Lee passed the ball to him, he responded by saying I have answered that already. I asked Abu to be less aggressive in his responses and he said in response, “I am not that is just my character”.

14. It was clear at this stage that Abu Taher was becoming agitated and did not feel that he had to answer questions from Edward Lennard, and was dismissive in his responses to questioning, saying that he did not need to answer questions. The chair then asked for the proceedings to be halted, and Lee Patten and Edward Lennard left the hearing. During this break, the chair explained the procedure to Abu Taher and advised him of the requirement to answer questions that had been put to him, he felt that this was not right and at one stage said he would not answer questions, when challenged on that comment he stated that that is not what he meant. I asked him to be less aggressive when responding to questions and he objected to being told he was acting that way, and that "I've said enough of what I have said to you guys", and added "I need to get this process quickly finished because I've got to....." he did not finish what he was saying. He then asked if Lee Patten could be removed from the meeting as he felt intimidated, it was explained to him that Mr Patten was the subject of the charge and had a right to respond to allegations by way of questions through his representative.
15. The hearing was restarted, and Edward Lennard then continued his questioning and asked if he could explain further regarding the allegation of Lee being held back by 3 or 4 players, and the referee said that this happened when Lee tried to attack him. When asked where Lee was at this time he responded by saying that he did not know. He was asked if Lee had walked from the side line towards him and he said that he did not recall. When asked if he had shown a red card to Lee he said "100% yes". He was asked if he had said anything when he showed the red card and he said no. He was asked how Lee responded and he said, "he tried to attack me". When asked what he did next he said, "abandon the game". He agreed that he had left the pitch immediately after the abandonment as he feared for his safety. He said that Lee had said to him "stay out of my way in the second half" and used the words "fuck off" and was aggressive and irate, and that the only calm person was the away team manager. He did not recall Lee saying to him, "I don't want to talk to you".
16. This concluded the evidence on behalf of the county.
17. Lee Patten was asked if he wished to add anything to his written statement supplied to the commission he said he did not, and when questioned by the commission said that he was the captain on the day, and asked about the request by the referee to return the ball, and stated that he did not do so, but gave the ball to Sam Murdoch who then did. He was asked why he did not want to do so, and said he did not want to talk to the referee, due to the decisions made in the game, and that's all he had said to the referee. He was asked if other players became involved at this time and he said no. When asked if he had said anything to the referee at that stage he said no, but the referee got angry because he had not personally given the ball back to him. He said that he had told the referee that he did not wish to speak to him, as he felt the referee was getting angrier as he had not given him the ball. He stated that he had walked to his bag on the side line, and that the referee had tried to engage him in conversation, not the other way round. He was reminded that the referee said that he approached the referee with fists raised, and he said that simply did not happen. He did not do so, he was not shown a red card and the referee simply walked off the field. When asked if he had been restrained by 3 or 4 players he said absolutely not. He was asked if he turned to the referee in an aggressive way and he said no, and that the referee was about 20 yards away in the

centre circle. He said when asked, that he was not aware of the allegation against him until the Monday following the match, and was informed by the Club Chairman.

18. Edward Lennard then asked some questions of Lee, where he reiterated he had not been aggressive to the referee nor had he seen a red card. He further explained his and the referee position in line with his previous evidence.
19. Sean Cotton was invited to give his account and stated that he did not wish to alter anything in his statement, and when questioned by the commission said that there were the normal incidents in the game, which were dealt with by the referee, and described the referees demeanour in the match, and that he had come late to the game and was not dressed as a referee, and there was some issues in the first half resulting in a justified red card being given, and said that the referee was going to abandon the match at that stage. He felt that the referee was antagonistic towards the player that had been sent off. When asked about the ball being passed to the referee at half time he said that Sam had done that not Lee, and that he was certain that was the case. He believed that there was a 15-yard distance between the referee and Lee. He said that Lee did not attempt to attack the referee and that no other players held Lee back, he said that he did hear Lee say "please can we not speak to each other" but there were no threats. He had not seen a red card issued. When asked if he and other witnesses had spoken about a response to the charge, he said that they had not, and that the events did not occur as described by the referee.
20. Edward Lennard then asked, when Lee asked by the referee to give him the ball had Lee used the words "fuck off". He stated that Lee did not, but did say "there is no need for us to talk". When asked to give examples of the attitude of the referee, he gave brief details of the referees attitude to players during the game.
21. Sam Murdock who was the opposition manager, was then invited to give his account stating that he had no changes to the statement provided. When questioned by the commission he stated that a player was sent off in the first half and that the referee wanted to abandon the game at that stage, but did not. When asked about the half time break, he said that the referee was asking for the ball, and that he had passed the ball to the referee not Lee. He said the game had been fine but there was a dismissal in the first half after the player disputed a decision, and that the ref wanted to abandon the game at that stage. He again confirmed it was he who had passed the ball to the referee and not Lee, and the ref asked Lee why he had not done so, when asked where Lee was at this stage, he said on the touch line with his team. He stated that the ref was in the centre circle, and that the referee just picked up his bag and left. He said that he did not see Lee anywhere near the referee at all. He did not hear any abusive language nor any aggressive behaviour from Lee or raised fists. When asked if he maybe just did not see, he responded by saying it did not happen. When asked if Lee said anything at all to the ref he replied I think he said something like "I don't have to talk to you". He said he had not seen any red card shown to Lee.
22. Edward Lennard then asked Sam if he had heard Lee say to the referee as he left the pitch "fuck off", he said he did not.
23. Burt Cady was then invited to give his account and he said it was as his statement which he did not wish to alter or add too, when questioned by the commission said that the

referee turned up late and went on to describe his attire. When asked he stated he was the vice-captain of the team. He said that there was a red card in the first half, and that the referee wanted to abandon the game at that stage but the game did continue. He said when asked that Lee did not give the ball to the referee but Sam had done so. He stated he heard no swearing to the referee from Lee at all, and that the referee picked up his bag and left. He said that the referee was in the centre circle and that Lee was with the team on the side-lines. When asked if he had seen a red card shown to Lee, he said that one was never shown, when asked if Lee attempted to get to the referee and had to be restrained, he replied saying that this never happened.

24. When questioned by Edward Lennard he said that Lee did not antagonise the referee at all.
25. Martyn Riseley was then invited to give his account and he said it was as his statement which he did not wish to alter or add too, when questioned by the commission said that it was not Lee who gave the ball to the referee, and that the ref was in the centre circle and Lee was on the side of the pitch. He said that the two were never close to each other at that time. He said that the referee did not seem happy that Lee had not given him the ball himself and seemed agitated. He said he had not seen or heard any threats towards the referee, by Lee or any other player. He said he had not seen raised fists or the restraining of Lee by other players and reiterated that that they were not close together. He stated when asked that he had not seen a red card shown to Lee.
26. There were no questions of Martyn by Edward Lennard.
27. Nathan Mallett was then invited to give his account and he said it was as his statement which he did not wish to change in any way, when questioned by the commission he said in his responses that the referee was in the centre circle and that Lee had made his way to the side of the pitch and the referee asked for the match ball, Lee then gave it to another player who returned it to the referee, this caused the referee to shout at Lee and Lee had said something like "I won't talk to you if you don't talk to me". The referee seemed unhappy and moved towards Lee and said, "are you threatening me"? And the ref then started to walk off. When asked if there were any threats from Lee to the referee, he said that there were not. He was asked if Lee had to be restrained and he said that did not happen. He stated when asked that he had not seen a red card shown to Lee.
28. When questioned by Edward Lennard he said, although the game had been abandoned the teams agreed to finish the match. He was asked if Lee walked towards the referee and he replied that was not the case but the referee did move towards Lee accusing him of threatening him.
29. Edward Lennard confirmed that he had presented all the evidence he wished to do, and in summarising the case against Lee Patten, said that the club were offended by the accusations made by the referee, and asked the commission to note that all witnesses rebutted the evidence given by the referee, in relation to all the accusations that were levelled at Lee Patten. He referenced the fact that no one had seen any red card shown towards Lee. He asked the commission to consider that the referee was not clear on who gave him the ball, which seemed to cause friction, and that there was no mention

of raised fists in his initial report, and this was only disclosed in emails to the county in response to their questions to him.

30. The commission reviewed the verbal and written evidence provided by the county, in respect of this charge, and the following points were noted: The referee's verbal account was not at all clear, in that his answers to questions put to him differed, particularly in where he was positioned at the time of the alleged threats, in his verbal response he indicated he was in the centre circle, which then changed, and that Lee Patten was on the side of the pitch, in his written report he states he was 5 yards from Lee Patten. This caused some concern to the commission. It was also noted that the original referee report did not include any reference to fists being raised. On 5th December at 1100 in answer to an email from the county, he states that "the player came towards me aggressively to attempt to attack me, but had to be restrained by home team and away team players" and that "the player was 5 yards away from me and had to be restrained by 3 players in total". A further enquiry was sent to the referee by the county in which was he asked to expand on how the player tried to attack you, and the question was put as "did he lunge at you, did he have his fists raised"? The reply to this enquiry at 1702 was: "I can confirm that the player approached me angrily and aggressively with his fists raised where he attempted to attack me, he had to be restrained by three players from his team". This is the first time that there is a mention of raised fists, there is also confusion with who had actually restrained Lee Patten. Why was the fact that fists were raised not shown in the original report, this is a critical piece of evidence that was not reported until he was asked specifically if that had taken place.
31. He had an issue with answering questions from either the commission or the representative of Lee Patten, he did not want to co-operate with that process, and felt that as he had made a report there was no need of questioning. During the recess he again did not seem to understand the process, despite him being informed of it by the chair, and his attitude throughout was one of challenging what was said to him, and in some instances showing annoyance in his responses and also challenging the commission as he did not listen to a particular question put to him.
32. The commission took all these matters into account and found that this witness was, in their opinion not credible.
33. In respect of the verbal and written evidence offered in response to the charge, it was consistent throughout, and all witnesses gave a variation of the facts that, this included of course a witness from the other team. The defence offered by all witnesses was that the incident as described by the referee did not take place, it was clear by them that Lee Patten did not wish to speak to the referee, and did in fact say that to him. All witnesses give their view of the position of the referee to Lee Patten, which showed that they were not close together at all. We were told that no red card was shown at the time, and the dispute seemed to have started over the returning of the match ball. No one saw Lee Patten being restrained or heard the comments attributed to him, the witness account and the witness verbal account was deemed to be more credible than the account given by the referee. The commission also took into account that the witnesses were of course from the same team, but were satisfied that during the verbal evidence and in the written statements, there were variations in the evidence given, indicating that there appeared to have been no collusion, between the witnesses.

The evidence of Sam Murdoch was also considered to be of benefit in the decision-making process, he was on the opposing team and his account confirmed evidence supplied by other witnesses.

34. Therefore having reviewed the verbal and written evidence the following unanimous decision was made:

Lee Patten:

For a breach of FA Rule E3 Improper conduct against a match official - (Including threatening and/or abusive language/behaviour).

Not Proven.

29. There is a right of appeal against these decisions, in accordance with the relevant provisions set out in the prevailing FA Rules and Regulations of the Association.

Les Pharo (Chair).
Raffi Coverdale
Rupert Bonny

25th January 2023