

Disciplinary Commission (“The Commission”)

On behalf of

Amateur Football Alliance (Amateur FA)

In the matter of

Mr. Renekel MILLS – Case ID: 11231228M

Hearing Summary including Written Reasons

Introduction

1. This is a hearing summary and includes written reasons for the decision of the Disciplinary Commission which sat on Thursday 25th May 2023 and Friday 2nd June 2023.
2. The Commission members, all of whom are members of the FA’s National Serious Case Panel were Mr. Tom Edwards (Chairman), Ms. Jaswant Narwal and Mr. Lincoln Christer (“The Commission”). Mr. Richard Pallot had been appointed as Commission Secretary.

The Charge

3. Amateur FA had raised a charge against Mr. Renekel Mills as follows:-

Charge: FA Rule E3 – Improper Conduct (including threatening and/or abusive language/behaviour)

That charge was detailed as follows:-

“Details:...It is alleged that Renekel Mills used threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1 and it is further alleged that this constitutes Threatening Behaviour Against a Match Official as defined in FA Regulations. This refers to the allegation that Mr Mills intimidated the Referee and/or threatened to punch the referee or similar, and had to be restrained by his team-mates...” (sic)

The charge had been raised following alleged misconduct by Mr. Mills, a player with St. James’ Old Boys Reserves (St. James), at the end of the match between St. James and Old Parmiterians Fifths (Parmiterians) played on Saturday 15th April 2023 in the SAL Junior Section Division 2 North – Southern Amateur League.

Evidence

4. Amateur FA received a misconduct report from the match referee, Mr. Stephen Poulter (**a young person aged 16 years and hereafter referred to as Stephen**), in which he said, *"...After the game, one of the St. James players, Renekel Mills, came onto the pitch and threatened me. Saying he would punch me if I spoke to him. He said that he had quit the team, so he didn't care if they got fined for his actions. He was very aggressive, and had to be held back by his own players while threatening to punch me. I got his name from one of his teammates, who said that the same players had just been kicked out of the club for threatening and hitting his own coach after the game. The team also didn't provide a team sheet, so I don't know the names of any player who saw what happened..."* (sic).

5. As a result of receiving that report Amateur FA undertook as investigation during which it sought further information from Stephen and observations/statements from:-
 - Mr. Mark Poulter, Stephen's father;
 - Mr. Shaun O'Sullivan, St. James' secretary;
 - Mr. Francis Mariani, Parmiterians secretary;

6. In providing further information on 17th April 2023, Stephen said, *"...I hadn't had any issues with the player personally during the game, however the player did have an argument with his coaches/teammates as he refused to be substituted off with about 20 minutes left in the game. It wasn't until after the game when he came up to me, saying "I've just quit the team, so don't think I won't just punch you" and "don't try to say anything to me now because I'll punch you" until he was dragged away by his teammates. This is bearing in mind I had hardly spoke with him during the game, and didn't make any attempt to speak to him after. One of his teammates ...gave me the players name...saying that the player had lost it and was out of control..."* (sic)

7. In his emailed statement, dated 17th April 2023, Mr. Poulter said, *"...Although I was at the ground, I did not witness the events as I was at another game some distance away. When Stephen told me what had happened I waited for the manager of St. James...with Stephen in order to get the name of the offender. I spoke with someone who identified himself as "one of the coaches" of the team. Stephen was with me at the time. I asked for the name of the player, which he gave as Renekel Mills. I asked him if he knew the referee had been threatened. He said he knew something had happened and also that RM had threatened a number of his own players, including threatening to stab one of them. He had also slapped someone who was a committee member and fellow player. He said the trigger for this behaviour had been the fact he has been substituted against his will..."* (sic)

8. In his various responses on behalf of St. James Mr. O'Sullivan said, "*..Renekel Mills is no longer an SJOB player as we have zero tolerance for that behaviour. I fully expect a full time report to come through from the referee and rightly so...*" and "*...Wayne Hodges (our captain) called me...that Renekel Mills (player) was asked to come off the pitch and rejected, 10 minutes later he came off. He precluded to slap one of our players (and committee member) in the face, he threatened to stab him and after the game threatened a number of players (all because he was taken off the pitch). Wayne told me of an Incident with the referee which leaves me embarrassed and ashamed in truth. Renekel has been removed from St. James' ...with immediate effect...*" (sic)
9. On 20th April 2023 Mr. O'Sullivan also provided statements from Mr. Tony Bonner, St. James' player/coach and Mr. Renekel Mills.
10. In his statement Mr. Bonner said, "*...Renekel Millz came off in the second half and walking off the pitch he hit me. Then after the game, we went to the clubhouse when we were informed by parmiterians that Renekel Millz had threatened the referee after the game. We apologised to the club and tried to apologise to the ref who had left...*" (sic)
11. In his statement Mr. Mills said, "*...So at the end of the game I went over to the ref and ask him to explain why there was a penalty and he said because the player struck the ball with his hand which was not the case then I ask why didn't we have a penalty after a player clearly took our Player out the ref said he didn't see james get fouled the I questioned him about mistaking me for another player on my team to give me a yellow card for a challenge maro made I told him mistaking me for my captain is racist not all black people look the same because we where different numbers and he has a captain armband and then he said if u don't go away ill give a red card I said I don't care im probably gonna get banned for what I did so I don't give a fuck you cheater you're a shit ref before I could say anything else a player on my team shouted my name and Kyle grabbed me...*" (sic)
12. In his response on behalf of Parmiterians, dated 21st April 2023, Mr. Mariani said, "*...I was made aware of the incident in the clubhouse by Stephen and his father mark Poulter who is also one of our qualified referees. He told me he was threatened by this St. James player after the game...St. James manager said that there are issues with the player concerned and were happy to cooperate as they did not want to have the player in their club...*" (sic)
13. Mr. Mariani also included a statement from Mr. Jason Hockley, Parmiterians manager, in which he said, "*...I saw the guy talking to the ref but no one was near enough to hear what was being said. The guy had been sin binned earlier in the game...*" (sic)

14. At the conclusion of the investigation the charge was raised by Amateur FA on 26th April 2023.
15. An on-line response was received from Mr. Mills in which he had entered a plea of “*Deny - Personal Hearing*”. No further written response to the charge was received from him.
16. The Commission convened by “*Microsoft Teams*” video conference at 18.30 on Thursday 25th May 2023 to conduct the personal hearing requested by Mr. Mills. The case papers in relation to the charge raised had been supplied to the Commission members and been studied by them.

Preliminary Matter

17. At the start of the hearing Mr. Mills stated he accepted that he had used abusive language towards the referee but denied having used any threatening language or behaviour towards him. He then stated that he had not seen all the evidence which was in the case bundle. He said that he had seen the charge letter and the referee’s misconduct report but no other statements, including those provided by persons connected with his own team. The hearing was then adjourned for a short time in order that the Commission could consider the matter.
18. The Commission carefully considered the matter and determined that it could not ensure Mr. Mills would receive a fair hearing without having the opportunity to study and evaluate all the written statements contained in the case bundle . It therefore made the following Directions, which are final and binding:-

Directions - Start

- (i) In order to ensure fairness the hearing is to be adjourned and to be heard at the earliest possible date, probably Friday 2nd June 2023, subject to the availability of relevant attendees;
- (ii) The Commission Secretary will supply Mr. Mills with a set of the case bundle immediately;
- (iii) Mr. Mills is to immediately provide the Commission Secretary with his non-availability dates for the three weeks commencing Monday 29th May 2023;
- (iv) County FA witnesses are to provide their non-availability dates for the three weeks commencing Monday 29th May 2023;
- (v) These Directions are final and binding.

Directions - End

19. It should be noted that enquiries made of Amateur FA by the Commission secretary showed that the case pack/bundle had been supplied directly to Mr. Mills by Amateur FA on Wednesday 17th May 2023.
20. Mr. Mills did not contact the Commission secretary as required until approximately two hours before the hearing was due to commence when he confirmed he would be attending and also provided the Commission secretary with two statements in his support, one from Mr. Wayne Hodges and the other from Mr. Rumaro Sylvester. Both statements were studied by the Commission members in advance of the hearing.
21. In his statement, dated 2nd June 2023, Mr. Hodges said, “...I’d like to go on record in saying unfortunately I didn’t witness or hear the incident between renkel mills and the referee. It was only on leaving that I was approached by a parmiterians manager and the ref himself that the accusations were made apparent to me which I relayed to Shaun club chairman. None of what was said was actually seen or heard my myself...” (sic)
22. In his statement, dated 2nd June 2023, Mr. Sylvester said, “...As the final whistle went I travelled up the touchline to shake the off field players hands on the opposing team as I was sin binned for the remainder of the game. I was still annoyed at the refs decisions and I was being vocal about it and as I travelled on the pitch to shale the on field players hands before I heard kellz talking to the referee about the ref mistaking him for me on the pitch, I then saw kellz being pulled away from the area by wayne. I then proceeded to shake the opponents hands...” (sic)
23. The Commission re-convened by “Microsoft Teams” video conference at 18.30 on Friday 2nd June 2023 to conduct the personal hearing requested by Mr. Mills. When Mr. Mills initially joined the hearing he was being driven home in a car. There was then a delay until he had arrived at his home and was able to join the private hearing at 18.50.
24. In respect of the matter to which Mr. Mills had entered a “Deny” plea the burden of proof is on the County that raised the charge. The applicable standard of proof is the balance of probability. The balance of probability 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.

25. Present at the hearing were:-

- Mr. Mills;
- Stephen;
- Ms. Kathryn Poulter, as Stephen's Responsible Adult;
- Mr. Mark Poulter;
- Mr. Rumaro Sylvester;
- Mr. Vishan Kumaragedon;

26. Whilst Stephen was giving evidence the requirements of the FA's Regulations in respect of young persons as witnesses were fully complied with.

27. In giving verbal evidence and answering questions asked by the Commission Chair Stephen said he did not wish to add, retract or change his statement in any way and said:-

- he had been refereeing for about 1 year;
- he had been club-appointed to the match as the league did not usually appoint officials;
- it had been a very competitive match and he had sin-binned 2 St. James players during it;
- he had not had any issues with the Parmiterians players;
- during the match he had not had any issues with Mr. Mills and they had not spoken to each other at all;
- after the final whistle he had, as usual, positioned himself in the centre circle to shake players' hands;
- one of the St. James players approached him and questioned him about a penalty he had given;
- whilst that player was stood beside him Mr. Mills came onto the pitch and started shouting towards him;
- he was certain of the words Mr. Mills used and that he felt intimidated by his threat to punch him;
- Mr. Mills kept coming towards him until some other St. James players got between them and pulled Mr. Mills away;
- the St. James player who was stood beside him told him that what Mr. Mills had said was wrong, he was out of control and he gave Stephen Mr. Mills name;
- he estimated the whole incident lasted only 20 or 30 seconds;

- as he left the pitch he told his father what had happened and together they spoke with the manager of St. James, who also gave Mr. Mills' name as the responsible person;

28. In giving verbal evidence Mr. Poulter said he did not wish to add, retract or change his statements in any way. In answering questions posed by members of the Commission and Mr. Mills he said:-

- he had been refereeing another match at the same ground;
- Stephen came off the pitch after the end of the match he had been refereeing and appeared to be "*rattled and shaken up*" which was unusual for him as, normally, he took things in his stride;
- Stephen immediately told him that a St. James player had threatened to punch him;
- together with Stephen he had spoken with one of the St. James coaches who said he knew what had happened and gave them Mr. Mills name as the person responsible;
- as they were going back to their car Stephen pointed out the player who had threatened him;

29. Mr. Mills was advised that other witnesses who had provided written statements were not present to give verbal evidence at the hearing but their statements would be considered and appropriate weight placed on them, the meaning of which was also explained.

30. Mr. Mills then presented evidence in defence of the charge raised against him. In doing so he referred to his written statement. In answering questions posed by members of the Commission he said:-

- he had played for St. James for 2 or 3 years;
- when he arrived at the ground he did not think the pitch was playable due to its condition but it went ahead;
- throughout the match he felt the referee had been biased towards the Parmiterians team;
- he could play in various positions in the team, dependent on the team's needs at the time;
- as it was during the Holy Month of Ramadan he was fasting at the time;
- other players may have thought he was tired and not playing well due to his fasting;
- he was annoyed at having been substituted by Tony Bonner with about 20 minutes of the match left;

- as he left the pitch after being substituted he tapped Mr. Bonner on the face, which is something he sometimes did (later he said he had slapped Mr. Bonner);
- he had said to Mr. Bonner *“if you come near me I’m going to slap you”*;
- after being substituted he changed into his tracksuit and calmed down;
- he did not care about the result of the match after he had been substituted;
- he had gone onto the pitch at the end of the match to speak to the referee about a penalty he had given and the fact that he had mistaken him for his captain, Rumaro Sylvester;
- he accepted he had sworn at the referee at the end of the match and had also said to him that he had quit the team;
- he did not know the referee was a young person and said he wished to apologise to him for the way he spoke to him;
- there were other players nearby at the end of the match and one of them may have threatened the referee and he believed the referee had confused him with that player;
- he had been pulled away from the referee by his teammate Kyle;
- he estimated the incident lasted for 3 or 4 minutes.

31. In giving evidence in support of Mr. Mills and answering questions posed of him by Mr. Mills and members of the Commission Mr. Sylvester said:-

- he was the St. James captain for the match;
- Tony, the team’s player/coach, had decided to substitute Mr. Mills during the second half;
- at the end of the match Mr. Mills was upset and had gone onto the pitch and spoke to the referee;
- he couldn’t hear much of what Mr. Mills said to the referee but he knew he had spoken to him about mistaking him for Mr. Sylvester during the match;
- he did not hear Mr. Mills swear at the referee;
- he saw another St. James player, Wayne, pull Mr. Mills away for the referee but did not know why he did it;

32. In giving evidence in support of Mr. Mills and answering questions posed of him by Mr. Mills and members of the Commission Mr. Kumaragedon said:-

- he had not provided a written statement but remembered what had happened at the match;
- he had spoken with the referee at the end of the match as had many other players and there were many around him;

- at no time did Mr. Mills speak to the referee;
- at no time did Mr. Mills swear at or be abusive towards the referee;

33. The foregoing 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 the members determined the matters. For the avoidance of doubt, the Commission carefully considered all the evidence and materials furnished with regard to the cases.

34. Mr. Mills said he was content that he had received a fair hearing. He was then invited to make a closing statement, which he did in a manner which assisted the Commission. In doing so, he again said he wished to apologise to the referee for his language towards him. He then left the hearing whilst the Commission considered the matter.

Determination

35. Having considered all the available evidence in the matter the Commission unanimously determined that, on the balance of probabilities, the charge had been proven. In coming to that decision the Commission found:-

- from the evidence received, it was clear Mr. Mills was very unhappy to have been substituted by his coach who stated he had been hit by Mr. Mills as he left the field of play;
- Mr. Mills did not dispute he had hit his coach as he left the field of play;
- Mr. Mills was still very unhappy when the match ended shortly after he had been substituted;
- the referee was clear what had happened after the end of the match when he was approached by Mr. Mills;
- the referee was clear that he felt threatened by Mr. Mills language and behaviour towards him;
- the referee obtained Mr. Mills' name from a teammate who had witnessed the threat and another team official;
- there was no reason to reject or otherwise discount the evidence provided by the referee who gave his verbal evidence in a honest and open manner and was credible ;
- the other County FA witness, Mr. Poulter, who gave verbal evidence at the hearing did so in an open and honest manner which assisted the Commission and his evidence was credible;
- Mr. Mills agreed he had approached the referee at the end of the match;

- Mr. Mills admitted he had said to the referee “...*I don’t give a fuck you cheater you’re a shit ref...*” (sic) after which, and before he could say anything else, “...*Kyle grabbed me...*” (sic);
- the language that Mr. Mills had admitted to having used towards the referee was abusive;
- Mr. Mills had to be restrained by a teammate or teammates after threatening the referee;
- the verbal evidence provided by Mr. Sylvester and Mr. Kumaragedon was contradictory in parts to that provided by Mr. Mills, was not credible and did not assist it;

36. Mr. Mills was readmitted into the hearing and advised of the Commission’s decision. Mr. Pallot advised the Commission of Mr. Mills’ disciplinary record over the last 5 years which showed no previous misconduct. He was invited to submit a plea for leniency which he did in a manner which assisted the Commission. In doing so, he again expressed his regret at the language used towards the referee, asked that his apology be passed on to him and that whilst he felt some of his behaviour could be attributed to fasting, it was not an acceptable excuse for it. He then left the hearing whilst the sanction to be imposed was considered.

37. Reference was then made to FA Rule E3.1, along with Regulations 96, 101 and 102 of Part D, Section Three of the FA’s Disciplinary Regulations and the Disciplinary Sanctions Guidelines issued by the FA in coming to its decision. It noted that the sanction for “*threatening and/or abusive language/behaviour against a match official*” was:-

- an immediate suspension from all football activities for a period of between 56 days and 182 days. The recommended entry point, prior to considering any mitigating or aggravating factors is 112 days;
- a fine of up to £100, with a mandatory minimum fine of £50;
- an order that the participant completes an on-line education programme before the time-based suspension is served.

38. The Commission considered if there were any mitigating or additional aggravating factors in respect of the matter before it. It found mitigating factors in his previous disciplinary record, his clear remorse at his behaviour towards the referee, that he offered an apology to the young referee which he asked be passed on to him and the fact that it may have partially been caused by fasting. Aggravating factors were found in the fact he had used threatening words and behaviour towards a 16-year old referee and his abusive language and behaviour had occurred after the end of the match, the latter part of which he had not played in as he had been substituted by his team.

Outcome

39. Having taken into consideration all the facts in the matter the Commission determined that the following sanction be imposed on Mr. Mills:-
- an immediate suspension from all football activities for 98 days;
 - a fine of £50;
 - a requirement for Mr. Mills to undertake the appropriate on-line FA Education Course before the date his 98-day suspension imposed for the matter has been completed. If he fails to do so within that timescale he is to be suspended from all football activity until such time as he is in compliance with this order. Details of the course will be provided to him;
 - 7 disciplinary penalty points imposed on St. James Old Boys' FC
40. Mr. Mills was readmitted into the hearing and advised of the Commission's decision. He was also advised that the decision would be confirmed in writing and he would be informed of the procedure for lodging an appeal to the FA if he so wished to do so. He thanked the Commission for the way the hearing had been conducted and then left the hearing.
41. There is a right of appeal against all decisions in relation to the matter made in accordance with the relevant provisions set out in the Rules and Regulations of the Football Association.

Mr. Tom Edwards, Chairman

Ms. Jaswant Narwal

Mr. Lincoln Christer

2nd June 2023