

**IN THE MATTER OF
AMATEUR FOOTBALL ALLIANCE**

-v-

**KRISTIAN KELLER
(CASE REFERENCE 10185619M)**

**REASONS FOR DISCIPLINARY COMMISSION DECISION
TUESDAY 15th SEPTEMBER 2020**

Warning – This document contains offensive and/or discriminatory language.

INTRODUCTION

1. These are written reasons for the findings of a Disciplinary Commission, held on behalf of the Amateur Football Alliance (AFA) on Tuesday 15th September 2020. The Commission considered charges against Kristian Keller (KK), a registered Match Official.

PARTIES

2. The appointed stand alone Commission Member, a member of the National County FA's Serious Case Panel, was Anthony Rock.

MISCONDUCT CHARGE NOTIFICATIONS

3. By AFA Misconduct Charge Notification, dated 13th August 2020, the following charges were raised:
 - a. Charge 1 - FA Rule E3 - Improper Conduct (including foul and abusive language).
 - b. Charge 2 - FA Rule E3(2) - Improper Conduct - aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Sexual Orientation or Disability.

Note: Due to the timing of the alleged offence (around 30th May 2020) this case was considered under the FA Regulations for the 2019/2020 Season.

FA RULE E3

4. The relevant sections of FA Rule E3 (page 115 of The FA Handbook Season 2019-2020) state:

(a) 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 a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.

(b) A breach of Rule E3(1) is an “Aggravated Breach” where it includes a reference, whether express or implied, to any one or more of the following: - ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.

CHARGES

5. Charges against KK were raised after he allegedly posted abusive and insulting comments on his LinkedIn account, and that such comments were aggravated by reference to ethnic origin and/or faith. Specifically, he posted, “*Jews and other apostates who reject Christ are not of God and are on the road to hell and have to be converted*”. His post also includes the comment, “*It is a true charity to try to convert non-Catholics*”.

PLEAS

6. Despite a number of requests from the AFA, no official response to the charge was submitted by KK. The Commission noted that in his e-mail to the AFA, dated 14th August 2020, KK said he had no intention of paying any administration fee, and that if the AFA wished to pay the fee then it was under one condition, that he is not guilty to the charge and that the case should be considered without him being present. On that basis the Commission considered his case as a not guilty plea to be dealt with by correspondence.

WRITTEN EVIDENCE

7. The written evidence available to the Commission consisted of:
 - a. AFA Misconduct Charge Notification (KK) dated 13th August 2020.
 - b. Three undated screenshots of KK’s LinkedIn account in which the alleged aggravated comments were posted.
 - c. Various e-mails dated 8th, 17th, 29th and 30th July 2020, and 12th, 13th, 14th and 17th August 2020, between KK and Melanie Armstrong/Deryll David (AFA).

SUMMARY OF EVIDENCE

8. The foregoing is a summary of the written evidence provided. 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.
9. KK accepts that he posted the comments on LinkedIn. In fact he says that “*LinkedIn is a social media platform where one can freely share his/her opinions and that includes evangelising*”. He does try to set out in his e-mail of 14th August 2020 the reasons why he should not have been charged by the AFA. This e-mail states that those bringing charges against him are antichrists and

anticatholics. The LinkedIn comments clearly make reference to the Catholic Church, and that anyone outside of the Catholic faith, including Jews and non-Christians, need to be converted or “go into the everlasting fire which was prepared for the devil and his angels”.

FINDINGS

10. The burden of proof is on the County FA meaning it is for LFA to prove each case to the appropriate standard. The applicable standard of proof in these cases is the civil standard of the balance of probability, sometimes referred to as the 51% test. The balance of probability standard means that the Commission has to be satisfied that the occurrence of an alleged event or events was more likely than not to have taken place.
11. KK clearly believes that he is free to use social media to make any comments or to express any personal views, even if others find those views abusive, indecent or insulting. As a participant in football, particularly as a Match Official, there is a responsibility on him to respect the origins, beliefs and cultures of others, even though he may not agree with them. The Commission was particularly concerned by the inflammatory and anti-Semitic language used by KK on a social media platform which has the potential to reach a large number of people.
12. On the balance of probability, the Commission concluded that KK did post the comments and that they were abusive and/or indecent and/or insulting, and were aggravated by reference to ethnic origin and/or faith. The Commission found both charges against him, **proven**.

PREVIOUS MISCONDUCT

13. The Commission was informed of KK’s disciplinary record, noting that he has an exemplary record with no other proven cases of misconduct.

FA GUIDELINES/REGULATIONS

14. The Commission noted the FA Guidelines and Regulations in regard to the entry point/minimum sanction for an aggravated misconduct first offence: a 6-match suspension; a £75.00 fine and the requirement to complete an FA Equality Education Course (paragraphs 46 and 47, page 144 of the FA Handbook Season 2019/2020).
15. The Commission also noted (paragraph 48, page 145 of the FA Handbook Season 2019/2020) that where an aggravated breach is committed by a Participant for whom a match based suspension would be inappropriate (due only to that Participant’s role in football), or where the offence is committed via the use of social media only, then the Commission will not be bound to impose an immediate sanction of at least six matches, but may impose any sanction it considers appropriate.

SANCTION

16. Taking into account the circumstances in this case and the mitigating and aggravating factors (FA Guidelines and Regulations, nature of the offence, his role in football, his disciplinary record and his submissions at paragraph 7c above), the Commission concluded that the following sanction is to be imposed:

KK: He is to be fined £75 and his role in football, including any involvement as a Match Official, is to be suspended for 49 days. He is also required to complete an on-line FA Equality Education Course within 4 months, the details of which are to be notified by the AFA, failing which he shall be suspended from all footballing activity until completion of said course.

17. In accordance with FA Regulations there is a right of appeal against the decision.

Anthony Rock

15th September 2020