

THE DISCIPLINARY COMMISSION

Sitting on behalf of Amateur Football Association

CONSOLIDATED PERSONAL HEARINGS

of

Broomfield,

Jaser Sokolaj
Broomfield,

Alan Torrington
Broomfield,

Olamide Aregbe
Broomfield

CONSOLIDATED WITH THE NON-PERSONAL HEARING

of

Michael Christou
Broomfield

[CASES REFERENCES 11653072M, 11653084M, 11653086M, 11653087M & 11653082M]

THE DECISION AND WRITTEN REASONS OF THE COMMISSION

Disclaimer:

These written reasons contain a summary of the principal evidence before the Commission and do not purport to contain reference to all the points made, however the absence in these reasons of any particular point, piece of evidence or submission, should not imply that the Commission did not take such a point, piece of evidence or submission, into consideration when determining the matter. For the avoidance of doubt, this Disciplinary Commission has carefully considered all the evidence and materials furnished with regard to this matter.

I. INTRODUCTION

1. The Football Association (“**The FA**”) convened a Disciplinary Commission (**the “Commission”**), on behalf of the Amateur Football Association (“**AFA**”) via Microsoft Teams on 23 & 24 April 2024 and 8 & 15 May 2024 to adjudicate upon disciplinary charges levied against Broomfield, Mr Jaser Sokolaj (“**Mr Sokolaj**”), Mr Alan Torrington (“**Mr Torrington**”), Mr Olamide Aregbe (“**Mr Aregbe**”) (Cases ID numbers: 11653072M, 11653084M, 11653086M & 11653087M).
2. On the same dates, the FA also convened a Disciplinary Commission to adjudicate upon disciplinary charges levied against Mr Michael Christou (“**Mr Christou**”) (Case ID number: 11653082M).
3. As the offences were alleged to have been committed during or after the same match and there was related or common evidence of the AFA and of the defence, the proceedings against the above Participants were consolidated, as per paragraph 13 of Part A of The FA Disciplinary Regulations 2023/2024 and were therefore considered at a joint hearing.
4. The Disciplinary Commission for all the above-mentioned cases was constituted of three members, Mr André Duarte Costa, an Independent FA appointed Chair, Mr John Cush and Ms Sheryl MacRae, Independent FA appointed Wing Members. The appointed Secretary to the Commission was Mr Garry Polkey of the Cheshire FA.

II. THE CHARGES

A. THE CHARGE OF THE CLUB

5. In summary, by a Misconduct Charge Notification dated 28 March 2024 issued by AFA against the Club, the Club was charged with failing to ensure that its directors, players, officials, employees, servants, representatives attending any match did not behave in a way which was improper, offensive, violent, threatening, abusive, indecent, insulting, or provocative contrary to FA Rule E20.1 in a match against Polytechnic Fifth on 9 March 2024.

6. The Charge Notification referred to the allegation that *“Broomfield players surrounded the referee and verbally abused him/swore at him, including "a fucking disgrace" and/or "cunt" or similar, and/or it is also alleged that a person or persons from the team pushed the referee in the back.”*.
7. The Charge Notification also referred to the Standard Sanctions and Guidelines for such type of offences. Furthermore, a reference to an administration fee and/or a potential fine was also made.
8. The Club was required to submit a response by 4 April 2024. On 6 April 2024, the Club submitted on the Whole Game System, the FA's administration system, a not guilty plea denying the charge and requested a Personal Hearing.

B. THE CHARGE OF MR SOKOLAJ

9. In summary, by Misconduct Charge Notification dated 28 March 2024 issued by AFA against Mr Sokolaj, he was charged with two charges relating to alleged misconduct in a match against Polytechnic Fifth on 9 March 2024.
10. It was alleged that Mr Sokolaj used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1 and it was further alleged that it constituted Assault or Attempted Assault against a Match Official as defined in FA Regulations.
11. Mr Sokolaj was also charged, in the alternative, with a breach of FA Rule E3 - Improper Conduct (including physical contact or attempted physical contact and threatening and/or abusive language/behaviour).
12. The Charge Notification referred to the allegation that Mr Sokolaj *“ran onto the field of play, ran at the referee and aimed a punch at him, and had to be restrained by team-mates, or similar.”*.
13. The Charge Notification also referred to the Standard Sanctions and Guidelines. Furthermore, a reference to an administration fee and/or a potential fine was also made.

14. Mr Sokolaj was required to submit a response by 4 April 2024. On 6 April 2024, the Club, on behalf of Mr Sokolaj submitted on the Whole Game System, the FA's administration system, a not guilty plea denying the charges and requested a Personal Hearing.

C. THE CHARGE OF MR TORRINGTON

15. In summary, by Misconduct Charge Notification dated 28 March 2024 issued by AFA against Mr Torrington, he was charged with one charge relating to alleged misconduct in a match against Polytechnic Fifth on 9 March 2024.
16. It was alleged that Mr Torrington used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1 and it was further alleged that it constituted Threatening Behaviour against a Match Official as defined in FA Regulations.
17. The Charge Notification referred to the allegation that Mr Torrington *"ran onto the field of play to verbally abuse the referee, saying he was "shit" or similar and/or "a disgrace" or similar and it is also alleged that Mr Torrington was filming the referee closely with his mobile phone, making the referee feel intimidated and scared, or similar."*
18. The Charge Notification also referred to the Standard Sanctions and Guidelines. Furthermore, a reference to an administration fee and/or a potential fine was also made.
19. Mr Torrington was required to submit a response by 4 April 2024. On 6 April 2024, the Club, on behalf of Mr Torrington submitted on the Whole Game System, the FA's administration system, a not guilty plea denying the charge and requested a Personal Hearing.

D. THE CHARGE OF MR AREGBE

20. In summary, by Misconduct Charge Notification dated 28 March 2024 issued by AFA against Mr Aregbe, he was charged with one charge relating to alleged misconduct in a match against Polytechnic Fifth on 9 March 2024.
21. It was alleged that Mr Aregbe used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1 and it was further alleged that it constituted Threatening Behaviour against a Match Official as defined in FA Regulations.
22. The Charge Notification referred to the allegation that *“after receiving a red card, Mr Aregbe ran at the referee and/or confronted the referee and had to be restrained by his teammates or similar.”*
23. The Charge Notification also referred to the Standard Sanctions and Guidelines. Furthermore, a reference to an administration fee and/or a potential fine was also made.
24. Mr Aregbe was required to submit a response by 4 April 2024. On 6 April 2024, the Club, on behalf of Mr Aregbe submitted on the Whole Game System, the FA's administration system, a not guilty plea denying the charge and requested a Personal Hearing.

E. THE CHARGE OF MR CHRISTOU

25. In summary, by Misconduct Charge Notification dated 28 March 2024 issued by AFA against Mr Christou, he was charged with one charge relating to alleged misconduct in a match against Polytechnic Fifth on 9 March 2024.
26. It was alleged that Mr Christou used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1 and it was further alleged that it constituted Threatening Behaviour against a Match Official as defined in FA Regulations.

27. The Charge Notification referred to the allegation that *"after receiving a red card, Mr Christou had to be held back by his team-mates from getting at the referee or similar and/or verbally threatened the referee saying "he was gonna fuck me up" or similar."*
28. The Charge Notification also referred to the Standard Sanctions and Guidelines. Furthermore, a reference to an administration fee and/or a potential fine was also made.
29. Mr Christou was required to submit a response by 4 April 2024. On 6 April 2024, the Club, on behalf of Mr Christou submitted on the Whole Game System, the FA's administration system, a not guilty plea denying the charge and requested and requested for his case to be dealt with in his absence, *i.e.* Non-Personal Hearing.

III. THE RULES

30. The Rules of the Association are foreseen in Part 10 of The FA Handbook 2023/2024¹.
31. Under the title "Misconduct" Section E of the Rules of the Association sets out the rules to be observed by Participants².
32. Bearing in mind the charges levied against the participants the relevant rules to take into account for the purpose of the present case are FA Rules E3 and E20, specifically FA Rules E3.1 and E20.1.
33. According to FA Rule E3.1: *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.*
34. According to FA Rule E20, in particular FA Rule E20.1 and E20.2: *Each Affiliated Association, Competition and Club shall be responsible for ensuring that its Directors, players, officials, employees, servants and representatives, attending any Match do*

¹ Available at: <https://www.thefa.com/football-rules-governance/lawsandrules/fa-handbook>.

² means an Affiliated Association, Competition, Club, Club Official (which for the avoidance of doubt shall include a Director), Intermediary, Player, Official, Manager, Match Official, Match Official observer, Match Official coach, Match Official mentor, Management Committee Member, member or employee of a Club and all persons who are from time to time participating in any activity sanctioned either directly or indirectly by The Association, as per The FA Handbook 2023/2024, Section 10, Part A, para. A2.

not: [FA Rule E20]: behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative [FA Rule E20.1].

35. The Disciplinary Regulations are foreseen in Part 11 of the FA Handbook.

36. Under the title “Offences Against Match Officials” Regulation 96 of Section Three: Provisions Applicable to Category 5 of Part D of the Disciplinary Regulations provides the following: *The three categories of offence against Match Officials are as follows:*

96.1 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.

96.2 Physical contact or attempted physical contact: physical actions (or attempted actions) that are unlikely to cause injury to the Match Official but are nevertheless confrontational, examples include but are not limited to: pushing the Match Official or pulling the Match Official (or their clothing or equipment); and

96.3 Assault or attempted assault: acting in a manner which causes or attempts to cause injury to the Match Official (whether or not it does in fact cause injury), examples include, but are not limited to, causing and/or attempting to cause injury by spitting (whether it connects or not), causing and/or attempting to cause injury by striking, or attempting to strike, kicking or attempting to kick, butting or attempting to butt, barging or attempting to barge, kicking or throwing any item directly at the Match Official.

IV. DOCUMENTARY EVIDENCE

37. The following is a summary of the principal evidence 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 evidence, should not imply that the Commission did not take such point, or evidence, into consideration when the

members determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case.

38. The evidence which the AFA relied upon in support of the charges consisted of:

- a) Extraordinary Incident relating to Misconduct by Mr Keith Jones (“**Mr Jones**”), the Referee, dated 13 March 2024³;
- b) Statement by Mr Campbell Harper (“**Mr Harper**”), Player for Polytechnic, dated 9 March 2024⁴;
- c) Statement by Mr Mark Parker (“**Mr Parker**”), Player for Polytechnic, dated 9 March 2024⁵;
- d) Statement by Mr Sam Pett, Player for Polytechnic, dated 9 March 2024⁶;
- e) Statement by Mr Steve Rawlinson, Spectator, dated 9 March 2024⁷;
- f) Joint Statement by Mr David Fitzgerald and Mr Torrington, respectively Player and Manager for Broomfield, undated⁸;
- g) Observations provided by Mr Laurie Payne (“**Mr Payne**”), Secretary Broomfield, undated⁹;
- h) Statement by Mr Luis Garcia, Player for Broomfield, undated¹⁰;
- i) Statement by Marcus Hunte-Pottinger, Player for Broomfield, undated¹¹;
- j) Statement by Mr Torrington, Manager for Broomfield, undated¹²;
- k) Email from Mr Payne, Secretary for Broomfield, dated 15 March at 07:10¹³;

³ PP. 6-7 of the case bundles.

⁴ PP. 10-11 of the case bundles.

⁵ PP. 12-13 of the case bundles.

⁶ PP. 14-15 of the case bundles.

⁷ PP. 16-18 of the case bundles.

⁸ PP. 21-23 of the case bundles.

⁹ PP. 24-27 of the case bundles.

¹⁰ P. 29 of the case bundles.

¹¹ PP. 30-31 of the case bundles.

¹² PP. 32-33 of the case bundles.

¹³ PP. 34-36 of the case bundles.

- l) Email from Mr John Hitchens (“**Mr Hitchens**”), Honorary Secretary for Broomfield, dated 25 March 2024 at 12:07¹⁴; and
- m) Email from Mr John Hitchens, Honorary Secretary for Broomfield, dated 25 March 2024 at 12:38¹⁵;
- n) Three clips of video footage¹⁶.

39. There was no evidence submitted in defence of the charges.

V. ORAL EVIDENCE

A. GENERAL CONSIDERATIONS

40. In accordance with the Serious Case Bundle Cover Sheet provided to the Commission prior to the hearing, it expected to hear evidence in support of the charges from Mr Jones, Mr Parker and Mr Harper. From the foregoing witnesses, Mr Jones did not provide his oral testimony.

41. Moreover, also in accordance with the Serious Case Bundle Cover Sheet provided to the Commission prior to the hearing, it expected to hear evidence in defence of the charges from Mr Torrington, Mr Sokolaj, Mr Aregbe, Mr Hitchens, the Club representative, and Mr Young, which it did.

42. Since all cases were consolidated, evidence adduced by or on behalf of a participant charged could constituted evidence against or in favour of the other participants, and vice versa.

43. Regarding the witnesses that did not attend the hearing, the Commission had to attribute a reduced weight to their written evidence as it could not test it.

¹⁴ P. 37 of the case bundles.

¹⁵ P. 38 of the case bundles.

¹⁶ Provided separately to the Commission.

B. 23 APRIL 2024 SESSION

44. The Commission heard from Mr Harper. In addition to his statement, he gave oral evidence as follows:

Mr Harper was in the centre of the pitch when the coming together with the goalkeeper happened. Mr Harper plays as a centre midfielder. Mr Harper was in between the penalty box and the halfway line when the incident started. Mr Harper heard players from Broomfield telling the referee that he was a “*disgrace*” and “*shit*”. Mr Harper could not tell specifically who said the comments. Mr Harper did not see any aggravated violence. There was some pushing but no punches or kicks. Mr Harper stated that it was tough for the referee to be on his own. Mr Harper did not see any physical violence towards anyone. Mr Harper did not see anyone laying hands on the referee. There was a lot of shouting. There was some frustration and people were getting angry. The referee was also shouting back. Mr Harper did not think the referee instigated the incident or that he diffused it as well as he might have. Mr Harper stated that had the players not come onto the pitch there would not have been any incident. Mr Harper saw people running towards the referee and being restrained by their teammates. Mr Harper saw people in tracksuits coming on the pitch. The referee said that there was no foul or head injury when addressing the goalkeeper’s alleged injury. Mr Harper did not deem the referee to be sarcastic. Mr Harper did not hear any reference to a stretcher or a first-aid kit from the referee. There was no physical violence, it was more people complaining. Mr Harper heard people telling the referee they would see him after the match. Mr Harper could not recall the number of cards that were issued and/or rescinded. Mr Harper was aware that the referee rescinded some of the cards he gave. The referee rescinded two cards. Mr Harper could not attribute the threatening comments to any of the persons at the hearing as it was a while ago. The referee knew someone was filming the incident. Mr Harper thought the whole thing was just people shouting. Mr Harper thought the filming added another layer of intimidation to the incident. Mr Harper considered the referee was aggressive at some points. Mr Harper stated that the referee was shouting back for his safety as well. The referee never left the pitch. The referee was always in the middle. The referee may have felt threatened, but he never

left the pitch. Mr Harper described the incident as the most heated argument he had seen. Mr Harper stated that the environment was hostile but not physical. Mr Harper stated that the behaviour of the person that was filming was not different from those of the other players and no different from his earlier behaviour. Mr Harper stated that he could not say if anything happened at the end of the match. The goalkeeper threw his gloves to the floor and walked off the pitch. Mr Harper did not hear the goalkeeper saying anything directly at the referee. The goalkeeper was shown the red card around the penalty spot. Mr Harper saw a young guy picking up the gloves but did not see what the goalkeeper did. The referee was in the middle of the pitch at that point. Mr Harper did not think anyone went towards the referee at that point. Mr Harper did not remember people shouting for the referee to abandon the match. Mr Harper did not remember any friend of the referee coming onto the pitch. Mr Harper did not see Mr Sokolaj punching the referee. Mr Harper could not say specifically that Mr Sokolaj was threatening. Mr Harper did not see the referee squaring up to Mr Sokolaj,

45. Having heard from Mr Harper the Commission adjourned the hearing as Mr Jones failed to attend and Mr Parker had advised he would only be able to attend the hearing on 24 April 2024.

C. 24 APRIL 2024 SESSION

46. The Commission opened the session and waited for all the participants to join. However, after spending a considerable amount of time waiting for Mr Aregbe, the Commission decided to adjourn the hearing as he did not attend.
47. Later that day, Mr Aregbe informed the Commission that he had been held up at work and could not access his phone to notify it that he was not going to be able to attend the hearing due to work commitments.

D. 8 MAY 2024 SESSION

48. The Commission heard from Mr Parker. In addition to his statement, he gave oral evidence as follows:

Mr Parker was playing at the time of the incident. Mr Parker was on the centre circle with his teammates celebrating the goal that they scored when the seven or eight Broomfield players surrounded the referee. The goalkeeper was on the ground injured. The referee went in the box to check on the goalkeeper and was surrounded by the players. The referee also retaliated with comments and they responded by filming him. The players were shouting a bit of animosity towards the referee. Mr Sokolaj came from the side line and also had a fair amount to say to the referee. Some of the Broomfield players started filming the referee. The goalkeeper did not surround the referee. Mr Sokolaj and Mr Torrington were on the sidelines and did not surround the referee but had a fair amount to say. The goalkeeper called the referee a pussy. Mr Parker stated that Mr Oregbe called the referee a pussy when he got up and joined his teammates. He could not remember the verbals that were said by most of the Broomfield players. Mr Parker stated that the referee was in an aggressive, hostile and intimidatory situation. Mr Parker stated that anyone would feel 100% intimidated in that situation. There were more than a dozen players making comments at the referee. It was relentless. It was not a one-off comment. A lot of players had things to say. Mr Parker did not hear anyone threatening to injure the referee after the match. The goalkeeper, apart from the comment made, was not the most aggressive or inappropriate from the group of players. There were about five or six players that came onto the pitch to argue with the referee. Mr Torrington had as much to say as anybody else. Mr Torrington put his phone up to record the referee's reaction. They went from having a lot to say to being the voice of reason when they started recording. Mr Parker did not think Mr Sokolaj had much involvement until he stepped away from a group of Broomfield players and approached the referee. Mr Sokolaj's behaviour could be perceived as threatening and intimidating, although he did not do anything physical. There were several players in touching distance of the referee. Mr Parker did not see anyone shoving the referee. The incident took up to ten minutes. During the vast majority of the

incident the referee was subject to *“horrendous abuse”*. There were no issues in the second half. Mr Parker thought the goalkeeper got a second yellow card in the second half. Mr Parker did not hear or see what the Broomfield goalkeeper did. Nothing notable happened during the second half involving Mr Torrington. Before Mr Torrington started recording, he was in very close proximity to the referee. Mr Parker stated that it was the intimidatory nature of what was happening that led to the referee’s reaction and to them starting filming him. The referee was not dressed appropriately. The referee was very informal to a few of the opposition players. Mr Parker stated that the referee did not instigate the incident. The referee exacerbated the situation at times. Mr Parker was not surprised with the way the referee reacted because of the abuse he was receiving. Mr Parker never met the referee before in his life. Mr Parker saw Mr Sokolaj squaring up to the referee. The referee squared up with Mr Sokolaj as well. The referee was called a *“shit”* and a *“disgrace”*, namely by Broomfield number 6. Mr Parker could not recall if any of the other participants charged called the referee a *“shit”* and a *“disgrace”*. Mr Parker could not recall if the referee headbutted anybody. Mr Parker could not remember if anyone took the top off as in starting a fight, but the number 6 for Broomfield may have done it. Mr Parker did not recall anybody punching the referee or telling him they would *“fuck him up”*.

49. The Commission heard from Mr Torrington. In addition to his statement, he gave oral evidence as follows:

Mr Torrington stated that the reason he started filming the situation was because it was escalating. Mr Torrington was not in the melee. Mr Torrington did not remember calling the referee a disgrace. Mr Torrington did not think he called the referee a disgrace. Mr Torrington shouted at the referee. Mr Torrington did not call the referee *“shit”*. Mr Torrington did not threaten anyone. Mr Torrington tried to calm the situation down. Mr Torrington took his phone out when the referee squared up to Mr Christou. Mr Torrington did not speak to the referee until he took his phone out. The referee rescinded his red card. The referee booked him for taking his phone out and coming onto the pitch. It was the referee that called him onto the pitch. The main culprit was Mr Christou, the number 6. Mr Christou and the referee were the main instigators. Mr Torrington raised his voice when talking to the referee. Mr

Torrington stated that nobody squared up to the referee. It was the referee that walked over to Mr Christou and Mr Sokolaj. Mr Torrington did not know what happened in the box. Mr Torrington did not know who the author of the main longer video was; he was just sent the video. Mr Torrington could not tell what was said to the referee in the first melee. Mr Torrington shouted to the referee "*why are you squaring up to people*" and "*what are you going to do about this?*". Mr Torrington stated that some of his players may have said something at the referee. Mr Torrington did not consider the referee felt intimidated. The referee came to their changing rooms and stood with their players. Mr Torrington stated that he should not have raised his voice. Mr Torrington did not think he was out of line. Mr Torrington shouted to Mr Sokolaj for him to go away, which he did. The first phase of the incident took a couple of minutes and then there was a 5-minute melee of to-ing and fro- ing. Mr Torrington did not see Mr Oregbe lunge at the referee. Mr Torrington did not hear his players making the comments alleged and said it was the referee who was the one who was shouting abuse. The referee followed his players around; had he tried to get away from it, it would have ended.

50. The Commission heard from Mr Sokolaj. In addition to his statement, he gave oral evidence as follows:

Mr Sokolaj was a substitute in the match. Mr Sokolaj is the person wearing the black hoodie in the videos submitted to the Commission. Mr Sokolaj was invited onto the pitch by the referee to perform first aid. After the referee squared up to Mr Sokolaj, he went back to the sidelines. Mr Sokolaj stated that the referee then started swearing at him from the halfway line, this is when Mr Sokolaj went onto the pitch to approach the referee but stopped in the middle of the way and went back. They were swearing at each other. Mr Sokolaj called the referee "*a disgrace*". The referee then gave him a red card. Mr Sokolaj did not call the referee anything more at that point. The referee went towards to the centre circle with some players following him. The referee called him a disgrace first, although he could not tell why. Mr Sokolaj stated that three or four players were shouting at the referee, although he could not say what they were saying. They were exchanging comments such as "*fuck off*" and "*cunt*". The referee then shouts and then Mr Torrington got his phone out.

At the time he was not paying much attention to that as he was focused on his two teammates that were arguing. Mr Sokolaj was about ten to fifteen metres from the situation involving the referee and Mr Torrington. Mr Sokolaj did not see what Mr Torrington was doing, apart from seeing his phone from the corner of his eye. Mr Sokolaj did not see Mr Aregbe lunge at the referee. Mr Aregbe just got up and said some swear words. Mr Sokolaj could not say what Mr Aregbe said but he did not hear the word "*pussy*". Mr Aregbe did not act aggressively towards the referee. Mr Sokolaj probably heard other players saying "*fuck off*". The referee could have just gone to the centre circle and stood there. Mr Sokolaj considered that when there are a number of people swearing at you it can become hostile, but he would not say threatening. Mr Sokolaj stated that it took about 10 minutes to end. When the referee squared up to him, he was walking back but people also held his arm walking him back. He did not see anyone pushing or grabbing the referee. Nobody punched the referee. He described the situation as the worst he had seen in twenty years. Mr Sokolaj would have abandoned the match if it was him.

51. The Commission heard from Mr Hitchens. In addition to his statement, he gave oral evidence as follows:

Mr Hitchens did not deny that their players were involved. All the players at the hearing received sanctions, paid fines and served their bans. Mr Hitchens has never come across with a referee who has reacted that way this referee did. Mr Hitchens could see what was going on plainly enough. The melee was caused by the way the referee reacted. Mr Hitchens admitted the Broomfield players could have well surrounded and sworn at the referee. There was just one incident where things were said. Mr Hitchens could not hear what words were said. Mr Hitchens saw no violence. Mr Hitchens would not say that the referee felt intimidated by the way he behaved. The referee was part of it. Not everything that happened was because of the referee. The language from the referee even before the incident started, left much to desire. Mr Hitchens stated that the club gives instructions early in the season about fair play and respect. Mr Hitchens stated that Broomfield's players are well aware of the comments they cannot make. His players were wrong from the beginning just for questioning the referee's decision, but the rest was provoked by the referee. At half

time, Mr Hitchens went onto the pitch to ask the referee what his point of view in relation to what had happened, but not in a confrontational way. Mr Hitchens stated that his players should not have made comments at the referee. By pleading not guilty they, as the club, were trying to say that they did what they could to avoid the situation. What the players did was not to the level of what was reported by the referee who reacted with the language he did and caused further problems.

52. The Commission heard from Mr Aregbe. In addition to his statement, he gave oral evidence as follows:

Mr Aregbe did not lunge towards the referee at any point. Mr Aregbe may have used language to the referee. In the moment he was really upset and hurt. When the goal went in, Mr Aregbe heard screaming and shouting. Mr Aregbe could hear the referee speaking. The referee approached Mr Aregbe and told him that nothing was done to him. Mr Aregbe then said it was a *“fucking disgrace”*. Mr Aregbe may have said *“fucking pathetic”*. A few seconds after the referee came back to Mr Aregbe and asked him to start over and rescinded his red card. Mr Aregbe was upset and angry at the decision the referee had given and because of the fact the referee was accusing him of diving and faking the injury. Mr Aregbe did not see his teammates surrounding the referee whilst hurt on the floor. Mr Aregbe did not see the incident with Mr Torrington and his phone with the referee. Mr Aregbe did not see the incident between the referee and Mr Sokolaj. When the referee came back to him was when he rescinded Mr Aregbe’s red card. The referee did not look like he was threatened or scared of him; he just stood in his face. Mr Aregbe refuted the referee’s allegations.

53. The Commission heard from Mr Young. In addition to his statement, he gave oral evidence as follows:

Mr Young is the chairman of Broomfield. Mr Young did not submit a statement. Mr Young was not asked to write a statement. Mr Young was not aware of what was being said. The only voice he could hear was that of the referee. Mr Young could hear the referee saying *“get out of my face”*. Mr Young was sixty yards away from the initial confrontation between the Broomfield players and the referee. It could have been possible that the Broomfield players abused the referee. The Broomfield

players were behaving inappropriately. The Broomfield players should not have reacted to the referee. Mr Young did not see any violence towards the referee. Mr Young did not see anyone squaring up to the referee. The Broomfield players walked up to the referee to question his decisions. Mr Young stated that Broomfield was out of order for approaching the referee and some people being verbally aggressive. Mr Young did not think the referee was scared. Mr Young stated that it was not a good situation, but not hostile. Mr Young would not say that there was anyone right in the referee's face. The referee's attitude was "*I am not taking this*". Mr Young did not dispute that Broomfield players surrounded the referee. Mr Young saw Mr Torrington with his phone in his hand but nothing else. Mr Young would not say that Mr Torrington was following the referee with his phone. It was the referee that walked towards Mr Torrington. Mr Young was about ten yards behind the opposite goal, therefore would not be able to hear anything. Mr Young did not see Mr Sokolaj going onto the pitch.

54. Immediately after, the Chair of the Commission asked the Participants charged if they were satisfied that all evidence had been heard as they would not have any further opportunity to present any new evidence. In reply, all Participants charged confirmed they were satisfied.

E. 15 MAY 2024 SESSION

55. The Chair of the Commission gave the floor to each one of the Participants charged for them to present their closing submissions.
56. Subsequently, the Commission retired to consider the charges. The Commission's findings and reasoning is set out below.

VI. THE STANDARD OF PROOF

57. The Disciplinary Regulations are foreseen in Part 11 of The FA Handbook 2023/2024.

58. Under the title “General Provisions” Part A of the Disciplinary Regulations sets out in Section One the provisions applicable to All Panels and in Section Two the provisions applicable to Regulatory Commissions.
59. Paragraph 8 of the above mentioned “General Provisions” states that save where otherwise stated, the applicable standard of proof shall be the civil standard of the balance of probabilities.
60. Therefore, the applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, the Commission would be satisfied that an event occurred if it considered that, on the evidence, it was more likely than not to have happened.

VII. FINDINGS & DECISION

A. GENERAL CONSIDERATIONS

61. The Commission reminded itself that the burden of proving a charge falls upon the AFA.
62. In a Commission such as this, the assessment of the evidence is entirely a matter for the Commission to consider. We must assess the credibility of the witness (that is whether a witness is attempting to tell the truth) and the reliability of the witness (that is whether, even though a witness may be attempting to tell the truth, their evidence might not be relied upon).
63. Where there are discrepancies between witnesses, it is for us to decide which witnesses to accept and which to reject. Even where there are discrepancies between witnesses or within a witness’s own evidence, it is for us to assess if the discrepancy is important. Having considered which evidence we accept and reject, we then must decide if, on the balance of probabilities, the alleged breach of the FA Rules is established.
64. In assessing the Club’s liability, the Commission was mindful of the issues to be determined in the present case. The issues were whether the Commission was satisfied to the requisite standard that the evidence before it proved that the Club’s

directors, players, officials, employees, servants and representatives attending any match behaved in a way which was improper, offensive, violent, threatening, abusive, indecent, insulting, or provocative by adopting the alleged behaviour.

65. The question to be answered by the Commission was whether it was satisfied, on the balance of probabilities, that the alleged behaviour took place, and if so, whether the perpetrator was a director, player, official, employee, servant, representative, spectator and/or supporter (and anyone purporting to be its supporter or follower) of the Club.

66. In assessing the Mr Torrington's, Mr Aregbe's and Mr Christou's liability, the Commission was also mindful of the issues to be determined in the present case. The issues were whether the Commission was satisfied to the requisite standard that the evidence before it proved that their alleged behaviour constituted Threatening Behaviour against a Match Official for the purposes of the Charge.

67. Finally, in assessing Mr Sokolaj's liability, the Commission was mindful of the issues to be determined in the present case. The issues were whether the Commission was satisfied to the requisite standard that the evidence before it proved that Mr Sokolaj's conduct constituted Assault or Attempted Assault on a Match Official, for the purposes of his charge. However, if the charge was found not proven, then the issue to be determined would be if Mr Sokolaj's conduct constituted Improper Conduct against a Match Official including physical contact or attempted physical contact and threatening and/or abusive language/behaviour.

B. FINDINGS

68. The Commission, taking into account the consolidated nature of the present cases, decided to address each charge in chronological order. This approach was intended to provide a logical and easy-to-follow decision-making process along with the corresponding reasoning.

69. In doing so, the Commission referred to the referee's reports. According to them, the sequence of events was as follows:

- a) Polytechnic Fifth scored a goal and the referee was immediately surrounded by six to seven players screaming in his face demanding for the goal to be disallowed as the Club's goalkeeper had a head injury;
- b) The referee approached Mr Aregbe to explain that he had collided with his own teammate. Mr Aregbe jumped up and lunged at the referee and told the latter to "*fuck off*" and called him a "*shit*"; Subsequently,
- c) Mr Christou went "*nose to nose*" with the referee and called the latter a "*tramp*", "*druggie*", "*useless cunt*" and told him to abandon the match and "*fuck off home*". The referee showed Mr Christou a red card and told him to leave the pitch. Mr Christou did not leave the pitch for five to 6 minutes as he was being held back by his teammates whilst telling the referee he was going to "*fuck [him] up*";
- d) The referee was then pushed in the back by an unknown player and had another two to three players screaming in his face who called him a "*fucking disgrace*", "*cunt*" and telling him that he should abandon the match;
- e) Mr Sokolaj ran onto the pitch and tried to punch the referee; and
- f) Mr Torrington ran onto the pitch to swear at the referee and telling the latter that he was "*shit*" and a "*disgrace*" and that he should abandon the match. Also, Mr Torrington had a phone in the referee's face and refused to leave the pitch.

70. In the present case the allegation against the Club was that it failed to ensure that its directors, players, officials, employees, servants, representatives attending any match did not behave in a way which was improper, offensive, violent, threatening, abusive, indecent, insulting, or provocative by adopting the alleged behaviour.

71. The Charge Notification referred to the allegation that "*Broomfield players surrounded the referee and verbally abused him/swore at him, including "a fucking disgrace" and/or "cunt" or similar, and/or it is also alleged that a person or persons from the team pushed the referee in the back.*".

72. In this regard, the Commission referred to the clips of video footage adduced as evidence and was satisfied, on the balance of probabilities, that a number of the Club's players surrounded the referee. Likewise, the Commission also concluded that

those same players were likely to have called the referee “*a fucking disgrace*” and “*cunt*”. The Commission’s findings were supported namely by the written and oral statements of the witnesses and the participants charged who, respectively, saw and heard the Club’s players using such a language.

73. However, the Commission found no evidence to support the allegation that the referee was pushed in the back. The video footage showed no player pushing the referee, and both Mr. Harper and Mr. Parker confirmed that no physical incident occurred between the players and the referee.

74. As a result of the aforementioned, the Commission found, on the balance of probabilities, the charge of the Club proven.

75. Moving on, the Commission then directed its attention to the charge against Mr Aregbe.

76. The allegation against Mr Aregbe was that he used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1 and it was further alleged that it constituted Threatening Behaviour against a Match Official as defined in FA Regulations.

77. The Charge Notification referred to the allegation that “*after receiving a red card, Mr Aregbe ran at the referee and/or confronted the referee and had to be restrained by his teammates or similar.*”

78. Firstly, the Commission proceeded to ascertain if Mr Aregbe had indeed run at the referee and/or confronted him and had to be restrained by his teammates. According to the referee’s report “*Mr Aregbe jumped up and lunged at the referee*”.

79. Upon reviewing the evidence, in particular the video footage adduced, the Commission did not see Mr Aregbe jumping or lunging at the referee. Accordingly, the Commission found, on the balance of probabilities, that this did not happen.

80. However, the Commission did note that Mr Aregbe admitted making the comments “*fucking disgrace*” and “*fucking pathetic*”. In light of the foregoing, the Commission found the charge proven on the basis that abusive language had been used by Mr Aregbe against the referee.

81. As a result of the aforementioned, the Commission found, on the balance of probabilities, the charge of Mr Aregbe proven.
82. The Commission moved on to consider the charge against Mr Christou. The allegation against the foregoing individual used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule E3.1 and it was further alleged that it constituted Threatening Behaviour against a Match Official as defined in FA Regulations.
83. The Charge Notification referred to the allegation that *"after receiving a red card, Mr Christou had to be held back by his team-mates from getting at the referee or similar and/or verbally threatened the referee saying "he was gonna fuck me up" or similar."*
84. The Commission reminded itself that Mr Christou requested for his case to be dealt with in his absence. As a result, the Commission disregarded all oral evidence presented during the hearing and based its decision solely on the written evidence included in the case bundle.
85. Upon review, the Commission found the video footage particularly compelling. The footage clearly showed the referee issuing Mr. Christou a red card, after which Mr. Christou attempted to slap the card out of the referee's hand.
86. Following this incident, Mr. Christou was seen repeatedly trying to approach the referee with an aggressive demeanour, waving his arms, pointing, shouting at the referee and removing his shirt. The Commission observed that, if not for the intervention of his teammates, a physical altercation was highly likely.
87. As a result of the aforementioned, the Commission found, on the balance of probabilities, the charge of Mr Christou proven.
88. Regarding the charges against Mr Sokolaj, the Commission first had to determine whether he assaulted or attempted to assault the referee. If this was not proven, the Commission would then assess whether his behaviour his behaviour constituted improper conduct, including physical contact or attempted physical contact, and the use of threatening and/or abusive language or behaviour as part of the alternative charge.

89. The Charge Notification referred to the allegation that Mr Sokolaj “*ran onto the field of play, ran at the referee and aimed a punch at him, and had to be restrained by team-mates, or similar.*”.
90. The Commission did not observe any such actions in the video footage provided. Instead, it showed Mr Sokolaj entering the field of play and calmly walking toward the referee and his teammates with a bottle containing an unknown liquid, possibly water, in his hand. For the most part, the Commission perceived Mr Sokolaj as merely an observer until he directed some words to the referee, prompting the referee to approach him and send him off. Both the referee and Mr Sokolaj then stood face to face in very close proximity. Mr Sokolaj subsequently walked backward to the sideline without needing to be escorted or restrained.
91. This account is further supported by Mr. Parker's testimony, who stated that although Mr Sokolaj's behaviour could be perceived as intimidating and threatening, he did not witness any physical actions.
92. As a result, the Commission found, on the balance of probabilities, that Mr Sokolaj's actions did not constitute assault to attempted assault. In the same vein, the Commission reached the same conclusion in regard to the allegation of physical contact or attempted physical contact. Conversely, the Commission noted Mr Sokolaj's admission of calling the referee a “*disgrace*” and was satisfied that his behaviour towards the referee was abusive.
93. Based on the foregoing, the Commission found that Mr Sokolaj had breached FA Rule E3 Improper Conduct (including foul and abusive language). Consequently, the Commission considered that in the interest of achieving a just and fair result, Mr Sokolaj had to be sanctioned as his comment and/or behaviour fell under the umbrella FA Rule E3.1. To find otherwise would be to turn a blind eye to the commission of an offence admitted by the offender himself.
94. Finally, the Commission moved on to consider the charge levied against Mr Torrington according to which he used violent conduct and/or threatening and/or abusive and/or indecent and/or insulting language/behaviour contrary to FA Rule

E3.1 and it was further alleged that it constituted Threatening Behaviour against a Match Official as defined in FA Regulations.

95. The Charge Notification referred to the allegation that Mr Torrington «*ran onto the field of play to verbally abuse the referee, saying he was "shit" or similar and/or "a disgrace" or similar and it is also alleged that Mr Torrington was filming the referee closely with his mobile phone, making the referee feel intimidated and scared, or similar.*».
96. The Commission was satisfied that Mr Torrington entered the field of play and directed some words at the referee, although it could not determine the specific words since they were inaudible on the video footage. The Commission noted Mr Parker's assertion that Mr Torrington had as much to say to the referee as anyone else. Additionally, Mr Torrington did not recall calling the referee a "disgrace" but admitted to shouting at him. The Commission considered that Mr Torrington did not explicitly deny calling the referee a disgrace; rather, he claimed not to remember, or perhaps he wanted to give that impression. The video footage also showed Mr Torrington taking out his mobile phone and recording the referee. In fact, two of the video clips submitted as evidence were recorded by Mr Torrington.
97. However, the Commission was not convinced that Mr Torrington's behaviour could be perceived as threatening. He held his mobile phone close to his chest, not in the referee's face, as was claimed. Moreover, Mr Torrington did not move toward the referee; instead, he moved away whilst the referee was walking towards him. If the referee had felt threatened by Mr Torrington's behaviour, he would not have adopted an antagonistic attitude towards the latter. Instead, the referee was seen smiling and laughing at times as if he was enjoying the situation.
98. As a result of the aforementioned, the Commission found, on the balance of probabilities, the Charge proven based on Mr Torrington's abusive language and behaviour.

VIII. SANCTIONS**A. SANCTION OF THE CLUB**

99. The Commission was guided by the FA Sanction Guidelines for the 2023/2024 season and relevant FA regulation when deciding on the sanction.
100. The Commission was informed about the Club's disciplinary record.
101. With respect to aggravating factors, the Commission considered the Club's disciplinary record and the fact the comments were directed at the referee.
102. In relation to mitigating factors, the Commission considered there were none.
103. The Club contested the charge, as was its right, but naturally it could not avail itself of any credit it would have otherwise been entitled to had it entered a guilty plea.
104. Having considered all the circumstances in the case, the sanction guidelines, the aggravating and mitigating factors present, the Commission considered that this case fell within the Mid Category and imposed the following sanction:
- A £110.00 fine.

B. SANCTION OF MR SOKOLAJ

105. The Commission was guided by the FA Sanction Guidelines for the 2023/2024 season and relevant FA regulation when deciding on the sanction.
106. The Commission was informed that Mr Sokolaj had a previously unblemished disciplinary record.
107. With respect to aggravating factors, the Commission considered there were none. Although the recipient of Mr Sokolaj's behaviour was the Match Official, which constituted itself an aggravating factor, it is already reflected in the sanctions to be imposed, as per the recommended sanction guidelines. For this reason, this fact should not be taken into account for the purpose of aggravating the sanction.
108. In relation to mitigating factors, the Commission considered Mr Sokolaj's disciplinary record and the fact he admitted using foul and abusive language towards the referee.

109. Mr Sokolaj contested the charge, as was his right, but naturally he could not avail himself of any credit he would have otherwise been entitled to had he entered a guilty plea.
110. Having considered all the circumstances in the case, the sanction guidelines, the aggravating and mitigating factors present, the Commission considered that this case fell within the Low Category and imposed the following sanction:
- a) A 1-match suspension;
 - b) A £20.00 fine; and,
 - c) 5 Club Disciplinary Points.

C. SANCTION OF MR TORRINGTON

111. The Commission was guided by the FA Sanction Guidelines for the 2023/2024 season and relevant FA regulation when deciding on the sanction.
112. The Commission was informed that Mr Torrington has a previously unblemished disciplinary record.
113. With respect to aggravating factors, the Commission considered Mr Torrington's position of responsibility. Although the recipient of Mr Torrington's behaviour was the Match Official, which constituted itself an aggravating factor, it is already reflected on the sanctions to be imposed as per the recommended sanction guidelines. For this reason, this fact should not be taken into account for the purpose of aggravating the sanction.
114. In relation to mitigating factors, the Commission considered Mr Torrington's disciplinary record.
115. Mr Torrington contested the charge, as was his right, but naturally he could not avail himself of any credit he would have otherwise been entitled to had he entered a guilty plea.

116. Having considered all the circumstances in the case, the sanction guidelines, the aggravating and mitigating factors present, the Commission considered that this case fell within the Low Category and imposed the following sanction:

- a) A 2-match ground ban; and,
- b) A £30.00 fine.

D. SANCTION OF MR AREGBE

117. The Commission was guided by the FA Sanction Guidelines for the 2023/2024 season and relevant FA regulation when deciding on the sanction.

118. The Commission was informed about Mr Aregbe's disciplinary record.

119. With respect to aggravating factors, the Commission considered Mr Aregbe's disciplinary record. Although the recipient of Mr Aregbe's behaviour was the Match Official, which constituted itself an aggravating factor, it is already reflected on the sanctions to be imposed as per the recommended sanction guidelines. For this reason, this fact should not be taken into account for the purpose of aggravating the sanction.

120. In relation to mitigating factors, the Commission considered the fact Mr Aregbe admitted having used foul and abusive language towards the referee.

121. Mr Aregbe contested the charge, as was his right, but naturally he could not avail himself of any credit he would have otherwise been entitled to had he entered a guilty plea.

122. Having considered all the circumstances in the case, the sanction guidelines, the aggravating and mitigating factors present, the Commission considered that this case fell within the Mid Category and imposed the following sanction:

- a) A 2-match suspension;
- b) A £40.00 fine; and,
- c) 5 Club Disciplinary Points.

E. SANCTION OF MR CHRISTOU

123. The Commission was guided by the FA Sanction Guidelines for the 2023/2024 season and relevant FA regulation when deciding on the sanction.
124. The Commission was informed that Mr Christou had a previously unblemished disciplinary record.
125. With respect to aggravating factors, the Commission considered Mr Christou's persistent behaviour towards the referee and the threatening nature of it. Although the recipient of Mr Christou's behaviour was the Match Official, which constituted itself an aggravating factor, it is already reflected on the sanctions to be imposed as per the recommended sanction guidelines. For this reason, this fact should not be taken into account for the purpose of aggravating the sanction.
126. In relation to mitigating factors, the Commission considered Mr Christou's disciplinary record.
127. Mr Christou contested the charge, as was his right, but naturally he could not avail himself of any credit he would have otherwise been entitled to had he entered a guilty plea.
128. Having considered all the circumstances in the case, the sanction guidelines, the aggravating and mitigating factors present, the Commission imposed the following sanction:
- a) A 126-day suspension from all football activity. The Commission's sanction can be broken down as follows: 112 days (entry point) +28 days (aggravating factors) - 14 days (mitigating factors) = 126-day suspension;
 - b) A £75.00 fine; and,
 - c) Compulsory attendance of an online FA Education Course to be completed before the time-based suspension is served. Where the Participant fails to comply with the order, a Sine Die suspension shall be imposed until such time the Participant becomes compliant with the order of the Disciplinary Commission; and
 - d) 8 Club Disciplinary Points.

IX. RIGHT TO APPEAL

129. This decision is subject to the right of appeal under the relevant FA rules and Regulations.

André Duarte Costa

John Cush

Sheryl MacRae

27 May 2024