DISCIPLINARY COMMISSION

On behalf of the Essex County Football Association

Correspondence Hearings

of

BRANDON KING
SOUTH ESSEX UNITED
Case ID: 9680613

THE DECISION AND REASONS OF THE COMMISSION

Warning: This document may contain offensive language.

Introduction

1. On 24th November 2018 South Essex United FC played in a match against Harold Wood Athletic FC in the Mid Essex League Knock Out Cup.

2. A report was forwarded to Essex County Football Association ("Essex FA") by the match referee, Nathan Kitteridge. This contained allegations of misconduct by Brandon King

3. Essex FA commenced an investigation into the allegations and raised charges

The Charges

4. Brandon King was charged under FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive behaviour)

5. The details of the charge against Brandon King were contained in the charge letter ""In the 90th minute following the dismissal of Conor Crosby, another individual wearing a South Essex United tracksuit walked across the field of play to abuse the assistant referee provided by the home club. I approached the individual and requested his name and for him to leave the field of play so the game could continue. he responded by shouting at me" you can fuck off or ill rip you hair out you long haired cunt." he was then restrained by the South Essex players and moved away from the home club referee assistant referee, he still refused to give me his name. he was then taken out of the cage surrounding the field of play by the players. At this point I advised the South Essex manager that he had failed to provide a name and I would be reporting him as an unknown person for his misconduct. the manager advised the individuals name was Brandon King. I then restated the game to finish the allocated additional time. after the end of the game several of the South Essex players and spectators gathered around the only exit from the cage. Mr King was part of this group and shouted "come on ref I cant wait all day for you." and gestured with his arm for me to approach him. I remained inside the cage for 2 minutes at which point the group moved away from the gate. I then proceeded towards the dressing rooms."

6. The relevant section of FA Rule E3 states: <u>Offences against Match Officials:-</u>
"A Participant shall at all times act in the best interest of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour."

Documentation

7. Essex FA included within the charge letter the following evidence they intended to rely on:
   (i) Statements from the match official
   (ii) A statement from David O'Donnell (Secretary – South Essex United

The Reply

8. Brandon King responded to the charge pleading not guilty

The Commission

9. The Discipline Commission members appointed by the Essex County Football Association were:
   Mr Wayne Deller (Chairman)
   Mr David Emerton (Essex FA Council Member)
   Mr Michael Kay (Independent)

10. Mr Greg Hart, of the Essex FA Governance Team, acted as Secretary to the Commission

11. The Commission took place at Essex County Football Association headquarters on 4th March 2019, commencing at 8.40pm and finishing shortly after 9.00pm

12. The Commission had received no additional documents prior to the hearing.

13. The statement from Mr. O'Donnell (on behalf of Brandon King) was also considered by the Commission Mr. O'Donnell stated "In response to the charge brought against Brandon King in the fixture versus Harold wood Brandon has asked me to pass on this response: Brandon had felt that during the game the linesman for the opponent had been basically cheating. On at least 6 or 7 occasions the linesman had given one of our players offside when clearly this was not the case. The referee had been informed of this and said he had taken note but failed to overrule at any point during the game. When there was a break in play due to a red card Brandon saw an opportunity to approach their linesman and ask him to be fair. Brandon was met with a barrage of abuse from the linesman and our opponents and their substitutes and supporters. The referee saw what was happening and immediately asked Brandon to go away. Brandon was reluctant to do this until he was reassured that there would be no more cheating. In hindsight he agrees that he should have just walked away. He did get upset with the whole situation and continued to voice his anger. The referee asked Brandon to leave the pitch area or the game would be abandoned, although he did this he was not quick in doing so. The referee asked me to provide his name which I did. In regards to the insult aimed at the referee Brandon denies this.

14. Later in the same statement Mr. O'Donnell states ".....I am hoping that you can see that there are mitigating circumstances here. I believe Brandon's actions were wrong but born out of frustration.

15. The match official had been clear in his original misconduct report and had received no additional requests from the ECFA for details and clarity.

Standard of Proof

16. The Commission reminded itself that the burden of proving a charge falls upon the County FA.

17. The applicable standard of proof required for this case is the civil standard of proof namely, 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.

Findings

18. From the documentation that we read there was no doubt that there was a confrontation between the match officials and Brandon King.

19. Having carefully considered such documentation as had been submitted the Commission members: Unanimously concluded that the charge against Brandon King under FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive behaviour) was proven

20. The Commission determined that the level of sanction was to be in the Mid-range due to the fact there were repeated instances of threat and abuse of the referee and that the referee had been the subject of a clear threat to cause physical harm and further after being sent away Brandon King had returned to the pitch side to continue his threats and abuse on a further occasion.

21. The Commission were satisfied that the nature of the verbal threats was so specific that it was more likely than not to have been uttered.

22. Sanction

23. The Commission considered the relevant rules and The FA's Sanction Guidelines for Season 2017/18. In relation to these cases this was a minimum sanction of a 112 days and a fine of up to £100.00

24. The Commission carefully considered the previous record of Brandon King, in mitigation, and noted that he had only received two cautions in the past five years. However the Commission further noted that there

had been a clear and repeated threat to cause physical harm and had, additionally abused the opposing teams club assistant referee.

25. The Commission unanimously agreed that there was insufficient reason to mitigate the recommended sanction and determined that Brandon King receive a 12 match ground ban a fine of £100.00

26. The decision of the Commission is subject to the right of appeal under the relevant Rules and Regulations of the Football Association.

Signed
Wayne A Deller

Mr Wayne Deller (Chairman)
Mr. David Emerton
Mr. Michael Kay
Wednesday 06.03.2019