

DISCIPLINARY COMMISSION

Sitting on behalf of the Norfolk County Football Association

IN THE MATTER OF A PERSONAL HEARING

of

**MR THOMAS GRIFFITHS
OF HEMPSTALL FC**

THE COMMISSION'S DECISION AND REASONS

BACKGROUND & HEARING

1. The Disciplinary Commission ("the Commission") convened on Tuesday 30th October 2018 by way of a Personal Hearing. The Commission adjudicated in respect of charges brought by Norfolk County FA against Mr Griffiths as a result of alleged misconduct in a match between Earsham FC and Hempnall FC on Saturday 22nd September 2018.

THE COMMISSION

2. The members appointed to the Commission were:
 - i) Mr Shaun Turner (Independent Chairman)
 - ii) Mr Kevin Brown (Independent Member)
 - iii) Mr Trevor Cobb (Norfolk County FA Council Member)
3. Mr Matt Lemmon (Norfolk County FA) assisted the Commission as Secretary.
4. Match Referee Mr Beevor attended with his wife Mrs Justine Beevor. The Commission Chairman also agreed for Mr Jack Smith, RA Representative to observe the proceedings.
5. Norfolk FA called witnesses Mr Peter Goodfellow and Mr David Todd (Earsham FC Officials)

6. The defendant Mr Griffiths represented himself and was supported by Mr Trevor Shurmer (Hempnall FC Secretary).
7. Mr Thomas Griffiths called Mr Adam Clarke as a witness.
8. Mr Aaron Bunn & Mr Jason Trett were also in attendance.

THE CHARGE(S)

9. Norfolk County FA charged Mr Griffiths as follows:
 - i) Breach of FA Rule E3 – Improper Conduct against a Match Official (including physical contact and threatening and/or abusive language/behaviour).
10. The particulars of the charge against Mr Griffiths are that it was alleged that after the match, he barged into the referee which knocked him backwards and acted in a threatening manner before being pulled away by teammates.
11. Norfolk County FA also submitted a lesser alternative charge as follows, which would only be considered if the physical contact charge was found not proven, this was:
 - i) Breach of FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour).

THE REPLY

12. Mr Griffiths pleaded Not Guilty to the Charges confirming he wished to attend a Personal Hearing.
13. This Charge was heard as part of a Consolidated Hearing which involved three additional Denied Charges. These included a second Charge raised against Mr Griffiths (Case ID 9557752M) along with a Charge against Mr Aaron Bunn (Case ID 9557715M) and a Charge against Mr Jason Trett (Case ID 9557655M).
14. In line with FA Regulations these Written Reasons, will only explain details relevant to the specific Charges outlined in Paragraph 9 -11.

THE RULES

15. Pursuant to the FA Handbook 2018-19 Season, FA Rule E3(1) provides as follows:
“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.”

THE BURDEN AND STANDARD OF PROOF

16. In this instance the burden of proof is on the County. The applicable standard of proof is the civil standard of the balance of probability. The balance of probability standard means that the Commission is satisfied an event was more likely than not. Therefore, if the evidence is such that the Commission can say “we find it more probable than not” the burden is discharged, but if the probabilities are equal it is not.

THE EVIDENCE

17. The following is a summary of the principal evidence and submissions provided to the Commission. It does not purport to contain reference to all the evidence and submissions; however, the absence in these reasons of any particular point, evidence or submission, should not imply that the Commission did not take such point, evidence or submission 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.
18. The documents before the Commission comprised of:
- i. The Referee’s Report
 - ii. A supplementary Referee’s Report
 - iii. Mr Griffiths’ Written Observations
 - iv. A Witness Statement from Mr Garry Davis
 - v. A screenshot of a Text conversation from Mr Peter Goodfellow to the Earsham FC Committee
 - vi. A screenshot of a Text conversation from Dave Todd to the Earsham Committee
 - vii. An email from Aaron Clarke

19. The section of the Referee's Report relevant to this case stated:
... 'At this point the captain No 4 Hemptall ran across to me and barged into me frontally and face to face said that I was a fucking cunt, joke useless and that he was going to rape my kids and wife. Many players and officials then began restraining each other and I managed to get to the changing room where I asked Earsham officials to guard the door and not let anyone in as I would probably be ringing the police as I was pretty sure that this was not finished and I general feared for my safety'....
20. These Written Reasons are only dealing with:
'At this point the captain No 4 Hemptall ran across to me and barged into me frontally'
- and from his subsequent report*
- 'that after the match, he barged into the referee which knocked him backwards and acted in a threatening manner before being pulled away by teammates'*
- The alleged abusive language/behaviour were dealt with under a separate charge (Case ID 9557752M) as part of the Consolidation proceedings.
21. Mr Beevor was asked if he had anything further he wished to add to his two statements, which he replied no.
22. Mr Griffiths questioned Mr Beevor's report and challenged the accuracy of where the incidents took place and how long they lasted, to which Mr Beevor responded accordingly.
23. The Commission then asked various questions of Mr Beevor, the key ones being:
- How did he feel? He responded saying *'Whilst he felt verbally threatened, he didn't feel physically threatened.'*
 - The specific location of the incident? He showed the Commission using the Subbuteo Board.
 - How many individuals were involved? He replied, *'all 11 of the Hemptall team.'*

- What was said & was it as per your report? He replied with *'I put in the usual stuff, you could pick 15 different swear words, but there is no point in adding them all.'*
 - How long did the incident last? He responded *'it was a good 60 seconds of abuse.'*
 - Where did the alleged barge took place on his body? He gave a demonstration of how & where he was barged, by using the Secretary as a dummy. *'Confirming the barge was around the hip area of his body.'*
24. The Commission having questioned Mr Beevor, called the other two County Witnesses, Mr Goodfellow and Mr Todd.
25. On questioning, the commission felt that both Mr Goodfellow and Mr Todd were both credible witnesses. Albeit their own evidence confirmed that whilst they saw an incident unfold, neither of them, independently of each other, were able to confirm any details relating to individuals or any specifics other than noise.
26. Both witnesses stated that they didn't see Mr Beevor get barged. However, they did confirm that Mr Beevor was certainly shaken up when he was in his changing room, albeit it appears that this was to do with the alleged comments made about his family, which don't relate to this case and or these Written Reasons.
27. The Commission went on to question Mr Griffiths, who admitted that he was verbally abusive to the Referee and accepted that his actions may have come across as verbally threatening but no way were they physically threatening, and he categorically denied barging or making any contact with Mr Beevor.
28. Mr Griffiths walked us through his movements post game, from shaking the opposition players hands, though to the moment he verbally abused the Mr Beevor.
29. He also informed the Commission that Mr Beevor and himself had had a previous 'set too' a few weeks earlier and on finding out Mr Beevor was the Referee for this game he asked his manager to appoint a different captain prior to kick off as he felt there would be issues. This was confirmed by Mr Trett, the Hempnall FC Manager that the said request was made, albeit he declined it.

30. Mr Griffiths went on to say he felt that Mr Beevor had exaggerated the report to try and 'stitch him up' due to their past history. Something Mr Beevor denied.
31. Mr Griffiths was given the final say and given the opportunity to sum up his case.

FINDINGS

32. The Commission considered the evidence very carefully, being conscious of the burden and standard of proof.
33. The Commission reminded themselves that for the charge to be proven, on the balance of probabilities, the following must be taken into consideration:
 - i) Did Mr Griffiths act as reported by the Referee?
 - ii) Did this conduct amount to a breach of FA Rule E3?
34. The Commission first considered the alleged actions of Mr Griffiths and noted that whilst initially pleading Not Guilty, Mr Griffiths subsequently accepted under questioning that his behaviour was unacceptable and that his demeanour could have been seen as abusive and threatening, albeit in a verbal way not a physical way.
35. Mr Griffiths remained adamant throughout the Commission that at no point during the incident in question, did he make contact with the Mr Beevor.
36. The Commission having considered all of the verbal and written evidence and reports submitted, including that of the Match Referee, Mr Peter Goodfellow and Mr Dave Todd and the verbal and written evidence of Mr Griffiths specifically, unanimously agreed that Charge 1 FA Rule E3 – Improper Conduct against a Match Official (including Physical Contact and threatening and/or abusive language/behaviour) was found not proved as they believed that no physical contact had been made by Mr Griffiths on the Match Referee.
37. As Charge 1 was found not proved, the Alternative Charge was then considered by the Commission. FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour)

38. As detailed in Para 25 Mr Griffiths by his own admission admitted his actions and the Commission found it more likely than not that his actions did Breach FA Rule E3 – Improper Conduct against a Match Official (including threatening and/or abusive language/behaviour) due to the admitted behaviour.
39. In summary, the Commission unanimously found the Alternative Charge against Mr Griffiths to be proved.
40. Mr Griffiths was informed of the Commission’s decision and before his sanction was considered his previous disciplinary record was declared and he was given a chance to submit any mitigation.

PREVIOUS DISCIPLINARY RECORD

41. The Secretary confirmed Mr Griffiths previous record, which consisted of 6 cautions and 2 Standard Charges.

SANCTION

42. The Commission carefully considered all the relevant FA Rules and the Sanction Guidelines issued by The FA.
43. The Commission noted that the Sanction Guidelines for the Alternative Charge were as follows:
 - Recommended Sanction 112 days/12 matches & up to £100
 - Minimum sanction 56 days / 6 matches & £50.

Albeit these are only guidelines and the Commission can go outside of said guidelines depending on aggravating / mitigating factors.

44. The Commission considered all the submissions and taking all the circumstances into account mindful of sanction guidelines for this offence, they unanimously decided to impose the following sanction:
 - i. Mr Griffiths is to be suspended, from all football and footballing activity until Hempnall FC complete 8 (eight) first team qualifying fixtures and he is to be fined the sum of £50. His Personal Hearing fee is to also be forfeited.
 - ii. Hempnall FC are to receive **10** Penalty Points on their Club Disciplinary Record.

APPEAL

45. This decision is subject to Appeal in accordance with the relevant FA Appeal Regulations.

Shaun Turner (Chair)

Kevin Brown

Trevor Cobb

20th November 2018