

NON-PERSONAL HEARING

THE FOOTBALL ASSOCIATION

*and*

Mr ADI YUSSUF

MANSFIELD TOWN FC

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THE DECISION AND REASONS  
OF THE FA REGULATORY COMMISSION

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## **Introduction**

1. On 13 February 2016, Mansfield Town FC (“Mansfield Town”, the “Club”) played a Football League Two away fixture against Plymouth Argyle FC (“Plymouth Argyle”) at Home Park stadium, Plymouth, with a kick-off time of 3.00pm (collectively, the “match”).
2. The appointed Match Referee was Mr Brandan Malone.
3. Mr Malone reported that, at the end of the match, a Safety Officer informed him that a Mansfield Town substitute, whilst warming up, urinated by a floodlight pylon on two separate occasions. This was witnessed by a Steward and a supporter in the disabled seating area.
4. Subsequently, The Football Association (“The FA”) investigated the allegation.

## **The Charge**

5. On 03 March 2016, The FA charged Mr Adi Yussuf, a Mansfield Town player (the “Player”), with misconduct for a breach of FA Rule E3 by alleging that Mr Yussuf’s behaviour, in or around the 30<sup>th</sup> and 53<sup>rd</sup> minutes of the match, as described in the documents enclosed, amounted to improper conduct (the “Charge”).
6. The relevant FA Rule E3 (p.112 of The FA Handbook Season 2015-2016) states:  
*“3 (1) 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 combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour ...”*
7. The FA designated this case as a Non Standard Case due to the unusual nature of the reported behaviour.
8. The FA enclosed the following evidence that it intended to rely on:
  - 8.1. Report of the Match Referee, Mr B. Malone, dated 13 February 2016;

- 8.2. Statement from Plymouth Argyle FC supporter, [REDACTED] [anonymised], dated 22 February 2016;
  - 8.3. Statement from Matchday Steward, [REDACTED] [anonymised], dated 22 February 2016;
  - 8.4. Letter from Mr R. Marsh of The FA's On-Field Football Regulation department to Mr J. Back, Club Secretary of Plymouth Argyle FC, dated 15 February 2016;
  - 8.5. Letter from Mr J. Back to Mr N. Dutton of The FA, dated 17 February 2016;
  - 8.6. Letter from Mr T. Sharmel of The FA's On-Field Football Regulation department to Mr K. Burnand, Club Secretary of Mansfield Town FC, dated 17 February 2016;
  - 8.7. EMail from Mr K. Burnand to Mr N. Dutton, dated 19 February 2016;
  - 8.8. Letter from Mr T. Sharmel to Mr J. Back, dated 19 February 2016;
  - 8.9. Letter from Mr J. Back to Mr N. Dutton, dated 22 February 2016;
  - 8.10. EMail correspondence between Mr J. Back and Mr N. Dutton, dated 26 February 2016;
  - 8.11. EMail correspondence between Mr J. Back and Mr N. Dutton, dated 29 February 2016;
  - 8.12. Statement from Plymouth Argyle Safety Officer, Mr D. Boobyer, dated 29 February 2016; and
  - 8.13. EMail from Mr P. McCormack, Judicial Services Manager of The FA, to Mr N. Dutton, dated 17 February 2016.
9. Mr Yussuf was required to reply to the Charge by 6:00pm on 11 March 2016.

### **The Reply**

10. On 09 March 2016, Mr Yussuf responded by admitting to the Charge and requested the Charge to be dealt with at a Paper Hearing on the content of the documents served upon him and and documentation he/the Club supplied to The FA (the “Reply”). However, Mr Yussuf did not submit any documentation with his Reply.

### **The Regulatory Commission**

11. The following members were appointed to the Regulatory Commission (the “Commission”, “We/us”) to hear this case:

Mr Thura KT Win JP (Chairman);

Mr Maurice Armstrong; and

Mr Denis Smith.

Mr Paddy McCormack, The FA Judicial Services Manager, acted as Secretary to the Commission.

### **The Hearing & Evidence**

12. We convened at 1pm on 10 March 2016 by videoconference for this Non-Personal / Paper Hearing (the “Hearing”).
13. We had received and read the bundle of case papers prior to the Hearing.
14. Mr Brendan Malone, the Match Referee, submitted an Extraordinary Incident Report, dated 13 February 2016, in which he stated (we quote):

*“It was brought to my attention after this match by the safety officer that a Mansfield Town Substitute whilst warming up urinated by a floodlight pylon. [T]his happened on two separate occasions. [T]his was witnessed by a steward and a disabled supporter, both names and addresses can be supplied by the club. [T]he Mansfield Town [FC] manager has been [informed] that I will be reporting the incident. [T]he times for the [alleged] incidents were 15:50 + 16:10.”*

15. [REDACTED] [anonymised], a supporter of Plymouth Argyle, submitted a statement, dated 22 February 2016, in which he stated (we quote the relevant text):
- 15.1. *“... I watch the club’s matches from the disabled seating area in the club’s stadium, Home Park, Plymouth.*
- 15.2. *On Saturday 13<sup>th</sup> February 2016, I was watching the home match at Home Park against Mansfield Town.*
- 15.3. *At around 3.30pm that day, I saw that a number of Mansfield Town substitutes were warming up. As I watched, I saw one of them walk into an area of scrubland that exists between the Devonport End and the disabled seating area of the stadium and then openly urinated against the side of the Devonport End stand.*
- 15.4. *At around 4.10pm the same day, I saw the same player walking back out of the same area of scrubland. I did not see him urinate on this second occasion, but his behaviour was the same as the earlier time when he did.*
- 15.5. *I would estimate that both of these incidents would have been viewable by over 50 supporters, including adult and children. I am aware by their responses that a number of people around me also witnessed what happened...”*
- 15.6. [REDACTED] also provided the description of this Mansfield Town Substitute. As the identity of Mr Yussuf being the player in question was not in dispute, there was no need for us to address this.
16. [REDACTED] [anonymised], a Matchday Steward at Plymouth Argyle, submitted a statement, dated 22 February 2016, in which he stated (we quote the relevant text):
- 16.1. *“... I have been a matchday steward at Plymouth Argyle for approximately ten years.*
- 16.2. *On Saturday 13<sup>th</sup> February 2016, I was working in my capacity as a matchday steward in a home match at Home Park, Plymouth, against Mansfield Town.*

- 16.3. *At around 4.10pm that day, I saw that a number of the Mansfield Town substitutes were warming up. As I watched, I saw one of them walk into an area of scrubland that exists between the Devonport End and the disabled seating area of the stadium and then openly urinated against the side of the Devonport End stand.*
- 16.4. *I would estimate that this incident would have been viewable by over 40 supporters..."*
- 16.5. [redacted] [anonymised] also provided the description of this Mansfield Town Substitute. As mentioned in para 15.6 above, there was no need for us to address this.
17. Mr Jon Back, the Club Secretary of Plymouth Argyle, submitted his club's observations in a reply letter to The FA, dated 17 February 2016, in which he stated (we quote the relevant text):
- 17.1. *"A small number of fans brought two instances to the attention of the Club, whereby we were informed by supporters within our disabled stand that a Mansfield Town substitute (number 18) twice urinated in an area on open view to the public whilst warming up.*
- 17.2. *These incidents were timed at 3:30pm and 4:10pm respectively.*
- 17.3. *One or both of these instances were also witnessed by match day stewards and our Club Doctor.*
- 17.4. *Names and addresses of witnesses have been secured if required.*
- 17.5. *No CCTV coverage is available.*
- 17.6. *The team dressing room (including the toilet facilities) were open and available to players throughout the duration of the match.*
- 17.7. *As the incidents had been reported to the Club, they were duly reported to the match officials and in turn, to the Mansfield Town team manager..."*
18. Mr Keith Burnand, the Club Secretary of Mansfield Town, submitted his club's

response, after the Club's internal and thorough investigation, by an EMail to The FA, dated 19 February 2016, in which he stated (we quote the relevant text):

- 18.1. *"... After extensive dialogue with the player Adi Yussuf, the player has informed of his need to urinate at the approximate times of 15.30 and 16.10 GMT. It should be noted at this time that Adi was an unused substitute and was warming up on the touchline at the far end of Home Park and furthermore, the W.C. at this ground are a far distance away (in the home dressing room).*
- 18.2. *After conversation with two of the Plymouth Substitutes, also warming up, Adi asked them where they usually relieved themselves as substitutes, if and when required.*
- 18.3. *In their response, they pointed to a direction at the side of the stands. Upon entry to this point of the ground, Adi asked the Steward monitoring this area 'where is the best place to have a pee'. The steward allegedly replied 'our players go down [there]' (directing him to the point to which the home players had referred).*
- 18.4. *Adi then relieved himself and insisted that this was performed out of the public gaze, contrary to reports in the media.*
- 18.5. *The Club is fully aware that it was an inappropriate act, even though three home club employees had directed him to this point to urinate.*
- 18.6. *Without wishing to excuse the player's act, Adi did simply followed instructions by the 3 home club employees at a venue which was unfamiliar to him.*
- 18.7. *He has, however, been reprimanded by the club that a purpose built WC should be the only place to relieve [oneself] at any stadia to avoid such misfortunes in the future..."*
19. In response to further communications and requests by The FA, Mr Jon Back of Plymouth Argyle:
  - 19.1. Submitted a further letter to The FA, dated 22 February 2016, in which



he stated (we quote the relevant text):

*“... No member of the Plymouth Argyle squad can recall any relevant conversation with the Mansfield Town player, nor recall witnessing the incidents as described by the people providing statements...”*

- 19.2. Exchanged E-mails with The FA, dated 26 February 2016, in which he stated (we quote the relevant text):

*“... I have spoken with our Stadium Manager who has in turn spoken with the two Stewards who this may have concerned (indeed one of them is the Steward who has already provided a statement).*

*Both Stewards state that they did not speak with the player & further under no circumstances would they have directed a player to urinate anywhere open in the stadium...”*

- 19.3. Further confirmed in a subsequent E-mail on 26 February 2016 that these two Stewards referred to in his E-mail reply above would be the only Stewards who could possibly have been monitoring the area in question during the match against Mansfield Town.

- 19.4. Provided four photographs of the Home Park stadium with following commentary (we quote the relevant text):

*“Photo 1: the proximity of the Away bench to the players’ tunnel; the dressing room (with toilets) are at the end of this tunnel. The tunnel is approximately 10 steps away from the bench. The distance from the tunnel entrance to the Away dressing room is approximately 40 steps.*

*Photo 2: the proximity of the Away bench to the area where the player allegedly urinated (just behind & to the right of the floodlight pillar at the far end).*

*Photo 3: a close up of the area. The player apparently urinated against the side of the stand on the right of the picture. The overlooking seats to the left from the Disabled stand.*

*Photo 4: looking back towards the Away bench from the area..."*

20. Mr David Boobyer, the Stadium Manager at Plymouth Argyle, submitted a statement, dated 29 February 2016, in which he stated (we quote the relevant text):
- 20.1. *"... I am the Stadium Manager, Match-day Safety Officer and Disability Liaison Officer at Plymouth Argyle. I have been in post for thirteen years.*
- 20.2. *On Saturday 13<sup>th</sup> February 2016, I was working in my capacity of Safety Officer in a home match at Home Park, Plymouth, against Mansfield Town.*
- 20.3. *At approx. 1540 hours on that day, I was informed by radio that a Disabled supporter had witnessed one of the Mansfield substitutes urinating in the vicinity of the Devonport Floodlight Tower.*
- 20.4. *I contacted my Assistant Safety Officer, Barry Warne, and asked him to get details of any witnesses and what they had seen. I also asked him to warn the referee of the incident.*
- 20.5. *At approx. 1620 hours the same day, Mr Warne passed the details of the witnesses to me and also informed me that the player in question had urinated again in the same location approx. 1610 hours.*
- 20.6. *I was informed that the player in question had now been substituted on to the pitch and was No. 18 Adi Yussuf.*
- 20.7. *At the conclusion of the match, I went to the referee's room and informed the referee, Brendan Malone of the above details.*
- 20.8. *The only steward on the pitch at the time of both incidents was Ray Faith, the tunnel supervisor.*
- 20.9. *The only other steward who the player could have been within speaking distance of, was the witness [REDACTED] [anonymised]."*
21. We also received in the bundle of case papers the application by The FA On-Field Football Regulation Department, with notice to the Club Secretary of

Mansfield Town, and permission granted by the Chairman of the Judicial Panel (or his nominee), in accordance with relevant regulations, to dispense with the normal time limits of the disciplinary procedures to enable a full, proper and fair investigation to take place into this unusual incident.

22. The above, paras 14 to 21 inclusive, were evidence that The FA was relying on in support of the Charge and served on Mr Yussuf for his reply.
23. As mentioned previously in para 10, Mr Yussuf replied by admitting to the Charge, did not request an opportunity to attend a Commission for a personal hearing, did not submit any statements of his own or further submission from his Club, and he did not challenge any of the statements submitted by the witnesses in support of the Charge.
24. Mr Yussuf provided the information on his total weekly football net income.

### **The Burden of Proof**

25. In this case, the burden is on The FA to prove the Charge on the civil standard of the balance of probability.

### **Our Decision**

26. Mr Yussuf had admitted to the Charge, for which we would give some credit.

#### *Previous Disciplinary Record*

27. As Mr Yussuf had accepted the Charge, we sought his relevant previous disciplinary record from Mr McCormack.
28. Mr McCormack informed us that Mr Yussuf has no relevant previous disciplinary record.
29. We noted that we did not have any submissions from My Yussuf himself in response to the full witness statements included with the Charge.
30. However, we noted that Mr Burnand, on behalf of the Club, had responded

during The FA's initial investigation stage, based on the Referee's report alone, which included Mr Yussuf's version of events.

31. In considering the Charge and seriousness of the reported behaviour, based on the evidence before us and on the burden of proof required, we found that:
  - 31.1. Mr Yussuf urinated openly against the Devonport End stand near the floodlight pylon during this match on two separate occasions at around 3.30pm and 4.10pm (in paras 15.3, 16.3, 20.3 and 20.5) – in or around 30<sup>th</sup> and 53<sup>rd</sup> minutes of the match respectively;
  - 31.2. These behaviours of Mr Yussuf would have been viewable by either over 40 supporters (██████████ [anonymised] evidence in para 16.4) or over 50 supporters, including adults and children, (██████████'s evidence in para 15.5) in the disabled seating area. As “over 40 supporters” would include the number “over 50”, we were content to accept that Mr Yussuf's behaviours would have been viewable by “at least over 40 supporters”;
  - 31.3. The toilet facilities are available in the teams' dressing rooms throughout the match (in para 17.6);
  - 31.4. The distances from the Away bench to the dressing room and from the alleged location of urination to the Away bench were relatively short (in para 19.4);
  - 31.5. No member of the Plymouth Argyle squad recalled any conversation with Mr Yussuf about where to urinate (in para 19.1); and
  - 31.6. Neither of the possible Plymouth Argyle Stewards had spoken with Mr Yussuf and under no circumstances they would have directed a player to urinate anywhere open in the stadium (in para 19.2).
32. We were not persuaded at all by Mr Yussuf's assertions and explanations via Mr Burnand during The FA's initial investigation (in para 18).
33. We considered Mr Yussuf's reported behaviours were totally unacceptable,

- offensive, indecent and amounted to improper conduct as per the Charge.
34. There was no excuse for Mr Yussuf not to use the toilet facilities in the team's dressing room, especially the second incident would have been approximately 10 minute after the teams came back out from the dressing rooms for the second half of the match.
  35. This was a Football League Two match in a stadium with appropriate facilities and not *park football*. No spectators in the stadium, whether adults or children, should be expected to endure the experience they had to of Mr Yussuf's reported behaviours during this match.
  36. We agreed that this was an usual case and, understandably, The FA had designated as a Non Standard Case.
  37. We reflected that a player who is sent off under Law 12(6) on the field of play for using offensive or insulting or abusive language/gesture would receive an automatic suspension of two matches.
  38. We considered Mr Yussuf's reported behaviours to be worse than the aforesaid offence that warrants a two match suspension. Whilst the use of offensive or insulting or abusive language/gesture should not be tolerated, a standard punishment is available due to the prevalent of such offences in the game. The offences before us, however, were extremely rare in professional football arena and it must remain so.
  39. Mr Yussuf had committed two offences on two separate occasions, albeit in the same match in this case.
  40. We would offer a credit for his "*Guilty*" plea and his previous good record. We did not find any other mitigation factors in the submitted case papers. Based on all the above aggravating and mitigating factors, a sporting sanction of five matches was decided. We considered this to be both appropriate and proportionate for the offences before us.

41. In assessing the financial penalty, we gave regard to Mr Yussuf's declared total weekly football net income (in para 24). We decided that a fine of £700 would be appropriate and proportionate.

### **The Sanction**

42. After having admitted to the Charge for a breach of FA Rule E3, taking into consideration of the factors explained above, we order that Mr Yussuf is:
- 42.1. to serve an immediate suspension from ALL domestic club football until such time as Mansfield Town First Team completes 5 (five) matches in approved Competitions;
  - 42.2. fined the sum of £700 (seven-hundred pounds); and
  - 42.3. warned as to his future conduct.
43. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed...

**Thura KT Win JP (Chairman)**

**Maurice Armstrong**

**Denis Smith**

10 March 2016