

IN THE FOOTBALL ASSOCIATION REGULATORY COMMISSION

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BETWEEN –

THE FOOTBALL ASSOCIATION

and

DYLAN DUFFY

WRITTEN REASONS

INTRODUCTION

1. The Regulatory Commission is dealing with a charge made against Dylan Duffy of 30 betting offences contrary to FA Rule E8 committed during one season of 2023/2024 (the “**Charge**”).
2. The charge letter is dated 10 July 2024. Mr Duffy has admitted the Charge and elected a personal hearing to provide submissions in relation to sanction. Therefore, the Commission met via Microsoft Teams on 17 September 2024 to hear the submissions from The FA and on Mr Duffy’s behalf in relation to sanction.

THE CHARGES

3. The charge letter reads as follows:

You are hereby charged with Misconduct under FA Rule E1(b) in respect of 30 bets placed on football matches between 18 August 2023 to 23 April 2024.

It is alleged that each bet is a separate breach of FA Rule E8 (as applicable) and all references to specific bets are set out in exhibits ■/1 and ■/2.

The particulars of the allegation are as follows:

2023/24 Season (see schedule [REDACTED]/1 and [REDACTED]/2) – Bets placed in breach of FA Rule E8 FA Handbook p144-145

1. You placed, instructed, permitted, caused or enabled 30 bets on football matches, in breach of FA Rule E8.1, between 18 August 2023 and 23 April 2024 whilst you were a participant at Lincoln City FC.

i. 24 of these bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition.

ii. 6 of the bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition in which your club and/or you were participating.

THE FA's CASE

4. The FA's case is summarised in the witness statement of [REDACTED] dated 25 June 2024, and is further set out in its written Submissions on Sanction dated 8 August 2024. Those submissions were further amplified by Mr Laidlaw, appearing on behalf of The FA at Mr Duffy's personal hearing.

5. [REDACTED] reports–

3. Lincoln City FC player Dylan Duffy ("DD") was identified by the betting operator [REDACTED] as having potentially breached the FA's betting Rules and they shared DD's account activity with The FA.

4. After confirming the details of where DD had been playing, The FA contacted all UK-licensed betting operators and asked them to share any accounts in the name of DD that showed breaches of The FA's Betting Rules. As a result of this enquiry, no additional accounts were identified.

5. Therefore, The FA had been provided with a total of 1 betting account for DD, showing a total of 8 football related bets made by DD. I exhibit a schedule of all these bets as [REDACTED]/1.

6. DD's playing career during this period was as follows:

17. The FA have subsequently contacted ██████████ to obtain the full betting data for the 22 bets DD disclosed, and I exhibit a schedule of these 22 bets as ██████/2.

18. The FA have subsequently contacted ██████████ to obtain the IP Address data for the 8 football bets placed through DD's account. These IP Addresses confirm that all 8 football bets were placed with an IP Address in ██████████.

[...]

20. On analysis of the betting accounts, in total there are 6 bets which include games in competitions that DD's clubs participated in during the relevant seasons. These are detailed in exhibit ██████/3. These include bets on Lincoln City FC.

21. The 2 bets on DD's own club are exhibited as ██████/4.

6. In their written submissions, FA divide the misconduct committed by Mr Duffy into Misconduct A and Misconduct B. They say:

8. The FA therefore invite the Regulatory Commission to sanction on the following basis:

a. Misconduct A: DD allowed ██████████, to open and use a ██████████ betting account at aged 17 using his personal information and identification in order to circumvent the minimum legal age requirements for gambling. ██████████ placed 8 bets on football through this account. In this way, DD permitted, caused or enabled 8 bets to be placed on football matches at a time when he was prohibited from doing so.

b. Misconduct B: DD instructed ██████████ to place 22 football bets through ██████████ own account. DD did so with the awareness that football players were not permitted to place bets on matches they were involved in.

7. The FA provide submissions on sanctions in accordance with these misconduct types:

Misconduct A

10. Sanction for breaches of the FA Betting Rules is prescribed by the Betting Sanction Guidelines. The nature of this misconduct is not necessarily foreseen by the Sanction Guidelines and thus the Regulatory Commission find themselves in a rather unique situation.

[...]

12. *The FA would submit that a novel approach is required to sanction outside of the guideline, where the misconduct is confined to permitting, causing or enabling football betting through facilitation of a means of betting rather than any particular involvement in the betting itself. As such the nature of the bets and usual considerations are not particularly determinative of the sanction in respect of the bets placed by ██████████*

14. *The serious nature of this misconduct is characterised by the fact DD ultimately permitted, caused or enabled a child to participate in commercial gambling contrary to the legal age requirements. DD had full knowledge of the misconduct, stating in interview “I remember when he did it because he asked for my permission and I said yes, stupidly enough”. Any sanction should reflect the seriousness of such misconduct and the FA would respectfully suggest that this is only properly achieved through the imposition of a Sporting Sanction.*

Misconduct B

[...]

16. *As the Commission will appreciate, in respect of 15a above, a strict application of the guidelines suggests a financial penalty. A suspension is considered not applicable where a Participant has no connection with the Club bet on. The Regulatory Commission however has a wide discretion to determine a reasonable and proportionate sanction according to the particular facts and circumstances of a case.*

[...]

18. *Strict application of the Sanction Guidelines in respect of Misconduct B requires a financial penalty. The FA however would invite the imposition of a Sporting Sanction in addition to a financial penalty to properly reflect the seriousness of the totality of the misconduct.*

8. Mr Laidlaw appeared on behalf of The FA at the hearing, and amplified the submissions made in writing. He acknowledged that for Misconduct A, the guidelines were less clear in cases whereby a Participant has enabled or encouraged betting activities, but that this misconduct was serious as Mr Duffy facilitated ██████████,

██████ in gambling. Mr Laidlaw accepted the point that The FA's case was not that ██████████ was under the age of 18 at the time of placing the football bets, as previously articulated in submissions.

9. For Misconduct B, although a financial penalty was appropriate in accordance with the guidelines, Mr Laidlaw stressed that the Commission should consider a sporting sanction, although The FA accepted that there were a low number of bets, with a small amount staked at a time where Mr Duffy was an inexperienced participant. However, it was highly aggravating that Mr Duffy had participated in betting activities shortly after receiving training from The FA as to the betting regulations, and therefore The FA's position was that he had knowledge of the FA Betting Rules and knowingly contravened them.
10. Mr Laidlaw submitted that Mr Duffy had flagrant disregard of the betting rules and sought to evade them by betting on an account held by ██████████. Notwithstanding that, there has been extensive cooperation and an admission at first opportunity.

MR DUFFY'S CASE

11. Mr Duffy's legal team has greatly assisted these proceedings, through numerous submissions, service of witness statements and Mr Cuthbert of Counsel attending the personal hearing to amplify the submissions provided in writing. Mr Duffy was also in attendance at the personal hearing, and provided a short statement to the Commission, reiterating his regret and apologising for his actions. These written reasons do not intend to refer to all of those submissions, but the Commission have highlighted the critical points.
12. Mr Duffy has highlighted in written submissions that there is a number of mitigating features including:
 - (1) *The number of bets were small;*
 - (2) *The amounts placed on the bet were low;*
 - (3) *The bets were placed during a short window;*

(4) The Player was naïve and inexperienced at the time the bets were placed, being just 21 years old;

(5) The bets were placed without any prior knowledge that would assist in predicting a positive outcome;

(6) The Player has fully co-operated with the FA's enquiries and has disclosed the existence of further online betting accounts and disclosed bets.

13. Mr Duffy has broken down the 30 bets helpfully in his written submissions:

(1) 24 are Category 1 bets, "Bet placed on any aspect of any football match anywhere in the world, but not involving Participant's Club competitions".

(2) 4 are Category 2 bets, "Bet placed on Participant's competition but not involving his Club (including spot bet)".

(3) 2 are Category 3 bets, "Bet placed on own team to win"

It is extremely important to stress that there are just 2 Category 3 bets, and those bets were placed by [REDACTED] and not the Player.

14. In relation to sanction, Mr Duffy's submissions on sanction states:

11. The Player submits that there are a number of compelling reasons to suspend the imposition of any sporting sanction (if one is deemed appropriate at all), including:

(1) The very low number of Category 3 bets (only 2);

(2) The Category 3 bets were not placed by him;

(3) The Player self-referred in relation to the [REDACTED] account and has made full admissions and did so at the earliest possible opportunity.

15. The submissions continue to refer to the matters which a Regulatory Commission should consider when determining sanction:

“Overall perception of impact of bet(s) on fixture/game integrity;

The bets were not placed by the Player and so it is submitted could not impact fixture/game integrity.

Player played or did not play;

The Player did not play

Number of Bets;

2 Category 3 bets

Size of Bets;

Total stake was £10, with no return.

Fact and circumstances surrounding pattern of betting;

Category 3 bets place by [REDACTED]

Actual stake and amount possible to win;

Total stake was £10, with no return.

Personal Circumstances;

See Background and Mitigation Document and Witness Statement of Dylan Duffy

Previous record – (any previous breach of betting Rules will be considered as a highly aggravating factor);

No previous breaches of betting Rules

Experience of the participant;

Player is young and naïve. See Witness Statements provided by the Player form Jeremy George, Michael Skubala, Martin Hickerton and Adam Thurston

Assistance to the process and acceptance of the charge.

Player admitted the Charge. Player fully complied with the process and self-reported circumstances surrounding [REDACTED] account. See Background and Mitigation Document and Witness Statement of Dylan Duffy”

16. Numerous witness statements have been served, including those of [REDACTED]. They explain the circumstances surrounding the betting and how the various accounts were set up between [REDACTED]. Due to some of the personal nature of these statements, they are not repeated within these Written Reasons, but the Commission is grateful to have received them.
17. Mr Cuthbert of Counsel appeared on behalf of Mr Duffy at the personal hearing. He referred the Commission to the various categories of bets by reference to the Sanction Guidelines. In relation to the Category 3 bets, he reiterated that they were placed by [REDACTED] and they were accumulator bets. They were placed from an [REDACTED] IP address, and there is no doubt that it was [REDACTED] and not Dylan Duffy that placed them.
18. In mitigation, he explained that there was a small number of bets, placed by a young man who was very inexperienced and had one session by The FA on betting. He stressed that Mr Duffy has gone above and beyond to assist The FA and it was only through Mr Duffy’s frank admissions about the [REDACTED] account that the wider betting activity came to light.
19. Turning to sanction, Mr Cuthbert submitted that this case should be sanctioned with a financial penalty alone and suspension would be entirely inappropriate, against the backdrop of relevant case law. Alternatively, if the Commission were not with him on that, a suspended sporting sanction should be imposed, given there are clear and compelling reasons in accordance with the FA Regulations.

FA GUIDELINES

13. The FA has referred to the FA Sanction Guidelines. The Guidelines are set out in the following table.

| | Bet placed on any aspect of any football match anywhere in the world, but not involving Participant's Club competitions. | Bet placed on Participant's competition but not involving his Club (including spot bet). | Bet placed on own team to win. | Bet placed on own team to lose. | Bet placed on particular occurrence(s) not involving the player who bet (spot bet). | Bet placed on particular occurrence(s) involving the player who bet (spot bet). |
|--|---|--|--|---|---|---|
| Financial Entry Point – Any fine to include, as a minimum, any financial gain made from the bet(s) | Warning / Fine | Fine | Fine | Fine | Fine | Fine |
| Sports sanction range | Suspension n/a | Suspension n/a where Participant has no connection with the Club bet on* | 0-6 months to be determined by factors below | 6 months - life to be determined by factors below | 0 – 12 months | 6 months - life |
| Factors to be considered in relation to any increase/decrease from entry point | <p>Factors to be considered when determining appropriate sanctions will include the following:</p> <ul style="list-style-type: none"> • Overall perception of impact of bet(s) on fixture/game integrity; • Player played or did not play; • Number of Bets; • Size of Bets; • Fact and circumstances surrounding pattern of betting; • Actual stake and amount possible to win; • Personal Circumstances; • Previous record – (any previous breach of betting Rules will be considered as a highly aggravating factor); • Experience of the participant; • Assistance to the process and acceptance of the charge. | | | | | |

It will be seen that in many instances the suggested range of prohibition is very wide. The appropriate sanction is therefore very much left to the discretion of the Commission and will be dependent on the facts of the individual case. This is expressly recognised by the Guidelines, which state the following.

The guidelines are not intended to override the discretion of Regulatory Commissions to impose such sanctions as they consider appropriate having regard to the particular facts and circumstances of a case. However, in the interests of consistency it is anticipated that the guidelines will be applied unless the applicable case has some particular characteristic(s) which justifies a greater or lesser sanction outside the guidelines.

The assessment of the seriousness of the offence will need to take account of the factors set out above. A key aspect is whether the offence creates the perception that the result or any other element of the match may have been affected by the bet, for example because the Participant has bet against himself or his club or on the contrivance of a particular occurrence within the match. Such conduct will be a serious aggravating factor in all cases. A further serious aggravating factor will be where the Participant played or was involved in the match on which the bet was made.

DISCUSSION

- As Mr Duffy has accepted the Charge, the Commission considered sanction. Using The FA's terminology, in respect of Misconduct A, the Commission agreed with The FA that sanctioning is less clear in these circumstances where Mr Duffy has facilitated football betting by [REDACTED] by using an account in his name. Using Mr Duffy's

terminology, the Commission considered that the most serious bets were Category 3 bets, but these were placed by [REDACTED], and there is no evidence to suggest that Dylan Duffy had awareness of these bets being placed, or actively facilitated these bets. Therefore, the Commission were not convinced that a sporting sanction was necessary in accordance with the Sanction Guidelines.

15. Of the four Category 2 bets, the Commission noted Mr Duffy's evidence that he had no additional knowledge when selecting those matches. The Commission heard no positive submissions from The FA that the Category 2 bets would warrant a sporting sanction.
16. The Commission were not otherwise convinced by The FA's submissions that this case warranted a sporting sanction.
17. The Commission also considered that this was a unique case, in that not only had Mr Duffy been cooperative with The FA and admitted the Charge at first opportunity, but Mr Duffy had provided critical intelligence to The FA in relation to the 22 bets placed on the [REDACTED] account, which comprised the vast majority of bets in the Charge. The Commission consider that without Mr Duffy's level of candour, The FA were unlikely to have discovered this. The Commission considered that this level of candour should be encouraged and the imposition of a sporting sanction would not serve to encourage other Participants to be full and frank with The FA during their investigations.
18. Having concluded that a financial sanction was appropriate, the Commission considered a starting point, before turning to aggravating and mitigating factors. Of the aggravating factors, the Commission could only point to the fact that Mr Duffy had undertaken betting activity with some degree of knowledge of the FA betting regulations given he had had training whilst at Lincoln.
19. The aggravating factors were balanced against the mitigating factors, which the Commission considered were numerous. They included:
 - (1) A small number of bets placed over one season;
 - (2) Mr Duffy was an inexperienced Participant;
 - (3) The betting activity did not undermine the integrity of the game;
 - (4) High degree of cooperation with The FA;
 - (5) Admission at first opportunity; and

- (6) No previous disciplinary history.
20. When they considered the substantial mitigation plus the degree of candour offered by Mr Duffy which led to the discovery by The FA of the vast majority of these bets, the Commission considered that there were clear and compelling reasons to suspend part of the financial sanction in accordance with the FA Regulations.

CONCLUSION

21. The Commission makes the following order –
- (1) A financial penalty of £4,000 is imposed.
- (a) £2,000 is imposed immediately;
- (b) £2,000 of the fine is suspended for 12 months (16 September 2025). In the event of any such similar breach the suspended period of suspension will be activated with effect from the date of the final determination of the proceedings before the Regulatory Commission dealing with the new breaches, in addition to any penalty for the new breaches imposed by that Regulatory Commission.
22. There is no order as to the costs of these proceedings.
23. There is a right of appeal against this decision in accordance with the relevant provisions set out in the rules and regulations of the Football Association.

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17 September 2024