

REGULATORY COMMISSION

BETWEEN :

THE FOOTBALL ASSOCIATION

and

SANDRO TONALI

DECISION AND REASONS

Regulatory Commission constitution (paper hearing).

Abdul S. Iqbal KC (Chair)

Tony Agana

Alan Knight

Secretary to the Commission: Michael O'Connor

1. This document sets out the written reasons for the decision in this “non-personal hearing” Regulatory Commission (“the Commission”).
2. The Commission was convened on 25th April 2024 by Microsoft Teams meeting.
3. This document does not set out every aspect of the evidence considered by the Commission. It summarises those relevant aspects of the evidence considered by the Commission in reaching relevant findings of fact.

1. The charges.

4. By misconduct charge notification dated 25th March 2024 The Football Association (“The FA”) alleged that Sandro Tonali (“ST”) had, whilst a Participant at Newcastle United FC, breached FA Rule E8.1 of the rules of The FA¹.
5. The FA alleged that ST breached applicable betting rules of The FA by placing “50 bets on the result and/or progress and/or conduct and/or any other aspect of and/or occurrence in or in connection with a football match or competition in breach of FA Rule E8.1, between 12 August 2023 and 12 October 2023 (both dates inclusive)”².
6. The FA further alleged that ST placed “at least 4 of these bets....on the result and/or progress and/or conduct and/or any other aspect of and/or occurrence in or in connection with a football match or competition in which (ST’s) club and/or (ST) were participating”³.
7. The Commission considered the following documentary material in this case:
 - i. Witness statement of Mr Tom Astley, Betting Integrity Investigator at The Football Association, dated 21 March 2024⁴;
 - ii. Exhibit TA/1 – Letter from NUFC to The FA with Exhibits 1 - 6, dated 26 January 2024⁵;
 - i. Exhibit TA/2 – Transcript of interview with ST and FA investigators on 5 March 2024⁶;
 - ii. Exhibit TA/3 – NUFC -v- Brentford FC team line-ups, 16 September 2023⁷;
 - iii. Exhibit TA/4 – Brighton & Hove Albion FC -v- NUFC team line-ups, 2 September 2023⁸;
 - iv. Exhibit TA/5 – NUFC -v- Burnley FC team line-ups, 30 September 2023⁹;

¹ FA Rule E8 (“BETTING”) is in The FA Handbook 2023 – 24, pages 142 to 144.

² Page 4 of Bundle A.

³ Page 4 of Bundle A.

⁴ Pages 9 to 11 of Bundle A.

⁵ Pages 13 to 20 of Bundle A. Exhibits 1 to 6 are at pages 21 to 42 of Bundle A. They include the first witness statement of ST, a statement on ST’s disciplinary proceedings before FIGC, a letter dated 13/10/23 from [REDACTED], a [REDACTED] report dated 24/10/23 from [REDACTED] and “Device Data”.

⁶ Pages 44 to 65 of Bundle A.

⁷ Page 67 of Bundle A.

⁸ Page 69 of Bundle A.

⁹ Page 71 of Bundle A.

- v. Exhibit TA/6 – NUFC -v- Manchester City FC team line-ups, 27 September 2023¹⁰;
- vi. Exhibit TA/7 – West Ham United FC -v- NUFC team line-ups, 8 October 2023¹¹;
- vii. FA Rule E8 from The FA Handbook 2023-24¹²;
- viii. The FA’s Betting Sanction Guidelines¹³;
- ix. “*Sandro Tonali’s Submissions on Sanction*”, undated¹⁴;
- x. “*Response to Reply and Submissions on Sanction*” dated 15 April 2024 from Regulatory Legal, The Football Association, with attached documentation¹⁵;
- xi. “*Sandro Tonali’s Reply*”, undated¹⁶.

2. The FA rules.

8. By **FA Rule E 8.1.1** it is provided:

“E8.1 A Participant shall not bet, either directly or indirectly, or instruct, permit, cause or enable any person to bet on -

E8.1.1 the result, progress, conduct or any other aspect of, or occurrence in or in connection with, a football match or competition..”

3. The facts and the investigation.

9. On 20 October 2023, Newcastle United FC (“NUFC”) player ST self-reported breaches of The FA’s betting Rules to The FA. On 26 January 2024 NUFC sent The FA nine documents, which are included as Appendices to the case bundle.
10. ST is currently serving a worldwide suspension from competitive football for breaches of the betting rules of the Italian Football Federation (“FIGC”). The duration of this suspension is 10 months (18 months suspension with 8 months commuted subject to ST’s compliance with

¹⁰ Page 73 of Bundle A.

¹¹ Page 75 of Bundle A.

¹² Pages 77 to 79 of Bundle A. Pages 142 to 144 of The FA Handbook 2023-24.

¹³ Pages 81 to 84 of Bundle A.

¹⁴ Pages 86 to 101 of Bundle A

¹⁵ Pages 103 to 116 of Bundle A.

¹⁶ Pages 118 to 127 of Bundle A.

certain objectives set out in the above-cited exhibits).

11. This suspension was effective from 27 October 2023.
12. ST joined NUFC on 3 July 2023 and as such only became a “Participant” under The FA’s Rules from that date.
13. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
14. The FA contacted the six regulated betting operators within ‘*Exhibit 6 – Device Data*’ and asked them to confirm whether any of the associated accounts showed breaches of The FA’s Betting Rules.
15. All six operators confirmed there were no breaches of The FA’s Rules through the associated accounts.
16. The FA also contacted all UK-licensed betting operators and asked them to share any accounts in the name of ST that showed breaches of The FA’s Betting Rules. No accounts were identified.
17. ST was interviewed by FA investigators on 5 March 2024.
18. The FA rely upon ST’s admissions within his witness statement and his interview with FA investigators.
19. ST disclosed placing 40 to 50 football bets since being at NUFC, between 12 August 2023 to early October 2023, which include up to four bets on NUFC.
20. The four bets on NUFC were all on NUFC to win and can be summarised as follows:
 - i. An accumulator bet involving either NUFC to beat Brighton & Hove Albion FC on 2 September 2023 or NUFC to beat Burnley FC on 30 September 2023;
 - ii. An accumulator bet including NUFC to beat Brentford FC, 16 September 2023;
 - iii. A single bet on NUFC to beat Manchester City FC, 27 September 2023;
 - iv. An accumulator bet including NUFC to beat West Ham United FC, 8 October 2023.

21. ST stated he cannot remember whether he placed a bet on the Brighton match or the Burnley match, but was certain that it was not both.
22. ST stated he cannot remember the exact amount he staked on each bet, but it would not be more than €10,000.
23. ST was an unused substitute for the NUFC v Brentford FC match (exhibit TA/3). However he was involved in each of the other four matches (exhibits TA/4 to TA/7).
24. Accordingly, ST played in three of the four NUFC matches that he bet on.
25. ST stated he would have placed other bets on the Premier League, but was unable to recall the specific number, and ST denied placing any bets on the Champions League or on international football.

4. Liability.

26. ST admitted the alleged misconduct by response entitled “*Reply*” on 9 April 2024 and requested a paper hearing to determine sanction.

5. The written submissions.

27. In summary, the submissions lodged on behalf of ST contend that:
 - i. The 4-step approach adopted by the Regulatory Commission in *The FA v Kian Harratt*¹⁷ in reaching its decision on sanction is commended and appropriate:
 - a. First, it identified the relevant category of offence in order to establish the entry or starting point for any sanction;
 - b. Second, it identified any aggravating factors which may increase any sanction from the starting point;
 - c. Third, it identified any mitigating factors which may decrease any sanction;
 - d. Finally, if any sanction is to be given, it then considered whether there were clear and compelling reasons to suspend either all or part of the sanction;

¹⁷ Pages 39 to 51 of Bundle C.

- ii. ST admitted placing 46 bets in Category 2 within the Sanction Guidelines¹⁸, which carries a sanction range of a financial sanction and no sporting sanction, and 4 bets in Category 3¹⁹, which carries a sanction range of a financial sanction and a sporting sanction range of 0 – 6 months to be determined by the factors listed in the Sanction Guidelines;
- iii. The relevant starting position in respect of any sporting sanction, before considering any aggravating factors, is therefore 0 months;
- iv. It is accepted that ST participated in 3 of the 4 bets that he placed on NUFC to win. It is also accepted that the perception that a result or any element of a match has been influenced by a bet is increased where the Participant does participate in the same match. However, the serious nature of such an aggravating factor is more relevant to cases where a Participant has placed a bet on his own team to achieve a negative result such as a loss or a draw. The same negative connotation / perception does not exist (or exists to a substantially lesser degree) where a Participant has placed a bet on their own team to win. It is therefore submitted that the Regulatory Commission should give little to no weight to this factor as an aggravating factor.
- v. ST is unable to recall the exact figure that he staked on each occasion but has stated that he would not have bet more than €10,000 on any occasion. The FA relies solely upon ST's voluntary admission. When considered against previous cases, the level staked by ST is a high amount and is not insignificant. However, it is important to consider the context in which these amounts have been staked. ST recognises that he is in a very fortunate position to earn a significant amount of money, whilst the amounts staked are high in comparison to other cases, the amounts represent less than █ of the ST's monthly salary at the time the bets were placed;
- vi. ST has confirmed that he was not motivated by financial gain, has not been enriched by his gambling activities (a mitigating factor considered in *The FA v Mitch Clark*)²⁰ and █
█
█
█
█ The Commission is therefore invited to give a low level of weight to this aggravating factor;

¹⁸ "Bet placed on Participant's competition but not involving his Club (including spot bets)".

¹⁹ "Bet placed on own team to win".

²⁰ Pages 9 to 15 of Bundle C.

- vii. ST has voluntarily admitted that although he was not fully aware of English football's rules relating to betting, he knew that he was not allowed to bet in some form or another and had received FA training (albeit he had not fully understood the content due to the language barrier, his English being extremely limited at the time the training was delivered, on 3 August 2023, only one month after he had signed for NUFC);
- viii. ST is a young player (23 years old) and very new to English football having only been transferred to England in July 2023. [REDACTED]
[REDACTED]
[REDACTED] The Regulatory Commission is therefore invited to give a low level of weight to this aggravating factor;
- ix. Having considered the relevant aggravating factors, the Commission is invited to increase the sanction from the entry point of 0 to no more than 4 weeks;
- x. The assistance that ST has provided to The FA is extraordinary, unprecedented in many aspects and should be given the maximum possible weight and credit by the Commission;
- xi. The majority of cases prosecuted by The FA involve a betting operator notifying The FA of a potential breach and The FA then conducting its own investigation. Here this was not the case. ST self-reported the breaches at the earliest possible opportunity (on 20 October 2023) and has voluntarily disclosed all of the key evidence that The FA seeks to rely upon. Without ST's proactive assistance in this matter, The FA would have no case. This fact is an essential aspect of this case;
- xii. The FA's key, and only evidence, is therefore the admissions of ST contained within his witness statement and his interview. The FA would have had no case to bring and ST no case to answer had he not voluntarily and proactively disclosed the extent of his breaches at the earliest possible opportunity. ST's actions in doing so have undoubtedly led to the expeditious conclusion of The FA's investigation at little to minimal cost to The FA of the same;
- xiii. ST should therefore be given the maximum amount of credit for his approach to these proceedings and any sanction should reflect his level of co-operation as an encouragement for future Participants;
- xiv. Further, ST emphasises that he is sorry for his conduct and for committing the breaches in the first instance;

- xv. ST is currently subject to an 18 month ban imposed by the FIGC for similar offences to those admitted by ST in these proceedings. 10 months of that ban is effective from 27 October 2023 to 29 August 2024. 8 months has been commuted conditional upon ST meeting certain objectives, including completing public community activities [REDACTED];
- xvi. ST has already served 5 months of this ban and has been unable to participate in competitive football for the majority of season 23/24;
- xvii. Had the Italian misconduct taken place in England in accordance with The FA Betting Rules and Sanction Guidelines they would have constituted a Category 3 offence and would have carried a 0 - 6 month sanction. ST has therefore already served / will likely have done so by the time a hearing is scheduled, the maximum amount of time prescribed by The FA Betting Rules. It would be unfair, unjust and not within the interests of the wider game to impose upon ST a further ban when he has already served a considerable amount of time and has provided an extraordinary level of cooperation to The FA. The Commission should give this mitigating factor a considerable amount of weight;
- xviii. [REDACTED]
- xix. [REDACTED]

²¹ Pages 3 to 4 of Bundle B contains the [REDACTED] dated 13 October 2023.

²² Pages 10 to 11 and Pages 30 to 31 of Bundle B is material relating to the [REDACTED]

- xx. The Commission is invited to review the following cases:
- a. *FA v Harry Toffolo* (HT)²³. In that case, HT placed 375 bets in total. 40 of those bets were category 3 bets. 15 bets were category 4 bets, which carries a sporting sanction of 6 months to life. The Regulatory Commission in that case considered that an appropriate and proportionate sanction was a sporting sanction of a 5 month suspension to be suspended for a total period of 5 months;
 - b. *FA v Mitch Clark* (MC)²⁴. In that case, MC placed 312 bets in total. 3 of those bets were category 3 bets. 1 bet was a category 4 bet, which carries a sporting sanction of 6 months to life. The Regulatory Commission in that case considered that an appropriate and proportionate sanction was a sporting sanction of a 3 month suspension to be suspended for a total period of 2 years;
 - c. *FA v Andrew Neal* (AN)²⁵. In that case, AN placed 202 bets in total. 2 bets were category 3 bets. The Regulatory Commission in that case considered that an appropriate and proportionate sanction was a sporting sanction of a 1 month suspension;
 - d. *FA v Harry Pritchard* (HP)²⁶. In that case, HP placed 150 bets in total. 1 bet was a category 3 bet. The Regulatory Commission in that case considered that an appropriate and proportionate sanction was a sporting sanction of a 1 month suspension to be suspended for a total period of 2 years;
- xxi. In this case, ST has voluntarily admitted to placing 46 category 2 bets and 4 category 3 bets. Had these 4 category 3 bets not taken place, ST would have fallen into category 2 and would have only been facing the application of a financial penalty. Of the 4 category 3 bets, 3 of these were accumulator bets. In comparison to the cases stated, the number of bets placed by ST is relatively low;
- xxii. The Regulatory Commission will note the high number of bets placed in the cited cases and the accompanying sanctions handed down by the Regulatory Commissions in each case. In comparison to the cases stated above, the number of bets placed by ST is very low and the Commission is invited to give this considerable weight when making

²³ Pages 16 to 38 of Bundle C.

²⁴ Pages 9 to 15 of Bundle C.

²⁵ Pages 3 to 8 of Bundle C.

²⁶ Pages 52 to 58 of Bundle C.

- its determination on sanction;
- xxiii. Whilst ST did place bets on his own team, all of these bets were for his team (NUFC) to win the match in question. ST's betting pattern is consistent in this regard. There has been no damage to integrity or perception of the integrity of the match in question or the game as a whole;
- xxiv. The Regulatory Commission will note the content of the Sanction Guidelines which in particular state "*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.*";
- xxv. It is within the Commission's discretion to award a sanction which is outside the range stipulated by the Sanction Guidelines. It is submitted that the mitigation presented justifies a lesser sanction than that set out in the Sanction Guidelines. The Regulatory Commission will note that Regulatory Commissions have taken such action in the past where there has been a justifiable reason to do so. The cited case are relevant examples;
- xxvi. In conclusion, the mitigation and precedents indicate a lesser proportionate sanction is appropriate that fully reflects the particulars of this case. [REDACTED]
[REDACTED]
[REDACTED] A balanced and proportionate approach would be to provide [REDACTED] by not issuing a further sporting sanction. This would allow ST to have some certainty around his playing career as he has now come to terms with the sanction already imposed;
- xxvii. This process has had a profound effect on ST and is something he does not want to experience again. ST recognises that there can be no repeat and wanted to apologise and give an assurance to that effect to the Commission. The Commission is therefore invited to apply no sporting sanction in this case;
- xxviii. In the event that the Commission rejects ST's submission that no sporting sanction should be applied in this case, it is submitted that any sporting sanction should be suspended in its entirety;
- xxix. The Commission will be familiar with the powers conferred on it in this regard. A Commission may also order the imposition of a Suspended Penalty, pursuant to Disciplinary Regulations 43 to 44;

- xxx. It is submitted that all of the factors listed as mitigating factors at paragraphs represent, when considered both individually and together, clear and compelling reasons to suspend any penalty;
- xxxi. More particularly, the Commission is invited to consider the following:
- a. ST's current suspension – as noted at paragraph 47, ST is currently serving, and has been since 27 October 2023, a 10 month suspension due to the disciplinary proceedings arising from similar facts in Italy. Had those offences had taken place in England, ST would have been facing a ban of between 0 – 6 months. ST has therefore, in reality, already served the sanction that would have been handed down had this matter taken place in England. This is a clear and compelling reason for all of the sanction to be suspended in order to avoid ST suffering a double punishment which has only arisen by virtue of his transfer in July 2023;
 - b. ST's level of co-operation. The FA's case stands solely on the evidence that ST voluntarily and proactively provided to it. In an alternative reality, ST could have chosen not to assist The FA by providing a no comment interview. The FA would have been able to request ST's devices and have carried out its own inspection on them, this would have resulted in the same nil result as the search conducted by ST (procured by NUFC). The FA would not have a case and these proceedings would not be taking place had it not been for the level of co-operation provided by ST. Even if the Commission rejects the submission that such a factor should result in no sporting sanction being issued at all, the Commission is invited to conclude that this, either alone or in conjunction with the other factors cited above, is a clear and compelling reason to suspend any sanction in its entirety;
- xxxii. In conclusion, the Commission is invited to conclude that the entirety of any sporting sanction handed to ST should be suspended in its entirety and shall be suspended for a period lasting no longer than 31 December 2024;
- xxxiii. In the event that the Commission rejects ST's submissions that no sporting sanction should be applied in this case, that any sporting sanction should be suspended in its entirety and seeks to impose a sanction whereby a sporting sanction is applied where an element is not suspended, it is submitted that any element of the said sporting sanction should be deemed to have been already served;
- xxxiv. Whilst this is clearly not a criminal matter, this case is analogous to criminal sentencing procedure and practise. ST has already spent 5 months suspended for offences

committed whilst registered in Italy. As has been explained throughout, had ST committed these offences in England, then it is likely that his period of suspension would have already been served or be very close to being fully served. The reality is that these offences, when considered [REDACTED], are part of the same factual matrix;

xxxv. Noting that the criminal sentencing regime allows for time served on remand to count towards the convicted custodial sentence, a much more serious consequence of loss of liberty than the sanction in these proceedings, it would not be just, fair or proportionate for the Commission to find that any sanction that it deems necessary be commenced either as of the date of its decision or at the end of ST's current ban. The Commission is therefore invited to follow the approach of the criminal justice system and determine that any sporting sanction handed down by it, be deemed to have already been served by virtue of the contents of the Italian Plea Bargain Agreement;

xxxvi. To summarise, it is submitted that:

- a. Sporting Sanction – having considered the relevant aggravating and mitigating factors, any sporting sanction should be reduced to the lowest level of the applicable range at zero months. In the alternative, should the Regulatory Commission determine that a sporting sanction is appropriate and proportionate in this case, ST's submission is that there are "*clear and compelling reason(s)*" for the entirety of the sporting sanction to be suspended;
- b. Further and in the alternative, should the Commission determine that either none or only part of the sporting sanction be suspended, ST's submission is that any "active" element of the sporting sanction be deemed to be already served having considered the significant period of time that ST has been suspended since 27 October 2023. In any event, any sanction handed down by the Commission must not have the effect of extending ST's current playing ban beyond its current end date of 29 August 2024;
- c. Financial Penalty – ST makes no substantive submission as to the level of the financial sanction to be awarded other than to reiterate that the financial penalty should be assessed by reference to ST's net weekly football income which has already been voluntarily reduced very substantially as a result of the Italian FA sporting sanction.

28. In summary, the submissions lodged by the FA contend:

- i. A sporting sanction within the range of 0-6 months and a fine are the appropriate sanction;
- ii. ST approached The FA in order to admit breaches of The FA's betting Rules. It appears highly unlikely that The FA would have ever become aware of ST's misconduct but for his admissions. The FA has been unable to verify any of the betting activity ST has admitted to. Enquiries made with legitimate betting operators did not produce evidence of any misconduct by ST;
- iii. ST is serving a significant suspension in relation to similar offences committed when he was a player in Italy;
- iv. In light of this unique set of circumstances, in conjunction with certain other mitigating factors, The FA does not seek to resist the submission made by ST that there are clear and compelling reasons to suspend any sporting sanction to be imposed;
- v. The fact that ST is serving a lengthy suspension is a fact that the Commission may take into account as part of ST's personal circumstances;
- vi. These proceedings, and the sanction to be imposed, are entirely separate from the proceedings and sanction imposed by the Italian Football Federation (Federazione Italiano Giuoco Calcio) ("FIGC");
- vii. These FA proceedings relate to breaches of FA Rules that formed no part of the case against ST in Italy;
- viii. The propositions advanced that the suspension imposed upon ST by the FIGC amounts to "*time served*" in relation to the sanction to be imposed in these proceedings, and that the sanction imposed in these proceedings could amount to "*double punishment*", should be rejected;
- ix. The nature of the bets ST placed fall into categories 2 and 3 of The FA's Betting Sanction Guidelines (the "Sanction Guidelines");
- x. Paragraph 15 of the Sanction Guidelines is relevant to these proceedings:

"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.”

- xi. The bets placed by ST fall into category 3 within the Sanction Guidelines which carries a sporting sanction range of 0-6 months to be determined by consideration of the following factors:
- 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.
- xii. The fact that ST participated in 3 of the 4 matches where bets were placed on the Club to win is a serious aggravating factor within the Sanctioning Guidelines;
- xiii. ST has confirmed that he may have staked anything up to 10,000 euros on each match on which he bet. The detrimental impact of a player participating in a match he has staked such a high amount on is obviously significant. The size of these bets is an additional aggravating factor;
- xiv. The FA submits that a player betting huge sums on matches in competitions he and his club are participating in, whilst also being involved as a player and/or substitute in some of those, is obviously extremely detrimental to perception and these factors plainly represent serious aggravating factors;

- xv. Accordingly, these factors alone must elevate the appropriate sanction towards the top of the 0-6 months range;
- xvi. ST has stated that he would not have bet more than 10,000 euros on any occasion. Bearing in mind ST has admitted to placing 50 bets on football matches, the potential for the overall amount staked is as high as 500,000 euros. This clearly indicates that ST is likely to have staked a huge amount across the 50 bets;
- xvii. The Sanction Guidelines do not stipulate that the monetary value of bets placed must or should be considered in the context of the Participant's income. The monetary value of bets placed by ST are a serious aggravating factor, particularly where he was participating in some of the matches and the negative impact that will inevitably have on perception;
- xviii. ST accepts that he knew he was not allowed to bet in some form or another and had received FA training on 3 August 2023. Such FA training would have made clear that betting on football is prohibited;
- xix. ST accepts he knew betting on football was "*illegal*" and the rules are the same in England as in Italy. Bearing in mind the particular dates of the misconduct in this case (12 August 2023 to 12 October 2023), ST had commenced placing bets on football in England in the full knowledge that he was not permitted to do so just 9 days after receiving FA training, and within weeks of The FA providing guidance material, translated into Italian, to the Club. The Commission is invited to consider this to be another serious aggravating factor and attach considerable weight to the same;
- xx. The existing aggravating factors ought to lead the Commission to consideration of a sporting sanction towards the top end of the 0-6 month range;
- xxi. When considering aggravating factors, amongst the most serious of those are the fact the Participant played in the match, having staked a significant sum on the result, in the knowledge he was breaching FA Rules. The inevitable consequence is a significant increase in the appropriate sanction within the specified range of 0-6 months;
- xxii. The FA acknowledges the assistance ST has provided to The FA is extraordinary and unprecedented in many respects. It is correct to say that without ST's proactive assistance, The FA would have had no evidence upon which to charge ST with misconduct and that without the admissions made by ST, there would be no case to answer. The FA acknowledges that ST's co-operation represents a significant

- mitigating factor;
- xxiii. Recognition of this highly unusual circumstance is reflected in The FA's position in relation to suspension of any sporting sanction imposed;
- xxiv. Insofar as ST seeks to persuade the Commission not to impose a sporting sanction as he "*has already served/will likely have done so by the time a hearing is scheduled, the maximum amount of time prescribed by The FA Betting Rules*", these are completely separate disciplinary proceedings to the preceding proceedings in Italy. ST must be sanctioned in relation to the admitted breaches of The FA's Rules in accordance with the Sanction Guidelines;
- xxv. In the event that the Commission is minded to impose an immediate sporting sanction, with none or some of it suspended, The FA does not invite the Commission to make this consecutive to ST's current period of suspension;
- xxvi. [REDACTED]
[REDACTED];
- xxvii. It is also acknowledged that ST [REDACTED] [REDACTED]
[REDACTED] has already served a significant suspension in relation to similar offences in Italy;
- xxviii. Insofar as ST relies upon four previous betting misconduct cases, the betting activity in each case and the sanctions imposed, each case turns on its own facts and circumstances. Betting cases typically involve numerous variables that can vastly differ from case to case. Consequently, comparisons are not straightforward or easily made. Clearly guidance can be taken from previous decisions, but equally, consistency can be achieved through the application of the Sanction Guidelines;
- xxix. Indeed, as stated in the Sanction Guidelines themselves, "*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 FA considers the particular circumstances of this case to be unprecedented and, consequently, comparisons with previous decisions are not easily made;
- xxx. Insofar as ST claims there has been no damage to integrity of the match in question or the game as a whole, The FA invites the Commission to reject it. Any player participating at the highest level of English football, placing significant sums on

competitions in which his club participate and, more importantly, his own club's results can obviously be perceived as damaging to the overall perception of conduct on fixture / game integrity. This damage is heightened considerably when the player participates in the fixture;

- xxxii. Insofar as ST invites the Commission to impose no sporting sanction in this case, whilst acknowledging the significant mitigation available to ST, The FA invites the Commission to consider the very serious nature of the breaches that expose ST to a sporting sanction within the Sanction Guidelines. The mitigating factors are adequately reflected by a reduction in any sporting sanction from the top end of the range to a sanction approaching the median point;
- xxxiii. Further, the fact that The FA does not seek to resist the proposition that there are clear and compelling reasons to suspend the sporting sanction affords ST sufficient credit for his co-operation and takes account of the various other mitigating factors discussed;
- xxxiv. It would be so unduly lenient as to be unreasonable were the Commission to depart from the sanction range and impose no sporting sanction whatsoever;
- xxxv. Insofar as ST contends in relation to the Italian misconduct charges that "*had those offences taken place in England, ST would have been facing a ban of between 0-6 months. ST has therefore, in reality, already served the sanction that would have been handed down had this matter taken place in England*", the Commission should not speculate as to what sanction may have been handed down in relation to the offences that took place in Italy, had they been committed in England. Such considerations are an irrelevance;
- xxxvi. The Commission must sanction ST for the admitted breaches before it, without concerning itself with what would or would not have happened if offences that took place in another jurisdiction (the precise detail of which is not known to it) had taken place in England. The Commission will no doubt, however, note the outcome of those proceedings and its impact upon ST;
- xxxvii. The duration of any suspended period is a matter for the discretion of the Commission. Given the assurances offered by ST, that this misconduct must not be repeated, a longer suspension period than 31 December 2024 is appropriate. In particular, if the Commission is minded to suspend all of any sporting sanction imposed, the suspension period ought to be until the end of season 2024/25. This will serve to mark

the seriousness of the breaches and deter ST and others from committing further breaches of this nature;

- xxxvii. The FA invites the Commission to entirely reject the submission made on behalf of ST that a suspension imposed in relation to different misconduct from another jurisdiction represents "*time spent*" in relation to this, as yet, unsanctioned serious misconduct. Comparisons with the criminal justice system and time spent on remand are misplaced;
- xxxviii. ST has not been issued with an interim suspension in relation to these breaches as part of these proceedings. Clearly when a person is on remand in relation to a criminal offence, that will be taken into account at the point of sentencing. That period on remand would obviously only relate to the offence(s) for which the person is being sentenced. The Commission are sanctioning ST in relation to breaches for which ST has not received any penalty. The Plea Bargain agreement relates to offences committed in Italy, that have been dealt with by way of the suspension imposed by the FIGC. That suspension relates to breaches distinct from the breaches before the Commission;
- xxxix. Insofar as ST submits that any sporting sanction must not extend ST's suspension beyond 29 August 2024, The FA invites the Commission to impose an appropriate suspension. The end date of ST's current suspension should not affect the duration of suspension imposed by this Commission for this misconduct;
- xl. In relation to a financial penalty, this should bear proper and appropriate correlation to ST's total net football income;
- xli. An appropriate sanction involves an immediate sporting sanction within the range of '0-6 months' due to bets placed by ST on his own club to win. The fact that ST played in 3 of 4 fixtures he had place bets on is a serious aggravating factor. The size of the bets placed by ST is an aggravating factor;
- xlii. The FA is unable to provide any further specific information to the Commission as to the bets placed. As ST has confirmed, 46 bets were on the Premier League not involving the Club, but which the Club obviously compete in. ST placed 4 bets on the Club to win, playing in 3 and being an unused substitute in the 4th match. He was therefore involved in all 4 of the Club's fixtures he placed bets on;
- xliii. The FA acknowledges that there would be no case against ST save for his approach

to The FA and admissions made. ST has clearly initiated The FA investigation himself and fully co-operated with The FA thereafter. This approach and absence of any other evidence, in conjunction with the other mitigating factors presented, represents a unique set of circumstances. The FA submits this is adequately reflected in the invitation to impose an immediate sporting sanction approaching the median point of the range 0-6 months;

- xliv. The misconduct took place very shortly after ST had received FA education and the Club had been furnished with educational material translated into Italian. ST placed the bets in the knowledge that he was not allowed to do so. This is a further aggravating factor;
- xliv. Notwithstanding the mitigation available, it remains necessary for a sporting sanction to mark the seriousness of the misconduct, having regard to the aggravating factors, and to serve as a deterrent to ST and others;
- xlvi. In the unique circumstances of this case, The FA does not take issue with ST's submission that the sporting sanction can reasonably be suspended, but submits that the period of suspension should be considerable;
- xlvii. The fact that ST played in 3 of the 4 matches he bet on his own Club, and was an unused substitute in the other, represents a serious aggravating factor in all cases. This in conjunction with the large sums staked, makes a sporting sanction inevitable. His actions represent a very serious breach of FA Rules, which are damaging to the overall perception of game integrity and must be marked accordingly;
- xlviii. It is necessary to strike a balance between acknowledging this case represents a highly unusual set of circumstances, crediting ST for his co-operation, but still imposing a sanction that marks the gravity of the breaches and serves as a deterrent to ST and others;
- xliv. Accordingly, having regard to the overall misconduct and all relevant considerations, it is respectfully submitted that a sporting sanction towards the median range of 0-6 months is necessary and proportionate;
- I. In light of the unique circumstances of this case, The FA does not contest the submission that clear and compelling reasons do exist to suspend the sporting sanction. Irrespective of the mitigating factors, the sanction must not be so unduly lenient as to be unreasonable, having regard to the gravity of the breaches;

- li. The FA further submits that a financial penalty commensurate to the seriousness of the breaches (notwithstanding the purported losses made) should also be imposed. ST was clearly in receipt of a significant weekly wage at the time the breaches were committed. A significant financial penalty is appropriate having regard to ST's financial circumstances.

6. The Commission's factual findings.

29. The burden of proof is borne by The FA to prove the alleged misconduct and the scope of the alleged misconduct.
30. The test to be applied is that the Commission is satisfied an event occurred if the Commission considers that, on the evidence, the occurrence of the event was more likely than not.
31. By his own admission, ST placed 50 bets in breach of the relevant FA rules. Those bets included 4 bets involving league and cup competitions that ST's club were also involved in whilst ST was a participant there and in which ST was directly involved as a player or substitute player.
32. In the circumstances, the misconduct is proved by ST's own admission of it.
33. Accordingly, the Commission proceeded to consider sanction on the above basis.

7. Sanction in relation to the breach of FA rule E8.1.

34. The Commission notes the submission of multiple decisions of previous Commissions by ST with an invitation to take into account those decisions when considering sanction in this case.
35. The Commission is not bound by any such previous judgments of separate Regulatory Commissions in other cases.
36. Each case will necessarily be fact specific. Each case will therefore necessarily be determined on its own specific facts. This is perhaps more so in betting cases that inevitably have a multiplicity of aggravating and mitigating factors.
37. Nonetheless, the Commission takes into account the cited cases insofar as they provide useful comparative tools to the Commission.

(i) Categorisation of the misconduct.

38. The Commission takes into account the relevant FA Sanctioning Guidelines and places due and appropriate weight on aggravating and mitigating factors found by the Commission to apply in this case in order to reach a proportionate and fair sanction in this case.

39. The relevant FA Sanctioning Guidelines state as follows:

SANCTION GUIDELINES – BETTING CASES CHARGED UNDER FA RULE E8.1

	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.
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40. The Commission concluded that the four bets placed on NUFC that were all on NUFC to win and can be summarised as follows plainly place this case within category 3 of The FA Sanction Guidelines:
- i. An accumulator bet involving either NUFC to beat Brighton & Hove Albion FC on 2 September 2023 or NUFC to beat Burnley FC on 30 September 2023;
 - ii. An accumulator bet including NUFC to beat Brentford FC, 16 September 2023;
 - iii. A single bet on NUFC to beat Manchester City FC, 27 September 2023;
 - iv. An accumulator bet including NUFC to beat West Ham United FC, 8 October 2023.
41. The Commission accordingly found this case falls into the category “*Bet placed on own team to win*” within The FA Sanction Guidelines above.
42. The Commission noted that in addition to the four bets mentioned above, ST placed a much larger number of bets (in excess of 40) that fall into category 2 of The FA Sanction Guidelines.
43. In these circumstances, the Commission concluded that, before appropriate adjustment for aggravating and mitigating factors, an appropriate and proportionate starting point for the sporting sanction is three months suspension.
44. The Commission does not accept the submission that a sporting sanction is inappropriate in this case. Indeed, the impact of betting in these circumstances as prohibited by FA Rule E8 is such that a sporting sanction is inevitable to reflect the nature of the bets placed generally.

(ii) Aggravating and mitigating factors.

45. The Commission then considered relevant aggravating and mitigating factors as found by the Commission to apply in this case.
46. The Commission found on the balance of probability that the following aggravating factors are present in this case:
- i. ST had an understanding of the applicable rules and an understanding of the impact of such betting on the integrity of the game. Although young at the relevant time, the Commission concluded on the balance of probability that ST did know that such betting amounted to misconduct within the relevant rules;

- ii. In relation to ST's own knowledge and understanding of the FA betting rules, it is noted that ST stated during interview by FA investigators that he knew betting on football was "illegal" and the relevant rules are the same as in Italy. The misconduct before the Commission occurred about 9 days after ST received relevant FA training, and within weeks of The FA providing guidance material to NUFC on this very topic;
- iii. The fact that ST took a decision to continue such betting with this knowledge is an aggravating factor in the case even in circumstances where [REDACTED] provides a degree of mitigation (as to which, see below);
- iv. The overall perception of impact of these bets on the integrity of the game of football is vitally important. The Commission rejects the submission that the damage or potential damage to the integrity of the game is insignificant or substantially lessened because ST bet on his own team to win rather than to lose;
- v. Had ST bet on his own team to lose, the seriousness of that scenario would be reflected by categorisation within the Sanction Guidelines as a category 4 offence carrying an indicated sporting sanction range of 6 months to life suspension. Betting by ST on matches in which he was directly involved as a Participant is a significant aggravating factor;
- vi. The number of bets placed was 50 bets. This is an intermediate number, which is not a particular aggravating or indeed mitigating factor;
- vii. The monetary value of the bets is estimated by ST to be up to €10,000 per bet albeit he is unable to further quantify the precise amounts that he bet. Over about 50 bets, the Commission concluded that the amount of money that was placed on these bets by ST must necessarily be a very significant sum well in excess of €100,000 and certainly a six-figure sum. This is a significant aggravating factor.

47. The Commission concluded that the aggravating factors increase the appropriate and proportionate starting point for the sporting sanction to four months suspension.

48. The Commission found on the balance of probability that the following mitigating factors are present in this case:

- i. [REDACTED]
[REDACTED]
[REDACTED];

- ii. Insofar as ST's previous record is concerned, it is noted that ST has already admitted breaching similar Italian FA betting rules. However, the Italian misconduct had not been proved at the time of the misconduct before the Commission occurred. In reality, ST continued to bet on football matches in breach of the regulatory rules when he signed for NUFC in July 2023. In these circumstances, ST does not have the mitigation of having no other similar misconduct having been recorded against him, but the Italian betting misconduct is not a particular aggravating factor in the sense that it is not previous proven misconduct wholly unrelated to the misconduct before the Commission;
- iii. Insofar as the experience of the participant is concerned, the Commission notes that ST is still relatively young but not very young. This is a mitigating factor to a degree;
- iv. Insofar as assistance to the process and acceptance of the charge is concerned, ST self-referred his case to The FA, made admissions that are the foundation for these misconduct charges, and no other evidence has been uncovered by The FA that would support the admitted charges. ST admitted formally the misconduct as soon as reasonably possible. This combination of factors provides very strong mitigation in this case.

49. The Commission concluded that the mitigating factors outweighed to a degree the aggravating factors such that the appropriate and proportionate sporting sanction should be reduced to two months suspension.

(iii) Suspension of the sporting sanction.

50. Regulation 43 of the FA Disciplinary Regulations²⁷ provides that:

“Save where any Rule or regulation expressly requires an immediate penalty to be imposed and subject to paragraphs 43-46 below, the Regulatory Commission may order that a penalty imposed is suspended for a specified period or until a specified event and on such terms and conditions as it considers appropriate”.

51. Regulation 44 of the FA Disciplinary Regulations²⁸ provides that:

“When considering imposing a suspended penalty a Regulatory Commission must:

a) Determine the appropriate penalty for the breach, irrespective of any consideration of

²⁷ FA Handbook 2023-24 at page 174.

²⁸ FA Handbook 2023-24 at page 174.

it being suspended, and

b) Consider whether there is a clear and compelling reason(s) for suspending that penalty; if so

(i) Set out what the clear and compelling reason(s) are

(ii) Decide the period of the suspension or event until which the penalty will be suspended

(iii) Upon what other terms or conditions, if any, the penalty will be suspended.”

52. The Commission concluded that this is a case where there are clear and compelling reasons to suspend the entirety of the two month sporting sanction suspension that we have imposed above and thus enable ST to undertake football activity when the Italian FA sanction allows him to.

53. The compelling reasons to suspend the sporting sanction include:

i. The fact that ST self-referred this misconduct, made full admissions as to it, and did so in circumstances where there is no other evidence to support these misconduct proceedings;

ii. [REDACTED].

54. The Commission concludes that the suspension period for the sporting sanction must be of such a length as to have a deterrent effect. The commission rejects the submission that the period of suspension of the sporting sanction should expire in 2024. Such a period would provide an insufficient deterrent effect in this case.

55. Accordingly, the sporting section is suspended until the conclusion of the 2024/25 English football season. The Commission concludes that such a period of suspension of the sporting sanction is necessary, appropriate and proportionate.

56. Provided that ST does not commit any further breach(es) of the FA Betting Rules during the suspension period, he will not serve any part of the 2 month suspension. If he does breach FA Rule E8.1 during that period, ST will serve this two months suspension together with any sanction imposed for the new breach(es) of FA Rule E8.1.

(iv) A financial penalty.

57. The Commission concludes that the nature of this misconduct warrants a financial

penalty in all of the circumstances.

58. The Commission notes that ST has voluntarily taken a reduced weekly income from NUFC during the period of the Italian FA sporting sanction.
59. Balancing all of the aggravating and mitigating factors set out above, and taking into account the current net weekly football income of ST, the Commission concluded that the appropriate financial sanction is £20,000.
60. Accordingly, ST is fined £20,000.

(v) The sanction.

61. The appropriate sanction is :
 - i. In the event that at any time before the end of the 2024/25 football season ST commits a further breach of the FA Betting Rules, he will be suspended from all football and football related activities for a period of 2 months (in addition to any separate penalty imposed for any such further breach);
 - ii. ST is fined the sum of £20,000;
 - iii. ST is formally warned as to his future conduct.
62. In addition, ST will pay the costs of the Regulatory Commission. The costs will be quantified and confirmed by The FA Judicial Services Department.
63. The above sanctions are formally imposed.
64. There is the right to appeal these decisions in accordance with FA Regulations.

Abdul S. Iqbal KC

Tony Agana

Alan Knight

25th April 2024