

**GENERAL PURPOSES TRIBUNAL
OF FOOTBALL NEW SOUTH WALES
FINAL DETERMINATION
IN THE FOLLOWING MATTER:**

GPT 15/16

Date of Hearing	21 July 2015
Date of Final Determination	23 July 2015
Respondent	Mr Karim Mouahbi
Attendees & Witnesses	<p>Mr Karim Mouahbi, Respondent, Coach, Gladesville Ryde Magic Under 18s Mr Alex Morris, Barrister at Law</p> <p>Mr Carlos Cocaro, Witness, Gladesville Ryde Magic FC Mr Jason Mifsud, Witness, Gladesville Ryde Magic FC Mr John McKie, Witness, Coach - Gladesville Ryde Magic FC U18s Mr Zubair Bangash, Witness, Gladesville Ryde Magic FC Mr Dimitrios Tomaras, Witness, Coach - Gladesville Ryde Magic FC - Under 13s, 15s & 20s Mr Anita Davies, Witness, Gladesville Ryde Magic FC</p> <p>Mr X, Referee Mr Y, Assistant Referee Mr Z, Assistant Referee Mr Geoff Laverton, Support Officer, NSW State League Referee Branch</p>
The basis upon which the matter is before the General Purposes Tribunal	Football NSW Grievance and Disciplinary Regulations Section 8.2, FFA Code of Conduct and Football NSW Competition Regulations.
Key Words/Phrases	Use of aggressive and offensive language towards a Match Official, Threatening or Intimidation of a Match Official by word or action, Spitting at a Match Official, Club Officials responsibility, Duty of Care, Bringing the Game into Disrepute, Public Place, Breach of FNSW Competition Regulations.
General Purposes Tribunal Members	Mr David P. Lewis (Chair) Mr Ben Jones Mr Ian Westray

A. INTRODUCTION

Football NSW has established the following Bodies pursuant to Section 5.1 of the Football NSW Grievance and Disciplinary Regulations (“Regulations”):

A Disciplinary Committee (DC) responsible for issuing Suspensions pursuant to section 7.2 of the Regulations and to rectify or review a disciplinary decision made by the Match Official pursuant to sections 7.3 to 7.4 of the Regulations. The DC shall only have jurisdiction to issue Suspensions that are no more than one (1) calendar year (section 7.1(b) of the Regulations). Suspensions that are greater than one (1) year shall only be issued by a Tribunal.

A General Purposed Tribunal (GPT) responsible for hearing and determining:

- I. Breaches of Misconduct and Disrepute as set out in Section 8.2 of the Regulations.
- II. Grievances between Members as set out in Section 8.3 of the regulations.
- III. Appeals against a decision of an Association Appeals Committee as set out in Section 8.4 of the Regulations only where that body has imposed a sanction of at least:
 - i. A suspension of six (6) or more Fixtures, or
 - ii. A suspension of three (3) or more months, or
 - iii. A fine of three thousand dollars (\$3,000), or
 - iv. A loss of six (6) or more competition points, or
 - v. Expulsion from a competition.
- IV. Any other matter the Executive considers important to the interests of football in the State to be referred to the GPT. Such a decision is to be at the absolute discretion of Football NSW.
- V. Any referral from the DC to the GPT pursuant to Section 8.5 of the Regulations.
- VI. Any other matter that the DC deems appropriate to be referred to the GPT as set out in Section 8.5 of the regulations.

An Appeals Tribunal (AT) responsible for hearing and determining appeals from the:

- II. DC pursuant to Section 7.5 of the Regulations but subject to Section 9.2 of the Regulations, and
- III. GPT pursuant to sections 8.6 and 15.2 of the Regulations but subject to Sections 9.2 and 9.4 of the Regulations.

The GPT may impose sanctions in accordance with Schedule 3 of the Regulations.

B. NOTICES OF CHARGES

FNSW issued a Notices of Charges to the **Respondent** on 26 June 2015.

The charges related to alleged incidents at the Football NSW State League 1 (MSL1) Under 18s Grade match between Gladesville Ryde Magic FC and Balmain FC at Magdala Park on Saturday, 13 June 2015.

The Notice to the Respondent specified the following charges:

Charge 1

Alleged breaches of Section 2, Article 6(b) of the Football NSW Competition Regulations 2015:

Technical Area

(b) All Team Officials in the technical area must wear their eligibility card at all times.

The relevant conduct alleged exhibited by **Karim Mouahbi** was that the Respondent failed to wear his FNSW Identification Card whilst in the Technical Area.

The Respondent pleaded NOT GUILTY to Charge number 1.

Charge 2

Alleged breaches of sections 15.3 (d), (e), (f), (g), and/or (h) of the Football NSW Grievance and Disciplinary Regulations 2014:

15.3 Misconduct

Misconduct shall mean any act or omission by a Member which:

(d) constitutes a breach of Football NSW Rules and regulations (including these regulations) unless a document contains a provision or provisions for dealing with any breach thereof;

(e) is unsportsmanlike or unprofessional;

(f) results in the failure to provide a safe environment for Participants or to maintain public order at a Match;

(g) brings or may bring the game into Disrepute or damage the reputation and goodwill of the game; or

(h) in the opinion of Football NSW, is or may be prejudicial to the interests or reputation of either the game of football in the State, Football NSW or any of its sponsors.

Alleged breaches of Clauses 2.1, 2.2(c), (f) and/or (k) of the FFA Code of Conduct (effective from 1 January 2007).

2.1 A Member must not bring FFA or the game of football into Disrepute.

Without limiting the generality of clause 2.1, a Member will be taken as having brought football into Disrepute if any of the following occurs:

2.2(c) offensive behaviour, including offensive, obscene, provocative or insulting gestures, language or chanting;

2.2(f) intimidation of Match Officials, which may take the form of (but is not restricted to) derogatory or abusive words or gestures toward a Match Official or the use of violence or threats to pressure a Match Official to take or omit to take certain action regardless of where such action is taken;

2.2(k) any other conduct, behaviour or statement that materially injures the reputation and goodwill of FFA or football generally.

The relevant conduct alleged exhibited by **Karim Mouahbi** allegedly engaged in conduct that:

- was offensive, abusive, harassing and threatening;*
- was unsportsmanlike or unprofessional;*
- was violent and intimidating; and*
- brought or may have brought football and/or Football NSW into disrepute and/or damaged the reputation and goodwill of the game.*

Relevant Conduct

At or about the 41st minute of the relevant match between Gladesville Ryde Magic FC and Balmain FC at Magdala Park on Saturday, 13 June 2015, **Karim Mouahbi**, the Respondent, used intimidating and/or insulting language towards the Match Official, X. The Respondent then refused to comply with the Match Official's instructions to leave the Technical Area.

The Respondent pleaded NOT GUILTY to Charge number 2.

Charge 3

Alleged breaches of sections 15.3 (d), (e), (f), (g) and/or (h) of the Football NSW Grievance and Disciplinary Regulations 2014:

15.3 Misconduct

Misconduct shall mean any act or omission by a Member which:

(d) constitutes a breach of Football NSW Rules and regulations (including these regulations) unless a document contains a provision or provisions for dealing with any breach thereof;

(e) is unsportsmanlike or unprofessional;

(f) results in the failure to provide a safe environment for Participants or to maintain public order at a Match;

(g) brings or may bring the game into Disrepute or damage the reputation and goodwill of the game; or

(h) in the opinion of Football NSW, is or may be prejudicial to the interests or reputation of either the game of football in the State, Football NSW or any of its sponsors.

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2.2(k) any other conduct, behaviour or statement that materially injures the reputation and goodwill of FFA or football generally.

The relevant conduct alleged exhibited by **Mr Karim Mouahbi** allegedly engaged in conduct that:

- was offensive, abusive, harassing and threatening;*
- was unsportsmanlike or unprofessional;*
- was violent and intimidating; and*
- brought or may have brought football and/or Football NSW into disrepute and/or damaged the reputation and goodwill of the game.*

Relevant Conduct

At or about the 41st minute of the relevant match between Gladesville Ryde Magic FC and Balmain FC at Magdala Park on Saturday, 13 June 2015, **Karim Mouahbi** spat at or on a Match Official (X).

The Respondent pleaded NOT GUILTY to Charge number 3.

C. THE HEARING

The Tribunal convened its hearing at Football NSW offices on 21 July 2015 and invited all persons to attend initial briefings on the conduct of the proceedings.

The Tribunal confirmed with the Respondent that he had received and understood the Notice of Charges and had seen the relevant documents before the Tribunal.

The Tribunal cautioned those in attendance regarding conduct and evidence given at the Hearing in that they were obliged to provide accurate and honest testimony to the Tribunal and that any breach of that obligation could of itself be the subject of disciplinary action.

The Respondent was advised of his relevant appeal rights under the Regulations.

The Tribunal invited submissions on its jurisdiction and competence. No submissions were made.

At the conclusion of the Chairman's remarks all witnesses were asked to leave the hearing room and wait to be called to give evidence. The Respondent and his legal counsel were present in the hearing at all times. Mr Laverton, representative for the NSW State League Referees' Branch, was present during the presentation of evidence by the three referees.

D. BACKGROUND, SUBMISSIONS & EVIDENCE

The Tribunal accepted as evidence all of the documents listed in the Index of Annexures attached in the Schedule to this Determination. In addition the Tribunal accepted video evidence offered by the Respondent. This video was filmed by an unknown supporter of the opposition Balmain FC.

Mr Alex Morris, Barrister-at-Law, represented **Mr Karim Mouahbi**.

Charge 1

Mr Karim Mouahbi gave evidence to the Tribunal and noted that he denied Charge 1 claiming that, as it was very cold he wore an extra jacket provided to him by Mr McKie and that all relevant identification was under this jacket. He further noted that he displayed this identification on a lanyard around his neck to the referee at the conclusion of the match.

The Tribunal accepted this explanation from the Respondent and dismissed this Charge.

Credibility

Mr Morris was asked to present his submissions to the Tribunal in relation to Charges 2 and 3. He noted that he drafted his submissions prior to viewing the video and claimed that the video was clear in that it did not show any punch by the Respondent and that it was evident that the charges should be dismissed.

Mr Morris submitted:

It is submitted to be of significance in this hearing that the referee alleges that Mr. Mouahbi.

“swung his right fist in a “hook-punch” motion, with an incredibly high speed, towards my face. I believed at the time that he was going to punch me, but his fist stopped 5cm away from my left cheek, and then he extended his index finger towards my cheek in a pointing gesture, while still staring wide-eyed and intimidatingly ‘square-on’ at my face.”

This allegation by the referee is significant because it can quickly be dispelled as being simply not true and consequently must leave the Tribunal in a position where it could not accept, as truthful or accurate, anything that the referee says about this or other aspects of the alleged incident.

And Further:

Consequently, it is submitted that the damage from this false allegation of an attempted punch by the referee is such that the Tribunal would not accept the evidence of the referee on any issue of contention.

Mr Morris further claimed that it was significant that such a major alleged incident was not the subject of a further Charge by Football NSW against the Respondent. The Tribunal agreed that it was relevant to receive evidence on this matter however it was wrong in law to draw the conclusion that ALL of the referee's evidence was tainted and unreliable if the Tribunal made a finding that this aspect of his evidence was held to be suspect.

The Chairman drew Mr Morris's attention to the standard direction in the Criminal Trial Courts Bench Book in that a jury may accept all, some of or none of a witness's evidence. Acceptance is based on the totality of that evidence and the testing thereof and it is clearly unacceptable to summarily dismiss ALL evidence merely on the basis that part of may be disproved.

The Tribunal rejected Mr Morris's submission that the referee's evidence would be wholly tainted in the event of such a finding and the Tribunal elected to admit and consider the evidence of the referee.

Charge 2

The Respondent claimed that he was innocent of this Charge. He claimed that he did not swear at the referee and that all he did was to highlight a dangerous two footed tackle to the referee and ask him to "protect the players". When the referee approached him early in the first half to request that he keep quiet he told the referee: "I'm not swearing or aggressive, all I want is for you to do your job and protect the players".

The Respondent agreed that there were two "incidents", one early in the first half when his first comments were made and then the second incident resulting in Charges 2 and 3. He agreed that there had been comments between himself and the referee and that he had called out from the Technical Area. He denied that he swore at the referee.

The Tribunal drew the Respondent's attention to the fact that his comments amounted to dissent. By claiming that the referee should "protect his players" and "do his job" this was in effect a claim that the referee was failing in his duty and that his performance was poor. The Respondent agreed that his role was one of responsibility and that he was a role model to his players. By calling out in this manner to the referee he was challenging the authority and control of the referee and so much so that the referee was compelled to stop the match and request that he remain silent. The Respondent did not previously understand this to be the case.

During the second incident the Respondent agreed that he repeatedly said to the referee "Don't Talk to me like that", "Don't touch me, don't yell at me," "You crossed the line by touching and everyone has witnessed that," and "You know you lost the argument so you used your power to intimidate me".

The Respondent claimed that the referee had touched him slightly pushing him and was deliberately provocative and aggressive whilst he, the Respondent, was under control.

The Push

The video clearly shows this incident.

The referee asks the Respondent to return to him after walking away and it is clear that as the Respondent approaches the referee, who is stationary, he does so and reaches him in close proximity. The referee raises his left hand with an open palm in a stop motion with his arm partly extended. The Respondent walks into that palm rather than the referee extending his arm towards the Respondent who then looks down at that palm that appears to be in contact with him.

The Tribunal asked Mr Laverton to explain training of and procedure for referees when faced with the approach of a person in a potential conflict situation. Mr Laverton confirmed that referees are advised to use their hand in a stop sign motion to 'warn' approaching persons not to encroach on their personal space and that the referee in the video had adopted the appropriate practice.

The Tribunal was satisfied that it was the Respondent who walked into the referee's palm and not the converse. Any contact between the Respondent and the referee at this moment was as a result of the actions of the Respondent.

Mr Morris submitted that the referee's initial approach to the Respondent was too close and invaded his personal space inferring that this was a catalyst for subsequent events. Based on the video and Mr Laverton's evidence the Tribunal rejected this submission.

Evidence of Witnesses

The Tribunal took evidence from all witnesses.

The referee stated that the Respondent had been calling out to him from early in the match. He approached him first in the 36th minute of the match and the Respondent was unco-operative and would not listen. In the 41st minute the referee again approached the Respondent to request that he return to the Technical Area. This exchange is captured in full in the video.

The referee claimed that the Respondent walked back towards him in a very aggressive manner and walked into his hand that was raised in a stop sign manner. He then saw a fist fly up on his left hand side from the Respondent and that this fist became a pointed finger. He heard a "Hock spit sound" and the Respondent then said "Don't Talk to me" with significant emphasis on the T of Talk at which time the Respondent spat on the left side of the face and eye of the referee. The referee immediately wiped his face on his left sleeve and shouted at the Respondent to "Get Out" pointing to the exit from the field.

Mr Y was the Assistant Referee on the far side of the field. He was too far away to see all of the incidents or hear the words used. He did state that the Respondent was demonstrating angry and aggressive behaviour and he corroborated the referee's evidence that he had to approach the Respondent earlier in the match to deal with comments from the Technical Area. He confirmed that the referee told him at half time that the Respondent spat at him.

Mr Z was the Assistant Referee on the near side of the field. He saw the Respondent demonstrating angry and aggressive behaviour towards the referee and he corroborated the referee's evidence that he had to approach the Respondent earlier in the match to deal with comments from the Technical Area. He said "I am certain that I saw the action of spitting by the Respondent and saw the referee wipe spit off his face". He further noted that the referee was not aggressive towards the Respondent.

Mr Cocaro was a spectator supporting Gladesville Ryde Magic FC. He said that the Respondent did not raise his voice, abuse or insult the referee yet the referee yelled him at hard. He did not see any spit. There was a lot of yelling and finger pointing all from the referee.

Mr Mifsud was a spectator supporting Gladesville Ryde Magic FC. He said that the Respondent did not see any spit nor were any swear words used. He confirmed comments by the Respondent to the referee relating to the alleged "two-footed tackle" however in his opinion those comments were not inappropriate.

Mr McKie is the Under 18s coach of the Gladesville Ryde Magic FC. He also confirmed comments by the Respondent to the referee relating to the alleged "two-footed tackle" however in his opinion those comments were also not inappropriate. He claimed there was no spit.

Mr Bangash was a spectator supporting Gladesville Ryde Magic FC. He said that the referee was loud and aggressive and that: *"From what I saw, at no point did the coach in any of the incidents speak aggressively or forcefully to the referee. Nor did he spit or make any such motion towards or to the referee."*

Mr Tomaras is the Under 13s, 15s and 20s coach of the Gladesville Ryde Magic FC. He also confirmed all the above words used by the Respondent to the referee in the various exchanges. Importantly he noted: *"The coach took offence that he put his hand on him and raised his voice asking why he put his hand on him."*

As he raised his voice some saliva went on the referee who wiped his face with his sleeve. The referee got really flustered and started shouting "get out get out get out". The coach then turned around and walked off the pitch."

Ms Davies was a spectator supporting Gladesville Ryde Magic FC. She claimed that it was the referee who did all the shouting. She suggested that: *“the referee continued his tirade while trying to assert his authority in an irrational manner for a lengthy time and only resuming play when realising that he did not have the crowd’s support.”* And further: *“the referee was quite out of control”*. She stated that she did not see any spitting.

The Video

The Tribunal was most fortunate to have a video of the second incident as this provided independent evidence of the principal matters in issue.

Contrary to the evidence of some of the spectators, the referee appears totally calm in his approach to the Respondent. He walks slowly towards the Respondent after blowing his whistle to halt play, he displays his hands and arms in a downwards-calming motion on approach to the Respondent who, in contrast, is pointing and waving his arms albeit consistent with his claim that he left the Technical Area merely to retrieve a ball. At this stage the referee is at least two arms length away from the Respondent.

The Respondent then walks away and the referee motions for him to return to continue their discussion. On approach the Respondent starts to get close and this is where the referee lifts his left hand in a stop motion and the Respondent walks into that hand. The Referee does not move from his position and does not appear to touch the Respondent - the Respondent makes deliberate contact with the referee’s hand.

As the discussion ensues we can clearly see the Respondent lift his right arm towards the referee around the left side of his face and seemingly then point at the head of the referee before placing his right hand in or towards his pocket. We cannot see if he actually has pockets.

Very shortly after this there is a slight forward movement of the Respondent’s head towards the referee immediately after which the referee lifts his left arm and sleeve to his face to wipe his face and then gestures with his left arm to the Respondent to leave the field of play.

Mr Morris conceded that the actions of the referee were consistent with *“wiping something”* and that if there was saliva then it *“was not intentional”*. The Respondent also later conceded *“probably some saliva came out of my mouth”*. In his Notice of Response the Respondent stated: *“I did not yell or swear or spit (some saliva may have inadvertently sprayed from my mouth while I was talking to him)”*.

E. CONSIDERATION & DETERMINATIONS

In relation to Charge 2, it is clear that the Respondent exhibited dissent towards the referee, albeit at a low level, and that this was severe enough that the referee was compelled to speak to the Respondent in an attempt to calm him down.

It is particularly disappointing that the Respondent and the head coach, Mr McKie, did not appreciate that the Respondent’s actions constituted dissent and that they breached his responsibilities as a Participant. There was no suggestion that the respondent swore at the referee however he dissented from the decisions of the referee and given his role as coach of younger players, this behaviour if left unchecked can easily be a catalyst for on-field dissent and displays of player aggression. The respondent has clearly breached the Code of Conduct.

Further, much of the evidence tendered by supporters of the Respondent relating to the behaviour of the referee is simply unbelievable on any fair viewing of the video whilst exhibiting general contempt of the role of referees.

It is abundantly clear that the referee approached the Respondent slowly, walking normally with positive and calming body language. In this respect the evidence tendered by Ms Davies is particularly suspect.

Coaches must exhibit control and cannot shout out at referees from the Technical Area in dissent of decisions. The fact that this was not understood by the Respondent prior to the Hearing is a major concern.

The referee acted completely in accordance with acceptable practice in raising his hand in a stop motion in an attempt to prevent the Respondent from encroaching on his personal space.

The referee and the near-sided assistant referee both gave independent and consistent evidence that they saw the referee wiping something away something from his eye in a manner which was consistent with removing spit from his face following an exchange at close proximity between the Respondent and the referee. Each was independently cross-examined by the Tribunal members in the absence of each other to verify exactly what they saw and they were unshakable in their evidence. The far-sided assistant referee confirmed that the referee told him at half time, a mere 5 minutes later, that he had been spat upon by the Respondent.

The three referees also confirmed that the Respondent exhibited significant dissent towards the referee that required action. All were credible, confident witnesses and the Tribunal found them to be reliable witnesses.

The Tribunal noted that video tendered as evidence corroborated the evidence of the Referees in that it confirmed that the actions of the referee in wiping his face and the immediate prior movements of the Respondent, on the balance of probabilities, are consistent with a spit made at the referee.

Mr Tomaras, notably a coach with the Galesville Ryde Magic Football Club and therefore a colleague of The Respondent, gave evidence that supported the evidence of the Referees and the above video. Mr Tomaras, who was in close proximity to the Respondent and the referee at the time of the alleged spitting incident confirmed in both his written and oral evidence that he saw what he thought was saliva on the face of the referee following an exchange between the Respondent and the referee.

Indeed Mr Mouahbi's written evidence, which was not altered during oral submissions, referred to the possibility of spittle from his mouth landing on the face of the referee during a discussion between them. Mr Mouahbi contented that any such spittle was not intentional, but rather occurred whilst talking.

The Tribunal on balance preferred the evidence of the referees and found that **Mr Mouahbi** had spat at the Referee as alleged.

The Alleged "Punch"

In relation to the alleged punch by the Respondent, the movement of the right hand of the Respondent in the video could have been the act that led to the referee's apprehension that a punch was about to be thrown at him. Whilst the video does not display enough detail, that evidence is sufficient to enable the tribunal to find that the referee's evidence to be credible that he held a reasonable apprehension that the respondent might have threatened a punch with his arm movement.

The Tribunal makes no finding that a punch was thrown, threatened or intended. However, the Tribunal also does not make a finding that this part of the referee's evidence is false.

Galesville Ryde Magic FC

Mr Mouahbi attended the Hearing without support of any official from his Club. He was charged with very serious offences with the real possibility of a Life ban if he was found guilty of Charge 3. The failure of the **Galesville Ryde Magic Club** to attend the Hearing, provide any internal report or show any interest in this matter is to be deplored.

Further, **Mr Mouahbi** admitted that he continued to assist with coaching of the Under 18s after 26 June. It is not known if his Club imposed any sanctions upon him in the interim or did anything to ensure that he complied with the Orders of Football NSW. As a result the Tribunal recommends that the **Galesville Ryde Magic Club** be charged with contempt of the Orders of Football NSW.

F. FINDINGS

The Tribunal found that **Mr Karim Mouahbi** was NOT GUILTY of Charge 1 and GUILTY of Charges 2 and 3.

Whilst there is some doubt as to the Respondent's intentions, the spitting offence is one of strict liability such that intent is not relevant in making a determination of guilt. The intentions of the Respondent are relevant to the imposition of any sanction following a finding of guilt. The Tribunal determined that the offence of spitting was made out as spit which came from the Respondent landed on the face of the referee.

Spitting at a Match Official is a particularly serious and disgusting offence. It is demeaning in the extreme, constitutes an assault on the Match Official whilst also representing serious risk of infection from the exchange of bodily fluids.

The seriousness of the Charges requires a lengthy Suspension for all the above reasons.

The Chairman of the Tribunal has sat on over 400 cases since 2005 and considered several precedents before applying the below sanctions.

GPT 15/03

In a matter earlier this year this Tribunal found that a player, Mr P, positioned himself so that he could gain close proximity to the Referee at the end of a match and, on his own admission, fired a volley of abusive comments at the Referee for between 30 seconds and a minute. At the end of that tirade the player was then found to have spat at the Referee. His actions were deliberate and calculated to demean the Referee. In that matter the Tribunal formed the opinion from the demeanour of the Referee that he was still somewhat shaken by that attack.

The Tribunal took into account the player's character as evidenced in two character references. However, it felt that the seriousness of the action overshadowed his record of good character. The player was suspended for five (5) years.

Mr H 2005 ESFA

In this matter it was alleged by the referee that at the conclusion of the game the player, Mr H, walked in his direction, placed his fingers and hands up to his face, blew his nose into his hand, shook hands with the referee and then wiped his hands on the front of the referee's jersey. The player's account was that he approached the referee with an intention of shaking his hand, the back of the referee was turned, he tapped the referee twice on the shoulder to attract his attention and offered his hand. The referee refused to shake his hand and the referee then accused him of wiping mucus on his shirt. Mr H was suspended for two (2) years.

Mr B 2009 ESFA

Mr B was subject to an illegal tackle for which he was awarded a free kick. Mr B was injured in the tackle and accepted that whilst he was lying on the ground injured he spat in the vicinity of the player who had performed the tackle. Mr B was frustrated that the opposite player had not been subject to a booking however alleged that he did not intend to spit on the player and the spit was not in close proximity to the player. The Tribunal found that Mr B spat near the opposition player albeit not on him and as such the minimum sanction of 8 Fixtures should be applied.

G. SANCTIONS

The Tribunal concluded that the respondent was at the very least reckless and as a result of his actions he spat on the referee.

The Tribunal cannot and does not accept a defence or plea in mitigation that "*some saliva may have inadvertently sprayed from my mouth while I was talking to him (the referee)*". It is the finding of this Tribunal that spit from the mouth of the Respondent landed on the face of the referee. The fact that the spit landed on the face of the referee elevates the seriousness of the offence and is relevant to the length of suspension to be imposed.

Mr Mouahbi is suspended for two (2) years from ALL football related activity. For the avoidance of doubt this includes playing, coaching, refereeing, spectating as well as the holding of any role with a Member, as defined in the Regulations, for the full period of that Suspension.

As **Mr Mouahbi** continued to assist with coaching duties at Gladesville Ryde Magic FC after Football NSW issued its Notice of Suspension Order dated 26 June 2015, **Mr Mouahbi's** Suspension commences on 21 July 2015.

A Bond is imposed on Gladesville Ryde Magic FC to ensure that **Mr Mouahbi** is prevented from attending ANY Fixtures for the duration of his Suspension. If Gladesville Ryde Magic FC fails to exclude **Mr Mouahbi** from ANY and all Fixtures during his Suspension, Gladesville Ryde Magic FC may be charged with Contempt of the Tribunal in accordance with the Regulations.

The Tribunal determined that the Respondent also pay the costs of the Tribunal processes as determined by FNSW.

Aggrieved parties to a determination of the FNSW General Purposes Tribunal may lodge an appeal to the FNSW Appeals Tribunal in accordance with articles 8.6 and 9.2 of the FNSW Grievance and Disciplinary Regulations. Any appeal must be submitted on the Notice of Appeal form (Prescribed Form 13) to tribunal@footballnsw.com.au with the relevant Application Fee (\$750) within seven (7) working days of the Final Determination of the GPT being sent to the Club.



David P. Lewis

Chairman

27 July 2015

The Schedule

Index of Documents

ANNEXURE – MATCH OFFICIAL INCIDENT REPORTS

ANNEXURE MO1 – Match Official Incident Report, X (Referee)

ANNEXURE MO2 – Match Official Incident Report, Y (Assistant Referee)

ANNEXURE MO3 – Match Official Incident Report, Z (Assistant Referee)

(FILE: Combined Match Official Reports Annexures)

ANNEXURE – NOTICE OF RESPONSE

Notice of Response (Prescribed Form 12) – Karim MOUAHBI (2 pages)

Report – Karim Mouahbi (3 pages)

Written Submissions – Alex Morris (5 pages)

Statement – Carlos Cocaro (1 page)

Statement – Dimitrios Tomaras (1 page)

Statement – Jason Mifsud (1 page)

Statement – John McKie (3 pages)

Statement – Zubair Bangash (2 pages)

Statement – Anita Davies (1 page)

(FILE: Combined Notice of Response - Karim Mouahbi)

NOTICE OF CHARGE – Karim MOUAHBI

NOTICE OF SUSPENSION – Karim MOUAHBI

Email from George Ganiatsas dated 22 June 2015