



FOOTBALL  
NSW

## GPT NOTICE OF DETERMINATION.

Proceeding under section 8.5 of the  
FNSW Grievance and Disciplinary Regulations

### Proceeding Details:

<b>Tribunal reference</b>	MGPT 16-45
<b>Date of hearing</b>	21 July 2016
<b>Time of hearing</b>	6:30pm
<b>Venue of hearing</b>	Football NSW
<b>Tribunal Member(s)</b>	Mendo CKLAMOVSKI
<b>Respondent</b>	Marshall SOPER (FFA: 75609933)
<b>Fixture</b>	1 <sup>st</sup> Grade Match in the National Premier League 3 (NPL3) competition between Gladesville Ryde Magic and Rydalmere Lions SC on 17 July 2016 at Magdala Park.

*This Notice constitutes the General Purposes Tribunal's Determination resulting from the Tribunal hearing listed above.*

### Charge(s) and Determination(s):

<b>Charge(s)</b>	<b>Tribunal determination</b>
<p>1. The Respondent (Marshall Soper) did not wear his eligibility card as a team official in the technical area during the match in breach of Section 15.4 (e) of the Regulations, specifically Section 2, sub-section 6 (b).</p>	<p>1. <u><i>Plea:</i></u> Guilty. <u><i>Finding:</i></u> Guilty</p> <p><u><i>Determination:</i></u> Warning/Reprimand</p> <p><u><i>Reasons:</i></u> <i>The GPT found there was sufficient evidence as well as a plea of guilty to support the charge.</i></p> <p><i>The GPT accepted the club representative's explanation that the club had erred in not having the necessary identification for the coach. It is noted, by the GPT, that the club had now taken the necessary measures to rectify the problem and ensure the situation does not occur again.</i></p> <p><i>NB. The Respondent changed his plea to guilty at the hearing.</i></p> <p><u><i>The GPT, in finding a guilty verdict, decided that a reprimand in the form of a warning to the Respondent (and the Club) would be the appropriate outcome rather than a sanction.</i></u></p>

<p>2. The Respondent (Marshall Soper) used offensive, insulting or abusive language and/or gestures towards or about a Match Official in breach of section 15.4(d), Schedule 3, Table B, Number 1 of the FNSW Grievance and Disciplinary Regulations (<b>Regulations</b>).</p>	<p>2. <u>Plea</u>: Not Guilty. <u>Finding</u>: Not Guilty</p> <p><u>Determination</u>: No sanction.</p> <p><u>Reasons</u>: <i>The Respondent acknowledged that he did make statements/gestures as he had disagreed with some decisions made by the referee during the match. He outlined that at no time did he use any offensive, insulting or abusive language or meant any malice towards the match officials. He claimed that any gestures or comments were about specific decisions that he disagreed with and complied with the referee's decision when asked to leave the technical area.</i></p> <p><i>The GPT in making its determination tried to make an assessment under the specific charge ie. Were the Respondent's actions offensive, insulting or abusive. The match officials, at the hearing, confirmed that the Respondent did not use profanities, insult or swear at the officials.</i></p> <p><i>The GPT accepted the Respondent's explanation that his comments or actions in "questioning decisions" during the match alone did not amount to "offensive, insulting and abusive language and/or gestures" and therefore could not support the charge.</i></p> <p><u>The GPT, therefore, finds the respondent not guilty of the charge.</u></p> <p><i>The GPT acknowledges the Respondent's apology if his actions have been interpreted as being abusive by the match officials and the respect shown to the match officials present at the hearing.</i></p>
<p><b>Costs:</b></p> <p>The Tribunal determined that the costs of the Tribunal, as determined by FNSW, be met by the Respondent.</p>	

Aggrieved parties to a determination of the FNSW General Purposes Tribunal may lodge an appeal to the FNSW Appeals Tribunal in accordance with sections 8.8 and 9.2 of the FNSW Grievance and Disciplinary Regulations. Any appeal must be submitted by completing the online Notice of Appeal form (Prescribed Form 12 – available on the FNSW website or by clicking [here](#)) and lodging the relevant Application Fee (\$750) within 7 working days of this determination being issued.

**21 July 2016**  
Mendo Cklamovski  
Member  
**GENERAL PURPOSES TRIBUNAL**