

GPT NOTICE OF DETERMINATION.

Proceeding under section 8.5 of the
FNSW Grievance and Disciplinary Regulations

Proceeding Details:

Tribunal reference	MGPT 16-21
Date of hearing	24 May 2016
Time of hearing	6:30pm
Venue of hearing	FNSW Board Room
Tribunal Member(s)	Marcelo Valerio
Respondent	Ivo De Jesus (FFA: 59154419)
Fixture	NPL 2 Mounties Wanderers FC v St George FC on 15 May 2016 at Valentine Sports Park

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

Charge(s) and Determination(s):

Charge(s)	Tribunal determination
<p>1. The Respondent (coach St George) used offensive, insulting or abusive language towards a Match Official (e.g. offensive, insulting or abusive language and/or gestures towards a Match Official) in breach of section 15.4(d), Schedule 3, Table B, Number 1 of the FNSW Grievance and Disciplinary Regulations (Regulations).</p>	<p>1. <u><i>Plea:</i></u> Guilty. <u><i>Finding:</i></u> Guilty <u><i>Determination:</i></u> Suspended for MMS + 2 Fixtures (3 fixtures). <u><i>Reasons:</i></u></p> <p>2. The charge relates to the use of the words "You're fucking kidding me" in an aggressive and abusive manner and loudly towards the Referee. The Match Official also reports that there was a further sentence uttered that included the word "fuck" but that he did not manage to record what the sentence was. The Assistant Referee's report outlines the use of the phrase "If you don't fucking call that as a red card, you don't know what you're doing."</p> <p>3. The Respondent has pleaded guilty to the charge and has provided a letter explaining the circumstances surrounding the charges. Notwithstanding his plea, in the Tribunal's view, the Respondent has sought to minimise his offending. For example, the Respondent states that the comment was not directed at the Referee but rather a reaction to the decision. The decision was made by the Referee and as such the only reasonable inference that could be drawn by the Referee was</p>

	<p>that the comments were directed towards him. The Tribunal is also of that view.</p> <ol style="list-style-type: none"> 4. The Tribunal notes that after the match the Respondent shook hands with the Referee and that there were no further incidents after the Respondent was sent from the field. 5. The use of offensive language directed towards a Match Official is a charge which calls for significant weight to be placed on both specific and more so general deterrence. 6. The Tribunal has taken into account the Respondent's plea of guilty which reflects remorse and insight into his offending and has afforded the Respondent some leniency for that. However, the Respondent's conduct involved at least 2 offensive comments as outlined in the two reports mentioned above. 7. The Respondent is suspended for the minimum time allowed by the Regulations, namely MMS + 2 fixtures.
<p>Costs:</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.

25 May 2016
 Marcelo Valerio
 Member
GENERAL PURPOSES TRIBUNAL