

## GPT NOTICE OF DETERMINATION.

Proceeding under section 9.2 of the  
FNSW Grievance and Disciplinary Regulations

### Proceeding Details:

<b>Tribunal reference</b>	MGPT 18-88
<b>Date of hearing</b>	25 October 2018
<b>Time of hearing</b>	6.30pm
<b>Venue of hearing</b>	Football NSW
<b>Tribunal Member(s)</b>	Mendo CKLAMOVSKI
<b>Respondent</b>	Robert EZEKIEL (FFA No: 51862175)
<b>Fixture</b>	Futsal Premier League ( <b>FPL</b> ) Open Men's match between Eastern Suburbs Hakoah FC and UTS Northbridge FC on 17 October 2018 at PCYC Dee Why.

*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 (<b>Robert Ezekiel</b>) used offensive, insulting or abusive language and/or gestures towards a Match Official in breach of section 16.4(d), Schedule 3, Table B, Offence Code 04-01 of the Football NSW Grievance and Disciplinary Regulations 2018 (<b>Regulations</b>).</p>	<p>1. <u><i>Plea</i></u>: Not Guilty. <u><i>Finding</i></u>: Guilty</p> <p>The Respondent plead guilty to a separate charge of using offensive, insulting or abusive language and/or gestures at another Member in breach of section 16.4(d), Schedule 3, Table C, Offence Code 06-01 of Regulations.</p> <p>The GPT found the Respondent guilty of breaching section 16.4(d), Schedule 3, Table C, Offence Code 06-01 of Regulations.</p> <p><u><i>Determination</i></u>:</p> <p><b>Three (3) fixture suspension</b></p> <p><u><i>Reasons</i></u>: <i>There was sufficient evidence, based on the Respondent's response and associated witness statements for the GPT to determine that the use of offensive language by the Respondent was directed</i></p>

to an opposition player and **not** at the Match Official. The GPT notes that the Match Official was unavailable and his statement alone was relied upon.

As the Respondent plead guilty to the amended charge, the GPT now had to make a determination on sanction and received submissions from the Respondent and his legal representative.

With respect to sanction, an issue was raised by the Respondent as to whether the Respondent should serve the 2 Fixture suspension for this offence and the 1 Fixture suspension for the "R7" Red Card received in the match concurrently or cumulatively.

In assessing whether the suspensions should be served concurrently, the GPT was of the opinion that, while the incidents were related, the send-off was for a bad tackle and not for the abusive language. The GPT notes that as there are two distinct incidents it would be appropriate for the two sanctions to be served cumulatively such that the total suspension required to be served is three (3) Fixtures.

NB. The GPT acknowledges that the Respondent did accept guilt and stood himself down from coaching as well and that the Club had taken measures to speak to the whole team about the language used in the match.

### **Serving of Suspension:**

The GPT has determined that the Respondent is to serve the two sanctions cumulatively such that the total suspension required to be served is a **three (3) fixture suspension**.

NB. The Respondent is to serve the suspension as a Player and in accordance with section 15.6 of the Regulations, in particular, sub-sections 15.6(h) and (j) which provide that, on the day of a Fixture, the Respondent must not:

- a. enter the field of play (or court), its surrounds, the technical area, players race, dressing rooms or any other place within a stadium, venue, ground or Centre where players and/or officials are likely to assemble to prepare for a match;
- b. be seated in an area in a stadium, venue, ground or Centre normally reserved for players and/or officials; and

c. in the case of coach, must not engage or attempt to engage a third party to relay coaching instructions.

- The Club and Club Officials are responsible for ensuring the Respondent correctly and fully serves any Suspension.
- The Club and Club Officials must list in an appropriate place on a team sheet that the Respondent is serving a Suspension at the time the team sheet is completed.
- Failure to do so will result in a fine of \$200 per Participant per match and further sanctions.

**Costs:**

The Tribunal determined that the costs of the Tribunal, as determined by FNSW, be met by the Respondent.

Aggrieved parties to a determination of the FNSW General Purposes Tribunal may lodge an appeal to the FNSW Appeals Tribunal in accordance with sections 9.6 and 10.2 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 October 2018**  
Mendo Cklamovski  
Member

**GENERAL PURPOSES TRIBUNAL**