In the matter of appeals from decisions of a Regulatory Commission of The Football Association

Between:

(1) Hartlepool United FC
(2) Mr Russ Green
(3) Mr Stephen Chandler
(4) Mr David Buncall

Appellants

-v-

The Football Association

Respondents

STATEMENT OF REASONS

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1. These are the written reasons of the Appeal Board in respect of an appeal heard on 6 September 2018 at Wembley Stadium. The Appeal Board comprised Phillippa Kaufmann QC, Gareth Farrelly and Arshia Hashmi.

2. In written reasons dated 4 July 2018 the Regulatory Commission ("RC") sanctioned the Appellants for regulatory offences arising from player transfers in 2016, all players having been transferred to Hartlepool United FC:-
    a. Padraig Amond, from Grimsby Town FC on 20 June 2016
    b. Nicholas Deverdics, from Dover Athletic FC on 1 July 2016
    c. Lewis Alessandra, from Rochdale AFC on 1 July 2016

3. Russ Green was at all material times the CEO of Hartlepool United FC. By the time the RC considered the charges the club had undergone two changes of ownership.

4. Mr Chandler was the registered intermediary involved in the Deverdics transfer. Mr Buncall was the registered intermediary involved in the transfer of Alessandra. Amond's intermediary was not registered.

5. Russ Green, Hartlepool United Football Club ("the Club") and the respective intermediaries involved in the Deverdics and Alessandra transfer were each charged with breaching regulation A3 and/or A6 of the Regulations on Working with Intermediaries ("the Intermediaries Regulations"). Some of the charges were admitted, some denied.

6. Regulations A3 and A6 of the Intermediaries Regulations provide:

> Regulation A3: A Club Player, Intermediary or other Participant must not so arrange matters as to conceal or misrepresent the reality and/or substance of any matters in relation to a Transaction.
>
> Regulation A6: An Intermediary, Club and Player must ensure that all relevant contracts and documents contain the name, signature and registration number of each and every Intermediary carrying out any Intermediary Activity in relation to a Transaction (whether directly or indirectly), as well as any other information as may be required by The [Football] Association from time to time. If a Player has not used the services of an Intermediary at any time in a Transaction, this fact must be stated in all relevant documents in respect of such transaction.

7. "Transaction" is defined in the Intermediaries Regulations to include 'negotiation or other activity related to player transfers'.

8. The table below describes the charges and the responses to those charges before the RC.

Participant	**FA charge letter**	**Breaches**	**Transaction(s)**	**Admitted/Denied**
Hartlepool	10 Nov 2017	A3, A6	Deverdics	Admitted
Green	10 Nov 2017	A3	Deverdics	Admitted
Chandler	10 Nov 2017	A3, A6	Deverdics	Denies A3 Admits A6

Hartlepool	15 Mar 2018	A3, A6	Amond Alessandra	Denied
Green	15 Mar 2018	A3	Amond Alessandra	Admitted
Buncall	15 Mar 2018	A3, A6	Alessandra	Admitted

9. The charges were consolidated under Regulation 3.3 of the FA Disciplinary Regulations and were dealt with together by the RC on the papers. The RC accepted the admissions and found all the denied charges proven. It imposed the following sanctions.
    a. Hartlepool United FC - £25,000 fine.
    b. Mr Russ Green – suspension from all football and football-related activity from 16 July 2018 to 30 June 2019 (inclusive of both dates) and a fine of £10,000.
    c. Mr Stephen Chandler – suspension from all Intermediary Activity from 16 July 2018 to 31 August 2019 (inclusive of both dates) and a £7,500 fine.
    d. Mr David Buncall – suspension from all Intermediary Activity from 16 July 2018 to 31 August 2019 (inclusive of both dates) and a £5,000 fine.

10. Each Appellant appealed the sanctions imposed on the ground that they are excessive (Regulation 1.6(4) Appeal Regulations). In its Notice of Appeal Hartlepool United FC also appealed the RC's finding that the charges in relation to the Amond transfer were proven. At the hearing Mr Elagab on behalf of Regulatory Legal conceded the appeal in part on the basis that the Regulation A6 charge had been improperly laid. In their turn Hartlepool United FC withdrew their appeal against the finding that the charge under Regulation A3 was proven.

11. At the hearing, the appeal therefore proceeded solely against the sanctions imposed by the RC on the single ground, in respect of each Appellant, that the sanction imposed was excessive.

12. The details of the transactions are set out in the RC's decision of 4 July 2018. The facts are not in dispute, including the amounts payable as disguised scouting

fees, and are not repeated in any detail here. Rather, the Appeal Board's reasons should be read in conjunction with the RC's reasons. Suffice to say that at the time of each transfer Hartlepool United FC had a long standing policy that it would not pay intermediaries. Yet, in each of the three transfers intermediaries were involved and they used the same method to circumvent the regulations. Mr Green and the intermediary agreed that rather than receive a fee as an intermediary a scouting fee would be paid. Having so agreed, the transaction was declared for Football Association ("FA") regulatory purposes on Form IM1/NR (purportedly as one not involving an intermediary) rather than on Form IM1, required to be completed where a registered intermediary has been involved irrespective of whether that intermediary has received payment.

13. This ruse was first deployed in relation to the transfer of Deverdics, for whom Mr Chandler acted as intermediary. At paragraph 47 of its decision the RC made no finding as to whose idea it was to pay a scouting fee to circumvent the Club's policy in relation to intermediaries. In respect of the third transfer, of Alessandra, where the same ruse was deployed and Mr Green was again a party to those transactions, the RC understandably found that the idea was introduced by him and not Mr Buncall.

Common ground of appeal - improper deterrent element

14. Mr Green and Mr Buncall who were both legally represented raised a ground of appeal that, although not raised by the other appellants, is common to all such that if the RC's sanctions were excessive by reason of that ground then the same flaw arises in all cases. It is sensible therefore to consider this first before considering the appeal in relation to each Appellant.

15. At [43] of its decision the RC made clear there was an element of deterrence in its selection of the appropriate penalty in these cases.

> "Moreover, this is not a static jurisdiction and if particular types of offence recur despite the penalties imposed in earlier cases, a Regulatory Commission may be justified in taking a firmer view of the penalties needed to ensure that in future others will appreciate the seriousness of this form of misconduct. The penalties we are imposing do include an element of deterrence for these and other Participants".

16. It is clear from a brief comparison with other published cases that the RC's decision did indeed involve a significant element of deterrence. Recognising that each case is different and turns on its particular facts these sanctions stand out in two respects:-
    a. First, the period of suspension (while comparable with previous cases) differs markedly because in all those other cases the period of immediate suspension was generally half of the overall suspension because the suspension was itself suspended. In this case the RC did not suspend any of the suspension.
    b. Second, the fines imposed are generally calculated by reference to the value of the intermediary fee. In these cases no fees were ever paid to the intermediaries.

17. The appeal on this point was advanced by Mr Harris on behalf of Mr Green and Mr Bennett of Centrefield LLP on behalf of Mr Buncall. They both argued that great care must be taken in seeking to apply a principle deployed in criminal law to the FA's disciplinary process. Before it can be proper to do so they contended that the system in question must be based on precedent. In addition, the disciplinary decisions must be made public. They accepted that some decisions are published on the FA's website but argued that it was not known whether all decisions are published. Mr Bennett stated that the only cases that had been published were those to which the Appellants referred in the appeal, that is, a handful of cases over recent years. They submitted that before deterrent sanctions should be imposed the FA should do more to provide guidance and guidelines. He further argued that the departure from previous cases is so great that it undermines the entire system. If a deterrent element is to be introduced it should be incremental. Mr Elagab on behalf of Regulatory Legal responded that, since the FA has been publishing its decisions, all those of note delivered by both RCs and Appeal Boards in intermediary and "agents" cases, the latter predating 1 April 2015, have been published on the website. While he recognised that the sanctions imposed by the RC were very much greater than in previous cases, he submitted that if one had regard to the number of transfer windows affected rather than the length of the suspension it was clear that the element of

deterrence was to increase the suspension from one transfer window to two. In other words, the RC had taken an incremental step.

18. We accept the Appellants' submissions that the RC erred when including a deterrent component in its assessment of the appropriate penalties. We agree that before a disciplinary system can properly incorporate a deterrent principle, particularly the deterrence of others, there must be a sufficiently well-established system of precedent. We do not consider the FA's jurisprudence has yet reached that stage. It is only in recent years that decisions have been published at all. It is still not the case that all decisions are available online. Some cases cannot be reported because of issues of confidentiality. In other cases reasons are not requested. Regulatory Legal and the decisions themselves repeatedly assert that the RC's or Appeal Board's decisions are not binding precedent. We do accept that the system should operate in a manner that is fair to those who are brought before it and that this requires penalties to be imposed having regard to how others in a like position are punished so as to ensure a proper measure of parity and proportionality. However, we do not accept that by having regard to the need for parity as a principle of fairness, the conditions for imposing deterrent penalties are met. On the contrary, deterrence is in many senses antithetical to fairness, albeit capable of justification in some circumstances by reference to other interests.

19. That brings us to our next concern. There is no evidence to suggest that there is a pressing need for increasing penalties for deterrent purposes. The published cases do not disclose that despite the operation of the disciplinary system the problem is growing. We recognise this does not mean that as a matter of fact this is not so, or that the problem is in fact far greater than the number of cases coming to light suggests. We accept Mr Elagab's submission that these regulatory breaches are only liable to come to the FA's attention if someone involved discloses. It could be argued that because they are so difficult to detect the only way to deter is to impose such high penalties that clubs and intermediaries determine that it is not worth the risk of being detected. But there is a counter argument, namely that the higher the penalty the less inclined those involved are liable to be to spill the beans for fear of themselves receiving a

disproportionately harsh penalty. These are not straightforward issues, which underscores the point made by the Appellants that the introduction of any deterrent element to the sanctions should be a matter for the FA, not the Regulatory Commission or Appeal Board.

20. It follows that we allow the appeal on this ground alone, because having wrongly increased the penalty otherwise appropriate on grounds of deterrence the RC imposed a sanction on all the Appellants that is excessive. That does not however dispose of the matters we have to consider in the determination of this appeal as there were a number of other factors the parties drew to our attention.

Hartlepool United FC

21. As Mr Elagab accepted, the penalty imposed by the RC cannot stand given that the appeal against the RC's finding of guilt in respect of one of the six charges must be allowed. There was some discussion about whether it was appropriate to address this by simply reducing the penalty by one fifth. We do not consider this to be a sensible approach. First, it is clear that the penalty is excessive because it includes an impermissible element of deterrence. Second, Mr Scobbie argued that the penalty was excessive on a number of other bases. Rather than approach the successful appeal on a purely mathematical basis, we preferred to address the additional bases of appeal put forward by Mr Scobbie and to determine in light of the totality of factors requiring a reduction in the penalty what the appropriate penalty should be.

22. The RC's reasons are set out in paragraphs 52-55 of their decision. The RC did not consider that the Club, separately from the actions of Mr Green, bore responsibility for what had occurred. It could not see what steps the Club could and should have taken to ensure compliance by its chief executive, which by virtue of his senior position could reasonably have been expected and relied upon to comply with the regulations. Nonetheless it found that the Club must be held responsible for Mr Green's actions as chief executive. Recognising that the Club had been badly let down by its most senior employee and on the facts of the case, it concluded that any suspension would be disproportionate. It rejected,

however, that a further basis of mitigation lay in the fact that Mr Green had now left and the Club was under new ownership that would not condone such a breach, finding such a plea generally has little or no weight as a mitigating factor. In imposing upon the club a fine of £25,000 the RC did not identify how it had settled on that sum, stating only that this was a sum at a suitable level to reflect the breaches committed by the Club. It also made clear that Hartlepool United FC had provided no financial information. It took into account that the Club is no longer in the English Football League and plays in the National League.

23. On behalf of the Club Mr Scobbie submitted that the RC had failed to take into account a number of factors. First it was submitted that £25,000 was too high a starting point in light of the factors the RC did take into account namely that the Club is now in the National League. The Appeal Board was urged to consider fines imposed for altogether different regulatory offences, or the amount of central funding available to National League clubs. We did not find this helpful. Mr Scobbie next took us through the circumstances in which the new ownership took over the Club, including the very significant debts that it took on. While it is obviously to be welcomed that the Club, which has been in existence for over a century, has been rescued to play another day, the key fact is that in taking ownership of the Club, as Mr Scobbie confirmed, its new owners were well aware of these proceedings and the risk they presented. Mr Scobbie's submissions found much firmer footing when he criticised the RC for failing to place any weight upon a number of factors which by way of short hand he put forward by reference to a Commission's decision of 23 May 2014 in a case brought against Mr Phil Smith and Wycombe Wanderers Football Club ("WW"). At 2.6 of its decision in that case, the Commission identified the following mitigating factors, the first two of which represented, in its judgment, exceptional circumstances:-

    a. There had been a change in ownership since the commission of the regulatory breaches and the time at which the penalty fell to be imposed;
    b. The transgression had been brought to the FA's attention by the new owners. The Commission considered that the disciplinary process should encourage transparency and frankness in the activities and dealings of those who are subject to FA Rules and Regulations, particularly where to

do so might expose the whistle-blower to disciplinary proceedings being taken against it. It concluded that WW was accordingly entitled to very significant credit for alerting the FA to relevant matters in this case.

c. Thirdly WW pleaded guilty at the first opportunity;
d. Fourthly, it cooperated fully with the FA's investigation;
e. It had no relevant antecedents.

24. It was urged upon us that all of these factors apply in the Club's case. We agree, albeit it was only the second and third transfers that were brought to the attention of the FA by the new owners, who did not take over until last year. We consider that the RC erred in failing to take any of these factors into account. While the points were not advanced by the Club, each factor was identifiable in the papers before it. Like the Commission in the Wycombe Wanderers case we think the first two factors are especially important in relation to the culpability of clubs. The second in particular is one to which it is appropriate to give significant weight to given the extent to which successful regulation in this area depends upon the preparedness of whistle-blowers to act.

25. We recognise that there was no obvious starting point for the RC for identifying an appropriate level of fine. Thus we have taken their penalty of £25,000 which has already taken into account that the Club itself, even at the time of Mr Green's actions, was not independently at fault. Factoring in the Commission's error in including a deterrent element as well as its failure to factor the very significant factors further mitigating the severity of the offence, we conclude that an appropriate penalty is £12,500. This level of fine also pays due regard to the seriousness of the offence and the need to mark this even where the Club itself is not at fault and have no history of misconduct.

Mr Green

26. The RC's reasons in relation to the sanctioning of Mr Green are at paragraphs 44 to 51 of their reasons. It took into account the grave personal losses he had suffered in very short succession. But it also concluded that the charges could

not be explained by the resulting heavy stresses. They were deliberate choices by the chief executive. It did not resolve against any of the participants that he was the first instigator of the scouting mechanism save in relation to the Alessandra transfer where it found that Mr Green who suggested it. Mr Green was given credit for his admissions, his agreement to be interviewed and the fact that he did not personally gain, albeit they gave that factor only very slight weight. On the other side of the balance the RC noted that Mr Green had applied the ruse deliberately on three separate occasions. Such deceptive actions, in an area where proper regulation depends on honesty and transparency, are serious offences.

27. It was urged upon us that both the suspension and fine were excessive. Alternatively, Mr Harris argued that the overall penalty was excessive. We have dealt with the issue of deterrence. On that ground alone Mr Green's appeal succeeds. Mr Harris focused in some detail on the severity of the penalty of suspension. At the time of the RC's decision Mr Green had found a new job in football which paid considerably less than his work at the Club. The result of the ban was that he lost that job. It is obvious that a 12 month ban from football related activity is going to have a very significant impact on Mr Green's ability to earn a living given that his working life has long been football related.

28. Mr Harris refined his case on the mitigating factors in the course of the hearing in response to Mr Elagab's submissions. Ultimately he pressed upon us the following factors:-

    a. That Mr Green had pleaded guilty at the first opportunity, cooperated in interviews and provided the evidence for the first charge to be brought in a follow up email after the first interview ;
    b. This was not a case involving a complicated scheme to hide evidence;
    c. The payments were of a relatively low value;
    d. The payments were never actually made;
    e. Even if made no party stood to gain financially in any way from the transaction being represented least of all Mr Green. The transgressions

lay in mischaracterising the payments as scouting fees, not in agreeing to make payments.

29. We accept Mr Elagab's response to some of these points as well as the observations of the RC at paragraphs 46-47. Whether the ruse required sophisticated methods or not it is unquestionable that it was deliberate. On the question of profiting, even if no-one stood to gain financially, there was plainly a gain for Mr Green and the Club in that the policy against paying intermediaries presented a potential barrier to buying good players which the ruse sought to circumvent.

30. We accept that the value of the payments was low. We also give credit for the early guilty pleas. However, we also accept that Mr Green's guilty pleas in relation to second and third charges must be seen in context. He did not come forward and volunteer these further transactions once the first was discovered. His guilty plea only followed once their commission had been brought to light by the conscientious work of the Club's new owners.

31. The fact remains that these are serious offences because deliberately perpetrated not just once but multiple times.

32. Taking all these factors into account and having regard also to previous published decisions to which we were referred, in particular *FA v Leeds United Football Club Ltd, Massimo Cellino and Derek Day*, we conclude that the sanction imposed by the RC was excessive. As Mr Elagab recognised, all the sanctions imposed are significantly more severe than previous cases and we have found that the principle justification proffered, namely deterrence, is misconceived. However, it is also important to reflect the deliberate nature and multiplicity of offending. In our view taking all the factors into account including the need to remove a deterrent element, a suspension for 12 months of which four months is itself suspended for two years is proportionate.

33. Turning to the fine. We also consider that this contains an element of deterrence that is unjustified rendering the fine excessive. We therefore reduce this to £7,500.

34. We have tested this against the cases to which we were referred including the *Cellino* case. We recognise that none of the cases are on all fours but insofar as one can make sensible comparisons to ensure fairness and proportionality we consider that this properly reflects the gravity of Mr Green's wrongdoing. While the *Cellino* case involved vastly greater sums, it was a single offence. He was suspended for twelve months from all football related activity and fined £100,000.

Mr Chandler

35. We note at the outset an error in the RC's account of the facts in Mr Chandler's case. At paragraph 10 of their reasons they wrote that Mr Chandler was still employed by i2i Sports Limited whereas his employment had terminated some time before the RC's deliberations.

36. The RC addressed the appropriate penalty in Mr Chandler's case at paragraphs 56 to 59. They gave him only very slight credit for his early admission of the A6 breach because he denied the A3 breach on the basis of what it concluded was a very flimsy and ultimately fruitless defence. It assumed in his favour that the scouting fee idea did not come from him. It noted that he was guilty in respect of a single transaction and that he did not personally receive a fee. However, it proceeded on the basis this was a serious, deliberate breach of the Regulations. As noted Mr Chandler was suspended from all Intermediary Activity for almost 13 months and fined £7,500.

37. Mr Chandler first submitted that the RC had erred in concluding that he had deliberately sought to hide the true position from the FA. He explained that he had pleaded not guilty to the charge in relation to A3 because he believed that insofar as he had breached the regulation inadvertently this provided a defence, but had since come to understand this was wrong. He did not accept that he had provided a woolly account of the scouting agreement. He had always tried to provide full details of the scouting activities he undertook following his agreement

with Mr Green, that because they did not pay intermediary fees he could instead perform scouting work and receive a fee for that. Mr Chandler took us to passages in his interview at pages 29 and 30 of the RC Bundle. He also referred to details he had provided to the RC of the scouting activities he undertook which are set out in his Reply Form at paragraphs 7-8 on pages 240-241.

38. Mr Chandler has appealed on the sole ground that the penalty imposed is excessive. He has not appealed on the basis that the RC reached a decision not reasonably open to it, albeit that was the thrust of his case in relation to the RC's finding that Mr Chandler had acted knowingly and deliberately. Nonetheless, we have considered the matter. Regrettably Mr Chandler did not seek an oral hearing before the RC which would have enabled it to evaluate his credibility more directly. While we did hear from Mr Chandler, our jurisdiction as an appellate body is limited to reviewing the reasonableness of the decision of the RC on the evidence placed before it. While we have a great deal of sympathy for Mr Chandler, we are unable to find this very high threshold for interfering with the RC's decision to have been met.

39. We turn then to the second basis upon which Mr Chandler puts his appeal, namely that account should be taken of his financial circumstances. The RC noted that Mr Chandler had provided no useful information about his financial circumstances. He sought to remedy this before the Appeal Board by way of a preliminary application to adduce new evidence. This was dealt with by the Appeal Board in advance of the hearing. It allowed the application insofar as it related to Mr Chandler's financial circumstances. Mr Chandler's submissions in relation to his financial circumstances were addressed in the absence of the other Appellants.

40. Mr Elagab submitted that even in light of the new evidence the RC's sanction was not excessive. While Mr Chandler had a troubled period he is now in full time employment. There was a justifiable distinction between his case and that of Mr Buncall whose early admission to the A3 charge had saved time and expense. Finally, he argued that there are repayment agreements to cater for any immediate difficulties Mr Chandler might face in paying the fine.

41. We take on board Mr Elagab's submissions but conclude nonetheless that that had the new evidence been before the RC it would have imposed a lesser financial penalty.

42. It follows that there are two bases on which the RC's penalty was excessive, the first being the addition of a deterrent element. Taking both of these factors into account a fair and proportionate penalty is to suspend, for two years, the final period of suspension imposed by the Commission by six months and to impose a fine of £2,500.

Mr Buncall

43. The RC addressed Mr Buncall's case at paragraphs 60-68 of its reasons. They expressly took into account his guilty plea, that his involvement was in only one transfer, he received no payment, his involvement was very limited and that Mr Green instigated the ruse. They made clear they had read all the points made on Mr Buncall's behalf in the 15 page letter dated 5 April 2018. At paragraph 65 the RC proceeded on the basis that Mr Buncall realised that the scouting fee was obviously a cover up for an intermediary fee when it was proposed to him. Because of this the RC gave Mr Buncall only slight credit for his guilty plea.

44. The RC noted that Mr Buncall had provided no useful information about his financial circumstances.

45. Mr Buncall apologised in person before the Appeal Board. On his behalf Mr Bennett argued that a sports disciplinary body must act reasonably and proportionately in the sanctions it imposes. It must ensure consistency of approach with past cases. There is a particular need for those regulated to know the rules of the game and the sanctions that follow. He argued the Regulatory Commission had failed to adhere to those key principles in this case. In addition to the submissions made in respect of the deterrent element to the sanction he submitted that the perceived seriousness of Mr Buncall's case was heightened because his case was considered in a consolidated process. He was not the

instigator as the RC had accepted. The proposed payment was of an extremely low value, £6,000 over two years, and no payments were actually made. In addition, he had undertaken what he perceived to be scouting activities. He had pleaded guilty at the first opportunity. Mr Bennett also submitted that the excessive nature of the penalty was clear when it was compared with that imposed on Mr Green whose conduct was excessive. Mr Bennett explained that Mr Buncall's intermediary work was his sole focus in the football industry. The penalty not only takes out two transfer windows but also removed him from conducting any business at the end of the last transfer window, with the result that the ban effectively prevents him from doing transfers for 18 months. He further submitted that a focus on transfer windows represents a misunderstanding of the work of an intermediary which covers any activity dealing with players on the football regulation side such as signing new players up, discussing potential transfers, renewing contracts or meeting clubs to discuss future intentions. Transfers can also be completed outside England where the windows differ.

46. Mr Bennett criticised the RC for failing to set out how it had considered the points of mitigation. He noted that the RC had grudgingly given Mr Buncall slight credit for his immediate admission but had not given this sufficient weight. Relying on criminal law where the courts apply a standard 1/3 reduction following an early guilty plea, he submitted the same principle should apply because credit is given for the saving of time and cost that results.

47. Mr Elagab submitted that the RC was entitled when addressing how much credit to give in respect of Mr Buncall's admissions to take into account his failure to accept responsibility and show insight.

48. As with the case of all the other Appellants we have no doubt that the penalty imposed was excessive by reason of the element of deterrence. With respect to the comparison with Mr Chandler, once the guilty plea is taken into account we can see no distinction between the severity of Mr Buncall's offending and that of Mr Chandler. All the features identified on behalf of Mr Buncall are present in Mr Chandler's case including that both maintained that they did not deliberately

mislead which the RC rejected. Yet, the Appeal Board did make a significant distinction between the two in the fine it imposed even though it stated in terms that it had only slight regard to Mr Buncall's admission. Because the only basis we can identify for drawing that distinction was the guilty plea, we do not consider that the penalty was excessive by reason of failing to have sufficient regard to that plea. However, we do consider that the penalty remains excessive because it improperly included a deterrent element. Accordingly, we vary the penalty imposed by the RC so that the final six months of the 13 month suspension is itself suspended for two years. We consider the fine to be excessive again and reduce that to £3,500.

49. By suspending the suspension for two years, we have also addressed Mr Bennett's submissions that the true nature and impact of the 13 month immediate suspension was in fact far more severe than the RC had understood.

Appeal Board decisions and orders

50. The Appeal Board decides and orders the following.

Hartlepool United FC

51. The appeal against the RC's misconduct finding in respect of the offence for the Amond transaction is allowed.

52. The appeal against sanction is allowed and the penalty is varied as follows. The Club is fined £12,500.

53. The appeal fee shall be returned to this Appellant.

Mr Russ Green

54. The appeal against the sanction is allowed and the penalty is varied as follows.
    a. Mr Green is suspended from all football and football-related activity from 16 July 2018 to 15 July 2019 (inclusive of both those dates), the final four

months of that suspension being suspended for two years, and fined £7,500.

b. Should a similar charge be issued in the next two years, from the date of these reasons, and subsequently admitted by or found proven against Mr Green, the four month suspended sanction shall be immediately invoked. For the avoidance of doubt, once Mr Green does not reoffend during the period of immediate suspension, he will be free to resume football and football-related activity on 16 March 2019. Payment of the fine shall be made pursuant to the terms set out in Mr Green's individual decision letter. The appeal fee shall be returned to this Appellant.

Mr Stephen Chandler

55. The appeal against the sanction is allowed and the penalty is varied as follows.

a. Mr Chandler is suspended from all Intermediary Activity from 16 July 2018 to 31 August 2019 (inclusive of both those dates), with the final six months of that suspension being suspended for two years, and fined £2,500.

b. Should a similar charge be issued in the next two years, from the date of these reasons, and subsequently admitted by or found proven against Mr Chandler, the six month suspended sanction shall be immediately invoked. For the avoidance of doubt, once Mr Chandler does not reoffend during the period of immediate suspension, he will be free to resume Intermediary Activity on 1 March 2019. Payment of the fine shall be made pursuant to the terms set out in Mr Chandler's individual decision letter. The appeal fee shall be returned to this Appellant.

Mr David Buncall

56. The appeal against the sanction is allowed and the penalty is varied as follows.

a. Mr Buncall is suspended from all Intermediary Activity from 16 July 2018 to 31 August 2019 (inclusive of both those dates), with the final six months of that suspension being suspended for two years, and fined £3,500.

b. Should a similar charge be issued in the next two years, from the date of these reasons, and subsequently admitted by or found proven against Mr Buncall, the six month suspended sanction shall be immediately invoked. For the avoidance of doubt, once Mr Buncall does not reoffend during the period of immediate suspension, he will be free to resume Intermediary Activity on 1 March 2019. Payment of the fine shall be made pursuant to the terms set out in Mr Buncall's individual decision letter. The appeal fee shall be returned to this Appellant.

57. In respect of all Appellants, the FA shall bear the costs of the Appeal Board. Any other costs incurred will be borne on the party incurring the costs.

Phillippa Kaufmann QC

Chair

Gareth Farrelly

Arshia Hashmi

21 September 2018