

GPT NOTICE OF DETERMINATION.

Proceeding under section 8.5 of the
FNSW Grievance and Disciplinary Regulations

Proceeding Details:

Tribunal reference	MGPT 16-68
Date of hearing	27 September 2016
Time of hearing	6.30pm
Venue of hearing	FNSW Headquarters
Tribunal Member(s)	Louis FAYD'HERBE
Respondent	Nubia Lopez (FFA: 63799027)
Fixture	Women State League (WSL) reserve grade match between St George FC and Mt Druitt Town Rangers FC at St George Stadium on 23 August 2016.

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 was issued with a Red Card for hitting a player in breach of section 15.4(d), Schedule 3, Table A; 'R2 Violent Conduct - Punching' of the FNSW Grievance and Disciplinary Regulations (Regulations).</p>	<p><i>1. Plea: Not Guilty. Finding: Guilty</i></p> <p><i>Determination: Suspended for Three (3) Fixtures</i></p> <p><i>Reasons: The Respondent was informed that under Football NSW Grievance and Disciplinary Regulations, Section 7.4 (a) and (b) the GPT was not able to rescind "the match official's decision to issue a Red Card". Therefore, for this offence, the Respondent is found guilty.</i></p> <p><i>The Respondent is suspended for three (3) fixtures.</i></p> <p><i><u>NB. The suspension is to apply to all football related activities.</u></i></p>
<p>2. The Respondent 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 Regulations.</p>	<p>2 <i>Plea: Not Guilty. Finding: Not Guilty</i></p> <p><i>Determination: Nil</i></p> <p><i>Reasons: The Respondent maintained that she did not swear at the Referee. When shown the red card she proceeded to collect her belongings from the bench. At this point, the Referee approached her and asked her to leave the technical area which she</i></p>

	<p><i>was going to do anyway. She left the Technical Area without addressing the Referee.</i></p> <p><i>Her witnesses, who were in close proximity to where the incident occurred, strongly supported her claim that she did not swear at the referee.</i></p> <p><i>Upon examination of the witnesses' statements and contradicting evidence presented by the Referee, although he maintained that he heard the swearing, the GPT deemed that there was insufficient evidence to find the Respondent guilty of Charge 2.</i></p> <p><i>The GPT noted that there was no report submitted by the AR in support of the Referee.</i></p>
<p>3. The Respondent 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 Regulations.</p>	<p>3 <u>Plea:</u> Not Guilty. <u>Finding:</u> Not Guilty</p> <p><u>Determination:</u> Nil</p> <p><u>Reasons:</u> <i>The Referee in his report stated as follows:</i></p> <p><i>“In the 74th minute of the match, Ms. Lopez said to me “you’re fucking idiot” twice before leaving the field of play”</i></p> <p><i>Statements in support of the Respondent submitted by witnesses were accepted and deemed more credible in this case than the answers which the Referee gave to the Tribunal.</i></p> <p><i>The Tribunal is of the opinion that swearing may have occurred but was of the opinion that it could also have come from another player, given that there were at least seven other players in the vicinity of where the foul occurred.</i></p> <p><i>As a result, the Respondent is found not guilty of Charge 3.</i></p>
<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) and lodging the relevant Application Fee (\$750) within 7 working days of this determination being issued.

4 October 2016

Louis Fayd'herbe
Member

GENERAL PURPOSES TRIBUNAL