

GPT NOTICE OF DETERMINATION.

Proceeding under section 8.5 of the
FNSW Grievance and Disciplinary Regulations

Proceeding Details:

Tribunal reference	MGPT 16-74
Date of hearing	6 October 2016
Time of hearing	6:30pm
Venue of hearing	FNSW
Tribunal Member(s)	Mendo CKLAMOVSKI
Respondent	Aytek GENC (FFA: 75376996)
Fixture	MSL 1 st Grade match between St George FC and SD Raiders FC on 17 September 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 (Aytec Genc) displayed unsportsmanlike or unprofessional behaviour at a Match in breach of section 15.4(d), Schedule 3, Table C, Number 8 of the FNSW Grievance and Disciplinary Regulations (Regulations).</p>	<p>1. <u><i>Plea</i></u>: Guilty (but doesn't agree with reports). <u><i>Finding</i></u>: Guilty <u><i>Determination</i></u>: Four (4) Fixture suspension <u><i>Reasons</i></u>: <i>In making its determination, the GPT, after reviewing all the evidence found there was insufficient evidence to show that the Respondent used the words "black cunt". This was based on the evidence of the Respondent, the Match Official, the Match Commissioner and the two witnesses. The GPT did however, through the Respondent's own admission, finds that the Respondent did use words to the effect of "You go and get fucked" to an opposition player in retaliation to similar comments made to the Respondent. While considering mitigation, the GPT would expect better behavior from a senior coach in this situation and finds him Guilty of the charge.</i></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.

2 Plea: Guilty (but doesn't agree with reports).

Finding: Guilty

Determination:

Three (3) Fixture suspension

Reasons: *The GPT, while accepting that the "offensive, insulting and abusive language" may have not been made directly to the Match Official, finds that there is sufficient evidence which is supported by the Respondent's own admission, that there is a breach of the regulations and comes to a finding of Guilty. The Respondent, admitted to swearing under his breathe saying words to the effect of "Ref, you're a fucking cheat" while leaving the field. While this admission differs slightly to the report of the Match Commissioner, the GPT finds that the behavior clearly constitutes a breach.*

In making its decision, the GPT notes that there are two clear incidents of behavior relating to the opposition player and then the referee so it has decided that the suspensions should not be served concurrently.

The GPT decided on a combined suspension of seven (7) fixtures for the two charges with a reduction by two (2) fixtures in consideration of the Respondent's apology to the referees following the match, the Respondent's guilty pleas, the level of remorse shown, the honesty shown at the hearing and the Respondent's clean record as a coach.

Therefore, the Respondent is to serve a combined suspension of five (5) fixtures.

NB. The Respondent is to serve the suspension as a Team Official and in accordance with section 14.6 of the Regulations, in particular, sub-sections 14.6(h) and (i) 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;

	<p>b. <u>be seated in an area in a stadium, venue, ground or Centre normally reserved for players and/or officials; and</u></p> <p>c. <u>in the case of coach, must not engage or attempt to engage a third party to relay coaching instructions.</u></p> <p><u>For the avoidance of doubt, the Respondent is able to conduct training sessions and coach during pre-season trial and friendly matches. However, such matches will not count towards the serving of the suspension.</u></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 or by clicking [here](#)) and lodging the relevant Application Fee (\$750) within 7 working days of this determination being issued.

10 October 2016
Mendo Cklamovski
Member
GENERAL PURPOSES TRIBUNAL