



Charged Party(ies) ACBL # Hearing Date

Disciplinary Body Hearing Location

Charging Party ACBL# Complainant ACBL#

COMMITTEE MEMBERS WHO HEARD THE CHARGES

Name	ACBL #	Name	ACBL #
Wirt Gilliam	7862660		
Judy Rimer	1137379		
Lynne Feldman	K115468		

INDIVIDUALS THAT PARTICIPATED IN THE HEARING (excluding committee members)

Name	ACBL#	Via	Capacity	Name	ACBL#	Via	Capacity
Bill Grant	O228003	In person	Adv-Charging P			Select One	Select One
Lynn Yokel	K412764	in person	Witness			Select One	Select One
Christine Denny	L225135	in person	Witness			Select One	Select One
Walter Schafer	M374037	in person	Witness			Select One	Select One

EVIDENCE AND ARGUMENTS PRESENTED (Summarize evidence and arguments presented including testimony. If additional space is needed, continue on page 3 of this hearing report.) (Note: provide new documentary evidence introduced during the hearing to the Office of National Recorder)

A Disciplinary Hearing was conducted against Sherman Gao on September 30, 2022 regarding several incidents at the San Diego, CA Regional on April 12, 2022. Present were the Committee members, Bill Grant, District Recorder but acting as the Charging Party in Lamya Agedelis' absence. Present in person were Sherman Gao and witness Walter Schafer; present by video conference were Director Lynn Yokel and witness Christine Denny. Bill began the hearing by putting the documents attached to the Notice of Hearing into evidence and reading them for the Committee including: 1) Charge Letter dated July 12, 2022. 2) Charged Party's Rights. 3) Email from Bill Grant to Sherman Gao dated June 16, 2022 outlining his phone conversation with Mr. Gao about the Recorder Complaint that on at least 3 times he "was seen standing next to a table not his own with his head and eyes in position to be able to see the cards played and the bidding." He also referenced that this continued despite the director (Lynn Yokel) telling him at least twice to move away from the tables. 4) Lynn Yokel's Email to Bill Grant that Walter Schafer's account of Mr. Gao's behavior was accurate and that not only she but also Head Tournament Director, Ken Horwedel, also had a conversation with Mr. Gao about this behavior. "It really did look like he was looking at the hands or dummy." 5) Bill Grant's Email to Lynn Yokel's transmitting the player Memo. 6) Sherman Gao's Email to Bill Grant that he was just waiting for the next round and "anyone who waiting for next round could be accused that they in a position that 'allow them to see the cards.'" 6) Email from Christine Denny to the District Recorder that she witnessed Mr. Gao staring intently at another table for at least two minutes prior to the Director being called. 7) Bill Grant's Email to the Charging Party, Lamya Agedelis, transmitting the Recorder Complaint. 8) Recorder Complaint filed by witness Walter Schafer. All witnesses testified and Mr. Gao testified. Mr. Gao contradicted himself several times in the hearing first denying looking at any hands and then later saying he may have looked at the hands and table to try and figure out if he was sold an entry in the wrong event. Even though he holds himself out as a bridge professional he claimed to have no knowledge that this was inappropriate behavior and that if he finished early he should either stay in his seat until the round is called or leave the playing area. The witness, Mr. Schafer, tried to present other instances he personally observed of unauthorized information ("UI) being transmitted to partner or Mr. Gao standing and looking at other tables or taking advantage of UI from his partner. We explained our Committee was meeting on the incident that was the subject of the Charge Letter and prior incidents of in appropriate behavior may only be considered after we make a finding of responsibility by Mr. Gao for the incident that is the subject of the Hearing.

COMMITTEE FINDINGS OF FACT (based on the evidence, state the committee's conclusion as to what happened)

The Committee finds Mr. Gao guilty of the charge of "standing near tables in the section in which he was playing, with his body and head positioned in such a manner which would allow him to see bids as well as cards bid and played by the players at a table that was not his own." From the testimony he was alerted to the inappropriateness of this conduct by the Director call by players Schafer and Denny, at least two admonishments by Director Lynn Yokel (and perhaps a third instance where she shoed him away by hand signal), and Head Director Ken Horwedel's conversation with Mr. Gao about this behavior. None of these warnings seemed to get his attention. In Committee he further tried to defend this after admitting it might have happened saying where else could he stand as he was a fast player. He never admitted to any cheating.

DECISION (click on the box next to Not Responsible or Responsible of violating the CDR to add a check mark.)

Not Responsible

Responsible

CDR GROUNDS FOR DISCIPLINE Type the section(s) and description(s) found in CDR 3 which led to the discipline).

CDR 301(A)(4) - the Committee is without jurisdiction on this Level 1 ethical violation.

CDR 301(B)5 - Responsible. " Eavesdropping. A charge of Eavesdropping requires a deliberate attempt to obtain information about a hand from tables or players, kibitzers, directors, or any other source other than the table assigned to a player for a round."

DISCIPLINE (Unless a discipline begins immediately, which requires you to complete a Notice of Immediate Discipline, all begin dates should start at least five days after you submit this hearing Report to the Office of National Recorder.

	Start Date	End Date	Additional Requirements/Comments
<input type="checkbox"/> REPRIMAND		N/A	<input type="checkbox"/> Letter of Reprimand Attached
<input checked="" type="checkbox"/> PROBATION	01/01/2024	12/31/2025	
<input checked="" type="checkbox"/> SUSPENSION	01/01/2023	12/31/2023	
<input type="checkbox"/> EXPULSION		N/A	

REDUCTION OR FORFEITURE OF MASTERPOINTS

We did not feel this was necessary but if required by the discipline being suggested then we are not opposed.

ADDITIONAL COMMENTS

The panel did not review the previous disciplinary record until a finding of responsibility by Mr. Gao was found .The Committee was provided by the National Recorder with many other instances of questionably ethical behavior by Mr. Gao such as psyching, coffeehousing, transmitting UI, receipt of UI from extraneous sources, and misusing UI documented on more than 4 occasions. He has been generously counseled without discipline on his inappropriate behavior on more than one occasion without effecting a change in his behavior and even given a 14 day suspension and one year probation following the Las Vegas Regional. None of these seem to have gotten his attention that this type of behavior is not part of the game and a player who professes to be a professional should strive to be beyond reproach as an example to the more inexperienced players he plays with. For these reasons the Committee felt strongly that a one year suspension and two year probation are needed to get his attention that these behaviors cannot continue.

RESPECTFULLY SUBMITTED (CHAIR)

/s/ Lynne R. Feldman

Date: 10/16/22

Electronic Signature (type name above)