



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 #
Jon Brissman, Chair	M105486	Kevin Wilson	Q412332
Bruce Ferguson	J640127		
Brian Platnick	N755387		
Karen Walker	K090945		

INDIVIDUALS THAT PARTICIPATED IN THE HEARING (excluding committee members)

Name	ACBL#	Via	Capacity	Name	ACBL#	Via	Capacity
Allan Falk	L401189	web conf.	Advisor			Select One	Select One
Robb Gordon	K652927	web conf.	Adv-Charging P			Select One	Select One
Gene Petrey	L500470	web conf.	Charged Party			Select One	Select One
Carolee Petrey	1141104	web conf.	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)

The virtual hearing was convened at 1:12 pm EDT by Panel Chairman Brissman; all parties and panelists were present (Mr. Petrey and Panelist Ferguson by audio only) as was the Committee's neutral advisor. After preliminarily indicating the order of business and noting that notice had been given and no challenges to panelists asserted, Chairman Brissman noted that Charging Party had failed to comply with a May 21, 2020 Discovery Order to provide a summary of the testimony of any witness to be presented during the hearing, and that according to the terms of that order, Charging Party would not be permitted to call any witness for direct examination.

Charging Party presented an opening statement, outlining the evidence to be presented, then began the direct case by discussing the video recording, which all panelists had previously reviewed. Charging Party argued that the video showed Mr. Petrey circling the hand records, waiting for the space to clear, and only then taking a hand record for himself, disappearing into the bathroom, then returning to the playing area for the final round, during which (per the written statements of Club Manager Lopez and opponent Zsoka Balla involved questionable bidding on Board 26 (a natural 2NT response to partner's 1S opening with xx AQ10xxx Kxx AQx) to the optimum matchpoint contract of 3NT. Charging Party then rested its direct case.

Mr. Petrey offered a brief opening statement, and testified that because hand records were available, he thought the game had ended. He was surprised when he was informed he was needed for another round. In response to questioning, Mr. Petrey testified that he did not see a director as he took his seat, and did not think to report his access to unauthorized information to the director before starting the final round. Mr. Petrey acknowledged that when a director is not in line of sight at his Ft. Lauderdale Bridge Club, the director's attention is attracted by raising a hand and announcing "Director, please". Mr. Petrey indicated that usually there are two directors at the FLBC when bridge is being played.

[Continued on p 3]

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

Although the video gives some indication of culpable intent in regards to Mr. Petrey appearing to wait for the space to clear before taking a hand record, the Committee was not persuaded to a level of comfortable satisfaction that the evidence fulfilled the elements of CDR Appendix B, Item E13 ("Actively seek advance information about a board in play"). However, the evidence was clear that, accepting that the obtaining and review of the hand record was accidental, Mr. Petrey acted unethically in failing to inform the director that he had unauthorized information about a board in play (Law 16D1) and then used that information to his advantage, which comfortably satisfies the elements of CDR Appendix B, Item E9 ("Accidentally gain access to information then act on it"). The conduct proved to the level of comfortable satisfaction represents violations of CDR 3.1 ("Violation of Law [of Duplicate Bridge 2017]") and CDR 3.20 ("Cheating and Other Ethical Violations").

The recommended disciplinary sanction under CDR Appendix A, Item E9 is 1 year probation and/or up to 180 days suspension, plus forfeiture of 0-25% of the Charged Party's masterpoints. In light of Mr. Petrey's prior disciplinary record--involving nearly identical misconduct--but in consideration of Mr. Petrey's advanced age, the Committee concluded that an appropriate disciplinary sanction is 6 months suspension, plus 3 years probation (commencing at the conclusion of the period of suspension). The Committee considered a masterpoint deduction, but decided doing so would not be meaningful or impactful for this Charged Party and this offense.

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

Not guilty (check here and skip the remainder of this page) Guilty (continue by selecting the Grounds for Discipline which led to the finding of guilty. Note: A party may only be found guilty of a violation originally stated in the Charge Letter.

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

CDR 3.1 ("Violation of Law [of Duplicate Bridge 2017]")
CDR 3.20 ("Cheating [not deemed applicable] and Other Ethical Violations")

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 the you submit this hearing Report to the Office of National Recorder.

Disciplined Party is convicted of premeditated or collusive cheating (or has admitted to such action), CDR 4.1.8 (a) YES NO

If yes, all masterpoints, titles and ACBL status ranks and other ACBL related awards earned by the disciplined party will be forfeited. These penalties also apply to the teammates and partners while playing with the disciplined party during the seven years preceding the date the Charges were brought through and including the date of this final decision.

	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	12/26/2020	12/25/2023	
<input checked="" type="checkbox"/> SUSPENSION	6/26/2020	12/25/2020	

Is the disciplined party Suspended because of an Ethical Violation (CDR 4.1.8 (b))? YES NO

If yes, the masterpoints and titles won in the event by the disciplined party, partners and teammates in which the offense occurred will be forfeited.

Is the Suspension imposed due to an Ethical Violation more than one year (CDR 4.1.8 (b))? YES NO

If yes, the MPs, titles or other ACBL related award earned by the discipline party within twelve months preceding the date of the offense will be forfeited.

EXPULSION No N/A

SUSPENDED SENTENCE (only used in conjunction with an imposed Suspension from above that you have converted to Probation). State the condition of the sentence below

EXCLUSION from Events and Programs (list the exclusions and the dates of the events or activities). CDR 4.1.6

REDUCTION OR FORFEITURE of Masterpoints (MP) or Tournament Rank or Disqualification.

- Remove MPs earned in the event in which the offense occurred
- Reduction of rank in the event in which the offense occurred
- Disqualification in the event in which offense occurred
- Remove MPs earned for the entire tournament in which the offense occurred
- Disqualification in the tournament

The teammates and partners will also receive these penalties in the event in which the offense occurred.

STATE THE OFFENSE(S) FROM APPENDIX B, CHART 1 and/or CHART 2 OF THE CDR

Chart 2 E9 Accidentally gain access to information and then act on it (CDR 3.1, 3.2 and 3.7)

The discipline imposed above is outside the recommended guidelines of Appendix B, Chart 1 and/or Chart 2. If it is OUTSIDE the guidelines, a reason must be stated below.

Prior nearly identical ethical misconduct, for which the period of probation had only recently terminated (see above "Committee Findings of Fact" for further discussion).

RESPECTFULLY SUBMITTED (CHAIR)

/s/ Jon Brissman

Date: 6/20/20

Electronic Signature (type name above)

Wet Signature (sign above)

[Evidence and Argument continued]

Carolee Petrey testified that Mr. Petrey was confused by the availability of the hand records, which was an error by the club manager, who should have placed the records in the "small room" where play had concluded, rather than the "large room" where another round remained to be played.

Brief closing arguments were presented. Mr. Gordon asked the Committee to find Mr. Petrey responsible for "cheating", to which Mr. Petrey took exception. The Committee gave arguments no weight in its deliberations. The hearing adjourned at 2:36 p.m. EDT and the Committee retired to deliberate.