



Charged Party	Linda Windham			ACBL #	J846175		
Charged Party	Michael Windham			ACBL #	R643893		
Disciplinary Body	Ethical Oversight Committee			Date of Hearing	July 21, 2019		
Location of Hearing	2019 Summer NABC in Las Vegas			Effective date of the CDR consulted	January 1, 2019		
Charging Party	Joseph Jones	ACBL #	5399696	Complainant	Robb Gordon	ACBL #	K652927

COMMITTEE MEMBERS WHO HEARD THE CHARGES

Name	ACBL #	Name	ACBL #
Jon Brissman, Chairman	M105486	Bruce Ferguson	J640127
Bob Glasson	N998190	Hendrik Sharples	J585347
Lesley Davis	K417677		

ALSO PRESENT (include via web-conference (WC), in person (P), telephonic (TP) etc. and include their capacity as witness, expert, etc.)

Name	ACBL #	Via	Capacity	Name	ACBL#	Via	Capacity
Linda Windham	J846175	phone	Charged Party	Boye Brogeland	2915073	in person	Witness
Michael Windham	R643893	phone	Charged Party	Michael Kamil	O048854	in person	Witness
Robb Gordon	K652927	in person	Charging P Adv.				
Allan Falk	L401189	in person	EOC Advisor				

EVIDENCE AND ARGUMENTS PRESENTED (summary of evidence and arguments presented by Charging Party and Charged Party, including testimony)

(Note: provide new documentary evidence to the Office of National Recorder)

Evidence For Charging Party:

Note: Page number references are to the Packet compiled by the Compliance Coordinator, which is incorporated by reference. The Packet consists of 43 pages of substantive material and a separate table of contents, which is not part of the record.

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p. 14/43 Michael Kamil e-mailed the Compliance Coordinator on February 15, 2019, to report that reviewing his own results from an ACBL online Speedball (#1430), he came across the Windhams' results, and concluded that they were cheating. Kamil identified Boards 3, 5, 6 7, 8, and 12 as suspicious, and attached hand records for review. [continued on separate pages]

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

Analysis of the Questioned Hands

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CDR GROUNDS FOR DISCIPLINE (Select from the drop-down menu the section(s) and description(s) found in CDR 3 which led to the discipline).

- 3.1 Violation of Laws.
 - 3.20 Cheating and other Ethical Violations.
- CHOOSE A SECTION.

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

<input type="checkbox"/> Not guilty (check here and skip the remainder of this page)	<input checked="" type="checkbox"/> Guilty (continue by selecting the type of Discipline listed below)
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Type of Discipline	Beginning Date	Ending Date	Additional Comments
<input type="checkbox"/> Reprimand	N/A	N/A	
<input checked="" type="checkbox"/> Probation	1/23/20	1/22/23	Each Charged Party
<input checked="" type="checkbox"/> Suspension	7/23/19	1/22/20	Each Charged Party
<input type="checkbox"/> Expulsion		N/A	

<input type="checkbox"/> Suspended Sentence (only used in conjunction with an imposed Suspension from above that you have converted to Probation). CDR 4.1.3	State the conditions of any Suspended Sentence below:
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<input checked="" type="checkbox"/> Exclusion from Events and Programs (list the exclusions and the dates of the events or activities). CDR 4.1.6	Online ACBL masterpoint contests--permanent
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OPTIONAL ONLY IF INCIDENT OCCURRED AT A TOURNAMENT: Disciplined Party committed an offense at a tournament warranting one or more of the following:

Name of Tournament	Name of Event	Date of Tournament	
<input checked="" type="checkbox"/> Forfeiture of a specified number or all the Masterpoints® (MPs) earned in a particular event or in the tournament in which the offense(s) occurred. CDR 4.1.7	Choose one of the following:	Total number of MPs to be removed	100@
	<input type="checkbox"/> Remove MPs earned for the event only <input type="checkbox"/> Remove MPs for the entire tournament		
<input type="checkbox"/> Reduction of rank <u>in the event</u> listed above. CDR 4.1.7	Comment:		
<input type="checkbox"/> Disqualification in the event or in the tournament in which the incident occurred listed above. CDR 4.1.7	Choose one of the following:		
	<input type="checkbox"/> Disqualification <u>in the event</u> <input type="checkbox"/> Disqualification <u>in the tournament</u>		
<input type="checkbox"/> Disqualification from yearly races or awards. CDR 4.1.7	Comment:		
<input type="checkbox"/> REQUIRED: Any of the above MPs and/or title reductions or forfeitures <u>must</u> be applied to the teammates and partner of the Disciplined Party. CDR 4.1.8 (c)			

USE ONLY IF ETHICAL VIOLATION: ADDITIONAL REQUIREMENTS/CONSIDERATIONS (Ethical Vioations can be found in CDR, Appendix B, Chart 2)

REQUIRED: If Disciplined Party has been convicted of premeditated or collusive cheating (or has admitted to such action). CDR 4.1.8 (a)

<input type="checkbox"/> Forfeiture of all MPs, titles and ACBL status ranks or other ACBL related awards theretofore earned.	Partners and teammates of Disciplined Party forfeit all MPs, titles and ACBL status ranks or other ACBL related awards theretofore earned while playing with said
<input type="checkbox"/> Disciplined Party during the seven (7) years preceding the date the Charges were brought through and including the date of the final decision of the Disciplinary Body.	

REQUIRED: If Suspension is for an Ethical Violation (EXCLUDING premeditated or collusive cheating) CDR 4.1.8 (b)

<input type="checkbox"/> Forfeiture of MPs and titles won <u>in the event</u> in which the offense(s) occurred. CDR 4.1.8 (b)	Event Location and Name:	Date of Event:	
<input type="checkbox"/> Any of the above MPs and/or title reductions or forfeitures must be applied to the teammates and partner of the Disciplined Party. CDR 4.1.8 (c)			

CONSIDER: If Suspension of less than one (1) year for an Ethical Violation (EXCLUDING premeditated or collusive cheating):

<input checked="" type="checkbox"/> OPTIONAL: Removal of MPs, titles, or other ACBL related awards theretofore earned within the twelve (12) calendar months preceding the date of the offense(s). CDR 4.1.8 (b)	Choose one or more of the following:		
	<input type="checkbox"/> Remove Masterpoints <input checked="" type="checkbox"/> Remove Titles	List total number of MPs and/or the awards that should be removed: 100 masterpoints each and loss of life master rank until regained	
<input type="checkbox"/> REQUIRED: Any of the above MPs and/or title reductions or forfeitures must be applied to the teammates and partner of the Disciplined Party. CDR 4.1.8 (c)			

REQUIRED: If Suspension is one (1) year or longer for an Ethical Violation (EXCLUDING premeditated or collusive cheating).

<input type="checkbox"/> REQUIRED: Remove all MPs, titles or other ACBL related awards theretofore earned within twelve (12) calendar months preceding the date of the offense. CDR 4.1.8 (b)			
<input type="checkbox"/> OPTIONAL: Remove additional MPs, titles and/or ACBL status ranks or other ACBL related awards previously earned by Disciplined Party. CDR 4.1.8 (b)	Choose one or more of the following:		
	<input type="checkbox"/> Remove Masterpoints <input type="checkbox"/> Remove Titles/Status Ranks/Other Awards	List total number of MPs and/or status ranks or other awards that should be removed:	
<input type="checkbox"/> REQUIRED: Any of the above MPs and/or title reductions or forfeitures must be applied to the teammates and partner of the Disciplined Party. CDR 4.1.8 (c)			

APPENDIX B, CHART 1 and/or CHART 2 OF THE CDR (The committee consulted the following offenses listed in Appendix B, Chart 1 and/or Chart 2 of the CDR. (CDR 5.1.16)

OFFENSE (i.e. C4, E7)	EXPLAIN HOW THE STATED OFFENSE IS RELEVANT TO THE CHARGED PARTY'S ACTIONS
E13	Defined as "actively seek advance information about a board in play"--Charged Parties exchanged hand information during play

The discipline imposed above is **within** the recommended guidelines of Appendix B, Chart 1 and/or Chart 2.

The discipline imposed above is **outside** the recommended guidelines of Appendix B, Chart 1 and/or Chart 2. List reason below:

Charged Parties, despite life master rank, are very inexperienced, weak players, who were evaluated as not realizing the gravity of their misconduct and not having had the benefit of ethical mentoring, and who sincerely apologized for any wrongdoing (although not admitting wrongdoing). They did admit that they had no legitimate explanation for many, if not all, of their suspect actions, a fair portion of which did not affect the outcome of individual deals (occasionally because of their lack of skill, in other cases because it was irrelevant). The EOC did note that it would have imposed significantly more onerous sanctions on more experienced players.

RESPECTFULLY SUBMITTED (CHAIRMAN)

/s/ Jon Brissman		Date:	
Electronic Signature (type name above)	Wet Signature (sign above)		7/22/2019

Charges of ethical misconduct under Code of Disciplinary Regulations (CDR) 3.1 (violation of the Laws of Duplicate Contract Bridge—Law 73B2) and 3.20 (cheating and other ethical violations—specification: exchange of hand information) were initiated by Joe Jones, ACBL Executive Director against Linda Windham and Michael Windham on May 7, 2019, based on a pattern of conduct. The requirements of CDR 2.2.6(b) being fulfilled, the Ethical Oversight Committee (EOC) has proper jurisdiction.

Following the filing of the Complaint, the membership of the EOC was contacted, and members who had no basis for self-recusal were asked to indicate their availability. From the members available, EOC Chairman Peter Boyd assigned Jon Brissman as Chairman and Dennis Clerkin, Lesley Davis, Bruce Ferguson and Hendrik Sharples as panelists. The names of the appointed panelists was provided to all parties in a May 9, 2019 communication from Compliance Coordinator Sabrina Goley, and no objections or challenges in accordance with CDR 5.1.9 were submitted by the deadline of May 13, 2019 (or subsequently).

On May 14, 2019, acting under CDR 5.1.6 (see also CDR 5.1.10), Chairman Brissman directed the parties to provide a list of their witnesses, a summary of expected testimony of each witness, and any documentary or demonstrative evidence to both EOC and the opposite party according to sequential deadlines. The evidentiary materials and charging documents were then compiled by the Compliance Coordinator and provided to the parties, representatives, and EOC personnel with a table of contents. Charging Party submitted a witness list and documentary evidence; Charged Parties indicated they had “no witnesses to bring forward”, but submitted explanations of their bidding and play in documentary form.

The EOC hearing convened on July 21, 2019 at the Cosmopolitan Resort & Casino, Las Vegas, NV at 9:00 a.m. Chairman Brissman presided, and panelists Lesley Davis, Bruce Ferguson, and Hendrik Sharples were present. Due to miscommunication, Dennis Clerkin was absent, and Robert Glasson was substituted; Charged Parties had no objection. Allan Falk was present as legal advisor to the Ethical Oversight Committee. Charging Party Representative Robb Gordon (National Recorder), was in attendance, while Charged Parties Michael Windham and Linda Windham participated by telephone.

Chairman Brissman directed that all witnesses be sequestered, and admitted to the hearing room only during their own testimony. Witnesses were instructed not to discuss the case among themselves, but to wait nearby to be summoned conveniently at the appropriate time.

After introductions, the Chairman invited the Charging Party to present an opening statement. Mr. Gordon outlined a single category of evidence: bids and plays indicative of collusive sharing of hand information, contrary to Law 73B2 and CDR 3.1 (Violation of Laws) and 3.20 (Cheating and Other Ethical Violations). Noting that the Charged Parties are both Life Masters, have 9 Red Ribbon qualifications, and repeatedly perpetrate aberrant bids and plays that seem not to lead to bad results with statistically impossible frequency.

Evidence For Charging Party:

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Michael Kamil, a many time North American champion, testified, explaining how he came to review BBO hand records in which, on 6 of 12 hands in the session, the Charged Parties took action that could not be justified by the information available, and meanwhile had no unusual actions that proved costly.

p. 14/43 Michael Kamil e-mailed the Compliance Coordinator on February 15, 2019, to report that reviewing his own results from an ACBL online Speedball (#1430), he came across the Windhams' results, and concluded that they were cheating. Kamil identified Boards 3, 5, 6 7, 8, and 12 as suspicious, and attached hand records for review.

pp. 17-18/43 Bridge Base Online (BBO), alerted to the issue, assigned its "Investigators 1 and 2" to review 24 hands recently played by the Charged Parties in ACBL masterpoint online games. Investigator 1's report identified seven (7) "smoking gun" hands and one contradictory or "confusing" hand. Investigator 1 based his/her conclusions in part on a review of Charged Parties' general level of play, which was deemed "poor" or "weak" or "so bad" as to be inconsistent with repeated above-average scores.

p. 19/43 Investigator 2 additionally reviewed 8 additional tournaments (in one of which Michael Windham played with a different partner) and discovered "no defensive oddities". Investigator 2 opined that Charged Parties "did some strange things" but found little ("not * * * much") "that set off alarms—at least in terms of benefit." Investigator 2 found Charged Parties' level of play "extremely low", and attributed several "strange leads" to "them being at a novice level", since they "only benefited on 1 or 2 boards". In the additional events review, Investigator 2 found "many more strange underleads" but "either there was no reason to do so, or the reason to do so escaped them and they failed to take advantage." Investigator 2 did find "a couple leads that didn't work out but their success rate was super high and in many cases the leads were aberrant." "The aberrant leads weren't always deadly but they never cost as one would expect."

Investigator 2 also found "several smoking guns in the auction as well as on defense" "even though they often failed to take advantage and had a lot of poor results overall." Investigator 2 noted that Charged Parties almost never (95%) underled an honor when partner lacked the key honor.

pp. 20-40/43 Investigator 2 addressed particular bids and plays using associated hand records.

Boye Brogeland, a Norwegian expert, multiple North American champion and world champion, testified that he was asked to review hands played by Charged Parties in his capacity as a member of the Anti-Cheating Commission. His approach is to look for non-logical actions that prove successful—recognizing that occasional instances will prove nothing untoward, but consistent and repeated successes with few or no poor results indicates cheating.

Mr. Brogeland consider the opening lead (p. 25) against 4S a “smoking gun” and again the hand on p. 27, where the underlead of AK against 5D has nothing to gain. The hands on pp. 32 and 35 are similar to that on p. 27. On p. 36, Michael Windham underled HAKQ7 to find partner with the J against 3S. In contrast, when partner did not having the touching honor (p. 33), there was no underlead of an AK holding. The hand on p. 38 has Linda Windham playing partner to have underled AK in order to play the Q at trick 1 instead of a spot card. Brogeland opined that this information strongly suggests knowledge of partner’s hand but not of the opponents’ hands.

The bidding of the hand on p. 39 defies rational explanation. To like effect the hands on pp. 31, 26, 28 and 37.

In contrast, the hand on p.29 is not indicative of cheating.

Evidence for Charged Parties

In his opening statement, Michael Windham discussed how he and his wife had been working to become life masters, denied collusion, and asserted they had simply made lucky guesses, inexplicable errors they cannot explain, or drawn inspired inferences in bidding and play.

Mr. Windham then segued into testifying according to his written response to the charges (pp. 42-43).

p. 42 Charged Parties acknowledged “some strange plays on our part” but denied cheating, noting that when playing online they sometimes deviate from their agreements to “try some new things”. Michael Windham also asserted that in July, 2018 he had some “mouse issues” “which led to some mis-bidding and leads”.

pp. 42- Charged Parties proffered explanations of some of their challenged actions, beginning with passing “by accident”, leading an unsupported king against 3NT because it was an “unbid suit”, “do not know why led AH [ace of hearts], “meant to lead KD [king of diamonds] per our convention card”, and “meant to bid 3H [in response to Stayman. Partner would then have bid 3S”, “mouse problems” (three deals), and “Weird. Do not know what happened here.”

Both Charged Parties offered apologies for any problems they may have caused, and waived closing arguments.

DECISION OF THE EOC

Analysis of the Questioned Hands

p. 23. Michael Windham passed partner’s 2S overcall of a weak 2H holding AJxx AQx xxx 10xx; on the lie of the cards (three finesses and Linda Windham having 5-2-2-4

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p. 27 On lead against 5S with DAK642 (defenders silent), Linda Windham led the D2, finding Michael Windham with DQ73 (“Meant to lead DK”). The outcome of the hand was unaffected.

p. 28 Holding K1095 Q98 AJ Q987, Michael Windham made a takeout double of 1D. Linda Windham, with A4 AJ752 75 KJ42 bid 1H, which Michael W. raised to 2H with his minimum hand and minimal support, and Linda W. then bid 4H. Charged Parties state they do not understand why getting to game is subject to criticism when they hold 12 HCP opposite 13. Had Linda Windham bid 4H immediately in response to the takeout double (or cue bid and then bid hearts, forcing) there would indeed be no criticism. But there is no conceivable justification for a 2H bid on Michael Windham’s hand.

p. 29 Defending 3D, Linda Windham led the partnership’s bid suit, spades (holding AQJxx AJx x Q10xx), finding dummy with K KQ9xxx Qxx J8x, and shifted to a club, which established a club trick for the defense to hold declarer to 10 tricks. The club shift was unremarkable given that declarer had denied holding as many as 3 hearts. The chosen club, the 10, was possibly thoughtful (although out of character for a weak player), but made no difference because declarer had A9 doubleton.

p. 30 Despite their Convention Card indicating they play support doubles through 2H, Michael Windham raised partner’s 1H response to 2H after a 2D overcall with only 3 hearts (partner had KJ10xx). On defense, Michael Windham lost a trick when he continued spades from an original AKJx. Dummy had a side suit of AKQx that rated to provide quick discards, and the only winning defense is to shift to trump from a holding of K5. As some variation of the unsuccessful defense would be perpetrated by any non-cheating pair, the contention that

Charged Parties dared not find the winning defense for fear of being revealed as cheaters is speculative.

p. 31 Michael Windham opened 1NT on a 4-4-3-2 15-count (including a club holding of Qx); Linda Windham bid 2C Stayman, and 4th hand overcalled 3C. Michael Windham bid 3S, finding partner with a 4-3-4-2 8-count and 3S makes 3. The defense's contention that Michael Windham should have bid 3H and Linda Windham "corrected" to 3S ignores the fact that (a) Michael Windham's hand has lost value and cannot justify a 3-level bid and (b) 3H should show a 5-card heart suit so "correcting" to 3S would be wrong.

p. 32 On lead against 4S, Michael Windham led D2 from AKJ732, catching Linda Windham with Qx ("Meant to lead KD"). There was no shift or continuation that could make a difference, and the underlead was pointless.

p. 33 This hand was included because Linda Windham, on lead against 4D with HAKJxx, did not underlead, when Michael Windham had Hxxxx (declarer had singleton DQ).

p. 34 After opening 1H on void AQ10xxx J109xxx x at favorable vulnerability, LHO made a takeout double, and Michael Windham passed holding J109xx K Qxx Q10xx. When 4th hand bid 2S, Linda Windham passed, and both Charged Parties passed the doubler's 4S bid. The HA lead allowed Linda Windham to cash 2 hearts and Michael Windham then had 2 natural trump tricks. Charging Party focuses on the opening lead, but the "convenient" bidding—Michael Windham not bidding 1S, Linda Windham not showing her second suit with a 6-6 hand at favorable vulnerability—leading to avoidance of 5D down 1, is at least as much an issue.

p. 35 Again, on lead against 4H Michael Windham, for no reason, underled CAK984 ("Meant to lead KC") and found Linda Windham with CQ73.

p. 36. On lead against 3S, Michael Windham underled HAKQ7 ("Meant to lead KH"), finding partner with HJ10632 (Linda Windham had supported hearts), but Linda Windham fell from grace by returning a heart instead of shifting to a diamond (Declarer had DAQxx and Michael Windham DKJ1074), causing the defensive diamond trick to disappear on dummy's clubs. Good defenders could start with a high heart, see partner's HJ (promising the H10 but denying HQ) and cross in hearts for the obvious diamond shift.

p. 37. Michael Windham opened 1C in 1st seat with a 2-4-3-4 12-count (of which 5 HCP were SKQ doubleton). His LHO overcalled 1D, and with a 4-4-1-4 8-count Linda Windham bid 1NT instead of making a negative double. East bid 2S and Michael Windham then bid 3H. Charged Parties admit their actions were "weird" and inexplicable.

p. 38. Charging Party again seems focused on Michael Windham's lead of H3 from AK3 ("Meant to lead KH") against 3S (finding Linda Windham with HQ9652). But the real issue is the bidding—Michael Windham opened 1D in 3rd position with K7 AK3 Q9873 1074. His LHO made a takeout double, and Linda W. bid 1H (instead of redoubling) with

10853 Q9652 A105 A. Fourth hand passed, and Michael W. raised to 2H, which should show a sound opening with game interest. After two passes, 4th hand bid 2S, and Michael W now bid 3H on the same minimum hand with 3-card support. No justification of the bidding is proffered by Charged Parties.

p. 39 In 4th seat, none vulnerable, holding 10763 KJ7 1095 Q72, it went 1NT (15-17), Pass, 2C to Michael Windham, who bid 3D (“Meant to pass”), catching Linda Windham with J2 Q98 QJ732 KJ9. The opponents reached 3NT, which had no play, but declarer misguessed the distribution and went down an extra trick.

p. 40 Against a blind 3NT, Linda Windham led D5 from QJ9865, finding Michael Windham with DK42.

EOC FINDINGS

The standard of proof applied is that Charging Party bears the burden of proving ethical misconduct to a level of “comfortable satisfaction”, defined by the CDR as:

A burden of proof that is met when, after a careful weighing of the evidence and the facts proved by direct, circumstantial or other evidence, the decision maker has a comfortable satisfaction that he or she has reached a correct and just conclusion. It is higher than [the] “preponderance of the evidence” standard but not as high as “beyond a reasonable doubt.

Direct evidence, circumstantial evidence, hearsay evidence, witness statements, mathematical analysis and any other relevant evidence (including evidence from outside of the ACBL) may be used to establish Comfortable Satisfaction. These factors go to the weight given to such evidence and not its admissibility.

Not intending to demean Charged Parties, but in order to fairly resolve the charges made, it must be said the Charged Parties are very unskilled bridge players, despite their dual life master status. Their bidding and opening leads approach randomness. This makes it difficult—but not impossible—to sort out collusive cheating from merely bad bridge.

As reflected in the first of Charging Party’s selected hands (p. 23), Charged Parties do not appear to be viewing complete deals. Instead, they appear to be sharing information about their own hands with one another (while both are admittedly in the same house), without having access to the opponents’ hand records.

The number of under leads, against suit contracts, of holdings headed by AK, always finding partner with the next touching honor, and corresponding lack of such underleads when partner lacks the touching honor, far exceeds what even a charitable reviewer might ascribe to mere chance. Similarly, the number of bizarre bids (or non bids), respectively catching partner with “extras” (extra values, extra length, extra values and extra length, or with nothing (to justify not competing further) equally strains credulity (and mathematical probability) when ascribed to luck or chance. Despite disregarding the hands on pp. 29-30 as not being probative of wrongdoing, the EOC nonetheless finds the evidence of information sharing compelling.

Law 73B2 declares that “The gravest possible offense is for a partnership to exchange information through prearranged methods of communication other than those sanctioned by these laws.” In one deal after another, each of the Charged Parties made aberrant bids and leads that consistently found partner with the “magic” holding to produce a good result or at least prevent a bad result. The defense of repeated “mouse problems” (never noted in contemporaneous fashion by, for example, promptly requesting an “undo”), the uncanny underleading of AK combinations (“meant to lead K”) finding partner with the Q (and correlatively not doing so when partner lacked the Q), the violation of system and rebidding of minimum values whenever partner had both extra length and strength on one hand after another, simply defies any explanation predicated on good fortune or similar random factors.

The EOC has carefully considered whether only Michael Windham, or only Linda Windham, might be guilty of accessing hand information by unauthorized means. Both Charged parties, however, perpetrated repeated inexplicable—and, in terms of bridge logic, wholly unjustified—actions while playing in ACBL masterpoint events on BBO.

Accordingly, the EOC finds, to a level of comfortable satisfaction, that both Mr. Michael Windham and Mrs. Linda Windham repeatedly exchanged hand information other than through legitimate bidding or other methods sanctioned by the Laws (such as by means of the cards played or the opponents’ bidding or inferences fairly drawn), contrary to Law 73B2, and thereby violated CDR 3.1 and 3.20.

Disciplinary Sanctions

CDR Appendix B, Item E16, provides that “Prearranged partnership collusion by means of signaling to exchange information (CDR 3.1, 3.2 and 3.7)” carries a suggested discipline of expulsion, and in addition loss of all masterpoints. NOTE 4 adds: “If a Disciplinary Body finds a Charged Party guilty of collusive cheating, such Charged Party will forfeit all their masterpoints theretofore earned.”

Item E13 addresses “Actively seek advance information about a board in play (CDR 3.1, 3.2 and 3.7)” and carries a recommended discipline of 2 years Suspension to Expulsion (NOTES 2 and 3).” Notes 2 and 3 provide:

NOTE 2 If a Disciplinary Body imposes a Suspension in this case, then it should also disqualify the pair or team from the event. This will mean the pair or team will lose its place in the event, any masterpoints earned in the event and any other benefits it may have earned from playing in the event. Should this disqualification take place after the correction period for the event has expired, other pairs and teams do not move up – the place formerly held by the disqualified contestant (pair or team) remains vacant.

NOTE 3 If a Disciplinary Body imposes a Suspension in this case, then it is encouraged to also impose an appropriate term of probation following the term of suspension.

In determining the appropriate disciplinary sanction, the EOC has taken heed of the introductory portions of CDR Appendix B, which provide:

The second column, entitled “RECOMMENDED DISCIPLINE”, is a guide for discipline to be imposed. **It is not mandatory.** However, discipline imposed that is outside these recommendations must be explained in the Hearing Report.

The third column, entitled “SUGGESTED MASTERPOINT PENALTIES”, represents a range of masterpoints which may be deducted in accordance with an offense listed in the chart for which the Charged Party is found guilty. Players who are found guilty of collusive cheating and Expelled shall forfeit all masterpoints.

The EOC concludes that E16 does *not* properly apply, as there was no evidence of “signaling” as that terminology is usually understood. The EOC finds that E13 properly applies. Accordingly, in light of the Charged Parties’ experience level, Michael Windham and Linda Windham are suspended for 6 months each, to be followed by 3 years of probation, with each forfeiting 100 masterpoints previously accumulated and associated rank. Additionally, each Charged Party shall be barred from online bridge play for masterpoints as though subjected to expulsion.

The EOC notes that, had these been highly experienced players cheating in live events, the disciplinary sanction would have been substantially more onerous.

Approved:

/s/ **Jon Brissman**

Jon Brissman, Chairman

/s/ **Lesley Davis**

Lesley Davis

/s/ **Bruce Ferguson**

Bruce Ferguson

/s/ **Bob Glasson**

Bob Glasson

/s/ **Hendrik Sharples**

Hendrik Sharples