



IS THIS AN AUTOMATIC REVIEW OR APPEAL OR BOTH Automatic Review

CHECK THE APPELLANT (party who filed the appeal)

<input type="checkbox"/>	Disciplined Party	Robert Kent	ACBL #	R873023	Disciplined Party	Ellen Kent	ACBL #	L237397
<input type="checkbox"/>	Charging Party	Joseph Jones	ACBL #	5399696	Location of Hearing	Web-Conference using Zoom		
Appellate Body		Appeals and Charges Committee				Date of Hearing	01/21/2021	
Original Disciplinary Body		Online Ethical Oversight Committee				Date of Hearing	10/05/2020	
Original Complainant		Robb Gordon	ACBL #	K652927	Effective date of the CDR consulted		12/16/20 (for procedure)	

DISCIPLINE BEING APPEALED OR REVIEWED

Disciplined Party	Discipline	Beginning Date	Ending Date
Robert & Ellen Kent	Expulsion	10/19/2020	N/A
	Member Not in Good Standing	10/19/2020	N/A
	Removal of all MPs, titles, and status ranks earned while playing as a pair		

Additional comments or description regarding discipline being appealed or reviewed

The Disciplined Party was found responsible of violating CDR 3.20 by the OEOC. The offense cited by the OEOC panel was E16 Prearranged partnership collusion by means of signaling to exchange information (CDR 3.1, 3.2 and 3.7) with a recommended discipline of Expulsion.

BASIS FOR APPEAL (skip this section if this is an Automatic Review)

<input type="checkbox"/>	Decision not supported by the weight of evidence.
<input type="checkbox"/>	Procedures were inconsistent with CDR which affected the substantial rights of Appellant or undermined the confidence in the integrity or fairness of the disciplinary process.
<input type="checkbox"/>	Discipline inappropriate.
<input type="checkbox"/>	One or more person(s) on the hearing panel had bias (objection to such bias was raised at the hearing).

COMMITTEE MEMBERS WHO REVIEWED THE MATTER OR HEARD THE APPEAL

Name	ACBL #	Name	ACBL #
A.J. Stephani, Chairman	Q368694	Laurie Rowe	P508832
Dennis Carman	O828450	Tim White	M029585
Deana Liddy	P205082		
Jeff Overby	O879926		

ALSO PRESENT (include 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 Dunn	P197314	WC	In-House Counsel	Sabrina Goley	5251257	WC	Zoom Host
Allan Falk	L401189	WC	Charging Part - Adv.				
Joseph Jones	5399696	WC	Charging Party				
Ellen Kent	L237397	WC	Disciplined Party				
Robert Kent	R873023	WC	Disciplined Party				

ARGUMENTS PRESENTED (summary of arguments presented by the Disciplined Party and Charging Party, including testimony)

The Charging Party's Advocate argued that (1) the procedures followed by the OEOC panel was in accordance with the CDR; (2) the decision and discipline imposed by the OEOC panel was supported by the evidence, including ample testimony by expert witnesses; (3) a fair hearing was conducted; and (4) the discipline imposed was commensurate with the findings of the panel.

Mr. and Mrs. Kent argued that they lacked a motive to act in the manner described, that numerous errors were committed by the Charging Party's experts and that any testimony by those experts should have been given no weight by the panel, that they did not exchange any unauthorized information, and that the discipline imposed by the OEOC panel was excessive.

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

The Committee upholds the OEOC decision finding the Charged Parties responsible for having violated CDR 3.20. Cheating and Other Ethical Violations (in the version of the CDR then in effect). The Committee concluded that:

- the procedures used by the OEOC were followed in accordance with the CDR;
- there was sufficient evidence to support the OEOC decision;
- the OEOC conducted a fair hearing;
- any procedural error by the National Recorder or Temporary Recorder (or Temporary Recorder while acting as Advocate for the Charging Party) was harmless and, while the A&C Committee acknowledges that such deviation(s) may undermine confidence in the integrity of the ACBL's disciplinary process, it did not do so in this case to a degree that warranted a reversal of the OEOC decision;
- no one on the hearing panel had an improper bias.

However, the Committee determined that the proper guideline which the OEOC Committee should have used to impose discipline was E19, not E16. Accordingly, the Committee reduced the discipline imposed to 18 months suspension, backdated to the date of their BBO suspension, followed by 1 year probation, and removed all online masterpoints earned while playing together since 3/1/2020. They will be members "Not in Good Standing" during the length of their suspension and probation.

The Committee raised several questions surrounding the manner in which this case was handled, and we will be addressing those concerns as part of our oversight responsibilities.

DECISION OF APPELLATE COMMITTEE

<input type="checkbox"/>	Remanded for rehearing	Disciplinary Body expected to rehear.		
<input type="checkbox"/>	Decision of the original hearing committee is upheld.			
<input checked="" type="checkbox"/>	Decision of the original hearing committee is amended as described below:			
	Discipline	Beginning	Ending	Comments
<input type="checkbox"/>	Reprimand	N/A	N/A	
<input checked="" type="checkbox"/>	Probation	12/12/2021	12/11/2022	1-year
<input checked="" type="checkbox"/>	Suspension	06/12/2020	12/11/2021	18 months, backdated to the date of their BBO suspension
<input checked="" type="checkbox"/>	Other	N/A	N/A	Please describe other decision below:
Removal of all online masterpoints earned while playing together since 3/1/2020.				

RESPECTFULLY SUBMITTED (CHAIRMAN)

/s/ A.J. Stephani		Date:	2/7/2021
Electronic Signature (type name above)	Wet Signature (sign above)		