



Charged Party	Dr. Ralph Herz			ACBL #	M466411	
Charged Party				ACBL #		
Disciplinary Body	Unit 174 Disciplinary Committee			Date of Hearing	11/01/2018	
Location of Hearing				Effective date of the CDR consulted	07/31/2018	
Charging Party	Ken Hudson	ACBL #	5732573	Complainant	Bob Dowlen	ACBL # J245716

COMMITTEE MEMBERS WHO HEARD THE CHARGES

Name	ACBL #	Name	ACBL #
Daniel Leightman	K041693	Jolie Hess	K957345
Mildred Breed	N772580	Robert Armstrong	L162753
Dr. Harry Price	N441420	Karen Nussbaum	R353542

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
Ken Hudson	5732573		Unit Pres. Chargi				
Brigitte Sandifer	K369427		Witness				
Ralph Hertz	M466411		Charged Party				

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)

Dr. Herz stated that he had no intention of looking at the cards in the boards he was about to play or to improperly obtain an advantage. He stated that the three boards were on the table but one card was on the floor. He also stated the boards were not in order and that the North hands were not all in the same direction. Calling it his bad judgment, Dr. Herz stated that rather than calling the director he took the three boards into his lap, rearranged them and was counting the cards in each board without looking at any cards. He then took the card that was on the floor and placed it in the appropriate slot. He expressed remorse and noted that he should have called the director rather than taking it on himself to replace the out of place card.

The complaining party, Brigitte Sandifer, stated that she observed the behavior of Dr. Herz and asked him to cease handling the cards. Upon questioning of the committee, Ms. Sandifer would not state a conclusion on whether or not she thought Dr. Herz was cheating; however, as Ms. Sandifer acknowledged, she took no action consistent with sanctioning a cheating player. After observing Dr. Herz behavior, Ms. Sandifer allowed the board to be played by Dr. Herz, his partner and their opponents and took no later action to adjust the scores. The committee was also informed that Dr. Herz partner earned scores of average minus, average minus and average respectively on the three boards in questions. (See attachment 1)

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

After a thorough discussion of all the evidence, the committee concluded that Dr. Herz was not guilty of cheating or looking at his partner's or opponents' cards with the intent of gaining an advantage. The committee agreed that Dr. Herz was guilty of an Ethical Violation for not calling the director to replace the missing card but choosing to correct the situation himself.

Attachment 1

Ms. Sandifer stated that later that evening she sent a letter to Dr. Herz informing him he was suspended from playing at her club for approximately 60 days. She also stated she did not confront Dr. Herz at the club as she did not want "a scene or commotion."

The committee was informed by one of its members, Jolie Hess, that Dr. Herz was a long-time player at the club, and was well respected both as a bridge player and for his overall behavior and integrity. It was also stated that he had taken a director's course and was well aware of the rules of the game. The committee chairman, Daniel Leightman, questioned Ms. Hess about her relationship with Dr. Herz and the committee concluded there was no inappropriate conflict of interest.

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).

CDR 3.20 Other Ethical Violation (not Cheating).

CHOOSE A SECTION.

CHOOSE A SECTION.

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

Not guilty (check here and skip the remainder of this page) Guilty (continue by selecting the type of Discipline listed below)

Type of Discipline	Beginning Date	Ending Date	Additional Comments
<input checked="" type="checkbox"/> Reprimand	N/A	N/A	Letter of Reprimand provided to Dr. Herz
<input checked="" type="checkbox"/> Probation	11/02/18	12/02/18	
<input type="checkbox"/> Suspension			
<input type="checkbox"/> Expulsion		N/A	

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:

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

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 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:	
	<input type="checkbox"/> Remove MPs earned for the event only	Total number of MPs to be removed
<input type="checkbox"/> Reduction of rank in the event 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 in the event	<input type="checkbox"/> Disqualification in the tournament
<input type="checkbox"/> Disqualification from yearly races or awards. CDR 4.1.7	Comment:	
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 Violations 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)

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 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)

Forfeiture of MPs and titles won in the event in which the offense(s) occurred. CDR 4.1.8 (b)

Event Location and Name: _____ Date of Event: _____

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):

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:

Remove Masterpoints

Remove Titles

List total number of MPs and/or the awards that should be removed: _____

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).

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)

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:

Remove Masterpoints

Remove Titles/Status Ranks/Other Awards

List total number of MPs and/or status ranks or other awards that should be removed: _____

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
E12	The charge against Dr. Hertz implied that he was attempting to look at his partner's or opponents' cards prior to playing the board.
	However, E12 requires that the action be active and deliberate, and the committee found that there was no deliberate component of Dr. Hertz's behavior.

- 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:

The committee determined that the lapse in judgment of Dr. Herz did not fall into any of the offenses delineated in Chart 1 or Chart 2 of Appendix B. The committee felt that the offense closest to the potential behavior of Dr. Herz E12 of Chart 2 -- "actively and deliberately tried to see an opponent's cards." As the committee had concluded that there was no deliberate action on the part of Dr. Herz, the committee felt that E13 was inapplicable. Nonetheless, the committee felt that some discipline was appropriate even though none of the categories of Chart 2 were directly applicable. Consequently, the committee determined that a 30-day probation period along with the 60 day suspension from the club was adequate

RESPECTFULLY SUBMITTED (CHAIRMAN)

/s/		Date:	4/10/2019
Electronic Signature (type name above)	Wet Signature (sign above)		