



Charged Party(ies)	Melvin Ward Rhea Ward	ACBL #	L064891 Q207135	Hearing Date	NR review 9/3/2023
Disciplinary Body	Appeals and Charges Committee	Hearing Location	Web conference using Zoom		
Charging Party	McKenzie Myers	ACBL#	Q799024	Complainant	Jeff Edelstein
				ACBL#	O200338

COMMITTEE MEMBERS WHO HEARD THE CHARGES

Name	ACBL #	Name	ACBL #
Tim White, Chairman	M029585	Larry Sealy	P541643
Dennis Carman	O828450	Georgia Heth	N638399
Deana Liddy	P205082		

INDIVIDUALS THAT PARTICIPATED IN THE HEARING (excluding committee members)

Name	ACBL#	Via	Capacity	Name	ACBL#	Via	Capacity
Jeff Edelstein	O200338	web conf.	Adv-Charging P			Select One	Select One
Justin Coniglio	Q809461	web conf.	Adv-Charging P			Select One	Select One
		Select One	Select One			Select One	Select One
		Select One	Select One			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 Negotiated Resolution packet was provided to the Committee by the Compliance Coordinator. It contained a Procedural Summary, Factors Considered by the Charging Party, Negotiated Resolutions, Membership Profiles, Recorder Complaint, Charge Letter, and Notice of Intent to Initiate Arbitration before the IBA [Institute for Bridge Arbitration].

The Negotiated Resolutions included statements from each party. Mr. Ward stated: "While playing in online ACBL sanctioned games, I sometimes exchanged unauthorized information about my hands with Rhea Ward. I regret this and apologize for my actions." Ms. Ward stated "While playing in online ACBL sanctioned games I sometimes exchanged information about my hands with Melvin Ward. I regret this and apologize for my actions."

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

In the Matter of Melvin and Rhea Ward, the Committee, pursuant to CDR 406(B)(3), rejected the Negotiated Resolution but provided the following condition for acceptance: Section 1 of both NRs be modified to specify the July 15, 2022 version of the CDR.

The Committee found that Section 1 of the executed Negotiated Resolutions specified the August 1, 2021 version of the CDR, whereas the Recorder Complaint states: "A thorough investigation of Mr. and Mrs. Ward's online play beginning in April 2023 ..." and the Charge Letter specifies a CDR effective date July 15, 2022.

Specifying the August 1, 2021 version of the CDR, rather than the July 15, 2022 version, did not conform with provisions of CDR 403(A) CDR Version.

The parties accepted the condition and a new Negotiated Resolution was executed by the parties and accepted by the Committee. Mr. Ward agreed to 1 year suspension to begin July 21, 2023, followed by 2 years probation, and forfeiture of 200 Masterpoints®. He further agreed that if he plays in any ACBL sanctioned games between July 21, 2023 and when this agreement is accepted by A&C, this agreement is voidable by ACBL.

Mrs. Ward agreed to 6 months suspension to begin on July 1, 2023, followed by 2 years probation, and forfeiture of 100 Masterpoints®. She further agreed that if she plays in any ACBL sanctioned games between July 21, 2023 and when this agreement is accepted by A&C, this agreement is voidable by ACBL.

A condition of Mr. and Mrs. Wards' probations is that they are prohibited from playing with one another in ACBL sanctioned online games for the duration of their probations. They will be members "Not in Good Standing" during the period of their discipline.

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).

301(A)(2), effective July 15, 2022: Collusive Cheating: Online. "Online Collusive Cheating" is the exchange or transmission of information between two or more people, at least one of whom is a contestant in an online bridge competition, in any manner not expressly permitted by Law 73. The information need not be actually used by a player to prove a Violation under this section. This section includes agreements made by persons who are not partners or contestants, including, but not limited to kibitzers or teammates.

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.

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	Both 2 yr probation: Melvin: 7/21/24-7/20/26; Rhea: 1/1/24-12/31/25; Prohibited from playing with one another in ACBL sanctioned online games during their probationary periods.
<input checked="" type="checkbox"/> PROBATION	See comments		
<input checked="" type="checkbox"/> SUSPENSION	See comments		Melvin 1 year: 7/21/23-7/20/24; Rhea 6 months: 7/1/23 - 12/31/23

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 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.

Melvin - forfeiture of 200 total Masterpoints.

Rhea - forfeiture of 100 total Masterpoints.

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

N/A

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

If it is **OUTSIDE** the guidelines, a reason must be stated below.

RESPECTFULLY SUBMITTED (CHAIR)

/s/

Electronic Signature (type name above)

Wet Signature (sign above)

Date: