



Charged Party(ies)	James Barush Resa Becher	ACBL #	P127391 O852149	Hearing Date	NR review 10/31/2023
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.	National Recorder			Select One	Select One
Justin Coniglio	Q809461	web conf.	Adv-Charging P			Select One	Select One
McKenzie Myers	Q799024	web conf.	Charging Party			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, and Charge Letter.

The Negotiated Resolutions included statements from each party. Mr. Barush stated: "While playing in online ACBL games with Resa Becher we sometimes exchanged information about our hands. I regret that we did that and I regret the harm that it caused other ACBL members." Ms. Becher stated "While James and I were playing on ACBL online we sometimes exchanged information about our hands. I deeply regret my behavior, and am so sorry, especially to other players."

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

In the Matter of James Barush and Resa Becher, a divided panel approved the Negotiated Resolutions entered into by the parties and ACBL Management in which the parties admitted to violation of CDR 3.20 Cheating and other ethical Violations (CDR effective May 1, 2020). Mr. Barush agreed to a 3-month suspension to begin on December 1, 2023, followed by 2 years probation during which he is prohibited from playing in ACBL online games with Resa Becher for the duration of his probation. He forfeits 5% of his current Masterpoint® total. He further agreed that If he plays in any ACBL sanctioned games between December 1, 2023 and when the agreement is accepted by the Appeals and Charges Committee, the agreement is voidable by the ACBL. Ms. Becher agreed to a 3-month suspension to begin on October 2, 2023, followed by 2 years probation during which she is prohibited from playing in ACBL online games with James Barush for the duration of her probation. She forfeits 5% of her current Masterpoint® total. She further agreed that If she plays in any ACBL sanctioned games between October 2, 2023 and when the agreement is accepted by the Appeals and Charges Committee, the agreement is voidable by the ACBL. Both 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).

CDR 3.20, effective May 1, 2020, Cheating 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 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	Barush - 2 year Probation (3/1/24 - 2/28/26) Becher - 2 years (1/2/24 - 1/1/26); They are prohibited from playing in online ACBL sanctioned games with each other during their probationary periods.
<input checked="" type="checkbox"/> PROBATION			
<input checked="" type="checkbox"/> SUSPENSION			Barush - 3-months (12/1/23 - 2/29/24); Becher: 3 months (10/2/23 - 1/1/24)

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.

Both parties - forfeiture of 5% 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: