



**IS THIS AN AUTOMATIC REVIEW OR APPEAL OR BOTH** Automatic Review

**CHECK THE APPELLANT** (party who filed the appeal)

<input type="checkbox"/>	Disciplined Party	Antonio Cioffi	ACBL #	O744184	Disciplined Party	Rick Schneider	ACBL #	O836909
<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	04/05/2021	
Original Disciplinary Body		Online Ethical Oversight Committee				Date of Hearing	03/01/2021	
Original Complainant		Robb Gordon	ACBL #	K652927	Effective date of the CDR consulted		May 29, 2020	

**DISCIPLINE BEING APPEALED OR REVIEWED**

Disciplined Party	Discipline	Beginning Date	Ending Date
Both Parties	Suspension, 2 years	03/29/2021	03/28/2023
Both Parties	Probation, Lifetime	3/29/2023	Indefinitely
Both Parties	Excluded from playing in ACBL sanctioned events online, 5 years	03/29/2023	03/28/2028
SEE ADDITIONAL DISCIPLINE BELOW			

**Additional comments or description regarding discipline being appealed or reviewed**

Both Parties: Excluded from playing as partners in all ACBL sanctioned events, 10 years - 03/29/2023 - 03/28/2033.  
 Both Parties: Removal of MPs earned 12 months preceding the last date that they earned MPs as a pair in any online ACBL sanctioned game.  
 Both Parties: Members not in Good Standing 03/29/2021 - Indefinitely.

The Disciplined Parties were found responsible of violating CDR 3.20 by the OEOC. The offense cited by the OEOC panel was E19 Cheating and other Ethical Violations not specifically cited by other sections of the Appendix (CDR 3.20).

**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	Jeff Overby	O879926
Dennis Carman	O828450	Laurie Rowe	P508832
Margot Hennings	N242118	Tim White	M029585
Deana Liddy	P205082		

**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				
Scott Humphrey	P781180	WC	Charging P Adv.				
Antonio Cioffi	O744184	WC	Disciplined Party				
Rick Schneider	O836909	WC	Disciplined Party				

See attached page 1.

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

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See attached page 1.

**DECISION OF APPELLATE COMMITTEE**

<input type="checkbox"/>	Remanded for rehearing	Disciplinary Body expected to rehear.	
<input checked="" 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:		
	<b>Discipline</b>	<b>Beginning</b>	<b>Ending</b>
<input type="checkbox"/>	Reprimand	N/A	N/A
<input checked="" type="checkbox"/>	Probation	03/29/2023	03/28/2028
<input checked="" type="checkbox"/>	Suspension	03/29/2021	03/28/2023
<input checked="" type="checkbox"/>	Other	N/A	N/A
	<b>Please describe other decision below:</b>		
	Excluded from playing together as partners in any ACBL sanctioned event during the length of their Probation, and a forfeiture of all Masterpoints won from June 10, 2020 until the effective date of the discipline.		

**RESPECTFULLY SUBMITTED (CHAIRMAN)**

/s/ A.J. Stephani		Date:	4/12/2021
Electronic Signature (type name above)	Wet Signature (sign above)		

In the matter of Antonio Cioffi and Rick Schneider, 2020-ACBL-28, the Appeals & Charges (A&C) Committee conducted an Automatic Review of the Online Ethical Oversight Committee (OEOC) decision finding them responsible for violating ACBL Code of Disciplinary Regulations (CDR) 3.20: Cheating and Other Ethical Violations. Citing E19 of the former Appendix B, the OEOC Panel recommended a Suspension of 2 years, lifetime Probation, an Exclusion from playing in any online ACBL game for 5 years following the Suspension, an Exclusion from playing together as partners in any ACBL sanctioned event for 10 years following the Suspension, and forfeiture of all Masterpoints “earned in the 12 months preceding the last date that they earned masterpoints as a pair in any online ACBL games.”

The A&C Committee has included the standards governing discretionary Appeals under CDR § 603(B) within its Automatic Review under CDR § 603(E). Accordingly, we focus on the fairness of the procedures used by the original disciplinary panel in conducting its hearing, rather than reweighing the evidence presented to the original disciplinary panel. We are required to determine that there is adequate support for the panel’s decision based on the evidence presented. Consistent with the limited scope of review of appellate tribunals in judicial and other administrative settings, we grant great deference to the original disciplinary panel in its determination on “responsibility,” i.e., whether the alleged CDR violations have been proved.

We are also required to determine the appropriateness of the discipline imposed by the original disciplinary panel. On this question, the deference granted to the original disciplinary panel is not as great as with the finding of responsibility. The A&C Committee “may increase or reduce discipline imposed” in light of the facts of the case and the need to treat similar cases similarly.

We commend the OEOC Panel for explaining its reasoning in such detail in its Hearing Report. We uphold the OEOC Panel’s determination that Antonio Cioffi and Rick Schneider violated CDR 3.20 by a vote of 7-0.

The A&C Committee understands the need to deter unethical conduct. However, given the absence of any prior discipline of the Charged Parties or player memos concerning the Parties on file from the past 10 years, the relatively short duration of time over which the unethical behavior occurred (4 days), and the level of the events (SYC black MP games) in which the unethical behavior occurred, we believe that a discipline commensurate with past disciplines in similar cases is appropriate. Accordingly, by a vote of 7-0, we impose a Suspension of 2 years, beginning 3/29/2021, followed by a Probation of 5 years, an Exclusion from playing together as partners in any ACBL sanctioned event during the length of their Probation, and a forfeiture of all Masterpoints won from June 10, 2020 until the effective date of the discipline.