



Charged Party(ies)	Michael Davis Harvey Feltquate	ACBL #	9132252 1165496	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, 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. Davis stated: "While playing competitive bridge online (BBO) in ACBL sanctioned games, I occasionally exchanged information with my partner about the hand that we were playing. I truly regret this unethical behavior and wish to apologize to the ACBL and all the other players that may have been affected by this unacceptable behavior. I am 82 years old, have been playing bridge for nearly 60 years, am a respected member of my community, and am ashamed of my actions. The Covid-19 pandemic forced my partner and I to abandon our in-club face to face games in favor of online play. After nearly 2 years of online play abiding by all the rules, I believe we got bored from the lack of social interaction that bridge gave us and resorted to improper and unethical behavior. Sometime in late July, we completely stopped the practice of exchanging information but continued to play online and an examination of our results will confirm this. Due to our age, there are not a lot of physical outdoor activities that we can partake in, so bridge is a very important part of our lives, and we humbly ask for your approval of this negotiated resolution." Mr. Feltquate stated "This is not a proud moment for me. At age 83 I just want to put this matter to rest. Following the protocol of the ACBL I am submitting this letter of apology. I admit that on occasion while playing in an online sanctioned ACBL game, my partner and I share information about our hands. I apologize and deeply regret these actions."

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

In the Matter of Michael Davis and Harvey Feltquate, the Committee approved the Negotiated Resolutions entered into by the parties and ACBL Management in which the parties admitted to violation of CDR 301(A)(2) Collusive Cheating: Online (CDR effective July 15, 2022). Mr. Davis and Mr. Feltquate each agreed to a 3-month suspension followed by 2 years probation. Each forfeits 10% of their current Masterpoint® total. 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).

CDR 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	
<input checked="" type="checkbox"/> PROBATION	2/12/2024	2/11/2026	
<input checked="" type="checkbox"/> SUSPENSION	11/12/2023	2/11/2024	

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 10% 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: