



Charged Party(ies)	Gary Delestine Ellie Pynes	ACBL #	R297324 9942785	Hearing Date	NR review 8/21/2023
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
		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. Delestine stated: "During my play with Mrs. Pynes in the ACBL sanctioned on-line bridge games, I at times exchanged unauthorized information with my partner about the hands that we were playing. I, Gary Delestine, feel very sorry for the situation I placed on the ACBL individuals that had to spend so much time to deal with my inexcusable error in judgement. I apologize for my actions and should have known better based on my knowledge of this extraordinary game that we love so much. My feelings now are that I considered only myself and not how my actions would affect the lives of others and their valuable time and efforts. I also feel honored that we have so many people that are willing to spend their time to keep this game in the highest degree of standards. It is with the utmost apologetic feelings that I accept all the consequences that is placed on me for my self centered actions of the past on line fallacies." Dr. Pynes stated: "Gary and I sporadically exchanged unauthorized information about our hand during ACBL sanctioned online bridge games. In doing so, I breached some rules which were important to maintain game integrity and for that I am incredibly sorry and apologetic for my actions. I feel personally humiliated that I behaved so irresponsibly and I want the ACBL and its membership to know that in the future I will faithfully abide by its rules and regulations. I respect the valuable time put forth by the ACBL and its members and am truly sorry for having burdened them as well as any of their costs. In closing, let me say that my introduction to bridge during the last year and a half has served to re-energize my life. The camaraderie that I enjoy and the challenges of playing the game sustain me in my senior years."

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

In the Matter of Gary Delestine and Ellie Pynes, 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. Delestine agreed to a 6-month suspension to begin on June 24, 2023, followed by 2 years probation, and forfeiture of 5% of his Masterpoint® total. Dr. Pynes agreed to a 6-month suspension to begin on June 22, 2023, followed by 2 years probation, and forfeiture of 15% of her Masterpoint® total. A condition of their probations is that they are prohibited from playing in ACBL sanctioned online games with one another for the duration of the probation periods. Each further agreed that if they play in any ACBL sanctioned games between the beginning of their suspensions and when the agreements are accepted by A&C, the agreement is voidable by the ACBL. 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	2 years during which they are excluded from playing online with each other during probationary period.
<input checked="" type="checkbox"/> PROBATION	See comment		Delestine 12/24/23 - 12/23/25; Pynes 12/22/23 - 12/21/25
<input checked="" type="checkbox"/> SUSPENSION	See comment		6 months: Delestine 6/24/23 - 12/23/23; Pynes 6/22/23 - 12/21/23

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.

Delestine - forfeiture of 5% total Masterpoints.

Pynes - forfeiture of 15% 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/

Date:

Electronic Signature (type name above)

Wet Signature (sign above)