



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

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

<input checked="" type="checkbox"/>	Disciplined Party	Eva Fann	ACBL #	5434890	Disciplined Party	Ronald Fennel	ACBL #	M107608
<input type="checkbox"/>	Charging Party	Paul Cuneo	ACBL #	M499891	Location of Hearing	Web-Conference using Zoom		
Appellate Body		Appeals and Charges Committee				Date of Hearing	1/16/2023	
Original Disciplinary Body		Online Ethical Oversight Committee				Date of Hearing	11/6/2022	
Original Complainant		Jeff Edelstein	ACBL #	O200338	Effective date of the CDR consulted		February 1, 2022	

**DISCIPLINE BEING APPEALED OR REVIEWED**

Disciplined Party	Discipline	Beginning Date	Ending Date
Eva Fann	Suspension, 30 months	12/4/2022	6/3/2025
Eva Fann	Probation, 5 years	6/4/2025	6/3/2030
Ron Fennell	Suspension, 5 years	12/4/2027	12/3/2032
Ron Fennell	Probation, 5 years	11/21/2024	11/20/2034

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

Both parties: Excluded from playing with each other during probationary period; Forfeiture of 50% of total Masterpoints.

**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 #
Tim White, Chairman	M029585	Georgia Heth	N638399
Dennis Carman	O828450	Larry Sealy	P541643
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
Jeff Edelstein	O200338	WC	CoAdv-Charging P				
Justin Coniglio	Q809461	WC	CoAdv-Charging P				
Eva Fann	5434890	WC	Charged Party				
Ron Fennell	M499891	WC	Charged Party				

N/A

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

In the Matter of Eva Fann and Ron Fennell, the Committee upheld the finding of the OEOC Panel that they violated CDR 301 (A)(2) Collusive Cheating: Online.

In Section II.B.2A of its Hearing Report and in the Notice of Decision, based on application of CDR version August 1, 2021 the OEOC Panel assessed Mrs. Fann discipline of 30 months suspension, 5 years probation during which she is excluded from playing with Ron Fennell, and forfeiture of 50% of her total Masterpoints. The OEOC Panel assessed Mr. Fennell discipline of 5 years suspension, 5 years probation during which he is excluded from playing with Eva Fann, and forfeiture of 50% of his total Masterpoints.

The OEOC Panel was not unanimous in which version of the CDR should be applied to this case. In Section II.B.2B of its report the Panel proposed a penalty to be assessed if it was determined that the February 1, 2022 version of the CDR is the appropriate one. The Committee determined that the February 1, 2022 version is the correct version to be applied to this case, based on provisions of CDR 403(A). Although the charging party’s advocate asserted that there is evidence the misconduct started before February 1, 2022 (see Section 1.B of the Panel’s Hearing Report), the first incident specified in the Recorder Complaint is May 2022. It is also noted that no evidence of earlier misconduct was presented in the disclosure materials or at the hearing. Accordingly, the Committee adopts the alternate penalty proposed by the OEOC Panel and imposes the following penalty: Mrs. Fann and Mr. Fennell are each suspended for a period of six months, to be followed by probation for a period of two years during which they are prohibited from playing with each other, and they will each forfeit 10% of their total Masterpoint holding. They will be members “Not in Good Standing” during their probationary periods.

**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	6/4/2023	6/3/2025
<input checked="" type="checkbox"/>	Suspension	12/4/2022	6/3/2023
<input type="checkbox"/>	Other	N/A	N/A
<b>Please describe other decision below:</b>			
They will both be members “Not in Good Standing” during their probationary periods and they will each forfeit 10% of their total Masterpoint holding.			

**RESPECTFULLY SUBMITTED (CHAIRMAN)**

/s/ Tim White		Date:	1/19/2023
Electronic Signature (type name above)	Wet Signature (sign above)		