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|--------------------|-------------------------------|------------------|---------------------------|--------------|--|
| Charged Party(ies) | Nancy Farmer Luther Merry | ACBL # | Q886288 O650244 | Hearing Date | NR review 12/21/2022; Condition accepted: 1/4/2023 |
| Disciplinary Body | Appeals and Charges Committee | Hearing Location | Web conference using Zoom | | |
| Charging Party | Paul Cuneo | ACBL# | M499891 | Complainant | Jeff Edelstein ACBL# O200338 |

COMMITTEE MEMBERS WHO HEARD THE CHARGES

| Name | ACBL # | Name | ACBL # |
|---------------------|---------|--------------|---------|
| Tim White, Chairman | M029585 | Laurie Rowe | P508832 |
| Dennis Carman | O828450 | Larry Sealy | P541643 |
| Deana Liddy | P205082 | Georgia Heth | N638399 |
| | | | |

INDIVIDUALS THAT PARTICIPATED IN THE HEARING (excluding committee members)

| Name | ACBL# | Via | Capacity | Name | ACBL# | Via | Capacity |
|-----------------|---------|------------|----------------|------|-------|------------|------------|
| Jeff Edelstein | O200338 | web conf. | Adv-Charging P | | | 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 by the Compliance Coordinator to the committee. It contained: 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. Ms. Farmer stated: "I admit that I exchanged information with Luke Merry about the bridge hands while playing on BBO. I am very sorry that I did that." Mr. Merry stated: "I admit I exchanged information with Nancy Farmer about the bridge hands while playing on BBO. I am sorry I did that."

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

In the Matter of Nancy Farmer and Luther Merry, the Committee approved the Negotiated Resolution entered into by the parties and ACBL Management in which the parties admitted to a violation of CDR 301(A)(2) Collusive Cheating Online. They each agreed to a penalty of 6 months suspension to start on November 17, 2022 and 2 years probation following suspension. They may not play together online during the duration of their probation. They will each forfeit 25% of their respective current Masterpoint total. Mr. Merry and Ms. Farmer also each agreed that this agreement was voidable by the ACBL if they played in any ACBL sanctioned game between November 17, 2022 and when the agreement was accepted by Appeals and Charges. They will be Members "Not in Good Standing" during the length of their probationary period.

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) 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 type="checkbox"/> Letter of Reprimand Attached |
| <input checked="" type="checkbox"/> PROBATION | 5/17/2023 | 5/16/2025 | Both parties - 2 years; Excluded from playing online together during probationary periods. |
| <input checked="" type="checkbox"/> SUSPENSION | 11/17/2022 | 5/16/2023 | Both parties - 6 months |

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.

Forfeiture of 25% of Masterpoint total.

The teammates and partners will also receive these penalties in the event in which the offense occurred.

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: