



IS THIS AN AUTOMATIC REVIEW OR APPEAL OR BOTH Automatic Review

CHECK THE APPELLANT (party who filed the appeal)

<input type="checkbox"/>	Disciplined Party	John Moore	ACBL #	J283154	Disciplined Party	Roxann Swenson	ACBL #	O476716
<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	06/30/2021	
Original Disciplinary Body		Online Ethical Oversight Committee				Date of Hearing	05/12/2021	
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, 4 years (from date of the Suspension Pending Hearing)	03/19/2021	03/18/2025
Both Parties	Probation, 10 years	03/19/2025	03/18/2035
Both Parties	Excluded from playing in ACBL sanctioned events as partners, 10 years	03/19/2025	03/18/2035
Both Parties	Remove 25% of each party's total Masterpoint holding	N/A	N/A

Additional comments or description regarding discipline being appealed or reviewed

Both Parties: Members not in Good Standing 03/19/2025 - 03/18/2035.

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				
Ryan Connors	Q758913	WC	Charging P Co-Adv				
Robb Gordon	K652927	WC	Charging P Co-Adv				

See Attachment A.

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

In the matter of John Moore and Roxann Swenson, the Committee upheld the finding of the OEOC Panel that they violated CDR 3.20: Cheating and other Ethical Violations. The Committee also upheld, by a vote of 5-2, the discipline recommended by the OEOC Panel. Accordingly, they will be Suspended for 4 years, followed by a 10-year Probation period, a condition of which will be a prohibition of playing with each other in any event. The Committee also removes 25% of each party's total masterpoint holding. They will be Members "Not in Good Standing" during the length of their Probationary period.

See additional explanation in Attachment A.

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 type="checkbox"/>	Decision of the original hearing committee is amended as described below:		
	Discipline	Beginning	Ending
<input type="checkbox"/>	Reprimand	N/A	N/A
<input type="checkbox"/>	Probation		
<input type="checkbox"/>	Suspension		
<input type="checkbox"/>	Other	N/A	N/A
	Please describe other decision below:		

RESPECTFULLY SUBMITTED (CHAIRMAN)

/s/ A.J. Stephani	Electronic Signature (type name above)	Wet Signature (sign above)	Date:	07/06/2021

Attachment A

In the matter of John Moore and Roxann Swenson, 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 they receive a 4-year Suspension followed by a 10-year Probation during which the Charged Parties are prohibited from playing together as a pair and the removal of 25% of each party's total masterpoint holding.

The A&C Committee expresses its thanks to Ryan Connors, the ACBL Advocate in this case, for his conscientiousness in raising his concerns about the integrity of the process used in at the Moore-Swenson OEOC hearing. At that stage, certain procedural irregularities affected the presentation of evidence to the OEOC Panel. Even though the hearing was not contested by the Charged Parties, the evidence submitted by the ACBL Advocate should be weighed by the Panel in its original format, which did not occur. The Committee shares these concerns, but believes that this error was "harmless" in that it would have not changed the OEOC decision on responsibility.

The Committee unanimously upholds the finding of the OEOC Panel that the Charged Parties violated CDR 3.20: Cheating and other Ethical Violations.

The Committee also upholds, by a vote of 5-2, the discipline recommended by the OEOC Panel. Although the Committee has not yet imposed a Suspension of more than 3 years for any prior case of online cheating in the post-COVID era, a majority believed that the evidence in this case was overwhelming and demonstrated flagrant disregard for the ethics of the game, including actions during the Spring 2021 Online NABC 0-5K IMP Pairs. These factors, in addition to the length of time over which the cheating occurred, warranted a 4-year Suspension.

Two members of the Committee believe that a Suspension of 3 years, followed by an appropriate period of Probation, is more appropriate in this case, though for different reasons. One member expressed the opinion that the procedural errors described above might have affected the recommendation of the OEOC Panel. Another member expressed the opinion that the delay in bringing a Charge against the Charged Parties contributed to the circumstances surrounding their actions in the Spring 2021 Online NABC.

Based on its majority vote, the A&C Committee imposes a Suspension of 4 years, followed by a 10-year Probation period, a condition of which will be a prohibition of playing with each other in any event. The Committee also removes 25% of each party's total masterpoint holding.