



Charged Party(ies)	Bobby Henderson Nell McInnish	ACBL #	J782525 R114653	Hearing Date	NR review 8/21/2023
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	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.	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 to the Committee by the Compliance Coordinator. It contained a Procedural Summary, Factors Considered by the Charging Party, Negotiated Resolutions, Membership Profiles, Recorder Complaint and Charge Letter. The Committee was also provided revised/amended packets documenting corrections of errors in Mr. Henderson’s Negotiated Resolution. The corrections resolved textual errors; there were no issues with the intended terms of the Negotiated Resolution. The parties agreed to the corrections.

The Negotiated Resolutions included statements from each party. Ms. McInnish stated: “When we played on BBO/ACBL sanctioned games, my partner Bobby Henderson and I sometimes shared unauthorized information about our hands. I am very sorry for our disregard of the ACBL rules and sincerely promise it will never happen again.” Mr. Henderson stated: “My partner, Nell McInnish, and I did exchange unauthorized information on hands while playing online in BBO games sanctioned by ACBL. It is the biggest mistake of my senior years and I am very sorry. I will sorely miss playing bridge at our local club with my long-time partners and will definitely miss the companionship and camaraderie with all my bridge friends. I can only ask that you accept my profound apology.”

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

In the Matter of Nell McInnish and Bobby Henderson, the Committee approved the Negotiated Resolutions entered into by the parties and ACBL Management in which the parties admitted to violation of CDR 3.20 Cheating and other Ethical Violations (CDR effective May 1, 2020). Ms. McInnish agreed to a 6-month suspension to begin on June 1, 2023, followed by 2 years probation, and forfeiture of 10% of her Masterpoint® totals. Mr. Henderson agreed to a 1-year suspension to begin on June 1, 2023, followed by 2 years probation, and forfeiture of 10% of their Masterpoint® totals. A condition of their probations is that they are prohibited from playing in any ACBL sanctioned 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 suspension 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).

CDR 3.20 Cheating and other Ethical Violations (CDR effective May 1, 2020)

**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 in any ACBL sanctioned game with each other during probationary period. McInnish: 12/1/2023 - 11/30/2025; Henderson 6/1/2024 - 5/30/2026
<input checked="" type="checkbox"/> PROBATION	See Comment		
<input checked="" type="checkbox"/> SUSPENSION	See Comment		McInnish 6 months 6/1/2023 - 11/30/2023; Henderson 1-year: 6/1/2023 - 5/30/2024

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: