



Charged Party(ies)
 ACBL #
 Hearing Date NR review 10/31/2023

Disciplinary Body Hearing Location

Charging Party ACBL# Complainant ACBL#

COMMITTEE MEMBERS WHO HEARD THE CHARGES

Name	ACBL #	Name	ACBL #
<input type="text" value="Tim White, Chairman"/>	<input type="text" value="M029585"/>	<input type="text" value="Larry Sealy"/>	<input type="text" value="P541643"/>
<input type="text" value="Dennis Carman"/>	<input type="text" value="O828450"/>	<input type="text" value="Georgia Heth"/>	<input type="text" value="N638399"/>
<input type="text" value="Deana Liddy"/>	<input type="text" value="P205082"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

INDIVIDUALS THAT PARTICIPATED IN THE HEARING (excluding committee members)

Name	ACBL#	Via	Capacity	Name	ACBL#	Via	Capacity
<input type="text" value="Jeff Edelstein"/>	<input type="text" value="O200338"/>	<input type="text" value="web conf."/>	<input type="text" value="National Recorder"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="Select One"/>	<input type="text" value="Select One"/>
<input type="text" value="Justin Coniglio"/>	<input type="text" value="Q809461"/>	<input type="text" value="web conf."/>	<input type="text" value="Adv-Charging P"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="Select One"/>	<input type="text" value="Select One"/>
<input type="text" value="McKenzie Myers"/>	<input type="text" value="Q799024"/>	<input type="text" value="web conf."/>	<input type="text" value="Charging Party"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="Select One"/>	<input type="text" value="Select One"/>
<input type="text"/>	<input type="text"/>	<input type="text" value="Select One"/>	<input type="text" value="Select One"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="Select One"/>	<input type="text" value="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. Ms. Smith stated: "I understand and I am so sorry I am guilty of violating the Code of Disciplinary Regulation by exchanging unauthorized information about our hands with Robert while playing in ACBL online games. I have long Covid & depended on my partner/husband of 69 years to help me when my brain was not working or confused. It is important for my recovery to keep using my brain but now I realize it affects others when playing bridge. I will not do this again & ask for forgiveness from those whom I have injured – ACBL, the players, my husband & myself." Mr. Smith stated "I regret the violation of exchanging unauthorized information while playing on-line in an ACBL game with my wife Judith Smith. I used poor judgement providing assistance to partner. She has experienced significant health issues from long COVID and was very ill during the epidemic. This is not who we are & have been loyal to ACBL and the many games & activities we led & participated in. We look forward to a fresh start in the future & look forward to a momentous restart on my 90th birthday."

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

In the Matter of Judith and Robert Smith, 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 12, 2023). Mr. and Ms. Smith agreed to 3-month suspensions to begin on October 6, 2023, followed by 2 years probation. They are prohibited from playing with each other in ACBL online games during the first year of their probations. Each forfeits 5% of their current Masterpoint® total. Each further agreed that If they play in any ACBL sanctioned games between October 6, 2023 and when the agreement is accepted by the Appeals and Charges Committee, 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 301(A)(2), Effective July 12, 2023: 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	Prohibited from playing with each other in ACBL online games during the first year of their probations.
<input checked="" type="checkbox"/> PROBATION	1/6/2024	1/5/2026	
<input checked="" type="checkbox"/> SUSPENSION	10/6/2023	1/5/2024	Both parties - 3 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.

Both parties - forfeiture of 5% 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: