



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

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

<input type="checkbox"/>	Disciplined Party	Jeffrey Stewart	ACBL #	5538165	Disciplined Party	Maureen Stewart	ACBL #	5538211
<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	04/05/2021	
Original Disciplinary Body		Online Ethical Oversight Committee				Date of Hearing	02/24/2021	
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
Jeffrey and Maureen Stewart	Excluded from playing in ACBL sanctioned games online for 6 months	03/20/2021	09/19/2021
Jeffrey and Maureen Stewart	Probation for 2 years	09/20/2021	09/19/2023
Jeffrey and Maureen Stewart	Member Not in Good Standing	03/20/2021	09/19/2023

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

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	Laurie Rowe	P508832
Dennis Carman	O828450	Tim White	M029585
Margot Hennings	N242118		
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
Val Covalciuc	K110288	WC	Charged P Adv				
Linda Dunn	P197314	WC	In-House Counsel				
Scott Humphrey	P781180	WC	Charging P Adv.				

See attachment.

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

See attachment.

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	07/16/2021	07/15/2023
<input checked="" type="checkbox"/>	Suspension	04/17/2021	07/15/2021
<input checked="" type="checkbox"/>	Other	N/A	N/A
	<b>Please describe other decision below:</b>		
	Forfeiture of all Masterpoints won from June 25, 2020 until the effective date of the discipline.		

RESPECTFULLY SUBMITTED (CHAIRMAN)

/s/ A.J. Stephani		Date:	4/12/2021
Electronic Signature (type name above)	Wet Signature (sign above)		

In the matter of Jeffrey and Maureen Stewart, the 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 no suspension, a Probation of 2 years, an Exclusion from playing in online ACBL games for 6 months, and no forfeiture of masterpoints.

It is likely that a case such as this would never have been heard by an ACBL disciplinary hearing panel in the pre-COVID era. Minor errors or lapses in judgment by NLM players are addressed in a much different manner at the club level, where most of us learned the proper protocols and rules governing the ethical play of the game. The in-person handling of infractions by club directors loses much of its educational and mentoring character in an online environment.

We find ourselves in the unfortunate situation of reviewing a case that we would have preferred to have been resolved in a more informal fashion. Nonetheless, we cannot abdicate our responsibility simply because events unfolded otherwise.

We thank the Advocates for the Parties and commend them for their excellent work. This case demonstrates the A&C Committee's need to respect its scope of review in both the finding of responsibility and imposition of appropriate discipline. Our role is not to determine whether we agree with the original decision to bring a Complaint against the Stewarts or resolve the case through less formal mechanisms. Our role is not to determine whether we agree with the decision of the Charging Party to bring a formal CDR Charge. Our role is not to determine whether, if we were standing in the shoes of the OEOC panel in this case, we would have made the same decision on responsibility as they did. The fact is that a Complaint was brought, a Charge was made, and the finding on responsibility to a level of comfortable satisfaction was answered. Given those facts, the A&C Committee, by a vote of 4-2, upholds the OEOC Panel's determination that Jeffrey and Maureen Stewart violated CDR 3.20.

We note that the essence of a charge under CDR 3.20 requires that the ACBL prove that the Charged Parties exchange unauthorized information. In cases of online play, the hands played by the parties are almost always the only evidence available. Accordingly, exchanging unauthorized information must be inferred from unusual plays and decisions. With inexperienced players, this inference is often clouded due to the atypical and sometimes erratic bidding, play and defense decisions characteristic of their play. In these cases, the difficulty in making the required inference as well as the relative inexperience of the players will often justify addressing any concerns in a gentler fashion. As one might surmise given the very close vote by A&C in upholding the finding of responsibility, we recommend that the ACBL Recorder's Office consider issuing a warning and building a stronger case before moving forward with a formal Complaint in similar cases.

We agree with the OEOC panel that the circumstances of this case merit a significantly lighter discipline than is typical for ethical violations of CDR 3.20 in other cases. However, having upheld the Panel's determination that a Cheating violation had been proved, the A&C Committee, by a vote of 5-1, believes some kind of suspension is warranted. Accordingly, we impose a Suspension of 90 days, beginning 4/12/2021, followed by a Probation of 2 years and a forfeiture of all Masterpoints won from June 25, 2020 until the effective date of the discipline.