



IS THIS AN AUTOMATIC REVIEW OR APPEAL OR BOTH Automatic Review

CHECK THE APPELLANT (party who filed the appeal)

<input type="checkbox"/>	Disciplined Party	Ralph Herz	ACBL #	M466411	Disciplined Party	N/A	ACBL #	N/A
<input type="checkbox"/>	Charging Party	Kenneth Hudson	ACBL #	5732573	Location of Hearing	2019 Summer NABC in Las Vegas		
Appellate Body		Appeals and Charges Committee				Date of Hearing	July 16, 2019	
Original Disciplinary Body		Unit 174 Disciplinary Committee				Date of Hearing	November 1, 2018	
Original Complainant		Bob Dowlen	ACBL #	J245716	Effective date of the CDR consulted		July 31, 2018	

DISCIPLINE BEING APPEALED OR REVIEWED

Disciplined Party	Discipline	Beginning Date	Ending Date
Ralph Herz	Probation	November 2, 2018	December 2, 2018
Additional comments or description regarding discipline being appealed or reviewed			

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	Q368694	Al Levy	J908243
Dennis Carman	O828450	Julie Smith	J494848
Paul Janicki	K545799	Merlin Vilhauer	O820654
Claire Jones	P912129		

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	in person	In-House Counsel				
Robb Gordon	K652927	in person	National Recorder				

ARGUMENTS PRESENTED (summary of arguments presented by the Disciplined Party and Charging Party, including testimony)

The Appeals and Charges Committee reviewed the matter of Ralph Herz pursuant to CDR 7.2.6. Mr. Herz was disciplined for violation of CDR 3.20 for an Ethical Violation and given 30-days' probation by the Unit 174 Disciplinary Committee. According to the Hearing Report, Mr. Herz was also suspended from his club for 60 days.

Neither Mr. Herz nor the Charging Party appeared at the hearing, so no arguments were presented beyond those included in the Hearing Packet. These materials indicated that Mr. Herz removed cards from the next round's boards. It is unclear whether Dr. Herz actually looked at his partner's cards, but the Unit Disciplinary Committee concluded that, even if he did so, he did not intend to cheat or gain any competitive advantage. The evidence indicated that Dr. Herz did not call the director to replace the missing card but chose to correct the situation himself.

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

The Unit Disciplinary Committee found that Herz's behavior did not fall into any of the offenses listed in the Appendix. However, they consulted the following from Appendix B, Chart 2 as the closest comparison to the offense but found no deliberate component of Herz's behavior. Accordingly, the discipline imposed by the Unit Disciplinary Committee was outside these guidelines.

Despite this disparity, the A&C committee reviewed the record and, although some Committee members felt that the discipline might have been lighter than they would have recommended, the Committee decided that the Unit Disciplinary Committee had handled the matter appropriately. Accordingly, the committee unanimously determines that Unit Disciplinary Committee decision is AFFIRMED.

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	Comments
<input type="checkbox"/>	Reprimand	N/A	N/A	
<input checked="" type="checkbox"/>	Probation	11/2/18	12/2/18	The Probation period for Dr. Herz has already terminated by the time of the A&C hearing.
<input type="checkbox"/>	Suspension			
<input type="checkbox"/>	Other	N/A	N/A	Please describe other decision below:

RESPECTFULLY SUBMITTED (CHAIRMAN)

/s/ A.J. Stephani		Date:	8/4/2019
Electronic Signature (type name above)	Wet Signature (sign above)		