



Charged Party(ies)	Antonio Cioffi Rick Schneider	ACBL #	O744184 O836909	Hearing Date	3/1/21
Disciplinary Body	Online Ethical Oversight Committee	Hearing Location	Web-Conference using Zoom		
Charging Party	Joseph Jones	ACBL#	5399696	Complainant	Robb Gordon ACBL# K652927

COMMITTEE MEMBERS WHO HEARD THE CHARGES

Name	ACBL #	Name	ACBL #
Karen Walker, Chair	K090945		
Bob Glasson	N998190		
Fred Pollack	O529224		

INDIVIDUALS WHO PARTICIPATED IN THE HEARING (excluding committee members)

Name	ACBL#	Via	Capacity	Name	ACBL#	Via	Capacity
Marilynn Greenberg	L635007	web conf.	Advisor	Rick Schneider	O836909	web conf.	Charged Party
Robb Gordon	K652927	web conf.	Adv-Charging P			Select One	Select One
Scott Humphrey	P781180	web conf.	Adv-Charging P			Select One	Select One
Antonio Cioffi	O744184	web conf.	Charged Party			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)

See Attachment A

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

See Attachment B

DECISION (click on the box next to Not Responsible or Responsible of violating the CDR to add a check mark.)

Not responsible

Responsible

Note: A party may only be found guilty of a violation originally stated in the Charge Letter.

CDR GROUNDS FOR DISCIPLINE Type the section(s) and description(s) found in CDR 3 which led to the discipline).

3.20 Cheating and other Ethical Violations

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	<input type="checkbox"/> Letter of Reprimand Attached
<input checked="" type="checkbox"/> PROBATION	3/29/2023	Indefinitely	Lifetime Probation
<input checked="" type="checkbox"/> SUSPENSION	3/29/2021	3/28/2023	2 years

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

The Charged Parties are excluded from playing as partners in all ACBL sanctioned events for ten years. Further, the Charged Parties are excluded from playing in all ACBL online games for five years. These exclusions begin on the same date as their probation.

REDUCTION OR FORFEITURE of Masterpoints (MP) or Tournament Rank or Disqualification.

Remove MPs earned 12 months preceding the last date they earned
MPs online as a pair in any online ACBL game.

Remove MPs earned for the entire tournament
in which the offense occurred

Disqualification in the tournament

The teammates and partners will also receive these penalties in the event in which the offense occurred.

STATE THE OFFENSE(S) FROM APPENDIX B, CHART 1 and/or CHART 2 OF THE CDR

E19

The discipline imposed above is outside the recommended guidelines of Appendix B, Chart 1 and/or Chart 2.
If it is OUTSIDE the guidelines, a reason must be stated below.

See Attachment B, pp. 2-3

RESPECTFULLY SUBMITTED (CHAIR)

/s/ Karen Walker

Electronic Signature (type name above)

Date: 3/24/21

Wet Signature (sign above)

ATTACHMENT A

SUMMARY OF THE EVIDENCE AND ARGUMENTS PRESENTED

Procedural Background

Charges of ethical misconduct under CDR 3.20, Cheating and other Ethical Violations, were initiated by Joe Jones, ACBL Executive Director, against Antonio Cioffi and Rick Schneider on September 28, 2020, based on a Recorder Complaint submitted by National Recorder, Robb Gordon, on July 20, 2020. Pursuant to CDR 10.6, the effective date of the applicable CDR in this matter is May 29, 2020.

The Charge Letter under “Summary of Facts” states:

“The Office of National Recorder received a player memo on June 17, 2020 that the charged parties were allegedly sharing unauthorized information. Screening by National Recorder Robb Gordon indicated that the charges parties were exchanging unauthorized information, and the matter was assigned to three investigators. All three investigators concurred that there was substantial illicit communication between Cioffi and Schneider. Robb Gordon provided the Advocate four sessions (77 boards) of hands played by the charged parties on BBO. Included among those hands are the ones that are the subject of the player memo. The Advocate reviewed all 77 hands and concurs with the author of the player memo, the National Recorder and the three investigators that the charged parties participated in a pattern of conduct in violation of CDR Section 3.20.”

The requirements of CDR 2.2.8(b) being fulfilled, the Online Ethical Oversight Committee (OEOC) has proper jurisdiction.

Following the filing of the Charges, OEOC Chairman Jon Brissman assigned Karen Walker as Chair and Fred Pollack and Bob Glasson as panelists to hear this case. The names of the appointed panelists were provided to all parties in a communication from Compliance Coordinator Sabrina Goley, and no objections or challenges in accordance with CDR 5.1.9 were submitted by the deadline.

On February 3, 2021, acting under CDR 501(G), Chair Walker directed the parties to provide a list of their witnesses, a summary of expected testimony of each witness, and any documentary or demonstrative evidence to ACBL Compliance Coordinator, Sabrina Goley, according to sequential deadlines. The evidentiary materials and charging documents were then compiled by the Compliance Coordinator and provided to the parties, representatives and OEOC panelists.

Advocate for the Charging Party submitted documentary evidence, which included 78 deals played by the Charged Parties on June 10, 2020 and June 12-14, 2020. Advocate for the Charging Party provided an analysis of 20 of the 78 deals. The Charged Parties submitted a response to five of the 20 deals. The Charged Parties’ convention card was added to the documentary evidence at the hearing.

The OEOC hearing convened on March 1, 2021 at 3:00 p.m. by Zoom web conference. Chair Walker presided and panelists Fred Pollack and Bob Glasson were present. Marilynn Greenberg was present as Advisor to the Online Ethical Oversight Committee. Charging Party Advocate Scott Humphrey was present via Zoom. Charged Parties Antonio Cioffi and Rick Schneider participated by telephone.

After introductions, the Chair invited the Charging Party to make an opening statement. Mr. Humphrey stated that he analyzed 20 hands that he asserted clearly demonstrated the exchange of unauthorized information. He asked the panel members to focus on the bids and plays made, and not necessarily on the results of the actions, but ask themselves whether the bids and plays could have been made based upon allowable bridge methods or only through the exchange of unauthorized information. The Charged Parties did not make an opening statement.

Evidence for Charging Party

In the Charging Party's Disclosure, Charging Party Advocate Scott Humphrey provided an analysis of 20 of the 78 deals that were submitted by the National Recorder. Mr. Humphrey placed great emphasis on his analysis of the 20 deals included in his prehearing disclosure. Mr. Humphrey provided commentary on each of the submitted deals, contending that Mr. Cioffi and Mr. Schneider made numerous bids, leads and defensive plays that were consistent with cheating by exchanging unauthorized information about their individual hands while playing in the same residence on BBO.

At the hearing, Advocate Humphrey reviewed the following eight deals to illustrate the alleged pattern of cheating.

1. 3705 14
2. 2528 5
3. 5957 11
4. 5957 9
5. 3705 17
6. 3705 2
7. 3705 1
8. 3705 10

Advocate Humphrey's discussion of these eight deals during the hearing essentially tracked his comments that are included at the bottom of each of the screen shots of the individual deals on pages 3-10. The other 12 deals reviewed by the Advocate can be found on pages 11-22.

<div style="border: 1px solid black; padding: 5px; display: inline-block;">14</div> D	N Robyn L L ♠ ♥ Q963 ♦ J107632 ♣ 632	<table border="1"> <thead> <tr> <th>W</th> <th>N</th> <th>E</th> <th>S</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td>1♥</td> <td>1♠</td> </tr> <tr> <td>3♥</td> <td>P</td> <td>4♥</td> <td>4♠</td> </tr> <tr> <td>X</td> <td>P</td> <td>P</td> <td>P</td> </tr> </tbody> </table>	W	N	E	S			1♥	1♠	3♥	P	4♥	4♠	X	P	P	P
	W	N	E	S														
		1♥	1♠															
3♥	P	4♥	4♠															
X	P	P	P															
W rickny72 ♠ A54 ♥ AJ108 ♦ 9 ♣ AJ974	E tony101010 ♠ K876 ♥ K7542 ♦ KQ4 ♣ 8																	
	S parforeus ♠ QJ10932 ♥ ♦ A85 ♣ KQ105																	
		4♠x S NS: 0 EW: 0																

[Movie Link](#)

Whether West's 3H bid is limit or preemptive, East voluntarily raises to 4H on a dead minimum hand, catching partner with a hand much stronger than advertised. West certainly has his double of 4S. On defense, one would expect West to try leading either his singleton diamond or the Ace of their agreed suit. Instead, West selected the Ace of Clubs from AJ974, catching partner with a singleton and providing him with additional ruffs.

<div style="text-align: center; border: 1px solid black; padding: 5px; width: 40px; margin: 0 auto;"> D 5 </div>		N	heyerbill	W	N	E	S
		♠		♠	P	♣	P
		♥	J10864	♦	P	♠	P
		♦	854	♠	P	♣	P
		♣	KJ753	♣	P	♣	P
W	rickny72			E	tony101010		
♠	KQ4			♠	A8632		
♥	K93			♥	Q75		
♦	K732			♦	A9		
♣	842			♣	A96		
		S	itsabridge				
		♠	J10975				
		♥	A2				
		♦	QJ106				
		♣	Q10				
				4♠ E		NS: 0 EW: 0	

[Movie Link](#)

East errantly opens 1C holding three clubs and five spades. On his rebid, East bids only 1S, suggesting a four-card suit, although he can never clarify his pattern. West should rebid 2NT showing a balanced invitation; however, he chooses 2S, both misrepresenting his strength of hand and length in spades. The bid does serve, however, to compensate for East's incorrect first bid so that they have now established their spade fit.

<div style="border: 1px solid black; padding: 5px; text-align: center; width: 40px; margin: 0 auto;">11</div> <div style="text-align: center; margin-top: 5px;">D</div>	N casinojacq	♠ K8 ♥ 72 ♦ J10642 ♣ 8743	<table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th>W</th> <th>N</th> <th>E</th> <th>S</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td>P</td> </tr> <tr> <td>1♠</td> <td>P</td> <td>1NT</td> <td>P</td> </tr> <tr> <td>2♣</td> <td>P</td> <td>3♥</td> <td>P</td> </tr> <tr> <td>3♠</td> <td>P</td> <td>4NT</td> <td>P</td> </tr> <tr> <td>6♦</td> <td>P</td> <td>6♠</td> <td>P</td> </tr> </tbody> </table>	W	N	E	S				P	1♠	P	1NT	P	2♣	P	3♥	P	3♠	P	4NT	P	6♦	P	6♠	P
	W	N	E	S																							
			P																								
1♠	P	1NT	P																								
2♣	P	3♥	P																								
3♠	P	4NT	P																								
6♦	P	6♠	P																								
W rickny72 ♠ AJ9763 ♥ A ♦ K7 ♣ AKQ6			E tony101010 ♠ Q104 ♥ QJ865 ♦ A5 ♣ 1092																								
	S curly24 ♠ 52 ♥ K10943 ♦ Q983 ♣ J5		6♠ W NS: 0 EW: 0																								

[Movie Link](#)

West has nothing more than a simple (constructive) three-card spade raise. He responds 1NT, unalerted and therefore non-forcing (or they are not alerting their bids). West, holding 20 HCP, makes an ostensibly non-forcing 2C rebid. East still does not support spades but instead makes a strange 3H jump (misdescribing his heart length, hand strength, still failing to show spade support and making a bid that could be passed). West, holding a powerhouse, still makes a minimal sounding 3S bid, and East, who never had more than a simple raise, drives the hand to slam (West's 6D bid is also strange and probably deserved an explanation to the opponents).

D 17	N green55 ♠ 85432 ♥ K9732 ♦ Q4 ♣ Q	W N E S P P P P 1♣ P 1♠ P 1NT P 2♣ P P P
W rickny72 ♠ AJ ♥ Q5 ♦ AK76 ♣ AK972		E tony101010 ♠ K1076 ♥ 864 ♦ 983 ♣ 1054
	S BlondeBom1 ♠ Q9 ♥ AJ10 ♦ J1052 ♣ J863	2♣ W NS: 0 EW: 0

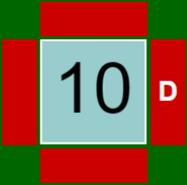
[Movie Link](#)

West has a 2NT opener but selects 1C. East ventures out to 1S. West should now make a reverse rebid of 2D, jump to 2NT or gamble on 3NT. Instead, West rebids 1NT, showing a balanced hand with a maximum of 14 HCP, a full 7 HCP fewer than what he actually has. East, holding a flat hand with only three clubs, rebids 2C, giving West one more chance to bid game. Instead, West passes, which is a perfect decision since his partner did not have enough for his original response.

3705 2

<div style="border: 1px solid black; padding: 5px; display: inline-block;"> 2 D </div>		N clayhall				
		♠ 9532 ♥ J6532 ♦ J96 ♣ 5				

3705 10

	N ces104 ♠ A87 ♥ 9 ♦ A8542 ♣ J872	<table border="1"> <thead> <tr> <th>W</th> <th>N</th> <th>E</th> <th>S</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td>P</td> <td>1NT</td> </tr> <tr> <td>P</td> <td>2♦</td> <td>P</td> <td>2♥</td> </tr> <tr> <td>P</td> <td>2NT</td> <td>P</td> <td>3NT</td> </tr> <tr> <td>P</td> <td>P</td> <td>P</td> <td></td> </tr> </tbody> </table>	W	N	E	S			P	1NT	P	2♦	P	2♥	P	2NT	P	3NT	P	P	P	
	W	N	E	S																		
		P	1NT																			
P	2♦	P	2♥																			
P	2NT	P	3NT																			
P	P	P																				
W rickny72 ♠ Q106 ♥ Q542 ♦ KJ106 ♣ K5	E tony101010 ♠ 954 ♥ J83 ♦ Q7 ♣ Q10943																					
	S lyn99 ♠ KJ32 ♥ AK1076 ♦ 93 ♣ A6	3NT S NS: 0 EW: 0																				

[Movie Link](#)

The opponents' auction is rather strange. West chose a diamond lead (very reasonable), but selected low rather than the Jack, catching partner with Q7. West's exit of the King of Clubs is most fortuitous, even though East did not signal a club.

D 16	N green55	W	N	E	S
	♠ 10953 ♥ J64 ♦ J98 ♣ Q92	1♦ 2♥ P	P P P	1♠ 2NT	P P
W rickny72		E tony101010			
♠ K ♥ AQ1083 ♦ Q7542 ♣ K10		♠ AJ872 ♥ 95 ♦ A6 ♣ J875			
	S BlondeBom1				
	♠ Q64 ♥ K72 ♦ K103 ♣ A643				
		2NT E		NS: 0 EW: 0	

[Movie Link](#)

West reverses even though his diamonds and hearts are equal in length, and he is woefully short on values to reverse. East should be driving to game opposite a reverse but manages to stop in 2NT, which is better since West misdescribed both his strength and distribution.

18 D	N green55	W	N	E	S
	♠ 1064 ♥ 95 ♦ QJ742 ♣ QJ3	1♥ P	P	4♥ P	P P
W rickny72		E tony101010			
♠ 853 ♥ KQ1032 ♦ 6 ♣ A1092		♠ AKQ9 ♥ AJ64 ♦ A1085 ♣ 4			
	S BlondeBom1				
	♠ J72 ♥ 87 ♦ K93 ♣ K8765				
		4♥ W		NS: 0 EW: 0	

[Movie Link](#)

There is no logical explanation for East's original pass; however, when West opens 1H, East should settle for nothing less than slam. A jump to 4H can be justified only if East perceived that West's opening bid is sub-minimum, which it is at 9 HCP. If East had bid his values, they would have found slam.

4362 3

<div style="border: 1px solid black; padding: 5px; text-align: center;"> 3 D </div>	N waharrisjr ♠ J10983 ♥ Q3 ♦ 7532 ♣ A7	<table border="1" style="width: 100%; text-align: center;"> <tr> <th style="background-color: #ff0000; color: white;">W</th> <th style="background-color: #008000; color: white;">N</th> <th style="background-color: #ff0000; color: white;">E</th> <th style="background-color: #008000; color: white;">S</th> </tr> <tr> <td>1♣</td> <td>1♠</td> <td>X</td> <td>P</td> </tr> <tr> <td>4♥</td> <td>P</td> <td>P</td> <td>4♠</td> </tr> <tr> <td>X</td> <td>P</td> <td>P</td> <td>P</td> </tr> </table>	W	N	E	S	1♣	1♠	X	P	4♥	P	P	4♠	X	P	P	P
	W	N	E	S														
1♣	1♠	X	P															
4♥	P	P	4♠															
X	P	P	P															
W rickny72 ♠ AK ♥ K1065 ♦ J9 ♣ K8653	S jjr4300 ♠ 7654 ♥ J42 ♦ 86 ♣ J1094	E Tony101010 ♠ Q2 ♥ A987 ♦ AKQ104 ♣ Q2																
		4♠x N NS: 0 EW: 0																

[Movie Link](#)

West jumps to 4H over the negative double, suggesting he has maximum values for an opening hand, but he does not. If East believes West has his bid, he should be exploring slam, but he does not (although he should have). South regrettably believed the bidding and took the save, much to his chagrin when West doubled.

4362 5

D	N cowboy9999	W	N	E	S
5	♠ 873 ♥ QJ97 ♦ K1062 ♣ AQ	1♦ X 1♥ 2♣ 2♥ 3♣ 3♥ 4♣ P P P			
W rickny72		E tony101010			
♠ A52 ♥ 5 ♦ Q983 ♣ J8753		♠ KQJ10 ♥ A10 ♦ 75 ♣ K10642			
	S blubby				
	♠ 964 ♥ K86432 ♦ AJ4 ♣ 9				
		4♣ W			NS: 0 EW: 0

[Movie Link](#)

East makes a takeout double of 1D holding Ax of Hearts, but catches partner with five clubs and thus a ten-card fit.

4362 14

<div style="border: 1px solid black; padding: 5px; display: inline-block;">14</div> D	N Octavio421 ♠ A872 ♥ Q3 ♦ A9852 ♣ A9	W N E S X XX 1♠ 2♣ P 3NT P P P
	W rickny72 ♠ QJ53 ♥ 984 ♦ J ♣ 108753	E tony101010 ♠ K1094 ♥ K75 ♦ K1064 ♣ 42
	S maniac47 ♠ 6 ♥ AJ1062 ♦ Q73 ♣ KQJ6	3NT N NS: 0 EW: 0

[Movie Link](#)

West doubles 1H holding 4 HCP, including a singleton Jack of Diamonds. He catches East with a spade fit and 9 HCP, yet East bids very cautiously.

4362 15

<div style="border: 1px solid black; padding: 5px; text-align: center;"> 15 D </div>	N Octavio421 ♠ Q95 ♥ 985 ♦ K1084 ♣ J72	<table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th style="background-color: red; color: white;">W</th> <th style="background-color: red; color: white;">N</th> <th style="background-color: red; color: white;">E</th> <th style="background-color: red; color: white;">S</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td>P</td> </tr> <tr> <td>1♥</td> <td>P</td> <td>1♠</td> <td>2♣</td> </tr> <tr> <td>2♥</td> <td>P</td> <td>2♠</td> <td>P</td> </tr> <tr> <td>2NT</td> <td>P</td> <td>4♥</td> <td>P</td> </tr> <tr> <td>D</td> <td>D</td> <td></td> <td></td> </tr> </tbody> </table>	W	N	E	S				P	1♥	P	1♠	2♣	2♥	P	2♠	P	2NT	P	4♥	P	D	D		
	W	N	E	S																						
			P																							
1♥	P	1♠	2♣																							
2♥	P	2♠	P																							
2NT	P	4♥	P																							
D	D																									
W rickny72 ♠ A ♥ AQ1042 ♦ Q963 ♣ A85		E Tony101010 ♠ KJ10632 ♥ K73 ♦ J72 ♣ 6																								
	S maniac47 ♠ 874 ♥ J6 ♦ A5 ♣ KQ10943	4♥ W NS: 0 EW: 0																								

[Movie Link](#)

West rebids a five-card heart suit, and East, holding three hearts to the King, rebids a non-forcing 2S. Luckily, West takes another call (2NT, never mentioning diamonds), leaving East to jump to 4H.

4362 16

<div style="border: 1px solid black; padding: 5px; text-align: center;"> D 16 </div>	N Besigheim	W N E S
	♠ KJ75 ♥ 32 ♦ J97 ♣ A984	2♦ P P P P P P 2♥
W rickny72		
♠ 10862 ♥ 94 ♦ AQ8542 ♣ K		
	S tc168	
	♠ A94 ♥ AKQ1087 ♦ ♣ 10763	
		2♥ S NS: 0 EW: 0

[Movie Link](#)

East makes no effort to raise West's preempt, but a quick glance at all of the cards suggests that NS is unlikely to lose more than three tricks. In light of the bidding, West's lead of the stiff King of Clubs is seemingly risky, but with a quick glance at the cards, it is perfectly safe.

4362 17

D 17	N Besigheim	W	N	E	S
	♠ 7		1♥	X	XX
	♥ A8642	1♠	2♦	2♠	X
	♦ AK109	P	P	P	
	♣ J82				
W rickny72		E tony101010			
♠ QJ1053		♠ 986			
♥ J73		♥ K109			
♦ 63		♦ Q8			
♣ 965		♣ AKQ73			
	S tc168				
	♠ AK42				
	♥ Q5				
	♦ J7542				
	♣ 104				
		2♠x W			NS: 0 EW: 0

[Movie Link](#)

East makes a minimum takeout double and gets redoubled, suggesting the hand belongs to the opponents. After West scrambles to 1S, North rebids 2D and East freely raises to 2S on three dead spades. This action rates to be successful only if West has five spades, which he does.

	N heyerbill ♠ AQ983 ♥ QJ62 ♦ 7 ♣ A52	<table border="1"> <thead> <tr> <th>W</th> <th>N</th> <th>E</th> <th>S</th> </tr> </thead> <tbody> <tr> <td>P</td> <td>1♠</td> <td>2♦</td> <td>P</td> </tr> <tr> <td>2♥</td> <td>P</td> <td>5♦</td> <td>P</td> </tr> <tr> <td>P</td> <td>P</td> <td></td> <td></td> </tr> </tbody> </table>				W	N	E	S	P	1♠	2♦	P	2♥	P	5♦	P	P	P		
	W	N	E	S																	
P	1♠	2♦	P																		
2♥	P	5♦	P																		
P	P																				
W rickny72 ♠ K76 ♥ K1098 ♦ 86 ♣ Q974	E tony101010 ♠ 4 ♥ A5 ♦ AKQJ9432 ♣ K8																				
	S itsabridge ♠ J1052 ♥ 743 ♦ 105 ♣ J1063	5♦ E NS: 0 EW: 0																			

[Movie Link](#)

East overcalled a modest 2D, even though he has 9.5 tricks in his own hand. West accommodates East with a 2H advance, even though he lacks constructive values and has only a four-card heart suit. The bid did, however, serve a vital purpose for the pair. It kept the bidding alive so that East could make a correcting 5D call.

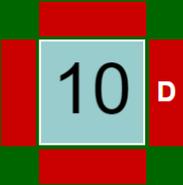
2528 9

D 9	N dburn56 ♠ A652 ♥ A53 ♦ A85 ♣ A92	W	N	E	S
		2♥ P	1NT 2♠ P	2♦ 3♥	P P
W rickny72 ♠ Q10 ♥ KJ872 ♦ 62 ♣ K864		E tony101010 ♠ 43 ♥ Q1096 ♦ KQJ103 ♣ Q7			
	S Demaris ♠ KJ987 ♥ 4 ♦ 974 ♣ J1053				
		3♥ W		NS: 0 EW: 0	

[Movie Link](#)

East makes a reasonable 2D single-suited overcall over 1NT. West, vulnerable, ventures out to 2H with a loose KJ872 even though he has a tolerance for diamonds. He catches partner with QT96 of hearts.

2528 10

	N marti51 ♠ A98642 ♥ K10 ♦ A1032 ♣ 7	W N E S P P P 2♥ 3♦ P P P
	W rickny72 ♠ Q103 ♥ 42 ♦ KJ95 ♣ KQJ6	E tony101010 ♠ K5 ♥ J65 ♦ Q8764 ♣ A32
	S luigigeg ♠ J7 ♥ AQ9873 ♦ ♣ 109854	3♦ W NS: 0 EW: 0

[Movie Link](#)

East in the balancing position doubles holding a doubleton spade, leaving him with no apparent plan if partner does bid spades. While there would be no expectation that West would choose to bid a three-card spade suit, East did bypass his slightly better clubs in favor of diamonds, where they have their best fit.

2528 13

<div style="text-align: center; border: 1px solid black; padding: 5px;"> D 13 </div>		N jmurph77 ♠ 109432 ♥ K8 ♦ Q105 ♣ Q54		<table border="1" style="width: 100%; text-align: center;"> <thead> <tr style="background-color: red; color: white;"> <th>W</th> <th>N</th> <th>E</th> <th>S</th> </tr> </thead> <tbody> <tr> <td></td> <td>P</td> <td>1♦</td> <td>2♣</td> </tr> <tr> <td>2♥</td> <td>3♣</td> <td>3♥</td> <td>4♣</td> </tr> <tr> <td>P</td> <td>P</td> <td>P</td> <td></td> </tr> </tbody> </table>				W	N	E	S		P	1♦	2♣	2♥	3♣	3♥	4♣	P	P	P	
		W	N	E	S																		
	P	1♦	2♣																				
2♥	3♣	3♥	4♣																				
P	P	P																					
W rickny72 ♠ K7 ♥ A10963 ♦ J942 ♣ K7		E tony101010 ♠ 865 ♥ J75 ♦ AK876 ♣ A3																					
		S bmwhitaker ♠ AQJ ♥ Q42 ♦ 3 ♣ J109862																					
				4♣ S NS: 0 EW: 0																			

[Movie Link](#)

West leads the Jack of Diamonds from J9xx. North covers with the Queen, East plays the Ace and South plays the 3. The Jack has the appearance of a singleton or doubleton, but East makes no attempt to cash the Ace and give partner a ruff. If East had attempted to cash the Ace, that would have set up the ten in dummy.

Evidence for Charged Parties

Charged parties submitted a pre-hearing disclosure on February 18, 2021 addressing five of the 20 deals in the Advocates pre-hearing disclosure. However, the submission did not adequately answer any of the questions regarding the numerous bids, leads and defensive plays that the Advocate contended were consistent with cheating by exchanging unauthorized information.

At the hearing, the Charged Parties offered no rebuttal, other than that they made mistakes, “pushed the wrong button”, acted on “emotion” or that their decisions were based on their “opinion, not system”. Mr. Cioffi stated that he suffers from macular degeneration and claims that he makes frequent mistakes when pushing the buttons to bid on his iPad. Mr. Schneider stated that many of the bids the Advocate was questioning were the result of a series of mistakes.

Mr. Cioffi and Mr. Schneider stated that they had never played together prior to the pandemic. Mr. Schneider has played for 14 years and has 1126 MPs. Mr. Cioffi had played for 11-12 years and has 1159 MPs.

Approved:

/s/ **Karen Walker**
Karen Walker, Chair

/s/ **Fred Pollack**
Fred Pollack

/s/ **Bob Glasson**
Bob Glasson

ATTACHMENT B

PANEL'S FINDINGS OF FACT AND CONCLUSIONS

The Charging Party bears the burden of proving ethical misconduct to a level of “comfortable satisfaction”, defined by the CDR as:

“A burden of proof that is met when, after a careful weighing of the evidence and the facts proved by direct, circumstantial or other evidence, the decision maker has a comfortable satisfaction that he or she has reached a correct and just conclusion. It is higher than [the] “preponderance of the evidence” standard but not as high as “beyond a reasonable doubt”.

Direct evidence, circumstantial evidence, hearsay evidence, witness statements, mathematical analysis and any other relevant evidence (including evidence from outside of the ACBL) may be used to establish Comfortable Satisfaction. These factors go to the weight given to such evidence and not its admissibility.” (See CDR at pages 4 and 55).

The Charged Parties do not appear to be viewing complete deals by self-kibitzing. What is apparent is that the Charged Parties are sharing unauthorized information about their own hands with one another, while both are admittedly playing online in the same residence.

Law 73B2 declares that “The gravest possible offense is for a partnership to exchange information through prearranged methods of communication other than those sanctioned by these laws.” The 20 hands that the Advocate relied on in his presentation confirm that the Charged Parties made unusual leads, bids and defensive plays that consistently found partner with the magic holdings to produce good results.

Moreover, the number of bizarre bids (or non-bids), catching partner with “extras” (extra values, extra length, extra values and extra length) or with nothing (to justify not competing further) equally strains credulity (and mathematical probability) when ascribed to luck or chance.

The Charged Parties’ defense of “mechanical errors”, “mistakes” or “I just had a feeling” is unpersuasive given the sheer number of repeated inexplicable and wholly unjustified actions perpetrated by the partnership that defy what might be ascribed to luck or chance. The Charged Parties were unable to identify any deals for which these errors were not caught and corrected by the partner, and as the Advocate pointed out, while the partnership’s unusual actions did not succeed on every deal, they achieved a higher rate of success than could reasonably be expected unless the partners had unauthorized information about each other’s hands.

The Panel acknowledges that the Charged Parties may have made some bidding errors by mislicking, but conclude that the evidence shows that they were able to recover from these errors through the exchange of unauthorized information about each other’s hands, which was easily accomplished as the Charged Parties admittedly live in the same residence.

The Panel finds that the evidence of sharing unauthorized information, in violation of CDR 3.20, to be compelling. The Panel placed significant weight on the evidence revealed by the submitted deals, which confirm the Advocate's assertion that the Charged Parties were exchanging unauthorized information with each other about the details of their individual hands in violation of CDR 3.20.

The Panel sees no purpose in reviewing every deal in the record. Simply stated: The deals "speak for themselves." The Advocate's commentary accurately points out the obvious: The Charged Parties consistently managed to achieve results that could only be achieved by sharing unauthorized information about each other's hands. There is no better evidence than the facts that can be gleaned from the deals and "Movie" links.

The Panel concludes that there is overwhelming evidence of cheating by the Charged Parties and that such cheating was done by exchanging unauthorized information with each other about the content of their hands when bidding and defending.

Accordingly, the Panel unanimously finds, to a level of comfortable satisfaction, that Antonio Cioffi and Rick Schneider are guilty of the charges by repeatedly exchanged unauthorized information other than through legitimate bidding or other methods sanctioned by the Laws, contrary to Law 73B2, and they thereby violated CDR 3.20.

Disciplinary Sanctions

The Panel concludes that this conduct falls within E19 of the CDR and imposes, for each of the charged parties, a suspension of two years with a lifetime probation and a loss of masterpoints earned in the 12 months preceding the last date that they earned masterpoints as a pair in any online ACBL games.

In addition, pursuant to CDR 4.1.6, the Panel is imposing two additional penalties. The Charged Parties are excluded from playing as partners in all events sanctioned by ACBL for ten years. Further, the Charged Parties are excluded from playing in all ACBL online games for five years.

The following is a summary of the Panel's reasoning in deciding the appropriate discipline in this matter. Section 3 addresses the Panel's concern that the "Recommended Discipline" in E-19 (a suspension followed by probation) was an inadequate penalty given the Charged Parties' blatant pattern of cheating and their failure to treat the charges seriously. In accordance with CDR 4.16, the Panel fashioned a more severe disciplinary penalty by imposing the two additional exclusion penalties.

In determining the appropriate disciplinary penalty, the Panel relies on Appendix B, Section A of the CDR, which states that a Disciplinary Body that imposes discipline that is outside the range recommended by these guidelines for the stated offenses (or for extrapolated similar offenses) must explain why it chose the discipline imposed. (See CDR at page 60).

1. The Charged Parties provided woefully inadequate answers to all of the questions regarding the numerous bids, leads and defensive plays that the Advocate contended were consistent with cheating by exchanging unauthorized information. This was true of their responses at hearing and in their pre-hearing submission. This is a strong indication that they did not take the charges seriously.

During the hearing, the Charged Parties offered no rebuttal, other than that they made mistakes, “pushed the wrong button”, acted on “emotion” or that their decisions were based on their “opinion, not system”. The Charged Parties offered no deals to support their claims. The Charged Parties showed no remorse nor did they admit to any wrongdoing.

2. The Panel finds that the cheating in this matter did not rise to the level of E16 (Prearranged partnership collusion by means of signaling to exchange information). The Panel concluded that it properly fit within the parameters of E19 (Cheating and other Ethical Violations not specifically cited by other sections of this Appendix, CDR 3.20). The Panel finds that the cheating was more akin to impulsive cheating in the form of illicit communication while bidding and defending deals without giving any thought to the consequences.

This impulsive cheating (behavior) of the Charged Parties by sharing their individual hands with each other while playing online was easily accomplished since they live in the same residence. The Charged Parties, by not resisting the impulse to share their hands with each other, showed reckless disregard for the potential consequences of their dishonest actions. These actions deprived their opponents of the opportunity to compete on a level playing field.

3. The Panel imposed the additional exclusion penalties to tailor the severity of the discipline to the Charged Parties’ blatant pattern of conduct in exchanging illicit and unauthorized information while playing ACBL online games on BBO. The discipline may have been less severe if the cheating had been a “one-time” event, but a pattern of conduct has been clearly established that calls for more severe discipline.

Conversely, the discipline may have been even more severe if the Charged Parties were more experienced players and the cheating had risen to collusive cheating as opposed to the Panel’s finding that the cheating was more akin to impulsive cheating.

The Panel notes that, after determining that the Charged Parties were guilty of violating CDR 3.20, the Advisor informed the Panel that neither individual had any previous discipline. The Panel considered this before deciding on the appropriate discipline. (See CDR, *Guidelines for Conducting Disciplinary Hearings*, Section V [H], Hearing Procedures, page 55.)

In summary, the Panel has carefully reviewed all the evidence in the 33-page hearing packet, including the Charging Party’s prehearing Disclosure and the testimony of Scott Humphrey, Rick Schneider and Antonio Cioffi. The Panel considered not only the eight deals presented by the Advocate during the hearing, but the other 12 deals included in the initial Disclosure.

The Panel has carefully weighed the evidence and the facts in this matter and is comfortably satisfied that it has reached a correct and just conclusion. The charge of “Cheating and other Ethical Violations”, included in CDR 3.20 is sustained.

Approved:

/s/ **Karen Walker**
Karen Walker, Chair

/s/ **Fred Pollack**
Fred Pollack

/s/ **Bob Glasson**
Bob Glasson