



Charged Party(ies)   
 ACBL #   
 Hearing Date

Disciplinary Body  Hearing Location

Charging Party  ACBL#  Complainant  ACBL#

**COMMITTEE MEMBERS WHO HEARD THE CHARGES**

Name	ACBL #	Name	ACBL #
Jordan Chodorow, Chairman	Q498482		
Ira Chorush	J278924		
Rick Rowland	J372734		

**INDIVIDUALS WHO PARTICIPATED IN THE HEARING** (excluding committee members)

Name	ACBL#	Via	Capacity	Name	ACBL#	Via	Capacity
Howie Halpern	K523809	web conf.	Charged Party	Ray Yuenger	P913494	web conf.	Panel Advisor
Linda Halpern	K027011	web conf.	Charged Party	Jeff Aker	L883914	web conf.	Witness
Scott Humphrey	P781180	web conf.	Adv-Charging P			Select One	Select One
Chuck Said	M383974	web conf.	Adv-Charged P			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 attached pages 1 through 6 and Appendix on pages 29 through 36.

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

See attached pages 6 through 28.

**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.

301(A)(2): Collusive Cheating: Other, "Collusive Cheating" is an agreement, whether implicit or explicit, made between two or more people, other than Collusive Signaling, to affect the outcome of a competition in any manner not expressly permitted by Law 73. Neither person need be a contestant to be charged under this section. (August 15, 2020 version)

**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 401(H) YES  NO

	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	6/6/2022	6/5/2023	1 year
<input checked="" type="checkbox"/> SUSPENSION	12/6/2021	6/5/2022	6 months

Is the disciplined party Suspended because of an Ethical Violation (CDR 401(H))? YES  NO

Is the Suspension imposed due to an Ethical Violation more than one year (CDR 401(H))? YES  NO

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 401(F)

REDUCTION OR FORFEITURE of Masterpoints (MP) or Tournament Rank or Disqualification. Please specify below:

Forfeiture of all masterpoints earned online on or after October 24, 2020.

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

Charts 1 and 2 were eliminated by the CDR revision applicable to this case and effective August 15, 2020.

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.

The discipline is outside the guidelines recommended in CDR section 301(A)(6) for the reasons stated in Part II.B on attached pages 25 and 26.

RESPECTFULLY SUBMITTED (CHAIR)

/s/

Electronic Signature (type name above)

Wet Signature (sign above)

Date:

## I. Summary of evidence and arguments

### A. Procedural overview

On September 30, 2021, the Executive Director of the American Contract Bridge League (“ACBL”) as the Charging Party acted on a Recorder Complaint submitted on February 23, 2021 by filing a Charge Letter alleging that Howie (“hh4945” on Bridge Base Online (“BBO”)) and Linda (“notadummy” on BBO) Halpern had committed a First Degree Ethical Violation of Code of Disciplinary Regulations (“CDR”) section 301(A)(2) by “collusive cheating.” That section defines “collusive cheating” as “an agreement, whether implicit or explicit, made between two or more people, other than Collusive Signaling, to affect the outcome of a competition in any manner not expressly permitted by Law 73.” (Pages 3-4 of the hearing packet.)<sup>1</sup> (“Collusive Signaling” is proscribed by section 301(A)(1).)

More specifically, the Charge Letter asserted that investigators examined 270 boards played by the Halperns in 22 sessions from October 21, 2020 through November 21, 2020 and that 72 attached example boards “seemed to confirm the likelihood” that the Charged Parties had shared “Unauthorized Information.” (P. 4.) David Sizemore was named the Charging Party’s Advocate, and Chuck Said was named the Charged Parties’ Advocate. The Charging Party’s disclosure included comments by Sizemore about 72 boards, presumably the same boards attached to the Charge Letter.<sup>2</sup>

The Online Ethical Oversight Committee (“OEOC”) Panel appointed to hear the charges asked the Parties to submit prehearing disclosure of the evidence on which they intended to rely. (Pp. 7-8.) The Charging Party submitted its disclosure on October 27,

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<sup>1</sup> Page references are to the 215-page hearing packet submitted to the Panel by the ACBL’s Compliance Coordinator.

<sup>2</sup> A table including all 270 boards from 22 sessions between October 24 and November 21 is in the [appendix](#) to this report. 21 sessions were 12 boards and one was 18. The appendix includes hyperlinks to the BBO movies of each board, the unique BBO session number, the individual board number, and the date of each session. The table also lists the 72 boards on which Sizemore commented in the order of his comments.

Section III of the Charging Party’s disclosure included a performance analysis submitted by the ACBL listing the Charged Parties’ results in online sessions played from July 23, 2020 through July 22, 2021. (Pp. 43-54) Cross-referencing this list, it appears that the 22 sessions selected by the ACBL were 17 consecutive sessions played between October 24 and November 4, 2020, and five sessions played on November 20 and 21, 2020. The Advocate did not list or comment on any boards played during the 26 sessions from November 5 through November 19. The Panel did not ask about this lacuna.

2021. It identified Scott Humphrey as the Co-Advocate for the Charging Party. (P. 22.) The initial disclosure was a single Word document that had embedded four pdf files, five Word documents, two Excel files, and four hyperlinks to results on ACBL Live. Because the Charged Parties and a Panelist had difficulty unpacking the 11 embedded documents, the documents were broken out into separate documents totaling 140 pages in the hearing packet submitted to the Panel. (Pp. 19-159.)

The Charged Parties submitted their prehearing disclosure on November 10, 2021.

A three-hour video- and audio-recorded disciplinary hearing commenced at 3 PM EST on November 16, 2021.<sup>3</sup>

#### B. Disclosure that was not in evidence at the disciplinary hearing

Due to the confusing nature of the Charging Party's disclosure, it is worth noting what documents are not in evidence.

Among the embedded documents was an email dated October 1, 2021 from Nicolas Hammond, who was identified as the person "who submitted the original Player Memo." (P. 23.) This Player Memo was not produced in disclosure, but Hammond's email (pp. 27-30) included his opinions of the Charged Parties and hyperlinks to tables listing many boards they had played online. Hammond listed what he considered 21 "of the most egregious examples." (P. 29.) All but one involved underleading an Ace to partner's King. As requested by the Panel, Sizemore stipulated both that "The Panel is not expected to review the 11,016 boards listed in a table generated by Nicolas Hammond" and "Of the 21 boards specifically cited by Hammond, only one of them occurred during the 22 sessions on which the Charging Party is relying." (Pp. 14-16.)

Section V of the Charging Party's disclosure included "RECORDER REQUESTED REVIEWS." (Pp. 74-86.) These documents appear to be reports to the National Recorder, Robb Gordon, by three individuals, Jeff Aker, David Berkowitz, and Louis Glasthal, of their investigations and conclusions about the Halperns. The Recorder's Complaint recited that "Two of our volunteer investigators found many suspicious (or worse) hands." (P. 1.) The Charge Letter stated, "Two of our volunteer investigators found many suspicious hands." (P. 4.)

CDR section 501(J) provides that Charged Parties are entitled to no "prehearing discovery" apart from certain kinds of evidence. "Production of documents is limited to reports and statements received or prepared for the investigation and prosecution of the Charges as well as any documents referred to in the Charges."

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<sup>3</sup> The hearing was not three consecutive hours. The Chair announced a 10-minute break about half-way through.

The Charging Party's disclosure did not expressly identify the investigators' reports as 501(J) discovery. However, at the Panel's request, Sizemore stipulated that "The embedded written analyses by David Berkowitz [document name omitted] and Louis Glasthal [document name omitted] have been provided solely to comply with discovery requirements in CDR section 501(J) and will not be relied on by the Charging Party as evidence at the disciplinary hearing." Unfortunately, this stipulation was not obtained until the Charged Parties had prepared and submitted their prehearing disclosure, which included several pages responding to Mr. Berkowitz's comments. (Pp. 183-184, 198.) None of these reports was discussed at the disciplinary hearing. In future cases, ACBL Advocates should clearly label what disclosure is pursuant to section 501(J) and what evidence the Charging Party intends to rely on at the disciplinary hearing.

Jeff Aker's initial investigation covered 15 of the 22 sessions and 186 of the 270 boards ultimately relied on by the ACBL. Aker's initial review ended with two BBO sessions (# 77565 and 77590) played on November 4, 2020. Aker was identified in the disclosure as a witness for the Charged Party. Sizemore said that Aker would testify as to how he conducts an investigation, which involves giving each board a numerical rating and making comments about some of them. "He has been given a link to all the hands, some of which he did not previously review, and may cho[o]se to discuss any deemed critically important to this proceeding."

Sizemore subsequently stipulated at the Panel's request that "Recorder Reviewer Jeff Aker is expected to testify about boards he reviewed in the embedded spreadsheet [document name omitted]. He is not expected to offer new opinions about boards not listed in this spreadsheet unless a good reason is provided for not including those opinions in the pre-hearing disclosure." (Pp. 14, 16.)

Sizemore was unable to attend the disciplinary hearing, so Co-Advocate Humphrey conducted the ACBL's presentation. He elicited Aker's opinions about 23 boards. The first four boards, 52711-6, 52718-4, 64651-9, and 64660-7,<sup>4</sup> were all played on November 20 and 21, outside the period of Aker's initial review. The Panel has accordingly disregarded his previously undisclosed opinions about these boards. However, the boards themselves remain in evidence.

Also limiting the reporting of evidence, the Panel granted a prehearing request by the Charged Parties to preserve the confidentiality of any personal medical information disclosed by Linda Halpern. An order dated November 4, 2021, stated, "If the Panel

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<sup>4</sup> 52711-6 is a shorthand reference for board 6 from BBO session 52711. The dates of each session are listed in the [appendix](#) to this hearing report.

finds medical information relevant to the charges, the hearing report will include no greater personal information than required to make its decision understandable.” (P. 11.)

### C. The evidence at the disciplinary hearing

Disclosure revealed that the Halperns are an elderly recently married couple. Howie has over 3,700 masterpoints while Linda has over 2,600.<sup>5</sup> (P. 20.) They met in January 2018 and married later that year after discovering a mutual love for duplicate bridge. (P. 164.) By their own admissions, Linda is a more structured player while Howie is more aggressive and likes to bid and play the hands. (P. 164.) They each averred they sit at opposite ends of the house when they play bridge online. (Pp. 164, 166.)

Our review of the prehearing disclosure indicates that Co-Advocate Sizemore was expected to be the Charging Party’s principal witness. However, as Sizemore was unable to attend the hearing due to a family matter, Co-Advocate Humphrey elicited the opinions of Jeff Aker about 23 boards. As explained above (in part I.B), 19 of those opinions were admissible pursuant to stipulations entered by Sizemore about Aker’s anticipated testimony.

Aker offered opinions about these 19 boards in the following order: [86927-4](#), [86927-7](#), [86951-4](#), [17162-7](#), [86951-7](#), [86951-10](#) (all sessions played on October 26 except for 17162, which was played the next day); [16453-6](#), [16453-11](#) (played on October 29); [26895-6](#), [26895-9](#), [26895-10](#) (played on October 30); [58534-7](#), [58534-9](#), [58534-10](#) (played on November 3); and [77565-3](#), [77590-2](#), [77590-3](#), [77565-1](#), and [77565-11](#) (all played on November 4.)<sup>6</sup> Aker questioned the defenses on the nine boards in red font and the auctions on the other boards.<sup>7</sup> Of these 19 boards questioned by Aker’s testimony, Advocate Sizemore had made written comments about 10 of them.<sup>8</sup> Aker explained that as an investigator, he rates every board from 1 through 5. A 5 rating is very suspicious, a 1 rating is exonerating, and a 3 reflects normal bridge actions.

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<sup>5</sup> We use their first names to avoid confusion over the common surname, and not to indicate familiarity with the Charged Parties.

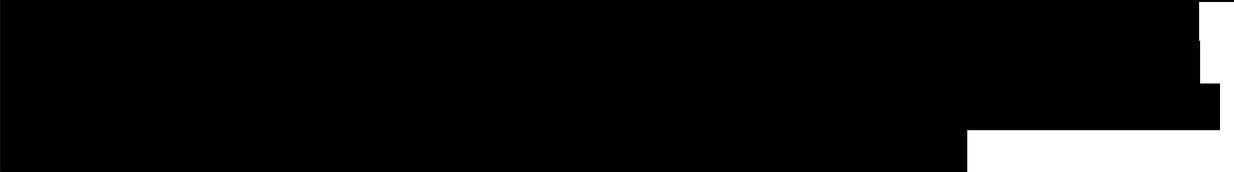
<sup>6</sup> Hyperlinks to the BBO movies for each board are provided for the reader’s convenience.

<sup>7</sup> It would needlessly prolong this report to provide the details of each expert opinion. The Panel’s opinions about the strength of the evidence appear in our factual conclusions below (Part II.A).

<sup>8</sup> Sizemore had provided written comments on the following ten boards out of the 19 questioned during Aker’s testimony: 86927-4, 86927-7, 17162-7, 16453-6, 16453-11, 26895-6, 58534-9, 58534-10, 77565-3, and 77590-3.

In their disclosure, the Charged Parties provided written responses to each of the 72 boards on which Sizemore had commented. (Pp. 199-208.) The Charged Parties' Advocate Chuck Said explained at the hearing that his presentation was designed to rebut the written statements of Sizemore. He was not aware until shortly before the disciplinary hearing that Jeff Aker was going to be a witness. Said discussed nine boards in the following order: [37639-3](#), [52711-7](#), [58534-2](#), [64660-12](#), [64660-6](#), [37639-6](#), [10555-9](#), [66888-7](#), and [64660-3](#).<sup>9</sup>

Said stated that, as a Grand Life Master, he had been working with the Halperns and had seen their games improve.

At the hearing, Howie Halpern offered statements about three boards that Aker had rated as 5s, [76673-12](#), [26895-12](#), and [48079-12](#).   


Humphrey asked the Charged Parties for their explanations of the auctions on two pairs of boards, [64651-9](#) and [64660-7](#), both played on November 21, and [86951-4](#), played on October 26, and [17162-7](#), played on the following day.

#### D. The arguments

The Charging Party's Co-Advocate, Humphrey, acknowledged that he was not as familiar with the boards as Co-Advocate Sizemore. He pointed out that online bridge cheaters tend to have common characteristics, such as: overbidding when partner's hand justifies the bid; underbidding when partner has poor support or low values; employing a convention intermittently when it suits their hands; jumping to slams when partner has just the right hand; skipping informative bids in arriving at the final contract; not bidding out a hand pattern; avoiding natural leads that would cost them a trick; avoiding sequential leads when partner has the honors; leading unguarded Aces when partner has the King; making unnatural leads that hit their partner's strength; not trying to cash a trick when declarer is out of a suit; and making odd switches that work.<sup>10</sup> Humphrey

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<sup>9</sup> The prehearing disclosure by the Charged Parties listed the boards about which Said would offer opinions (p. 184), but his opinions were not included in the prehearing disclosure as they should have been.

<sup>10</sup> Humphrey's observations have been rearranged in order of bidding first and defending second.

asked the Panel to consider whether the boards under review exhibited these characteristics, recognizing that not every hand is evidence of cheating.

The Charged Parties' Advocate, Said, used his closing argument to introduce new evidence of texts to him expressing Linda's frustration with Howie's bidding and defense. Said gave the dates of the texts and none was from the time frame of the 22 sessions.<sup>11</sup> Said admitted that he had no explanation for some of their actions, but he is confident they are innocent and were not sitting in the same room sharing hand information. He has seen enough bad results from their actions. He questioned whether a pair would cheat on some boards and not others.

## **II. The Panel's factual findings and conclusions**

### **A. Did the Charged Parties violate CDR section 301(A)(2)?**

OEOC Panels are frequently asked to infer what is occurring in the residence of a partnership that is playing together online, whether their auctions and defenses indicate one or both partners are likely to be acting on information not legitimately available under Law 73 of the Laws of Duplicate Bridge.<sup>12</sup> If it appears that a partnership is exchanging unauthorized information, a Panel need not determine exactly how it is being exchanged, whether by text, email, telephone call, conversation, or looking at each other's computer screen.

In this case, the Panel has reviewed the evidence presented by each side in prehearing disclosure contained in the 215-page hearing packet, and the testimony at the

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<sup>11</sup> Though the Charging Party did not object to this new evidence as outside the Charging Parties' prehearing disclosure, the Panel will not take it into account.

<sup>12</sup> Law 73 states in part: "**A. Appropriate Communication between Partners**

"1. Communication between partners during the auction and play shall be effected only by means of calls and plays, except as specifically authorized by these laws.

" . . .

**"B. Inappropriate Communication between Partners**

"1. Partners shall not communicate by means such as the manner in which calls or plays are made, extraneous remarks or gestures, questions asked or not asked, or alerts and explanations given or not given.

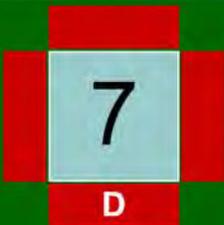
"2. The gravest possible offence is for a partnership to exchange information through prearranged methods of communication other than those sanctioned by these Laws."

disciplinary hearing by Jeff Aker, the Charged Parties, and the Charged Parties' Advocate.

1. Unconvincing evidence

For several reasons it has been difficult for the Panel to grasp the nettle of evidence in this case. One reason is that some of the Charging Party's evidence tended to undercut its burden of proof. According to the CDR applicable to these Charges, it is the Charging Party's burden to prove an Ethical Violation to the Panel's comfortable satisfaction.

The ACBL's case as revealed through prehearing disclosure rested primarily on the comments by Co-Advocate David Sizemore about 72 boards. The Panel found a number of his written observations wide of the mark. Board [66888-7](#) is one example.

	<b>N</b> notadummy ♠ 52 ♥ K9873 ♦ AK642 ♣ 9	<table border="1"> <tr> <th>W</th> <th>N</th> <th>E</th> <th>S</th> </tr> <tr> <td></td> <td></td> <td></td> <td>1♣</td> </tr> <tr> <td>1♥</td> <td>P</td> <td>1♠</td> <td>P</td> </tr> <tr> <td>1NT</td> <td>2♦</td> <td>P</td> <td>P</td> </tr> <tr> <td>P</td> <td></td> <td></td> <td></td> </tr> </table>	W	N	E	S				1♣	1♥	P	1♠	P	1NT	2♦	P	P	P			
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<b>W</b> sonoscarsa ♠ Q9 ♥ AJ1054 ♦ J73 ♣ Q107		<b>E</b> Eta Beta 3 ♠ AKJ86 ♥ 62 ♦ 95 ♣ 6542																				
	<b>S</b> hh4945 ♠ 10743 ♥ Q ♦ Q108 ♣ AKJ83	2♦ N      NS: 0 EW: 0																				

Sizemore questioned Linda competing to 2 ♦ on a misfit auction. (P. 89.) As Said pointed out, if they were looking at each other's hands, they would have doubled the vulnerable 1NT bid and taken at least 7 tricks on defense off the top.<sup>13</sup>

Another puzzling comment was about board [58534-2](#).

	<b>N</b> notadummy ♠ A3 ♥ KQ107432 ♦ ♣ AK104	<b>W</b> <b>N</b> <b>E</b> <b>S</b> 1♦   1♠ P   2♥   P   P P
	<b>W</b> hogen ♠ 1065 ♥ 95 ♦ 6543 ♣ Q763	<b>E</b> preemptor2 ♠ Q72 ♥ AJ6 ♦ KQJ109 ♣ 82
	<b>S</b> hh4945 ♠ KJ984 ♥ 8 ♦ A872 ♣ J95	2♥ N   NS: 0 EW: 0

Sizemore speculated that the Charged Parties didn't know what to do with the unauthorized information they had exchanged on this board. He said, "The exchange of UI does not always help this pair solve their bidding problems where North appears to know that South has little but also had a singleton Heart. Most pairs would start with a 2 Diamond bid first, lying a little to create a force or perhaps to bid 3 or 4 Hearts directly." (P. 132.)

<sup>13</sup> For the reader's convenience, blank space has been added to several pages of this document (though not this one) to keep the discussion of most boards on the same page as the board diagram.

The Charged Parties responded that they play a new suit by an unpassed hand as forcing. (P. 205.) Said pointed out that they would have bid game if aware of each other's hands, but not being aware of Linda's hand, Howie got cold feet due to his light overall.

A third puzzling comment was about [10555-9](#).

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Sizemore called it “outrageous” to make this 3♥ overcall given the easy lead against 2NT. (P. 94.) He suggested Linda was aware of the good defense in the South.

As Said pointed out, knowing Howie's hand should encourage Linda to defend against a vulnerable 2NT contract.<sup>14</sup>

<sup>14</sup> We will not repeat Said's criticisms of Sizemore's comments about the other six boards. The Panel considered most of the criticisms to be well-founded.

On board [86951-2](#),

		<b>N</b> Connie1024 ♠ J74 ♥ Q9 ♦ J43 ♣ Q9654	<b>W</b> <b>N</b> <b>E</b> <b>S</b> P   P   P   1♦ P   1NT   2♥   P P   P
		<b>W</b> hh4945 ♠ Q109 ♥ AK3 ♦ A10975 ♣ 72	<b>E</b> notadummy ♠ A832 ♥ J108752 ♦ 2 ♣ A8
		<b>S</b> perch3 ♠ K65 ♥ 64 ♦ KQ86 ♣ KJ103	2♥ E      NS: 0 EW: 0

Sizemore commented: “We all have sometimes made a call like East’s 2 Hearts not vulnerable. Perhaps many would here. But West, having been mostly forced to pass the first round shows remarkable restraint in passing here.” (P. 103.)

Looking at both hands, but not all hands, reveals they likely missed a cold game.<sup>15</sup>

Another indicator of the unconvincing nature of some of Sizemore’s observations is to compare Aker’s opinions of the same boards. Of the 180 boards originally rated by Aker, Sizemore commented on 47 of them. Of those 47 boards, Aker considered 15 of them to reflect normal actions and three more to be slightly exonerating. The ACBL experts did agree with each other that the other 29 boards were slightly or very suspicious.

<sup>15</sup> On other boards on which the ACBL experts did not rely (e.g., [98122-5](#), [16453-8](#)), the Halperns missed cold slams. The Panel understands that the Charging Party is not asserting that the Charged Parties cheated on every board of the 270.

The credibility of Sizemore’s presentation was also undermined by the rhetorical excess he sometimes employed. We will elaborate on this topic in a separate section (Part II.C) below.

2. Convincing evidence

A review of the 270 boards reveals a number of other boards which would likely have been bid or defended differently with knowledge of partner’s hand.<sup>16</sup> But the Panel recognizes that the ACBL is not charging the exchange of unauthorized information on every board. The Panel has observed a number of boards reflecting actions that appear inexplicable without possession of unauthorized information.

(A). Auctions

On October 26, the Charged Parties had the following auction on board [86951-4](#).

	<b>N</b> satjeet ♠ QJ953 ♥ 10865 ♦ J10 ♣ 63	<table border="1"> <thead> <tr> <th>W</th> <th>N</th> <th>E</th> <th>S</th> </tr> </thead> <tbody> <tr> <td>2♣</td> <td>P</td> <td>2♦</td> <td>P</td> </tr> <tr> <td>2NT</td> <td>P</td> <td>3♣</td> <td>3♦</td> </tr> <tr> <td>3♥</td> <td>P</td> <td>4♥</td> <td>P</td> </tr> <tr> <td>6♥</td> <td>P</td> <td>P</td> <td>P</td> </tr> </tbody> </table>	W	N	E	S	2♣	P	2♦	P	2NT	P	3♣	3♦	3♥	P	4♥	P	6♥	P	P	P
	W	N	E	S																		
2♣	P	2♦	P																			
2NT	P	3♣	3♦																			
3♥	P	4♥	P																			
6♥	P	P	P																			
<b>W</b> hh4945 ♠ A102 ♥ AKQ9 ♦ AK ♣ A842	<b>E</b> notadummy ♠ K84 ♥ J432 ♦ 5 ♣ KQ975																					
	<b>S</b> The North ♠ 76 ♥ 7 ♦ Q9876432 ♣ J10	6♥ W    NS: 0 EW: 0																				

<sup>16</sup> For example, on boards [98122-6](#), [37639-5](#), [37639-7](#), [48079-6](#), and [52711-3](#), a player aware of partner’s hand would have made a different lead.

At the hearing, Humphrey questioned why Howie jumped to 6 ♥ after Linda placed the contract. Howie said her 2 ♦ was game-forcing and he liked his prime cards. We note that Linda did not alert her bid as Stayman or puppet Stayman.<sup>17</sup>

This auction becomes more questionable when compared to a similar auction. On the following day, the Charged Parties had this auction on board [17162-7](#).

	<b>N</b> loucam ♠ 762 ♥ 10632 ♦ Q5 ♣ Q862	<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></td> <td>P</td> </tr> <tr> <td>2♣</td> <td>P</td> <td>2♦</td> <td>P</td> </tr> <tr> <td>2NT</td> <td>P</td> <td>3♣</td> <td>P</td> </tr> <tr> <td>3♦</td> <td>P</td> <td>3♠</td> <td>P</td> </tr> <tr> <td>4♥</td> <td>D</td> <td>D</td> <td>D</td> </tr> </tbody> </table>	W	N	E	S				P	2♣	P	2♦	P	2NT	P	3♣	P	3♦	P	3♠	P	4♥	D	D	D
	W	N	E	S																						
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2♣	P	2♦	P																							
2NT	P	3♣	P																							
3♦	P	3♠	P																							
4♥	D	D	D																							
<b>W</b> hh4945 ♠ AQ5 ♥ AKQJ ♦ AKJ6 ♣ K5		<b>E</b> notadummy ♠ J4 ♥ 9854 ♦ 9432 ♣ J103																								
	<b>S</b> stitchit ♠ K10983 ♥ 7 ♦ 1087 ♣ A974	4♥ W      NS: 0 EW: 0																								

This was a board that Sizemore had questioned (p. 106), and Linda had responded that she made a mistake in responding 2 ♦. Their agreement is that 2 ♥ shows a bust response.

<sup>17</sup> For those unfamiliar with playing on BBO, players are required to alert and explain their own bids to their opponents. The player's partner does not see the alert or read the explanation, but the resulting hand diagram will highlight alerts in yellow.

“I was taught if you make a mistake you have to live with it thus was forced to bid puppet hoping to end in 3NT but found a heart fit.”<sup>18</sup> (P. 201.)

At the hearing Humphrey questioned why Howie didn't leap to slam after a game-forcing response with an even better hand than he held on board [86951-4](#), Howie admitted he couldn't answer that question. We note that Linda alerted her 3♣ bid and her 3♠ continuation of Puppet Stayman.

Humphrey also questioned the Charged Parties about another pair of boards. Board [64651-9](#), played on November 21, involved the following auction.

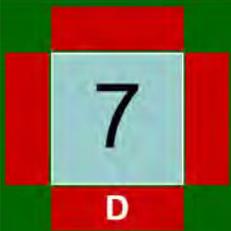
<table border="1"> <tr><td>D</td></tr> <tr><td>9</td></tr> </table>	D	9	<table border="1"> <tr><td>N</td><td>notadummy</td></tr> <tr><td>♠</td><td>32</td></tr> <tr><td>♥</td><td>A64</td></tr> <tr><td>♦</td><td>AQ842</td></tr> <tr><td>♣</td><td>A85</td></tr> </table>	N	notadummy	♠	32	♥	A64	♦	AQ842	♣	A85	<table border="1"> <tr><td>W</td><td>N</td><td>E</td><td>S</td></tr> <tr><td></td><td>1♦</td><td>P</td><td>1♠</td></tr> <tr><td>P</td><td>1NT</td><td>P</td><td>2♣</td></tr> <tr><td>P</td><td>P</td><td>P</td><td></td></tr> </table>			W	N	E	S		1♦	P	1♠	P	1NT	P	2♣	P	P	P	
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<table border="1"> <tr><td>W</td><td>lanon10</td></tr> <tr><td>♠</td><td>A9</td></tr> <tr><td>♥</td><td>Q8732</td></tr> <tr><td>♦</td><td>K10976</td></tr> <tr><td>♣</td><td>4</td></tr> </table>	W	lanon10	♠	A9	♥	Q8732	♦	K10976	♣	4		<table border="1"> <tr><td>E</td><td>funkyjoan</td></tr> <tr><td>♠</td><td>KQ654</td></tr> <tr><td>♥</td><td>J95</td></tr> <tr><td>♦</td><td>J5</td></tr> <tr><td>♣</td><td>763</td></tr> </table>			E	funkyjoan	♠	KQ654	♥	J95	♦	J5	♣	763								
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♦	3																															
♣	KQJ1092																															
2♣ S	NS: 0 EW: 0																															

The Charged Parties acknowledged they play that a new minor after a 1NT rebid is forcing. But on this hand, Howie failed to alert his 2♣ rebid as forcing and Linda

<sup>18</sup> The Charged Parties' disclosure was written in all capitals. Our quotations of them use sentence case for the reader's convenience.

responded as though it was a natural bid. In response to Humphrey's questions, Howie acknowledged he should have alerted it, after which he would have rebid 3 ♣. Linda said she missed that his bid was new minor forcing.

In another BBO session later the same day the following auction occurred on board [64660-7](#).

	<b>N</b> Kaludi1 ♠ 876 ♥ 1072 ♦ J1074 ♣ AJ7	<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></td> <td>P</td> </tr> <tr> <td>1♣</td> <td>P</td> <td>1♥</td> <td>P</td> </tr> <tr> <td>1NT</td> <td>P</td> <td>2♦</td> <td>P</td> </tr> <tr> <td>2♥</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♥	P	1NT	P	2♦	P	2♥	P	4♥	P	D	D		
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1♣	P	1♥	P																							
1NT	P	2♦	P																							
2♥	P	4♥	P																							
D	D																									
<b>W</b> hh4945 ♠ Q2 ♥ AJ4 ♦ Q5 ♣ K109543		<b>E</b> notadummy ♠ AK103 ♥ KQ983 ♦ K8 ♣ 62																								
	<b>S</b> janders47 ♠ J954 ♥ 65 ♦ A9632 ♣ Q8	4♥ E      NS: 0 EW: 0																								

On this board, Linda correctly alerted her bid as “nmf” and Howie responded appropriately. In response to Humphrey's questions, Linda explained that her mental focus came and went from moment to moment. Howie couldn't explain how he remained in sync with Linda during these episodes of forgetfulness.<sup>19</sup>

<sup>19</sup> While the Panel is disregarding Aker's opinions about this last pair of boards based on an evidentiary stipulation, the boards themselves remain in evidence, as does the Charged Parties' testimony about them.

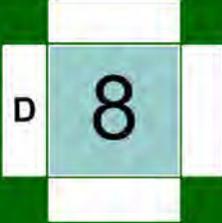
There were other auctions demonstrating Howie's bidding style. On board [26895-6](#), Howie competed to 5 ♠ vulnerable without Linda showing any support.

	<b>N</b> troula ♠ 10 ♥ 8543 ♦ KQ87 ♣ Q972	<b>W</b> <b>N</b> <b>E</b> <b>S</b> P   P   P   1♥ 1♠   2♥   P   P 4♠   5♥   P   P 5♠   X   P   P P
	<b>W</b> hh4945 ♠ A87432 ♥ K ♦ A65432 ♣	<b>E</b> notadummy ♠ KQJ6 ♥ J2 ♦ J ♣ 1086543
	<b>S</b> Vilasg ♠ 95 ♥ AQ10976 ♦ 109 ♣ AKJ	5♠x W   NS: 0 EW: 0

This auction was questioned by Sizemore. (P. 112.) In response, Howie said he made a mistake and should have bid ♦, but he was trying to conceal the nature of his hand. (P. 202.)

At the hearing in response to a Panelist's questions, Linda acknowledged that she should have showed a limit raise in response to Howie's overcall based on her Soloway-style hand evaluation. As to why she didn't, she said that at the moment she was in a muddle and couldn't figure out what to bid.

On board [98122-8](#), Howie raised his own preempt without hearing any support from Linda. But she had good support.

	<b>N</b> notadummy ♠ 109 ♥ KQ932 ♦ K93 ♣ A104	<table border="1"> <thead> <tr> <th>W</th> <th>N</th> <th>E</th> <th>S</th> </tr> </thead> <tbody> <tr> <td>1♥</td> <td>P</td> <td>1♠</td> <td>3♣</td> </tr> <tr> <td>3♠</td> <td>P</td> <td>4♠</td> <td>5♣</td> </tr> <tr> <td>P</td> <td>P</td> <td>X</td> <td>P</td> </tr> <tr> <td>P</td> <td>P</td> <td></td> <td></td> </tr> </tbody> </table>	W	N	E	S	1♥	P	1♠	3♣	3♠	P	4♠	5♣	P	P	X	P	P	P		
	W	N	E	S																		
1♥	P	1♠	3♣																			
3♠	P	4♠	5♣																			
P	P	X	P																			
P	P																					
<b>W</b> newfygirl ♠ AJ65 ♥ AJ864 ♦ J8 ♣ J3	<b>E</b> cookie5400 ♠ K8432 ♥ 105 ♦ A10742 ♣ 5																					
	<b>S</b> hh4945 ♠ Q7 ♥ 7 ♦ Q65 ♣ KQ98762	5♣x S    NS: 0 EW: 0																				

Sizemore characterized this hand as a “smoking gun.” (P. 105.) Howie responded, “I made a bad bid, our style is to raise our partner’s bid, if she didn’t she does not have support, I took a silly flyer.” (P. 201.)

Howie again bid enthusiastically on board [77565-3](#), despite unfavorably vulnerability.

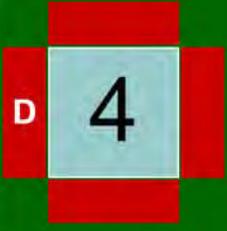
<div style="border: 1px solid black; padding: 5px; text-align: center;"> <span style="font-size: 2em; font-weight: bold;">3</span>  <span style="font-size: 0.8em;">D</span> </div>	<b>N</b> yowayo95 ♠ A7642 ♥ A1032 ♦ 43 ♣ 82	<table border="1" style="width: 100%; text-align: center;"> <tr> <th style="background-color: red; color: white;">W</th> <th style="background-color: white;">N</th> <th style="background-color: red; color: white;">E</th> <th style="background-color: white;">S</th> </tr> <tr> <td></td> <td></td> <td></td> <td>P</td> </tr> <tr> <td>1♦</td> <td>1♠</td> <td>X</td> <td>2♠</td> </tr> <tr> <td>3♦</td> <td>P</td> <td>P</td> <td>3♠</td> </tr> <tr> <td>4♦</td> <td>P</td> <td>P</td> <td>P</td> </tr> </table>	W	N	E	S				P	1♦	1♠	X	2♠	3♦	P	P	3♠	4♦	P	P	P
	W	N	E	S																		
			P																			
1♦	1♠	X	2♠																			
3♦	P	P	3♠																			
4♦	P	P	P																			
<b>W</b> hh4945 ♠ J5 ♥ K ♦ AQJ852 ♣ 7543		<b>E</b> notadummy ♠ 93 ♥ J8765 ♦ K109 ♣ AKJ																				
	<b>S</b> lalarajkaz ♠ KQ108 ♥ Q94 ♦ 76 ♣ Q1096	4♦ W      NS: 0 EW: 0																				

Sizemore commented in part, “Bidding that 4<sup>th</sup> Diamond vulnerable without partner’s encouragement is akin to a smoking gun. Sure enough, East shows up with the KT9.” (P. 135.) Howie responded, “My actions with a long suit with 3 honors, is consistent with my aggressive bidding style.” (P. 205.)

On five of these seven auctions, Howie’s bids found undisclosed support in Linda’s hands. On the other two, the new minor forcing convention was deployed and mutually forgotten as needed.

(B). Defenses

While not every defense by the Charged Parties was successful, some of their leads and defensive switches are suspicious, to say the least.<sup>20</sup> On board [86927-4](#), Linda led Howie's longest unbid suit instead of her own.

	<b>N</b> hart20	<b>W</b> N	<b>E</b> S
	♠ Q974 ♥ A102 ♦ A2 ♣ AQ83	P 1NT P P P	
<b>W</b> hh4945		<b>E</b> notadummy	
♠ 83 ♥ 64 ♦ Q8763 ♣ KJ52		♠ AJ2 ♥ Q8753 ♦ K105 ♣ 64	
	<b>S</b> 47cc		
	♠ K1065 ♥ KJ9 ♦ J94 ♣ 1097		
			1NT N NS: 0 EW: 0

Sizemore questioned this lead. (P. 98.) Linda responded in part that she didn't think it was right to lead a ♥ because her suit was "very shabby." (P. 200.) Aker rated this board a 5. (P. 76.)

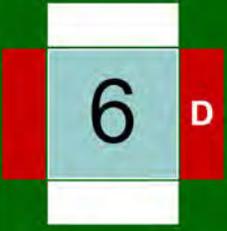
<sup>20</sup> Responding to a question by the Chair, their Advocate admitted that he had not reviewed many of their defenses.

On board [16453-6](#), the auction suggested a red suit lead. Howie led his weaker suit and found partner's honors.

	<b>N</b> notadummy ♠ 108 ♥ 875 ♦ AK94 ♣ K976	<b>W</b> <b>N</b> <b>E</b> <b>S</b> 1♠   P 2♣   P   2♠   P 4♠   P   P   P
	<b>W</b> renatebm ♠ AJ97 ♥ 6 ♦ J107 ♣ AQ1053	
	<b>S</b> hh4945 ♠ 2 ♥ KQ1032 ♦ Q862 ♣ J42	4♠ E      NS: 0 EW: 0

Sizemore questioned why Howie did not lead the ♥ K from KQ. (P. 110.) Howie responded he has been burned many times making such a lead with long ♠s on his right. (P. 202.) Aker rated this a 5. (P. 77.)

Howie found Linda's best suit on board [58791-6](#), even though the opponents had bid it.

	<b>N</b> notadummy ♠ J9 ♥ J82 ♦ AJ654 ♣ 432	<b>W</b> <b>N</b> <b>E</b> <b>S</b> 1♠   P 2♦   P   2♠   P 3♣   P   3NT   P P   P
	<b>W</b> kdeutch ♠ 6 ♥ 763 ♦ KQ1098 ♣ AKQ9	
	<b>S</b> hh4945 ♠ Q853 ♥ AQ4 ♦ 72 ♣ 10876	3NT E   NS: 0 EW: 0

After winning the ♦J, Linda accurately switched to a ♥, after which Howie continued with his last ♦ after which Linda played another ♥, and declarer misguessed the ♥ position. Aker rated this a 4. (P. 79.)

On board [16453-11](#), instead of leading the unbid suit, Howie attacked the dummy's second suit and found Linda's highest card.

	<b>N</b> notadummy ♠ 64 ♥ K65 ♦ A84 ♣ J10987	<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></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>2♥</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♠	P	1NT	P	2♦	P	2♥	P	P	P		
W	N	E	S																			
			P																			
1♠	P	1NT	P																			
2♦	P	2♥	P																			
P	P																					
<b>W</b> fsd1 ♠ AQJ105 ♥ 108 ♦ Q732 ♣ A6		<b>E</b> sislu0101 ♠ 97 ♥ AQ9732 ♦ 65 ♣ Q32																				
<b>S</b> hh4945 ♠ K832 ♥ J4 ♦ KJ109 ♣ K54		2♥ E      NS: 0 EW: 0																				

Howie explained that he mislicked due to a hand tremor and meant to lead the coded ten.<sup>21</sup> (P. 202.) Linda ducked the 9. Aker rated this a 4. (P. 77.)

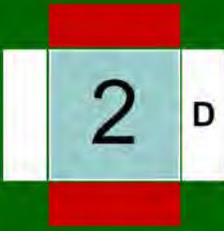
<sup>21</sup> Howie accounted for one questioned bid and two defensive plays as mislicks. (Pp. 199, 200, 202.)

On board [77565-1](#), Howie attacked the dummy's first bid suit against a slam and found Linda's best suit.

<p>D</p> <p>1</p>	<p>N yowayo95</p> <p>♠ 873</p> <p>♥ K4</p> <p>♦ AJ72</p> <p>♣ KQ96</p>	<table border="1"> <thead> <tr> <th>W</th> <th>N</th> <th>E</th> <th>S</th> </tr> </thead> <tbody> <tr> <td></td> <td>1♦</td> <td>P</td> <td>1♠</td> </tr> <tr> <td>P</td> <td>1NT</td> <td>P</td> <td>4♣</td> </tr> <tr> <td>P</td> <td>4♠</td> <td>P</td> <td>6♠</td> </tr> <tr> <td>P</td> <td>P</td> <td>P</td> <td></td> </tr> </tbody> </table>				W	N	E	S		1♦	P	1♠	P	1NT	P	4♣	P	4♠	P	6♠	P	P	P	
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P	P	P																							
<p>W hh4945</p> <p>♠ 9</p> <p>♥ J8762</p> <p>♦ 53</p> <p>♣ 108742</p>	<p>♦ 5</p>	<p>E notadummy</p> <p>♠ J104</p> <p>♥ Q1095</p> <p>♦ KQ984</p> <p>♣ 3</p>																							
<p>S lalarajkaz</p> <p>♠ AKQ652</p> <p>♥ A3</p> <p>♦ 106</p> <p>♣ AJ5</p>		<p>6♠ S      NS: 0 EW: 0</p>																							

Aker rated this a 4. (P. 80.) Sizemore did not comment on this board.

On [77590-2](#), against 3NT, Howie had the choice of leading from one of two unbid suits. He chose the weaker one and found Linda's best suit.

	<b>N</b> TyraMarie ♠ J9 ♥ AKQ65 ♦ J105 ♣ K42	<table border="1"> <tr> <th>W</th> <th>N</th> <th>E</th> <th>S</th> </tr> <tr> <td></td> <td></td> <td>P</td> <td>1♣</td> </tr> <tr> <td>P</td> <td>1♥</td> <td>P</td> <td>2♣</td> </tr> <tr> <td>P</td> <td>3♥</td> <td>P</td> <td>3NT</td> </tr> <tr> <td>P</td> <td>P</td> <td>P</td> <td></td> </tr> </table>	W	N	E	S			P	1♣	P	1♥	P	2♣	P	3♥	P	3NT	P	P	P	
	W	N	E	S																		
		P	1♣																			
P	1♥	P	2♣																			
P	3♥	P	3NT																			
P	P	P																				
<b>W</b> hh4945 ♠ 107532 ♥ 983 ♦ A9764 ♣		<b>E</b> notadummy ♠ KQ84 ♥ J742 ♦ 8 ♣ Q1075																				
	<b>S</b> tanq_cowbo ♠ A6 ♥ 10 ♦ KQ32 ♣ AJ9863	3NT S    NS: 0 EW: 0																				

Aker rated this a 4. (P. 80.) Sizemore did not comment on it.

The defense on [48079-12](#) could not have been better synchronized.

D 12	N jpainter	W N E S
	♠ J97 ♥ AK10982 ♦ 76 ♣ A9	P 1♥ 2♣ 2♦ P 2♥ 3♣ 3NT P P P
W hh4945	♣ 10	E notadummy
♠ A653 ♥ 7653 ♦ 932 ♣ 107	S tashmore	♠ K8 ♥ QJ ♦ AJ5 ♣ K86432
	♠ Q1042 ♥ 4 ♦ KQ1084 ♣ QJ5	3NT S NS: 0 EW: 0

When declarer ducked the ♣, Linda won the K and then played the ♦A, under which Howie played a discouraging 2. Now Linda played the ♠K, and despite Howie's 3, she led a ♠ to his A.

Sizemore questioned both the 3 ♣ bid and the apparent need for the defense to cash out. (P. 119.) Linda explained that, looking at the ♥s in dummy and her own hand, she knew they were running, so it was a cashout situation. (P. 203.) Aker rated this a 5. (P. 78.)

### 3. Conclusions

After reviewing the evidence, the Panel is left with the impression that this is a sad case. While there was misconduct on some boards, it was occasional, not as frequent as alleged by the ACBL. [REDACTED]

.22

Focusing on the charges, the Panel unanimously concludes to its comfortable satisfaction that the Halperns violated CDR section 302(A)(2) more than once by exchanging unauthorized information about each other's hands while playing online. We have set out above (in Part II.A.2) seven auctions and seven defenses that appear to reflect the use of unauthorized information. This is not intended to be a comprehensive list of every board that the Panel agreed were suspicious out of the 270 under consideration. Our conclusion is based on the cited boards and others.

### B. Discipline

The Panel is well aware that CDR section 301(A)(6) states, "The recommended discipline for a finding that a person has committed a First Degree Ethical Violation is no less than 2 years Suspension to Expulsion, with an appropriate term of Probation no less than 2 years following the term of suspension, and removal of 25-100% of the Disciplined Person's total masterpoint holding." The Panel is also aware of its discretion to impose discipline outside the recommended guidelines if that discipline is justified.

In this case, the Panel has concluded that the Charged Parties should forfeit all the masterpoints they earned playing together online after October 24, 2020 (the first of the sessions under review). They should be suspended from the ACBL for six months beginning five days after the date this decision is mailed by ACBL Management. Following the end of their suspension, they will be on probation for one year.

The Panel has several reasons for imposing a suspension and probation below the recommended guidelines. As noted, while there was evidence of sharing unauthorized information, the misconduct was intermittent, less frequent than other pairs the Panelists have evaluated, and exhibiting much less premeditation. [REDACTED]

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22 [REDACTED]



The Panel also notes the lack of any prior disciplinary record. While the Panel does not believe age alone is a mitigating factor, we recognize that the same length of discipline will fill more of the remaining lives of players who are in their eighties, like the Charged Parties, than players in their forties. The Panel is also sympathetic to the pain already inflicted on the Charged Parties by the ACBL's approach in prosecuting this case, a topic to which we now turn.<sup>23</sup>

### C. The tone of the Charging Party's presentation

We have already commented above (in Part I.B) that the ACBL's prehearing disclosure was confusing by virtue of not distinguishing 501(J) discovery from evidence on which the ACBL intended to rely at the disciplinary hearing. Clear labeling would have saved the Charged Parties the effort of preparing a response to a document on which the ACBL was not relying.

Now we focus on another aspect of the ACBL's prehearing disclosure. Another OEOC Panel in another [hearing report](#) dated October 14, 2020 felt compelled to comment on the tone and rhetoric employed by the ACBL's Advocate, stating in part: "Regarding [the Advocate's] advocacy, the Panel recognizes that '[t]he Advocate is not neutral or unbiased. The Advocate is free to aggressively prosecute or defend the Charges.' (CDR Appendix A, GUIDELINES FOR CONDUCTING DISCIPLINARY PROCEEDINGS, part I.C.) But an Advocate for the ACBL's Executive Director is a representative of the ACBL and should strive to exhibit conduct becoming that position. [Regardless of the Charged Parties' presentation], an ACBL Advocate should maintain some dignity . . . . A disciplinary panel deserves more light than heat."

We have already quoted David Sizemore calling a bid "outrageous." He also said the following about a first seat 3 ♣ preempt at favorable vulnerability with the following hand on board [52718-12](#).

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<sup>23</sup> If a reviewing committee concludes that this Panel has given improper weight to a mitigating factor, the Panel would appreciate the opportunity to reassess all the circumstances by a remand of the matter to this Panel. (CDR section 605(D)(iii.))

W	hh4945
♠	Q1062
♥	A6
♦	J
♣	K109732

“If I had preempted with the West hand, I could imagine my partner leaving the table, walking out to get a taxi, and taking a fast flight out of town. But knowing that East was weak with enough in clubs for a 9-card fit West seemed to feel safe.” (P. 150.)

At the disciplinary hearing, Linda was in tears over the suggestion that she should leave her husband for making this bid. The Charged Parties have objected, “the accuser may not agree with my bid, but to demean, abuse and belittle our bridge is totally unprofessional. We are very upset to be treated this way and do not accept this kind of treatment.”<sup>24</sup> (P. 207.)

This Panel agrees with these observations. It should be possible for an ACBL Advocate to invite a disciplinary panel’s attention to unusual bidding or defense that would be indicative that unauthorized information had been exchanged without using hyperbole in his comments or demeaning the Charged Parties. If an Advocate has selected boards with strong probative value, the bidding and play should speak for themselves. It is appropriate for an Advocate to explain why a board demonstrates use of unauthorized information. Employing an argumentative, sarcastic, or demeaning tone, or presupposing the guilt of the Charged Parties, may be viewed as an attempt to disguise the weakness of the evidence. Such rhetorical tactics are more likely to annoy a Panel than convince it. This Panel feels compelled to comment on this form of advocacy in this hearing report because the Panelists have observed it repeatedly both collectively and individually since the inception of the OEOC. It has been brought to the Charging Party’s attention in prior hearing reports and private correspondence and it is past time for it to stop.

While concurring with the above hearing report, Panelist Ira Chorush wants his own position recorded. He feels so strongly about this behavior on the part of the

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<sup>24</sup> The Panel wants to clarify that this criticism does not extend to Co-Advocate Humphrey, whose questioning of Linda during the hearing was sympathetic to her condition.

Charging Party that he is prepared to disregard any future hand(s) that are presented in a way that demeans or denigrates the Charged Parties. He wants the bridge reason why the Charging Party feels that the hand represents UI and nothing more. If the Charging Party feels that it cannot conduct itself in this manner, Chorush is willing to resign from the OEOC if requested to do so.

### III. Appendix

The table below lists in chronological order all 270 boards and 22 BBO sessions from 2020 from which the Charging Party’s Advocate David Sizemore selected 72 boards for comment. For the reader’s convenience, the sessions have been numbered and separated by colored bars. Also for the reader’s convenience, the DS column lists the boards on which David Sizemore commented in the order of his comments.<sup>25</sup>

session #	Bd	date	BBO movie link	DS
<b>1</b>				
66888	1	24-Oct	<a href="https://tinyurl.com/aa888n1">https://tinyurl.com/aa888n1</a>	
	2		<a href="https://tinyurl.com/aa888n2">https://tinyurl.com/aa888n2</a>	1
	3		<a href="https://tinyurl.com/aa888n3">https://tinyurl.com/aa888n3</a>	
	4		<a href="https://tinyurl.com/ab888n4">https://tinyurl.com/ab888n4</a>	2
	5		<a href="https://tinyurl.com/aa888n5">https://tinyurl.com/aa888n5</a>	
	6		<a href="https://tinyurl.com/aa888n6">https://tinyurl.com/aa888n6</a>	
	7		<a href="https://tinyurl.com/aa888n7">https://tinyurl.com/aa888n7</a>	3
	8		<a href="https://tinyurl.com/ab888n8">https://tinyurl.com/ab888n8</a>	4
	9		<a href="https://tinyurl.com/aa888n9">https://tinyurl.com/aa888n9</a>	
	10		<a href="https://tinyurl.com/aa888n10">https://tinyurl.com/aa888n10</a>	
	11		<a href="https://tinyurl.com/aa888n11">https://tinyurl.com/aa888n11</a>	
	12		<a href="https://tinyurl.com/aa888n12">https://tinyurl.com/aa888n12</a>	
<b>2</b>				
10555	1	24-Oct	<a href="https://tinyurl.com/aa555n1">https://tinyurl.com/aa555n1</a>	5
	2		<a href="https://tinyurl.com/aa555n2">https://tinyurl.com/aa555n2</a>	
	3		<a href="https://tinyurl.com/ab555n3">https://tinyurl.com/ab555n3</a>	
	4		<a href="https://tinyurl.com/aa555n4">https://tinyurl.com/aa555n4</a>	
	5		<a href="https://tinyurl.com/aa555n5">https://tinyurl.com/aa555n5</a>	6
	6		<a href="https://tinyurl.com/aa555n6">https://tinyurl.com/aa555n6</a>	7
	7		<a href="https://tinyurl.com/aa555n7">https://tinyurl.com/aa555n7</a>	
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	9		<a href="https://tinyurl.com/aa555n9">https://tinyurl.com/aa555n9</a>	8
	10		<a href="https://tinyurl.com/aa555n10">https://tinyurl.com/aa555n10</a>	
	11		<a href="https://tinyurl.com/aa555n11">https://tinyurl.com/aa555n11</a>	
	12		<a href="https://tinyurl.com/aa555n12">https://tinyurl.com/aa555n12</a>	

<sup>25</sup> Sizemore did not classify the actions on each of the 72 boards as suspicious. He identified five boards ([76673-14](#), [37639-10](#), [58791-4](#), [68519-6](#), [64660-3](#)) as potentially exonerating. His comments were primarily concerned about the bidding of the Charged Parties. He questioned their defense on 12 boards and both their bidding and defense on three additional boards.

<b>3</b>				
76673	1	25-Oct	<a href="https://tinyurl.com/aa673n1">https://tinyurl.com/aa673n1</a>	
	2		<a href="https://tinyurl.com/aa673n2">https://tinyurl.com/aa673n2</a>	9
	3		<a href="https://tinyurl.com/aa673n3">https://tinyurl.com/aa673n3</a>	
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	7		<a href="https://tinyurl.com/aa673n7">https://tinyurl.com/aa673n7</a>	10
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	8		<a href="https://tinyurl.com/ab079n8">https://tinyurl.com/ab079n8</a>	

<sup>26</sup> This session was mistakenly identified in the Charging Party's disclosure as being played on October 21, which resulted in confusion at the hearing when the Advisor was asked by the Charged Parties to display the board on the video-screen.

	9		<a href="https://tinyurl.com/aa079n9">https://tinyurl.com/aa079n9</a>	
	10		<a href="https://tinyurl.com/aa079n10">https://tinyurl.com/aa079n10</a>	32
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<b>12</b>				
58753	1	2-Nov	<a href="https://tinyurl.com/dd753n1">https://tinyurl.com/dd753n1</a>	
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<b>13</b>				
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<b>14</b>				
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	6		<a href="https://tinyurl.com/dd519d6">https://tinyurl.com/dd519d6</a>	41
	7		<a href="https://tinyurl.com/dd519d7">https://tinyurl.com/dd519d7</a>	
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<b>15</b>				
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<b>21</b>				
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