



Charged Party(ies) Hansa Haria
Sobhagchand Haria

ACBL # 5181623
5181151

Hearing Date 12/14/22

Disciplinary Body Online Ethical Oversight Committee

Hearing Location Web-Conference using Zoom

Charging Party Paul Cuneo

ACBL# M499891

Complainant Jeff Edelstein

ACBL# O200338

COMMITTEE MEMBERS WHO HEARD THE CHARGES

| Name | ACBL # | Name | ACBL # |
|------------------------|---------|------|--------|
| Karen Walker, Chairman | K090945 | | |
| Jordan Chodorow | Q498482 | | |
| Chris Moll | K496399 | | |
| | | | |

INDIVIDUALS WHO PARTICIPATED IN THE HEARING (excluding committee members)

| Name | ACBL# | Via | Capacity | Name | ACBL# | Via | Capacity |
|-----------------|---------|------------|----------------|------|-------|------------|------------|
| Jeff Edelstein | O200338 | web conf. | Adv-Charging P | | | Select One | Select One |
| Justin Coniglio | Q809461 | web conf. | Adv-Charging P | | | Select One | Select One |
| Ray Yuenger | P913494 | web conf. | Advisor | | | Select One | Select One |
| | | Select One | Select One | | | 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 pages 1-3 of attached Narrative Report.

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

See pages 4-12 of attached Narrative Report.

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: Online. "Online Collusive Cheating" is the exchange or transmission of information between two or more people, at least one of whom is a contestant in an online bridge competition, in any manner not expressly permitted by Law 73. The information need not be actually used by a player to prove a Violation under this section. This section includes agreements made by persons who are not partners or contestants, including, but not limited to kibitzers or teammates.

DISCIPLINE (Unless a discipline begins immediately, which requires you to complete a Notice of Immediate Discipline, all begin dates should start at least five days after you submit this hearing Report to the Office of National Recorder.)

Disciplined Party is convicted of premeditated or collusive cheating (or has admitted to such action). CDR 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 | 1/9/2025 | 1/8/2028 | Both parties: 3- years Probation and prohibited from playing together while on probation. |
| <input checked="" type="checkbox"/> SUSPENSION | 1/9/2023 | 1/8/2025 | Both parties: 2 years |

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 50% of their Masterpoints

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

N/A

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

N/A

RESPECTFULLY SUBMITTED (CHAIR)

/s/ Karen Walker

Date: 12/30/22

Electronic Signature (type name above)

Wet Signature (sign above)

I. Summary of Evidence and Arguments

A. Procedural Overview

On September 28, 2022, the Charging Party, the Executive Director¹ of the American Contract Bridge League (“ACBL”), filed a Charge Letter alleging that Sobhagchand Haria (“skhs” on Bridge Base Online (“BBO”)) and Hansa Haria (“hansask”) had violated Code of Disciplinary Regulations (“CDR”) section 301(A)(2)² by “flagrant exchanges of illicit information in order to gain a competitive advantage in ACBL sanctioned games.” (P. 4.)³ This Charge Letter was based on a Recorder Complaint submitted nine days earlier. (Pp. 1-2.) The Complaint did not specify the time of the first incident of misconduct. (CDR section 402(A).) The Charge Letter alleged that the CDR effective on August 1, 2021 applies. (P. 4.)

On November 18,⁴ the Charging Party submitted its pre-hearing disclosure as required by a scheduling letter from the Panel Chair distributed the same day. The 21 pages of disclosure included five sections. Section I provided background information about the Charged Parties, including their BBO convention card and their birthdates, with Sobhagchand born in October 1943 and Hansa born in July 1948. (P. 9.) The ACBL said they were brothers. For convenience we will refer to Sobhagchand as the older brother and Hansa as the younger brother. Section II identified the Charging Party’s Co-Advocates, Jeff Edelstein, the National Recorder, and Justin Coniglio, the Assistant National Recorder.⁵

Section III of the disclosure provided links to BBO “movies” of all boards played by the Charged Parties during five sessions (the “full sessions”) on February 11 (a 61% game), March 1 (66%), 7 (58%), 9 (36%), and 17 (47%). They played 22 boards in the first session, 12 boards in each of the next three, and 18 boards in the final session. Of

¹ Then Joseph Jones, subsequently replaced by Paul Cuneo.

² Section 301(A)(2) effective on August 1, 2021, defined certain conduct as a First Degree Ethical Violation, namely “*Collusive Cheating: Online*. ‘Online Collusive Cheating’ is the exchange or transmission of information between two or more people, at least one of whom is a contestant in an online bridge competition, in any manner not expressly permitted by Law 73. The information need not be actually used by a player to prove a Violation under this section. This section includes agreements made by persons who are not partners or contestants, including, but not limited to kibitzers or teammates.”

³ Unspecified page references are to the 28-page hearing packet distributed to the Online Ethical Oversight Committee (“OEOC”) Panel and the Parties in advance of the disciplinary hearing.

⁴ Unless the year is specified, the date will be in 2022.

⁵ “Co-Advocate” hereafter will refer to Justin, who presented the Charging Party’s evidence.

these 76 boards, the Co-Advocate questioned the bidding on 18 boards and the defense on 8 boards. (Pp. 12-18.)

Section IV compiled a list of every underlead of a high honor (ace, king, or queen) when defending against a suit contract during the period beginning January 31 and ending April 24. There were exactly 100 of these leads. In listing the URLs for 100 leads, the Co-Advocate commented on 59 of the boards and had no comments on the rest.⁶ (Pp. 19-28.) Five of these leads were also questioned in the full sessions discussion in Section III.

The Charged Parties were advised in the scheduling letter, “The Charged Party is not required to appear at the hearing and your failure to appear will not be grounds for discipline.” (P. 7.) The Charged Parties submitted no disclosure and did not appear at the disciplinary hearing held via Zoom on December 14. Pam Wittes, one of the scheduled Panelists, had a scheduling conflict and was replaced by Jordan Chodorow the day of the hearing. The Charged Parties were notified of this late substitution and have not objected, as they had not objected to the original Panelists.

During the 30-minute hearing, the Co-Advocate displayed and discussed 29 leads, which he grouped into two categories, 13 underleads of multiple honors against suit contracts and 16 “contraindicated” leads. Leads were characterized as “contraindicated” if made in a suit other than bid or raised by partner. In response to a Panelist’s request for evidence of questionable auctions, the Co-Advocate presented board [11](#) played on March 1. At the Chair’s request, board [2](#) from March 17 was displayed.⁷

B. The Evidence at the Disciplinary Hearing

The Charged Parties joined the ACBL in June 2014. (P. 9.) As of August 6, 2022, each was a Junior Master, with the older brother having 38 Masterpoints, all earned online, and 52 unrecorded points. The younger brother had 112 Masterpoints, all earned online, and 23 unrecorded points. The older brother gave the ACBL an address in Nairobi, Kenya, and the younger brother provided an address in Harrow in the United Kingdom. (P. 9.)

To avoid repetition, this summary in Part I.B. will simply provide two tables containing hyperlinks to the boards displayed by the Co-Advocate during the hearing in the order presented. Within each group, the boards were presented in chronological order. Hand and auction diagrams will be presented in a subsequent section for the boards the Panel has found particularly probative.

⁶ This listing of URLs without hand diagrams required Panelists to click on hyperlinks to see the hands, the auction, and the lead.

⁷ This report includes hyperlinks to the BBO movies recording the hand and auction diagrams and the play for each Board mentioned in the report.

First is the table containing “[u]nderleads of multiple honors versus suit contracts.”⁸

| | | | | | | | | | | | | | |
|-------|----------|----------|----------|----------|----------|-----------|-----------|-----------|-----------|----------|----------|----------|-----------|
| Board | <u>8</u> | <u>9</u> | <u>2</u> | <u>3</u> | <u>7</u> | <u>10</u> | <u>10</u> | <u>13</u> | <u>12</u> | <u>1</u> | <u>2</u> | <u>7</u> | <u>11</u> |
| Date | 2/11 | 3/9 | 3/15 | 3/15 | 3/15 | 3/16 | 3/19 | 3/19 | 3/20 | 4/2 | 4/7 | 4/7 | 4/20 |

Second is the table of “[c]ontraindicated underleads.”

| Board | Date |
|-----------|------|
| <u>1</u> | 2/5 |
| <u>3</u> | 3/9 |
| <u>7</u> | 3/11 |
| <u>7</u> | 3/12 |
| <u>4</u> | 3/14 |
| <u>9</u> | 3/16 |
| <u>11</u> | 3/17 |

| | |
|-----------|------|
| <u>8</u> | 3/24 |
| <u>10</u> | 3/27 |
| <u>13</u> | 4/1 |
| <u>4</u> | 4/2 |
| <u>17</u> | 4/2 |
| <u>10</u> | 4/4 |
| <u>11</u> | 4/4 |
| <u>10</u> | 4/7 |
| <u>6</u> | 4/22 |

C. The Argument

The Co-Advocate asserted that of the honor underleads he had reviewed over the course of four months of play, he observed only one that hurt the defense and may be considered exculpatory.⁹ He believed the evidence of honor underleads alone was sufficient to establish a violation of section 302(A)(2) of the CDR. He asked the Panel to impose the discipline authorized by the CDR.

⁸ The quoted document displaying the 29 boards was presented on the screen during the hearing, but was not part of the pre-hearing disclosure, so there are no page citations.

Oddly, the first board displayed in this group, board 8 played on February 11, was the lead of the 6 from a holding of QJT632 against a NT contract, not a suit contract.

⁹ While the Co-Advocate didn’t name the potentially exculpatory board at the hearing, it is likely to have been board 8 played during a session on April 7. The younger brother led the ♣ 9 from AQ97 and found the stiff K in dummy and partner holding J43. Had dummy held a doubleton K, the declarer, holding the ♣ ten, might have been hard-pressed to play the K.

It should be noted that the ACBL doesn’t claim the Charged Parties were aware of their opponents’ hands, just each other’s.

II. Panel's Findings of Fact and Conclusions

A. The Burden of Proof

Under the CDR, a Charged Party is entitled to put the Charging Party to its burden of proving an Ethical Violation to a hearing panel's "comfortable satisfaction,"¹⁰ even if the Charged Party does not appear at the disciplinary hearing. The burden of proof (i.e., "any allegation that the Charged Party has committed an Ethical Violation must be proved by Comfortable Satisfaction") was stated in Sections V.G and VI.A of former Appendix A to the CDR, the "GUIDELINES FOR CONDUCTING DISCIPLINARY PROCEEDINGS."¹¹

It is the Charging Party's burden in this case to establish that the Charged Parties exchanged or transmitted unauthorized information between themselves. The Charging Party is not required to establish exactly how the information was transmitted. There is only so much that can be deduced from BBO movies that record the hands, the bidding, and the play of the virtual cards.¹² As usual, the ACBL has produced evidence of the bidding and play by Charged Parties and it asks this Panel to infer from circumstantial evidence that questioned bids and defensive plays were based on information about partner's hand that was not revealed through the auction or defensive card play, rather than resulting from the player's skill or luck.

B. Reviewing the Evidence

It is often said that no one board can by itself establish this kind of cheating, but this Panel was impressed by the bidding and play on board 2 played on March 17.

¹⁰ The somewhat circular definition of "comfortable satisfaction" in the CDR is: "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 '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."

¹¹ Appendix A was inexplicably omitted from the CDR in a revision effective August 1, 2021. However, section 501(A) continues to state, "The chairperson of the Disciplinary Body should be familiar with this CDR and its Guidelines for Conducting Disciplinary Proceedings (CDR Appendix A)." We continue to rely on the Guidelines because, without them, the Charging Party would have no defined burden of proof and Panels would have no standard to apply.

¹² If the timing of bidding and card play is recorded by BBO, it does not appear to be made available to the ACBL and tempo is no part of the evidence presented by the ACBL.

| | | | | | |
|------------------------------------|-------------------------------------|------------------------------------|-----|-----|---|
| 2 ^D | N hansask | W | N | E | S |
| | ♠ 109 ♥ 1043 ♦ AKJ4 ♣ A642 | X | P | 2NT | P |
| W SJSHEA | ♦ Q | E jawdoctor1 | | | |
| ♠ 87 ♥ AK ♦ 10752 ♣ QJ987 | | ♠ AK4 ♥ QJ865 ♦ 96 ♣ K105 | 3NT | P | P |
| | S skhs | | | | |
| | ♠ QJ6532 ♥ 972 ♦ Q83 ♣ 3 | P P P | | | |
| | | 3NTx E NS: 0 EW: 0 | | | |

On this board, as South, the older brother made a fairly light preempt at unfavorable vulnerability. That alone may not be suspicious, but the older brother was also the one who doubled the final contract of 3NT and, instead of leading his longest suit, played the only other Queen in his hand, hitting the younger brother's best suit, even though the younger brother hadn't bid or doubled the final contract. After the ♦ Q held, ♦s were continued and the younger brother cashed his four tricks to set the contract.

1. Sequence underleads

One characteristic of these Charged Parties not seen in other cases is their ability to find Jacks. The most spectacular example is board [1](#) played on April 2.

| | | | | | |
|------------------------------------|--------------------------------------|-----------------------------------|----|----|----|
| 1 ^D | N roniti | W | N | E | S |
| | ♠ 107 ♥ AJ ♦ AK109 ♣ J10732 | 1♣ | 1♠ | X | |
| W hansask | ♠ 2 | E skhs | | | |
| ♠ J9 ♥ 108642 ♦ Q752 ♣ 94 | | ♠ AKQ6432 ♥ 73 ♦ 643 ♣ Q | P | 2♣ | 2♠ |
| | S desgil | | | | |
| | ♠ 85 ♥ KQ95 ♦ J8 ♣ AK865 | P 4♦ P 5♣ | | | |
| | | 5♣ N NS: 0 EW: 0 | | | |

Against a five-level contract, the older brother conservatively saved his three top ♠ honors, underleading them to find the younger brother holding the Jack. The younger brother understandably had not supported the suit.

A similar lead occurred on board [11](#) from April 20.

| | | |
|--------------|-----------|------------------|
| 11 D | N skhs | W N E S |
| | ♠ Q10 | P 1♥ 2♣ P |
| | ♥ AKQ2 | 2♠ P 3♣ P |
| | ♦ Q62 | 3♠ P 4♠ P |
| ♣ 8753 | P P | |
| W wccgolfer1 | ♥2 | E emze1600 |
| ♠ AK752 | | ♠ J94 |
| ♥ 109843 | | ♥ 5 |
| ♦ A84 | | ♦ K109 |
| ♣ | | ♣ AKQ1092 |
| | S hansask | |
| | ♠ 863 | |
| | ♥ J76 | |
| | ♦ J753 | |
| | ♣ J64 | |
| | | 4♠ W NS: 0 EW: 0 |

Again, the older brother underled his three top honors to find younger brother holding the Jack, despite understandably not having supported the suit.

On board [2](#) on April 7, the older brother underled KQ sixth to find the younger brother holding five to the J in support, though he hadn't raised the suit.¹³

| | | |
|------------|-----------|------------------|
| 2 D | N hansask | W N E S |
| | ♠ J75 | X P 1♣ 2♦ |
| | ♥ Q5 | 4♥ P 3♥ P |
| | ♦ J7543 | P P P P |
| ♣ 1086 | | |
| W jomcminn | ♦2 | E Bridgemys |
| ♠ AK4 | | ♠ 1096 |
| ♥ J8732 | | ♥ AK109 |
| ♦ 6 | | ♦ A |
| ♣ J974 | | ♣ KQ532 |
| | S skhs | |
| | ♠ Q832 | |
| | ♥ 64 | |
| | ♦ KQ10982 | |
| | ♣ A | |
| | | 4♥ E NS: 0 EW: 0 |

Another kind of sequence underlead that didn't find a Jack was evident on board [9](#) from a March 9 session.

¹³ In disclosure, the ACBL listed three other underleads from holdings headed by the KQ to Jacks, without commenting on them, apparently not considering them particularly notable, namely board [12](#) from one session on February 26, [6](#) from another February 26 session, and [18](#) from March 17.

| | | |
|--|--|--|
| D 9 | N mgrayson78 ♠ AK765432 ♥ 8 ♦ ♣ KJ75 | W N E S 4♠ 5♥ P P 5♠ X P P P |
| W hansask ♠ J ♥ A42 ♦ AQJ10874 ♣ Q8 | ♥5 | E skhs ♠ Q98 ♥ KQJ653 ♦ 93 ♣ A2 |
| | S ann garst ♠ 10 ♥ 1097 ♦ K652 ♣ 109643 | 5♠ N NS: 0 EW: 0 |

On this board, the older brother made a fairly light five-level overcall at unfavorable vulnerability and caught younger brother with a good hand and good support. He then doubled and underled the solid sequence of KQJ, finding the Ace in the younger brother's hand.

Another type of sequence underlead occurred on board [7](#) played on March 7.

| | | |
|--|---|---|
| D 7 | N big_bg_man ♠ Q62 ♥ AKQ10763 ♦ 3 ♣ J6 | W N E S P 4♥ P P P |
| W hansask ♠ AK984 ♥ J54 ♦ 9 ♣ 10854 | ♠7 | E skhs ♠ 75 ♥ 82 ♦ 10752 ♣ AKQ97 |
| | S sherell ♠ J103 ♥ 9 ♦ AKQJ864 ♣ 32 | 4♥ N NS: 0 EW: 0 |

The older brother, without even leading a high ♣ to see the dummy, started the defensive by leading his doubleton ♠s to the younger brother's AK, earning a defensive ruff before cashing his two top ♠s.

This Panel considers this unerring ability to find fitting Jacks in unbid hands to be blatant evidence that the Charged Parties were exchanging unauthorized information about each other's hands. This was not clever cheating, as the leader in each case could have led an honor from his honor sequence and achieved the same defensive results. It almost appears as though the brothers wanted to flaunt their knowledge of each other's hands.

2. Contraindicated leads

We will set out a few more boards to further establish the likelihood that the Charged Parties were exchanging information about their hands.

| | | |
|-----------|-------------|------------------|
| D 8 | N hog bear | W N E S |
| | ♠ 4 | 1♠ 3♦ 3♣ P |
| | ♥ 872 | P 4♦ P P |
| W skhs | ♦ AK1098642 | P |
| ♣ 3 | ♥ 3 | |
| ♠ KJ10952 | E hansask | |
| ♥ KQJ | ♠ 76 | |
| ♦ 5 | ♥ A653 | |
| ♣ J98 | ♦ Q | |
| | ♣ K107654 | |
| | S JFK1940 | |
| | ♠ AQ83 | |
| | ♥ 1094 | |
| | ♦ J73 | |
| | ♣ AQ2 | |
| | | 4♦ N NS: 0 EW: 0 |

On board [8](#) played on March 24, the younger brother raised the older brother's opening bid at the three-level with two-card support. This would be highly risky without knowing of the older brother's six-card holding. Then, despite ♠s being bid and raised, the younger brother underled his ♥ Ace to the older brother's KQJ sequence. The younger brother overtook the third ♥ and continued with a ♠.

| | | |
|-----------|--------------|------------------|
| D 17 | N Dsvs1 | W N E S |
| | ♠ AK8732 | 1♠ P 2♠ |
| | ♥ 3 | 3♥ 3♣ P P |
| W hansask | ♦ K7 | P |
| ♣ J932 | ♣ 4 | |
| ♠ 1096 | E skhs | |
| ♥ KQ862 | ♠ 1096 | |
| ♦ A9642 | ♥ 109754 | |
| ♣ KQ8 | ♦ Q10 | |
| | ♣ A104 | |
| | S TriplThret | |
| | ♠ QJ54 | |
| | ♥ AJ | |
| | ♦ J853 | |
| | ♣ 765 | |
| | | 3♠ N NS: 0 EW: 0 |

On board [17](#) from April 2, though the younger brother entered a live auction with a 3♥ call, the older brother knew to underlead his ♣ Ace to the younger brother's KQ8.

| | | |
|------------------------------------|------------------------------------|-------------------------------------|
| D 12 | N diana lynn | W N E S |
| | ♠ AQ10843 ♥ J76 ♦ Q94 ♣ 5 | 1♣ 1♠ X P 2♣ 2♠ P P P |
| W hansask | ♦ 2 | E skhs |
| ♠ 9652 ♥ AQ ♦ AJ ♣ A10986 | | ♠ J7 ♥ K1092 ♦ K10762 ♣ K2 |
| | S glorunner | |
| | ♠ K ♥ 8543 ♦ 853 ♣ QJ743 | 2♠ N NS: 0 EW: 0 |

On board [12](#) on April 22, the older brother didn't lead the ♣ suit opened and rebid by the younger brother, instead finding the younger brother's doubleton ♦ AJ with his lead.

| | | |
|------------------------------------|-------------------------------------|-----------------------------------|
| D 7 | N skhs | W N E S |
| | ♠ KJ93 ♥ 9532 ♦ 10 ♣ K982 | 1♠ X P 1♦ P P 2♠ 2♥ P P |
| W pjstein | ♣ 2 | E taniela |
| ♠ AQ752 ♥ Q8 ♦ 85 ♣ Q1064 | | ♠ 86 ♥ KJ7 ♦ AJ9732 ♣ 73 |
| | S hansask | |
| | ♠ 104 ♥ A1064 ♦ KQ64 ♣ AJ5 | 2♠ W NS: 0 EW: 0 |

On board [7](#) played during one of four sessions on March 12, the younger brother opened ♦s and rebid ♥s after the older brother's negative double. On defense, the older brother didn't lead a ♦, despite holding a singleton, nor did he lead a ♥, but instead led the only unbid suit and found the younger brother's ♣ Ace.

3. Questionable auctions

While the ACBL focused its presentation at the disciplinary hearing on opening leads, a few auctions questioned in disclosure are worth noting aside from board [2](#) noted above.

| <div style="border: 1px solid black; padding: 5px; text-align: center;"> 3 D </div> | N jalata ♠ QJ7 ♥ 103 ♦ 10864 ♣ QJ86 | <table border="1" style="width: 100%; text-align: center;"> <tr> <th style="width: 25%;">W</th> <th style="width: 25%;">N</th> <th style="width: 25%;">E</th> <th style="width: 25%;">S</th> </tr> <tr> <td>1♥</td> <td>P</td> <td>2♥</td> <td>1♣</td> </tr> <tr> <td>P</td> <td>P</td> <td></td> <td>P</td> </tr> </table> | W | N | E | S | 1♥ | P | 2♥ | 1♣ | P | P | | P |
|---|--|---|----|----|---|---|----|---|----|----|---|---|--|---|
| | W | N | E | S | | | | | | | | | | |
| | 1♥ | P | 2♥ | 1♣ | | | | | | | | | | |
| P | P | | P | | | | | | | | | | | |
| W hansask ♠ K102 ♥ AKQ ♦ J52 ♣ 10943 | | E skhs ♠ A85 ♥ J8765 ♦ Q73 ♣ 72 | | | | | | | | | | | | |
| | S cages6 ♠ 9643 ♥ 942 ♦ AK9 ♣ AK5 | <div style="text-align: right; font-size: 10pt;"> 2♥ W NS: 0 EW: 0 </div> | | | | | | | | | | | | |

On board [3](#) on February 11, the younger brother overcalled a three-card suit (albeit a good one) at the one level and found five-card support.

| <div style="border: 1px solid black; padding: 5px; text-align: center;"> 13 D </div> | N hansask ♠ 765 ♥ QJ84 ♦ J74 ♣ Q102 | <table border="1" style="width: 100%; text-align: center;"> <tr> <th style="width: 25%;">W</th> <th style="width: 25%;">N</th> <th style="width: 25%;">E</th> <th style="width: 25%;">S</th> </tr> <tr> <td>P</td> <td>1♣</td> <td>P</td> <td>P</td> </tr> <tr> <td>1NT</td> <td>2♥</td> <td>2♠</td> <td>P</td> </tr> <tr> <td>3♦</td> <td>P</td> <td>3♠</td> <td>P</td> </tr> <tr> <td>P</td> <td>P</td> <td></td> <td></td> </tr> </table> | W | N | E | S | P | 1♣ | P | P | 1NT | 2♥ | 2♠ | P | 3♦ | P | 3♠ | P | P | P | | |
|--|---|--|---|---|---|---|---|----|---|---|-----|----|----|---|----|---|----|---|---|---|--|--|
| | W | N | E | S | | | | | | | | | | | | | | | | | | |
| | P | 1♣ | P | P | | | | | | | | | | | | | | | | | | |
| 1NT | 2♥ | 2♠ | P | | | | | | | | | | | | | | | | | | | |
| 3♦ | P | 3♠ | P | | | | | | | | | | | | | | | | | | | |
| P | P | | | | | | | | | | | | | | | | | | | | | |
| W Jays1001 ♠ 4 ♥ 9752 ♦ AKQ1032 ♣ K8 | <div style="border: 1px solid black; padding: 2px; text-align: center; width: 30px; margin: 0 auto;">♥3</div> | E donaldnt33 ♠ AQ10932 ♥ ♦ 65 ♣ AJ953 | | | | | | | | | | | | | | | | | | | | |
| | S skhs ♠ KJ8 ♥ AK1063 ♦ 98 ♣ 764 | <div style="text-align: right; font-size: 10pt;"> 3♠ E NS: 0 EW: 0 </div> | | | | | | | | | | | | | | | | | | | | |

On board [13](#) played during one of the sessions on March 19, 1NT was announced as “Forc,” so younger brother entered a live auction bidding 2♥ vulnerable on a four-card suit with a six-count. But the older brother happened to have great five-card support. Perhaps it was this auction that induced the older brother to underlead his AK to the younger brother’s Q.

C. Panel’s Conclusions

In highlighting the most probative boards in part II.B., the Panel has telegraphed its conclusion that the Charged Parties are among the most flagrant cheaters the Panelists have seen. Though the Panel has reviewed all the boards submitted in disclosure, it is unnecessary for this report to set out additional boards to substantiate the Panel’s conclusion. It is hard to imagine what defense the Charged Parties might have presented had they appeared.

The Panel is unanimously comfortably satisfied that the Charged Parties violated section 301(A)(2) by exchanging unauthorized information about each other's hands during the bidding and play.

D. Discipline

CDR section 402 sets out circumstances that a Panel must and may consider in imposing discipline.¹⁴ The Panel has considered the evidence insofar as it is relevant to all those factors and notes that the Charged Parties have no prior disciplinary history.

The CDR has a minimum recommended discipline for any First Degree Ethical Violation such as this one. "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." (Section 301(A)(7).)

Weighing the flagrancy of the violations and the apparent premeditation against the Charged Parties' inexperience and the likely remaining life span of the elderly brothers, the Panel suspends the Charged Parties for two years, to be followed by three

¹⁴ Section 402 states: "(A) **Primary Considerations.** The following factors must be taken into account in determining the appropriate discipline and should be weighed more heavily in the decision:

- "(1) Prior Record of Discipline;
- "(2) Experience of Player (measured by MPs, eligibility points, or other indicia of experience);
- "(3) Level and Prestige of Event (measured by event rating);
- "(4) Duration of Time Over Which the Proved Violation Occurred;
- "(5) Flagrancy of the violation;
- "(6) Whether the violation was premeditated.

"(B) **Secondary Considerations.** The following factors may be taken into account in determining the appropriate discipline, but should be weighed less heavily than Primary Considerations:

- (1) Other Harm to Reputation of ACBL or the Game of Bridge;
- (2) Whether the Player Holds (or at any point in the past has held) an ACBL (or affiliated organizational) Office or Leadership Position (discipline enhancement);
- (3) Whether the Player Is Currently an ACBL (or affiliated organizational) Employee (discipline enhancement)."

Section (C) lists 13 factors that may not be taken into account, including "(6) Age" and "(7) Physical or mental disability."

years' probation, with the condition that they not play together during probation, and orders forfeiture of 50% of their Masterpoints.¹⁵

¹⁵ We note that if all the misconduct occurred after February 1, 2022, new section 403(C) would limit the OEOC to imposing discipline of no more than six months' suspension and two years' probation.

In its disclosure, the Charging Party did list two boards played on January 31 as involving honor underleads. (P. 19.) On one of them, board [6](#), an Ace was underled to partner's King in a suit partner had raised.