



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 #
<input type="text" value="Martin Hirschman, Chairman"/>	<input type="text" value="J925369"/>	<input type="text"/>	<input type="text"/>
<input type="text" value="David Caprera"/>	<input type="text" value="K349736"/>	<input type="text"/>	<input type="text"/>
<input type="text" value="Mark Perlmutter"/>	<input type="text" value="K543036"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

INDIVIDUALS WHO PARTICIPATED IN THE HEARING (excluding committee members)

Name	ACBL#	Via	Capacity	Name	ACBL#	Via	Capacity
<input type="text" value="Ryan Connors"/>	<input type="text" value="Q758913"/>	<input type="text" value="web conf."/>	<input type="text" value="Adv-Charging P"/>	<input type="text" value="Ray Yuenger"/>	<input type="text" value="P913494"/>	<input type="text" value="web conf."/>	<input type="text" value="Panel Advisor"/>
<input type="text" value="Robb Gordon"/>	<input type="text" value="K652927"/>	<input type="text" value="web conf."/>	<input type="text" value="Adv-Charging P"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="Select One"/>	<input type="text" value="Select One"/>
<input type="text" value="Elizabeth Tobias"/>	<input type="text" value="K097990"/>	<input type="text" value="web conf."/>	<input type="text" value="Witness"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="Select One"/>	<input type="text" value="Select One"/>
<input type="text" value="Joseph Silver"/>	<input type="text" value="J260707"/>	<input type="text" value="web conf."/>	<input type="text" value="Observer"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="Select One"/>	<input type="text" value="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)

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

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.

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 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	03/19/2025	03/18/2035	10 year Probation during which the Charged Parties are prohibited from playing together as a pair.
<input checked="" type="checkbox"/> SUSPENSION	3/19/2021	03/18/2025	4 year Suspension

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:

Removal of 25% of lifetime masterpoints from each party.

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

E19 Cheating and other Ethical Violations.

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

RESPECTFULLY SUBMITTED (CHAIR)

/s/ Martin Hirschman

Electronic Signature (type name above)

Date: 5/20/21

Wet Signature (sign above)

AMERICAN CONTRACT BRIDGE LEAGUE
ONLINE ETHICAL OVERSIGHT COMMITTEE

In the matter of John W. Moore and Roxann Swenson (Charge Letter Reference # 7500039)

Hearing panel: Martin Hirschman, chair; David Caprera, Mark Perlmutter

HEARING REPORT AND DECISION

PROCEDURE

On December 16, 2020, ACBL's national recorder, Robb Gordon, submitted a Recorder Complaint against John W. Moore and Roxann Swenson alleging that "Between late March 2020 and early December 2020, Moore and Swenson engaged in frequent collusive cheating by direct exchange of Unauthorized Information."

On March 19, 2021, the ACBL executive director, Joe Jones, submitted a Charge Letter (Reference # 7500039) against Moore and Swenson alleging that "The Charged Party(ies) are subject to discipline under the ACBL Code of Disciplinary Regulations (CDR 3). The alleged violation(s) are as follows: Cheating and other Ethical Violations. CDR 3.20 (effective May 29, 2020)." The Charge Letter also stated that "a pattern of conduct" was involved.

Also on March 19, 2021, Jones issued Notices of Suspension Pending Hearing to the two charged parties. On the same day, the ACBL compliance co-ordinator, Sabrina Goley, spoke with both charged parties by phone to make sure they had received her emails with the Charge Letter and Notice of Suspension. They said they had.

On March 31, 2021, the chairman of the hearing panel in this case issued a Notice of Hearing Schedule and Pre-Hearing Matters, which was mailed and emailed to the parties. The Notice set a Zoom hearing in this matter on May 12, 2021, at 3 p.m. EDT. The Notice instructed the parties to submit disclosures of evidence, the identity of witnesses and their expected testimony. The charging party was given an April 13, 2021, deadline for such disclosure. The charged parties were given until April 27, 2021. A Zoom link was provided for the date and time of the hearing.

On April 12, 15 and 21, 2021, the compliance coordinator attempted to reach the charged parties by phone, presumably to make sure they got the notice of hearing. She left voicemail messages each time, but they were not returned.

Prior to his deadline, the charging party submitted a packet including the full record of more than 65 deals, plus analyses, that the charging party alleged were proof that the charged parties were exchanging information about their hands to each other before and/or during the bidding and play.

The charged parties made no submission of evidence or witnesses or any other matter.

The zoom hearing was convened on May 12, 2021, at 3:10 p.m. Present were the three panel members; Ryan Connors, co-advocate for the charging party; Robb Gordon, ACBL National Recorder and co-advocate for the charging party, Beth Tobias, witness for the charging party; Ray Yuenger, advisor and technical officer to the panel, and Joey Silver, observer. The charged parties did not appear.

The following items (comprising the entire Hearing Packet provided to the panel and parties by the compliance coordinator) were admitted into the record of the hearing:

Recorder Complaint, 12/16/2020

Charge Letter, 03/19/2021

Suspension Pending Hearing, 03/19/2021

Notice of Hearing, 03/31/2021

Charging Party's Acceptance of the Panel, 04/01/2021

Documented Communication by Compliance Coordinator

Discovery Pursuant to CDR 501(J)

Charging Party's Disclosure

--Summary of Evidence

--Player Background and Agreements

--Summary of Witness Testimony

--Summary of Scores Over Time

--Evidence of Unauthorized Information in Bidding

--Evidence of Unauthorized Information Involving Opening Leads and Defense

--Review of Full Sessions with Highlighted Boards

--Letter from Steve Weinstein

Due to the completeness of the presentation in the above listed documents and due to the uncontested nature of the hearing, no testimony was taken on the issue of whether the parties were passing unauthorized information to each other. Connors noted a couple of corrections in his submissions; these were inconsequential.

Brief testimony was taken from the witness Beth Tobias who knew the charged parties from playing against them at a club in Austin TX.

Connors recommended that the panel suspend the charged parties for four years to be followed by a 10-year period of probation during which the charged parties would not be allowed to play with each other, and that each lose 20 percent of their lifetime masterpoint total.

FINDING OF FACTS

The Charged Parties

The charged parties live at the same address in Austin TX. Their personal and legal relationship, if any, is unknown.

As of March 6, 2021, Moore was a Gold Life Master with 2,522 points. This total included 653 gold points and 1.47 platinum points. He joined the ACBL in 1978 and became a Life Master in 1989. Swenson was a Ruby Life Master with 1,981 points. She held 529 gold points and 1.47 platinum points. She joined the ACBL in 1987 and earned Life Master in 1991.

They were average-plus players at their ACBL-sanctioned bridge club in Austin. There is no indication or evidence that they were cheating in in-person games or at any time before April 2020.

After the Covid-19 pandemic forced a nationwide shutdown of in-person bridge, the charged parties joined BridgeBase.com on April 18, 2020. They played on BridgeBase.com frequently as partners. Their posted convention card showed they played, among other things, 2/1 Game Force, forcing and semiforcing 1NT responses to a 1 of a major opening bid, Reverse Two-way Drury and negative doubles through 3S. They played hundreds of games, often including several sessions per day. They entered various ACBL sanctioned games, including 12- and 18-board matchpoint games, virtual club games hosted by an association of central Texas clubs, and regional and national online events.

At the time of the issuance of the Notice of Suspension Pending Hearing, March 19, 2021, the charged parties had completed two sessions of a four-session NAOBC 0-5000 IMP Pairs, an online limited national event. They were leading the event at that time with a total of +71.03 IMPs over the 48 boards played.

Evidence from the hands played

The record is laden with hands that show the charged parties were in possession of unauthorized information about their partner's hand and that they acted upon that information to achieve super-human results while

playing in ACBL-sanctioned games on BridgeBase.com between April 27, 2020, and March 18, 2021.

Perhaps the most spectacularly obvious demonstrations of cheating by the Charged Parties appear in the following five deals. (Links to the full hands are provided.):

Wildly unusual and inexplicable actions that were successful and clearly indicate cheating via transmission of unauthorized information between the charged parties

According to their convention card, the charged parties play negative doubles through 3S. On [Board 9](#) from BBO Session 8277 on July 28, 2020 Swenson opened 1D and the next player overcalled 2C. Moore held 632 AKQ 6 J97532. The normal action with that hand is to pass, then pass again when partner reopens with a hoped-for takeout double. Instead, Moore doubled. That shows one or both majors (or possibly both majors) and some values. So Swenson, who held AQJ9 J1075 KJ843, would be expected to bid one of her majors. Instead she passed! How did she know her partner had a club stack? **He must have told her.**

Similarly, look at [Board 7](#) from BBO Session 42143 on Nov. 10, 2020. After Swenson opened 1D and the next player overcalled 2S, Moore held K97 J7 A75 KQ985. Normal bids at this point would be 3C or 3NT. Instead, Moore doubled, which ostensibly shows four or more hearts and at least moderate values. Swenson held A3 KQ95 KJ986 32, so her normal bid in response to the negative double would have been 3H. Instead she passed, and the pair picked up a big penalty. How did Swenson know her partner did not have hearts and did have defense against spades? **He must have told her.**

There is much more. On [Board 21](#) from the first session of a 0-5000 IMP Pair regional event, Swenson's RHO opened 2H in first seat. This was passed around to Moore, who bid 2S. That was passed around to opener's partner, who competed to 3H. At that point, Moore doubled. This shows a maximum for the previous 2S bid with support for the unbid suits, usually with short hearts. When this came back to Swenson her normal bid was 3S since she held QJ4 J9 K53 J10943. Instead, she passed. As it turned out, Moore had A9653 AQ7 Q KQ86, and 3H went for a big number. How did she know he had such good defense against hearts? **He must have told her.**

On [Board 4](#) from BBO Session 420 on July 22, 2020, Moore's LHO opened 1D in first seat and Swenson overcalled 1S. That was passed around to opener, who reopened with a double. That was passed around to

Moore who held 4 QJ74 109765 Q109. Normal actions for Moore at that point would be to pass, run out to 1NT or make an SOS redouble. Instead, Moore bid 2D, which was the suit opened on his left. That worked very well when Swenson turned out to have KQ1062 5 KJ83 J63. How did Moore know Swenson had such a suitable holding in diamonds? **She must have told him.**

On [Board 15](#) from BBO Session 5148, Moore opened 1NT (15-17) and Swenson held J743 AJ43 J K1053. A normal action would be to bid Stayman, looking for a major suit fit. Alternatively, for this pair (according to their convention card), a bid of 2NT would relay to 3C and after that she could bid her short suit showing 4-4-4-1 shape. Swenson actually bid 3C instead of 2C or 2NT. We do not know if this was a mistake or something else. The 3C bid ostensibly showed invitational values with long clubs. To that, Moore responded 3NT. Now Swenson “guessed” to place the contract in 4H, catching Moore with AQ5 Q765 KQ5 A94. How did she know he had four hearts when he could have had two or three? **He must have told her.**

Those five hands alone clearly demonstrate collusive cheating by the charged pair. But there is much, much more evidence. In the following paragraphs, these hands are organized by the type of bid or play and presented in summary form. (Again links to the full hands are provided. Citations to the dates on which the hands were played and the session designations were provided in the charging party’s submission.):

On opening lead, underleading holdings headed by the ace to partner’s king when that was not the normal lead and there was no indication from the bidding that such lead would be successful

--Against 3S, Swenson underled A973 to Moore’s KQJ10 even though Moore had bid only hearts, in which Swenson held J762. Feb. 5, 2021 BBO Session 87394 [Board 15](#)(from Tobias submission)

--Swenson underled AJ8 of spade against [3H](#), catching partner with KQ76 of spades.

--Against [6Cx](#) Moore underled AQJ1086 of diamonds to Swenson’s king when the only suit she had bid was spades.

---Against [5Cx](#) Swenson underled from A973 of hearts to partner’s K8, and then gave him a ruff on the third round of the suit. Her normal lead was a spade from KQJ8 of spades. After receiving the ruff, Moore underled A9654 of spades even though Swenson’s choice of hearts to ruff (her lower remaining heart) should have been suit preference for a diamond return.

--Against [4Sx](#), Moore underled AQ10854 of diamonds to Swenson's singleton K to get a ruff in hearts.

--Against [4D](#), Swenson underled AJ7652, catching Moore with K3 and no other high cards.

--Against [2Dx](#), Swenson underled AQ1098 of clubs, catching Moore with KJ7, when the normal lead was probably king of spades from KQ105.

--Against [2H](#), Swenson led low from AJ103 of spades, catching Moore with K6.

--Against [2H](#), Swenson underled A943 of clubs, catching partner with KJ75.

--Against [4S](#), Swenson underled A10972 of diamonds although partner had doubled an artificial heart bid, presumably showing values in that suit. Partner had K8 of diamonds.

--Against [2S](#), Moore underled AQ52 of diamonds, catching Swenson with K3 and no other high cards.

How did Moore and Swenson know it was safe and potentially advantageous to make these highly unusual and dangerous underleads? **They must have told each other what they had.**

On opening lead, leading an ace (from a holding not also containing the king) against a suit contract and continuing the suit to give partner, who started with a singleton in that suit, a ruff, when that was not the normal lead and there was no indication from the bidding that such lead would be successful

--Against [4H](#), Swenson led ace and another diamond from AQ952, giving Moore a ruff, although Moore had bid clubs twice.

--Against [5C](#), Moore led ace of diamonds from AJ76, then continued the suit to give Swenson a ruff. The normal lead was a heart, the suit Swenson had bid.

--Against [5Sx](#), Moore led the ace AJ9865 of hearts and continued the suit, giving Swenson a ruff. The normal lead was a diamond, partner's bid suit.

--Against [4S](#), Moore led the ace of hearts from AQJ6 (!!!), then continued the suit, giving Swenson a ruff. The normal lead was king from KQ42 of diamonds or possibly a club – the suit partner had bid -- from KJ4.

--Against [3S](#), Moore led ace from AQ1095 of hearts, then continued the suit, giving Swenson a ruff.

How did they get so lucky with these dangerous and highly unusual leads? **Their partner must have told them they had a singleton.**

Other unusual and/or dangerous opening leads

--Against [5C](#), Swenson led ace from A53 of diamonds and continued the suit to partner's original KJ2. The normal lead was a heart, the suit the charged parties had bid and raised.

--After declarer opened a strong 2C and then drove to the five-level looking for a heart slam opposite a partner who denied values, Swenson led a [low club](#) from K8732. Declarer could easily have had AQ of clubs, and since dummy was known to be weak, there was no reason to make an attacking lead. Declarer actually held singleton ace of clubs and Moore had QJ5. The normal lead was a spade from J109.

--Against [3NT](#), Moore led the ace of spades from A4 doubleton, catching partner with Q987632 of spades, which had not been bid, and no other values. Moore had two more obvious choices of suits to lead.

--Against [4H](#), Moore led king of spades from K84, catching partner with Q10973 and no other values.

--Against [4S](#), with one opponent having bid hearts, Swenson led a diamond from J4 when the normal lead was her singleton club. Moore, who had not bid, had KQ10876 of diamonds, J10764 of clubs and no other values.

--Against [2Hx](#), Swenson led queen of diamonds from A5 K76 Q10542 AK3, catching partner with AJ3 in diamonds.

--Against [5C](#), Swenson led a spade from J9652 J5 Q9752 7, although the only suit Moore had bid was diamonds. Moore had AQ of spades.

--Against [6S](#), Swenson led Q of diamonds from Q76, catching partner with K1085432 in the suit and no other values. The normal lead was a club honor from QJ106.

--Against [4S](#), Swenson led a club, which was known to be declarer's long side suit. This despite the fact that Moore had doubled an artificial 2D bid, ostensibly showing diamond values. Actually Moore had the ace of clubs and just 10743 of diamonds.

--Against [3NT](#), Swenson led a club, the only suit bid by opponents, with K64 52 AKJ97 952. Partner's only entry (to play diamonds through declarer) was the ace of clubs.

--Against [3S](#), Moore led a club, catching Swenson with AKQ6 in that suit. The only suit Swenson had bid was hearts, where she had 87653.

How did the charged parties know to make these unusual but highly successful leads? **Their partner must have told them what they had or what to lead.**

Other double dummy defenses

--Against [6H](#), Swenson held the A765 94 A10864 83. Diamonds was dummy's first bid suit, while spades had not been bid. Swenson led ace of diamonds and continued the suit, giving Moore, who had a singleton diamond, a ruff. The position after trick one was uncertain. If Moore could not ruff the diamond, Swenson was sure to lose her ace of spades. Actually declarer had a spade void, and the diamond ruff was necessary to beat the contract.

--While defending [2D](#), Moore was on lead at trick 3 and underled AQ4 of clubs to partner's K102.

Abnormal bid/wild overbid and catching partner with a hand that made the bid the winning action when there was no indication from the bidding to that point that partner would hold such a useful hand

--Moore overcalled [3C](#) on A1032 K9 10 KQ9876. Swenson could and should have raised to 4Cs, but actually passed. Next Moore competed to 4C. Swenson had a great dummy for clubs: J 763 AQ952 J1042.

--After forcing a bid out of Moore via a takeout double, Swenson jumped to [4H](#) with KQ Q6 AKJ52 KQ97. Moore could have had no high cards and just four hearts, but actually held 9752 K109853 43 8.

--After opening 1C, Swenson competed to [3D](#) on KQ2 Q532 AQ543 although Moore had not bid. Moore could have had a misfitting zero count, but actually held 1093 Q108 K987 863.

--Swenson jumped to [6H](#) with AK2 AKQ864 A104 9 on an auction in which Moore could have had no high-card values. He actually had a hand that perfectly covered her losers: 85 J10952 KQ63 32.

--Swenson jumped to [6D](#) on K5 A87532 J108 K4 when Moore could have had as little as a minimum opener with nine cards in the minors. Actually he held A J9 AQ653 AQ983.

--After Swenson opened 1D and then jumped to 3D, Moore held A97 J543 7 AJ1053. His normal bid would have been 3NT. Instead, he bid [4C](#). Swenson actually held 2 7 AQJ10852 KQ62.

--Swenson competed to [5S](#) with KJ8 AJ654 6 K872 after Moore had merely made a 1S response and could have had as little as six high card points and just four spades. He actually held AQ107543 1092 J5 3.

--After opps bid 1D (P) 2NT, Swenson overcalled 3H, then competed to [4H](#) Vul. vs. NV on 105 AQJ9543 4 AQ4, catching Moore with J743 10872 J52 K2.

--After Moore overcalled 1H, Swenson raised, and Moorer competed to 4H. When the opponents bid 4S, Swenson competed to [5H](#) with K42 QJ8 102 QJ1093. Moore held 10 AK95432 7 K754.

--Swenson opened 1D, which according to their convention card could be on a three-card diamond suit. The next player bid 1H. Moore held Q94 K97 874 9743. His normal action was to pass. Instead he raised to [2D](#). Swenson held J3 J108 AQJ52 K86.

--Swenson held A AK10 AQ87543 A2. A 3H opening bid on her left was passed around to her. She doubled. Moore responded 4C, which could be just four clubs and no high-card values. Swenson then jumped to [6D](#), catching Moore with 9654 42 K102 K1093.

Abnormal underbidding (often after partner had overbid)

--Moore's RHO opened 1C and he overcalled 1H on A43 AK10952 Q A43. After a pass by LHO, Swenson bid 1S. This typically shows 5+ spades and at least 8 high card points, so Moore's hand was worth a 4S bid or perhaps just 3S. Instead, he bid only [2S](#). Swenson had just KQ987 J 1075 10972.

--Moore opened 1H, Swenson responded 1S, and Moore jump-shifted to 3C, ostensibly showing 19 high card points or close to that with the playing equivalent. Swenson held AK1062 105 K765 K9, so should have at least attempted to invite slam. Instead she bid just [3NT](#), ending the auction. Moore was subminimal for his 3C jump: 54 AKQ73 J10 AQJ5.

--Three times among the hands presented, one of the charged parties passed the other's forcing bid. Each time (on [this board](#), [that board](#), and the [other board](#)) this was the winning action.

--Swenson opened a [15-17 1NT](#) in first seat with 19 high card points and a five-card minor, risking missing game when partner had 6 to a medium 8 HCPs. Moore actually had just two high card points.

--Moore overcalled a 1C opening bid with 1S. Swenson responded with a 2C cuebid, and Moore next bid 2H. He could have held up to the values for a full opening bid. Swenson held After Q2 AKJ8 J1096 KJ5 so should have bid at least 3H. Instead she [passed](#). Moore held just KJ1074 Q632 42 Q4.

--Moore opened 1C, which could be a 3-card suit. Swenson responded 1H and Moore bid 1S. Swenson held K76 J10632 A5 K63, so her normal bid was 2NT or maybe just 1NT. Instead, she bid [2C](#), catching partner with a dead minimum with five clubs: A1084 K9 97 A9742.

--Moore's LHO opened 1S. Swenson doubled. Moore responded just 1NT although he had 12 high card points. Swenson then bid 2C, ostensibly

showing extra values. Nonetheless, Moore [passed 2C](#). Swenson had just 11 HCPs. (As it turned out, this backfired because 3NT was making on the lie of the opponents' cards.)

--Swenson opened 1S, and the next player doubled. Moore passed with 2 10654 AK8652 92, and [passed again](#) on the next round of bidding, letting LHO play 1NT. This was the winning action because Swenson had a diamond void: AK976 J87 void KJ863.

--Moore opened 1C and Swenson held a 17-count: AQ8 764 KQ965 AQ. Her normal bid was 1D, planning to try to get into a slam-invitational auction. Instead she bid just [3NT](#), supposedly showing 13-15 HCPs. Moore held a dead minimum.

Violated their stated methods, reaching a better part score

On their convention card, the charged parties have checked both Forcing and Semiforcing 1NT responses to a 1 of a major opening bid. This means the 1NT response by an unpassed hand is forcing, but if responder is a passed hand the opener can and is expected to pass 1NT with a balanced hand and up to a so-so 13 HCPs.

However, on one board, Moore opened 1S in 4th seat and Swenson responded 1NT. Moore held A7543 AJ10 K42 74, so his normal action was to pass. Instead he bid [2C](#), catching Swenson with six clubs.

Similarly, on another board, Moore opened 1H in third seat and Swenson responded 1NT. Moore had a normal pass: Q4 Q10532 A106 K53. Instead he bid [2C](#), catching Swenson with six clubs.

Based on all the above cited hands, the panel majority is comfortably satisfied that the charged parties were routinely exchanging information about their hands to each other during the bidding and play, and that they took full advantage of this unauthorized information to make successful bids and plays that were not supported by normal bridge wisdom, experience or logic.

APPLICABLE LAW AND DISCIPLINARY REGULATIONS

Laws of Duplicate Bridge 2017 Revised Authorized Edition

LAW 73

COMMUNICATION, TEMPO AND DECEPTION

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

...

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

American Contract Bridge League Code of Disciplinary Regulations (May 29, 2020)

Definitions

...

Collusive Cheating

An agreement made between two or more people, at least one of whom is a contestant, to exchange or pass information illicitly...

Comfortable Satisfaction

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."

...

GROUNDS FOR DISCIPLINE...

...

3.20 Cheating and other Ethical Violations

...

APPENDIX B
CHART 2: ETHICAL VIOLATIONS

OFFENSE	RECOMMENDED DISCIPLINE	SUGGESTED MASTERPOINT PENALTIES
E19 Cheating and Other Ethical Violations not Specifically cited by Other sections of this Appendix (CDR 3.20)	90 days Suspension up to Expulsion...	0-100% of Disciplined Person's total masterpoint holding

ANALYSIS AND CONCLUSION

Based on the overwhelming evidence set forth in the Facts section of this opinion, the panel is comfortably satisfied that the charged parties cheated in online play on dozens if not hundreds of hands between April 2020 and March 2021, in violation of CDR 3.20.

DISCIPLINE IMPOSED

On a 2-1 vote, the panel imposes the following discipline:

--The charged parties, John W. Moore and Roxann Swenson are suspended from the ACBL for four years, beginning March 19, 2021.

--The period of suspension is to be followed by a 10-year period of probation during which the charged parties are prohibited from playing together as a pair.

--The charged parties will each lose 25 percent of their lifetime masterpoint total.

Hirschman and Perlmutter are comfortably satisfied that this discipline represents a correct and just conclusion of this matter.

Caprera writes:

Dissent with respect to sanctions imposed. While the determination that the charged parties had cheated was unanimous, I disagreed as to the appropriateness of the sanctions imposed. Based on the sanctions

imposed on others by the OEOC in what I believe to be similar circumstances, I felt 4 years suspension and 10 years not playing together was too harsh. (I had no objection to the 25% masterpoint reduction.) The advocate for the charging party offered no evidence as to how they cheated, (e.g., self kibitzing, collusion) and I am not comfortably satisfied that the charged parties acted collusively. I would have favored a penalty consistent with prior practice which I believe is 2 or 3 years of suspension and some period of probation which could include separating partners. Given the nature of their conduct, I would have been more comfortable with 3 years suspension instead of 4. I also thought that 10 years for "a couple" not to be able to play with each other is too long. (We could not establish that they were married but they do apparently live at the same address.) I am not familiar with a penalty of that length having been imposed previously and would have favored 5 years of not playing as a pair, that is, 3 years suspension followed by 2 more years of not playing together.

(s)

Martin Hirschman, chairman

(s)

David Caprera

(s)

Mark Perlmutter

Date: May 20, 2021