



Charged Party(ies)	Joseph Peled Rachel Peled	ACBL #	N746809 9134077	Hearing Date	2/3/22
Disciplinary Body	Online Ethical Oversight Committee		Hearing Location	Web-Conference using Zoom	
Charging Party	Joseph Jones	ACBL#	5399696	Complainant	Robb Gordon
				ACBL#	K652927

**COMMITTEE MEMBERS WHO HEARD THE CHARGES**

Name	ACBL #	Name	ACBL #
Jan Martel, Presiding Chair	Q916802		
Phil Clayton	N026806		
Karen Walker	K090945		

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

Name	ACBL#	Via	Capacity	Name	ACBL#	Via	Capacity
Joseph Peled	N746809	web conf.	Charged Party	Ray Yuenger	P913494	web conf.	Panel Advisor
Rachel Peled	9134077	web conf.	Charged Party			web conf.	Select One
Robb Gordon	K652927	web conf.	Adv-Charging P			Select One	Select One
Jeff Edelstein	O200338	web conf.	Observer			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 through 5 of attached narrative report.

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

See pages 6 through 20 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).

Responsible of violating 3.20: Cheating and other Ethical Violations. (CDR effective May 1, 2020)

Not responsible of violating 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) (CDR effective August 1, 2020)

**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	2/1/2022	1/31/2024	A condition of probation is not playing together online while on probation
<input checked="" type="checkbox"/> SUSPENSION	11/2/2021	1/31/2022	90 days

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:

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

3.20: Cheating and other Ethical Violations. (CDR effective May 1, 2020)

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.

E19 - Cheating and other Ethical Violations not specifically cited by other sections of this Appendix (CDR 3.20)

RESPECTFULLY SUBMITTED (CHAIR)

/s/ Jan Martel

Electronic Signature (type name above)

Date: 2/18/22

Wet Signature (sign above)

## I. Summary of evidence and arguments

### A. Procedural Overview

The procedure in this case was more complicated than in some other cases, because (1) the original Charges filed on November 1, 2021 were superseded by revised Charges filed on January 7, 2022, (2) the revised Charges allege violations of two different versions of the ACBL's Code of Disciplinary Regulations ("CDR"), (3) the original disciplinary hearing, scheduled for December 18, 2021, was twice postponed and finally held on February 3, 2022, after additional prehearing disclosure by both sides, and (4) the original ACBL Advocate, Michael Hargreaves, was replaced by National Recorder Robb Gordon as Advocate.

In the beginning, a Recorder Complaint filed on January 11, 2021 accused Joe Peled ("jpeled" on Bridge Base Online ("BBO")) and Rachel Peled ("Rpeled") of illicit communications during bidding and play online in August 2020. (Pp. 1-2.)<sup>1</sup> The Complaint alleged a "Pattern of Conduct." (P. 1.)

The original Charge Letter alleged "Collusive cheating" in violation of section 301(A)(2) of the CDR.<sup>2</sup>

On November 24, 2021, the Charging Party provided prehearing disclosure as ordered by the Panel Chair, Jan Martel. It included, among other documents, one titled "National Recorder analysis" that displayed hand diagrams and auctions for 18 different boards played during five BBO sessions in August 2020, specifically session 3297 played on August 3, 8498 on August 9, 8904 on August 10, 6804 on August 14, and 4601 on August 31.<sup>3</sup> Also included in this disclosure was an email analysis by investigator Nik Demirev dated October 17, 2020 of boards played during sessions 8904, 4601, and 3297.

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<sup>1</sup> Unspecified page references are to the 111-page hearing packet provided to the Panel.

<sup>2</sup> At the relevant time, CDR 301(A)(2) stated, "*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." That subsection is now 301(A)(3) pursuant to a CDR revision that took effect on August 1, 2022.

<sup>3</sup> Links to all boards in all five sessions are set out in the Appendix to this report.

This analysis by Demirev included comments on most boards and numerical ratings of all of them.<sup>4</sup>

The ACBL disclosure also included links to BBO movies for every one of the five sessions except 8904. While there was a listing of links from a purported session 8904, the first ACBL Advocate noted that those boards were played on October 17, 2020 by Rpeled and “huntport” and declined to rely on those boards.

The Charged Parties provided their requested disclosure by December 8, 2021. By email they noted that the links for session 8904 were incorrect. However, they did offer comments on some of the boards from that session as depicted in diagrams by the Recorder and Demirev.

On December 9, in anticipation of the hearing scheduled for December 18, the Panel Chair sent a list of proposed evidentiary stipulations to the Charging Party’s Advocate which included the following: “4. The Advocate has not presented any movie links to any boards playing during BBO session 8904 played on Monday, August 10, 2020. The Charging Party does not intend to present any movie links to those boards or to rely on any boards from that session as evidence during the disciplinary hearing.” “6. The Recorder Complaint in this case has alleged a violation of CDR section 301(A)(2). That section became effective on August 15, 2020. Per then-existing section 906, the Charged Parties could not have violated that section by conduct occurring prior to that date in bridge sessions on August 3, 9, and 14, 2020.” (Pp. 12-13.)

On December 14, the Charging Party requested to postpone the hearing, explaining that the original Advocate would be unable to proceed for health reasons, so a new Advocate would have to be assigned who might want to review and revise the existing disclosure. On the same day the Peleds noted their lack of opposition and the Panel Chair granted time extensions for further disclosure and the disciplinary hearing.

On December 22, the Panel Chair announced the time extensions for disclosure, scheduling the hearing for January 29, 2022.

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<sup>4</sup> The Advocate explained in subsequent disclosure, “the investigators Demirev and Stuart use a 5 point scale. A ‘3’ is just a normal hand. ‘1’ and ‘2’ are strong and moderate demonstrations of UI NOT being exchanged. A ‘4’ is highly suspicious, and a ‘5’ is the proverbial ‘smoking gun’.” (P. 26.)

Presumably “Stuart” is the “JWS” who authored a three-page document rating boards from sessions 8498, 8904, and 6804. (Pp. 71-73.) Session 8904 was the only session evaluated by both investigators. The Panel has not relied on this virtually anonymous report.

On January 7, two days after the Charging Party's disclosure was due, Robb Gordon appeared as the Charging Party's newly-appointed Advocate and asked for additional time for disclosure, announcing willingness to reschedule the hearing. The Panel Chair extended the disclosure deadline to January 11.

On January 10, the Charged Parties requested a postponement of the hearing for medical reasons.

On January 11, the Charging Party submitted its revised disclosure. Notably, it included the original board analyses by Gordon and Demirev. Some other documents also remained the same, including the links to a BBO session played on October 17, 2020. The disclosure added two Player Memos and eliminated board analyses by the original Advocate.

The disclosure also included a revised Charge Letter issued on January 7, 2022. It alleged in part: "The Charged Party(ies) are subject to discipline under the ACBL Code of Disciplinary Regulations (CDR 3). The alleged violation(s) are as follows: Collusive cheating, a violation of s. 301(A)(2) of the Code of Disciplinary Conduct - August 2020 and 3.20 of the Code of Disciplinary Regulations - May 2020."<sup>5</sup> In a section on the Charge Letter form asking whether the ACBL has jurisdiction, the answer was "no." (P. 6.)

On January 13, the ACBL provided the Charged Parties a document with links to the boards from session 8904 played on August 10 to replace the links to the session played on October 17.

On January 19, the Charged Parties submitted their revised disclosure. They relied on their prior disclosure submitted on December 8, but marked in red font their responses to the latest disclosure. Joseph Peled noted that he was spending too much time with doctors' appointments to provide additional disclosure. He also said he had no time to provide comments on session 4601, mistakenly asserting that those links had not been previously provided. On the same day the Charged Party asked for permission to submit a document as rebuttal disclosure.

The following day the Panel Chair granted permission for the proffered rebuttal disclosure and ordered the hearing scheduled for January 29 to be postponed.

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<sup>5</sup> Section 3.20, in effect until August 15, 2020, prohibited, "Cheating and other Ethical Violations."

On January 24, the hearing was rescheduled for February 3, 2022. A one-hour hearing was held that day with the participants as listed in the hearing report form.<sup>6</sup>

## B. Summary of the Evidence

At the outset of the hearing, in response to the Chair's question, the ACBL's Advocate explained that the ACBL does believe it has jurisdiction in this case, and that the contrary statement in the revised Charge Letter was an error.

Disclosure revealed that the Charged Parties are married. Joseph<sup>7</sup> has about 800 masterpoints, while Rachel has about 300. (P. 26.) Joseph has been playing bridge about sixty years, since college, while he pushed her to learn the game five years ago after she retired. (P. 104.) Their convention card is sparsely filled out, but lists 2/1 game-forcing as their basic approach. (P. 31.) Rachel dislikes playing in NT and bids accordingly, which has caused disagreements with Joseph. (P. 109.) At the hearing, she said that he was very critical of her when they began playing together face-to-face and she told him she'd stop playing unless he changed. While he was silent the next time, his facial expressions were disapproving.

A review of their playing history both online and face-to-face from December 1, 2014 through August 9, 2021 shows their partnership is not exclusive. Each has played with other partners. They last played online together on July 27, 2021. (P. 55.)

The Peleds recounted that they had been banned from playing together by the directors of their local club for six months due to suspicions of cheating. (P. 104.) They decided to stop playing together when that occurred.

The investigators and the Recorder focused on boards played during five online sessions in August 2020, on August 3, 9, 10, 14, and 31. The records reveal they played seven sessions during this time frame in either the Hartford Bridge Club or the West Hartford Bridge Club. The events on August 3, 10, and 14 were 0-750 pairs. Their results on the five dates in question were 50.51% on August 3, 46.88% on August 9, 57.94% on August 10, 51.19% on August 14, and 63.89% on August 31. (P. 53.) According to the ACBL, their average in 12 face-to-face club games was 48.98%. In 111 virtual club games, their average was 55.27%. (P. 32.)

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<sup>6</sup> Technical problems prolonged the Zoom hearing, including an audio feedback problem when both Charged Parties participated on separate nearby computers and the Advocate's inability to display boards without having two Zoom logins. The Advocate displayed boards during his presentation, while the Advisor presented boards when the Charged Parties asked to comment on them.

<sup>7</sup> We will use the Charged Parties' first names to avoid confusion over their common surname and not to indicate familiarity.

The Recorder's written comments focused on 18 boards from these five sessions, one board (3297-13; meaning board 13 from session 3927) from August 3, two boards from August 9, seven from August 10, five from August 14, and three from August 31. Heeding the Panel Chair's admonition to not repeat previously disclosed material, the ACBL Advocate focused on ten of these 18 boards during his evidentiary presentation at the disciplinary hearing. Specifically, the Advocate called the Panel's attention to these boards in the following order: [8498-11](#), [8498-12](#), [8904-2](#), [8904-8](#), [8904-9](#), [6804-7](#), [6804-11](#), [4601-1](#), [4601-17](#), and [3297-13](#).<sup>8</sup> The Advocate questioned the bidding on boards 8498-11, 8498-12, 8904-2, 8904-8, and 8904-9 and the defense on boards 6804-7, 6804-11, 4601-1, 4601-17, and 3297-13. The Advocate asserted that some auctions seemed contrived to ensure that Joseph was the declarer.

At the hearing, the Charged Parties requested and were given the opportunity to comment on each of these ten boards in the order they were presented. As they reviewed the recorded bidding and play, neither Charged Party could give a logical explanation for why he or she took any of the questioned actions. After some thought, Rachel admitted she made bad bids on boards [8498-11](#) and [8904-9](#), bad leads on boards [6804-7](#) and [4601-17](#), and a bad defensive play at trick 7 on [6804-11](#).

For his part, Joseph couldn't recall why he led fourth from ♦ AJT8 instead of from ♥ AJT92 against a NT opening on [3297-13](#). In giving Rachel a ruff at trick 4 on [4601-1](#), he could not recall how many trumps had been played. On [8904-8](#), he couldn't remember why, as the weaker hand, he made a penalty double. Joseph did explain that he bid his best suit instead of making a negative double on [8498-12](#) because they don't play negative doubles in that auction.<sup>9</sup> On [8904-2](#), because her 2 ♠ raise was a weak response, he didn't believe he could bid game with his 18 count.

### C. Summary of Arguments

The Charged Parties denied that they cheated or looked at each other while playing. They stopped playing together when they learned they were under suspicion.

The Charged Parties argued that they did better in the West Hartford Bridge Club than the Hartford Club because the competition was easier. The ACBL Advocate asserted that the statistical difference comparing face-to-face with online play is significant.

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<sup>8</sup> For the reader's convenience, the numbered boards are hyperlinked to the BBO movies showing the hand diagram, auction, and play. Hyperlinks will not be repeated every time a board is named.

<sup>9</sup> The Advocate pointed out that, according to their card, they play negative doubles through 3 ♠.

The Advocate asserted that the Charged Parties did not have disasters from unusual actions and the investigators did not rate many boards as exculpatory. While he believed them to be nice people, it appeared they had done some things they shouldn't have.

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

### **A. Did the Charged Parties violate former CDR sections 3.20 or 301(A)(2)?**

In this case the ACBL Advocate questioned the following boards from BBO sessions played in August 2020 on the following dates: on the 3rd, 3297-13; on the 9th, 8498-11 and 8498-12; on the 10th, 8904-2, 8904-5, 8904-7, 8904-8, 8904-9, 8904-11, and 8904-14; on the 14th, 6804-1, 6804-7, 6804-11, 6804-13, and 6804-18; and finally on the 31st, 4601-1, 4601-12, and 4601-17.

Because the CDR was dramatically overhauled effective August 15, 2020, after that date alleged cheating was prohibited by section 301(A)(2) and related sections. (CDR 906.)<sup>10</sup> Before August 15, former section 3.20 prohibited most forms of cheating.<sup>11</sup> As applied to the facts of this case, all conduct predating August 15, 2020 was governed by former 3.20, while session 4601 was governed by section 301(A)(2).

In this case the Panel has reviewed all the written evidence disclosed pre-hearing in the 111-page hearing packet and the testimony by the Advocate and the Charged Parties at the disciplinary hearing.<sup>12</sup>

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<sup>10</sup> Section 906 in effect on August 15, 2020 stated, "Revisions of this CDR regarding procedures for all hearings apply to all hearings conducted on or after the effective date of the revision. Revisions regarding (i) what constitutes a violation of the CDR subject to discipline and (ii) penalties to be imposed apply only to offenses which occur on or after the effective date of the revisions."

<sup>11</sup> "Prearranged partnership collusion by means of signaling to exchange information" under the former CDR was considered an E16 ethical violation prohibited by former sections 3.1, 3.2, and 3.7. "Cheating and other Ethical Violations not specifically cited by other sections of this Appendix" were considered to be E19 ethical violations prohibited by former section 3.20.

<sup>12</sup> While the Charging Party produced two player memos in disclosure, the Panel assumes this disclosure was to comply with its discovery obligations under section 501(J) and was not produced as evidence. Section 502(H) provides, "Unless an Incident reported on a player memo is included in the Complaint and/or the Charges, neither the player memo nor evidence regarding the Incident noted on the player memo may be considered by the Disciplinary Body in establishing responsibility." One player memo referenced, among nine boards, a board played on July 29, 2020 (p. 99) and the other (Cont.)

## B. The August 31 session

Because the August 31 session involved the only conduct alleged to have violated section 301(A)(2) (quoted above in footnote 2), the Panel has considered it separately. The ACBL questioned the bidding and defense on [4601-1](#), the bidding on [4601-12](#), and the lead on [4601-17](#).

The Panel is not comfortably satisfied that any pattern appears from these three boards establishing “an agreement, whether implicit or explicit, made between two or more people . . . to affect the outcome of a competition.” On 4601-12, each partner bid his or her best suit and stopped in a competitive auction when a fit was found. The premise of questioning the defense on 4601-1 is that Joseph should not have tried to give Rachel a ruff at trick 4 because Rachel should have been out of trumps based on the opponent’s bidding. In fact, the premise was factually inaccurate, and from the hearing it did not appear that Joseph routinely counted cards on defense. As to leading a suit partner didn’t bid on 4601-17, Rachel’s explanation was plausible that she might have mistaken the contract. So the Panel concludes that the Charging Party failed to carry its burden of establishing to the Panel’s comfortable satisfaction that the Charged Parties violated section 301(A)(2) on August 31, 2020.

## C. The August 3, 9, 10, and 14 sessions

Having reviewed the 15 boards questioned by the Advocate from these four sessions and other boards from these sessions, the Panel unanimously is comfortably satisfied that there was sometimes illicit communication during these sessions in violation of former section 3.20 (quoted above in footnote 5). Below we will set out some of the more striking examples of use of unauthorized information.

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player memo concerned a board played on February 19, 2021 (pp. 101-102). The first player memo described four other boards played in August 2020 during sessions for which BBO links were not provided. Neither the Complaint nor the Charges specifically referenced any of these boards.

1. Questionable defenses

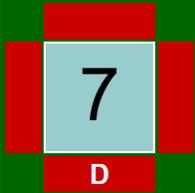
Some leads seemed to reflect knowledge of partner's holding.<sup>13</sup>

<b>D</b> 13	<b>N</b> jpeled	<b>W</b> <b>N</b> <b>E</b> <b>S</b>
	♠ 92 ♥ AJ1092 ♦ AJ108 ♣ 64	P P P 1NT P P P
<b>W</b> austinargo	♦ 8	<b>E</b> sharondame
♠ AK54 ♥ K6 ♦ 32 ♣ AK872		♠ Q76 ♥ Q743 ♦ 9765 ♣ 95
	<b>S</b> Rpeled	
	♠ J1083 ♥ 85 ♦ KQ4 ♣ QJ103	1NT W      NS: 0 EW: 0

[3297-13](#)

At the hearing on February 3, 2022, Joseph could not remember or explain why on August 3, 2020 he didn't lead from his longest and strongest suit against 1NT, but his lead did find Rachel's strongest suit.

<sup>13</sup> For the reader's convenience, board diagrams are set out on individual pages, which leaves white space after them.

	<b>N</b> jpeled ♠ K765 ♥ 98 ♦ AJ ♣ J9876	<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>3♦</td> </tr> <tr> <td>P</td> <td>P</td> <td>3♥</td> <td>P</td> </tr> <tr> <td>4♥</td> <td>P</td> <td>P</td> <td>P</td> </tr> </tbody> </table>	W	N	E	S				3♦	P	P	3♥	P	4♥	P	P	P
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			3♦															
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4♥	P	P	P															
<b>W</b> glasssharon ♠ A9 ♥ Q32 ♦ 542 ♣ AKQ103		<b>E</b> glasted ♠ J108432 ♥ A10654 ♦ 9 ♣ 4																
	<b>S</b> Rpeled ♠ Q ♥ KJ7 ♦ KQ108763 ♣ 52	4♥ E      NS: 0 EW: 0																

[6804-7](#)

Despite no bid by Joseph showing support, on August 14, Rachel found a seventh-best lead to Joseph's honor in her suit rather than playing the ♦ King to establish the Queen.<sup>14</sup>

<sup>14</sup> Rachel made a similar lead on August 10 in board [8904-10](#), leading the ♠ 3 from KQ3 and finding partner's A74, not in the ♥ suit they had both bid.

	<b>N</b> jpeled ♠ A92 ♥ QJ1062 ♦ 965 ♣ K2	<b>W</b> <b>N</b> <b>E</b> <b>S</b> P   1♥   X   P 1♠   P   3♠   P P   P
	<b>W</b> apgagne ♠ 7654 ♥ 9843 ♦ J102 ♣ Q9	
	<b>S</b> Rpeled ♠ J3 ♥ 75 ♦ AQ ♣ 10876543	3♠ W      NS: 0 EW: 0

[8904-7](#)

With a trump entry and a solid ♥ suit to lead from, on August 10 Joseph immediately found Rachel's doubleton ♦ honors instead and gave her a ruff. (Declarer subsequently gave up an unnecessary ♣ trick to go down 1.)

2. Questionable auctions

(A). Rachel's avoidance of NT

Several auctions reflected Rachel's desire to not declare in NT.

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<b>W</b> jlboet2 ♠ 842 ♥ KQJ83 ♦ 9 ♣ 9754		<b>E</b> bltavo2 ♠ J53 ♥ 762 ♦ AQ75 ♣ KJ10																	
	<b>S</b> Rpeled ♠ 109 ♥ 54 ♦ J6432 ♣ A862		2♠ N      NS: 0 EW: 0																

[8904-2](#)

On August 10, Rachel found a two-card ♠ raise with a hand that some might pass and those that bid would bid 1NT. At the hearing, Joseph explained that the raise might only be 6 or 7 HCP so he did not explore for game with his 18 count.







<div style="border: 1px solid black; padding: 5px; text-align: center; width: 40px; margin: 0 auto;"> <span style="font-size: 24pt; font-weight: bold;">18</span>  <span style="font-size: 12pt;">D</span> </div>	<b>N</b> jpeled ♠ 10932 ♥ AK104 ♦ AJ32 ♣ 4	<table border="1" style="width: 100%; text-align: center;"> <tr> <th style="width: 15%;">W</th> <th style="width: 15%;">N</th> <th style="width: 15%;">E</th> <th style="width: 15%;">S</th> </tr> <tr> <td></td> <td></td> <td>P</td> <td>P</td> </tr> <tr> <td>1♣</td> <td>1♠</td> <td>P</td> <td>3♠</td> </tr> <tr> <td>P</td> <td>4♠</td> <td>P</td> <td>P</td> </tr> <tr> <td>P</td> <td></td> <td></td> <td></td> </tr> </table>	W	N	E	S			P	P	1♣	1♠	P	3♠	P	4♠	P	P	P			
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1♣	1♠	P	3♠																			
P	4♠	P	P																			
P																						
<b>W</b> Pamlom ♠ A5 ♥ Q98 ♦ K865 ♣ A976	<b>E</b> jcavagn ♠ Q6 ♥ J6532 ♦ Q107 ♣ 852																					
	<b>S</b> Rpeled ♠ KJ874 ♥ 7 ♦ 94 ♣ KQJ103	4♠ N      NS: 0 EW: 0																				

[6804-18](#)

Later the same day (the 14th), Joseph had the classic shape for a takeout double, and instead chose to overcall in his weakest suit, coincidentally the suit in which Rachel has the most support. In their disclosure, the Charged Parties conceded that he should have made a takeout double. But Joseph also offered a convoluted explanation of how they would find their best contract if Rachel didn't have ♠ support. (P. 108.)

D. Conclusions

From reviewing other boards from these sessions (all linked in the Appendix), it is apparent to the Panel that the Charged Parties were not sharing hand information on every board<sup>15</sup> and it does not appear that they realized their communications were unethical, but unethical intent is not an element of the violation of former section 3.20. The Panel concludes it can see no reasonable explanation for the auctions and defenses diagrammed above other than that the Charged Parties had some knowledge of partner's hand not indicated by the auction. The Panel is sympathetic that many players after 16

<sup>15</sup> The defense on [4601-13](#) is a good example.

months would not be able to explain why they took certain bridge actions, but the above actions seem inexplicable by any bridge logic.

In many bridge partnerships, one partner is more dominant than the other in terms of experience and sometimes aggressiveness in bidding and that seems true here. Some auctions were contrived so that Rachel would not have to play NT and in others Joseph seemed to be bidding her hands, and they consistently landed on their feet.

#### E. Discipline

Under the former CDR, a wide range of discipline was recommended in the guidelines for an E19 ethical violation of section 3.20, namely from “90 days Suspension up to Expulsion.”

Here the ACBL Advocate contended, “We believe collusion occurred during a substantial portion of the time that ACBL games were all on BBO, since March 2020 and at least through October 2020. It would take weeks to provide as specific evidence of every hand where we believe collusion occurred . . . .” (P. 26.) In fact, the Advocate provided evidence essentially from three sessions in the span of one week in August 2020. (Only one board was questioned from a fourth session earlier that month and we have already discounted the fifth session later that month.)

Considering that the evidence indicates misconduct during a time frame of under two weeks and there is no evidence of what might be called criminal sophistication, the Panel considers this violation of section 3.20 to be on the less serious side. Keeping in mind that the Charged Parties were already banned by one of their clubs for six months, the Panel imposes the minimum suspension of 90 days, backdated to begin when the Parties were first notified of Charges against them by the initial Charge Letter on November 1, 2021. They are also placed on probation for two years, with a condition of probation being that they will not play bridge online as partners during the period of probation. We understand this condition may be moot if they have agreed to stop playing together. The Panel does not order any forfeiture of masterpoints.

## Appendix

The table below provides BBO movie links to every one of the 92 boards from every one of the five sessions in August 2020 questioned by the ACBL Advocate. The specific boards he questioned are highlighted in yellow. The table also lists the ranking of each board from three sessions by investigator Nik Demirev (“ND”)<sup>16</sup>, keeping in mind the ranking system described above (in footnote 4).

Board	Date	BBO	Movie	ND
1	3-Aug	3297	<a href="https://tinyurl.com/aa3297n1">https://tinyurl.com/aa3297n1</a>	4
2		3297	<a href="https://tinyurl.com/aa3297n2">https://tinyurl.com/aa3297n2</a>	4
3		3297	<a href="https://tinyurl.com/aa3297n3">https://tinyurl.com/aa3297n3</a>	4
4		3297	<a href="https://tinyurl.com/3p56afcu">https://tinyurl.com/3p56afcu</a>	3
5		3297	<a href="https://tinyurl.com/fc86e69w">https://tinyurl.com/fc86e69w</a>	3
6		3297	<a href="https://tinyurl.com/44xut4fb">https://tinyurl.com/44xut4fb</a>	4
7		3297	<a href="https://tinyurl.com/4wc7pt3e">https://tinyurl.com/4wc7pt3e</a>	2
8		3297	<a href="https://tinyurl.com/hsc544y4">https://tinyurl.com/hsc544y4</a>	3
9		3297	<a href="https://tinyurl.com/pvt5k55c">https://tinyurl.com/pvt5k55c</a>	2
10		3297	<a href="https://tinyurl.com/5xh2f6ut">https://tinyurl.com/5xh2f6ut</a>	3
11		3297	<a href="https://tinyurl.com/5jsrzehd">https://tinyurl.com/5jsrzehd</a>	3
12		3297	<a href="https://tinyurl.com/5d5kmep3">https://tinyurl.com/5d5kmep3</a>	3
13		3297	<a href="https://tinyurl.com/e3vch7hc">https://tinyurl.com/e3vch7hc</a>	5
14		3297	<a href="https://tinyurl.com/v6nf3ua6">https://tinyurl.com/v6nf3ua6</a>	4
15		3297	<a href="https://tinyurl.com/35yma5je">https://tinyurl.com/35yma5je</a>	5
16		3297	<a href="https://tinyurl.com/j5mvze4r">https://tinyurl.com/j5mvze4r</a>	3
17		3297	<a href="https://tinyurl.com/p3pat4jv">https://tinyurl.com/p3pat4jv</a>	4
18		3297	<a href="https://tinyurl.com/nw8subxt4">https://tinyurl.com/nw8subxt4</a>	5
1	9-Aug	8498	<a href="https://tinyurl.com/367tn9bs">https://tinyurl.com/367tn9bs</a>	

<sup>16</sup> On 8904-18, Demirev rated the opponents’ actions as a 5 for overcalling with a three-card suit, but he did not rate the Charged Parties’ actions.

2		8498	<a href="https://tinyurl.com/58mu2kpr">https://tinyurl.com/58mu2kpr</a>	
3		8498	<a href="https://tinyurl.com/24jmvhd4">https://tinyurl.com/24jmvhd4</a>	
4		8498	<a href="https://tinyurl.com/ms9n3ydu">https://tinyurl.com/ms9n3ydu</a>	
5		8498	<a href="https://tinyurl.com/fhcjvccm">https://tinyurl.com/fhcjvccm</a>	
6		8498	<a href="https://tinyurl.com/ydw38c48">https://tinyurl.com/ydw38c48</a>	
7		8498	<a href="https://tinyurl.com/n495m854">https://tinyurl.com/n495m854</a>	
8		8498	<a href="https://tinyurl.com/kkjnj5ur">https://tinyurl.com/kkjnj5ur</a>	
9		8498	<a href="https://tinyurl.com/u9cwhvh7">https://tinyurl.com/u9cwhvh7</a>	
10		8498	<a href="https://tinyurl.com/bx4bbnh8">https://tinyurl.com/bx4bbnh8</a>	
11		8498	<a href="https://tinyurl.com/bmn7svmv">https://tinyurl.com/bmn7svmv</a>	
12		8498	<a href="https://tinyurl.com/vdnu2t33">https://tinyurl.com/vdnu2t33</a>	
13		8498	<a href="https://tinyurl.com/jf89nayw">https://tinyurl.com/jf89nayw</a>	
14		8498	<a href="https://tinyurl.com/2s3m8zdx">https://tinyurl.com/2s3m8zdx</a>	
15		8498	<a href="https://tinyurl.com/48zued5z">https://tinyurl.com/48zued5z</a>	
16		8498	<a href="https://tinyurl.com/5kj683wj">https://tinyurl.com/5kj683wj</a>	
17		8498	<a href="https://tinyurl.com/ce4j2cw8">https://tinyurl.com/ce4j2cw8</a>	
18		8498	<a href="https://tinyurl.com/9w8h6pzb">https://tinyurl.com/9w8h6pzb</a>	
19		8498	<a href="https://tinyurl.com/28fu8jyc">https://tinyurl.com/28fu8jyc</a>	
20		8498	<a href="https://tinyurl.com/dhbcuby8">https://tinyurl.com/dhbcuby8</a>	
1	10-Aug	8904	<a href="https://tinyurl.com/2p8ur58j">https://tinyurl.com/2p8ur58j</a>	3
2		8904	<a href="https://tinyurl.com/3sf8vphv">https://tinyurl.com/3sf8vphv</a>	3
3		8904	<a href="https://tinyurl.com/3jdnned2">https://tinyurl.com/3jdnned2</a>	3
4		8904	<a href="https://tinyurl.com/2p93snbc">https://tinyurl.com/2p93snbc</a>	3
5		8904	<a href="https://tinyurl.com/mudpedap">https://tinyurl.com/mudpedap</a>	5
6		8904	<a href="https://tinyurl.com/yr9nay89">https://tinyurl.com/yr9nay89</a>	3
7		8904	<a href="https://tinyurl.com/272j5ceu">https://tinyurl.com/272j5ceu</a>	5
8		8904	<a href="https://tinyurl.com/y6z47h5m">https://tinyurl.com/y6z47h5m</a>	3
9		8904	<a href="https://tinyurl.com/mry2wmja">https://tinyurl.com/mry2wmja</a>	5
10		8904	<a href="https://tinyurl.com/y5b3a2ey">https://tinyurl.com/y5b3a2ey</a>	5

11		8904	<a href="https://tinyurl.com/fa8cxpey">https://tinyurl.com/fa8cxpey</a>	5
12		8904	<a href="https://tinyurl.com/yn5wmnar">https://tinyurl.com/yn5wmnar</a>	4
13		8904	<a href="https://tinyurl.com/2wuruych">https://tinyurl.com/2wuruych</a>	5
14		8904	<a href="https://tinyurl.com/mwdf7m2t">https://tinyurl.com/mwdf7m2t</a>	5
15		8904	<a href="https://tinyurl.com/2vmd5x77">https://tinyurl.com/2vmd5x77</a>	3
16		8904	<a href="https://tinyurl.com/2p9dwrh8">https://tinyurl.com/2p9dwrh8</a>	5
17		8904	<a href="https://tinyurl.com/3c8dr2pp">https://tinyurl.com/3c8dr2pp</a>	4
18		8904	<a href="https://tinyurl.com/2p8f8pz8">https://tinyurl.com/2p8f8pz8</a>	
1	14-Aug	6804	<a href="https://tinyurl.com/a273cdde">https://tinyurl.com/a273cdde</a>	
2		6804	<a href="https://tinyurl.com/5ddy8r55">https://tinyurl.com/5ddy8r55</a>	
3		6804	<a href="https://tinyurl.com/ed8zx74s">https://tinyurl.com/ed8zx74s</a>	
4		6804	<a href="https://tinyurl.com/k5w7j7re">https://tinyurl.com/k5w7j7re</a>	
5		6804	<a href="https://tinyurl.com/4hw5swvh">https://tinyurl.com/4hw5swvh</a>	
6		6804	<a href="https://tinyurl.com/yn453hx2">https://tinyurl.com/yn453hx2</a>	
7		6804	<a href="https://tinyurl.com/23y7jkad">https://tinyurl.com/23y7jkad</a>	
8		6804	<a href="https://tinyurl.com/6r4hyutc">https://tinyurl.com/6r4hyutc</a>	
9		6804	<a href="https://tinyurl.com/2but7z95">https://tinyurl.com/2but7z95</a>	
10		6804	<a href="https://tinyurl.com/nvun8nxe">https://tinyurl.com/nvun8nxe</a>	
11		6804	<a href="https://tinyurl.com/t29dx96a">https://tinyurl.com/t29dx96a</a>	
12		6804	<a href="https://tinyurl.com/prx6jp6r">https://tinyurl.com/prx6jp6r</a>	
13		6804	<a href="https://tinyurl.com/2ye5x26r">https://tinyurl.com/2ye5x26r</a>	
14		6804	<a href="https://tinyurl.com/2f4mr2kc">https://tinyurl.com/2f4mr2kc</a>	
15		6804	<a href="https://tinyurl.com/kdzf2fj5">https://tinyurl.com/kdzf2fj5</a>	
16		6804	<a href="https://tinyurl.com/newrwhpm">https://tinyurl.com/newrwhpm</a>	
17		6804	<a href="https://tinyurl.com/5tny6948">https://tinyurl.com/5tny6948</a>	
18		6804	<a href="https://tinyurl.com/84nrpk25">https://tinyurl.com/84nrpk25</a>	
1	31-Aug	4601	<a href="https://tinyurl.com/bp7kzrdx">https://tinyurl.com/bp7kzrdx</a>	5
2		4601	<a href="https://tinyurl.com/vs9napn9">https://tinyurl.com/vs9napn9</a>	4

3		4601	<a href="https://tinyurl.com/ck2973m9">https://tinyurl.com/ck2973m9</a>	3
4		4601	<a href="https://tinyurl.com/bmv5utuk">https://tinyurl.com/bmv5utuk</a>	3
5		4601	<a href="https://tinyurl.com/yhufvvhc">https://tinyurl.com/yhufvvhc</a>	3
6		4601	<a href="https://tinyurl.com/przk7cxs">https://tinyurl.com/przk7cxs</a>	3
7		4601	<a href="https://tinyurl.com/4nuc455t">https://tinyurl.com/4nuc455t</a>	3
8		4601	<a href="https://tinyurl.com/ypa4j7ja">https://tinyurl.com/ypa4j7ja</a>	3
9		4601	<a href="https://tinyurl.com/558yxw83">https://tinyurl.com/558yxw83</a>	3
10		4601	<a href="https://tinyurl.com/4bvhm4sn">https://tinyurl.com/4bvhm4sn</a>	3
11		4601	<a href="https://tinyurl.com/ysv8kb83">https://tinyurl.com/ysv8kb83</a>	3
12		4601	<a href="https://tinyurl.com/4z4z5r8m">https://tinyurl.com/4z4z5r8m</a>	4
13		4601	<a href="https://tinyurl.com/2djejwfv">https://tinyurl.com/2djejwfv</a>	3
14		4601	<a href="https://tinyurl.com/53rd9kms">https://tinyurl.com/53rd9kms</a>	3
15		4601	<a href="https://tinyurl.com/2n57weat">https://tinyurl.com/2n57weat</a>	3
16		4601	<a href="https://tinyurl.com/3s7yt8cx">https://tinyurl.com/3s7yt8cx</a>	3
17		4601	<a href="https://tinyurl.com/2p32x8zr">https://tinyurl.com/2p32x8zr</a>	4
18		4601	<a href="https://tinyurl.com/ymtv2bjh">https://tinyurl.com/ymtv2bjh</a>	3