



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 #
Jan Martel, Chair	Q916802		
Ira Chorus	J278924		
Phil Clayton	N026806		

INDIVIDUALS WHO PARTICIPATED IN THE HEARING (excluding committee members)

Name	ACBL#	Via	Capacity	Name	ACBL#	Via	Capacity
Marilynn Greenberg	L635007	web conf.	Advisor	John Smith	K429780	web conf.	Adv-Charged P
Robb Gordon	K652927	web conf.	Adv-Charging P	Michael Huston	M329953	web conf.	Observer
Scott Humphrey	P781180	web conf.	Adv-Charging P			Select One	Select One
Ella Rice	R497811	web conf.	Adv-Charged P			Select One	Select One

EVIDENCE AND ARGUMENTS PRESENTED (Summarize evidence and arguments presented including testimony. If additional space is needed, continue on page 3 of this hearing report.) (Note: provide new documentary evidence introduced during the hearing to the Office of National Recorder)

See Attachment A, pp. 1 - 18

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

See Attachment A, pp. 19 - 21

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

Not responsible

Responsible

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

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

3.20 (Cheating and other Ethical Violations)

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

Disciplined Party is convicted of premeditated or collusive cheating (or has admitted to such action), CDR 4.1.8 (a) YES NO

If yes, all masterpoints, titles and ACBL status ranks and other ACBL related awards earned by the disciplined party will be forfeited. These penalties also apply to the teammates and partners while playing with the disciplined party during the seven years preceding the date the Charges were brought through and including the date of this final decision.

	Start Date	End Date	Additional Requirements/Comments
<input type="checkbox"/> REPRIMAND		N/A	
<input checked="" type="checkbox"/> PROBATION	04/21/2023	04/20/2026	Probation - 3 years. While serving his term of Probation, he will be a member not in good standing and cannot direct or log into BBO using a Yellow account.
<input checked="" type="checkbox"/> SUSPENSION	04/21/2021	04/20/2023	2 years

Is the disciplined party Suspended because of an Ethical Violation (CDR 4.1.8 (b))? YES NO

If yes, the masterpoints and titles won in the event by the disciplined party, partners and teammates in which the offense occurred will be forfeited.

Is the Suspension imposed due to an Ethical Violation more than one year (CDR 4.1.8 (b))? YES NO

If yes, the MPs, titles or other ACBL related award earned by the discipline party within twelve months preceding the date of the offense will be forfeited.

EXPULSION N/A

SUSPENDED SENTENCE (only used in conjunction with an imposed Suspension from above that you have converted to Probation). State the condition of the sentence below

EXCLUSION from Events and Programs (list the exclusions and the dates of the events or activities). CDR 4.1.6

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

Forfeit all MPs earned in the seven charged events and in all on-line events in the 12 month period beginning on and preceding the first charged event

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

Disqualification in the tournament

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

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

E19

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

See Attachment A, pp. 20 -21

RESPECTFULLY SUBMITTED (CHAIR)

/s/ Jan Martel

Date: 4/16/21

Electronic Signature (type name above)

Wet Signature (sign above)

ATTACHMENT A

AMERICAN CONTRACT BRIDGE LEAGUE ONLINE ETHICAL OVERSIGHT COMMITTEE

JOE PEPE, JR. DISCIPLINARY DECISION

Procedural History

On September 9, 2020, National Recorder, Robb Gordon, submitted a *Recorder Complaint* against Joe P. Pepe, Jr. to Joseph Jones, ACBL Executive Director. The Pattern of Conduct Complaint alleges that Mr. Pepe self-kibitzed through his director function. Mr. Gordon described the Complaint as follows:

Mr. Pepe is a “Virtual Club” director. It appears that he self-kibitzed through his director function. His partners do not appear complicit. On July 24, 2020, we received a Player Memo by a player in a Virtual Club that demonstrated evidence of self kibitzing by the director. This was followed on August 11 by an analysis, performed at the reporter’s request from Nicholas Hammond suggesting strong likelihood of cheating by Mr. Pepe.

On October 28, 2020, charges of ethical misconduct under CDR 3.20, Cheating and other Ethical Violations, were initiated against Mr. Pepe by Mr. Jones based on the Complaint submitted by Mr. Gordon.¹ The Charge Letter under “Summary of Facts” states:

The charged party directs virtual club games. He plays in the games he directs despite ACBL’s policy that strongly discourages virtual directors from playing in their own games. On July 24, a player in his game sent a player memo to the National Recorder. The player, herein referred to as Player because he/she wishes to remain anonymous, became suspicious of extraordinary plays and bids that may have resulted from “self-kibitzing,” a very simple thing for a playing director to do.

Player commissioned an investigator to review some of the charged party’s actions. The investigator concluded that either the charged party is self-kibitzing or is the best declarer in the ACBL.

The Advocate reviewed several hands the charged party played with partners who use the BBO names “bethagnes” and Iceland3.” The Advocate has identified several hands wherein the charged party made several bids and plays that, in the Advocate’s opinion, could not have resulted from knowledge gained through the

¹ Pursuant to CDR 10.6, the effective date of the applicable CDR in this matter is May 29, 2020.

legal bids and plays made during the course of the hands. Although “bethagnes” and “Iceland3” may have benefitted from the charged party’s actions, the Advocate has no reason to believe these players had anything to do with or knew what the charged party was doing.

The Advocate requested Tournament Director Melody Euler to explain the ACBL’s policy strongly discouraging playing directors. In addition, at the Advocate’s requests, ACBL Tournament Technical Analyst Keith Wells provided statistical data comparing the charged party’s results with these two partners face to face games and virtual games. He concluded that the only anomaly in results occurred when these players played with the charged party. All of their other results were reasonably similar when they played online but much better when they played with the charged party. Based on all the information reviewed and provided, the Advocate concludes that the charged party violated CDR section 3.20.

Following the filing of the Charges, the case was referred to OEOC Chairman Jon Brissman. (See CDR 2.2.8(b)). Mr. Brissman assigned Jan Martel as Presiding Chair and Fred Pollack and Harold Bickham as OEOC panelists to hear this case. On February 4, 2021, Martel advised the parties of her appointment as Chair of the OEOC Panel and that the hearing would be held at 2:00 p.m. EST on March 19, 2021 by web-conference using Zoom. Due to their unavailability, Bickham and Pollack were replaced as panelists by Ira Chorush and Phil Clayton on March 2, 2021 and March 10, 2021 respectively. Martel further advised the parties of the following:

- (a) Sabrina Goley is the ACBL Compliance Coordinator and Marilyn Greenberg will serve as the Advisor to the Panel. Both are neutral parties in the process and cannot offer an opinion on the allegations or evidence. If you have questions regarding the procedures set forth in the ACBL Code of Disciplinary Regulations (CDR), you can direct your questions to them.
- (b) Pursuant to CDR 501(K), the Charging Party and the Charged Party have a right to appoint an Advocate to represent them before the Disciplinary Body at their own cost. The Advocate shall not be a member of the ACBL Board of Directors. Charging Party Jones has designated Robb Gordon and Scott Humphrey as Co-Advocates. Mr. Pepe has designated John Smith and Ella Rice as his Co-Advocates.
- (c) The Charged Party and the Charging Party were advised of their right to challenge any panel member for cause, such as bias, in accordance with CDR 501(I). Martel advised the parties that challenges for cause must be submitted to Compliance Coordinator Goley in writing by February 19, 2021.² No objections or challenges were submitted by the deadline.

² This date was changed to March 4, 2021 due to the change in panelists.

- (d) Pursuant to CDR 501(G), Martel directed the pre-hearing disclosure of available evidence and the identity of witnesses. The witness list should identify the witness by name and include a summary of the witness' expected testimony. Martel recommended that the Charged Party review the Charged Party Tips included in the Notice of Charges provided on October 29, 2020. Martel directed the parties to email their pre-hearing submissions by 3:00 p.m. EST on the following dates to Sabrina Goley in one email and she will provide each party a copy. The Charging Party's pre-hearing disclosure was due by February 18, 2021 and the Charged Party's prehearing disclosure was due by March 4, 2021.
- (e) Martel advised the Charged Party that he is not required to appear at the hearing and that failure to appear will not be grounds for discipline.

On February 19, 2021, the Advocate for the Charging Party submitted his Pre-Hearing Disclosure, which was sent to the Charged Party and Chair Martel. The Charging Party's Disclosure was submitted one day late because of weather conditions, and the Charged Party was given additional time to respond. Advocates Smith and Rice for the Charged Party submitted letters dated respectively February 18 and 19, 2021 (see Exhibit A). Advocate Rice submitted a Pre-Hearing Disclosure Response on March 4, 2021. The evidentiary materials and charging documents ("the packet") were then compiled by Compliance Coordinator Goley and provided to Mr. Pepe, the Advocates and OEOC panelists on March 8, 2021.

EVIDENCE AND ARGUMENTS PRESENTED

Charging Party's Pre-Hearing Disclosure

Advocate Humphrey reviewed and provided links in his Pre-Hearing Disclosure to 144 hands played in eight sessions online by the Charged Party and his two partners between July 27, 2020 and August 18, 2020 (see Exhibit B). The Advocate then included in the Pre-Hearing Disclosure links to and an analysis of 31 of those 144 hands that he believed were of concern (see Exhibit C).

Charged Party's Pre-Hearing Disclosure

In her Pre-Hearing Disclosure Response, Advocate Rice addressed in detail each of the 31 hands of concern addressed by Advocate Humphrey (see Exhibit D). According to Advocate Rice, Mr. Pepe took no part in rebutting the Charging Party's allegations or preparing a Pre-Hearing Disclosure Response. Therefore, the responses in the Pre-Hearing Disclosure Response were based solely upon the opinion of Ms. Rice as to why the Charged Party might have made his calls and plays.

The Hearing

The OEOC hearing convened on March 19, 2021 at 2p.m. EDT by Web-Conference using Zoom. Chair Martel presided and panelists Ira Chorush and Phil Clayton were present. Marilyn Greenberg was present as Advisor. Charging Party Advocates Scott Humphrey and Robb Gordon, Charged Party Advocates John Smith and Ella Rice, and observer Michael Huston were present via Zoom. The Charged Party declined to appear.

After introductions, the Chair invited the Charging Party to make an opening statement. Mr. Humphrey disclosed that he had met the Charged Party on one prior occasion since the Charged Party's father, Joe Pepe, Sr., is a regular player at Mr. Humphrey's home club. The Charged Party's Advocates agreed that this would not prevent Mr. Humphrey from fairly and properly performing his duties as Advocate. Mr. Humphrey explained that the Charged Party played regularly online with two different partners. Mr. Humphrey emphasized that there is no indication that either of these partners was aware that Mr. Pepe was self-kibitzing and there are no allegations of unethical conduct against either of them. He also reported that Keith Wells had analyzed the hands played by Mr. Pepe's partners in face-to-face games and online and their scores were statistically consistent except when they played online with Mr. Pepe, in which case they were higher. Mr. Humphrey also explained that he had received an opinion from Melody Euler who confirmed that playing and directing at the same time is highly discouraged.

Mr. Humphrey explained that as a virtual director, the Charged Party would have been trained by the ACBL. In addition to his regular BBO login under the name of "JoeMama04," when his training was complete, the Charged Party would have been supplied with a second BBO login account beginning with "VAC-----." That BBO account is a "Yellow" account. Yellow accounts have the ability to perform administrative functions and to kibitz tables where normal kibitzers are not allowed. The virtual director needs to use his director's login to begin the game, set up the partnerships, and "walk the tables" during the game (i.e. check in at each table with access to all four hands) to keep the game going or adjust scores. If the director is also playing, he also logs in with his regular BBO login. If playing and directing at the same time, the director is able to click on his table and see all four hands with no one knowing about it. It is alleged that this is what the Charged Party did.

Evidence for Charging Party

During the Hearing, the Advocate presented to the Panel his analysis of the following 13 hands that he believed established a pattern of cheating via self-kibitzing:

D 16	N DevilNiner	W	N	E	S
	♠ 64 ♥ A108 ♦ Q108 ♣ A9765	P	P	1♦	1♥
W iceland3		1♠	2♥	2♠	P
♠ Q8752 ♥ 5 ♦ A973 ♣ K102		4♠	P	P	P
	S EricNC	E joemama04			
	♠ KJ9 ♥ QJ9432 ♦ J2 ♣ J8	♠ A103 ♥ K76 ♦ K654 ♣ Q43			
		4♠ W		NS: 0 EW: 0	

[Movie Link](#)

Lead: Four of Spades

Advocate's discussion: This auction is quite normal. It is added to provide a contrast to some prior hands. Note that in this hand, he raised partner holding three spades as most players would. He doesn't raise with three spades when the spades are stacked or when his partner has only four even though her bidding suggests she has five. Since in this hand, she has the number of spades she advertises and the spades are not stacked this time, he will raise her.

3770 13

D 13	N pudgeypenn ♠ AQ1096 ♥ Q ♦ Q10982 ♣ 106	W N E S			
		1♠ P 1♣ 1♥ P P 1NT P			
W iceland3 ♠ KJ753 ♥ J952 ♦ K65 ♣ 4			E joemama04 ♠ 842 ♥ A8 ♦ AJ3 ♣ KQ753		
	S wineisland ♠ ♥ K107643 ♦ 74 ♣ AJ982	1NT E NS: 0 EW: 0			

[Movie Link](#)

Lead: Six of Hearts

Advocate's discussion: West's 1S bid ostensibly shows five spades if they play negative doubles. Nevertheless, East opts for 1NT holding only A8 of Hearts. East can see that the spades are stacked behind West and can quickly realize that NS will score at least four spades, one heart and one club in a spade contract. East can also see that West has a heart holding that will prevent South from running a slew of heart tricks. With all of the built in advantages of seeing all the cards, East realizes that 1NT is the superior contract.

6061 6

	N joemama04 ♠ 632 ♥ A1062 ♦ J83 ♣ AK6	W N E S P P P 1♦ P 1♥ P 2NT P 6NT P P P
	W I2WI2 ♠ 54 ♥ QJ9853 ♦ 972 ♣ 109	E Laurie17 ♠ K10987 ♥ K7 ♦ 65 ♣ 8743
	S iceland3 ♠ AQJ ♥ 4 ♦ AKQ104 ♣ QJ52	6NT S NS: 0 EW: 0

[Movie Link](#)

Lead: Five of Spades

Advocate's discussion: When South rebids 2NT, she is advertising a balanced 18-19: not quite what she has but nothing untoward about her action. Most players holding North's cards, a square 12, would opt for 3NT. An aggressive North may bid 4NT, but that seems like an overbid with North's hand. If North were to bid 4NT, South may opt to pass. Even though she has 19, she may be regretting her decision to describe her hand as balanced. North, however, can see twelve tricks. Therefore, he leaves nothing to chance and jumps to 6NT. Of course, as it turns out there are thirteen tricks, but North has an incentive not to call too much attention to his aggressive bids.

D 12	N bethagnes	W	N	E	S
	♠ 1086 ♥ KJ42 ♦ QJ104 ♣ A3	P	1♦	P	3NT
W bartonbarb		P	P	P	
♠ Q7 ♥ 10975 ♦ 832 ♣ KJ64	E jfortner				
	♠ J5432 ♥ Q6 ♦ 95 ♣ Q1085				
	S joemama04				
	♠ AK9 ♥ A83 ♦ AK76 ♣ 972				
		3NT S		NS: 0 EW: 0	

[Movie Link](#)

Lead: 4 of Clubs

Advocate's discussion: Most Souths would explore slam, but South can see that North opened a sub-minimum balanced 11. The Queen of Hearts will drop if South refuses the finesse. Not only does he take advantage of what he can see, but he plays the suit in a most brazen way—low to the King and back to his Ace as he watches the Queen drop.

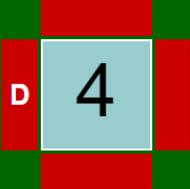
2168 15

<div style="border: 1px solid black; padding: 5px; text-align: center;"> 15 D </div>	N 62barb ♠ A1094 ♥ 72 ♦ 875 ♣ K932	<table border="1" style="width: 100%; text-align: center;"> <tr> <th style="background-color: red; color: white;">W</th> <th style="background-color: red; color: white;">N</th> <th style="background-color: red; color: white;">E</th> <th style="background-color: red; color: white;">S</th> </tr> <tr> <td></td> <td></td> <td>1♥</td> <td></td> </tr> <tr> <td>P</td> <td>P</td> <td>P</td> <td>P</td> </tr> <tr> <td>3NT</td> <td>P</td> <td>4NT</td> <td>P</td> </tr> <tr> <td>P</td> <td>P</td> <td></td> <td></td> </tr> </table>	W	N	E	S			1♥		P	P	P	P	3NT	P	4NT	P	P	P		
	W	N	E	S																		
		1♥																				
P	P	P	P																			
3NT	P	4NT	P																			
P	P																					
W joemama04 ♠ KQ63 ♥ 83 ♦ KJ6 ♣ J1074		E bethagnes ♠ J87 ♥ AQ1094 ♦ A10 ♣ A85																				
	S 62rafreund ♠ 52 ♥ KJ65 ♦ Q9432 ♣ Q6	4NT W NS: 0 EW: 0																				

[Movie Link](#)

Lead: Seven of Hearts

Advocate's discussion: After East opens 1H in the fourth chair, West, holding four spades and 10 HCP, goes directly to 3NT. There is no bridge reason to take this action, but by looking at all the hands, West can tell that 3NT is the winning contract.

	N iceland3 ♠ 10943 ♥ ♦ Q843 ♣ AQJ65	<table border="1"> <thead> <tr> <th>W</th> <th>N</th> <th>E</th> <th>S</th> </tr> </thead> <tbody> <tr> <td>P</td> <td>P</td> <td>1♥</td> <td>X</td> </tr> <tr> <td>2♥</td> <td>3♠</td> <td>P</td> <td>4♠</td> </tr> <tr> <td>P</td> <td>P</td> <td>P</td> <td></td> </tr> </tbody> </table>	W	N	E	S	P	P	1♥	X	2♥	3♠	P	4♠	P	P	P	
	W	N	E	S														
P	P	1♥	X															
2♥	3♠	P	4♠															
P	P	P																
W dkap2542 ♠ K6 ♥ J93 ♦ KJ972 ♣ 1098	E Kasolvi ♠ Q75 ♥ A8542 ♦ A65 ♣ 73																	
	S joemama04 ♠ AJ82 ♥ KQ1076 ♦ 10 ♣ K42	4♠ N NS: 0 EW: 0																

[Movie Link](#)

Lead: A of H

Advocate's discussion: After a 1H opener, South makes a takeout double holding a heart stack, singleton diamond and 12 HCP. If his partner bids diamonds, he has no exit. However, he can see that his partner has a spade fit with him. Moreover, if North plays the spades perfectly, she can make five. Instead, she played it safely to make to make four. Most South's should be satisfied to have found a spot to play and would pass at the three level. South, however, can see that all the club values are working, so he can safely take North to four.

	N Vit0908 ♠ 82 ♥ K9 ♦ J742 ♣ AQJ107	W N E S P 1♣ P P 2♥ 3♣ P XX P P P P
	W iceland3 ♠ KQ75 ♥ Q1054 ♦ Q1098 ♣ 4	E joemama04 ♠ A964 ♥ AJ83 ♦ 65 ♣ 952
	S like2play ♠ J103 ♥ 762 ♦ AK3 ♣ K863	3♣ N NS: 0 EW: 0

[Movie Link](#)

Lead: Ace of Spades

Advocate's discussion: North makes a paper thin double of 1C, holding 9 HCP and a doubleton diamond; however, he has the advantage of seeing that he and his partner have 8 card fits in both majors. Even after a redouble, his partner faithfully jumps to 2H (I prefer 2C, but she did show her values). The auction dies after North bids 3C. After a stout 2H bid by West, one would think that if East is to lead an Ace, it would be from the suit his partner bid. Doing so in this hand would give up a heart trick. Luckily for East, he does not have to listen to the auction when selecting the lead. Although the lead of the Ace of Spades is not suggested by the auction, East can see the Ace of Spades is the best lead. If West had bid spades instead of hearts, I cannot imagine that would have inspired an Ace of Hearts lead by East.

3770 3

<div style="border: 1px solid black; padding: 5px; text-align: center;"> <div style="background-color: white; width: 20px; height: 20px; margin: 0 auto;"></div> <div style="font-size: 2em; font-weight: bold; margin: 5px 0;">3</div> <div style="background-color: white; width: 20px; height: 20px; margin: 0 auto; text-align: center;">D</div> </div>	N rbc0009 ♠ AKQJ84 ♥ 6 ♦ KJ9 ♣ J107	W N E S 2NT 3♠ P 1♥ P P P 4♠
	W iceland3 ♠ 105 ♥ K ♦ A8632 ♣ Q9865	E joemama04 ♠ 72 ♥ QJ10832 ♦ Q74 ♣ 42
	S vickicorn ♠ 963 ♥ A9754 ♦ 105 ♣ AK3	4♠ N NS: 0 EW: 0

[Movie Link](#)

Lead: 2 of Hearts

Advocate's discussion: One listening to the auction would have imagined East might lead a diamond hoping to set up a trick in that suit or a club hoping for a ruff. However, East can see all the cards and can see that a heart lead is more effective. Even more absurdly, East does not lead the Queen from QJTXXX but rather his 2, his sixth best heart. East can see that West has the stiff King, so why squander the Queen.

1347 11

<div style="border: 1px solid black; padding: 5px; text-align: center;"> <div style="border: 1px solid black; padding: 2px; width: 40px; margin: 0 auto;">11</div> <div style="text-align: center; margin-top: 5px;">D</div> </div>	N joemama04 ♠ AQ974 ♥ Q65 ♦ 1095 ♣ J3	<table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th>W</th> <th>N</th> <th>E</th> <th>S</th> </tr> </thead> <tbody> <tr> <td>1NT</td> <td>P</td> <td>2♣</td> <td>P</td> </tr> <tr> <td>2NT</td> <td>P</td> <td>P</td> <td>P</td> </tr> </tbody> </table>	W	N	E	S	1NT	P	2♣	P	2NT	P	P	P
	W	N	E	S										
1NT	P	2♣	P											
2NT	P	P	P											
W mbc4748 ♠ 852 ♥ K10 ♦ AK743 ♣ AK5	E Vit0908 ♠ KJ106 ♥ J742 ♦ Q6 ♣ 874	2NT W NS: 0 EW: 0												
	S iceland3 ♠ 3 ♥ A983 ♦ J82 ♣ Q10962													

[Movie Link](#)

Lead: Jack of Clubs

Advocate's discussion: North has a clear cut spade lead. However, the Jack of Clubs from JX is much more effective. The lead would be more plausible if South had doubled East's artificial 2C bid. In this case, it is not necessary to waste a double because North can see South's cards.

1057 1

<table border="1"> <tr><td>D</td></tr> <tr><td>1</td></tr> </table>	D	1	N bethagnes ♠ 983 ♥ 10986 ♦ AQ8 ♣ K86	<table border="1"> <tr><td>W</td><td>N</td><td>E</td><td>S</td></tr> <tr><td></td><td>P</td><td>1♦</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	P		
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W like2play ♠ 106 ♥ 75 ♦ 1094 ♣ 1075432		E kkelleyNYY ♠ AQ54 ♥ KQJ3 ♦ K76 ♣ A9														
	S joemama04 ♠ KJ72 ♥ A42 ♦ J532 ♣ QJ	1♦ E NS: 0 EW: 0														

[Movie Link](#)

Lead: Queen of Clubs

Advocate's discussion: South makes a reasonable Queen of Clubs lead. When he gets in at trick 3, he makes what looks like a hazardous lead of a low diamond. If East has AKQXX, he has now given up his natural diamond trick. But, he can see his partner has the Ace so that the play is safe. He was hoping his partner would continue diamonds, but she cashed the King of Clubs (most errantly as far as South was concerned) and squished South's Jack. She continued the suit enabling East to pitch a spade. After South ruffed, he still has a natural trump trick. That trick would disappear if he led into the T9 of Diamonds, as long as East has the Queen. Such a play is downright irrational, except that South can see North has the Queen, making the diamond play the perfect defense.

6061 16

<div style="border: 1px solid black; padding: 5px; text-align: center;"> D 16 </div>	N joemama04 ♠ Q106 ♥ 109842 ♦ K64 ♣ A6	W N E S 3♦ P 3NT P P P
	W connerb ♠ J2 ♥ ♦ AQJ108752 ♣ 852	E deVerdery ♠ A754 ♥ AKQ5 ♦ 3 ♣ KQ74
	S iceland3 ♠ K983 ♥ J763 ♦ 9 ♣ J1093	3NT E NS: 0 EW: 0

[Movie Link](#)

Lead: Ten of Clubs

Advocate's discussion: After North wins the Ace of Clubs at trick one, he has a choice to make on the return. The dummy's holding makes it obvious that a diamond return is irrational. It would appear that the two logical choices for North are to return partner's lead (perhaps hoping she led from an interior sequence) or a heart (partner's T98XX and West's void makes the heart look appetizing). Instead, North makes what appears to be the second most irrational lead of a small spade from QTX. If East is holding AKXX, then North has just given East a complimentary spade trick he never could have obtained. Of course, this is not the case. North can see South's cards and can tell the spade is the most effective return. If North could not see South's cards, the spade would be the worst return apart from a diamond.

After presenting the hands allegedly evidencing the Charged Party's cheating, Advocate Humphrey addressed the Charged Party's Pre-Hearing Disclosure. He acknowledged how hard Advocate Rice, in concert with Advocate Smith, had worked on their Pre-Hearing Disclosure. Nonetheless, he stated that it had no evidentiary value since the hands were analyzed from the point of view of Ms. Rice rather than from the point of view of Mr. Pepe.

Evidence for Charged Party

Advocate Rice did not challenge any of the hand analyses presented by Advocate Humphrey. Ms. Rice explained that since Mr. Pepe would not take part in these proceedings, she took it upon herself to participate because the allegations related to her bridge club. Further, as Mr. Pepe's partner, she never knew him to cheat. She also averred that when they were trained to be virtual directors, they were NOT advised not to play and direct at the same time and this admonition came as a surprise to her. Notwithstanding, Ms. Rice agreed that Mr. Pepe's bidding and play on the hands presented by Advocate Humphrey looked "weird and suspicious," and while in her experience, Mr. Pepe often misclicks, she will accept the Panel's verdict.

Advocate Smith challenged Advocate Humphrey's conclusion on Deals #3770 16 vs. #3770 13 (see above at pp. 5 and 6). While Advocate Humphrey concluded that Mr. Pepe raised to 2S with three spades on Deal #3770 16 and avoided a spade raise and responded 1NT with three spades on Deal #3770 13 because he was aware of the 5-0 spade break in defenders' hands due to his self-kibitzing, Advocate Smith argued that there was a major difference between the two deals that explained why Mr. Pepe respond differently – in Deal #3770 16 he held three spades to the Ace, whereas in Deal #3770 13 he held three small spades.

Questions and comments by Panelists

Panelist Clayton thanked everyone for participating. He explained that he analyzed all 144 hands in the packet himself and identified only three exculpatory hands. He then asked Advocate Humphrey who performed the original analyses on behalf of the Charging Party. Mr. Humphrey responded that the club player first hired an investigator to analyze the hands, then before bringing charges the ACBL had the hands inspected by two investigators, and finally Advocate Humphrey did his own analysis before drafting the Pre-Hearing Disclosure. Clayton then inquired about Mr. Humphrey's qualifications and was told that he had 5,000 MPs and students of his own, so he felt he was well qualified to serve as Advocate.

Finally, Panelist Chorush asked Ms. Rice about her understanding of equal level conversion bids, to which she responded that a bidding sequence of 1H X 1NT P P 2C would show a strong hand of more than 17 points by the doubler.

There were no more comments or questions and the Hearing was closed.

PANEL'S FINDINGS OF FACT AND CONCLUSIONS

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

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

Direct evidence, circumstantial evidence, hearsay evidence, witness statements, mathematical analysis and any other relevant evidence (including evidence from outside of the ACBL) may be used to establish Comfortable Satisfaction. These factors go to the weight given to such evidence and not its admissibility.” (See CDR at pages 2 and 56).

The CDR does not require the Charged Party’s appearance at the hearing nor does it require that the Charged Party contest the charges. This lack of participation in the disciplinary process does not relieve the Charging Party of its burden to “prove ethical misconduct to a level of comfortable satisfaction” nor does it relieve the Panel of its obligation to decide if the Charging Party has met its burden.

In each case, the Panel has a responsibility to fully explain its decision. In the current case, where the Charged Party was represented by two Advocates but he himself did not put forth his own challenge to the suspicious hands presented by the Charging Party, the Panel is mindful that the Charging Party’s arguments cannot simply be “rubber stamped.” Rather, the Panel still must carefully examine all of the evidence and the Panel cannot assume that the Charged Party’s decision not to participate in the proceedings is an admission of guilt. The Panel notes that Compliance Coordinator Goley made every effort to make the Charged Party aware of his right to participate and appear at the Hearing.

The Panel finds the evidence of self-kibitzing while directing and playing, in violation of CDR 3.20, to be persuasive. In the Pre-Hearing Disclosure, the Charging Party submitted an analysis of 31 hands to which the Advocate for the Charged Party responded. The Charged Party brought forth no additional exculpatory hands. Prior to the Hearing, one of the Panelists examined all 144 deals in the packet and found only two exculpatory hands and four more very suspicious hands exhibiting that the Charged Party possessed unauthorized information. The other Panelists reviewed many of the hands in the packet and could find no logical explanation for many of the Charged Party’s bids and leads. Although the Charged Party convinced the Panel that there were some hands the Charging Party had mis-analyzed, the Panel was comfortably satisfied that there were many hands on which the Charged Party had taken actions that could only be explained if he

knew the entire deal, which he was able to know by using his VACB director account that could kibitz any table. Accordingly, the Panel unanimously finds, to a level of comfortable satisfaction, that Joseph Pepe, Jr. is guilty of the charges. He repeatedly gained unauthorized information other than through legitimate bidding or other methods sanctioned by the Laws, contrary to Law 74(C)(5), while playing and directing on BBO between June 27, 2020 and August 18, 2020 and thereby violated section 3.20 of the then-applicable CDR.³

Disciplinary Sanctions

The Panel finds that the Charged Party's unethical conduct falls within E19 of the then-applicable CDR and imposes a suspension of two years followed by a three year probation during which he cannot direct any ACBL sanctioned game or log into BBO using a Yellow account. He also will forfeit all master points earned in online games set forth in the Charge and for the 12 months preceding the first such game.

The Panel is aware that Appendix B, Part One of the CDR, requires a Disciplinary Body to explain why they imposed discipline outside the range recommended by the guidelines. (See CDR at page 60).⁴ The Panel offers the following explanation:

First, the Panel finds that the cheating in this matter is not covered by any other section of Appendix B, CDR 3.20. Therefore it falls under E19 (Cheating and other Ethical Violations not specifically cited by other sections of this Appendix, CDR 3.20).

Second, the Panel compared and considered the factors surrounding the violations of the Charged Party as opposed to those of other players charged and found to be responsible for self-kibitzing. The Charged Party is not a world renowned player like some violators who clearly should have known better, neither is he an inexperienced player (he has approximately 1,200 master points). More importantly, he is in a position of trust as a director, who should demonstrate the best ethics, not the worst. Moreover, unlike others, he showed no remorse. Thus, the Panel is satisfied that the two year suspension and three year probation imposed in this case is consistent and appropriate.

Finally, the main reason why the Panel decided to impose discipline outside the range recommended by the E19 guidelines is that the Panel found the recommended discipline, (suspension followed by probation), was an inadequate penalty given the Charged Party's unique

³ The Panel notes that, after determining that the Charged Party was guilty of violating CDR 3.20, the Advisor informed the Panel that the Charged Party had no previous discipline. The Panel considered this before deciding on the appropriate discipline. (See CDR, *Guidelines for Conducting Disciplinary Hearings*, Section V (H), Hearing Procedures, page 55).

⁴ In accordance with CDR 4.16, the Panel fashioned a more severe disciplinary penalty by imposing the two additional penalties.

position as both player and director. That is, as a director, the Charged Party was in a position of trust and thus he had a higher duty not to take advantage of the other players in the game. By using his credentials as a director to self-kibitz while playing, he failed to live up to this duty and thus a unique penalty is justified.

Final Comments from Panel

As a final matter, while the following had no bearing on the determinations made by the Panel, the Panel wishes to provide some constructive criticism of the Hearing Process in general. First, the Panel found the hand analyses by the Advocate for the Charging Party both in the Pre-Hearing Disclosure and at the Hearing to be somewhat off-putting. Rather than just presenting the hands and the unusual actions taken in each hand by the Charged Party, the Advocate occasionally used inflammatory language and stated with certainty that these actions could only be explained by the Charged Party having looked at all four hands during the bidding and/or play (see e.g. Deals ##2168 12 and 3770 3 above at pp. 10 and 13). The conclusion of whether the Charged Party was self-kibitzing is a determination to be made by the Panel, not by the Advocate. The Panel suggests that these conclusory statements by the Advocate be avoided.

Second, the Panel believes that more effort should be put into reaching a Negotiated Resolution with Charged Parties before reaching a hearing, especially in the case of a Charged Party who does not intend to participate in the process or attend the hearing. If greater effort were made at different points in the pre-hearing process it is possible that the Charged Party would engage in a negotiation to settle the matter and everyone involved could avoid the significant effort of preparing for, attending and writing up a report after the hearing.

Approved:

/s/ Jan Martel
Jan Martel, Chair

/s/ Philip Clayton
Philip Clayton

/s/ Ira Chorush
Ira Chorush

EXHIBIT A

Communications to ACBL from John Smith and Ella Rice

Please find attached my comments on this procedure to date.

Sincerely,
John F. Smith
(704)992-1260
smithtreats@yahoo.com
K429780 (ACBL#)

To: Sabrina Goley
From: John F. Smith (#K429780)
Subject: Joe Pepe Jr. (Charged Party)

02/18/2121

I have received your letter stating that Mr. Pepe's hearing will be on 03/19/2121 at 2:00pm. As an advocate in this case, I would like to bring you "up to date" on this proceeding from my viewpoint. To date, I am very disappointed in ACBL's actions.

1. Mr. Pepe was initially given a charge sheet. Basically the charge sheet indicated that he was guilty of cheating. The sheet also indicated that a club member had initiated the complaint. The charge sheet indicated about 7 boards were involved. Having been a certified director for over 50 years and having establishing (or assisted in establishing) 4 separate ACBL clubs during my lifetime; I know that I have taking some disciplinary action to some club members during that period and they would like to "return the favor". As such and under "the right to confront witness" amendment; I asked Mr. Gordon "Who made the complaint"? He came back and said that "he" (Mr. Gordon) initiated the complaint. He did it by statistical analysis. When Ms. Rice and I talked to him by phone during 12/2020; I indicated that I agreed with Mr. Pepe's bidding on 5 of the 7 hands that were listed on the original charge letter. Mr. Gordon then brought up several other hands on the phone. We politely agreed to disagree on several of those hands. Which answer is correct with respect to the charging party: a club member or Mr. Gordon's statistical analysis? Mr. Pepe has a right to know!
2. It becomes very difficult to understand the evidence against Mr. Pepe. On the initial charge sheet; there were about 7 boards. The next time there were about 20 boards. On the latest hearing notice, there are about 140 boards. Which is it? Again; Mr. Pepe has a right to know the charges against him.

In summary, ACBL has questioned Mr. Pepe's honesty and integrity without due process and him not even having the benefit of knowing the evidence against him. If this is the manner in which ACBL addresses its' members; I do not want to be associated with the ACBL.

Sincerely,

From: Ella <icellago@yahoo.com>
Sent: Friday, February 19, 2021 12:15 PM
To: Sabrina Goley <Sabrina.Goley@acbl.org>
Subject: RE: Joe Pepe Jr.

[OUTSIDE Email]

Hi Sabrina,

Here are some of the grievances I have with this case.

It was first brought to our attention on October 16, 2020. We received an email from Robb Gordon where he announced to us that some players had accused Mr. Joe Pepe Jr. of cheating in our Virtual Club game. The email furthermore stated that in accordance to two other ACBL verifiers they had come to the conclusion that the charges were most likely true and Joe could either accept it for a lesser penalty or take the opportunity to defend himself.

Robb gave us a sample of 7 boards that were in question. At that point in time Joe had played over 2000 boards in our Club games so 7 examples did not seem grossly negligent.

I immediately wrote to Mr. Gordon and asked if he could phone me so we could go over the hands together. He informed me that Mr. Pepe would have to designate me as an advocate for him in order to do so. I asked Mr. Pepe to designate me and the former Club owner, John Smith, who had not played in our online games and is therefore a neutral participant. John graciously accepted and we had a Zoom meeting with Mr. Gordon shortly thereafter.

John and I voiced our opinion that we could not see gross misconduct with either the bidding or play of the particular hands he provided us. Rob then made a point of telling us that he was a "Grand Live Master" and that unless Mr. Pepe was a Jeff Meckstroth level player his style of bidding and playing was suspect. He then proceeded to show us a few more hands, where again we did not see any gross negligence, so we politely decided to disagree with him.

I asked that he give us the names of the accusers so we could properly defend ourselves. The accusers are members of our Club, that prides itself on providing a friendly and supportive atmosphere. We have over 200 members on our Club list and they are all connected through location, friendship and common interest. We are all FRIENDS! We provide food and drinks at our games and they donate baked goods for everyone's enjoyment. It is a very unusually friendly club where I've been fortunate to call them my family, having moved to the US five years ago. I am left with speculation who complained and everyone is a suspect. Joe and I bought the games from John

and Marlene Smith in January of last year, so we were 3 months into our ownership when the pandemic hit. I set up free tournaments for our club on BBO, and trained everyone that was new to online playing in how to navigate and play on their site. This was a labor of love to keep the game fresh in their minds and help them continue working on their game.

When asked who the accusers were. Robb responded by saying that HE was the ACCUSER, and ACBL was under no obligation to give us the names of those that brought forward the charges. We both disagreed. This is a very unfair and unusual way of charging someone with gross misconduct where they have no obligation to name the accusers. In what court of this land would that be acceptable?

This accusation has been very hard on me personally. This has dragged on for 4 months and finally we get a hearing in another month from now. This bridge club was my passion and livelihood and now that has been thrown up in the air and I have to figure out how to continue when this is all said and done. I can't describe the stress and anxiety it has brought me, and worries for a good friend who has suffered the loss of a son and his family all being sick with Covid19 during the last year or so. This has deep affects on peoples psyche and health, and dragging it on for months has not been easy especially in the already trying times we now live in. Interestingly Joe applied in 2013 for the job of President of ACBL. He went on a few interviews and was offered the job. Unfortunately they could not agree on salary so Joe declined the offer. They did not have a problem with his integrity then.

John has been a manager/owner of several bridge clubs through his life and he has ran into many instances where players have voiced their grievances over bids and play that they did not agree with. He has always been able to resolve those complaints in a normal manner. That is how we deal with any dispute. The accuser and the defender having a polite discussion where they can reach a common ground and find a resolve. This is not offered in this case. In my years of management I have always found it more fair to go to the source, or up the ladder of management, and try to find a resolve before you go to the top without any notice to immediate line of authority. Why does the ACBL not encourage this route to the accusers, especially when it involves a Virtual Club where everybody knows everyone? I can see if this had taken place in a regular ACBL tournament where only a handful of players know each other.

I have played online for over 20 years and never known of any case where charges were brought forward for cheating. I have played with or against all levels of players and I can't count the number of instances where players have misbid, mis clicked on a bid or play or made a bad bid when they were distracted. This is the problem with playing online. You deal with distractions from phone, TV, family members or friends online all the time. A mis click is not considered cheating...but psyche bidding is now allowed by the ACBL Even Jeff Meckstroth has it marked on his CC that he occasionally psyche bids. We make stupid bids in the rush of the game or when distracted...this happens all the time.

Thank you for allowing me to voice my feelings. You have been very professional and understanding to my plight. For that I am very grateful.

Take care,

Knus (hugs in Icelandic)

Ella

EXHIBIT B

All Hands Considered By Charging Party Advocate

Joemama04

7/27 Game 707

https://tinyurl.com/aa707n1	
https://tinyurl.com/ab707n2	
https://tinyurl.com/ab707n3	
https://tinyurl.com/ab707n4	
https://tinyurl.com/ab707n5	
https://tinyurl.com/ab707n6	
https://tinyurl.com/ab707n7	
https://tinyurl.com/ab707n8	
https://tinyurl.com/ac707n9	
https://tinyurl.com/ac707n10	
https://tinyurl.com/ac707n11	
https://tinyurl.com/ac707n12	
https://tinyurl.com/ac707n13	
https://tinyurl.com/ac707n14	
https://tinyurl.com/ac707n15	
https://tinyurl.com/ac707n16	
https://tinyurl.com/ac707n17	
https://tinyurl.com/ac707n18	

7/28 Game 1057

https://tinyurl.com/ac1057n1	
https://tinyurl.com/ac1057n2	
https://tinyurl.com/ac1057n3	
https://tinyurl.com/ac1057n4	
https://tinyurl.com/ac1057n5	
https://tinyurl.com/ac1057n6	
https://tinyurl.com/ac1057n7	
https://tinyurl.com/ac1057n8	
https://tinyurl.com/ac1057n9	
https://tinyurl.com/ac1057n10	
https://tinyurl.com/ac1057n11	
https://tinyurl.com/ac1057n12	
https://tinyurl.com/ac1057n13	
https://tinyurl.com/ac1057n14	
https://tinyurl.com/ac1057n15	

https://tinyurl.com/ac1057n16	
https://tinyurl.com/ac1057n17	
https://tinyurl.com/ac1057n18	

7/29 Game 2862

https://tinyurl.com/ac2862n1	
https://tinyurl.com/ac2862n2	
https://tinyurl.com/ac2862n3	
https://tinyurl.com/ac2862n4	
https://tinyurl.com/ac2862n5	
https://tinyurl.com/ac2862n6	
https://tinyurl.com/ac2862n7	
https://tinyurl.com/ac2862n8	
https://tinyurl.com/ac2862n9	
https://tinyurl.com/ac2862n10	
https://tinyurl.com/ac2862n11	
https://tinyurl.com/ac2862n12	
https://tinyurl.com/ac2862n13	
https://tinyurl.com/ac2862n14	
https://tinyurl.com/ac2862n15	
https://tinyurl.com/ac2862n16	
https://tinyurl.com/ac2862n17	
https://tinyurl.com/ac2862n18	

7/30 Game 2861

https://tinyurl.com/ac2861n1	
https://tinyurl.com/ac2861n2	
https://tinyurl.com/ac2861n3	
https://tinyurl.com/ac2861n4	
https://tinyurl.com/ac2861n5	
https://tinyurl.com/ac2861n6	
https://tinyurl.com/ac2861n7	
https://tinyurl.com/ac2861n8	
https://tinyurl.com/ac2861n9	
https://tinyurl.com/ac2861n10	
https://tinyurl.com/ac2861n11	
https://tinyurl.com/ac2861n12	
https://tinyurl.com/ac2861n13	
https://tinyurl.com/ac2861n14	
https://tinyurl.com/ac2861n15	
https://tinyurl.com/ac2861n16	
https://tinyurl.com/ac2861n17	
https://tinyurl.com/ac2861n18	

7/31 Game 6061

https://tinyurl.com/ac6061n1	
https://tinyurl.com/ac6061n2	
https://tinyurl.com/ac6061n3	
https://tinyurl.com/ac6061n4	
https://tinyurl.com/ac6061n5	
https://tinyurl.com/ac6061n6	
https://tinyurl.com/ac6061n7	
https://tinyurl.com/ac6061n8	
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https://tinyurl.com/ac6061n15	
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https://tinyurl.com/ac6061n18	

8/14 Game 3770

https://tinyurl.com/ac3770n1	
https://tinyurl.com/ac3770n2	
https://tinyurl.com/ac3770n3	
https://tinyurl.com/ac3770n4	
https://tinyurl.com/ac3770n5	
https://tinyurl.com/ac3770n6	
https://tinyurl.com/ac3770n7	
https://tinyurl.com/ac3770n8	
https://tinyurl.com/ac3770n9	
https://tinyurl.com/ac3770n10	
https://tinyurl.com/ac3770n11	
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https://tinyurl.com/ac3770n14	
https://tinyurl.com/ac3770n15	
https://tinyurl.com/ac3770n16	
https://tinyurl.com/ac3770n17	
https://tinyurl.com/ac3770n18	

8/17 Game 1347

https://tinyurl.com/ac1347n1	
https://tinyurl.com/ac1347n2	

https://tinyurl.com/ac1347n3	
https://tinyurl.com/ac1347n4	
https://tinyurl.com/ac1347n5	
https://tinyurl.com/ac1347n6	
https://tinyurl.com/ac1347n7	
https://tinyurl.com/ac1347n8	
https://tinyurl.com/ac1347n9	
https://tinyurl.com/ac1347n10	
https://tinyurl.com/ac1347n11	
https://tinyurl.com/ac1347n12	
https://tinyurl.com/ac1347n13	
https://tinyurl.com/ac1347n14	
https://tinyurl.com/ac1347n15	
https://tinyurl.com/ac1347n16	
https://tinyurl.com/ac1347n17	
https://tinyurl.com/ac1347n18	

8/18 Game 2168

https://tinyurl.com/ac2168n1	
https://tinyurl.com/ac2168n2	
https://tinyurl.com/ac2168n3	
https://tinyurl.com/ac2168n4	
https://tinyurl.com/ac2168n5	
https://tinyurl.com/ac2168n6	
https://tinyurl.com/ac2168n7	
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https://tinyurl.com/ac2168n15	
https://tinyurl.com/ac2168n16	
https://tinyurl.com/ac2168n17	
https://tinyurl.com/ac2168n18	

EXHIBIT C

Concerns of Advocate For Charging Party

PEPE MATTER The Advocate's Concerns

Game 707

1. Board 4:

West	North	East	South
P	P	1H	X
2H	3S	P	4S
All Pass			

Lead: A of H

After a 1H opener, South makes a takeout double holding a heart stack, singleton diamond and 12 HCP. If his partner bids diamonds, he has no exit. However, he can see that his partner has a spade fit with him. Moreover, if North plays the spades perfectly, she can make five. Instead, she played it safely to make to make four. Most South's should be satisfied to have found a spot to play and would pass at the three level. South, however, can see that all the club values are working, so he can safely take North to four.

2. Board 5:

West	North	East	South
	P	1C	P
1S	P	1NT	P
3NT	All Pass		

Lead: 4 of C

The most likely choice of leads is a red suit. The heart looks attractive as the unbid major. The diamond looks reasonable. A gambler might try a spade, hoping the dummy has four spades and the declarer has two. The least attractive lead is the club, declarer's first bid suit. As it turns out, the best lead by far is the club lead. South finds the club lead, the most improbable best lead from the auction but clearly the best lead when he has access to all of the hands.

3. Board 7:

West	North	East	South
------	-------	------	-------

			1D
1S	2S	2N	P
3S	P	4S	5D
P	P	5S	P
P	X	All Pass	

Lead: Ace of Clubs

After North shows a limit raise, South makes no effort to compete until the opponents find 4S. South can glance at the hands to see that 5D is a good save. When North doubles, South can also see that East-West goes down one.

4. Board 9:

West	North	East	South
	P	1H	2C
P	2S	P	2NT
P	3NT	All Pass	

Lead: Jack of Diamonds

South makes a reasonable 2C overcall, but when North tries 2S, South is somewhat stuck. He cannot bid 2N on his cards, but he can see North's cards so that 2NT is safe. He can generate one heart trick, five clubs, one spade and one diamond. West has a singleton heart, so when she hears 2N by South, she might reasonably think South has heart honors behind East. So, she leads a diamond guaranteeing South eight tricks and the possibility of nine. North somewhat unexpectedly raises to 3N, and West's accommodating lead helps South get to nine.

5. Board 10:

West	North	East	South
		P	1NT
P	2C	P	2H
P	3NT	All Pass	

Lead: 4 of Clubs

One would expect South to now bid 4S since North is known to have a four-card spade suit. However, South can see the spade stack and knows it is more lucrative to play 3NT. On the opening club lead, South can see the duck is correct. When East switches to a low spade (after all, she thinks South does not have four spades, South can see he can ride it to the 9 on the table. South can also see that if he leads the ten of hearts and if East does not cover, he will make four heart tricks. While he is still on the table he can lead a spade and collect four spade tricks.

While he is cashing hearts, he knows he can throw away three diamonds. Then, he can lead a club toward the Queen, knowing he will lose only one more trick.

6. Board 11:

West	North	East	South
			1S
P	2D	3H	3NT
P	4C	P	4S
P	4NT	All Pass	

Lead: Jack of Hearts

South can see all the hands and executes a perfect double dummy endplay.

7. Board 12:

West	North	East	South
P	1S	4D	4S
5D	P	P	X

All Pass

Lead: King of Spades

South can see all the cards and can tell that 5S cannot make. Instead of leading a low spade or a high heart, he starts with the King of Spades. Then, he cashes the Ace of Hearts and knows to stop because East has a singleton. Then, he leads a low spade, making it easy for North to try to cash another spade, which gets ruffed. The clubs will now be problematic for East. After North wins the King of Clubs, she could have safely exited a heart. Instead, she exits a club, enabling East to save a club trick. North, however, is not doing anything untoward, and she does not know what her partner knows. As it turns out, East did not guess the club position and wound up losing two clubs anyway.

Game 1057

8. Board 1:

West	North	East	South
	P	1D	All Pass

Lead: Queen of Clubs

South makes a reasonable Queen of Clubs lead. When he gets in at trick 3, he makes what looks like a hazardous lead of a low diamond. If East has AKQXX, he has now given up his natural diamond trick. But, he can see his partner has the Ace so that the play is safe. He was hoping his partner would continue diamonds,

but she cashed the King of Clubs (most errantly as far as South was concerned) and squished South's Jack. She continued the suit enabling East to pitch a spade. After South ruffed, he still has a natural trump trick. That trick would disappear if he led into the T9 of Diamonds, as long as East has the Queen. Such a play is downright irrational, except that South can see North has the Queen, making the diamond play the perfect defense.

9. Board 5:

West	North	East	South
	1C	P	1S
2H	P	P	X
All Pass			

Lead: Jack of Spades

When South gains the lead for the first time, he makes no effort to cash his diamonds. He can see the declarer has only one diamond, and he can also see that the priority is punch a club through the declarer.

10. Board 8:

West	North	East	South
P	1S	2D	3C
P	3NT	P	4C
5C	All Pass		

Lead: Three of Diamonds

South can see all the hands and recognizes that 3NT cannot make. He pulls it to clubs, which does make.

11. Board 12:

West	North	East	South
P	1D	P	3NT
All Pass			

Lead: 4 of Clubs

Most Souths would explore slam, but South can see that North opened a sub-minimum balanced 11. The Queen of Hearts will drop if South refuses the finesse. Not only does he take advantage of what he can see, but he plays the suit in a most brazen way—low to the King and back to his Ace as he watches the Queen drop.

Game 2861

12. Board 3:

West	North	East	South
			1H
P	1S	1NT*	2D
P	3H	P	4H

All Pass 1NT=Sandwich

Lead: 4 of Clubs

After East cashes 2 club tricks, he leads the Queen of Diamonds, essentially assuring that West will cash out. The play could be terrible if North has one or both of the missing diamond honors, except that he can see his partner has the Ace and the Jack.

13. Board 4:

West	North	East	South
P	P	2S	3C
3S	4C	4D	4H
4S	P	P	5C
X	P	5S	All Pass

Lead: Ace of Hearts

East has five spades and six diamonds but chooses to preempt in his five-card spade suit. He can see his partner also has five spades. In a rare miscalculation, East erroneously pulls West's penalty double.

Game 6061

14. Board 6:

West	North	East	South
		P	1D
P	1H	P	2NT
P	6NT	All Pass	

Lead: Five of Spades

When South rebids 2NT, she is advertising a balanced 18-19: not quite what she has but nothing untoward about her action. Most players holding North's cards, a square 12, would opt for 3NT. An aggressive North may bid 4NT, but that seems like an overbid with North's hand. If North were to bid 4NT, South may opt to pass. Even though she has 19, she may be regretting her decision to describe her

hand as balanced. North, however, can see twelve tricks. Therefore, he leaves nothing to chance and jumps to 6NT. Of course, as it turns out there are thirteen tricks, but North has an incentive not to call too much attention to his aggressive bids.

15. Board 14:

West	North	East	South
		P	P
1C	4H	All Pass	

Lead: Two of Clubs

Here is where seeing all the cards yields a huge advantage for North. I have reviewed a sufficient number of these hands that I already knew what North was going to do before I clicked next. East led the two of clubs to West's Ace. West returned the Ace of Spades and a spade to North's King. North next cashes a club, and East's following with the nine. The progression of East's clubs from low to high confirms he has three. Therefore, the natural play would be to cross to the Ace of Diamonds, pitch a diamond on the Jack of Clubs (which should be and turns out to be a safe play). Then, one would expect North to lead a heart to the Queen, hoping to catch West with KX. Since West opened the bidding, it is not unreasonable to believe that West does have the King of Hearts. At trick six, instead of making a normal play of a diamond to the Ace, North instead—and I knew he would do this—plunked down the Ace of Hearts, dropping the singleton King offside held by the defender who passed.

16. Board 16:

West	North	East	South
3D	P	3NT	All Pass

Lead: Ten of Clubs

After North wins the Ace of Clubs at trick one, he has a choice to make on the return. The dummy's holding makes it obvious that a diamond return is irrational. It would appear that the two logical choices for North are to return partner's lead (perhaps hoping she led from an interior sequence) or a heart (partner's T98XX and West's void makes the heart look appetizing). Instead, North makes what appears to be the second most irrational lead of a small spade from QTX. If East is holding AKXX, then North has just given East a complimentary spade trick he never could have obtained. Of course, this is not the case. North can see South's cards and can tell the spade is the most effective

return. If North could not see South's cards, the spade would be the worst return apart from a diamond.

17. Board 17:

West	North	East	South
	3D	P	3NT

All Pass

Lead: Queen of Clubs

Many would open North's hand 4D holding an 8-card suit. Perhaps some might open 3D as North did. But, North has the advantage of seeing South's card and can see that 3NT makes on any lead. Therefore, he knows 3D is the superior opening bid.

18. Board 18:

West	North	East	South
P	2C	P	2D
P	2S	P	3H
P	4D	P	4S
P	6D	All Pass	

Lead: King of Hearts

North distorted his shape in the bidding, making it appear that his spades were equally as long as or longer than his diamonds. Of course, none of that matters because North can see that QXXX of Spades are offside. Therefore, he unilaterally corrects the contract to 6D. South does not have the advantage of seeing the cards as North can; however, she has proven herself to be a competent declarer and should be able to find a path to twelve tricks (which she does). One suspects that if North were the declarer, he might have bid 7D. He can see five club tricks, six diamond tricks and two spade tricks.

Game 3770

19. Board 3:

West	North	East	South
			1H
2NT	3S	P	4S

All Pass

Lead: 2 of Hearts

One listening to the auction would have imagined East might lead a diamond hoping to set up a trick in that suit or a club hoping for a ruff. However, East can see all the cards and can see that a heart lead is more effective. Even more absurdly, East does not lead the Queen from QJTXXX but rather his 2, his sixth best heart. East can see that West has the stiff King, so why squander the Queen.

20. Board 6:

West	North	East	South
		P	P
P	1C	X	XX
2H	3C	All Pass	

Lead: Ace of Spades

North makes a paper thin double of 1C, holding 9 HCP and a doubleton diamond; however, he has the advantage of seeing that he and his partner have 8 card fits in both majors. Even after a redouble, his partner faithfully jumps to 2H (I prefer 2C, but she did show her values). The auction dies after North bids 3C. After a stout 2H bid by West, one would think that if East is to lead an Ace, it would be from the suit his partner bid. Doing so in this hand would give up a heart trick. Luckily for East, he does not have to listen to the auction when selecting the lead. Although the lead of the Ace of Spades is not suggested by the auction, East can see the Ace of Spades is the best lead. If West had bid spades instead of hearts, I cannot imagine that would have inspired an Ace of Hearts lead by East.

21. Board 7:

West	North	East	South
			P
1D	P	1S	P
2C	P	2D	P
3D	P	5D	All Pass

Lead: Ten of Clubs

East has simple values and a balanced hand. After West bids 3D, East has nothing else to say. However, if he quickly glances at the cards, it appears West has one club loser and one heart loser. There is no other way to justify his jump to 5D. As it turns out, if he had looked more carefully, he would have realized that the winning contract is 3NT. He probably was so focused on looking at the diamonds, he didn't see the best contract. Moreover, clubs could have been problematic in 5D. If South ducks the first club, West can never make it. Even

when you see all the cards, you sometimes cannot make a perfect double dummy analysis. With the aid of the defense, West brought home the contract.

22. Board 9:

West	North	East	South
	P	1C	P
2S*	P	3C	P
5C	All Pass	*2S=Game Force	

West's jump to 2S seems like a bastardized use of the two over one game forcing system. Nevertheless, that was West's choice and East carefully did not raise spades with AJX but instead rebid his 5-card club suit. East has the advantage of seeing that West really does not have five spades, as her bid suggested.

23. Board 13:

West	North	East	South
	P	1C	1H
1S	P	1NT	All Pass

Lead: Six of Hearts

West's 1S bid ostensibly shows five spades if they play negative doubles. Nevertheless, East opts for 1NT holding only AX of Hearts. East can see that the spades are stacked behind West and can quickly realize that NS will score at least four spades, one heart and one club in a spade contract. East can also see that West has a heart holding that will prevent South from running a slew of heart tricks. With all of the built in advantages of seeing all the cards, East realizes that 1NT is the superior contract.

24. Board 16:

West	North	East	South
P	P	1D	1H
1S	2H	2S	P
4S	All Pass		

Lead: Four of Spades

This auction is quite normal. It is added to provide a contrast to some prior hands. Note that in this hand, he raised partner holding three spades as most players would. He doesn't raise with three spades when the spades are stacked or when his partner has only four even though her bidding suggests she has five.

Since in this hand, she has the number of spades she advertises and the spades are not stacked this time, he will raise her.

Game 1347

25. Board 3:

West	North	East	South
P	3C	3H	P
			All Pass

Lead: Queen of Clubs

After North wins the Ace of Clubs he leads his singleton spade and gets ready to ruff. When South gets in, she leads a spade to give North a ruff. It seems safer to return a club than a diamond. If South has the singleton club, she can give North another ruff. If she has a doubleton, at least North gave nothing away. However, the diamond lead would compromise any potential diamond trick if East has the Ace of Diamonds. So, North is much safer leading the club unless he has certitude that his partner has the Ace of Diamonds—and since he can see the Ace of Diamonds, he has that certitude.

26. Board 11:

West	North	East	South
1NT	P	2C	P
2NT	All Pass		

Lead: Jack of Clubs

North has a clear cut spade lead. However, the Jack of Clubs from JX is much more effective. The lead would be more plausible if South had doubled East's artificial 2C bid. In this case, it is not necessary to waste a double because North can see South's cards.

Game 2168

27. Board 11:

West	North	East	South
1D	P	1H	X
2D	2S	3D	P
4H	P	5H	P

6D All Pass

Lead: 8 of Clubs

Through the first two rounds of bidding, East showed little more than values invitational to game. As it turns out, her hand was better than West's hand, but it was West who drove the hand to slam. The pair is off the Ace of Spades and the Queen of Hearts, but naturally, the Queen of Hearts is in the pocket.

28. Board 12:

West	North	East	South
P	1D	X	1S
2H	X	P	3D
3H	4D	P	P
X	All Pass		

Lead: Seven of Hearts

Over East's takeout double of 1D, West soft peddles his 8-card heart suit. He gently bids 2H and 3H, which is the limit of the hand. After the opponents reach 4D, West doubles with virtually no defense. His double becomes viable when he sees his partner's hand and realizes she can set the contract.

29. Board 13:

West	North	East	South
	P	1S	P
2H	P	2S	P
4NT	P	5S	P
6NT	All Pass		

Lead: Three of Diamonds

Given the information from the auction, West has a legitimate 6S call; however, after a quick glance at both hands, especially the location of the Queen of Diamonds, it is easy to see he makes as many in NT. Additionally, he takes over the hand from his partner, who does not have access to her opponents' holdings. Clearly, West slipped on this one. He must have miscounted his tricks, or he would have bid 7NT. Doubtless, being in 6NT should be sufficient.

30. Board 15:

West	North	East	South
			P
P	P	1H	P
3NT	P	4NT	All Pass

Lead: Seven of Hearts

After East opens 1H in the fourth chair, West, holding four spades and 10 HCP, goes directly to 3NT. There is no bridge reason to take this action, but by looking at all the hands, West can tell that 3NT is the winning contract.

31. Board 18:

West	North	East	South
		1D	1H
P	P	X	P
2C	2H	3C	All Pass

Lead: Queen of Hearts

West once again proves you can score better when you know who holds what cards. West plays South precisely for Q9XX in the trump suit and picks up the suit with the greatest of ease.

EXHIBIT D

Response of Advocate For Charged Party

Matter of Joe Pepe

1. Board 4:

West North East South

P P 1H X

2H 3S P 4S

All Pass

Lead: A of H

This is one hand where you have 16 points if you find a fit with your partner but you have no good overcall. W and partner have passed and you want to compete. We will overcall on occasion with a 4 card Major but AJ82 in my mind does not qualify, I will do it with AKxx or KQ10x. I see nothing wrong with a DBL there, showing at least the other major and an opening hand. If your partner bids diamonds you can easily bid 2nt. If mister Pepe could see all hands he would pass, assuming that W will bid 2H which he can double for penalty.

2. Board 5:

West North East South

P 1C P

1S P 1NT P

3NT All Pass

Lead: 4 of C

Easts 1 club opening bid can be 3 card short. Joe and I typically do not lead from a suit that is J or Q high in a NT contract, you end up giving opponents a cheap trick, so we want to lead from a top honor, and either 2nd or 4th highest. 4 of C is a natural lead there, because we normally lead from strength.

3. Board 7:

West North East South

1D

1S	2S	2N	P
3S	P	4S	5D
P	P	5S	P
P	X	All Pass	

Lead: Ace of Clubs

I have given Joe a limit raise in Diamonds, 10+ and at least 4 diamonds. He passes on 2NT, which is a strange bid with Easts holding (but they are very weak players) seeing that 2NT can get them in a lot of trouble, Joe waits to see what W will do. After they manage to get to 4S, Joe wants to compete and bids 5D with no defense in S, which may go down 1 or 2 for a good board if they can make 4S. Joe has a 6 losing trick hand and his partner has showed 10+ points. After they go to 5S, I DBL. 5 over 5 rarely makes and with A of C and K of D, I feel we can set them. I advocate leading Aces in this kind of situation, so partner can give me attitude or suit preference.

4. Board 9:

West	North	East	South
	P	1H	2C
P	2S	P	2NT
P	3NT	All Pass	

Lead: Jack of Diamonds

I remember this hand. I had counted my hand as 12 points if we had a fit in clubs. At the end of the bidding I had gotten distracted by a player and bid 3NT with 12 points still in my head...which is not valid in a NT contract. I was sure we were going down on this board. The 2NT bid is a little risky, but we don't like to bid a 5 card minor twice, or go to 3D with a 4 card suit, so 2NT seems to be his best shot to make the least harm. EW is vulnerable and we are not so we can afford to go down 1 or 2. I have shown at least 9+ or a 10 point hand.

5. Board 10:

West	North	East	South
	P	1NT	
P	2C	P	2H
P	3NT	All Pass	

Lead: 4 of Clubs

My thinking if I was playing the hand, do I give up my chance of a trick in C on first play, by risking the Q being overtaken by the A or K, or do I hope that the 10 in my hand will be high enough to force E to play an A or K if she has it. I would also duck the 4. I have told Mr. Pepe a few times that its better to be in a Major game contract, than 3NT when we have a 4 4 fit in a major, but he is still resisting this.

6. Board 11:

West North East South

			1S
P	2D	3H	3NT
P	4C	P	4S
P	4NT	All Pass	

Lead: Jack of Hearts

Knowing that W has 10 of clubs in his hand his only hope of winning this contract is that W also has K10 of spades. If Joe could see all hands why did he not play the 8 of spades on trick 1? That would have easily given him 4 spade tricks when he can finesse the K from West playing a low spade from his hand. I probably would have lead the A of H there to show I also had the King, but with only 3 spades in his hand he may be thinking we could get 2 spade tricks

7. Board 12:

West North East South

P	1S	4D	4S
5D	P	P	X
All Pass			

Lead: King of Spades

Joe went to 4S with 11 HCP and no stoppers in the minor suits. That is definitely pushing it and a max bid for his hand. He is not going to bid 5S vulnerable and risk going down 2 and give EW 500 points. I probably would have lead the A of H first, to show partner I also have the King. He chose to lead the K of S hoping I had the Ace. I discarded the 2 showing positive attitude, and he switched to the A of H. Seeing QJ of H on board, neither Joe nor I will lead another H back and set up a H trick for them.

8. Board 1:

West North East South

P 1D All Pass

Lead: Queen of Clubs

After leading Q of C Joe can see that W has 6 clubs, so best not to play another C and risk giving them a ruff. E opened 1D so he can have 4+ diamonds. Joe has 12 HCP, E most likely has 19 max when W shows up with no points. That leaves his partner Beth with 9+ HCP. Why not lead the 2 of D? He has 4 and sees that E can not get to the board to use C's for ruffs unless he can manage to get there twice on ruffing S or H. He is not going to lead from an unprotected A of H or K of S. After E played 2 spades it is obvious he is setting up for a couple of spade ruffs. Not reading Joe's reason for D switch, Beth plays her K of C after taking the A of D, which is not what Joe wanted. When Joe gets back in he leads D again...to take away 1 S ruff. He basically swapped a D trick hoping to knock out 2 spade ruffs. Makes perfect sense to me.

9. Board 5:

West North East South

1C P 1S

2H P P X

All Pass

Lead: Jack of Spades

Joe has 5 diamonds and sees 4 in board, that leaves 4D out and W can possibly have a singleton or void hence he may only have one D entry to his hand. Beth opened 1C and seeing E has only 3 little C and he is holding J106, he can anticipate that he may need to lead C twice for partner to get 2 club tricks. Knowing she is void in S she will most likely lead a D knowing that W must have K of H. Playing AK of D would have been a very wrong play.

10. Board 8:

West North East South

P 1S 2D 3C

P 3NT P 4C

5C All Pass

Lead: Three of Diamonds

In my opinion his clubs are not strong enough to allow a 3NT contract. He has 11HCP and no stop in opponents suit so thinks its safer to bid 4C. If he saw all hands why did he not jump to 5C and make sure they are in game? He knows that he can not count on her 100% to bid again.

11. Board 12:

West North East South

P 1D P 3NT

All Pass

Lead: 4 of Clubs

Joe is never going to look for a minor slam...not in his grain unless he has a solid stack in a minor suit. He has a flat 18 point hand, no fit in the majors and they open better minor so Beth could have only 3D. He does not bid 2D inverted. He opts to secure a 3nt contract. After they lead a Club, he can see that they can possibly take 3+ club tricks and he has a possible loser in either H S or both. He counts his top tricks as 9 and decides to cash them all in so he takes first trick on the A of C instead of giving them one as most would do with holding 2 2. Then he decides to cash his H tricks in first alluding to his H being his 2nd least troubled suit, and gets lucky on a Q drop. He is never going to finesse for the queen.

12. Board 3:

West North East South

1H

P 1S 1NT* 2D

P 3H P 4 H

All Pass 1NT=Sandwich

Lead: 4 of Clubs

This is a perfect switch to D suit when i discarded the 5 on his 2nd club trick. We lead 3/5 typically in a suit contract so looking at the doubleton in dummy I'm giving him a suit preference. I would also have lead the DQ seeing that dummy has only 107, which means that if they have an honor in the suit it is in S hand.

13. Board 4:

West North East South

P	P	2S	3C
3S	4C	4D	4H
4S	P	P	5C
X	P	5S	All Pass

Lead: Ace of Hearts

After Pass Pass, Joe is probably eager to bid his “65 come alive hand”. He has 6 losing tricks so not strong enough for a reverse. He is not going to preempt a D suit holding 5 in a side major. Furthermore regardless of points he is always going to bid his 5 card Major first, while holding a 5-6 card minor side suit, especially when it is not solid. I may have opened 1S there with 6 losing tricks and 4 controls, but then I’m a Viking. If he could see all hands, why did he pull my double when all vulnerable, and he should see that they go down 1 and with luck we make 5S

14. Board 6:

West North East South

		P	1D
P	1H	P	2NT
P	6NT	All Pass	

Lead: Five of Spades

I agree that my 2NT was not a true bid with an unbalanced hand, but wanted to show 18-19, since my jump to 3D would only show 16+ in our system. His 1H bid encouraged me to take that leap of faith. There is no law against him bidding 6NT there albeit unusual and not my style. He has 5 controls and his points are in H and C. Where are Ella’s points?

15. Board 14:

West North East South

		P	P
1C	4H	All Pass	

Lead: Two of Clubs

Here in a rare occasion your description of lead and follow up play was wrong. You stated that E lead the 2 of C when she lead the 9 on trick 1 and then played the 2 on the K of C. After her partner bids Clubs she leads her highest then plays the 2 on the 2nd club trick leading Joe to think she has a doubleton since they play UDCA. He only has one entry to the

board so why not take out their trump if they split 2 2. He leads the Ace and the K drops....yes we do get lucky in this game once in awhile!!! With W holding J9 of H and E can't ruff a Club anymore, he goes to the A of D and tosses his D looser safely on the J of C. This is exactly how I would have played that hand after E indicates she has doubleton in clubs.

16. Board 16:

West North East South
3D P 3NT All Pass

Lead: Ten of Clubs

Our leads in NT are 2nd or 4th. When I lead the 10 I have one higher. so opponents either have KQ ,KJ or QJ. so he is not going to return a club. He can play a H from a nothing suit with only 1 entry left, or play a low spade indicating he has a top honor, since dummy only has Jx. E ducks is and I take with the King, and i return a spade. Obviously should play 3 not the 8....must have played too fast.

17. Board 17:

West North East South
3D P 3NT
All Pass

Lead: Queen of Clubs

Here I totally disagree with your assessment, respectfully! Knowing Joe, his first thought was to bid 3NT (gambling) but then decided to open 3D to see if I had the points to put us in game. With the A of D, and solid trick in 2 other suits I went for it and bid 3nt. I had 3 diamonds to get to his hand if it was a ratty suit, not knowing he had 8. If he could truly see all hands, a 3NT opener would have been his bid!

18. Board 18:

West North East South
P 2C P 2D
P 2S P 3H
P 4D P 4S
P 6D All Pass

Lead: King of Hearts

Here again let assure you that Joe is never going to bid his 6 card D suit over a 5 card Major suit. Just not his style. He opens 2C with an

unbalanced hand and possible 8 1/2 tricks. His 2S bid there is normal for us. I bid my bad 4 card H suit because a 3C bid there would be showing a bust hand. His 4D there can bid 65, 64, 55, or 56 since we do not open first with a 6 card minor holding 5 in major. When he bids 6D I know his D are longer and with 10x in both suits I'll let him play there

19. Board 3:

West North East South

			1H
2NT	3S	P	4S

All Pass

Lead: 2 of Hearts

I remember this hand. Joe meant to lead the minor card next to the Hearts, but mis clicked on the 2 of H instead. He has mis clicked a few times playing on his iPad which prompted me to give him a stylus.

20. Board 6:

West North East South

		P	P
P	1C	X	XX
2H	3C	All Pass	

Lead: Ace of Spades

I will not bid 2C here holding 44 in major and since we prefer to show our major suits before a minor suit I bid my lower major. We do not typically lead our mutual suit unless we hold AK or KQ, never a broken suit like that. He leads A of spades to ask for attitude. or suit preference.

21. Board 7:

West North East South

			P
1D	P	1S	P
2C	P	2D	P
3D	P	5D	All Pass

Lead: Ten of Clubs

I have shown 6D 4C and 16 points by free bidding at 3rd level. Joe has J107 for my diamond suit and QJ7 for my club suit and the A of spades. I can only have 3 cards in the majors at most. So he takes the leap to 5D. If he was looking at all the hands it makes more sense for him to give 3NT

a chance. 2 other pairs reached 5D on this hand 1 going down by letting opponents ruff a club.

22. Board 9:

West North East South

P 1C P

2S* P 3C P

5C All Pass

*2S=Game Force

Lead: Ace of Hearts

Here again I mis clicked, meant to bid 1S. Opponents clicked on my bid and asked me to explain and I did not want to deceive them so gave a gf explanation letting them know it was not weak. Joe's bid of 3C makes no sense with minimum values. Realizing that we may have a game in Clubs holding 10 or 11 combined in the suit I jumped to 5. With KQ10 of D, singleton H it seemed like a good bet with him raising to 3rd level which to me showed a big hand and invitation to game. I don't remember if asked Joe but he may not have noticed that I jumped, since we rarely do that. With a weak 6 card spade suit I will bid 1S and then 2S to show that I'm weak and have no extra values.

23. Board 13:

West North East South

P 1C 1H

1S P 1NT All Pass

Lead: Six of Hearts

Can't explain this one. I would bid 2S with Joe's hand. Once he bids 1NT he is showing a stopper in H and balanced minimum hand. i have nothing else to bid here. Maybe he felt that his 3 baby spades were not mentioning unless I have a 2nd bid.

24. Board 16:

West North East South

P P 1D 1H

1S 2H 2S P

4S All Pass

Lead: Four of Spades

Here he does bid 2S with a similar hand. He does however have the Ace and 10 of my suit.

25. Board 3:

West North East South

P

P 3C 3H All Pass

Lead: Queen of Clubs

I don't agree with your analysis of this hand. Why lead another club and give no more information about his hand. If he leads another club and they get a trick on the J, he has no more entries to get back to his hand to play the singleton spade and encourage me to lead a spade back. Makes more sense to play his singleton spade and see if he can get a ruff later. When I get in I will return the spade for a ruff and now why not try a D lead in case I have the Ace, when I tossed the 3 of spade on his 9 I was trying to tell him I had a D stopper....if i don't have the Ace he has nothing to loose but if I do he gets another spade ruff.

26. Board 11:

West North East South

P

1NT P 2C P

2NT All Pass

Lead: Jack of Clubs

Why lead a spade from AQ when you are directly behind the 1NT opener? The NT opener is most likely to have the K of spades so let them lead S. We don't lead from Q's or a nothing 3 card suit so leading the J of clubs from J3 is the perfect lead. He is going to loose them anyway so he may as well force a high club from the opponents.

27. Board 11:

West North East South

P

1D P 1H X

2D 2S 3D P

4H P 5H P

6D All Pass

Lead: 8 of Clubs

East not West drove the hand to slam. Joe's 4H was a final bid. Then Beth bids 5H asking if Joe has extra values to go to slam and with AK of C he bid 6D giving her a choice of 6D or 6H. I don't see anything wrong with this bidding.

28. Board 12:

West North East South

P 1D X 1S

2H X P 3D

3H 4D P P

X All Pass

Lead: Seven of Hearts

Joe has 8 hearts J high, 2 doubletons and a singleton. 8 losing trick hand. His partner doubles 1D indicating she has at least 3 cards in the unbid suits and an opening hand values. Could be a good 11 points with 4144 and stoppers in the long suits. Does he want to jump to 4H or explore this hand a little more. He bids 2H which his partner can not pass since he is not a passed hand. After they double and Beth passes he may think she does not have top honors in hearts so he rebids them to show 6+. Opponents bid 4D and Beth passes again....she does not like the hearts enough. Still holding 8 hearts he now doubles for his partner to either bid 4H or pass if she has a diamond defense.

29. Board 13:

West North East South

P 1S P

2H P 2S P

4NT P 5S P

6NT All Pass

Lead: Three of Diamonds

Indeed here again Joe proves he did not see all the hands because he would have bid 7nt.

30. Board 15:

West North East South

P

P P 1H P

3NT P 4 NT All Pass

Lead: Seven of Hearts

Opponents have both passed, one of them twice. They are not very savvy players so Joe takes advantage and shoots for 3NT. Is there a law against that? He is a passed hand and his partner can pass any other bid he makes. She is so enchanted by his leap of faith (knowing he has less than an opening hand) that she invites to slam with her 15 points. Oh well, not every partnership is perfect, but we strive hard for the extra mile.

4 pairs bid 3NT, 2 making. one other made 10 tricks, bidding only 1NT, but must have got the same generous defense as Joe.

31. Board 18:

West North East South

1D 1H

P P X P

2C 2H 3C All Pass

Lead: Queen of Hearts

Joe had the worst outcome of all the 3C hands. only one to go down 1. Amazing how seeing all the hands he was not able to make that bid. 2nd to bottom score.

Of course he is going to take the A of C and lead from his shorter suit for the finesse. Since he saw all hands, he could have lead the 8 first since he saw that N only had 1 club and S would have to cover with the 9 or Q.

Final analysis

I spent all Saturday afternoon going over these boards with John Smith and we are in agreement. Furthermore I spend 14 hours today writing up my take on all the hands. I have done so very carefully, looking at all boards, how they were played, how other players bid and played them, and using my knowledge of how Joe normally plays to give a thoughtful analysis.

John Smith's wife, Marlene Smith who owned the games prior to us, commented Saturday on how during live bridge she used to ask Joe all the

time why he bid this or lead that. He used to come up with many unusual bids and plays.

To be honest, when we play against payers that we know and are familiar with their game, we tend to take advantage of what we may see as their shortcomings. I think all bridge players do. You also bid and defend differently depending who your partner is. You tend to be more aggressive with conservative players and more structured with aggressive players. It is the nature of the game and why we love it.

To assume someone is cheating because they find the right lead make the right play and end up in the correct contract because you wouldn't do it that way is absurd.

How many times in a live or an online game do you feel you've been fixed...particularly by weaker players, who have no discipline in their bidding. It happens a lot. Some of the players that Mr.. Pepe and I play against are definitely weak as you can see from some of their bids, play and defense...does that make them cheaters?

I feel this whole situation could have been handled better. I think that the first time Mr. Pepe was accused of cheating he should have been notified that a complaint had been filed, he should have been issued a warning and told at that time that as a Director he could not play in his own game. Actually he never directed, because I always did under my Iceland3 handle and would only communicate via messages, not needing to go to a table to sort out the few calls for Director in our small game of 4 to 10 tables. Instead it appears that you have taken as long as you like to look at as many hands as you could find that you deemed questionable.....31 submitted of the over 2000 hands joe has played, so a total of 1.55%.

You are assuming he's cheating because you would not have bid, played or defended a hand the same way as him. This entire case is built on sheer speculation with no benefit of doubt and has been handled in an abhorrent manner. In your hand analysis you allude to him seeing all hands. You make the comment on every hand that "because he obviously sees all hands he bid or lead such and such". You have deemed him guilty as charged, dragged this on for over four and a half months, with no

regards of the toll it has taken on us. No right to a speedy trial here! You started out with 7 hands, then added 24 more boards for a good measure. This is without Joe uttering a single word in his defense and without the decency of letting him know who the accusers are, which is a standard procedure in any other cases where charges have been brought by another individual.

I have exhausted my energy on this case and will ask you to kindly resolve it quickly with a fair mind.

Sincerely,

Ella Rice
Club Manager for Crazy4Bridge #265496