



Charged Party(ies) ACBL # Hearing Date

Disciplinary Body Hearing Location

Charging Party ACBL# Complainant ACBL#

COMMITTEE MEMBERS WHO HEARD THE CHARGES

Name	ACBL #	Name	ACBL #
Jordan Chodorow, Chairman	Q498482		
Ira Chorush	J278924		
Chris Moll	K496399		

INDIVIDUALS WHO PARTICIPATED IN THE HEARING (excluding committee members)

Name	ACBL#	Via	Capacity	Name	ACBL#	Via	Capacity
Allan Siebert	L384802	telephonic	Charged Party	Allan Stout	J613707	telephonic	Witness
Jay Segarra	O269435	web conf.	Adv-Charged P			Select One	Select One
Jeff Edelstein	O200338	web conf.	Adv-Charging P			Select One	Select One
Ray Yuenger	P913494	web conf.	Advisor			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 1-5 of attached report.

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

See pages 5-9 of attached report.

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

Not responsible

Responsible

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

301(A)(2): Collusive Cheating: Online. "Online Collusive Cheating" is the exchange or transmission of information between two or more people, at least one of whom is a contestant in an online bridge competition, in any manner not expressly permitted by Law 73. The information need not be actually used by a player to prove a Violation under this section. This section includes agreements made by persons who are not partners or contestants, including, but not limited to kibitzers or teammates.

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

Disciplined Party is convicted of premeditated or collusive cheating (or has admitted to such action). CDR 401(H) YES NO

	Start Date	End Date	Additional Requirements/Comments
<input type="checkbox"/> REPRIMAND		N/A	<input type="checkbox"/> Letter of Reprimand Attached
<input checked="" type="checkbox"/> PROBATION	4/18/2024	4/17/2029	
<input checked="" type="checkbox"/> SUSPENSION	4/18/2022	4/17/2024	

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

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

EXPULSION N/A

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

EXCLUSION from Events and Programs (list the exclusions and the dates of the events or activities). CDR 401(F)

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

Forfeiture of 25% of all masterpoints.
Temporary forfeiture of status rank of Grand Life Master during suspension.

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

N/A

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

RESPECTFULLY SUBMITTED (CHAIR)

/s/ Jordan Chodorow

Date: 6/8/22

Electronic Signature (type name above)

Wet Signature (sign above)

Summary of Evidence and Arguments – Allan Siebert

A. Procedural Posture

This case arrives before the Online Ethical Oversight Committee (“OEOC”) in a different posture than most. By stipulation of the Parties, the only issue for the OEOC Panel to decide is the appropriate discipline, and not responsibility for a violation of the ACBL’s Code of Disciplinary Regulations (“CDR”). The Charged Party, Allan Siebert (“Alfoxy” on Bridge Base Online (“BBO”)), has provided a written confession that will be quoted below.

The procedural posture can be stated briefly. On April 15, 2022, a student of Siebert called Jeff Edelstein, the National Recorder, to ask if she could play in other clubs after being suspended by her own club. He said she could. She expressed a desire to confess and “get things over with.” Edelstein directed her to Sabrina Goley, the ACBL Compliance Coordinator. (P. 12.¹)

Later the same day, Siebert called Goley and then Edelstein, first leaving him a voice message “confessing to everything” and then repeating his confession when they spoke by telephone. (P. 12.)

When the parties were unable to agree on a resolution of the matter, a Recorder Complaint was filed on April 17 (pp. 1-2) and the next day the Charging Party, Executive Director Joseph Jones, issued a Charge Letter, alleging that Siebert and his partner had provided written statements admitting a violation of CDR section 301(A)(2) by “exchanging unauthorized information during online play in ACBL sanctioned events.” (Pp. 3-4.) Also on April 18, the Charging Party placed Siebert and his partner on suspension pending a hearing. (CDR section 401(B).) (P. 6-7.) After the filing of the charging documents, Siebert’s partner’s case has been separated from this one, and that charge and evidence is not before this Panel. A hearing focused on the appropriate sanctions for Siebert alone was held via Zoom on May 30, 2022.

¹ Unspecified page citations are to the 27-page hearing packet provided to the Panel.

B. The Evidence

1. Evidence

Allan Siebert is a Grand Life Master with close to 40,000 masterpoints. (P. 22.) He is currently 80 years of age. He became an ACBL member in about 1959.

2. The Confession

Siebert stated the following regarding his violation of the CDR in an email dated May 4, 2022 to the Recorder and the Compliance Coordinator. “Just to be completely honest about this, I feel terrible about it. It was a huge mistake and all on me, not [my student]. I had never played online before and it just so happened that I started teaching [my student] not long after I had started playing online due to the pandemic, sometime mid summer of 2020. We started out playing the master hands at the front page of BBO. I would help her play some hands and I’d help her with the bidding and play. Then sometime later, we started playing live online and stupidly I kept telling her what my conventional bids meant until she got it and then I would stop. I would help her with the play of the hand and one other thing I would do, occasionally, is tell her what my carding meant, like smith echo, until she got that under her belt. I was not doing this to win points but rather teaching her. Teaching her by cheating was a disastrous decision. I have been playing bridge over 60 years and never once, not once, had I ever cheated. I guess the allure of this online teaching adventure was too much to pass up. . . . We certainly did not look at each other’s hand or tell each other what we had other than those conventional meetings [*sic*] that I mentioned and helping her play her hand. . . . I have obviously seen so much cheating on BBO that hasn’t been divulged. You can tell there is cheating when they make a bizarre play or a strange lead. Please take that into consideration that we never did that. . . .”

Other parts of this email are quoted below where relevant.

3. Stipulated Facts

The parties stipulated to the following facts.

“1) Mr. Siebert’s partner engaged Mr. Siebert as a bridge instructor sometime in mid-2020.

“2) Mr. Siebert would provide this instruction through play on BBO in ACBL sanctioned games.

“3) Mr. Siebert played at his partner’s home.

“4) Mr. Siebert and his partner would play in the same room but did not look at each other’s computer screens.

“5) Mr. Siebert began by explaining what some of his bids meant while they were playing. This progressed to Mr. Siebert explaining what his defensive carding meant and providing aid when his partner was playing difficult hands during their sessions.

“6) This behavior lasted from roughly mid-2020 until early 2022.

“7) Mr. Siebert and his partner played primarily in ACBL online games and virtual club games but also played in several online regional events.” (P. 23.)

In response to an inquiry by the Panel Chair, the Parties further stipulated that the April 15 admission was freely given and was outside the scope of negotiated resolution discussions. (P. 17.)

The ACBL Advocate recited the following additional stipulations. “On April 27, 2022, the [A]dvocate for the [C]harging [P]arty and Mr. Siebert entered into an agreement whereby Mr. Siebert would provide a written confession, and in exchange, the [A]dvocate for the [C]harging [P]arty would present no evidence save for Mr. Siebert’s confession. The [A]dvocate for the [C]harging [P]arty also agreed to call no witnesses and make no sentencing recommendations at Mr. Siebert’s hearing.” (P. 22.)

According to CDR section 502(F), a Charged Party’s past disciplinary record is not relevant to a determination of responsibility, but “may be relevant to the determination of the severity of the discipline to be imposed” The Panel was provided with a disciplinary record reflecting a variety of sanctions imposed on Siebert on October 10, 1977, April 2, 1983, August 25, 1987, September 20, 1987, July 5, 1988, August 2, 1991, March 3, 1998, and March 17, 2002. The offenses were primarily rudeness and verbal and physical aggression, the latter involving his brother. In 1998 he

was barred from playing with his brother for five years. In 1988 he was reprimanded for deliberately hesitating. The Panel has also taken into account a player memo dated September 26, 2021. Siebert has not before been found to have exchanged unauthorized information.

4. Testimony

In compliance with his stipulations, the Charging Party's Advocate presented neither testimony nor argument at the hearing on May 30, 2022.

The Charged Party's Advocate, Jay Segarra, testified as follows. He has played as a partner of Siebert for over six years. He has observed no unethical behavior by Siebert and no such accusation. The admitted misconduct is out of character. Siebert has a nonprofit corporation that supports the unhoused in his local area with food, clothing, and assistance. He donated \$100,000 to his local bridge club five or six years ago.

Allan Stout testified that he has been a partner of Siebert for thirty years and has seen only ethical behavior at every level of event. He confirmed Siebert's homeless charity and his donation to the Little Rock bridge club. He is a pillar of the community and a role model for young bridge players.

Siebert testified at the hearing consistently with his written confession. He started teaching his student by coming to her house. He played on BBO for the first time when they played some teaching hands. He continued to explain discards she didn't recognize and to help her play some difficult hands while they were playing online in ACBL games.

His outlook on life was affected psychologically five years earlier when he lost about 85% of his net worth and his dear girlfriend.

5. Arguments

The Charged Party's Advocate asked to mitigate sanctions, as bridge is Siebert's life. He asked the Panel not to end his bridge career. He asserted that being deprived of bridge may affect Siebert's mental health. He proposed as a sanction a series of lectures on ethical bridge play to novices and intermediates to mitigate the harm Siebert has done.

Siebert's written confession included the following statements which may be considered as arguments. "I have been playing bridge over 60 years and never once, not

once, had I ever cheated. . . . I realize I'm going to be punished. I ask you to please be fair with me considering my past history and that I'm 80 years old. If I have a substantial amount of time taken from me it would probably send me into dementia because bridge is what I use to keep my mind sharp. I know that you have to make an example but everybody's case is different. . . . I will take whatever you dish out, of course, I'm hoping for a little mercy and not as an example. . . . Also, please don't take away the bulk of my masterpoints. Having played for 60 years and never once cheating, I'm very proud of my accomplishments. I am very, very proud of my grandmaster title which was all gotten by fair play, not cheating. It would be kind of like taking Barry Bonds or McGuire's home runs away from them even though they did actually cheat for quite a while and lost respect, which is a lot. By the way, I was doing this for teaching value, not to win and I do think that not all my points should be taken away, just the points from the time I was with [my student]." (P. 25.)

At the hearing, Siebert said he would like to give lectures at the nationals not only about ethics but also play of the hand. He asked for mercy. He expressed extreme regret for his misconduct.

Segarra asked for a 15-month suspension and conditional loss of the status of Grand Life Master, which could be recovered by meeting community service targets during Siebert's probationary period.

The Panel's Conclusions

As noted at the outset, Mr. Siebert's violation of CDR section 301(A)(2) has been established by confession and does not require a finding by this OEOC Panel. Rather, the only question presented by the Parties to the Panel is what discipline is appropriate under the CDR.

The Panel notes first that the Charge was a violation of 301(A)(2), but that CDR provision has changed from the original version effective August 15, 2020 to the current version that took effect on August 1, 2021. The original 301(A)(2) quoted in this

footnote² was relocated to 301(A)(3) in 2021 when a new 301(A)(2) applying specifically to online collusive cheating was added effective August 1, 2021.³ Section 301(A)(2) did not exist in any form prior to August 15, 2020.

The Panel notes next that the stipulated “behavior lasted from roughly mid-2020 until early 2022,” in other words spanning the August 1, 2021 change in the CDR. Identifying the date(s) of the misconduct is important because former section 906 (effective August 15, 2020) stated that the “penalties to be imposed apply only to offenses which occur on or after the effective date of the revisions” of the CDR.⁴

This Panel does not regard the changing versions of section 301(A)(2) as significant in assessing the appropriate penalties for two reasons. We believe that any conduct that violated current section 301(A)(2) also violated former section 301(A)(2),

² As of August 15, 2020, section 301(A) stated: “(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.”

³ As of August 1, 2021, and currently, section 301(A) states: (2) *Collusive Cheating: Online*. ‘Online Collusive Cheating’ is the exchange or transmission of information between two or more people, at least one of whom is a contestant in an online bridge competition, in any manner not expressly permitted by Law 73. The information need not be actually used by a player to prove a Violation under this section. This section includes agreements made by persons who are not partners or contestants, including, but not limited to kibitzers or teammates.”

⁴ Former section 906 was itself revised effective August 1, 2021, when relocated to current section 403, which states in part, “Discipline imposed shall be in accordance with the version of the CDR effective at the time of the first Incident specified in the filing of the Recorder Complaint.”

The Panel is unable to apply this section, as the Recorder Complaint in this case did not identify the first incident in the alleged “pattern of conduct.” (Pp. 3-4.)

The Panel asks the Recorder henceforth to make a practice of always including: (a) the date of the first incident that is the subject of a Recorder Complaint and/or Charge Letter, (b) the date of the last incident that is the subject of a Recorder Complaint and/or Charge Letter, and (c) the version or versions of the CDR which the Recorder views as applying to the conduct set forth in a Recorder Complaint and/or Charge Letter.

even though the former section did not specifically mention online play. Further, the range of discipline recommended in former section 301(A)(6) is identical to the discipline recommended in current section 301(A)(7), which is: “The recommended discipline for a finding that a person has committed a First Degree Ethical Violation is no less than 2 years Suspension to Expulsion, with an appropriate term of Probation no less than 2 years following the term of suspension, and removal of 25-100% of the Disciplined Person’s total masterpoint holding.”⁵

Another CDR provision providing for forfeiture of Grand Life Master rank is also relevant to discipline in this case. Section 404, effective August 1, 2021, states: “(F) **Forfeiture of Masterpoints/Titles for a First Degree Ethical Violation.** When a Disciplinary Body finds an ACBL member responsible for a First Degree Ethical Violation, the Committee may impose the forfeiture of any or a combination of any of the following:

“(1) Masterpoints, in accordance with CDR § 301(A)(7);

“(2) specific titles or all titles earned by the person disciplined;

“(3) ACBL status rank(s);

“(4) other ACBL related awards theretofore earned by said participants through participation in all ACBL events.”⁶

⁵ Section 301(A)(7) is unchanged in the latest version of the CDR, which took effect February 1, 2022.

⁶ Section 404(F) superseded former section 401(H), effective August 15, 2020, which provided in part: “(2) Any participant(s) in an ACBL sanctioned event suspended because of Ethical Violations, other than those set forth in CDR § 401(H)(1), shall forfeit any masterpoints and titles won in the event in which the offense(s) occurred. Further:

“(a) When a Suspension of less than one (1) year has been imposed,

“(b) When a Suspension of one (1) year or longer has been imposed, the committee must remove at a minimum all masterpoints, titles or other ACBL related awards theretofore earned within the twelve (12) calendar months preceding the date of the offense(s). *The committee may remove additional masterpoints, titles and/or ACBL status ranks or other ACBL related awards previously earned by said participants through participation in all ACBL events as it deems appropriate.*” (Our italics.)

In reviewing the CDR versions, the Panel also observes that a new section 402 was added effective August 1, 2021. That section lists a number of factors relevant to discipline, including six factors that should be “Primary Considerations” in subdivision (A), three factors that should be “Secondary Considerations” in subdivision (B), and 13 factors deemed irrelevant by subdivision (C).⁷ Among the irrelevant factors are “(6) Age” and “(7) Physical or mental disability.” Considering that some of the admitted

Former section 401(H) restated the language of former section 4.1.8(b). The Panel notes that while the masterpoint forfeiture language in the former CDR sections appeared mandatory, masterpoint forfeiture was interpreted as within the discretion of disciplinary panels, which is what the current CDR expressly provides.

⁷ Section 402 states in part: “In making the determination of an appropriate discipline within the range of disciplines recommended for a CDR violation as set out in CDR §§ 301(A)(7) et. seq., the Disciplinary Body should balance the following factors:

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

“(1) Prior Record of Discipline;

“(2) Experience of Player (measured by MPs, eligibility points, or other indicia of experience);

“(3) Level and Prestige of Event (measured by event rating);

“(4) Duration of Time Over Which the Proved Violation Occurred;

“(5) Flagrancy of the violation;

“(6) Whether the violation was premeditated.

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

“(1) Other Harm to Reputation of ACBL or the Game of Bridge;

“(2) Whether the Player Holds (or at any point in the past has held) an ACBL (or affiliated organizational) Office or Leadership Position (discipline enhancement);

“(3) Whether the Player Is Currently an ACBL (or affiliated organizational) Employee (discipline enhancement).”

misconduct in this case predated this section 402, this Panel will treat the provisions of new section 402 as advisory, but not binding.

Reviewing the “primary considerations” in section 402(A), the Panel considers three of them to be more aggravating (approximately 60%) than mitigating (approximately 40%), namely, the significant prior record of discipline that belies witness assertions of consistently exemplary behavior, the highest level of experience of the Charged Party as a Grand Life Master, and the frequency of repetition of the misconduct. The other factors and the secondary considerations are more neutral in terms of aggravation or mitigation.

The Panel has given some favorable consideration to the Charged Party's admission of guilt, which spared the ACBL the costs of investigating and proving responsibility and this Panel the need to review a number of boards, though the Panel notes that his partner’s confession may have forced his hand to some extent.

The Panel has considered all the aspects of discipline as a package and their impact on the Charged Party in view of his foreseeable remaining years and also as a message to the bridge community. The Panel has determined unanimously that the Charged Party should be suspended for two years retroactive to April 18, 2022, the date of his interim suspension. Probation should be five years after the conclusion of suspension. 25% of his masterpoints will be forfeited, and his Grand Life Master rank is revoked during the period of his suspension.⁸

The Charged Party may apply for a reduction of probation after three years upon supplying evidence of service to the bridge community such as live or recorded lectures on the topics he has proposed.

⁸ While section 404(F)(3) provides for “forfeiture” of status rank, the Panel believes that the greater power includes the lesser, which necessarily includes ordering a temporary forfeiture of Grand Life Master rank.