



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 #
Karen Walker, Chair	K090945		
Harold Bickham	3362353		
Rebecca Rogers	P062508		

INDIVIDUALS WHO PARTICIPATED IN THE HEARING (excluding committee members)

Name	ACBL#	Via	Capacity	Name	ACBL#	Via	Capacity
Ray Yuenger	P913494	web conf.	Advisor			Select One	Select One
Val Covalciuc	K110288	web conf.	Adv-Charged P			Select One	Select One
Robb Gordon	K652927	web conf.	Adv-Charging P			Select One	Witness
Scott Humphrey	P781180	web conf.	Adv-Charging 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 attached pages 1 through 8

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

See attached pages 9 and 10

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		/A	<input type="checkbox"/> Letter of Reprimand Attached
<input checked="" type="checkbox"/> PROBATION	09/20/2021	09/19/2023	2 years
<input checked="" type="checkbox"/> EXCLUSION	03/20/2021	09/19/2021	6 months

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 /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

The Stewarts are excluded from playing in online ACBL games for six months.

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

Remove MPs earned in the event in which the offense occurred

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

Reduction of rank in the event in which the offense occurred

Disqualification in the tournament

Disqualification in the event in which offense occurred

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.

Former CDR 4.1.6 authorized the discipline of exclusion from specific events, seemingly a lesser punishment than suspension. The Panel's choice of exclusion is explained on attached pages 9 and 10.

RESPECTFULLY SUBMITTED (CHAIR)

/s Karen Walker

Electronic Signature (type name above)

Date: March 15, 2021

Wet Signature (sign above)

Summary of evidence and arguments - Stewarts

On September 22, 2020, the Executive Director of the ACBL submitted a charge that Jeffrey (“jstew12825” on BBO) and Maureen (“stew12825” on BBO) Stewart had violated then-applicable Code of Disciplinary Regulations (“CDR”) section 3.20, which prohibited cheating and other ethical violations, by making “bids and plays consistent with exchanging unauthorized information” while playing 144 boards in four two-session Gold Rush events in an online regional between June 25 and 28, 2020. Following are the Bridge Base Online (“BBO”) session numbers for these eight sessions in chronological order and the Stewarts’ percentages: June 25 sessions 9434 (56.25%) and 9438 (56.42%), June 26 sessions 7507 (55.41%) and 7517 (57.50%), June 27 sessions 1966 (52.11%) and 1970 (58.89%), and June 28 sessions 4795 (52.14%) and 4801 (53.62%).

Prehearing document disclosures by the Advocate for the ACBL, Scott Humphrey, and the Advocate for the Charged Parties, Val Covalciuc, were compiled in a 79-page hearing packet that was distributed to the hearing panel in advance of the one-hour disciplinary hearing that was held on Wednesday, February 24, 2021.¹

Out of the 144 boards, the ACBL’s written disclosure focused on 30 deals, with the ACBL’s Advocate, serving as an expert witness,² sharing his “concerns” about the Stewarts’ bidding on 20 deals, their defenses on eight more deals, and both aspects on two more deals.³

The ACBL also submitted a review by ACBL Tournament Technical Analyst Keith Wells of the Stewarts’ results in 30 face-to-face tournament events between August 18, 2018 and February 29, 2020, 18 online tournament events between May 2 and August 30, 2020, and 60 games in the same bridge club in Fort Myers, Florida, between October 17, 2019 and August 25, 2020, 21 games in person and the rest online.⁴ The Analyst’s

¹ Page citations are to the hearing packet pages.

² Due to the informality of disciplinary proceedings, advocates for the ACBL are not subject to Model Rules of Professional Conduct like Rule 3.7 of the American Bar Association, which restricts when a lawyer can serve as both an advocate and a witness in the same trial.

³ The ACBL numbered the 144 boards chronologically from 1 to 144. We will adopt the ACBL’s board reference system for purposes of this discussion, though we prefer references to dated BBO session numbers.

For the convenience of readers, this footnote will provide hyperlinks to the BBO movies of all the questioned boards. The ACBL questioned the following 20 auctions: [3](#), [5](#), [10](#), [11](#), [18](#), [31](#), [39](#), [43](#), [75](#), [79](#), [86](#), [100](#), [107](#), [110](#), [123](#), [130](#), [133](#), [136](#), [137](#), [138](#). The ACBL also questioned the following eight defenses: [9](#), [24](#), [26](#), [33](#), [60](#), [97](#), [113](#), [132](#); and both aspects of two deals, [71](#) and [144](#).

⁴ There was also one result from an online 99er game on August 26, 2020 that was not played in their home club.

summary was: “In face to face club play, 61.9% of the time the Stewarts placed under 50%. In face to face tournament play, 50.0% of the time they finished under 50%. In contrast, in virtual play, they finished over 50% in 70% of their online club events and 77.78% of their tournament events.”⁵ (P. 14.)

In disclosure, the Charged Parties’ Advocate submitted a selection of 13 additional deals not in chronological order, ranging between the dates of July 29, 2020 and January 18, 2021, including eight deals that occurred after the Stewarts received notice of the ACBL’s charge. Acting as an expert witness, Val Covalciuc, the owner of the club at which the Stewarts played, also offered her own written responses to Humphrey’s concerns and provided written comments by Donald McCullough, “an experienced teacher and player” (p. 42), indeed a teacher of the Charged Parties. At the hearing, their Advocate also referred to at least four deals from the original 144 not previously relied on in disclosure primarily to illustrate “incredibly bad leads.”

The only witnesses at the disciplinary hearing were the Advocates for both sides. The Charged Parties’ Advocate explained that she had suggested that the Stewarts not attend because her defense of them was essentially that, like other inexperienced players, they simply don’t know what they are doing. She wrote, “The Stewarts think they play 2/1, but they do not. They have put negative doubles on their card, but they do not play them. There are no carding agreements on defense; almost every card played is random. Leading an unsupported honor on defense occurs more than once. . . . Since they are loath to open NT with any doubleton, sometimes they get too high or too low with no descriptive rebid available.” “[T]hey have played most of their lives after learning from Maureen’s mother.” (P. 42.)

Heeding the Panel Chair’s advice to not repeat what was presented in prehearing disclosure, the ACBL’s Advocate focused on seven deals during the hearing.⁶ He started by displaying two deals that the Charged Parties’ Advocate had characterized in disclosure as “indefensible.” (P. 42.) During the hearing, the Advocate said that “perhaps” she had used the wrong word, and meant to say “inexplicable.” She had asked them to explain their actions. They said they couldn’t remember, and she believed them.

⁵ There was no expert testimony about the statistical significance of these numbers and the Advocate explained in response to a Panel question that his proof did not depend on them.

⁶ The Advocate displayed boards 10, 133, 39, 71, 75, 110, and 100 in that order. We will present only five of those seven boards in this summary.

<div style="border: 2px solid red; padding: 5px; display: inline-block; background-color: #e0f0f0;">10</div> D	N Fran2775 ♠ 63 ♥ A75 ♦ KQ532 ♣ 875	W N E S 1♠ 2♥ 1♣ 1♥ 3♠ 4♥ 3♣ 3♥ 4♠ P P P	
	W stew12825 ♠ Q987 ♥ 32 ♦ AJ987 ♣ Q2	E jstew12825 ♠ KJ54 ♥ 1086 ♦ 10 ♣ AKJ43	
	S mystang52 ♠ A102 ♥ KQJ94 ♦ 64 ♣ 1096		4♠ W NS: 0 EW: 0

Board 10

The concern about the auction on board 10 is how Maureen could compete up to 4♠ without Jeffery ever supporting her four-card suit.

<div style="border: 2px solid red; padding: 5px; display: inline-block; background-color: #e0f0f0;">7</div> D	N jstew12825 ♠ A53 ♥ QJ1053 ♦ AK103 ♣ 9	W N E S P 1NT 2♣ 1♠ 3♣ P P 2♠ P P 4♣ 3♠ P P	
	W dsclayton ♠ K107 ♥ K984 ♦ 72 ♣ 8653	E John McM ♠ 9 ♥ A76 ♦ J865 ♣ AKQJ4	
	S stew12825 ♠ QJ8642 ♥ 2 ♦ Q94 ♣ 1072		4♣ E NS: 0 EW: 0

Board 133

The concern with board 133 is that Maureen opened 1 ♠ vulnerable with a five-count, and proceeded to compete to 3♠s when her partner's only bid with a shapely 14 count was 1NT, never supporting ♠s. Equally concerning, Jeffrey didn't double the opponents in 4 ♣s after his partner had opened. Their Advocate's explanation was: "North [*sic*, presumably South] said she meant to open 2S instead of 1S. She said she bid a second time to show 6. Why she continued to bid or why North didn't put her in game is a mystery they can't answer." (P. 71.)

<div style="border: 1px solid black; padding: 5px; width: 40px; margin: auto;"> D 17 </div>	N rbgrant ♠ 84 ♥ KJ10 ♦ K962 ♣ A752	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 12.5%; border-bottom: 1px solid black;">W</td> <td style="width: 12.5%; border-bottom: 1px solid black;">N</td> <td style="width: 12.5%; border-bottom: 1px solid black;">E</td> <td style="width: 12.5%; border-bottom: 1px solid black;">S</td> </tr> <tr> <td></td> <td>P</td> <td>P</td> <td>P</td> </tr> <tr> <td>1♠</td> <td>X</td> <td>P</td> <td>2♥</td> </tr> <tr> <td>P</td> <td>P</td> <td>P</td> <td></td> </tr> </table>	W	N	E	S		P	P	P	1♠	X	P	2♥	P	P	P	
W	N	E	S															
	P	P	P															
1♠	X	P	2♥															
P	P	P																
W stew12825 ♠ AQJ6 ♥ 9743 ♦ Q7 ♣ 1086		E jstew12825 ♠ K10953 ♥ 82 ♦ J104 ♣ KQ4																
	S yaquina ♠ 72 ♥ AQ65 ♦ A853 ♣ J93	2♥ S NS: 0 EW: 0																

Board 71

Two aspects of board 71 were questioned. First, Jeffrey never supported Maureen's light four-card fourth seat opener. Second, defending against 2♥s, Maureen led the ♠A and then the 6 to partner's K despite his lack of support.

Their Advocate characterized the lack of a ♠ raise as "inexplicable" and contended they should have gotten a bottom board except for the declarer's poor play. (P. 64.) She suggested that Jeffrey was generally reluctant to support Maureen when it meant she would be playing the hand.

<div style="border: 1px solid black; padding: 5px; text-align: center;"> 3 D </div>	N jstew12825 ♠ K852 ♥ 74 ♦ KJ1043 ♣ Q2	<div style="display: flex; justify-content: space-between;"> W N E S </div> P 1♠ 2♣ 1♥ P P P 2♦
	W Redhead05 ♠ AJ1073 ♥ A65 ♦ 752 ♣ 84	E Mustangblu ♠ 96 ♥ J32 ♦ 98 ♣ AKJ1095
	S stew12825 ♠ Q4 ♥ KQ1098 ♦ AQ6 ♣ 763	<div style="display: flex; justify-content: space-between; align-items: center;"> 2♦ S NS: 0 EW: 0 </div>

Board 75

Maureen's competitive rebid of 2♦ on a three-card suit found her partner with five-card support. According to their Advocate, Maureen considered her rebid forcing and was hoping her partner could rebid 2NT. She was surprised by his pass. (P. 66.)

<div style="border: 1px solid black; padding: 5px; display: inline-block;"> 2 D </div>	N jstew12825 ♠ J105 ♥ AQJ109 ♦ 8 ♣ J864	W N E S P 3♣ P P P
	W cdavidc ♠ A87 ♥ 4 ♦ KJ1093 ♣ A972	E Jpe746 ♠ K42 ♥ K87532 ♦ Q52 ♣ 10
	S stew12825 ♠ Q963 ♥ 6 ♦ A764 ♣ KQ53	
		3♣ N NS: 0 EW: 0

Board 110

The ACBL characterized Jeff finding Maureen on board 110 with such good ♣ support as “most fortuitous.” (P. 30.) Their Advocate commented, “Jeff has no idea why he did balance with such good hearts, but balancing was likely to be less successful than passing.” (P. 68.) Their teacher commented, “Crazy bid and not a good one looking at one hand or two. Two hearts looks to be going down and 3C not a favorite to make. Bidding in the hopes to push the Opponents to the 3 level seems a bit much as West can not have support for hearts.” (P. 68.)

The Charged Parties’ Advocate asserted that some of the boards on which the ACBL relied were not probative of cheating.

D 9	N LyleD ♠ AK985 ♥ A105 ♦ 9 ♣ AKQJ	W N E S 2♣ P 2♦ P 2♠ P 2NT P 3♣ P P P
W stew12825 ♠ Q64 ♥ Q ♦ AQJ1074 ♣ 1032		E jstew12825 ♠ 732 ♥ K98764 ♦ K63 ♣ 6
	S PeteMN ♠ J10 ♥ J32 ♦ 852 ♣ 98754	3♣ N NS: 0 EW: 0

Board 9

The ACBL called attention to Jeffrey's lead of the ♦K though Maureen had failed to double 2♦ for a lead. Their Advocate made two points. It is common for the Stewarts to lead unsupported honors and so long as a ♦ was led on this deal, it didn't matter which one was led.

Their Advocate further asserted that many deals illustrated they don't know what they are doing. If they were sitting side-by-side with their computers, they would have done better on other deals. Their Advocate cited [board 44](#) to illustrate that they won't open NT with a doubleton (even holding a balanced 20-count) and their bidding has no structure. They missed a cold slam on that board by making un-descriptive bids reflecting neither shape nor strength. The ACBL's Advocate acknowledged it was a good counterexample.

D	12	N	jstew12825		W	N	E	S
		♠	9	♠	3♣	P	3NT	
		♥	AQ7	♥	P	P	P	
		♦	76	♦				
		♣	10876432	♣				
W	NYSANEW				E	skibridger		
♠	K65				♠	Q108		
♥	J832				♥	K10654		
♦	KQ94				♦	10852		
♣	Q9				♣	5		
		S	stew12825					
		♠	AJ7432					
		♥	9					
		♦	AJ3					
		♣	AKJ					
						3NT S	NS: 0	EW: 0

Board 138

Their Advocate contended the Stewarts simply got lucky when the opponents didn't lead a ♥. Maureen couldn't bid 3 ♠ because it would not have been forcing, so she simply guessed at the game she thought she could make.

In his closing statement, the ACBL's Advocate pointed out that the Stewarts are relatively new players. So they probably aren't capable of taking full advantage of any unauthorized information they have. They will simply put on the brakes and not show support when they see their partner did not have their bid. He asserted there is no real evidence that Maureen's auctions were affected by any mental disability.⁷

In her closing statement, the Charged Parties' Advocate asserted that the Stewarts had denied they had cheated and she believed them. They are relatively new to duplicate and are afraid that the ACBL never wants to see them play again.

⁷ In prehearing disclosure was a letter from Jeffrey asserting that Maureen had suffered a serious injury in March 2017 that was still affecting her bridge game to this date. (P. 43.)

Panel's findings of fact and conclusions - Stewarts

The Online Ethical Oversight Committee Panel has carefully reviewed the evidence presented in the 79-page hearing packet, including the Charging Party's prehearing disclosure and rebuttal and the prehearing disclosure by the Charged Parties, Jeffrey and Maureen Stewart. The Panel has also considered the evidence cited by the Advocates at the disciplinary hearing and their arguments and commends each of them for their professional and respectful approach. The Charging Party relied on 30 questioned deals out of 144 playing during an online regional. The Charged Parties relied on 13 additional deals not among the 144 as exculpatory evidence of bad results attributable to poor leads and bidding. The Panel did not find much probative value in the eight deals played after the Stewarts were notified of the ACBL's charge of cheating.

The essential question for the Panel is whether, as their Advocate asserted, the evidence established that the Stewarts repeatedly landed on their feet in the deals questioned by the ACBL due to the blind luck of inexperienced players, while also having an equal number of bidding and defending disasters as reflected in their counterexamples. After reviewing all the evidence, the Panel unanimously concludes that the Stewarts' luck was not blind, but instead was guided by unauthorized information about partner's hand, not on every deal but enough to establish a pattern. The ACBL carried its burden of proof by producing evidence weighty enough for the Panel to be comfortably satisfied that the charge of "Cheating and other Ethical Violations" in violation of then-applicable CDR section 3.20 has been sustained.

While the Stewarts did not appear in person to testify, based on their descriptions by their club owner and Advocate and noting particularly that she vouched for their integrity, the Panel is concerned that they may belong to a group of ACBL members who may not have been adequately educated about the impropriety, while playing online in the same room, of either making audible exclamations about erroneous opening bids (such as "Oops, I meant to open two Spades") or simply viewing partner's hand when it is visible on a separate computer monitor. Just a year ago, most ACBL members had not spent much time playing online bridge, which differs in several significant respects from face-to-face bridge, including the fact that no director is hovering in the playing room policing the conduct of players. Some players have a deficient understanding of what qualifies as "unauthorized information" as described in Duplicate Bridge Laws 16 and 73, particularly in the context of playing online, and in some of those cases, the appropriate remedy may be education and counseling rather than discipline.

The Panel notes that the applicable sentencing guideline, former E19, recommended a wide range of potential discipline, anything from a 90-day suspension through expulsion. The guidelines also explained that the discipline recommendations were not mandatory. Departures were allowed if explained in the hearing report. While

the discipline charts did not mention exclusion, exclusion was a sanction available under former CDR section 4.1.6 (and still is under current CDR section 401(F)).

In light of the Stewarts' inexperience and the nature of the misconduct found, the Panel has determined that the Stewarts should be excluded from playing in online ACBL games for six months (not retroactive because it appears they are still playing online) followed by a two-year period of probation, with no forfeiture of masterpoints.