



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, Chairman	Q916802		
Phil Clayton	N026806		
Rick Rowland	J372734		

INDIVIDUALS WHO PARTICIPATED IN THE HEARING (excluding committee members)

Name	ACBL#	Via	Capacity	Name	ACBL#	Via	Capacity
Charles Zempel	M652401	web conf.	Charged Party	Ray Yuenger	P913494	web conf.	Panel Advisor
		Select One	Charged Party			Select One	Select One
Ryan Connors	Q758913	web conf.	Adv-Charging P			Select One	Select One
Jeff Edelstein	O200338	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 1-20.

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

See attached pages 20-40.

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.

	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	12/25/2024	12/24/2026	24 months
<input checked="" type="checkbox"/> SUSPENSION	6/25/2022	12/24/2024	30 months

Is the disciplined party Suspended because of an Ethical Violation)? YES NO

Is the Suspension imposed due to an Ethical Violation more than one year? 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:

10% forfeiture of masterpoints

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

N/A

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.

The masterpoint forfeiture is below the recommended minimum for the reasons stated on attached page 33.

RESPECTFULLY SUBMITTED (CHAIR)

/s/ Jan Martel

Date: 6/20/22

Electronic Signature (type name above)

Wet Signature (sign above)

I. Summary of Evidence and Arguments – Charles and Jane Zempel

A. Procedural Posture

On April 11, 2022, the ACBL’s Executive Director Joseph Jones filed Charges alleging that Charles (“zemp” on Bridge Base Online (“BBO”) and his wife Jane (“nwchicago” on BBO) Zempel have violated the version of section 301(A)(2) of the Code of Disciplinary Regulations (“CDR”) that was effective on August 1, 2021 by a pattern of “sharing unauthorized information” while playing bridge online. (Pp. 3-4.¹) These Charges were based on a Recorder Complaint filed on April 1, 2022. (Pp. 1-2.)

Pursuant to written instructions by the Panel Chair, both Parties have filed written prehearing disclosure of the evidence on which they rely. The Charging Party has provided evidence including the following:

- a summary of the Charged Parties’ online results in 61 12-board “speedball” matchpoint games they played between January 7 and April 10, 2022² (p. 13.);
- links to BBO movies of six full 12-board sessions (“the full session boards”) played on February 11, 13, 19, 20, 21, and March 20 (pp.14-53)³; and
- lists of boards (“the themed lists”) allegedly illustrating five kinds of suspicious conduct, namely 27 off-shape and minimal takeout doubles (pp. 55-56), 15 leads of unsupported Aces against suit contracts (p. 57), 26 leads and defenses reflecting illicit information (pp. 59-60), 35 bids reflecting illicit information (pp. 61-62),

¹ Unspecified page references are to the 104-page hearing packet that was distributed to the Online Ethical Oversight Committee Panel on May 24, 2022, three days before the disciplinary hearing.

The hearing packet contains links to BBO movies including the hand diagram, the auction, and the play for all questioned boards. This Hearing Report will provide hyperlinks to the BBO movies for all boards relevant to the discussion.

² All questioned boards were played in 2022, so the year will not be repeated.

³ A Panelist asked during the disciplinary hearing how these full sessions were selected. The ACBL Advocate explained that apart from the lowest scoring session, they were selected at random. Immediately after the hearing, he communicated to the Panel through the Advisor that, in this case, the ACBL chose the five with representative scores and not at random as they have in other cases.

and 37 boards involving the underlead of a King or Queen against a suit contract (pp. 64-103).⁴

The Charging Party has invited the Panel's attention to 33 of the 72 full session boards.⁵ Of the 139 listed boards, nine appear on two themed lists.⁶ Moreover, three boards in the themed lists also appear in the full session discussions, namely board [5](#) from February 11 (pp. 19, 55), [5](#) from February 20 (pp. 39, 79), and [8](#) from March 20 (pp. 52, 55). The ACBL Advocate has acknowledged that there is some overlap. (P. 64.)

In discussing both the full session boards and the themed lists, the Charging Party has noted some boards suggestive of not cheating.⁷

⁴ Unlike the four other themed lists which are presented in a table format, the 37 boards involving the theme of underleading honors are portrayed through hand and auction diagrams for each board. We will still call this presentation a "themed list" to distinguish it from the full sessions. We note that, within each themed list, the boards are presented in chronological order rather than, for example, by probative value.

Both the full session boards and the themed lists are presented in table formats. The differences are that the themed lists do not provide the numbers of the boards or the BBO sessions, but only example numbers. Also, the full session board discussions include hand and auction diagrams for each board in question. Board numbers and diagrams for the themed lists can be viewed by clicking on the BBO movie links included in the tables.

⁵ For the reader's convenience, the full sessions are listed in Appendix A by date and BBO session number with hyperlinks to the BBO movies and highlighting of the boards questioned by the ACBL Advocate in disclosure. The five themed lists have been aggregated chronologically in Appendix B.

⁶ The following boards are cited more than once in the lists: boards [5](#) (pp. 61, 65) and [11](#) (pp. 61, 66) played on January 11; [4](#) (pp. 59, 67) on January 15; [7](#) (pp. 57, 62) on January 30; [7](#) (pp. 59, 76) and [12](#) (pp. 59, 77) on February 6; [8](#) (pp. 59, 82) and [10](#) (pp. 59, 73) on February 22; and [10](#) (pp. 60, 88) on March 19.

⁷ As evidence of not cheating, the Charging Party cited [91643-4](#) (this citation format indicates the board number after the BBO session number) played on February 11, [37843-10](#) played on February 19 (when Charles underled an Ace in a suit contract to the declarer's stiff King), and board [3](#) played on February 5. (This Panel prefers to cite boards by board and BBO session numbers when that information is in the record, but sometimes only the board number can be hyperlinked.)

The two pages of prehearing disclosure by the Charged Parties did not attempt to explain the many boards questioned by the Charging Party. Charles Zempel instead provided evidence of his success in online games annually since 2014 and his high scores when playing in robot games.⁸

Charles elected to explain his partnership's actions orally at the online disciplinary hearing held on Friday, May 27, 2022 in response to the boards relied on at the hearing by Ryan Connors, the Charging Party's Advocate.⁹ At the outset of the hearing, the Panel Chair mentioned the Panel's familiarity with the written disclosure. Connors accordingly did not attempt to review the 160 unique boards he had questioned in his disclosure. Instead, he selected 20 boards to display and discuss. Charles responded to about nine of these boards as they were displayed onscreen by the Advocate or the OEOC Advisor. Jane did not appear at the 90-minute hearing.

B. The Evidence

The above summary of the procedural posture of the case provides an overview of the kinds of evidence presented by both sides without displaying hand and auction diagrams of 160 different questioned boards. To explain the Panel's conclusions below, it will be unnecessary to recite the details of each of those boards.

At the outset of the hearing, Charles pointed out that he had been told by the Recorder, Jeff Edelstein, that the table chat on BBO was unavailable as evidence. He had also requested and was not provided the names of the original complainants and the investigators. The Recorder confirmed that BBO said it could not supply the table chat.¹⁰ He had informed Charles that the investigators and complainants will not be witnesses and they have provided no evidence relied on by the ACBL Advocate.

⁸ To avoid confusion over their common last name and not to indicate familiarity, we will call him "Charles" and her "Jane."

⁹ At the hearing he explained that his writing is often misinterpreted.

¹⁰ Charles said that he had learned from the Advisor in a telephone call that in one case BBO chat was obtained through laborious efforts. The Advisor wishes to clarify that it was not an OEOC proceeding in which BBO chat was obtained.

Turning to the evidence at the hearing, Charles and Jane Zempel are each ACBL certified directors. Charles said Jane had been a director for 28 years. They ran a bridge club in Chicago. They have played together for 30 years. As of March 31, 2022, he was a Sapphire Life Master with over 4,500 masterpoints and over 2,300 online points. She was a Ruby Life Master with over 2,400 masterpoints and 576 online points. (P. 9.)

1. The Charging Party's Presentation and the Charged Parties' Responses

Over the course of 61 speedball games between January 7 and April 11, the Zempels had an average score of 64.52%.¹¹ In that period they had one game below 50%, namely a 48% game on February 21. Three-quarters of their games were over 60%. (P. 13.) In the other full sessions in evidence apart from February 21, they scored 63.34% on February 11, 2022 (p. 15), 63.39% on February 13 (p. 23), 70.98% on February 19 (p. 29), 69.49% on February 20 (p. 35), and 69.30% on March 20 (p. 48). Charles presented evidence that he has averaged 59.68% playing with robots. (Pp. 102-103.)

The ACBL's Advocate selected the following boards to illustrate to the Panel the kinds of questionable conduct exhibited by the Charged Parties.¹²

¹¹ In response to a Panelist's question, the ACBL Advocate explained that there was no comparison made with face-to-face results.

¹² The Panel notes that keeping the text near the board diagrams under discussion results in extra white space on some pages of this report.

	N tiprout ♠ Q1092 ♥ KQ4 ♦ Q7 ♣ 8654	W N E S 4♥ P 2♥ 4♦ X P P P
	W nwchicago ♠ J843 ♥ J3 ♦ A94 ♣ AQ92	
	S auglou1 ♠ A5 ♥ 98 ♦ KJ108532 ♣ 103	5♦x S NS: 0 EW: 0

This board, [3743-6](#), from the session played on February 13 illustrates not only competitive bidding but also defending by Jane that arguably showed her awareness of the strength of Charles's preemptive hand and his honor holding. Charles responded that Jane was aware that his vulnerable preempts are not garbage and it was a judgment call for her to lead the ♣ Ace from AQ92. He probably would have led a ♥.

Board 10 from the same session, [3743-10](#), was characterized as evidence that Charles knew not to open vulnerable with five ♠s and a 12 count because Jane had a bust hand and no fit.¹³ Charles said that it was his judgment that he did not have an opening hand. There are some 12 counts he won't open.

¹³ To avoid prolonging this report needlessly, for some referenced boards the Panel will provide just the hyperlink but not the hand and auction diagrams.

Board 7 on February 20, [43841-7](#), was characterized as demonstrating Jane's knowledge of the strength of Charles's takeout double when she converted it to penalty.

	N burgazli54 ♠ 643 ♥ 92 ♦ Q52 ♣ Q8643	<table border="1"> <thead> <tr> <th>W</th> <th>N</th> <th>E</th> <th>S</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td>1♦</td> </tr> <tr> <td>P</td> <td>P</td> <td>X</td> <td>P</td> </tr> <tr> <td>P</td> <td>P</td> <td></td> <td></td> </tr> </tbody> </table>	W	N	E	S				1♦	P	P	X	P	P	P		
	W	N	E	S														
			1♦															
P	P	X	P															
P	P																	
W nwchicago ♠ J752 ♥ K876 ♦ 1096 ♣ 105		E zemp ♠ KQ108 ♥ A1053 ♦ AJ3 ♣ AJ																
	S Frankaus ♠ A9 ♥ QJ4 ♦ K874 ♣ K972	1♦x S NS: 0 EW: 0																

Charles accounted for her pass as an obvious mislick, saying that no one would intentionally pass with her hand.

On board 1 from March 20, [42-1](#), they found a good fit when Jane forgot they play the new minor forcing convention, according to their convention card.

D 1	N nwchicago ♠ A103 ♥ 106 ♦ AQJ2 ♣ Q1086	<table border="1"> <thead> <tr> <th>W</th> <th>N</th> <th>E</th> <th>S</th> </tr> </thead> <tbody> <tr> <td></td> <td>1♦</td> <td>P</td> <td>1♥</td> </tr> <tr> <td>P</td> <td>1NT</td> <td>P</td> <td>2♣</td> </tr> <tr> <td>P</td> <td>P</td> <td>P</td> <td></td> </tr> </tbody> </table>	W	N	E	S		1♦	P	1♥	P	1NT	P	2♣	P	P	P	
W	N	E	S															
	1♦	P	1♥															
P	1NT	P	2♣															
P	P	P																
W jsiskind ♠ K962 ♥ A9 ♦ K10853 ♣ J5		E mabern2 ♠ Q8 ♥ Q532 ♦ 9764 ♣ AK9																
	S zemp ♠ J754 ♥ KJ874 ♦ ♣ 7432	2♣ S NS: 0 EW: 0																

Charles agreed that Jane should not have passed. He explained that East, a player they both know, had annoyed her by showing up late.

The ACBL Advocate credited improved ACBL computers with being able to locate certain questionable types of bidding and play. He said that, for example, the table of leading unsupported Aces included every board in the relevant time frame on which that occurred. The boards were not cherry-picked by investigators or the Advocate.

The Advocate pointed out two boards where the Charged Parties did not go astray after light or off-shape takeout doubles.

	N zemp ♠ K9 ♥ K53 ♦ K4 ♣ A109752	W N E S P 4♣ 3♦ X P P P P
	W librarylil ♠ AJ1072 ♥ J10942 ♦ 102 ♣ 8	E robertahe ♠ 4 ♥ A7 ♦ AQ98753 ♣ J63
	S nwchicago ♠ Q8653 ♥ Q86 ♦ J6 ♣ KQ4	4♣ N NS: 0 EW: 0

On board [6](#) from January 23, Charles did not bid 3NT or 5 ♣s after Jane’s vulnerable takeout double with a 10 count. Charles acknowledged that maybe he should have bid 5 ♣s.

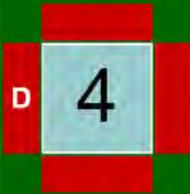
Board [9](#) below, also from January 23, saw Charles bidding a weaker four-card ♣ suit instead of a stronger four-card ♠ suit in response to Jane's takeout double, and he found her with better support for the minor.

D 9	N zemp ♠ A763 ♥ K43 ♦ 83 ♣ 9653	W N E S P P 1♦ X 2♦ 3♣ 3♦ P P P
W 1Willco ♠ J8 ♥ Q1087 ♦ J1075 ♣ 842		E 6bl2gt4 ♠ KQ94 ♥ J9 ♦ A9642 ♣ KJ
	S nwchicago ♠ 1052 ♥ A652 ♦ KQ ♣ AQ107	
		3♦ E NS: 0 EW: 0

Charles said that he was planning to bid ♠s later when he bid ♣s, but then changed his mind.

The Advocate pointed to board [4](#) played on March 21 as an instance where Charles knew to pull Jane's balancing seat penalty double of a strong NT opening. Charles said they do not play penalty doubles in the balancing seat, but takeout doubles, and he bid his longest suit because he did not want to defend 1NT doubled. The Advocate conceded he had misread their convention card.

The Advocate cited another example of leading an unsupported Ace. On board 4 on March 8, though Jane ostensibly made a lead-directing double of ♦s, Charles, holding the trump Ace, led the ♣ Ace and continued ♣s, setting up a ruff in Jane's short suit.

	N skvisi ♠ KJ104 ♥ K43 ♦ K10 ♣ KQ104	<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>1NT</td> <td>P</td> <td>2♦</td> </tr> <tr> <td>X</td> <td>2♥</td> <td>3♦</td> <td>3♥</td> </tr> <tr> <td>P</td> <td>P</td> <td>P</td> <td></td> </tr> </tbody> </table>	W	N	E	S	P	1NT	P	2♦	X	2♥	3♦	3♥	P	P	P	
	W	N	E	S														
P	1NT	P	2♦															
X	2♥	3♦	3♥															
P	P	P																
W nwchicago ♠ Q96 ♥ QJ8 ♦ J8764 ♣ 63		E zemp ♠ 852 ♥ A6 ♦ A953 ♣ A852																
	S sophie13 ♠ A73 ♥ 109752 ♦ Q2 ♣ J97	3♥ N NS: 0 EW: 0																

Charles acknowledged that he should have led the ♦ Ace. He said he had misdefended.

The Advocate cited two examples of leads and defense suggesting illicit information. On board [11](#) from January 15, Jane attacked what was presumably from the bidding the dummy's longest and strongest suit and found the best support in Charles's weak hand. The Advocate also wondered if Jane had failed to make a takeout double because she knew Charles's hand was weak.

	N 430Peppels ♠ QJ8 ♥ J104 ♦ 107 ♣ KQ763	<table border="1"> <thead> <tr> <th>W</th> <th>N</th> <th>E</th> <th>S</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td style="background-color: yellow;">1♦</td> </tr> <tr> <td>P</td> <td>2♣</td> <td>P</td> <td>2NT</td> </tr> <tr> <td>P</td> <td>3NT</td> <td>P</td> <td>P</td> </tr> <tr> <td>P</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	W	N	E	S				1♦	P	2♣	P	2NT	P	3NT	P	P	P			
W	N	E	S																			
			1♦																			
P	2♣	P	2NT																			
P	3NT	P	P																			
P																						
W nwchicago ♠ A432 ♥ K72 ♦ A3 ♣ A942		E zemp ♠ 976 ♥ Q85 ♦ 8542 ♣ J108																				
	S Wanjaja ♠ K105 ♥ A963 ♦ KQJ96 ♣ 5	3NT S NS: 0 EW: 0																				

Charles's comment on this board was that Jane should have bid. He would have overcalled 1 NT.¹⁴

¹⁴ Charles said he did not want the Panel to be influenced by the facts that his wife is 80 years old and exhibiting signs of mental decline, but those facts may explain her actions on this board.

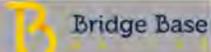
When they play bridge he monitors her acuity. They choose what online game to play in based on how she feels that day. They play ACBL events when she is up to it. He said that bridge has also helped his mental acuity since he had a near-death experience eight years earlier.

After responding to the nine boards above during the hearing, Charles did not respond to the rest of the boards displayed by the ACBL Advocate, but he did ask to discuss several boards the Advocate did not display at the hearing. That discussion appears in Part I.B.2. below.

<div style="border: 1px solid black; padding: 5px; text-align: center;"> D 12 </div>	N Barbrod3 ♠ 86532 ♥ KJ109 ♦ QJ4 ♣ 5	<table border="1" style="width: 100%; text-align: center;"> <tr> <th style="background-color: #000080; color: white;">W</th> <th style="background-color: #800000; color: white;">N</th> <th style="background-color: #000080; color: white;">E</th> <th style="background-color: #800000; color: white;">S</th> </tr> <tr> <td>P</td> <td>P</td> <td>P</td> <td>1♣</td> </tr> <tr> <td>P</td> <td>1♠</td> <td>P</td> <td>1NT</td> </tr> <tr> <td>P</td> <td>P</td> <td>P</td> <td></td> </tr> </table>	W	N	E	S	P	P	P	1♣	P	1♠	P	1NT	P	P	P	
	W	N	E	S														
P	P	P	1♣															
P	1♠	P	1NT															
P	P	P																
W zemp ♠ K7 ♥ 654 ♦ 10963 ♣ A1042	<div style="border: 1px solid black; padding: 5px; width: 40px; margin: 0 auto;"> ♠K </div>	E nwchicago ♠ QJ109 ♥ Q73 ♦ 872 ♣ K83																
		S spdisanza ♠ A4 ♥ A82 ♦ AK5 ♣ QJ976																
		1NT S NS: 0 EW: 0																

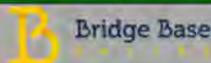
On board [12](#) above from February 14, Charles led a King in the responder's suit and found Jane with almost all the missing honors. When she won the ♥ finesse, she did not immediately cash her last two ♠ tricks and look for a signal. Instead, she underled her ♣ King in the opener's first bid suit, finding Charles's Ace and getting a ♣ return to allow her to cash her ♠s.

The Advocate also mentioned a couple of auctions indicative of illicit information. On board [5](#) on January 11, instead of making a takeout double, Charles overcalled a four-card ♠ suit. Jane raised with four card support. On defense, rather than leading the suit they had both bid, Charles underled his KJ83 of ♣s, finding Jane's Ace.

D 5	N zemp ♠ KQ93 ♥ 1073 ♦ 53 ♣ KJ83	W N E S P 1♦ P 1♥ 1♠ 2♥ 2♠ 3♥ P P P
W Ronie Jane ♠ 1042 ♥ KJ542 ♦ A92 ♣ Q5	♣3	E Block13 ♠ A6 ♥ A98 ♦ KQ1064 ♣ 942
	S nwchicago ♠ J875 ♥ Q6 ♦ J87 ♣ A1076	3♥ W NS: 0 EW: 0
Rewind Previous Next Options GIB Play		

On 9 on the same day, Charles elected to compete by bidding a 3-card suit at the two-level, finding Jane's best and longest suit.

<table border="1"> <tr><td>D</td></tr> <tr><td>9</td></tr> </table>	D	9	N zemp ♠ KQJ97 ♥ 652 ♦ Q73 ♣ A5	<table border="1"> <tr> <th>W</th> <th>N</th> <th>E</th> <th>S</th> </tr> <tr> <td></td> <td>1♠</td> <td>P</td> <td>1NT</td> </tr> <tr> <td>2♣</td> <td>2♦</td> <td>P</td> <td>P</td> </tr> <tr> <td>P</td> <td></td> <td></td> <td></td> </tr> </table>	W	N	E	S		1♠	P	1NT	2♣	2♦	P	P	P			
D																				
9																				
W	N	E	S																	
	1♠	P	1NT																	
2♣	2♦	P	P																	
P																				
W TheKC ♠ A ♥ Q93 ♦ K54 ♣ KQJ843		E Bridgeadv ♠ 1085432 ♥ A84 ♦ 8 ♣ 1062																		
	S nwchicago ♠ 6 ♥ KJ107 ♦ AJ10962 ♣ 97	2♦ N NS: 0 EW: 0																		



Another example of unusual bidding was board 3 on January 23. The Advocate noted that Charles opened a 3-card ♣ suit in preference to either a 5-card ♥ suit or 1 NT. Further, when Jane made an invitational 3 ♣ bid, he bid 5 ♣s instead of 3 NT.

The screenshot shows a Bridge Base interface for a hand. At the top left, a card '3' is shown in a blue box with a red border, and a 'D' is below it. The main interface is divided into four quadrants for the players' hands:

- North (N):** zemp
 - ♠ K103
 - ♥ AJ742
 - ♦ A5
 - ♣ K52
- West (W):** TJMJ
 - ♠ J87654
 - ♥ 95
 - ♦ J62
 - ♣ J3
- East (E):** dkkale
 - ♠ AQ2
 - ♥ Q1086
 - ♦ Q103
 - ♣ Q107
- South (S):** nwchicago
 - ♠ 9
 - ♥ K3
 - ♦ K9874
 - ♣ A9864

To the right of the hands, a bidding history table is visible:

	W	N	E	S
				P
	P	1♣	P	1♦
	P	1♥	P	3♣
	P	5♣	P	P
	P			

At the bottom right, a score bar shows '5♣ N' and 'NS: 0 EW: 0'. The bottom of the interface has navigation buttons: 'Rewind', 'Previous', 'Next', 'Options', 'GIB', 'Play', and the 'Bridge Base' logo.

On board 2 on April 7 (no diagram), after they bid and raised ♠s, Charles underled his ♣ King and found Jane with the QJT5.

Charles asked if the boards presented by the Advocate at the hearing were all the boards the Panel would be considering. The Chair said that the Panel would also be looking at the boards in the disclosure.

2. The Charged Parties' Presentation

Charles asked for the opportunity to explain his actions on [34457-12](#) played on March 8.

D 12	N smyk	W	N	E	S
	♠ Q73 ♥ Q5 ♦ Q32 ♣ KQJ63	P 1♣	1♥	X	X
W nwchicago	♣ 3	2♥	P	P	X
♠ A10542 ♥ 762 ♦ K ♣ 9742	♣ 2	P 2♠	3♦	P	P
	♣ A	3♥	P	P	3♠
	♣ 5	D	D	X	D
	S proura	E zemp			
	♠ KJ96 ♥ KJ9 ♦ J10765 ♣ 5	♠ 8	♥ A10843		
		♦ A984	♣ A108		
		3♠x N NS: 0 EW: 1			

After leading the ♣ A, he underled his ♦ A to Jane's stiff King. She returned a ♥ to his Ace. He cashed the ♦ Ace and gave her a ruff in ♦s. He said that she signaled for a ♦ switch at trick one. He doubled because his partner showed some values in bidding and he had three Aces. He asserted that they would have done better had he underled the ♦ at trick one.

In disclosure, the Advocate had characterized [91643-11](#) from February 11 as neutral and not probative of cheating, although the Zempels might have known the opponents had ♠s. The board was passed out with each of the Zempels holding an 11-count. Charles said they don't open 11 counts.

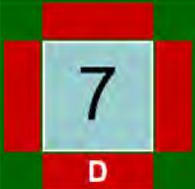
On [43841-4](#) played on February 20, the Advocate had questioned in disclosure why Jane rebid 4 ♠ instead of showing her ♦ void after a game-forcing Jacoby raise.

	N dobber9 ♠ 3 ♥ KQ653 ♦ J853 ♣ QJ7	<table border="1"> <thead> <tr> <th>W</th> <th>N</th> <th>E</th> <th>S</th> </tr> </thead> <tbody> <tr> <td>1♠</td> <td>P</td> <td>2NT</td> <td>P</td> </tr> <tr> <td>4♠</td> <td>P</td> <td>P</td> <td>P</td> </tr> </tbody> </table>	W	N	E	S	1♠	P	2NT	P	4♠	P	P	P
	W	N	E	S										
1♠	P	2NT	P											
4♠	P	P	P											
W nwchicago ♠ KJ976 ♥ A987 ♦ ♣ A1098	E zemp ♠ Q542 ♥ J102 ♦ AQ42 ♣ K3													
	S JOH3809 ♠ A108 ♥ 4 ♦ K10976 ♣ 6542	4♠ W NS: 0 EW: 0												

Charles explained that she is not required to show shortness when she has a minimum hand. It was another judgment call.

The Panel Chair and a Panelist asked if Charles had examples of boards where their unusual actions misfired. Charles said there were some bad boards in the Charging Party’s disclosure such as where he could have made a better lead. He had not had time to look for counterexamples due to health issues.

In response to the Panel Chair asking for evidence of bad results from their methods, Charles called attention to [91643-7](#) from February 11.

	N zemp ♠ K983 ♥ Q9832 ♦ KJ10 ♣ 2	<table border="1"> <thead> <tr> <th>W</th> <th>N</th> <th>E</th> <th>S</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td>P</td> </tr> <tr> <td>2♣</td> <td>2♥</td> <td>P</td> <td>3♥</td> </tr> <tr> <td>3NT</td> <td>P</td> <td>P</td> <td>P</td> </tr> </tbody> </table>	W	N	E	S				P	2♣	2♥	P	3♥	3NT	P	P	P
	W	N	E	S														
			P															
2♣	2♥	P	3♥															
3NT	P	P	P															
W peters1 ♠ A10 ♥ K6 ♦ A6 ♣ AKQJ743		E kojak1948 ♠ J764 ♥ J ♦ 9872 ♣ 10965																
	S nwchicago ♠ Q52 ♥ A10754 ♦ Q543 ♣ 8	3NT W NS: 0 EW: 0																

Charles said he made a lousy vulnerable overall of a strong opening because he had been drinking. They got a lousy result due to his ♥ lead.

Charles finally commented on [49882-6](#) played on February 21.

	N zemp ♠ AJ1095 ♥ 7 ♦ Q432 ♣ K102	W N E S 1NT P P P
	W klpbridge ♠ K763 ♥ 108 ♦ AKJ9 ♣ A65	E ButtonsMom ♠ Q82 ♥ K652 ♦ 1086 ♣ 973
	S nwchicago ♠ 4 ♥ AQJ943 ♦ 75 ♣ QJ84	1NT W NS: 0 EW: 0

The Advocate had suggested in disclosure that the failures to bid by either of them indicated knowledge of a misfit. Charles said that Jane was too conservative by passing, but if she had known his hand, she would have bid.

C. Arguments

The ACBL’s Advocate argued that when players take risky actions like leading unsupported Aces, one would expect to see some disastrous consequences as well as good results, but over a four-month period of time, the Zempels had only good results from their risky actions. This lengthy pattern of conduct deserves a non-minimum sanction. He asked for a three-year suspension and two years of probation during which they cannot play together and forfeiture of 10% of their masterpoints.

Charles asserted that he and his wife have a good partnership and understanding of their conventions, having played together for 30 years. They get a lot of boards right because they listen to the auction and count the cards. Many of their opponents have

been weak. They are highly respected players in the Chicago area. They are good enough to know when to make the leads and bids they do. He said he did not really care how the Panel would decide the case. Neither of them has much longer to live.

II. The Panel's Findings and Conclusions

To resolve the Charges in this case, the Panel is required to determine whether a series of good results in online bridge games can reasonably be attributed to the skill of the Charged Parties, Charles and Jane Zempel, or whether some of their results can only be explained by them exchanging information that the Charging Party calls "illicit" and the Laws of Duplicate (Laws 16 and 73 primarily) call "unauthorized."

A. Questionable Leads

1. Leading Unsupported Aces

There were 15 instances when one of the Zempels led an A without holding the King. This is a very risky action on defense and can easily give up one or more tricks. The Advocate displayed three of those boards at the hearing, [3743-6](#), and boards [4](#) and [12](#) on March 8.

Sometimes one is dealt three unsupported Aces, and allowances must be made. This situation arose four times in this case, including just-mentioned boards 4 and 12. What is notable about 4 was not just that Charles did not lead the Ace in the suit Jane had apparently doubled for a lead, but instead he led the Ace and continued in another suit in which it turned out Jane had a doubleton and therefore got a ruff. What is notable about 12 is not just that Charles led an Ace in a suit other than the one Jane had raised, but then he underled his Ace in another suit to find Jane's stiff K. Jane then returned the suit in which Charles had overcalled, which trick he won with his Ace and then cashed the Ace in the second suit and gave Jane a ruff in it.¹⁵

¹⁵ On the other two hands when the opening leader held three Aces, on Board [6](#) on February 28, Jane led the Ace in her suit and continued it, rather than leading the doubleton Ace in the suit Charles bid. On board [11](#) on March 5, rather than leading the Ace in the suit Jane had eventually supported (her holding was J high), he led an Ace in an unbid suit where she held KQ3.

Leading an unsupported Ace in a suit partner has bid or raised is slightly less risky than a purely blind lead and that occurred six times here, always finding partner holding the King.¹⁶ On four other occasions ([8](#) on January 20, [7](#) on January 30, [11](#) on February 13, and the aforementioned [3743-6](#) on February 13¹⁷) leading the Ace in an unbid suit found partner's King.

On two occasions ([12](#) on January 20 and [11](#) on March 19), the lead of an unsupported Ace found partner's singleton and the leader continued the suit to provide a ruff.

It appears that the Zempels consistently knew when to lead unsupported Aces and which ones to lead when they had a choice. They did not always benefit (for example when an opponent was void in the suit), but they were never hurt by this risky action.

2. Leading Doubleton Honors

Leading a doubleton honor in a suit partner has bid may generate an extra defensive trick with a ruff, but leading a doubleton honor in an unbid suit is a more risky maneuver. These boards are a subset of the themed list titled "Leads and Defense Demonstrating Illicit Information." (Pp. 59-60.)

Board [12](#) from February 14 has already been described above, where Charles led a doubleton King in a suit the opponent had bid and found Jane with all the honors except the Ace. On [7](#) on January 11, instead of leading a six-card suit against 1 NT, he led the Q from QT, finding partner with KJ42. On [1](#) from January 25, he led K from K9, finding her with AQJ54, in a different suit than the one he had bid and she had raised. On [9](#) from February 6, he led neither of his 4-card suits against 3NT, instead leading the Q from QJ tight and finding Jane with T943.

¹⁶ Aces were led in suits bid or raised by partner on: board [5](#) on January 7, [12](#) on February 8, [2](#) on February 24, [7](#) on March 7, [2](#) on March 12, and [12](#) on March 20.

¹⁷ We note that while the last two boards were played on February 13, they are apparently from different sessions, as we have a list of all the boards from BBO session 3743 on that date.

3. Underleading Honors

In reviewing the evidence, the Panel notes that opening leads may or may not be suspicious depending on the circumstances. For example, there were 37 examples of underleading a King or Queen against a suit contract. One of these, board [3](#) on March 27 (p. 92), cited a lead by their opponent. On 17 of these boards, the lead was in a suit that partner had either bid or raised.¹⁸ Another 10 were leads of the fourth card in the leader's longest and strongest suit.¹⁹ The Panel considers that showing diagrams for these 27 boards simply cluttered the hearing packet.

On the other hand, blind leads that consistently find partner's honors and solid sequences in unbid suits suggest an exchange of information. On board [10](#) on February 23 (p. 83), Charles underled KT7 to find Jane's best suit. On board [2](#) on April 7 (p. 97), instead of leading the suit Jane bid, Charles underled his King in another suit and found her holding QJT5. And, as the Advocate pointed out, on board [11](#) from January 15, Jane led the dummy's suit and found support in Charles's hand.

B. Bidding

Bridge partners are allowed to communicate during auctions via their calls and some players are more aggressive in bidding and competing than others. However, it is less explicable when a player opens (board [3](#) on January 23 discussed above) or competes

¹⁸ The 17 leads of a suit either bid or raised by partner were: board [11](#) on January 11 (p. 66), [12](#) on January 20 (p. 68), [4](#) and [10](#) on January 25 (pp. 69, 70), [5](#) and [10](#) on February 2 (pp. 72-73), [7](#) and [9](#) on February 5 (pp. 74-75), [5](#) on February 20 (p. 79), [1](#) and [12](#) on February 22 (pp. 80-81), [1](#) on March 8 (p. 86), [9](#) on March 12 (p. 87), [10](#) on March 20 (p. 89), [5](#) on March 21 (p. 90), [2](#) on March 30 (p. 93), and [7](#) on April 2 (p. 94).

¹⁹ Fourth best leads were made on the following boards: board [4](#) on January 15 (p. 67); [5](#) on January 31, when Jane had a choice of four card suits and led the one not bid by opponents (p. 71); [7](#) on February 6 (p. 76); [12](#) on February 13 (p. 78); [8](#) on February 22, when Charles had two four card suits and avoided underleading an AQ (p. 82); [12](#) on February 24 (p. 84); [7](#) on March 26 (p. 91); [7](#) on April 2, when Jane led a second four-card suit instead of leading or underleading an unsupported Ace (p. 95); [11](#) on April 8 (p. 99); and [3](#) on April 9 (p. 100).

(board [9](#) on January 11 discussed above) in a short suit and finds partner with 5- or 6-card support.

1. Underbidding

Consistently stopping in a comfortable part score while holding undisclosed values can be suggestive of exchanging unauthorized information. We have already diagrammed board [6](#) from January 23 above, when Charles bid the minimum four clubs in response to Jane's 3-level takeout double with a balanced 10 count.

On board [2](#) on January 7 (not diagrammed), Charles, holding an opening hand and 3-card support, offered a simple raise of Jane's 1 ♠ overcall and did not compete to the three level. Jane had overcalled vulnerable with ♠ Q9432 ♥ J, ♦ J5, ♣ AT954.²⁰

²⁰ On the ensuing defense, Charles underled his KQ942 of ♥s rather than Jane's suit.

A diagram will help to explain board 8 from February 6.

	N yielding ♠ 8643 ♥ Q932 ♦ AK8 ♣ J9	<table border="1"> <thead> <tr> <th>W</th> <th>N</th> <th>E</th> <th>S</th> </tr> </thead> <tbody> <tr> <td>1♦</td> <td>X</td> <td>1♠</td> <td>2♥</td> </tr> <tr> <td>2♠</td> <td>P</td> <td>P</td> <td>3♣</td> </tr> <tr> <td>P</td> <td>3♥</td> <td>3♠</td> <td>P</td> </tr> <tr> <td>P</td> <td>P</td> <td></td> <td></td> </tr> </tbody> </table>	W	N	E	S	1♦	X	1♠	2♥	2♠	P	P	3♣	P	3♥	3♠	P	P	P		
	W	N	E	S																		
1♦	X	1♠	2♥																			
2♠	P	P	3♣																			
P	3♥	3♠	P																			
P	P																					
W zemp ♠ QJ109 ♥ J4 ♦ J952 ♣ AK8	E nwchicago ♠ AK52 ♥ K6 ♦ Q1043 ♣ 1062	S betsy989 ♠ 7 ♥ A10875 ♦ 76 ♣ Q7543																				
		3♠ E NS: 0 EW: 0																				

Notably, Jane didn't try for game despite an apparent double fit and arguably an opening hand as responder. She eventually competed to 3 ♠.

On board 7 on February 24, Jane was content to play in 2 ♥ holding an 11-count despite a double fit when Charles rebid 2 ♥ in response to her negative double.

On board 4 on February 8, Jane passed an ostensibly forcing bid (the auction was 1 ♥ - 2 ♦ - 2 ♠ - all pass), and it turned out Charles had bid 2 ♠ holding seven ♠s to the AQT and four ♦s to the 6. The partnership was in its best fit despite Jane's singleton ♠ J.

On board 9 on February 14, Jane overcalled 1 ♠ in the auction 1 ♦ - P- 1 ♥ - ? holding ♠ AKQT52 ♥ AKJ32 ♦ 3 ♣ 4. Her left-hand opponent bid 2 ♣ and Charles bid 2 ♠ holding ♠ 87 ♥ T74 ♦ 9765 ♣ Q976. Over 3 ♦, Jane simply competed to 3 ♠ with arguably a three-loser hand.

2. Overbidding

The opposite of underbidding for purposes of this discussion is bidding values you do not have, indicating an awareness that partner has undisclosed extra values or support.

On board [10](#) on January 9, Charles jumped to game after Jane's simple raise of his overcall. It turned out Jane had an undisclosed 4-card limit raise.

	N zemp ♠ AK9743 ♥ 62 ♦ K4 ♣ 1096	<table border="1"> <thead> <tr> <th>W</th> <th>N</th> <th>E</th> <th>S</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td>P</td> <td>P</td> </tr> <tr> <td>1♦</td> <td>1♠</td> <td>X</td> <td>2♠</td> </tr> <tr> <td>3♣</td> <td>4♠</td> <td>P</td> <td>P</td> </tr> <tr> <td>P</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	W	N	E	S			P	P	1♦	1♠	X	2♠	3♣	4♠	P	P	P			
	W	N	E	S																		
		P	P																			
1♦	1♠	X	2♠																			
3♣	4♠	P	P																			
P																						
W garni1 ♠ J ♥ KQ10 ♦ Q10952 ♣ K874	E mony555 ♠ 82 ♥ J9843 ♦ AJ3 ♣ Q32																					
	S nwchicago ♠ Q1065 ♥ A75 ♦ 876 ♣ AJ5	4♠ N NS: 0 EW: 0																				

On board [4](#) on January 22, Jane jumped to 4♥s holding the unusual hand of eight ♠s to the AT, J74 of ♥s, a singleton ♦Q, and singleton ♣T. Charles had overcalled 1♥ over 1♣ with a nonminimum hand of ♠Q ♥AQ853 ♦AK8 and ♣Q876.

Board [12](#) on January 23 involved a lively auction.

D 12	N zemp	W	N	E	S
	♠ J1098762 ♥ J1072 ♦ 9 ♣ 2	1NT X 3NT P	2♣ P 4♥ P	X 3♦ 4NT	2♥ P P
W elaina		E chopra ash			
♠ A543 ♥ K3 ♦ AQ108 ♣ K109		♠ ♥ A ♦ KJ765432 ♣ AQJ5			
	S nwchicago				
	♠ KQ ♥ Q98654 ♦ ♣ 87643				
		4NT W		NS: 0 EW: 0	

Charles's 2♣ call was alerted as a single-suited hand. Jane ventured a 2♥ call, finding Charles's undisclosed second suit. With his rare 7-4 2-count, he eventually competed to 4♥s despite unfavorable vulnerability, with Jane holding undisclosed honors in his long suit.

On board [3](#) on January 27, Charles drove to game with a 10 count.

	N zemp ♠ J97643 ♥ K3 ♦ 8 ♣ AQ104	W N E S P 1♠ P 1NT P 2♣ P 2♦ P 3NT P P P
	W Swimmerla ♠ AQ52 ♥ AJ ♦ 10953 ♣ 975	E sandyclub ♠ 108 ♥ 76542 ♦ K742 ♣ J6
	S nwchicago ♠ K ♥ Q1098 ♦ AQJ6 ♣ K832	3NT S NS: 0 EW: 0

His 2 ♣ bid was alerted as “forcing.” Despite Jane showing a minimum hand with her 1NT rebid, she actually held undisclosed extra values, though no fit for Charles’s 6-card suit.

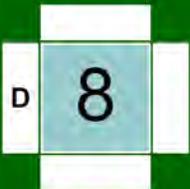
On board [10](#) on February 13, Charles jumped to a vulnerable game with a flat 9-count after Jane made a simple lead-directing double. It turned out they had an undisclosed second fit.

	N murt_163 ♠ Q7532 ♥ 4 ♦ K54 ♣ 9754	<table border="1"> <thead> <tr> <th>W</th> <th>N</th> <th>E</th> <th>S</th> </tr> </thead> <tbody> <tr> <td></td> <td>S</td> <td>P</td> <td>1NT</td> </tr> <tr> <td>P</td> <td>2♥</td> <td>X</td> <td>2♠</td> </tr> <tr> <td>4♥</td> <td>4♠</td> <td>P</td> <td>P</td> </tr> <tr> <td>P</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	W	N	E	S		S	P	1NT	P	2♥	X	2♠	4♥	4♠	P	P	P			
	W	N	E	S																		
	S	P	1NT																			
P	2♥	X	2♠																			
4♥	4♠	P	P																			
P																						
W zemp ♠ A6 ♥ J1085 ♦ J10763 ♣ K8	E nwchicago ♠ 1094 ♥ KQ732 ♦ 9 ♣ AJ106																					
	S howardsu ♠ KJ8 ♥ A96 ♦ AQ82 ♣ Q32	4♠ S NS: 0 EW: 0																				

On board [7](#) from February 14, Charles had a powerful hand with 5 ♠s and 6 ♥s. He elected to open the shorter ♠ suit and jumped to game over Jane’s simple raise. She held AJ9 of ♠s and was void in ♥s.

On board [5](#) on March 2, Charles did not pick either of Jane’s minor suits despite 3-card support for her first bid suit (which happened to be a 4-card suit). Instead he rebid his own 5-card suit, finding Jane with 3-card support.

Board [8](#) on March 15 was a simple auction.

	N nwchicago ♠ AJ7643 ♥ A85 ♦ QJ ♣ KQ	W N E S P 1♠ P 6NT P P P
	W dlfeiner ♠ Q109 ♥ 7432 ♦ 10986 ♣ 107	E janicevine ♠ 82 ♥ K10 ♦ 432 ♣ J98653
	S zemp ♠ K5 ♥ QJ96 ♦ AK75 ♣ A42	6NT S NS: 0 EW: 0

Charles leapt to the small slam after Jane's opening. It turns out that Jane had a non-minimum opener.

3. Takeout Doubles

Although their convention card doesn't have a box checked for minimum off-shape takeout doubles, the Zempels regularly make takeout doubles with three²¹, four²²,

²¹ Takeout doubles with three cards in the opener's suit were made on boards: [4](#) on January 27 with a 12-count, [3](#) on February 6 with a 12-count, [2](#) on February 11 with a 13-count, [1](#) on February 14 with a 15-count, [1](#) on March 2 with an 11-count, [7](#) on March 12 with a 14-count, [7](#) on March 19 with an 11-count, and [9](#) on March 30 with a 12-count.

²² Takeout doubles with four cards in the openers suit were made on boards: [7](#) on January 20 at the three-level with a 13-count, [9](#) on February 2 with a 13-count, and [5](#) on February 11 with a 9-count.

and even five²³ cards in one of the opponent's bid suits. Some of these takeout doubles involved perfectly flat 4-3-3-3 hands with 11-counts or stronger, sometimes with the 4 in the opponent's suit. However, other takeout doubles have been by unbalanced hands holding either 1 or 2 cards in an unbid suit (boards [4](#) on January 20, [5](#) on January 25, [6](#) on January 27, [9](#) on February 2, [1](#) on February 14, [7](#) on March 19, and [8](#) on March 30). With these unbalanced takeout doubles, the partner never bid the doubler's short suit, even when it was the partner's longest suit. We note that often the partner was able to bid a long suit for which the doubler had support.²⁴

C. Panel's Conclusions

1. Responsibility

This Panel has not attempted to detail in this hearing report every questionable auction and defense from the 160 boards questioned by the ACBL Advocate. Out of more general categories like questionable leads and defenses, we have identified the theme of doubleton honor leads. Out of some 35 boards listed as involving questionable bidding, we have identified themes of underbidding and overbidding with seeming awareness of partner's holding that was not apparent from the auction. We have also identified one themed list (honor underleads) that would require some refinement in order to be probative.

The Zempels' record of leading unsupported Aces without any disastrous results is strong evidence that unauthorized information has been exchanged. Their ability to make unbalanced off-shape doubles without their partner ever bidding one of their short suits seems to defy the odds.

²³ Board [4](#) on January 20 involved a takeout double with a 15-count and five cards in the opening \clubsuit suit. On board [9](#) on March 30, Jane doubled after the auction $1\ \diamond - P - 1\ \spadesuit$ holding $\spadesuit\ AQJ93\ \heartsuit\ A843\ \diamond\ J65$ and $\clubsuit\ 9$. Over the opener's rebid of $2\ \diamond$, Charles bid his four-card \heartsuit suit to the Jack, not his five clubs to the KQT.

²⁴ Partner had a longer suit to bid than the doubler's short suit on boards [5](#) on January 25, [6](#) on January 27, [9](#) on February 2, and [8](#) on March 30. On [1](#) on February 14, partner made a cue-bid that allowed the doubler to select which major to bid.

The Zempels' remarkable record of averaging 64.5% in speedball matchpoint events is not enough by itself to prove the Charges, but it does call into question how they have consistently achieved those results. The ACBL Advocate has provided ample evidence that skill alone does not explain their results. The Panel is unanimous in being comfortably satisfied that Charles and Jane Zempel have been exchanging information outside of their bidding and defensive carding and are responsible²⁵ for violating CDR section 301(A)(2).²⁶

2. Discipline

The Panel notes the minimum recommended discipline in 301(A)(7). “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.”

²⁵ Over time the ACBL has replaced the words “guilt” and “guilty” in the CDR with “responsible” and “responsibility.”

²⁶ CDR section 301(A)(2) effective August 1, 2021 prohibits “Online Collusive Cheating,” which it defines as follows. “ ‘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.”

We note that this section is violated by its terms when there is an exchange or transmission of unauthorized information. It does not require the Panel to find that the exchange or transmission was pursuant to an agreement, though it may involve a prior agreement to exchange information.

We note that the CDR has also defined “Collusive Cheating” as “An agreement made between two or more people, at least one of whom is a contestant, to exchange or pass information illicitly. . . .” This definition is similar to the conduct prohibited by section 301(A)(3), which involves “an agreement, whether implicit or explicit, made between two or more people.” The ACBL has apparently adopted some inconsistent characterizations of “collusive cheating.”

Once the Panel found responsibility, the Panel took note of the existence of an anonymous player memo and the absence of a prior disciplinary record. According to the CDR, a disciplinary panel can consider evidence in a player memo on the question of appropriate sanctions, though not ordinarily on the question of responsibility.²⁷ The memo in this case provided a link to a table of 1,318 leads by the Zempels and emphasized two of them from events in 2021. The Panel declined to review the details of those two boards, preferring to focus on the boards presented in the Charging Party’s disclosure.

The Panel reviewed the sentencing factors in CDR section 402 that became effective on August 1, 2021. That section lists several factors relevant to discipline, including six mandatory factors that should be “Primary Considerations” in subdivision (A), three discretionary factors that should be “Secondary Considerations” in subdivision (B), and 13 factors deemed irrelevant by subdivision (C).²⁸ Among the irrelevant factors are “(6) Age” and “(7) Physical or mental disability.”

²⁷ CDR section 402(H) states: “Unless an Incident reported on a player memo is included in the Complaint and/or the Charges, neither the player memo nor evidence regarding the Incident noted on the player memo may be considered by the Disciplinary Body in establishing responsibility. In determining the severity of the discipline imposed, a player memo dated within the past ten (10) years may be used. When evaluating the relevance of these player memos, the Disciplinary Body should pay special attention to the completeness of the player memo (for instance, whether the subject was ever notified and given an opportunity to respond), the behavior addressed in the player memo and the age of the player memo.”

²⁸ 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;

(*Cont.*)

The Panel has decided that the appropriate discipline is suspension for 30 months, probation for 24 months following the suspension, and the forfeiture of 10% of each player's masterpoints. While this masterpoint forfeiture is below the recommended minimum, the Panel notes that this is the exact forfeiture requested by the ACBL's Advocate and that, given Charles's propensity for playing with online robots, it is unlikely that many of his masterpoints are the product of exchanging unauthorized information.

The period of suspension is above the minimum guideline. The Panel has determined that this is appropriate because the Zempels have the experience of being long-time club directors and should have been well aware of their ethical obligations whether playing face-to-face or online in the comfort of their home without being watched by a director. Over the substantial period of time reflected in the evidence, namely January 7 through April 10, 2022, the evident misconduct was frequent, not sporadic.

“(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).”

We note that while an ACBL member is suspended or on probation for 24 months or more, that person is not a member in good standing and is therefore unable to serve as a club manager or director. (CDR definition of “member in good standing.”)

Finally, the Panel would like to thank the Parties for a disciplinary hearing that was respectful and not acrimonious. We commend the ACBL Advocate, Ryan Connors, for a presentation that was professional, objective, factual, and courteous.

Appendix A - Full Sessions*

Date	Session	Board	Contract	Result	Score	Link
11-Feb	91643	1	2♥N+2	170	72.83%	https://tinyurl.com/23kmj5kc
		2	4♠N+1	650	65.22%	https://tinyurl.com/5c4rsyaz
		3	3NE-1	100	82.07%	https://tinyurl.com/wdapwrew
		4	3♠N-1	-100	44.57%	https://tinyurl.com/3x9zwsme
		5	2♦S=	90	79.89%	https://tinyurl.com/4mb72j37
		6	1NS+3	180	96.20%	https://tinyurl.com/5n6hyx85
		7	3NW+1	-630	25.00%	https://tinyurl.com/kndf787e
		8	3NN+1	430	50.00%	https://tinyurl.com/yhbajz9h
		9	3♥E=	-140	52.75%	https://tinyurl.com/2u4yeka2
		10	4♣W-1	100	74.46%	https://tinyurl.com/5yx8e68h
		11	PASS	0	38.04%	https://tinyurl.com/672s8erw
		12	2♥S=	110	79.12%	https://tinyurl.com/bdh6jewx
13-Feb	3743	1	1NS+1	-120	97.39%	https://tinyurl.com/yckjimp4f
		2	3NE=	400	70.00%	https://tinyurl.com/5fsfknwy
		3	4♠W+2	680	63.27%	https://tinyurl.com/ytzvbv492
		4	2♠N-2	200	96.52%	https://tinyurl.com/2p88shkx
		5	4♥S+1	-650	23.91%	https://tinyurl.com/yc2hkr9d
		6	5♦xS-3	500	67.41%	https://tinyurl.com/yst4cff4
		7	4♠E-1	-100	37.39%	https://tinyurl.com/yzkpnzww
		8	3NS-1	50	76.52%	https://tinyurl.com/5n6zrjfk
		9	3♥S-2	100	64.29%	https://tinyurl.com/3txef2j
		10	3NS=	-600	56.96%	https://tinyurl.com/46wnyjn7
		11	5♥W-1	-50	54.35%	https://tinyurl.com/3p8p878v
		12	2♦W=	90	52.65%	https://tinyurl.com/4y9efr7i
19-Feb	37843	1	3NS+1	430	53.91%	https://tinyurl.com/2p8vyz8j
		2	4♠N=	620	69.53%	https://tinyurl.com/2s3s2b4z
		3	4♥N+1	450	61.90%	https://tinyurl.com/4evp86jt
		4	2♠E+1	-140	75.00%	https://tinyurl.com/ycksjnek
		5	3NE-2	100	95.31%	https://tinyurl.com/3rtv6pb4
		6	4♠E-1	100	95.08%	https://tinyurl.com/28ry3f6u
		7	3♣S+3	170	87.50%	https://tinyurl.com/2p9ephnr
		8	1NE+1	-120	85.16%	https://tinyurl.com/yckvfnvk
		9	6♠N+1	1010	90.62%	https://tinyurl.com/22speume
		10	4♥W-1	100	53.91%	https://tinyurl.com/3v5vn6p6
		11	4♥E+1	-450	52.34%	https://tinyurl.com/2p94n9jk
		12	3NE=	-400	31.45%	https://tinyurl.com/fetxwy9x
20-Feb	43841	1	3♥S-3	150	76.19%	https://tinyurl.com/2p8m2etv
		2	3NN-1	100	70.95%	https://tinyurl.com/5z734kwz
		3	4♠E+1	650	78.28%	https://tinyurl.com/47hp3rwx
		4	4♠W+1	650	72.86%	https://tinyurl.com/2hnj8frh
		5	5♠S-2	200	89.05%	https://tinyurl.com/4xv3vb3x
		6	3♥W=	140	81.55%	https://tinyurl.com/47s625sb
		7	1♦xS-1	200	95.71%	https://tinyurl.com/r44k2e
		8	4♦N=	-130	88.57%	https://tinyurl.com/5ens42ws
		9	3NE+2	660	26.92%	https://tinyurl.com/4s7n5hrn
		10	3NW+1	630	67.14%	https://tinyurl.com/mrykipdd

*Boards that were discussed in the ACBL Advocate's prehearing disclosure are highlighted.

		11	2♣E+3	150	78.10%	https://tinyurl.com/5n6jywdb
		12	6NS=	-1440	8.59%	https://tinyurl.com/yk5pypme
21-Feb	49882	1	5♠xE=	-650	8.99%	https://tinyurl.com/yck5htk3
		2	4♠N+1	650	70.79%	https://tinyurl.com/25p6793f
		3	3♥E=	-140	54.65%	https://tinyurl.com/3cxs9u2
		4	3NW-4	400	92.70%	https://tinyurl.com/5n7evenc
		5	3NN-1	-100	25.28%	https://tinyurl.com/yh72cra3
		6	1NW-1	100	31.18%	https://tinyurl.com/bdezkyen
		7	4♠E+3	-710	65.17%	https://tinyurl.com/2me7ebze
		8	4♦W=	-130	26.70%	https://tinyurl.com/z68k8jxm
		9	3♦S=	110	80.59%	https://tinyurl.com/23pimjih
		10	3NE+2	-660	44.94%	https://tinyurl.com/2h9z6bhm
		11	4♣N+2	170	75.28%	https://tinyurl.com/2p8shk6c
		12	5♥xN-2	-500	1.72%	https://tinyurl.com/2enihwzc
20-Mar	42	1	2♣S=	90	90	https://tinyurl.com/2p9eb63p
		2	1NE=	-90	-90	https://tinyurl.com/3t8b86j9
		3	6NN=	990	990	https://tinyurl.com/2pavt339
		4	1NS=	90	90	https://tinyurl.com/2p8266d5
		5	3♠W-1	50	50	https://tinyurl.com/23992zmh
		6	3NW-1	100	100	https://tinyurl.com/25w7dhsu
		7	4♣E=	-130	-130	https://tinyurl.com/2p9fudpv
		8	3♦W-1	50	50	https://tinyurl.com/y2vmc273
		9	4♠S+2	480	480	https://tinyurl.com/4zpmtarj
		10	3♣E-1	100	100	https://tinyurl.com/2mvyjwtx
		11	1NW=	-90	-90	https://tinyurl.com/yc84mzre
		12	4♠E=	-420	-420	https://tinyurl.com/4c3evxtt

Appendix B - Compilation of Themed Lists*

Board	Date	Movie	Alleged misconduct type
2	1/7	https://tinyurl.com/3eva37ac	Bids
5	1/7	https://tinyurl.com/4kzsdyw	Leading Unsupported Aces
12	1/7	https://tinyurl.com/2p8b3n8m	Bids
1	1/9	https://tinyurl.com/2wetpix5	Bids
2	1/9	https://tinyurl.com/59hucsvb	Leads and Defense
5	1/9	https://tinyurl.com/2sa3raid	Leads and Defense
10	1/9	https://tinyurl.com/6pe55zxy	Bids
5	1/11	https://tinyurl.com/yckjk4cr	Bids
5	1/11	https://tinyurl.com/yckjk4cr	Underleading honors
6	1/11	https://tinyurl.com/yx9fttpr	Takeout doubles
7	1/11	https://tinyurl.com/5danvdx2	Leads and Defense
9	1/11	https://tinyurl.com/2p8uedap	Bids
11	1/11	https://tinyurl.com/2p85nf3u	Bids
11	1/11	https://tinyurl.com/2p85nf3u	Underleading honors
12	1/11	https://tinyurl.com/ycracmc5	Bids
1	1/15	https://tinyurl.com/598mz3hs	Leads and Defense
4	1/15	https://tinyurl.com/3w672whe	Leads and Defense
4	1/15	https://tinyurl.com/3w672whe	Underleading honors
11	1/15	https://tinyurl.com/2p94b67s	Leads and Defense
9	1/16	https://tinyurl.com/2bp4pjfh	Bids
4	1/20	https://tinyurl.com/mskfyrek	Takeout doubles
4	1/20	https://tinyurl.com/yckf42hf	Bids
7	1/20	https://tinyurl.com/3s3hrvk6	Takeout doubles
8	1/20	https://tinyurl.com/4xufheye	Leading Unsupported Aces
11	1/20	https://tinyurl.com/2twh4n7p	Leads and Defense
12	1/20	https://tinyurl.com/yck6ekyk	Leading Unsupported Aces
12	1/20	https://tinyurl.com/23vahxut	Underleading honors
3	1/22	https://tinyurl.com/4f9mparj	Bids
4	1/22	https://tinyurl.com/3ybc2bay	Bids
5	1/22	https://tinyurl.com/y248j4yn	Leads and Defense
10	1/22	https://tinyurl.com/57trfpyu	Leads and Defense
12	1/22	https://tinyurl.com/uxv5dv5e	Leads and Defense
3	1/23	https://tinyurl.com/bddxkhtr	Bids
4	1/23	https://tinyurl.com/2wx9x4k9	Bids
6	1/23	https://tinyurl.com/2ffahsp5	Takeout doubles
9	1/23	https://tinyurl.com/2p97msny	Takeout doubles
12	1/23	https://tinyurl.com/3jicw8bt	Bids
1	1/25	https://tinyurl.com/2257bjud	Leads and Defense
4	1/25	https://tinyurl.com/5rrwudaz	Underleading honors
5	1/25	https://tinyurl.com/23jppebm	Takeout doubles
10	1/25	https://tinyurl.com/3cw8hw5p	Underleading honors
3	1/27	https://tinyurl.com/2pp5sfjz	Bids
4	1/27	https://tinyurl.com/nrtxuuz2	Takeout doubles
6	1/27	https://tinyurl.com/4smw5dve	Takeout doubles
11	1/27	https://tinyurl.com/3nm9b2yb	Bids
7	1/30	https://tinyurl.com/5n7a2krv	Bids

*Boards are listed and grouped chronologically. The red background indicates a repeated reference to the board. Some dates have different boards with the same number, indicating a second BBO session.

7	1/30	https://tinyurl.com/5n7a2krv	Leading Unsupported Aces
12	1/30	https://tinyurl.com/52h952xf	Bids
5	1/31	https://tinyurl.com/yukxs52x	Underleading honors
4	2/2	https://tinyurl.com/f6hft5fz	Bids
5	2/2	https://tinyurl.com/2p94n2az	Underleading honors
7	2/2	https://tinyurl.com/yfx6tm3u	Leads and Defense
9	2/2	https://tinyurl.com/2kmj9a6w	Takeout doubles
10	2/2	https://tinyurl.com/3wr4cz2e	Underleading honors
7	2/5	https://tinyurl.com/2s3tw2ab	Underleading honors
9	2/5	https://tinyurl.com/4yb5jr52	Underleading honors
3	2/6	https://tinyurl.com/yckuenes	Takeout doubles
4	2/6	https://tinyurl.com/4eh9ayah	Bids
7	2/6	https://tinyurl.com/3hf5mx8c	Leads and Defense
7	2/6	https://tinyurl.com/3hf5mx8c	Underleading honors
8	2/6	https://tinyurl.com/34favwm5	Bids
9	2/6	https://tinyurl.com/mrxh9tns	Leads and Defense
10	2/6	https://tinyurl.com/2bfuedtw	Bids
12	2/6	https://tinyurl.com/3heppyci	Leads and Defense
12	2/6	https://tinyurl.com/3heppyci	Underleading honors
4	2/8	https://tinyurl.com/y86tb8xw	Bids
12	2/8	https://tinyurl.com/4yp96hcv	Leading Unsupported Aces
2	2/11	https://tinyurl.com/37hcur9e	Takeout doubles
5	2/11	https://tinyurl.com/yc3sid59	Takeout doubles
4	2/13	https://tinyurl.com/4yva3syd	Takeout doubles
6	2/13	https://tinyurl.com/yckuer58	Bids
10	2/13	https://tinyurl.com/yuuif3n6	Bids
11	2/13	https://tinyurl.com/492dw99c	Leading Unsupported Aces
12	2/13	https://tinyurl.com/7mkbwuzt	Underleading honors
1	2/14	https://tinyurl.com/2p82te9t	Takeout doubles
7	2/14	https://tinyurl.com/wtmehu9s	Bids
9	2/14	https://tinyurl.com/2vy7f4ts	Bids
10	2/14	https://tinyurl.com/34mc6p2n	Bids
11	2/14	https://tinyurl.com/4cbbufsk	Leads and Defense
12	2/14	https://tinyurl.com/mr2ecf4d	Leads and Defense
5	2/20	https://tinyurl.com/3su23jab	Underleading honors
1	2/22	https://tinyurl.com/2xh7b865	Underleading honors
5	2/22	https://tinyurl.com/mfn4u3bd	Leads and Defense
8	2/22	https://tinyurl.com/hdy4nr3w	Leads and Defense
8	2/22	https://tinyurl.com/hdy4nr3w	Underleading honors
10	2/22	https://tinyurl.com/3f6ebyb4	Leads and Defense
10	2/22	https://tinyurl.com/3f6ebyb4	Underleading honors
12	2/22	https://tinyurl.com/hrpwpnne	Underleading honors
2	2/24	https://tinyurl.com/5n99wp3n	Leading Unsupported Aces
7	2/24	https://tinyurl.com/yxmsa4js	Bids
12	2/24	https://tinyurl.com/4xp2ps6a	Underleading honors
1	2/25	https://tinyurl.com/462dua4j	Underleading honors
1	2/28	https://tinyurl.com/462dua4j	Leads and Defense

2	2/28	https://tinyurl.com/2p9auhkn	Leads and Defense
4	2/28	https://tinyurl.com/379pnhcX	Takeout doubles
6	2/28	https://tinyurl.com/yckvdp4s	Leading Unsupported Aces
8	2/28	https://tinyurl.com/mvtrmtha	Leads and Defense
9	2/28	https://tinyurl.com/yynmmasx	Bids
3	3/2	https://tinyurl.com/2dz524r6	Takeout doubles
5	3/2	https://tinyurl.com/4rc4bt3e	Bids
11	3/2	https://tinyurl.com/2p9f6bws	Takeout doubles
1	3/5	https://tinyurl.com/mr2fz6cs	Bids
11	3/5	https://tinyurl.com/47ssitpp	Leading Unsupported Aces
3	3/7	https://tinyurl.com/2p9d7dwb	Leads and Defense
7	3/7	https://tinyurl.com/ywbb75c4	Leading Unsupported Aces
1	3/8	https://tinyurl.com/5n7je3wu	Underleading honors
4	3/8	https://tinyurl.com/2p8fc8k8	Leading Unsupported Aces
11	3/8	https://tinyurl.com/2p8s83wm	Bids
12	3/8	https://tinyurl.com/yc28wvde	Leading Unsupported Aces
2	3/12	https://tinyurl.com/hnykyz9t	Leading Unsupported Aces
7	3/12	https://tinyurl.com/24nkxiwx	Takeout doubles
9	3/12	https://tinyurl.com/45e5c57k	Underleading honors
12	3/12	https://tinyurl.com/39eukmtk	Leads and Defense
7	3/19	https://tinyurl.com/mwewt6et	Takeout doubles
10	3/19	https://tinyurl.com/d28k9spk	Leads and Defense
10	3/19	https://tinyurl.com/d28k9spk	Underleading honors
11	3/19	https://tinyurl.com/ywzdtb3m	Leading Unsupported Aces
8	3/20	https://tinyurl.com/y2vmc273	Takeout doubles
10	3/20	https://tinyurl.com/2mvjwtx	Underleading honors
12	3/20	https://tinyurl.com/4c3evxtt	Leading Unsupported Aces
4	3/21	https://tinyurl.com/upnef2b7	Takeout doubles
5	3/21	https://tinyurl.com/4u5us364	Underleading honors
8	3/25	https://tinyurl.com/4ub8darw	Takeout doubles
10	3/25	https://tinyurl.com/52a27xat	Takeout doubles
7	3/26	https://tinyurl.com/3tjytac2	Underleading honors
3	3/27	https://tinyurl.com/bdd5eshb	Underleading honors
2	3/30	https://tinyurl.com/fxya3e57	Underleading honors
8	3/30	https://tinyurl.com/59je9f3a	Takeout doubles
9	3/30	https://tinyurl.com/nhz2enc8	Takeout doubles
9	3/30	https://tinyurl.com/2d3y7ctc	Takeout doubles
7	4/2	https://tinyurl.com/5y3ate5z	Underleading honors
7	4/2	https://tinyurl.com/3x3my729	Underleading honors
9	4/3	https://tinyurl.com/5dw6uubh	Underleading honors
2	4/7	https://tinyurl.com/yckbstuf	Underleading honors
6	4/7	https://tinyurl.com/3uy24pz2	Takeout doubles
11	4/7	https://tinyurl.com/47m74ymy	Underleading honors
11	4/8	https://tinyurl.com/24wmtrbc	Underleading honors
3	4/9	https://tinyurl.com/26kvkrpc	Underleading honors
2	4/10	https://tinyurl.com/5dv39yab	Underleading honors