



IS THIS AN AUTOMATIC REVIEW OR APPEAL OR BOTH Automatic Review

CHECK THE APPELLANT (party who filed the appeal)

<input type="checkbox"/>	Disciplined Party	Gene Petrey	ACBL #	L500470	Disciplined Party	N/A	ACBL #	N/A
<input type="checkbox"/>	Charging Party	Joseph Jones	ACBL #	5399696	Location of Hearing	Web-conference using Zoom		
Appellate Body		Appeals and Charges Committee				Date of Hearing	08/19/2020	
Original Disciplinary Body		Ethical Oversight Committee				Date of Hearing	06/19/2020	
Original Complainant		Robb Gordon	ACBL #	K652927	Effective date of the CDR consulted		January 1, 2020	

DISCIPLINE BEING APPEALED OR REVIEWED

Disciplined Party	Discipline	Beginning Date	Ending Date
Gene Petrey	Suspension, 6-months	06/26/2020	12/25/2020
	Probation, 3-years	12/26/2020	12/25/2023

Additional comments or description regarding discipline being appealed or reviewed

The Ethical Oversight Committee's reasoning for imposing discipline outside the recommended guidelines was as follows: "In light of Mr. Petrey's prior disciplinary record--involving nearly identical misconduct--but in consideration of Mr. Petrey's advanced age, the Committee concluded that an appropriate disciplinary sanction is 6 months suspension, plus 3 years probation. The Committee considered a masterpoint deduction, but decided doing so would not be meaningful or impactful for this Charged Party and this offense."

BASIS FOR APPEAL (skip this section if this is an Automatic Review)

<input type="checkbox"/>	Decision not supported by the weight of evidence.
<input type="checkbox"/>	Procedures were inconsistent with CDR which affected the substantial rights of Appellant or undermined the confidence in the integrity or fairness of the disciplinary process.
<input type="checkbox"/>	Discipline inappropriate.
<input type="checkbox"/>	One or more person(s) on the hearing panel had bias (objection to such bias was raised at the hearing).

COMMITTEE MEMBERS WHO REVIEWED THE MATTER OR HEARD THE APPEAL

Name	ACBL #	Name	ACBL #
A.J. Stephani	Q368694	Jeff Overby	O879926
Dennis Carman	O828450	Julie Smith	J494848
Margot Hennings	N242118	Jackie Zayac	P386273
Paul Janicki	K545799		

ALSO PRESENT (include web-conference (WC), in person (P), telephonic (TP), etc. and include their capacity as witness, expert, etc.)

Name	ACBL #	Via	Capacity	Name	ACBL #	Via	Capacity
Linda Dunn	P197314	WC	In-House Counsel				
Robb Gordon	K652927	WC	Charging Party Adv.				

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

On January 29th, 2020, Gene Petrey was observed obtaining a hand record before the end of the session, taking it into the men's room, and then proceeding to his assigned table. This led to a Charge under CDR 3.20 ("Cheating and Other Ethical Violations") by ACBL Management. The Ethics Oversight Committee determined that, although videotape footage gives some indication of culpable intent in regards to Mr. Petrey appearing to wait for the space to clear before taking a hand record, the EOC was not persuaded to a level of comfortable satisfaction that the evidence fulfilled the elements of CDR Appendix B, Item E13 ("Actively seek advance information about a board in play"). However, the evidence was clear that, accepting that obtaining the hand record was accidental, Mr. Petrey acted unethically in failing to inform the director that he had unauthorized information about a board in play (Law 16D1) and then used that information to his advantage, which comfortably satisfies the elements of CDR Appendix B, Item E9 ("Accidentally gain access to information then act on it").

The EOC determined that an appropriate disciplinary sanction was 6 months suspension, plus 3 years probation (commencing at the conclusion of the period of suspension).

The Appeals & Charges Committee accepted the EOC determination that the behavior should be disciplined under the E9 Guidelines rather than the more severe E13 Guidelines. However, in light of Mr. Petrey's prior disciplinary record involving nearly identical misconduct, the Committee felt a stricter discipline was appropriate. The Committee did not give weight to any consideration of Mr. Petrey's age in determining the appropriate discipline. Accordingly, it imposed a 2-year suspension with lifetime probation.

DECISION OF APPELLATE COMMITTEE

<input type="checkbox"/>	Remanded for rehearing	Disciplinary Body expected to rehear.	
<input type="checkbox"/>	Decision of the original hearing committee is upheld.		
<input checked="" type="checkbox"/>	Decision of the original hearing committee is amended as described below:		
	Discipline	Beginning	Ending
<input type="checkbox"/>	Reprimand	N/A	N/A
<input checked="" type="checkbox"/>	Probation	06/26/2022	indefinitely
<input checked="" type="checkbox"/>	Suspension	06/26/2020	06/25/2022
<input type="checkbox"/>	Other	N/A	N/A
Please describe other decision below:			

RESPECTFULLY SUBMITTED (CHAIRMAN)

/s/ A.J. Stephani	Electronic Signature (type name above)	Wet Signature (sign above)	Date: 08/21/2020