



IS THIS AN AUTOMATIC REVIEW OR APPEAL OR BOTH Automatic Review

CHECK THE APPELLANT (party who filed the appeal)

<input type="checkbox"/>	Disciplined Party	Kay Schulle	ACBL #	O063705	Disciplined Party	Gerald Sosler	ACBL #	M161734
<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	09/15/2020	
Original Disciplinary Body		Online Ethical Oversight Committee				Date of Hearing	08/27/2020	
Original Complainant		Robb Gordon	ACBL #	K652927	Effective date of the CDR consulted		August 15, 2020	

DISCIPLINE BEING APPEALED OR REVIEWED

Disciplined Party	Discipline	Beginning Date	Ending Date
Kay Schulle & Gerald Sosler	Suspension	09/08/2020	03/08/2021
Kay Schulle & Gerald Sosler	Probation	03/09/2021	09/09/2021
Kay Schulle & Gerald Sosler	May not play together as partners or teammates during Probation	03/09/2021	09/09/2021
Kay Schulle & Gerald Sosler	Remove Masterpoints earned in BBO games 6747, 7058 and 7505	N/A	N/A
Additional comments or description regarding discipline being appealed or reviewed			
Parties found responsible for 3.20 "Cheating" by failing to disclose partnership agreements with intent to deceive when required to do so.			
The Committee cited E19 as the 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	Jacqueline 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				
Joel Friedberg	N474213	WC	Schulle Advocate				
Allan Falk	L401189	WC	Charging P. Co-Adv				
Robb Gordon	K652927	WC	Charging P. Co-Adv				

ARGUMENTS PRESENTED (summary of arguments presented by the Disciplined Party and Charging Party, including testimony)

Extensive argument was presented by Advocates for both sides.

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

In the matter of Kay Schulle and Gerald Sosler, the Committee conducted an Automatic Review of a discipline imposed by the Online Ethical Oversight Committee for a violation of CDR 3.20 (Cheating and other Ethical Violations). Specifically, the Committee determined that the parties failed to disclose their unusual methods to the opponents in a manner designed to obtain an unfair advantage over their opponents, but not in a manner that constituted "collusive cheating" or collusion by means of signaling as described in E16. The Committee did not find sufficient evidence to find the parties responsible for a charge of CDR 3.1 (Violation of ACBL laws). The OEOC imposed a 6-month Suspension followed by a 6-month Probation, with a prohibition against playing together for the term of their Probation. The OEOC also removed Masterpoints won by the pair in BBO games 6747, 7058, and 7505.

The Committee performed an extensive (not cursory) review of all of the documents contained in the packet and deliberated at length before rendering its decision. The Committee upheld the findings of the OEOC but felt that disciplines imposed were insufficient due to the severity of the parties' conduct. Accordingly, it increased the Suspension to 1 year, followed by a Probation of 1 year, affirming the prohibition against playing together for the term of their Probation and the removal of Masterpoints. They will be Members "Not in Good Standing" during the length of their Probationary period.

The OEOC finding was affirmed by a vote of 6-1-0.

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	09/08/2021	09/07/2022
<input checked="" type="checkbox"/>	Suspension	09/08/2020	09/07/2021
<input type="checkbox"/>	Other	N/A	N/A
Please describe other decision below:			
The Committee affirmed the prohibition against playing together for the term of their Probation and the removal of Masterpoints.			

RESPECTFULLY SUBMITTED (CHAIRMAN)

/s/ AJ Stephani		Date:	9/22/2020
Electronic Signature (type name above)	Wet Signature (sign above)		