

Sandy Richardson and Muhammed Qamar Malik,

ACBL Case No: 2023-ACBL-48

IBA Case No: IBA-23-05

Respondents Information

Richardson: District 21/Unit 522

BBO usernames: Richardson (sandyrich)

Malik: Non-member

BBO username: (majormalik)

ACBL Information

ACBL Charging Party: McKenzie Myers

ACBL Co-Advocates: Jeff Edelstein and Justin Coniglio

Charge Date: October 16, 2023

CDR Version: July 1, 2019

THE INSTITUTE FOR BRIDGE ARBITRATION

American Contract Bridge League, Claimant

vs.

Case No. IBA-23-05

Sandy Richardson and Muhammed Qamar Malik, Respondents

Final Award

I. INTRODUCTION

This Final Award arises out of an arbitration between the American Contract Bridge League (“ACBL”) and two players, Sandy Richardson (ACBL #9424059) and Muhammed Qamar Malik (who is not a member of the ACBL) (“Charged Parties” or “Respondents”).

The Charged Parties did not respond to communications from the IBA Administrator, Arbitration Panel (“Panel”), or as far as the Panel can determine, make any attempt to communicate with the ACBL prior to the initiation of the arbitration proceeding. Despite the uncontested nature of the case, the Arbitration Panel cannot declare what amounts to a default judgment. Accordingly, the ACBL simply was required to present a prima facie case that the Respondents had violated its Code of Disciplinary Regulation (“CDR”).

On November 20, 2023, the ACBL filed a Demand for Arbitration alleging that, “Ms. Richardson and Mr. Malik, while playing in ACBL-sanctioned games on BBO, had, at times, illicitly shared information about their hands and used this information to gain an unfair competitive advantage over their opponents,” a violation of CDR § 301(A)(2): Collusive Cheating, Online. The ACBL-sanctioned games in question were played on Bridge Base Online (“BBO”), the primary online platform for ACBL-sanctioned bridge games.

In its Demand for Arbitration, the ACBL requested that this Panel award discipline of a suspension from all ACBL activities for a period of five years, a probationary period following the suspension for a period of five years during which time Ms. Richardson and Mr. Malik are excluded from playing in any ACBL-sanctioned online games as partners, and a forfeiture of 50% of Ms. Richardson’s ACBL Masterpoints. (Mr. Malik has never been an ACBL member and therefore presumably has no masterpoints).

The Panel was selected through IBA procedures, all parties having an opportunity to object to any of the panel members. No preference was expressed, and IBA-certified arbitrators James Lawniczak, Stephen Samuels, and Mark Friedlander (chair) were selected as the Panel.

The ACBL National Recorder, Jeff Edelstein, served as co-advocate on behalf of the ACBL and Justin Coniglio, ACBL Assistant National Recorder, served as ACBL co-advocate. They presented the case jointly. Despite numerous attempts to contact Ms. Richardson and Mr. Malik by both the ACBL and the IBA, including sending them formal notice of the Demand for Arbitration and of the times and dates of the preliminary and evidentiary hearings by both e-mail and first class U.S. mail, they did not respond to any communication.

II. INITIAL DISCLOSURE

The ACBL submitted a pre-hearing summary of its evidence to the Panel on February 9, 2024. The Summary contained a Player and Case Background for Ms. Richardson, including her ACBL member detail report (“ACBL Member Report”), the explanation that they did not have a convention card posted on BBO, a brief bio of the ACBL Advocates, a review of five full sessions of BBO games played during the period January, 2019 to January, 2020 (containing links to all hands), and images of numerous selected hands during this period (also containing links to all hands) demonstrating the alleged cheating. A brief discussion for each of the hands was also included. The ACBL identified Ms. Richardson through a “Member Number,” which is clearly indicated in the ACBL Member Reports for Ms. Richardson.

III. EVIDENTIARY HEARING

The Panel held an evidentiary hearing on March 21, 2024, via Zoom. All three Panel members were in attendance, as were Mr. Edelstein and Mr. Coniglio. Neither Ms. Richardson nor Mr. Malik attended the hearing.

At the hearing, the ACBL provided a summary of its evidence submitted in its initial disclosure. To support its allegation that Ms. Richardson and Mr. Malik were collusively sharing information about their hands, Mr. Edelstein and Mr. Coniglio presented evidence that persons under the BBO User Names “sandyrich” and “Majormalik” illicitly exchanged or transmitted information during numerous online bridge games.

Because neither Respondent appeared at the hearing nor presented any evidence in defense, no defense was presented. The Panel asked numerous questions of the ACBL representatives to verify to the Panel’s comfortable satisfaction that the Charged Parties had collusively cheated. Under the standards that apply in unopposed hearings, the ACBL need only have presented a prima facie case that a CDR violation had occurred.

IV. PANEL DECISION

During its deliberations, the Panel had no trouble concluding to a comfortable satisfaction that Ms. Richardson and Mr. Malik had indeed illicitly exchanged or transmitted information

regarding their hands during numerous online bridge games. The ACBL's evidence was more than sufficient to establish this fact.

However, the situation is complicated by Mr. Malik not being a member of the ACBL and by information that suggests that the reason that Ms. Richardson did not communicate with the ACBL or the IBA is that she is deceased. One piece of U.S. first class mail sent by the IBA to Ms. Richardson to notify her of the arbitration was returned marked "Deceased." Oddly, a prior piece of U.S. first class mail was returned merely marked "Vacant – Unable to Forward."

Accordingly, this dispute involves some jurisdictional issues. The Panel finds that even if Ms. Richardson is deceased, the IBA nevertheless has jurisdiction over the claim against her because she was an active ACBL member at the time of the alleged cheating and therefore subject to the implied arbitration agreement between the ACBL and its members.

The Panel also considered the arbitrability of a dispute involving non-members of the ACBL and/or persons who had not agreed to dispute resolution through arbitration by means of their membership in the ACBL. The Panel finds that Section 3.5 of the ACBL Bylaws, entitled "Arbitration," provides that the implied arbitration agreement applies to "non-members entering or participating in any ACBL-sponsored competition or otherwise availing themselves of the services of the ACBL." Accordingly, since the alleged cheating occurred in ACBL-sponsored events, the Panel finds that it has jurisdiction over Mr. Malik.

V. DISCIPLINE

During the evidentiary hearing, the ACBL explained that its requested discipline is "at the high end" of the sanctions that it typically imposes for collusive cheating. The Panel recognizes that a governing body has the right to limit the discipline that it seeks to impose on its members for violating the rules. For the sake of consistency in the awards from various arbitration panels over time, and in deference to the ACBL as the relevant governing body of duplicate bridge, the Panel has elected to accept the ACBL's requested discipline and not to imposed harsher sanctions.

However, the Panel's view is that the Respondents' long-term extensive and collusive cheating warrants the imposition of harsher discipline, possibly including permanent expulsion. Having said that, while it is not the proper role of an arbitration panel to offer advice to the prosecuting party with regard to its policies and sanctions for breaking its rules, the Panel does want the ACBL to know that if the ACBL were to decide to seek longer disciplinary periods or harsher discipline for long-term collusive cheating, at least some of the IBA arbitrators are sufficiently upset at the damage that collusive cheating has done to bridge that they would likely be inclined to grant it.

VI. CONCLUSION

The Panel has ample evidence to support a finding that Ms. Richardson and Mr. Malik engaged in illicit behavior that constitutes cheating under ACBL CDR § 301(A)(2) and that an award of

the requested discipline is appropriate. Accordingly, Ms. Richardson and Mr. Malik are hereby suspended from all ACBL activities for a period of five years, will remain under a probationary period forbidding them from playing as partners in any ACBL-sanctioned online games following the suspension for a period of five years, and each of them forfeits 50% of their total ACBL Masterpoints (which forfeiture is presumably moot as to Mr. Malik because he has never been an ACBL member).

/s/ _____ James Lawniczak

Arbitrator

/s/ _____ Stephen Samuels

Arbitrator

/s/ _____ Mark Friedlander

Panel Chair

Dated: March 22, 2024