

Marilia Davies

ACBL Case No: 2023-ACBL-37

IBA Case No: IBA-23-01

Respondent Information

District: 99

Unit: 999

OKBridge username: mozo

ACBL Information

ACBL Charging Party: McKenzie Myers

ACBL Co-Advocates: Jeff Edelstein and Drew Cannell

Charge Date: August 4, 2023

CDR Version: July 15, 2022

THE INSTITUTE FOR BRIDGE ARBITRATION

American Contract Bridge League, Claimant

vs.

Case No. IBA-23-01

Marilia Davies, Respondent

Consent Award

This is a “Consent Award” arising out of an arbitration between the American Contract Bridge League (“ACBL”) and one of its members, Marilia Davies (member # 8327769) (“Respondent”). Pursuant to the arbitration agreement between the ACBL and Respondent, and to both parties’ e-mails to me, both parties have chosen me to be the sole arbitrator for the purpose of rendering this Consent Award.

The ACBL has accused Respondent of self-kibitzing while playing on OKBridge in ACBL sanctioned online games under the username MOZO. This is a violation of the ACBL’s CDR 301(A)(4), effective July 15, 2022, entitled “Misuse of Hand Records or Other Information.”

In a mutually executed “Negotiated Resolution” dated approximately two weeks ago, Respondent has admitted the truth of and apologized for this conduct, stating she admits to violating the regulation by: “taking advantage of unauthorized information from a kibitz several times from the period of end of September ’22 to July ’23. I apologize for my actions and should have known better based on knowledge of this extraordinary game that we love so much.” In this document, Respondent explicitly waived any right to an evidentiary hearing or any other further proceedings, and the parties agreed to the below sanctions.

Accordingly, as Arbitrator, I hereby enter the following award in favor of the ACBL and against Respondent:

1. Respondent is hereby suspended from the ACBL for a period of one year, retroactive to August 5, 2023, and extending through and until August 4, 2024.
2. Respondent is hereby placed on probation with the ACBL for a subsequent period of two years, commencing on August 5, 2024, and extending through and until August 4, 2026. During this period of probation, Respondent is forbidden to play in any ACBL-sanctioned online games.
3. Respondent hereby forfeits 50% of Respondent’s total accumulated ACBL masterpoints current as of the date of this Consent Award.

4. Respondent is ordered to reimburse the ACBL for the \$900.00 cost of initiating this arbitration, which reimbursement has already incurred, so no further payment is due.

The above sanctions reflect the parties' agreement, not the independent judgment of the arbitrator, who expresses no opinion regarding them.

This Consent Award is final and enforceable in accordance with prevailing law.

/s/ Mark Friedlander

Mark Friedlander, sole arbitrator

Dated: October 13, 2023