



**MINUTES OF THE MEETING OF THE EBU LAWS & ETHICS COMMITTEE
HELD AT THE IMPERIAL HOTEL, RUSSELL SQUARE, LONDON WC1
ON WEDNESDAY 16TH MAY 2007**

Present:	Martin Pool	Chairman
	Mike Amos	
	Steve Barnfield	
	Max Bavin	Chief Tournament Director
	Jeremy Dhondy	Vice Chairman
	David Stevenson	
	Sally Bugden	EBU Vice Chairman
	Barry Capal	EBU General Manager
	Grattan Endicott	Vice-President
	John Pain	Secretary
1.	<i>Apologies for Absence</i>	David Burn David Martin
		Gerard Faulkner Vice-President Peter Stocken EBU Chairman

2. *Minutes of Previous Meeting (March 7th 2007)*

2.1 *Accuracy*

There were no corrections.

The minutes of the meeting of March 7th 2007 were approved and signed.

2.2 *Matters arising*

2.2.1 *Disciplinary case – ‘Jackal’*

The secretary reported that the hearing had been held. The Committee closed the case.

2.2.2 *Disciplinary Case – Sarah Teshome and Michael Byrne*

The secretary reported on the hearing held on Wednesday March 8th and received the following report from the Disciplinary Committee.

An EBU Disciplinary Panel recently considered the imposition of sanctions against Michael Byrne, following a complaint from Sarah Teshome. This related to comments made by the operator Mr Byrne during the course of a BBO vugraph commentary. Mr Byrne had been charged by the EBU L and E Committee with making insulting and offensive remarks, judged to be conduct or behaviour falling below the standards required of EBU members.

The Panel took into account Mr Byrne's prompt admission of the charge and written apology to Ms Teshome, also his previously impressive and unblemished record in the service of the game – to which a number of players had drawn attention in writing. It considered that the only sanction imposed should be a formal admonition, such to stand on the record as a warning regarding future conduct. However, the panel also recognised that Mr Byrne's inappropriate words and behaviour had caused Ms Teshome considerable offence and distress. It took the view, therefore, that a published statement on the matter was imperative in order to re-emphasise Ms Teshome's acknowledged standing as a player and person of integrity.

The Committee closed the case.

2.2.3 *Disciplinary Case – 'Vole'*

The Committee considered correspondence from all parties and concluded that no further action was needed at the present time. The papers were put to file.

2.2.4 *Disciplinary Case – 'Walrus'*

Mr Stevenson withdrew for this item.

The Committee considered responses from all parties. The Committee considered that the TD had taken entirely appropriate action and had the Committee's full support.

The papers were put to file.

2.2.5 *Changes to the Model Club Constitution*

The Committee approved the suggested change put forward by Mr Faulkner. Clause 15.2 now reads (the additional words being in italics):

15.2. On investigating such a complaint the Committee shall give the member about whose conduct the complaint has been made an opportunity to be heard *and put forward evidence in their defence (this includes witnesses if appropriate). If a live Hearing takes place the member may be accompanied by a friend or representative who need not be a member of the club. Additionally, the member has the right to have questions put to the complainant and supporting witnesses (if any) by the Committee.*

The Secretary to make the alterations and place a revised copy on the website.

2.2.6 *Naming of speakers in the minutes*

There was discussion about the amount of detail in the minutes attributed to Committee members. Mr Endicott said we should remember for whom the minutes were intended and identification made them more readable. The Committee were reminded that they had the opportunity to make corrections to the minutes before they were published.

2.2.7 *Other matters arising not elsewhere on the agenda*

2.2.7.1

Arising from the two hearings that had been held Mr Pool mentioned that the Board had agreed to make some changes to the disciplinary procedures.

a) A system of Cautions would be introduced. Mr Harris (Honorary Counsel) was producing suitable wording for the bye-laws.

b) The default position in regard to Hearings would be changed so that they would be public rather than private, except in the case of members under the age of 18. Mr Harris had confirmed that it would not be necessary to publish details of forthcoming hearings, but that interested parties would be offered an 'open' process.

c) The current procedures do not afford a defendant, who pleads guilty to an offence, the right to appear at the Hearing. The Board had agreed the bye-laws should be changed.

Mr Amos noted that in the case of a defendant admitting the charge the Chairman of the Union could appoint a single member of the Disciplinary Panel to impose a sanction (Disc Rules 6.4), in which a meeting would not be held.

Mr Barnfield noted that defendants and witnesses may object to open hearings. Would they be able to ask for the hearing to be held in private?

The Secretary asked for guidance about how to respond to enquiries from members who might wish to attend hearings.

Mrs Bugden said that the Board would consider the Committee's questions.

2.2.7.2

Mr Stevenson raised a question under minute 8.1 regarding regular L&E articles in *English Bridge*. He felt that items in a lighter vein might be well received by the membership. Unfortunately some previous items he had prepared appeared to be lost.

Mrs Bugden mentioned the large consultation exercise about to be undertaken – club visits (ongoing), online questionnaire and review of alerting and announcements and that with Mrs Jeronimides about to take over as *English Bridge* editor there may be scope to put things in the magazine. It was agreed that items were better received in 'question and answer' articles and replies to letters rather than 'From the L&E' articles which would find little interest outside a small circle of readers. It was agreed also that more use could be made of the website to share L&E matters.

3 **Technical matters**

3.1 *Delegating decisions after a hearing*

After the conclusion of a hearing the Disciplinary Rules made it clear that the L&E Committee could appeal against the sanction imposed (Disc Rules 10.2). The Committee approved the Chairman's proposal that this right should be delegated to the Chairman, the Vice Chairman or the Prosecutor. Wider soundings could be taken if thought necessary.

Mr Endicott asked a list of successful prosecutions and the sanctions imposed be kept readily available for future cases.

3.2 *Examples of hands to fit the new rule for artificial strong 2 openings*

The Committee considered the types of hand that might be included and discussion centred around what constituted 8 clear-cut tricks. The Committee concluded by 4 – 1 that a hand such as

♠ A K Q J x x x x ♥ x x ♦ x x ♣ x did count as 8 clear-cut tricks.

The Committee agreed unanimously that

♠ A K Q x x x x x ♥ x x ♦ x x ♣ x did not.

The Committee decided the wording would use 'clear-cut' rather than other words such as 'sure'. The Secretary suggested a reordering of the new wording since he had already had a number of enquiries asking why the minimum number of points had been *raised* from 14 to 16. In these cases the enquirer had not bothered to read on to the final condition. This was agreed.

3.3, 3.5, 3.6 *Review of Announcements*

As part of the ongoing review of EBU practices it was agreed to defer any consideration of reviews of announcements until that was complete. It was pointed out that changes might not then be made before August 2008. Mr Amos volunteered to review and collate all changes.

3.4 *Correspondence concerning the sequence 1♣ (1♦) x*

The Committee, by request, re-considered its decision taken at the January meeting to the effect that the above sequence was alertable when it showed precisely four hearts without any other distributional constraints. If this double were classified as take out then it would not be alertable in line with the current rules on the alerting of doubles. It was agreed that as described it was not a take out double and that the previous decision that is an alertable call was confirmed.

3.7 *Request from SBU*

The Committee approved a request from the SBU to use the White Book as the basis for its own equivalent. There would be a suitable acknowledgement.

3.8 *Summoning the TD in a match played privately*

The Committee considered the case of a request for a ruling in a match played privately. This was the third such case where the wording in the Conditions of Contest could be interpreted that a request for a ruling not made at the time of the alleged infraction could not be sought. The Committee reaffirmed its previous standpoint that a player could not be denied a ruling if a matter came to his attention only when teams met to score up. The Conditions of Contest for matches played privately would be tidied up to ensure that such a situation was avoided in the future. Mr Bavin to draft the revised wording.

The Committee confirmed that a player could always ask for a ruling. It was for the TD to decide whether to accede to the request.

3.9 *Player being woken up by an Alert or Announcement*

The Committee considered correspondence where a player intended to open 1♠ but placed 1NT on the table. When partner announced 12 to 14, the player realised his error. The Committee noted there were other situations where, for example, an alert might wake the player up. The Committee confirmed that knowledge of the mechanical error was authorised information; the TD should be summoned who could apply Law 25A.

3.10 *Other correspondence*

The Committee deferred consideration of a letter regarding doubles above 3NT until the consultation exercise had been completed.

4 *Appeal to the National Authority*

None.

5 *Disciplinary matters*

5.1 *Disciplinary case – ‘Yak’*

The Committee noted correspondence regarding a member who had been banned from attending a club as a visitor but found nothing in it to proceed further. The papers were put to file.

5.2 *Disciplinary case – ‘Zebra’*

The Committee considered a complaint from a member regarding the table ethics of an opponent but decided there was insufficient evidence to proceed at the present time. The papers were put to file.

6 *Reports from Tournament Directors*

6.1.1 *07.024*

The Committee considered a hand from the Easter Festival, London where a request for an appeal had been made at the end of an event and where the other side could not be found. The Chief TD had appointed an Appeals Committee who were aware that one side did not know that the appeal was being heard. The Appeals Committee reclassified the TD's classification of a green psyche as amber. This had not resulted in a score change. Correspondence from the player was considered who became aware of the appeal subsequently.

The Committee confirmed the TD's classification that the psyche was green.

6.1.2 *07.008*

The Committee considered a hand from the Harrogate Spring Congress Mixed Pairs and considered changing the psyche category from Green to Red. The Secretary to write to the pair for their comments.

6.1.3 07.011

The Committee considered a hand from the Life and National Masters Pairs. A comment by the TD appeared to contradict the current alerting regulations and the Secretary was asked to write to advise him to follow the regulations and also to remind him that forms should be completed in black pen which aided photocopying.

6.1.4 07.012

The Committee considered a hand from the Life and National Masters where a pair had refused to sign the Report of Hand form. While confirming that the psyche was Green, the Secretary was asked to write to them reminding them of the requirement to follow the TD's instruction.

6.1.5 07.013

The following psyche from the Life and National Pairs was reclassified Green by the Committee.

Dealer South, EW Vulnerable

Scoring: Butler

	North	
	♠ A 7 5 4	
	♥ 6 4 2	
	♦ 8 4	
	♣ K 8 5 4	
West		East
♠ K Q 8 6		♠ J 9 3
♥ A 8		♥ K 5 3
♦ 10 7 5		♦ K J 2
♣ J 10 9 2		♣ A Q 6 3
	South	
	♠ 10 2	
	♥ Q J 10 9 7	
	♦ A Q 9 6 3	
	♣ 7	

Bidding:	West	North	East	South
				pass
	pass	1♣*	pass	1♥
	pass	pass	1NT	2♦
	pass	2♥	end	

Result: 2♥ + 1 by South = +140 Lead ♠K

* Psyche – orange book minimum values 8 HCP, but Convention card says 10+ 4 clubs. May open light in 3rd position.

Comment by Psyche's partner: I am never going to double 1NT with a 2-suited hand.

TD's classification: Amber psyche.

6.1.6 07.015

The Committee considered the following hand from a Crockford's Cup match played privately

Dealer South, Love All

Scoring: IMPs,
KO teams

North

♠ J 10 3
♥ K J 8
♦ K 10 6 5 4
♣ 7 4

West

♠ Q 8
♥ 10 7 5
♦ A 9
♣ Q J 8 6 3 2

East

♠ K 4
♥ 9 6 4 3 2
♦ Q 8 3 2
♣ 10 5

South

♠ A 9 7 6 5 2
♥ A Q
♦ J 7
♣ A K 9

Bidding:	West	North	East	South
	3♣ (A1) double	3♠ end	4♥	1♠ 4♠

Result: 4♠x + 1 by South = +690 Lead ♠Q

A1 – Ghestem as per agreement on convention card. Showing Hearts and Diamonds.

Director's statement of facts W said that he bid 3♣ as a weak jump overcall and realised immediately that 3♣ was Ghestem. W said that on the next round he doubled 4♠ to stop partner progressing. E said that he would have passed over 4♠ whether doubled or not, and believes that S showed agreement with this at the time.

Adjusted Score awarded: 70% of 5♥x by E -5 = +1100; 30% of 4♠ by S +1 = +450.

Details of ruling: W has unauthorised information when doubling to stop his partner from bidding. This is illegal whether he realised his mistake before the alert [or even movement towards an alert] or not. Thus the double is disallowed. An experienced player such as W is should know better than to use unauthorised information in this way, but as is standard practice, no procedural penalty is awarded because there was an adjustment. If there had been no adjustment a standard penalty would have been applied. While 5♥ can go six off, in practice it is expected it would not since the defence is unlikely. In practice the ♦ ruff will score the sixth trick. (Laws 73C, 73F1, 12C3 and 90A)

Appealed by North South

Referee's decision Agree with the TD that the double of 4♠ is disallowed. The TD established as a fact that W said he doubled to stop partner progressing. I think this is a serious breach of the proprieties and taking into account the considerable experience of W is unacceptable and therefore a procedural penalty of twice the standard amount is imposed (6 IMPs). Whilst it is not 'normal' to impose a penalty in addition to a score adjustment the breach is sufficiently gross that a penalty is appropriate. In addition I vary the 12C3 ruling – on the occasions when E is in 5♥x (70% of the time) it will go 5 down 30% of the time and 6 down 70% of the time.

L&E Committee Comment The Committee confirmed that, although rare, procedural penalties could be applied in aggravated circumstances and this seemed to fit such a case. (White Book P187 – Procedural Penalties)

6.1.7 07.017

The Committee considered the following appeal from the Exeter heat of the Portland Pairs

Dealer South, Love All

Scoring: match
point pairs

North

♠ K 8 4
♥ K Q 9 8 4
♦ Q 8 7 5 2
♣ none

West

♠ J 6 2
♥ A
♦ A J 6
♣ K Q 8 6 5 2

East

♠ A 9 5
♥ J 10 7 6 5 3 2
♦ None
♣ J 10 9

South

♠ Q 10 7 3
♥ None
♦ K 10 9 4 3
♣ A 7 4 3

Bidding:	West	North	East	South
	1♣	2NT (A1)	3♣	pass
	5♣	pass	pass	4♠
	pass	pass	Pass	Double

A1 = E asked, S explained 'Both majors'. Convention card – Ghestem
2NT = lowest two'.

Result: 5♣x - 2 by East = +300 Lead ♥K

TD first called: End of play.

N corrected the explanation of 2NT to diamonds and hearts. W said he would not have bid 5♣ with the correct explanation. When the opponents had apparently found a spade fit, he bid 5♣ hoping for spade shortage in partner's hand, and expecting to make.

Adjusted score awarded: 4♠ - 3 by S = -150.

After consultation I decided that some players who bid 5♣ would pass if 2NT = diamonds and hearts, if only to see where NS would end up. So W was damaged by misinformation. N would pass 4♠. (L21B3, 40C, 12C2)

Appeal by: NS

Referees decision: N would not pass 4♠ and the auction would continue, say, 4♠ pass 5♣ pass 5♦ end. 5♦ goes off on various lines. Adjusted score 5♦ - 1 by S = -50

L&E Committee comment: The TD's ruling is probably correct.

6.1.8 07.018

The Committee considered a hand from the Welwyn heat of the Portland Pairs.

A player whose psyche record had recently been scrutinised had again deviated from his announced system. The secretary was asked to write to advise the player to modify his convention card to allow for the hand type in question.

6.1.9 07.020

The Committee considered a hand from the Bristol heat of the National Pairs where a pair had refused to sign the Report of Hand form. While confirming that the psyche was Amber, the Secretary was asked to write to them reminding them of the requirement to follow the TD's instruction.

7 Any other business

There was none.

8 *Date of next meeting*

Wednesday 19th September at 1.15pm. The Dorchester Room, McAlpine's, 40 Bernard Street, London W1.