

**RULING
OF THE DISCIPLINARY COMMISSION
OF THE
EUROPEAN BRIDGE LEAGUE**

Plaintiff: European Bridge League

**Defendants: 1. Mr. Josef Piekarek
2. Mr. Alexander Smirnov**

1. FACTS

The European Bridge League decided to check whether some of the players on the European Championship in Opatija used illicit transfer of information. To that effect, the European Bridge League President, Mr. Yves Aubry appointed the Investigation Committee composed of:

Mr. Eric Laurant, President

Mr. Jan Kamras, Member

Mr. Jean-Paul Meyer, Member

The Investigation Committee investigated the behaviour of several partnerships participating at the European Championship in Opatija, including the partnership of Mr. Josef Piekarek and Mr. Alexander Smirnov. The Investigation Committee reviewed the video tapes of the Mr. Josef Piekarek and Mr. Alexander Smirnov matches. Based on this analysis, the Investigation Committee concluded that during the European Championship in Opatija, the partnership Mr. Josef Piekarek and Mr. Alexander Smirnov used illicit transfer of information in such way that, by placing the bidding cards on the bidding tray they communicated the strength of their hands.

In doing so, the partnership violated the provisions of Law 73 B of the Laws of Duplicate Bridge.

The defendants pleaded guilty in their e-mails = a list of documents and at the request of the Investigation Committee gave further explanation in e-mails on 14th October 2015 and 24th November 2015.

The Investigation Committee further advised the European Bridge League Executive Committee to appoint a Disciplinary Commission in order to commence disciplinary proceedings against partnership Mr. Josef Piekarek and Mr. Alexander Smirnov.

The Disciplinary Commission has been selected by the European Bridge League Executive Committee, in line with the article 33, point 11 of the European Bridge League Statute. The members of the Disciplinary Commission are:

1. Mr. Jurica Carić, President
2. Mr. P.O. Sundelin, Member
3. Mr. Gabor Winkler, Member

2. PROCEDURE BEFORE THE EUROPEAN BRIDGE LEAGUE DISCIPLINARY COMMISSION

The Disciplinary Commission, appointed by the Executive Committee has jurisdiction in this case and acts in accordance with the procedures set out in the Code of Discipline.

The Disciplinary Commission followed the procedure set out in the article 5 of the European Bridge League Code of Discipline for dealing with cases of reprehensible conduct.

Due to the fact that they had pleaded guilty, the Disciplinary Commission did not ask for any further explanation or defence in writing.

The Disciplinary Commission reviewed the video clips of the matches that partnership Mr. Josef Piekarek and Mr. Alexander Smirnov played in Opatija, as well as the admission of guilt and explanation the defendants had submitted.

Taking into consideration all previously mentioned, the Disciplinary Commission considered it unnecessary to hold a hearing, and it is giving its ruling based on the admission the defendants submitted.

3. APPLICABLE RULES

The Disciplinary Commission ruled in this case in accordance with provisions of The Laws of Duplicate Bridge, The European Bridge League Statutes, The European Bridge League Code of Discipline, and Swiss Law.

The official language used in all official documents and written communication was English. E-mails were accepted as a valid means of communication and document transmission.

4. POSITION OF THE PARTIES

The plaintiff, European Bridge League, claims that the defendants, Mr. Josef Piekarek and Alexander Smirnov are guilty of illicit communication during the European Championship in Opatija.

The defendants have pleaded guilty.

5. VIOLATION OF RULES

The Disciplinary Commission examined whether the partnership Mr. Josef Piekarek and Mr. Alexander Smirnov violated the provisions of the Article 73B of the Laws of Duplicate Bridge.

"LAWS OF DUPLICATE BRIDGE

Law 73B – COMMUNICATION

B. Inappropriate Communication between Partners

- 1. Partners shall not communicate by means such as the manner in which calls or plays are made, extraneous remarks or gestures, questions asked or not asked of the opponents or alerts and explanations given or not given to them.*
- 2. The gravest possible offence is for a partnership to exchange information through prearranged methods of communication other than those sanctioned by these Laws."*

According to Article 3 of the European Bridge League Code of Discipline such conduct is deemed reprehensible.

"CODE OF DISCIPLINE

3. REPREHENSIBLE CONDUCT

- 3. illicit actions or behaviour affecting the proper running of a competition or its results of it"*

6. DECISION AND SANCTIONS

The Disciplinary Commission made its ruling unanimously. It finds Mr. Josef Piekarek and Mr. Alexander Smirnov guilty of prearranging the method of inappropriate communication and of practicing it, by indicating the strength of their hands by placement of the bidding cards on bidding tray, thus violating the provisions of the article 73B of the Laws of Duplicate Bridge.

Such conduct is reprehensible according to Article 3 of the European Bridge League's Code of Discipline.

Article 4 of the European Bridge League Code of Discipline and article 32(h) of the European Bridge League Statute make provision for a certain number of sanctions which serve as a guideline in the proclamation of sentence by the Disciplinary Commission.

The Disciplinary Commission determines the sentence for Mr. Josef Piekarek and Mr. Alexander Smirnov as follows:

- they are banned from playing bridge together in any European Bridge League organised championship or competition for life;

- they are banned from playing individually in any European Bridge League organised championship or competition for 4 years;

In determining the sentence, the Disciplinary Commission took into account the following circumstances:

- the fact that the gravest possible offence is for a partnership to exchange information through prearranged methods of communication, according to Law 73 B of The Laws of Duplicate Bridge
- the fact that the partnership Mr. Josef Piekarek and Mr. Alexander Smirnov have pleaded guilty.

7. CONCLUSION

The Disciplinary Commission is convinced that even this, relatively mild sentence, will have a favourable impact on Mr. Josef Piekarek and Mr. Alexander Smirnov and that, after the expiry of the sentence, they will not reoffend.

8. APPEAL NOTICE

All appeals are to be submitted exclusively by way of appeal to the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland which will resolve the dispute definitively. The time limit for filing of the Request for Arbitration (Art. R38 of the CAS Code) or of the Statement of Appeal (Art. R48) by facsimile or courier, is twenty-one days after the receipt of this Report by registered mail.

Budapest, 14th June 2016

Jurica Carić

Gabor Winkler

P.O. Sundelin

