

## **DISCIPLINARY COMMISSION**

**In the Matter of**

**Basketball England (BE)**

**v**

**Michael Omoseyin (MO)**

### **COMMISSION**

The Commission members appointed by Basketball England were:

**Chairman: Gerald Daish**

**Member: Kate Lewis**

**Member: Nik Bedwell**

**Colin Hills** acted as Secretary to the Commission.

A personal hearing took place online via Microsoft Teams on 1<sup>st</sup> November 2023 commencing at 6.30pm. Mr Omoseyin was present.

There was nobody present on behalf of Basketball England (BE).

The following is a record of the salient points which the Commission considered and is not intended to be and should not be taken as a verbatim record of the hearing.

### **CHARGE**

Basketball England charged Mr Omoseyin on 2<sup>nd</sup> October 2023 with a breach of Disciplinary Code 5.2: Inappropriate behaviour, falling below the standard expected.

It was alleged that inappropriate language/behaviour was used that constitutes violent conduct towards a match official; it is alleged that the language/behaviour constitutes threatening behaviour towards a match official. This refers to pushing the match official, and/or the use of abusive and/or offensive language.

### **RESPONSE**

Mr Omoseyin denied the charge and requested that the matter be dealt with by personal hearing.

### **DOCUMENTATION**

- i. Charge letter
- ii. Decision Statement from LBS, undated
- iii. Incident Report by Referees, Michael Gordon & Caroline Charles, dated 20<sup>th</sup> August 2023
- iv. Statement from Finsbury Bulls, undated

- v. Email from BE to Michael Gordon dated 25<sup>th</sup> September 2023
- vi. Email from Michael Gordon to BE dated 25<sup>th</sup> September 2023
- vii. Link to Video of the match: LABAS Team v. Viesulas BC, 20<sup>th</sup> August 2023

## **PRELIMINARY MATTER**

As there was no representative from BE, nor witnesses present in support of the charge, MO was given the opportunity of an adjournment to a later date, in order that the BE's evidence may be tested by questions from both MO and the Commission. MO chose to proceed with this hearing based on the written evidence from BE and verbal evidence from himself and his witnesses.

## **EVIDENCE**

The Commission considered the written evidence from BE and gave it appropriate weight considering that witnesses were not present to be questioned. It was noted that alleged abusive words were not quoted verbatim by the referees.

MO described how he had been watching the match as a spectator and criticising the referees' positioning, switching and running. The incident in question began with the referee, Ms Charles, walking over and placing a tissue on him to "wipe your tears", which shocked him. He described walking over to the desk to give the tissue back. He said that Mr Gordon, the other referee, put his hand on him, which he (MO) pushed away with his arm, resulting in Mr Gordon pushing him with both hands. A number of people rushed to the scene where MO had put his bag down. He bent down to pick up his bag and, as he rose, his hair brushed the chin of Mr Gordon, who was standing very close. He then left the court.

MO's account of the incident was broadly supported by his witnesses, Rayane Bensebaa and Carlos Perez, who remembered MO saying to Mr Gordon "Don't touch me" (or similar) when the pushing took place.

The video clearly showed Ms Charles giving MO the tissue and MO walking over towards the table where Ms Charles was positioned behind Mr Gordon. The pushing could be seen indistinctly, including the two-handed push by Mr Gordon which MO did not react to, and then other people masked any further interaction until MO left with his bag.

## **COMMISSION'S FINDINGS AND ORDERS**

1. The Commission found MO and his witnesses credible and tended to accept their version of events.
2. The Commission found MO's actions to be unwise and not in keeping with the Basketball England Code of Ethics and Conduct, page 9 Game Officials – "Refrain from publicly expressing any criticism of fellow officials", but found no evidence of abusive or threatening words by MO.
3. There was clearly physical contact between MO and Mr Gordon but there was no clear evidence that this was active aggression by MO who appeared calm throughout.

4. The Commission found no evidence to support the allegation of an attempted headbutt by MO on Mr Gordon.
5. The Commission found, on the balance of probability, that the charge was NOT PROVEN.
6. The Commission ordered that BE's suspension of MO be lifted with immediate effect.

#### **RIGHT OF APPEAL**

There is a right of appeal against this decision under Basketball England regulations.

**Chairman**      Gerald Daish

**Date**            01/11/2023