

## **THE BASKETBALL ENGLAND DISCIPLINARY COMMISSION**

*Sitting on behalf of Basketball England to hear the case against;*

### **KESTUTIS TRAKELIS**

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#### **THE WRITTEN REASONS OF THE COMMISSION (“The Panel”)**

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These written reasons contain a summary of the principal evidence before the Panel and do not purport to contain reference to all the points made, however the absence in these reasons of any particular point, piece of evidence or submission, should not imply that the Board did not take such points into consideration when determining the matter. For the avoidance of doubt, the Panel has carefully considered all the evidence and materials furnished to this matter.

#### **INTRODUCTION**

1. Basketball England convened a Panel to consider at first instance the case against Kestutis Trakelis (“KT”), a Coach under the jurisdiction of Basketball England.
2. The Panel Members appointed were as follows:
  - Mark Ives (Independent Chairman)
  - Lauren Halsey
  - Vicky Collins
  
  - Colin Hills (Secretary)
3. KT was charged by letter dated 16<sup>th</sup> October 2023 under Discipline Code 5.3 Not acting in the best interest of the game and/or bringing the game into disrepute.
4. It was alleged he was in breach of suspension order in respect of Case D182. It is alleged KT attended multiples fixtures/sessions, despite being suspended from doing so until 3rd November 2023.

5. He denied the charge and asked to appear before a Disciplinary Commission which was heard on Friday 15<sup>th</sup> December 2023 by video conference.
  
6. The Panel had before them case papers that included statements from:
  - a. Report from Independent Witness [23/10/2023 & BBM vs SSII 08/10/2023]
  - b. Report from the Match Official(s) [BBU vs BH – 30/09/2023]
  - c. Report from the BBU [30/09/2023]
  - d. Report from Independent Witness [30/09/2023]
  - e. Report from the MS [08/10/2023]
  - f. Report from the Match Official(s) [MS vs BH – 08/10/2023]
  - g. Correspondence with KT
  - h. Outcome Letter of Case D182 and written Reasons
  
7. The Panel also had correspondence from KT – Participant Charged, denying the charge, and outlining his defence.
  
8. KT was also given the opportunity to make oral submissions before the Commission.
  
9. Having considered all submissions, the Commission found the case proven and offered the opportunity for KT to make submissions in mitigation.
  
10. Outlined below are the reasons for reaching the decision.

### **Reasons**

11. In summary the submissions made by KT can be categorised as follows:
  - a. KT submitted that he was unaware that he was suspended from attending matches as it was not included within the results letter.
  - b. He also submitted he had to attend matches as there was no one else to drive the minibus to matches.
  - c. He also submitted that he was the person responsible for arranging details of matches and paying officials.
  - d. His written submission also included he disagreed with the sanction and decision of the Appeal Board.
  - e. The Commission listened intensely to the submissions and with ease reached the conclusion that KT simply disregarded the previous sanction.
  - f. Whilst it was recognised that spectating was not specifically included in the decision letter, it was included in the written reasons and subsequently in correspondence with Basketball England.

- g. KT breached the order even after this was pointed out to him in correspondence so his submission that he was unaware was not accepted.
- h. KT confirmed in questioning that he disregarded the correspondence from Sam Anderson, BE representative, as he disagreed with his interpretation of the decision. The written reasons of the Appeal Board clarified their decision.
- i. KT also submitted that he was only in attendance because he had to take his child to the game and had to fulfil his parenting responsibility. This was not accepted.
- j. The Commission quickly and with significant ease found that KT was in breach of the original decision in that he had both attended as a spectator and fulfilled administrative responsibilities, for which he was suspended.
- k. The Commission accepted the issue of spectating was not included in the original decision letter and it was only after the first match listed that he was notified by BE in writing. However, he then committed further offences once it had been clarified.

**12.** Having considered the above the Panel were unanimous in their view that this was a deliberate breach of the original decision and a disregard of the original Appeal Board decision.

**13.** Therefore, taking the above into consideration, and considered mitigation and aggravating factors, the Commission ordered as follows:

- a. KT be suspended from spectating to run concurrently with previous suspension, therefore suspended in line with previous sanctions including any administrative role and spectating activity at any match until 1<sup>st</sup> February 2024.
- b. For the avoidance of doubt, it was also confirmed that effective from 1<sup>st</sup> February the serving sanction of the Appeal Board of the previous case remains in force.

**14.** The Commission considered costs and decided that no costs would be awarded.

**15.** There is a right of appeal against the decision.

Mark Ives

**Chairman**

30<sup>th</sup> December 2023