

Written Record under paragraph 8.16 of the EBU Disciplinary Rules of the findings and decision of the Disciplinary Committee following a hearing held on 27th September 2021 via Zoom



The Disciplinary Committee considered the following charge against Nicole Barclay (EBU number 404903) of 62 Lynmouth Avenue CHELMSFORD CM2 0TR

Refusal to implement appropriate and reasonable instructions given by persons whom the EBU has officially appointed to represent it for the organisation of events or the conducting of its affairs. Such refusal occurring on or after 18 July 2020

The Laws and Ethics Committee referred the matters to the Disciplinary Committee to consider whether this was conduct or behaviour falling below the standards required of EBU members, and therefore misconduct amounting to an offence under paragraph 3.2 (v) of the Disciplinary Rules.

The Disciplinary Committee considered:

That the defendant Nicole Barclay used her EBU TD login to run games on the Bridgebase Online (“BBO”) platform that were ostensibly free to play in, but that:

- a. the defendant received separate remuneration from the clubs concerned for running these games on their behalf; and
- b. entry fees were charged to the players “offline” (i.e. not via payment to BBO in BBO\$).

The defendant continued to do this after it had been made clear that this was contrary to BBO regulations which require a payment to BBO for any game for which the game organizer is remunerated and/or for which “offline” entry fees are charged. It was also contrary to the instructions issued to EBU TDs concerning the use of EBU TD logins on BBO. As a consequence, BBO has invoiced the EBU for a sum in excess of £1,000 for various games run by you, for unaffiliated clubs and for affiliated clubs trying to circumvent payment to BBO. The EBU has required the defendant to reimburse this sum, but she has refused to do so. The defendant has also run some online games for clubs which are not affiliated to the EBU, without adhering to the requirement that a sum equivalent to UMS fees was accounted

This was a complex charge involving serious insubordination and misconduct alongside denying funds owed to the EBU. The Disciplinary Committee was satisfied that the Prosecution had proved the insubordination and misconduct components of the charge through the submission of correspondence between the defendant and the Chief Tournament Director and a written schedule of clubs that had had games organised by the defendant after 18th July 2020 until her suspension from the TD Panel on 16th September. However the Disciplinary Committee dismissed the financial aspects of the charge as there was insufficient evidence and, as this involved an element of dishonesty, was not proved to a level of comfortable satisfaction.

The Disciplinary Committee found Nicole Barclay to be guilty of the charge:

Refusal to implement appropriate and reasonable instructions given by persons whom the EBU has officially appointed to represent it for the organisation of events or the conducting of its affairs. Such refusal occurring on or after 18 July 2020

The Disciplinary Committee considered the following as aggravating factors:

- There was no engagement with the disciplinary process after the charge letter was issued
- The defendant is a person of authority and influence

The Disciplinary Committee imposed the following sanction:

4 months suspension from membership plus 2 months for aggravating factors making a total of 6 months suspension from membership.

Failing notification of an appeal against the decision of the Disciplinary Committee, a notice will be published in the next available edition of English Bridge magazine and on the EBU website, summarizing the decision, and notification will be sent to counties and clubs of which Nicole Barclay is a member, or at which she has regularly played, and to any other organization as required by the Disciplinary Rules.

Approved by the Disciplinary Committee

27th September 2021