

THE DISCIPLINARY COMMISSION

In the matter of

Basketball England

v.

Steve Mroso

[CASE NUMBER D301]

THE DECISION AND WRITTEN REASONS OF THE COMMISSION

Disclaimer:

These written reasons contain a summary of the principal evidence before the Commission 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 Commission did not take such a point, piece of evidence or submission, into consideration when determining the matter. For the avoidance of doubt, this Disciplinary Commission has carefully considered all the evidence and materials furnished with regard to this matter.

I. INTRODUCTION

1. The Basketball England (the “**BE**”) convened a Disciplinary Commission (the “**Commission**”) on 12 June 2024 to adjudicate upon disciplinary charges levied against Mr Steve Mroso (“**Mr Mroso**”) (Case number: D301).
2. The Disciplinary Commission was constituted of a single member, Mr André Duarte Costa, an Independent appointed Chair.

II. THE CHARGES

3. In summary, by Misconduct Charge Notification dated 23 April 2024 (the “**Charge Notification**”) issued by Basketball England against Mr Mroso, he was charged with one charge relating to alleged misconduct in a match between City of Birmingham Rockets U18 Boys and Ballers Heaven U18 on 23 March 2024.
4. It was alleged that Mr Mroso did not act in the best interest of the game and/or brought the game into disrepute (“the “**Charge**”).
5. The Charge Notification referred to the allegation that Mr Mroso “*entered the upstairs viewing gallery and acted in a manner which is deemed to be Disciplinary Code 5.3 in respect of Violent Conduct*”. It was also alleged that Mr Mroso “*picked up a chair and/or bin and struck/attempted to strike a spectator with either/both items*” and “*had to be restrained from committing any further acts of Violent Conduct.*”. Finally, it was alleged that Mr Mroso « *used abusive language, which included, but is not limited to; “I’m not continuing this game unless he gets out of here Iv had this shit for 5 years now” and/or “what are you going to f-ing do about it you prick” and/or “hopes he has another stroke” and/or “deserved to be in that state”.*» (the “**Alleged Behaviour**”).
6. The Charge Notification also referred to the Standard Sanctions and Guidelines.
7. Mr Mroso was required to submit a response by 7 May 2024. On 7 May 2024, Mr Mroso, by means of an email, confirmed that he wished to plead not guilty and requested his case to be dealt with by correspondence.

III. THE RULES

8. The Discipline Rules are foreseen in Section 5 of the Disciplinary Code¹.
9. Bearing in mind the charges levied against Mr Mroso the relevant rule to take into account for the purpose of the present case is Rule 5.3.
10. According to Rule E5.3: *A Participant is required at all times to act in the best interests of the game of Basketball and shall not act, at the sole determination of The Association, in any way that brings the game of Basketball into disrepute. For the avoidance of doubt the above (5.2 and 5.3) includes, but is not limited to, all forms of media and social media.*

IV. WRITTEN EVIDENCE

11. The following is a summary of the principal evidence provided to the Commission. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or evidence, should not imply that the Commission did not take such point, or evidence, into consideration when the members determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case.
12. The evidence which the BE relied upon in support of the charge consisted of:
 - a) Email from Mr Kirk Dawes (“**Mr Dawes**”), Chair of the Board of City of Birmingham Basketball Club, dated 8 April 2024 at 09:06²;
 - b) Email from Mr Dawes, Chair of the Board of City of Birmingham Basketball Club, dated 27 March 2024 at 12:24³;
 - c) Email from Mr Dawes, Chair of the Board of City of Birmingham Basketball Club, dated 26 March 2024 at 22:18⁴;
 - d) Email from “Nicki”, linked to Ballers Heaven, dated 23 March 2024 at 15:44⁵;

¹Available at: <https://www.basketballengland.co.uk/integrity/policies/discipline-expected-behaviours/disciplinary-code/>.

² P. 6 of the case bundle.

³ PP. 6-9 of the case bundle.

⁴ PP. 9-12 of the case bundle.

⁵ P. 14 of the case bundle.

- e) Email from Ms Caroline Dickson (“**Ms Dickson**”), the Crew Chief, dated 23 March 2024 at 18:12⁶;
- f) Email from Mr Lee Francis, a Spectator, dated 26 March 2024 09:02⁷;
- g) Email from Mr Mroso, the Participant charged and a Match Official, dated 23 March 2024 at 17:26⁸; and
- h) Email from Mr Mroso, the Participant charged and a Match Official, dated 25 March 2024 at 11:22⁹;

13. The evidence submitted in defence of the Charge consisted:

- a) Email from Mr Mroso, the Participant charged and a Match Official, dated 28 May 2024 at 23:47¹⁰; and
- b) Mr Mroso’s character reference by Ms Dickson, the Crew Chief, dated 27 May 2024 at 16:02¹¹
- c) Mr Mroso’s character reference by Mr Luke Freer dated 27 May 2024 at 19:04¹²; and
- d) Mr Mroso’s character reference by Mr David Bradshaw, Secretary and Head Coach for Redditch Basketball Club, dated 27 May 2024 at 16:02¹³.

V. THE STANDARD OF PROOF

14. In accordance with Rule 7.6 of the Disciplinary Code: *The applicable standard of proof will be the civil standard of the balance of probability unless stated elsewhere in the applicable regulations.*

15. Therefore, the applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, the Commission would be satisfied that

⁶ PP. 17-18 of the case bundle.

⁷ PP. 19-22 of the case bundle.

⁸ P. 24 of the case bundle.

⁹ PP.. 28-29 of the case bundle.

¹⁰ PP. 36-49 of the case bundle.

¹¹ P. 47 of the case bundle.

¹² P. 48 of the case bundle.

¹³

an event occurred if it considered that, on the evidence, it was more likely than not to have happened.

VI. FINDINGS & DECISION

A. GENERAL CONSIDERATIONS

- VII.** The Commission reminded itself that the burden of proving a charge falls upon the BE.
- VIII.** In a Commission such as this, the assessment of the evidence is entirely a matter for the Chair sitting alone to consider. I have to assess the credibility of the witness (that is whether a witness is attempting to tell the truth) and the reliability of the witness (that is whether, even though a witness may be attempting to tell the truth, their evidence might not be relied upon).
- IX.** Where there are discrepancies between witnesses, it is for me to decide which witnesses to accept and which to reject. Even where there are discrepancies between witnesses or within a witness's own evidence, it is for me to assess if the discrepancy is important. Having considered which evidence I accept and reject, I then have to decide if, on the balance of probabilities, the alleged breach of the BE Disciplinary Code is established.
- X.** In assessing liability, the Commission was mindful of the issues to be determined in the present case. The issues were whether the Commission was satisfied to the requisite standard that the evidence before it proved that the Alleged Behaviour constituted violent conduct.

B. FINDINGS

20. In the present case the allegation was that Mr Mroso, the Participant Charged and Match Official, did not act in the best interest of the game and/or brought the game into disrepute.
21. According to the evidence provided to the Commission the allegation was that Mr Mroso adopted the Alleged Behaviour.

22. The Commission noted that Mr Mroso admitted to the allegations, or at least the majority of them. The Commission was therefore satisfied that there was a confrontation between Mr Mroso and the spectator, Mr Nigel Hanson (“**Mr Hanson**”), during which chairs were thrown. Furthermore, the Commission found sufficient evidence of the comments made by Mr Mroso during the incident, some of which included expletives. Given Mr Mroso’s state of mind at the time, the Commission determined that it was more likely than not that these comments were made.
23. Nevertheless, the Commission considered that this incident encompassed more than just Mr Mroso’s behaviour. It was noted that the events leading up to the incident were even more serious. According to the evidence, this case involved Mr Mroso being targeted by Mr Hanson. Over the years, the relationship between Mr Hanson and Mr Mroso had deteriorated due to matters outside the Commission’s concern. However, it was troubling that Mr Hanson had persistently targeted and harmed Mr Mroso both mentally and physically throughout the years.
24. The incident in question was another in a series of serious and disappointing events. The Commission was convinced that Mr Mroso was mentally exhausted due to Mr Hanson’s persistent abuse, which ultimately led to Mr Mroso’s Alleged Behaviour. The Commission believed that Mr Mroso found no other way to cope with the ongoing abuse, even if alternatives were available.
25. The evidence indicated that Mr Mroso had requested Mr Paul Douglas (“**Mr Douglas**”) to escort Mr Hanson out of the premises, otherwise the game would not resume. Mr Douglas ignored this request and allowed Mr Hanson to remain in a meeting room upstairs, where he continued to direct abuse at Mr Mroso whilst in the presence of Mr Douglas. Mr Douglas neither acted upon nor prevented Mr Hanson from continuing his abusive behaviour. The Commission found it deeply disappointing that even after racially insulting and abusing Mr Mroso, Mr Hanson was not removed from the premises.
26. The Commission concluded that both Mr Douglas and the home team failed Mr Mroso. They did not protect him from Mr Hanson’s continued abuse, especially given their awareness of the history between the two individuals.

27. In conclusion, the Commission determined that if Mr Douglas had removed Mr Hanson, the incident would not have occurred. Although Mr Mroso's behaviour was unacceptable, it was a reaction from a person who had reached their limit of enduring abuse and had completely lost control of his emotions.
28. As a result of the aforementioned, the Commission found, on the balance of probabilities, the Charge proven.

VII. SANCTION

29. The Commission was informed that Mr Mroso had a previously unblemished disciplinary record.
30. With respect to aggravating factors, the Commission considered the fact that the incident took place before minors.
31. In relation to mitigating factors, the Commission considered Mr Mroso's disciplinary record, the fact he was provoked and the continued abuse he endured leading to him losing control of his emotions. Had the adequate measure been in place to prevent Mr Hanson from such discriminatory and abusive behaviour, this incident would not have happened.
32. Having considered all the circumstances in the case, the sanction guidelines and the aggravating and mitigating factors present, the Commission imposed the following sanction:
- a) A 6-month suspension from officiating of which two months are to be served immediately and four months to be suspended. In the event the Participant commits another misconduct offence he should serve the remaining four months in addition to any other sanction that can arise in relation to the later misconduct offence and
 - b) A £100 fine of which £40 are to be paid immediately and £60 to be suspended. In the event the Participant commits another misconduct offence he should pay the remaining £60 fine in addition to any other fine that can arise in relation to the later misconduct offence.

VIII. RIGHT TO APPEAL

33. This decision is subject to the right of appeal under the relevant appeals procedure provided for in the Disciplinary Code.

André Duarte Costa

8 July 2024