

APPEAL BY AGRO CHEMICAL FC ON THE THREE POINTS AWARDED TO SHABANA FC

Basic Data

Match: Agro Chemical FC vs Shabana FC
Date of match: March 23, 2014
Score: 1-0
Ruling by: FKF Leagues and Competitions Committee (FKF/LCC)
Alleged offense: Lack of Master Card
Date of ruling: October 8, 2014
Date informed: October 9, 2014
Date of appeal: October 10, 2014

Attachments

1. The initial appeal letter submitted to FKF by Agro Chemical on October 10, 2014
2. The second appeal letter submitted to FKF by Agro Chemical later on October 10, 2014
3. A copy of the Master Card signed twice by the referee at the match on March 23, 2014

Relevant Notes

Conflicting claims were made by two senior FKF officials on the three points awarded to Shabana at the expense of Agro Chemical. In a news report on October 10th, the FKF/LCC Chair claimed Agro Chemical failed to produce the Master Card at their 2nd leg match on August 10th. However, the report issued by the FKF Secretary General on October 10th claimed the alleged offense occurred at their 1st leg match on March 23rd. The FKF/LCC Chair also claimed the case was decided by her committee on October 8th yet the initial record of that meeting issued on October 10th did *not* include a ruling on *either* of the above two matches. Later on October 10th, the FKF Secretary General issued a second “revised” report on the FKF/LCC meeting which then included a FKF/LCC ruling on the match on March 23rd. Moreover, Agro Chemical later produced their Master Card with entries made and signed by the referees in *both* of the above matches.

Key Questions

1. Who submitted the case to the FKF/LCC? When was it submitted?
2. Why was the case/ruling not included in the initial FKF/LCC record sent on October 10th?
3. Was the ruling made during or after the FKF/LCC meeting?
4. If the latter, then who made the ruling?
5. Did the person(s) have the Master Card before making the ruling?
6. If not, then what other evidence was used to make the ruling?
7. Did the MatchCom or Referee’s report state the Master Card wasn’t presented?
8. If yes, then why does the signature of the referee appear twice on the Master Card?
9. Why was the case not time-barred under the FKF 3-month rule for filing cases?



P. O. BOX 18-40107, TEL: (020)2334180/1/2 FAX: (020)2334046,
MUHORONI

Email: agrofc@acfc.co.ke

October 10, 2014

The Secretary General
Football Kenya Federation
P.O. Box 12705- 00400
Nairobi

**RE: LEAGUES AND COMPETITIONS COMMITTEE RECORD OF DECISIONS- NON
PRODUCTION OF MASTER CARD AGRO CHEMICAL FC Vs SHABANA FC ON 23RD
MARCH 2014.**

Thank you very much for your letter dated October 9, 2014 on the above mentioned and the minutes of the Leagues and Competition Committee meeting held on October 8, 2014 at the FKF Board room at Nyayo stadium Nairobi..

We have noted that during the meeting, the committee under Minute 1/2/08/08/2014-FKK PROTEST Sub heading FKF National Super League Zone B Item 10 match Number 008 between Agro Chemical FC and Shabana FC the committee ruled to award the said match to Shabana FC under the verdict " The match awarded to Shabana FC due to lack of Mater Card".

We would like to appeal the decision to award the match to Shabana FC on the basis of the following grounds:

1. Our club has a right to file an appeal against the decision of the committee under clause 63(5) of the FKF statues.

2. This decision was received from the Federation through email on the October 10, 2014 at 11.59 am, hence has been filed within the stipulated 48 hours of the decision being communicated to our club as required by FKF statutes.
3. We confirm that our club played the above match against Shabana FC at our grounds at Furaha Stadium which is our designated home stadium.
4. We confirm that during the match, there was no formal protest signed by Shabana FC, Agro chemical FC or the match officials regarding the lack of Master card contrary to FKF national Super League records of yellow/red cards document Section "Protests" line 1.
5. We confirm that the master card was handed over to the Center Referee and Match Commissar during the said match.
6. We do not agree with the decision of the committee that our club did not produce the Mater Card during the match and request that the committee give us evidence to the contrary.

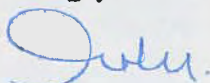
Enclosed please the following documents in support of our appeal:-

- a) Banking slip for Kshs. Twenty Five Thousand (Ksh. 25,000.00) paid into the Federation Account Number 0102016649501 on October 10, 2014 being the appeal fee as stipulated in the FKF national Super League records of yellow/red cards document Section "Appeals".
- b) A copy of the FKF national Super League records of yellow/red cards document which guides the management and administration of the FKF National Super League.

We shall provide further documentary evidence when our appeal will be heard and further request that you forward to our club a copy of the match report and the referee report to enable us prepare our defense during the appeal hearing.

We request that the appeal be heard urgently since the League is about to end and the decision will have an impact on the final standings of the League and we be invited to table our evidence and be given the right to be heard as enshrined in our constitution.

Thanking you and assuring you of our cooperation on this matter



GODFREY OYOLA

CC- Chairman Appeals Committee



P. O. BOX 18-40107, TEL: (020)2334180/1/2 FAX: (020)2334046,
MUHORONI

Email: agrofc@acfc.co.ke

October 10, 2014

The Secretary General

Football Kenya Federation

P.O. Box 12705- 00400

Nairobi

**RE: LEAGUES AND COMPETITIONS COMMITTEE RECORD OF DECISIONS- NON
PRODUCTION OF MASTER CARD AGRO CHEMICAL FC Vs SHABANA FC ON 23RD
MARCH 2014.**

Further to our appeal letter dated October 10,2014, it was noted that the Leagues and Competition Committee meeting held on October 8, 2014 awarded the above match to Shabana FC on the basis that our team did not have the Master Card.

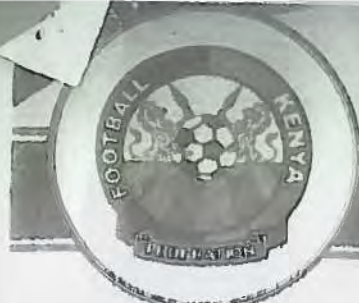
This decision was made by the committee without verification of documents and facts. During the said match, the Center referee cautioned two of our players and entered the bookings in the Master Card (Copy of Mater Card is enclosed). If we did not have a Master Card how were the bookings entered on the document?

We request that you reinstate our points and call for the referee to be investigated for giving false report that was used by the committee to make this erroneous decision.

Your urgent response on this matter will be appreciated.

GODFREY OYOLA

CC- Chairman Appeals Committee



FOOTBALL KENYA FEDERATIONS

Affiliated to CECAFA-CAF-FIFA

P.O. Box 12705-00400, Nairobi.
Email: info@footballkenya.org Website: footballkenya.org

Tel: +254 20 6008577 / +254 20 6008544
Fax: +254 20 6008550

FKF NATIONAL SUPER LEAGUE RECORDS OF YELLOW/RED CARDS

CLUB NAME **AGRO CHEMICAL**

FKF NATIONAL SUPER LEAGUE 2014

The Club must give this form to the match commissioner or referee at the pre-match meeting.
The Referees must complete and return it to the club immediately after the match.

Note that the SECOND YELLOW card in a match is a RED CARD

No.	Day	Month	Opponent	Name of Offender	Card	Name of Referee	Referee Signature
1.	23 rd	March	SHABANA F.C	OCHIENG WELLINGTON	YELLOW	NYABERA LIBESE	[Signature]
2.	23 rd	March	SHABANA F.C	ONGARO STEPHEN	YELLOW	NYABERA LIBESE	[Signature]
3.	27	March	Finlays F.C	JOHN KIMANI	RED	AMINI ASIMU	[Signature]
4.	27	MARCH	ALBERTA	OCHIENG WELLINGTON	YELLOW	SIGAMBO	[Signature]
5.	19	APRIL	NZOLA	OCHIENG WELLINGTON	YELLOW	JAMES	[Signature]
6.	19	APRIL	NZOLA	OWNOR HENRY	YELLOW	JAMES	[Signature]
7.	19	APRIL	NZOLA	RAILA REUBEN	RED	JAMES	[Signature]
8.	04	MAY	K. HOME BOYS	OKETCH OSCAR	YELLOW		[Signature]
9.	04	MAY	K. HOME BOYS	OWNOR HENRY	YELLOW		[Signature]
10.	04	MAY	K. HOME BOYS	OCHIENG WELLINGTON	YELLOW		[Signature]
11.	24	MAY	HOTSPRING	OGADA JAMES	YELLOW	KATI MODE	[Signature]
12.	24	MAY	AGRO-CHEM	OCHIENG WELLINGTON	YELLOW		[Signature]
13.	24	MAY	HOTSPRING	OBERA EDWIN	YELLOW		[Signature]
14.	08 th	JUNE 2014	G.F 105	OKETCH OSCAR	YELLOW	Josiah	[Signature]
15.	10	AUG. 2014	SHABANA	OWNOR HENRY	YELLOW	NYABERA LIBESE	[Signature]
16.	16 th	AUGUST 2014	Finlays	Masika Bitonga	Yellow		[Signature]
17.	16 th	AUGUST	Finlays	Oscar Okoth	YELLOW		[Signature]
18.	23 rd	AUG.	BUSIA UNITED	SIMONY DAVID	YELLOW	PAUL KARUMUKI	[Signature]
19.	06	SEP	West Sahara	OKETCH OSCAR	YELLOW	DAVID MURUGA	[Signature]
20.	06	SEP	West Sahara	JACOBS FAHA	YELLOW	DAVID MURUGA	[Signature]
21.	04	OCT	2000	F JACOBS	YELLOW	ANDREW JUMA	[Signature]
22.	08	OCT.	Home Boys	OGADA JAMES	YELLOW	MOYATI L.	[Signature]
23.	08	OCT.	KIBET Homeboys	KIBET KENYASOY	RED	MOYATI L.	[Signature]

PROTEST BY ST. JOSEPH FC ON THE FIELDING OF SUSPENDED PLAYERS BY SHABANA FC ON OCTOBER 29, 2014

Basic Data

Match: St. Joseph FC vs Shabana FC
Date of match: October 29, 2014
Score: 0-2
Ruling by: FKF Secretary General
Alleged offense: Fielding of suspended players by Shabana FC
Date of ruling: None
Date informed: None
Date of appeal: None

Attachments

1. The protest submitted by St. Joseph on October 29, 2014

Relevant Notes

On September 27th, Shabana players attacked the referee and abandoned a match with Zoo Kericho in the 74th minute when Zoo were leading by 2-0. On October 8th, the FKF/LCC suspended two Shabana players from the league for the rest of the season for attacking the referee. On October 29th, Shabana reportedly fielded the suspended players in their away match against St. Joseph and won by 2-0. Moreover, Shabana also reportedly fielded the suspended players in their away match with Nzoia United on October 12th and won by 2-1 as well as in their season-ending home match against Finlays on November 9th and won by 2-0. On November 5th, even the FKF/LCC Chair publicly blamed the FKF Secretary General “for sparing the rod on Shabana”.

Key Questions

1. Why did the FKF Secretary General fail to specifically inform Shabana on the suspensions?
2. As the FKF/LCC records were sent to all NSL teams, can Shabana really claim they didn't know?
3. As the suspensions were also cited in news reports, can Shabana really claim they didn't know?
4. Why was Shabana allowed to field suspended players in their final three matches with impunity?
5. Why did FKF ignore the St Joseph protest on the fielding of suspended players on October 29th?
6. Why did FKF still continue to ignore this issue and case over the next two months?

19

WEDNESDAY

February

2014

Wk 08 (050 - 315)

JANUARY 2014

M	T	W	T	F	S	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

SI JOSEPH YONET FC

P.O BOX 16101

NAKURU

29/10/2014

Match Comm:

NAME: B. NJIROGE

SIGN: 

DATE: 29/10/14

To THE SECRETARY

F. K.F NATIONAL OFFICE

P.O BOX

NAIROBI

Dear sir:

REF: FIELDING OF INELIGIBLE PLAYERS:

i) SULEIMAN MWASIRI (KN06007)

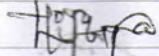
ii) KEVIN MUMMANI (KN06020)

The above mentioned players were banned with F.K.F National office (NCC) from playing football the rest of the season after shabana FC ZOO FC VS SHABANA FC match where by the two players fought centre referee. Shabana FC went ahead and fielded them when they were playing SI JOSEPH FC IN NAKURU.

Appointments

I kindly request ^{Notes} your office to look into these matters and take action as per the FKF laws against shabana FC.

Yours in sports



LAZARUS O'YOGO

Team Manager

29/10/2014

SHABANA FC

SIGN:

NAME:

Position:

DATE - 29/10/2014

APPEAL BY ZOO KERICHO FC AGAINST THE THREE POINTS AWARDED TO AGRO CHEMICAL FC

Basic Data

Match: Agro Chemical FC vs Zoo Kericho FC
Date of match: May 10, 2014
Score: 0-2
Ruling by: FKF Secretary General
Alleged offense: Fielding of ineligible player
Date of ruling: November 3, 2014
Date informed: November 3, 2014
Date of appeal: November 4, 2014

Attachments

1. The appeal letter submitted to FKF by Zoo Kericho on November 4, 2014
2. A copy of the Master Card showing the player had received only two previous yellow cards

Relevant Notes

In a news report on November 14, the FKF/LCC Chair supported Zoo Kericho and criticized the FKF Secretary General for deciding the case and deducting the points in her absence. She is quoted as stating "I have looked at their Master Card and found out that the player (Michael Otieno) had two yellow cards by the time they met Agro Chemical hence do not understand where and how the case came up leading to Zoo losing the match. Anyway, I have been away dealing with personal issues but I am shocked how things have happened behind my back so I am calling on Esakwa to let the cat out of the bag since the committee is yet to meet."

Key Questions

1. As Agro Chemical denied appealing, who submitted the case to the FKF Secretary General?
2. When was it submitted?
3. What evidence did he use to make the ruling?
4. Did the MatchCom or Referee's match report state the player got a yellow card on May 3rd?
5. If yes, then why didn't the referee enter it on the Master Card on May 3rd?
6. Is it merely a coincidence that the match on May 3rd was against Shabana?
7. Why was the case not submitted to the FKF/LCC for review and a ruling?
8. Has the FKF Secretary General personally decided similar cases in the NSL? If yes, what cases?
9. Why was the case not time-barred under the FKF 3-month rule for filing cases?

ZOO FOOTBALL LIMITED

P.O BOX 1835 - 20200

KERICHO

email: keriche.zoo@outlook.com



OUR REF: ZFC/FKF/MO/2014

DATE: 04/11/2014

FOOTBALL KENYA FEDERATION

P.O. BOX 12705 - 00400,

NAIROBI

Dear Sirs,

RE: INELIGIBLE PLAYER – MICHAEL OTIENO

We acknowledge receipt of your letter dated 03/11/2014 concerning the above subject matter and wish to point out the following:

Rule 15 which governs the FKF National Super League 2014 that was cited in your letter provides that a player who receives 3 yellow cards shall be suspended from playing the next match. It has been alleged that our player, one Michael Otieno, by the time we played our match against Agro Chemicals FC at Furaha B grounds Muhoroni ,had already received 3 cumulative yellow cards in our matches played on 19 - 4 -14, 26 - 4 - 14 and 3 - 5 - 14. These matches were against Kakamega Homeboys FC, West Kenya Sugar FC and Shabana FC respectively thus suspended for our subsequent match against Agrochemicals FC, hence forming a basis for the docking of 3 of our points.

It is true the said player received yellow cards against Kakamega Homeboys FC and West Kenya Sugar FC as alleged. He however was not booked in our match against Shabana FC as the hereto attached Master Card would attest. The same only shows that John Mayoyo and Bernard Too were the only players booked on that day. Even if its true the said Michael Otieno received the yellow card as alleged, which is denied, Agrochemicals FC did not protest on his eligibility to play the match as would have been required of them and have already written to yourselves to so say. It also raises suspicion as to why FKF did not notify the concerned clubs if the player, Michael Otieno, was affected as alleged and ought not be fielded in the subsequent match as provided by the rules you now seek to "impose".

1

It is further worth noting from the Minutes of the League and Competitions Committee meeting held on 8 – 6- 14 that all protests pending to that date were heard and determined and as at that date hitherto there were no complains about our subject match. We are now surprised that we have been docked 3 points and are aware that the said committee has not met since.

It is on the basis of the foregoing that we question your authority to unilaterally determine such a weighty issue like this yet we have judicial bodies established by the League Rules with the locus to investigate, hear and determine such like complains.

Having been aggrieved by the purport of your letter we hereby lodge our appeal on your said decision on the abovementioned grounds.

Enclosed herewith please find copies of our Master Card, cheque and its banking in slip in proof of payment of the requisite Appeal fees.

Regards,


Ibrahim Muganda
Team Manager



FOOTBALL KENYA FEDERATION

Affiliated to CECAFA-CAF-FIFA

P.O. Box 12705-00400, Nairobi
Email: info@footballkenya.org Website: www.fkf.co.ke

Tel: +254 20 6008577 / +254 20 6008544
Fax: +254 20 6008550

FKF NATIONAL SUPER LEAGUE RECORDS OF YELLOW/RED CARDS

CLUB NAME **ZOO KERICHO**

FKF NATIONAL SUPER LEAGUE - 2014

The Club must give this form to the match commissioner or referee at the pre-match meeting.
The Referee must complete and return it to the club immediately after the match.

Note that the **SECOND YELLOW** card in a match is a **RED CARD**.

No.	Day	Month	Opponent	Name of Offender	Card	Name of Referee	Referee Signature
1.	30 th	MAR	HOTSPRINGS	Jidani Sibiri	Yellow	SEMUYU MOSES	[Signature]
2.	"	"	"	Cheruvony Charles	Yellow	"	
3.	16	APRIL	HOME BOYS	Otieno Michael	Yellow	"	[Signature]
4.	26 th	APRIL	Vs NEET SUGAR	OTIENO MICHAEL	Yellow	JOSEPH DWANI	
5.	"	"	"	KIPLEGON ISAACK	Yellow		
6.	3 rd	MAY	SATABWA	JOHN MAMOTO	Yellow	WALTER ONDICE	[Signature]
7.	3 rd	MAY	SATABWA	BENARD TOO	Yellow	WALTER ONDICE	
8.	24 th	MAY	FINLAYS	OTIENO MICHAEL	Yellow	J. ANITI	[Signature]
9.	8 th	JUNE 2014	ST. JOSEPH	AYIEKO JEREMIAH	Yellow	AMOS ICHINGWA	
10.	"	" "	"	KIPIEGON ISAAC	Yellow		
11.	"	" "	"	AGADE MAHAGWA	Yellow		
12.	"	" "	"	KIPKIRUI NICHOLAS	Yellow		
13.	4 th	AUGUST	NZDIA	WANGUKE ODUMA	Yellow	J. ANITI	[Signature]
14.	5 th	SEPT-	BWIA UNDES	DMONDI KEVIN	Yellow	B. MAMWA	[Signature]
15.	6 th	SEPT-	BWIA UNDES	LICAR G. JOHNSON	Yellow	do	[Signature]
16.	13	SEP	HOMEBOYS	KIPIEGON ISAACK	Yellow	JAMES KAGERA	[Signature]
17.	13	SEP	" "	BENIAMBO BENARD	Yellow		
18.	13	SEP	" "	OTIENO SAMUEL	Yellow		
19.	19	OCT.	M'SUGAR	WANGUKE BENARD	Yellow	ANTHONY DUMPS	[Signature]
20.	4 th	OCT.	AERO	AURA STEPHEN	Yellow	ANDREW JUMA	[Signature]
21.	18	OCT.	ST. JOSEPH	BENARD BENARD	Yellow	J. KAGERA	[Signature]
22.	18	OCT.	ST. JOSEPH	M. NICKA	Yellow	J. KAGERA	[Signature]
23.	29 th	OCT	FINLAYS	KIPIEGON ISAACK	Yellow	G. MWAI	[Signature]
24.	29 th	SET	FINLAYS	ODUAR GEOFFREY	Yellow	G. MWAI	[Signature]

No. **0023**