IN THE MATTER OF AN APPEAL BROUGHT BEFORE THE ESIC INDEPENDENT APPEAL PANEL BY:

FARUK PITA

APPEAL DECISION
(short form)

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1. This is an appeal arising from sanctions handed down by the Esports Integrity Commission ('**ESIC**') in a statement dated 28 September 2020 ('**the Statement**') to a number of individual coaches who, following an investigation launched on 04 September 2020, had been found to have exploited a "bug" in the 'Spectator Mode' of the video game CS:GO.

2. Mr. Faruk Pita ('**the Appellant**') was one such coach found to have abused the bug and in accordance with the 'Sanctions and Concessions Matrix' ('**the Matrix**'), provided as Annexure B to the Statement, was banned for 10 months. This started on 28 September 2020 and would end on 28 July 2021.

3. The appeal is governed by the ESIC Appeals Procedure dated 05 November 2020 ('**the Appeals Procedure**')

4. A hearing took place by way of video conference on 30 December 2020.

Grounds of Appeal

5. The Appellant admitted the conduct for which he had been sanctioned. In doing so he stressed that he respected and understood the action the ESIC Commissioner, Mr. Ian Smith, had taken. Therefore, the only ground of appeal left open to him under the Appeals Procedure was paragraph B.1.(iii), namely that the sanction imposed was so unduly excessive as to be unreasonable.

6. The first limb of Mr. Pita's appeal was that after the second match during which he was aware he could use the bug to his advantage, which took place on 14 November 2018, he contacted the developers of the CS:GO game on 15 November 2018 via Twitter confirming to them the bug's existence. The exchange the Appellant had with the developers did not come to any conclusion, due to lack of response from the developers.

7. He accepted however that he had not made an admission through the official channels during the "Confession Period" as provided for in the announcement of 04 September 2020.

8. The second limb of the appeal submitted by Mr. Pita was a tweet he had posted on 04 September 2020, the same day but after the inquiry announcement, confessing to his followers that he had taken advantage of the bug. The relevant extract from the post:

> *"…I'm aware of that my explanation might sound as an excuse, but that is not my intention. I'm 100% aware of my guilt and that I did wrong. My intention is to put some context in what and why this happened.*
>
> *I accept any punishment handed out to me. I realize this will harm my reputation as a coach but I can't undo things even though I would like to. I just have to accept this and admit my guilt. I'm sorry to everyone that I know and who knows me. I understand that you might look at me differently after this but I hope you can forgive me one day. The bug got the better of me, I acted irrational and I fucked up. I never used that bug afterwards. The only thing I did afterwards when it happened again was to press the keys 1-10 and the bug would stop…"*

9. The Appellant claimed his action to:
   (i) (eventually) flag the potential to cheat to the developers of the game; and
   (ii) confess via social media;

   both amounted to "concessions" for which he should be given credit in accordance with the Matrix. Mr. Pita's Notice of Appeal made mention of a 40% reduction.

Issues

10. The Appeal Panel was of the opinion that there were two issues to be resolved during the course of the hearing:
    (i) Was who the Appellant had reported the bug to acceptable for the purposes of the Matrix?
    (ii) At what time was it to be deemed he had made a "confession"?

11. The answer to these two questions would determine what reduction in ban period, if any at all, was to be credited to the Appellant.

The Hearing

12. During the hearing, the ESIC Commissioner admitted that had he been aware of the Appellant's previous communication with the developers of the game then he would have considered this as "Assistance in Investigation" under the Matrix. This amounts to a 20% reduction in ban period.

13. Mr. Smith also said that during the course of the inquiry carried out by ESIC during September 2020 he had noticed the Appellants tweet, but had not followed up on it further due to the sheer volume of work the inquiry was creating. However, having now given it due consideration, he said it was a "Confession Accepted in Full" under the Matrix attracting a 25% reduction in ban period.

14. Mr. Smith clarified for the Appeal Panel that the two percentages would have been treated as cumulative for the purpose of the Matrix.

Decision of the Appeal Panel

15. The Appeal Panel carefully considered the written submissions and evidence supplied by the parties prior to the hearing, and was satisfied by the submissions and clarifications provided orally at the hearing.

16. The Appeal Panel find no reason to disagree with the approach provided for by Mr. Smith and therefore the appeal of Mr. Pita is upheld.

17. Exercising the Appeal Panel's broad power in Paragraph C.10.(i) of the Appeals Procedure, a 45% reduction in the Appellant's ban is to be applied. This means his ban now amounts to 5.5 months in total and will now end on 13 March 2021.

Appeal Deposit and Costs

18. Further to the Appeal Panel's power in Para C.10.(ii), having been successful in his appeal, it is determined that the appeal deposit is to be returned in full to the Appellant.

19. As for costs, the Appeal Panel has full discretion in Section D of the Appeals Procedure to order what proportion of its costs each party shall be liable for.

20. The conduct of the parties, both before and during the appeal proceedings, is a key consideration in this regard.

21. It is the Appeal Panel's view that the Appellant should have contacted ESIC to explain the steps he took with the developers and his tweet during the aforementioned Confession Period.

22. On the other hand, ESIC was given the opportunity to make a Statement of Reply to the Appellant's Notice of Appeal (in accordance with Para C.1), in which it could have set out in writing the oral statements made at the hearing, and yet chose not to do so.

23. Therefore, the Appeal Panel orders that its costs are to be shared equally between the parties.

KEVIN CARPENTER

Appeal Panel
(sole member)

12 January 2021