

Decision no. 26 of the Special Ethics Committee

Committee Members:

Adv. David Fohrer – Chairman
Adv. Asher Akselrod – IBF Legal counsel
Mr. Modi Kenigsberg – IBF President
Mr. Eitan Levy – EBL board member
Mr. Adrian Shwartz

Decision

1. On 29.5.16 a hearing took place before the Committee, in which Mr. Fisher and Mr. Schwartz and their attorney participated, and in which Prof. Eilam Gross testified on their behalf.
2. The hearing was dedicated to the topic of signaling through the placement of the board.
3. Towards the end of the hearing Mr. Fisher and Mr. Schwartz argued that the alleged method of signaling that the Committee is currently addressing differs from the signaling method attributed to them in Mr. Kit Woolsey's document, and therefore Mr. Fisher and Mr. Schwartz requested to receive a clarification as to the signaling method the Committee is examining. Mr. Fisher and Mr. Schwartz further noted that if the Committee is considering to decide that the signaling method attributed to them differs from the method attributed to them in Mr. Kit Woolsey's document, then it would be a violation of their procedural rights.
4. The purpose of the Ethics Committee is to investigate and to bring the truth to light and to determine whether or not there was fraud in the actions of Mr. Fisher and Mr. Schwartz. The Committee's review regarding the question of whether acts of fraud were committed by Mr. Fisher and Mr. Schwartz is done according to the evidentiary standard of beyond a reasonable doubt (according to a specific section in the bylaws of the IBF). The Committee is not limited in how it receives evidence or by other procedural rules, subject of course to rules of natural justice and the desire to ascertain

the truth. The IBF is a voluntary members organization which is entitled to take measures in order to examine whether members of the organization committed acts of fraud as IBF members, and for this purpose, to take the actions necessary in order to reveal the truth.

5. The signaling method attributed to Mr. Fisher and Mr. Schwartz, without expressing an opinion on their guilt or innocence, is as follows:

At the end of the bidding, when Mr. Fisher and Mr. Schwartz are on the defense, the partner of the player who is on lead has the opportunity to signal in which suit he has points, power or preference for the opening lead.

The signaling is allegedly done by means of placing the board in a specific location on the table:

- A. Club – placing the board on Mr. Fisher's half of the table.
 - B. Spade – placing the board on Mr. Schwartz's side of the table.
 - C. Diamond – placing the board in the center of the table.
 - D. Heart – placing the board at the corner of the table adjacent to Mr. Fisher's right hand.
6. Mr. Fisher and Mr. Schwartz argue that in the signaling method attributed to them in Mr. Kit Woolsey's document, an additional component is included which is that leaving the tray on which the board is placed on the table constitutes an active signal for a lack of preference for the opening lead. Mr. Fisher and Mr. Schwartz claim that removing this component from the alleged signaling method turns the method of which they are accused of into a different signaling method (also illegal, of course) and that would be a violation of their procedural rights.

The Committee does not accept this argument. The question of whether not taking an action constitutes signaling or not, is not such a central part of the alleged signaling method based on active placement of the board in a pre-agreed location for purposes of signaling. At the very least, it is not such a particularly central part that removal of

this part changes the signaling method to a different method in a manner which constitute a violation of the procedural rights of Mr. Fisher and Mr. Schwartz.

7. Mr. Fisher and Mr. Schwartz further argue that according to the signaling method attributed to them in Mr. Kit Woolsey's document, the reference to the Spade suit and to the Club suit is not accurate, but rather is a method in which the location of the board depends on the question of who is on lead – Mr. Fisher or Mr. Schwartz – and the placement of the board will change accordingly.

On this point as well, the Committee does not find at this time that the question of whether the alleged method is based on relative location or not, harms in any way the procedural rights of Mr. Fisher and Mr. Schwartz.

8. Mr. Fisher and Mr. Schwartz shall be given the full opportunity to present their arguments to the Committee, and in order to remove any doubt as to a violation of procedural rights, Mr. Fisher and Mr. Schwartz are hereby given the opportunity to submit arguments, without restrictions of any kind, with regard to the alleged signaling method specified above. Mr. Fisher and Mr. Schwartz are requested to submit their arguments, to the extent they choose to do so, within 14 days.



The Special Ethics Committee

9.6.16