

### **Third decision 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 September 6th, 2015, Mr. Fisher and Mr. Schwartz addressed the Committee and raised two arguments regarding the authority of the Committee, as follows:
  - a. The chairman of the Committee serves as the Chairman of the Tribunal of the IBF, and according to section 55 of the bylaws of the IBF, members of the Tribunal may not hold another position at the IBF.
  - b. The determination that there is no appeal within the IBF on the Committee's decisions is unconstitutional.
2. The Committee decides to reject the arguments raised by Mr. Fisher and Mr. Schwartz.
3. The IBF is a nonprofit organization. The IBF works to develop and manage the bridge in Israel. It is within the authority of the IBF to set and install laws, regulations, procedures and processes as relevant to the game of bridge. In order to achieve its goals, the IBF is authorized to act and

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establish institutions and committees, including such headed by the Chairman of the IBF Tribunal. Thus, for example, section 49(c) of the IBF bylaws states that a committee to investigate cheating allegations shall include five members and shall be headed by the Chairman of the IBF Tribunal.

4. The Committee rejects the argument that heading the Special Ethics Committee is holding a position in the IBF.
5. The cheating allegations presented against Mr. Fisher and Mr. Schwartz are severe.
6. The Committee has been presented with several documents detailing alleged severe fraudulent and deceitful acts perpetrated by Mr. Fisher and Mr. Schwartz. Some of the documents describe how Mr. Fisher and Mr. Schwartz had passed unauthorized information through coughing. Allegedly, the method to convey information was that Mr. Fisher would cough during the bidding process to inform his partner that his hand is on the low side of the range previously described in the bidding.
7. In other documents it is alleged that Mr. Fisher and Mr. Schwartz have passed unauthorized information following the bidding and prior to the opening lead. The alleged method is that the partner of the player on lead passed unauthorized information by placing the board on the table in a manner that indicates a particular suit.
8. The purpose for the establishment of the Committee is to examine the allegations against two members of the IBF. The establishment of the Committee is within the authority of the IBF to act towards achieving its goals, and examining allegations of cheating is one of them.

9. Mr. Fisher and Mr. Schwartz have not pointed to a normative source that orders that the decisions of the Committee must be subject to an appeal within the IBF. The Committee decides that the absence of an appeal procedure on its decisions within the IBF does not invalidate the authority of the Committee.
10. The Committee held an initial hearing on August 31, 2015. During this hearing, no claims have been made against the Committee's authority.
11. Consequently the two objections raised by Mr. Fisher and Mr. Schwartz are rejected.
12. However, since the IBF is subject to the authority of the Israeli court system, the Committee shall refrain from making any further decisions during the following seven days, so that Mr. Fisher and Mr. Schwartz will have the opportunity to approach an authorized court in Israel. Unless an Israeli court issues a judicial decree against the Committee within these seven days, the Committee shall resume making decisions.
13. For the avoidance of any doubt it is clarified that this decision does not prevent the submission of information to the Committee.

  
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Special Ethics Committee

September 7<sup>th</sup>, 2015

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