

## **DISCUSSION ITEM**

Date: October 24, 2021

**Submitted by:** Dennis Carman

**Committee:** Bridge

**Purpose:** To Discuss Robot play on BBO with the intent to suggest change to BBO of current practice.

### **DI213-BR01: Robot Play on BBO**

Discuss the use of robots in Virtual club games to determine if changes need to be made to our current policy of allowing unlimited use at the club's discretion.

## **DISCUSSION ITEM**

Date: October 23, 2021

Submitted by: Mike Kovacich, Chair, Work Study Group for Operating Guidelines for Management.

Committee: Bridge

### **DI213-BR02: Change in Procedure as to which items come before the BOD**

Our work study group was to come up with ideas to transfer additional tasks presently performed by the board to management. With all that's been going on with the board we have not met that frequently but did have one idea that we discussed that we think has merit for consideration by the board and is offered for discussion.

At the present time any proposals made by the master point committee or competitions and conventions committee requires a motion for consideration by the full board. Many of these items are minor and really don't need to be acted on by the full board. It is suggested that we consider changing the procedure so that if the relevant committee is unanimous in its recommendation and then further votes unanimously that it is a minor matter, that it be sent directly to management. If Management has no objection, it would then be considered adopted. Even if they are in favor, members of the committee would be encouraged to vote that an item is a major issue if there's any doubt in their minds whether or not it is a major issue.

Minor issue would be items such as determining a fixed master point award for the recently established Canadian championship in which the same guidelines as previous Canadian and NABC events were used.

## Discussion Item

**Submitted by:** Cuneo, Goodgold and Shoemaker      **Date:** October 21, 2021

**Assigned to Committee:** Governance

### **DI213-GV01: Unit responsibilities, benefits, requirements**

#### **Discussion:**

The Codification, Part 2—Bridge Operations, Chapter III—Administration, A. Units, has a number of Sections:

- Section 1—Unit Jurisdiction and Relationship to ACBL
- Section 2—Unit Requirements, Privileges and Responsibilities
- Section 3—Unit Formation, Boundary Change or Dissolution
- Section 4—Unit Games and Tournaments

Minor changes to Section 2 are being addressed by Governance in a motion to be discussed during our upcoming meetings in November.

Changes to Section 3 are being submitted by Management in a motion to be discussed during our upcoming meetings in November.

A Governance Work Group (GWC) was established a number of months ago and reviewed in depth many of the issues raised in all four sections, but concentrated its efforts primarily on Sections 1, 2, and 4. Based on Board input under this Discussion Item, this Work Group intends to submit formal motions for the Reno Spring NABC 2022 to incorporate agreed-upon suggestions to these sections.

A great deal of work has already been done by this WG in reorganizing and rewording the content of Section 1, and the final motion submitted next spring will include coordination with Management to ensure all legal aspects are included.

Topics included primarily in Sections 2 and 4, on which we would like Board input include:

- A review of what Units should be required to do, e.g.,
  - Run sectionals?
  - Run Grass Roots events?
  - Hold mentor games?
  - Conduct membership recruitment and retention?
  - Maintain a Unit website?
  - Other

- What benefits a Unit should receive from the ACBL, e.g.,
  - Currently, a Unit receives 11% of the monies paid in dues by its Unit members, but no strings are attached as to how these monies are spent. Should these monies be allocated to the following:
  - Promote an interest in duplicate bridge by providing a continuous and attractive program of bridge events to supplement those offered by clubs with sanctioned games?
  - Promote the development and enrollment of bridge players as members of the ACBL?
  - Promote membership retention by sponsoring educational and other activities for newer players?
  - Encourage people to conduct ACBL-sanctioned club games within the Unit?
  - Actively communicate to members through the use of a Unit website and e-mail communications?
  - Other
- Is 100 members the “right” number for the number of members required to form a Unit? *(This is currently stated in Section 3, but warrants discussion by the Board)*
- What is the “right” number—if any—of members a Unit must retain in order to remain a viable Unit within the ACBL administrative structure? *(No number is currently stated in Section 3, but 50 members is being proposed as one of the changes included in the motion from Management for our November meetings, but this warrants discussion by the Board)*
- Should requirements and benefits be the same regardless of Unit size?
- Other

## Discussion Item

**Submitted by:** Hennings and Shoemaker      **Date:** October 24, 2021

**Assigned to Committee:** Governance

### **DI213-GV02: A conversation about how the Board operates and communicates**

#### **Discussion:**

This DI is being submitted to ensure that we start the discussion now about the operational processes and procedures that have stood us in good stead over the years and changes that might be needed to these processes. This conversation will provide an opportunity for input from all of us as to how we want to work as a Board.

We are not making decisions now for any future changes to the Codification, although that could be one outcome; rather, much of what we discuss and agree upon will be included in a “Board Member Handbook.” For example, an updated process has been described in the Handbook regarding Board communications using email—“reply all,” informational emails versus emails that require a reply, who sends what and when, how to designate emails as “Confidential,” and so forth. You will receive the revised Board Member Handbook within the next several weeks in time to review prior to discussion about it in Austin.

Another set of documents you will receive prior to Austin are two updated PowerPoint presentations that were developed and distributed last year: one on the rationale behind and implementation of the downsizing of the Board and the second from the Transition Task Force outlining the thoughts behind the activities in which a smaller Board could engage and those that could be taken on by Management, Advisory Council committees and task forces, or other Stakeholders. You can use these documents to inform your thinking about many issues that have to do with how we do and should operate as a Board. For example:

- Committees have become increasingly adept at conducting their work in advance of NABCs. Given this, what should be the **primary topics** of discussion when we meet as a full Board at our three annual meetings?
- A smaller Board needs to be more focused on the strategic concerns and fiscal status of the organization. Given this goal, what are your suggestions for **structuring** our full Board meetings, e.g., when should initial presentations by Management, Committee Chairs, and others be given; when should votes on specific motions be taken; how much time should be

allocated on-site for group discussions in lieu of individual committee meetings?

- How do the new opportunities/tools that we now have at our disposal help us be more efficient?
- What additional tools would you like to see, e.g., a document archive with key resources that you can access to review historical and recent decisions that are important to current decisions?
- What should the role of a Special Meeting between NABCs be?
- Based on the ability to call frequent Zoom meetings of the full Board, when should the Executive Committee be used instead? What decisions are you comfortable with an Executive Committee making, and what parameters are important for you to decide whether a Special Meeting or other all-Board meeting is needed (assuming timing for a decision by all is possible)? *(For your reference, the Executive Committee is mandated in our ACBL Bylaws in Article VII Committees, Section 7.2. It is also described in the Codification Part 1—Governance and Policy, Chapter IV—Board Procedures, D. Committees, Section 1.1. Changes to Section 1.1.4.1 are covered in a motion submitted for approval for our November meeting in Austin. Please take a look at both of these documents—available through the Resources tab on the MIM and on the ACBL website through “About ACBL,” Administration,” “Policies and Documents”—in formulating your opinion on this topic.)*
- Other—your input welcome—and needed!

## **DISCUSSION ITEM**

**Submitted by:** Margot Hennings

**Date:** October 14, 2021

**Assigned to Committee:** Governance

### **DI213-GV03: Motion Process**

#### **Discussion:**

Submitting motions to “The Journal” is often viewed as a “mysterious” and complicated process by Board members. Over the years, the process has gotten more understandable, but still lacks transparency and clarity. With substantial input from Staff and Management, the below procedure and slightly modified forms are proposed. Board input is requested, and following discussion and agreement at our Austin meetings, there will be an Action Item to Management to implement the Journal Procedure:

### **Journal Procedure**

#### **A. Journal Item Request**

- a. A Journal Item Request (JIR) is required for submitting Motions and Discussion Items (DIs).
- b. The deadline to submit a journal item is 30 days prior to a regular meeting. However, if this date falls on a Friday, then the due date of the Journal item is the following Monday at 8:00 a.m. CT.
- c. Board members and the Chair of the Advisory Council will be notified at least 30 days in advance of the Journal deadline when the deadline is.
- d. Motion makers (includes those who are submitting DIs—“motion makers” will be used generically to cover all requestors) are to complete the JIR (Exhibit A—generic sample), which is located on the MIM under the Resources tab and will be provided with the email providing notification of the Journal deadline. **ALL FIELDS ARE REQUIRED.**
- e. Motion makers are to email JIRs to the Administrative Coordinator.
- f. The Administrative Coordinator will send to the Corporate Secretary for review.
- g. If there are fields that are not completed, the Administrative Coordinator or Corporate Secretary will send the JIR back to you to request that you update and re-submit it prior to the deadline.

#### **B. Committee Assignment (INTERNAL PROCESS)**

- a. Upon acceptance of a JIR by the Corporate Secretary, the Administrative Coordinator emails this request to ACBL President (cc: Corporate Secretary) for committee assignment.
- b. The President sends the Administrative Coordinator the committee assignment.

- c. The Administrative Coordinator copies and pastes the relevant information from the JIR into the Motion Template (Exhibit B—sample for Finance) for that committee and adds the appropriate Item number (see C below) and title.
- d. The Administrative Coordinator emails the motion/DI to the Committee Chair for approval to accept for review by that Committee.
- e. It is the responsibility of the Committee Chair, prior to accepting a motion/DI for review by that committee, to ensure that the wording of the motion/DI is clear and that there is no obvious duplication or contradiction within the proposed motion.
- f. If the Committee Chair has changes to the motion/DI prior to accepting it for review, these changes are considered “friendly amendments” and may be accepted by the motion maker without showing them as additions or deletions to the original motion/DI.
- g. Staff assigned in support of a Committee and the Committee Chair are encouraged to work together on a JIR prior to its posting on the MIM to help reduce the number of edits and other small changes that might be needed once the motion/DI is under formal review.
- h. Once the motion maker and the Committee Chair have agreed on basic wording and format (the Committee Chair does not have to be in favor of the content of the JIR, but simply ensure that it is worded and formatted correctly), the Committee Chair sends written acceptance of the motion/DI.
- i. Upon receipt of Committee Chair acceptance of a JIR, the Administrative Coordinator places both the motion and the committee form (Exhibit C—sample for Finance) on the MIM and grants the Committee Chair edit access to the committee form.

### **C. Item Number Assignment**

- a. After assignment to committee by the President of a motion/DI, the Administrative Coordinator will assign the appropriate Item number to the motion/DI and post the document on the MIM.
- b. Numbers for items assigned to a committee are assigned sequentially, in the order in which they are received.
- c. Per the Codification, the first two digits reflect the year of the meeting and the third digit reflects whether the meeting is being held in the Spring (1), Summer (2), or Fall (3). If the JIR is a motion, no further designation is needed.
- d. If the JIR is for a DI, those two letters will be placed in front of the year and meeting designators.
- e. Letters indicating to which committee the motion/DI is assigned will follow the numeric indicator—e.g., BR for Bridge, GV for Governance, BD for full Board. An example of all of the above is that the third motion assigned to Governance and accepted by the Governance Committee Chair for the November 2021 meeting in Austin is 213-GV03, and the first DI assigned to Bridge and accepted by the Bridge Committee Chair for the March 2022 meeting in Reno is DI221-BR01.

**JOURNAL ITEM REQUEST**

**(All fields below are required. Instructions and examples are given in *black italics* and are to be deleted prior to submitting the JIR)**

**Date:**

**Submitted by** (*Can be more than one person or by the Committee Chair on behalf of the Committee*):

**Input from Committee:**

**Purpose:**

**Item Type:**

<input type="checkbox"/>	<b>Discussion Item</b>
<input type="checkbox"/>	<b>Motion</b>

**Moved that** (*Additions underlined black font; ~~deletions strikethrough red font~~; used only when submitting a motion, not needed for a DI*):

*Note that the relevant sections of the Codification, Bylaws or CDR that are being changed must be included, and shall be referenced using the following examples as guidelines:*

*Codification Part 1 – Governance and Policy, Chapter IV – Board Procedures, A. Meetings*

*CDR § 203*

*Bylaws § 1.1*

**Effective date** (*Please provide a date if possible; if “Immediately,” please specify if this is upon conclusion of the final Board meeting session prior to the tournament, or the end of the tournament. Used only when submitting a motion, not needed for a DI.*):

**Estimated cost/savings** (*N/A must be inserted if there are no applicable cost savings. Use when submitting a motion, ad, if applicable, for a DI.*):

**Discussion** (*Include historical background and rationale. Must be completed for both a motion and a DI.*):

**EXHIBIT B**  
*(Sample for Finance)*

**FINANCE COMMITTEE**

Glasson (C), Lodge (VC)

Bertoni, Ellis, Moss, Munoz, Rowe

Staff: Dodson

---

**Date:**

**Submitted by:**

**Input from Committee:**

**Purpose:**

**Item Type:**

	<b>Discussion Item</b>
	<b>Motion</b>

**Item 2XX-XX: (insert title)**

**Moved that:**

**Effective date:**

**Estimated cost/savings:**

**Discussion:**

**EXHIBIT C**  
*(Sample for Finance)*

**FINANCE COMMITTEE**

Glasson (C), Lodge (VC)

Bertoni, Ellis, Moss, Munoz, Rowe

Staff: Dodson

Original Motion

**Item 2XX-XX:**

**Moved that:**

**Effective date:**

**Estimated cost/savings:**

---

Committee Recommends (ONLY CHECK ONE BOX):

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | Decision on above motion               |
| <input type="checkbox"/> | Decision on motion as revised          |
| <input type="checkbox"/> | Motion withdrawn                       |
| <input type="checkbox"/> | Deferral to _____ meeting, _____ year. |

---

Committee vote:

For  Against  Abstain  Consent Calendar

**Majority opinion** *(even if vote is unanimous in favor of a motion/DI, this field must be completed for formal record-keeping purposes):*

**Minority opinion** *(even if vote is unanimous in opposition to a motion/DI, this field must be completed for formal record-keeping purposes):*

## **DISCUSSION ITEM**

**Submitted by:** Georgia Heth

**Date:** October 20, 2021

**Committee:** Full Board

### **DI213-BD01: BOG Anti-Cheating Committee Report**

Discuss the attached report from the Anti-Cheating Committee of the ACBL Board of Governors submitted on October 19, 2021.

# **REPORT AND RECOMMENDATIONS OF THE ANTI-CHEATING COMMITTEE OF THE ACBL BOARD OF GOVERNORS, PARTICULARLY REGARDING CHEATING IN ONLINE PLAY**

October 19, 2021

Committee Members: Martin Hirschman, chair; Jay Apfelbaum, Ron Lien, Peter Marcus, Hugh McSheffrey, Henry Robin

## **WHAT THE COMMITTEE DID**

The committee interviewed the following individuals at weekly Zoom meetings in August-September 2021:

- Robb Gordon, ACBL National Recorder
  - Nicolas Hammond, developer of cheating detection software and database
  - Ishmael Del'Monte, a top player and BridgeBase cheating investigator
  - Jonathan Fleischmann, a top Michigan player and BridgeBase director and cheating investigator
  - Greg Coles, a top ACBL tournament director and director of field operations
  - Scott Humphrey, a top ACBL tournament director and area manager who has been assigned to assist the National Recorder
  - Shelagh Paulsson, head of the BridgeBase ethics department
  - Linda Dunn, ACBL in-house counsel
  - Jon Brissman, chair of the Online Ethical Oversight Committee (OEOC) and member of the Ethical Oversight Committee (EOC)
  - Karen Walker, member of the OEOC and EOC
  - AJ Stephani, district director and chair of the Appeals & Charges Committee (A&C)
  - Joe Jones, ACBL Executive Director
  - Georgia Heth, ACBL President
- In addition, the committee chair interviewed the following by email and/or telephone:
- Richard Zeckhauser, Professor of Economics at Harvard University
  - Trisha Malazdrewicz, BridgeBase head director
  - Sabrina Goley, ACBL Compliance Coordinator
  - Mitch Dunitz, chair of the ACBL Anti-Cheating Commission

--Howie Weinstein, member and former chair of the ACBL Anti-Cheating Commission

The committee also reviewed the following materials:

--ACBL Code of Disciplinary Regulations

--ACBL Website pages regarding ethics and discipline

--“Cheating Detection: Towards a Workable System,” by Richard Zeckhauser in Bridge World, September 2021

--Institute for Bridge Arbitration by Mark Friedland on BridgeWinners.com, September 27, 2021

--Decision of the U.S. District Court, S.D. Indiana, Indianapolis Division, in John Blubaugh v. ACBL, June 20, 2001

## **FINDINGS OF FACT**

### **THE PROBLEM OF CHEATING IN ONLINE BRIDGE**

--There is an epidemic of cheating in online bridge, probably because there is nothing to stop partners from communicating with each other while playing.

--It is estimated that hundreds of pairs playing regularly in ACBL-sanctioned games on BridgeBase.com are cheating by exchanging information about their hands. Only a small fraction of these pairs have been caught, and a smaller fraction of them have been disciplined.

--The cheaters are players of all levels, but there may be a concentration of cheaters in the 600-to-2,000 masterpoint range.

--The National Recorder’s office does not keep track of the number or reports and complaints about alleged cheating players received from BridgeBase and the general bridge public, and does not keep data on what percentage of such reports result in charges being brought.

### **CATCHING THE CHEATERS**

--ACBL and BridgeBase rely exclusively on player complaints to discover cheaters. If there are enough complaints, hands played by the suspects are reviewed. Due to player reluctance to get involved or to bother to file a Player Memo, only a fraction of the suspicious occurrences are reported. Neither ACBL nor BridgeBase is using any computerized methods to detect cheating.

--In the July 2020 ACBL Bridge Bulletin, articles by the ACBL National Recorder and the Bulletin editor stressed the role that BridgeBase.com plays in uncovering cheating players.

--ACBL requires that players suspended by a "bridge club," including BridgeBase, be reported to ACBL, which BridgeBase was doing. However, as of February 2021, BridgeBase stopped suspending pairs that they catch cheating. Instead, they are putting them on probation on first offense. The pairs being put on probation by BridgeBase.com are not being reported to ACBL and are eligible to play in all games and tournaments.

--From July 2020 to December 2020 there were 27 pairs suspended by BridgeBase and therefore reported to ACBL. In January-February 2021 eight pairs were suspended and reported to ACBL. Since the change in the policy of suspending pairs, BridgeBase has reported just one cheating case to ACBL, although it has knowledge of numerous pairs that it has put on probation for probable cheating.

--It has been suggested that a computer program could be developed to identify probable cheating pairs by screening computerized records of hands played. (See, for example, the editorial by ACBL member Richard Zeckhauser in the September 2021 issue of The Bridge World.)

--Nicolas Hammond, an ACBL member, claims to have invented and developed such a program and database. He is attempting to enter into licensing agreements with ACBL and other bridge organizations for use of his software and database.

## **INVESTIGATING THE CASES AND BRINGING CHARGES**

--ACBL has mostly not filed charges against players suspended by BBO because of the workload of the National Recorder and "because BBO suspensions generally took subjects out of commission while there was little or no live bridge," according to National Recorder Robb Gordon. Since there is no ACBL case against these players, they presumably would be treated as first offenders if they are subsequently found to be cheating (again). Also, there is nothing to prevent these players from playing in ACBL games on other services, notably OKBridge, or in reopened in-person club games and tournaments.

--In late 2020, Hammond circulated sets of hands, some of which he alleged were played by cheating pairs. He encouraged players to review the hands and, if they thought the players were cheating, to make a report to the National Recorder's office. According to Hammond, 30 such pairs were reported to ACBL. The National Recorder says such reports were handled the same as player memos. It is unclear how many if any of these cases resulted in the bringing of charges.

--As of September 2021, there was a backlog of five months in processing matters determined by the National Recorder to possibly merit filing of charges.

--In 2020, the ACBL National Recorder (on behalf of the league's Executive Director) brought charges to the Online Ethical Oversight Committee (OEOC) in 27 cases, mostly against pairs who were allegedly cheating by exchanging information about their hands. In 2021, as of early August, charges had been brought to the OEOC in 11 cases of which three were later consolidated into a single case. There were 21 Recorder Complaints Pending and 35 Active Investigations. By early October, an additional 7 cases had been filed with OEOC, for a total of 16 cases filed in the year. There were 18 Recorder Complaints Pending and an unknown number of Active Investigations. (Note: In most cases of collusive cheating, there are two charged players.)

--ACBL relies mostly on volunteers to investigate cases, prepare charging documents and represent the charging side at hearings. There are about 10 to 12 volunteers working for ACBL as reviewer/investigators. There are four volunteer advocates, three of them recent additions. Paid staff is a fulltime National Recorder and, beginning earlier this year, a portion of the work of two other fulltime employees – a top tournament director and a Compliance Coordinator.

--BridgeBase compensates its reviewer/investigators at about \$18/hour. ACBL is to some extent in competition with this paying entity to get reviewer/investigators.

## **PENALTIES FOR CHEATING**

--Under Sec. 301 (A) (7) of the ACBL Code of Disciplinary Regulations (CDRs), the recommended discipline for First-Degree ethical violations, including collusive cheating and obtaining hand records in advance of playing those hands, is “no less than 2 years Suspension to Expulsion, with an appropriate term of Probation, no less than 2 years following the term of suspension, and removal of 25-100% of the Disciplined Person's total masterpoint holding.”

--About 36 cases filed by ACBL between March 2020 and August 2021 derived from online infractions, mostly collusive cheating. Of those, about 20 were settled via Negotiated Resolutions. In the large majority of those cases, the charged parties received suspensions of six months or less, plus two years probation and a small masterpoint penalty.

--The settled cases involved a total of about 34 players, 23 of whom are Life Masters (or higher ranks of LMs).

## **DISCOURAGING ONLINE CHEATING**

--It has been suggested that cameras be required during online play to discourage and help uncover cheating. So far, the couple of efforts in this area have mostly failed.

--ACBL does little to publicize cheating cases to the general membership.

--Under Sec. 407 of the ACBL Code of Disciplinary Regulations, the hearing reports for players found responsible for ethical violations are posted on the ACBL website. Separately on the website, there is a list of players currently expelled, under suspension or on probation. Under Sec. 407, only a decision to expel a member is to be reported in the ACBL Bridge Bulletin (and only if the decision is confirmed by the Appeals and Charges Committee).

## **RECOMMENDATIONS**

1. ACBL should consider bidding out creation of software to identify probable cheating pairs, OR enter into a licensing or other agreement with Nicolas Hammond to use his cheating detection software and database.
2. ACBL should arrange to obtain all BBO information on probable cheating pairs, whether or not suspended by BBO.
3. ACBL needs to take further steps to clear the backlog of cases awaiting investigation and filing of charges, possibly by hiring or assigning at least one fulltime associate National Recorder.
4. The National Recorder should prepare\* charges on all provable cases of collusive cheating over multiple sessions, including cases against players who have been suspended or put on probation by BridgeBase. (\*Charges are actually filed by the Executive Director on application from the National Recorder.)
5. When a case against players who collusively cheated over multiple sessions goes to a hearing, the National Recorder and his advocates should request a penalty of at least three years suspension, absent substantial ameliorating circumstances.
6. In settling cases (by Negotiated Resolution) involving players who collusively cheated over multiple sessions, the National Recorder and his

advocates should insist on a penalty of at least a one-year suspension, absent very substantial ameliorating circumstances.

7. ACBL should work with BBO to develop a system using cameras (with video and audio recording) in all online games to discourage cheating.

8. ACBL should regularly publish in the ACBL Bulletin reports of disciplinary hearings and appeals involving cheating, preferably including the following information: Names\* and masterpoint holdings of the charged players, a brief description of the offense, including the period of time over which the conduct occurred, the section of the CDRs found to have been violated, and the penalties imposed. (\*Printing names of charged parties in the Bulletin would require an amendment to the CDRs.) The article also should include a general reference to the Hearing Reports and Players Under Discipline list on the ACBL website.

9. ACBL should plan to use the newly forming Institute for Bridge Arbitration to decide cheating cases involving top and professional players. The current system of hearings may be continued for lower-ranking players.

10. The ACBL Board of Directors should budget sufficient funds to enable the above recommendations.

For further information or documentation of the statements contained in this report, contact committee chair Martin Hirschman at [MBATalk@aol.com](mailto:MBATalk@aol.com), 734-585-5759 (land line) or 248 252-7732 (cell).