



GENS UNA SUMUS

# FÉDÉRATION INTERNATIONALE DES ÉCHECS

Recognized by the International Olympic Committee (1999)

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## **FIDE ETHICS & DISCIPLINARY COMMISSION**

The First Instance Chamber of the Ethics & Disciplinary Commission (hereafter called “the EDC Chamber”), sitting in the following composition -

Chairperson: Mr. Ravindra Dongre

Members: Mr. Khaled Arfa  
Ms. Yolander Persaud

During an exchange of correspondence and online meetings during the period 19 March to 29 December 2022, made the following decision -

## **DECISION**

### **Case no. 3/2022: “Alleged failure to pay prize monies at the International Chess Tournament O.F.I.S. 2021.**

1. The EDC Chamber notes its establishment by the EDC Chairman on 19 March 2022.
2. The EDC Chamber notes the complaint dated 16<sup>th</sup> March 2022 received from Mr. Mieszko Mis (“the complainant”). The complainant is a FIDE Master from Poland and winner of the 2<sup>nd</sup> International Tournament O.F.I.S. 2021, held at Larnaca, Cyprus over the period 22 – 30 October 2021. His complaint relates to the non-payment of prize money published in the tournament regulations, not only to the complainant as winner, but also to the second and third places, FM Ihor Samunenکو (UKR) and Spyridon Naoum (GRE) respectively. The value of the three prizes was Euro 1,800 in total.
3. The case was registered by the EDC as an alleged violation of Art 2.2.3 of the Code of Ethics (Organizers, tournament directors, arbiters and other officials who fail to perform their functions in an impartial and responsible manner) under the title "Alleged failure to pay prize monies at the International Chess Tournament O.F.I.S. 2021".
4. 4.1 Initially only the organizer / tournament director, Mr Pambos Zacharoplastis (CYP) was cited as the respondent, and he was advised on 24 March 2022 that disciplinary proceedings were opened against him and that he was invited to submit his defensive statement by a deadline of 15 April 2022. Mr Zacharoplastis failed to respond to the EDC Chamber’s initial notice and subsequent two reminders.

4.2 On 21 November 2022, by decision of the EDC Chairman in consultation with the present EDC Chamber Chairman, the President of the Cyprus Chess Federation Mr. Criton Tornaritis (under whose auspices the Tournament was organized, as per the tournament circular in the complaint) was joined as the second respondent and the Cypress Chess Federation was joined as the third respondent in the present proceedings. The second and third respondents were given an opportunity to file their defensive statements by the deadline of 6 December 2022, but both failed to respond to the EDC Chamber

5. The EDC Chamber **notes** the contents of the following reports, documents and e-mails received as part of the case file: Complaint received from Mr. Mieszko Mis dated 15<sup>th</sup> March 2022, the EDC Chamber's notification to the respondent Mr. Pamos Zacharoplastis, dated 24 March 2022, the EDC Chamber letter to President of the Cyprus Chess Federation dated 27/05/2022 and his e-mail replies of 1 June 2022 and 9 June 2022 (in which Mr. Tornaritis advised that Mr. Zacharoplastis had confirmed that he would pay the amount of Euros 1,800), the EDC Chamber's enquiry dated 17 June 2022, the President's further e-mail reply of 22 June 2022 (offering that the Cypress Chess Federation can cover the costs of the outstanding prizes and recover same from Mr Zacharoplastis), the EDC Chamber's further enquiry of 5 October 2022, the President's email reply of 6 October 2022 (undertaking to inform the EDC Chamber whether the second and third prize winners had been paid) and the EDC Chamber's notification to the second and third respondents dated 21 November 2022.

6 The EDC chamber notes the President of the Cyprus Chess Federation has repeatedly assured the EDC that the payments will be made and kept asking for time.

7. Regarding the issue of the admissibility of the complaint, the EDC Chamber **holds** as follows:

7.1 The complainant is a FIDE-registered player with ID 1196448 and is competent to lodge a complaint before the EDC in relation to the non-payment of prize money to himself as the directly affected party, but is not competent to submit a complaint on behalf of the second and third prize winners.

7.2 The first respondent is a National Arbiter and Organizer registered with FIDE under ID 5900603 and was the tournament director of the 2<sup>nd</sup> International Tournament O.F.I.S., an open tournament with multi-national participation.

7.3 The second respondent is the President of the Cypress Chess Federation, a member federation of FIDE and registered with Fide under ID 5909821. In terms of article 26.8 of the FIDE Charter and article 1.4 of the Code of Ethics the EDC has jurisdiction over the conduct of officials of member federations.

7.4 The third respondent is the Cypress Chess Federation, a member federation of FIDE and in terms of article 1.4 of the Code of Ethics all member federations are subject to the Code and the jurisdiction of the EDC.

7.5 The conduct complained of occurred at a FIDE registered and rated tournament under event code 262369.

7.6 The allegations made by the complainant discloses a *prima facie* case of misconduct and the violation of article 2.2.3 of the Code of Ethics by the first respondent (as the primary perpetrator) and the second and third respondents (as the secondary perpetrators or aiding and abetting) – see Code of Ethics article 3.1.

7.7 Accordingly, the complaint is declared admissible as against the first, second and third respondents.

8. Upon due consideration, the EDC Chamber, by unanimity of its members, **finds** regarding the responsibility:

8.1 The alleged violation of the Code of Ethics took place in connection with a FIDE-rated Tournament with international participants.

8.2 The complainant is a player who participated in the the tournament and at the date of filing of his complaint, the complainant's prize money had not been paid.

8.3 In the present case the first respondent, as organizer / tournament director, has not paid the prize money without any just cause, which was assured in the tournament regulations to the complainant and 2 other prize winners.

8.4 The tournament was supported by the third respondent and took place under the auspices of the second respondent.

8.5 The EDC also notes that the second respondent admitted that the prize money is not paid and undertook multiple times via his mails to ensure payment of prize money.

8.6 None of the respondents filed defensive statements seeking to explain their conduct or offering any defence against the disciplinary charge. In these circumstances, their silence can be treated as an admission of guilt.

8.7 Accordingly, each of the first, second and third respondents are **found guilty** of a breach of article 2.2.3 of the Code of Ethics.

9. Upon due consideration, the EDC Chamber, by unanimity of its members, **finds** regarding the matter of an appropriate sanction that:

9.1 In determining the sanction, the EDC Chamber must take into consideration all relevant aspects of the case.

9.2 Non-payment of prize money to the winners is a very serious offence.

9.3 The EDC Chamber notes the fact that the first respondent, organizer Mr. Pamos Zacharoplastis has shown arrogance, negligence and not even bothered to reply to the EDC Chamber in spite of reminders.

9.4 The EDC Chamber finds that the guilt of the second respondent, the President CYPRUS CHESS FEDERATION and the third respondent, the Cypress Chess Federation is also established beyond doubt as the tournament circular clearly mentions that the tournament is organized under the auspices of President, Cyprus Chess Federation and it also mentions supported by Cyprus Chess Federation.

9.5 The EDC also notes that the President of the CYPRUS CHESS FEDERATION admitted that the Prize money is not paid and assured multiple times via his mails to make the payment of Prize money.

9.6 The EDC Chamber has taken into consideration that the complaint was filed by FM Mieszko Mis only on behalf of himself and that the complainant has been paid the prize money during the decision of this case but the 2 other players namely FM Ihor Samunenkov and Mr Spyridon Naoum were not paid their prize money more than one year after the event. This is a relevant factor in determining an appropriate sanction.

9.7 All of the three respondents are accepted to be first offenders.

10. Accordingly, the EDC Chamber unanimously decides as follows:

The respondents are found guilty of violation of Art 2.2.3 of the Code of Ethics.

11. The respondents are sanctioned as here under:

11.1 The first respondent Mr Pamos Zacharoplast is sanctioned to 2-year ban as Organizer of any international or FIDE-rated tournaments for the offence of failing to pay the prize money, irrespective of whether prize money is paid at a later stage or not.

11.2 The second respondent is sanctioned with a severe reprimand for promising repeatedly to ensure the payment of the prize winners but failing to do so and also not replying to the EDC notice.

11.3 The following sanction is imposed upon the third respondent, the Cypress Chess Federation is sanctioned with a ban of 1 year from or organizing any chess activity and will be temporarily suspended as a member of FIDE, during that period (without affecting the rights of players, arbiters, trainers and clubs belonging to the Cyprus Chess Federation from participating fully in sport activity but not under the CYPRESS CHESS FEDERATION). This ban will be suspended fully on the condition that the outstanding prize money of the players is paid in full and the details of proof sent to the EDC within 2 months of the date of this decision.

12. The respondents are referred to Rules 42.3 and 43 of the EDC Procedural Rules and advised that this decision may be appealed to the Appeal Chamber of the EDC by giving written notice of such appeal to the FIDE Secretariat within 21 calendar days from the date upon which this decision is received. The notice of appeal must clearly state all the grounds for the appeal and an appeal lodgment fee of 150 Euros is payable to the FIDE Financial Department. Failing the due exercise of this right of appeal, the EDC Chamber's decision will become final.

13. The EDC Chamber requests the FIDE Secretariat to communicate forthwith the decision to the Complainant, Mr. Mieszko Mis, the respondents 1) Mr. Pamos Zacharoplastis 2) The President Cyprus Chess Federation Mr. Criton Tornaritis, 3) The Cypress Chess Federation, and to publish in due course the decision on the FIDE website.

A handwritten signature in black ink, appearing to read 'Ravindra Dongre', written in a cursive style.

Ravindra Dongre

CHAMBER CHAIRMAN

FIDE ETHICS & DISCIPLINARY COMMISSION