

APPEAL	NABC+ TEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Edgar Kaplan Blue Ribbon Pairs
Session	Second Qualifying
Date	December 2, 2009

BD#	6
VUL	E/W
DLR	East

Josef Piekarek	
♠	Q 7 6
♥	Q T 9
♦	A 8 2
♣	J 9 7 2

Mario Rodrigues		Fall 2009 San Diego, CA	Sarah Wiener	
♠	A 3		♠	T 4 2
♥	A 6 5 2		♥	K J 8 7 4
♦	Q 7		♦	J T 3
♣	A Q 5 4 3		♣	K 8

Alexander Smirnov	
♠	K J 9 8 5
♥	3
♦	K 9 6 5 4
♣	T 6

West	North	East	South
		Pass	Pass
1NT ¹	Pass	2♦ ²	2♥
3♥	3♠	Pass ³	Pass
4♥	Pass	Pass	Pass

Final Contract	4♥by West
Opening Lead	♠7
Table Result	Made 4, E/W +620
Director Ruling	3♠ N down 1, N/S -50
Committee Ruling	3♠ N down 1, N/S -50

(1)	15-17 HCP.
(2)	Transfer to hearts.
(3)	Hesitation. (*N/S = 1 minute; East = only a second)

The Facts: The director was called after the 4♥ bid and again after the play of the hand. There was disagreement on the length of the hesitation by East as noted above. West said that there had been some joking during the time East was thinking.

The Ruling: The director judged that there was an unmistakable hesitation by East, that the hesitation demonstrably suggested action over inaction, and that pass by West over 3♠ was a logical alternative. Therefore, he adjusted the result for both sides to 3♠ by North down one, N/S minus 50.

The Appeal: E/W appealed the director's ruling, and East and West were the only players to attend the hearing. N/S were joking before the hand to such an extent that East requested them to be quiet until the end of the round. N/S pre-Alerted their Polish Club system. Before South bid 2♥, he said, "Let's see what should I bid?"

East agreed that she had asked questions about both opponents' bids. The answer to the query about South's bid was ambiguous; it might be one or two-suited and, if two-suited, South could have only four spades. North's 3♠ was explained as "natural based on the auction."

The committee asked several questions about how much time was consumed between North's 3S bid and East's Pass." East said she just wanted to understand the auction. West said she only paused for a second or two and that he didn't notice a hesitation.

The Decision: A player is allowed to take any legal call that he believes is in his side's best interest, so long as his partner does not make extraneous information available to him that suggests a line of action. N/S alleged to the director (who could not be present at the hearing) that East took one minute. East admitted to "a second."

East's consumption of time was disputed but it is clear that West noticed East's thinking since he told the table director "there had been some joking during the time East was thinking." East's questions about the opponent's auction also provided UI to West and suggested that East had enough values to consider further action.

Regardless of the improprieties that E/W suggested N/S may have committed, these items were sufficient to convince the committee that UI was made available to West. Upon the determination that UI was present, suggesting a 4♥ bid, while pass was a less successful logical alternative, the committee adjusted the result for both sides to 3♠ by North down one, N/S minus 50.

The appeal was found to have merit because of the dispute over the existence of UI.

The Committee: Michael Huston (Chair), Darwin Afdahl, Mark Feldman, Robb Gordon and Patty Tucker.

Commentary:

Goldsmith Right most of the way. Appeal without merit warning (AWMW) to E/W and a 1/4 board penalty for abuse of UI.
If there is a dispute about the existence of UI, and the committee finds that there is indisputable evidence thereof (which of course there was), then the dispute ought to be considered resolved. It is inconsistent to rule that there was UI for the score adjustment, but not for the AWMW.

Polisner Correct ruling and committee decision.

Rigal I agree with the decision as to there being a BIT. Again the contemporaneous evidence suggests that N/S thought there was a break – and East's hand clearly suggests it. I can live with the failure to award an appeal without merit warning (AWMW); I might have done the same.

Smith So I can avoid an AWMW simply by having my version of events be that different from the opponents' version? Once the committee decided there was UI (and there was apparently lots of it) this decision was clear. And so should have been the award of an AWMW to E/W. I wouldn't even object to a procedural penalty for the 4♥ bid. This committee was far too kind to E/W.

Wil.davsky Good work all around.

Wolff Clear cut decision, with the only question, at least to me, is whether E/W deserve a procedural penalty for bringing this case to a committee. To me, this point should be determined by this committee by simply asking East, "does she really think that whatever delay was made by her asking questions didn't influence her partner to continue while in the passout seat over 3♠?" And furthermore, that if she had a poor hand would she really ask questions or would she pass first and then possibly ask questions later? I think E/W got off easy with this ruling.