

<b>Subject of Appeal:</b>	Tempo/Unauthorized Information	<b>Case:</b>	N11
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<b>Event</b>	North American Open Swiss	<b>Event DIC</b>	Tom Marsh
<b>Date</b>	12/04/2015	<b>Session</b>	First Qualifying


### Auction

West	North	East	South
		1♦	1♥
1♠	2♦	2♠	3♣
Pass	3♠	Pass	4♥
4♠	Pass <sup>1</sup>	Pass	5♥ <sup>2</sup>
Pass	6♥	Pass	Pass
Pass			

### Explanation of Special Calls and Points of Contention

1: Hesitation, Forcing Pass
2: Break in Tempo

### Hand Record

<b>Board</b>	<b>14</b>	N	Piotr Tuczynski		
<b>Dealer</b>	<b>E</b>	♠ 9	♥ A85		
<b>Vul</b>	<b>None</b>	♦ AK832	♣ A974		
W	Wafik Abdou			E	Hussein Fouad
♠	Q108763			♠	KJ54
♥	64			♥	K
♦	10			♦	QJ764
♣	J1086	S	Bertosz Chmurski	♣	K32
		♠	A2		
		♥	QJ109732		
		♦	95		
		♣	Q5		

<b>Final Contract</b>	<b>Result of Play</b>	<b>Score</b>	<b>Opening Lead</b>
6♥ by S	Made 6	N/S +980	♦ 10

### Facts Determined at the Table

The director was summoned before the opening lead. The auction had gone briskly until 4♠. The BIT over 4♠ did not convey unauthorized information as the pass was forcing. South took about 15 seconds to bid 5♥. East/West asked for a review to determine if 6♥ was in violation of Law 16.

### Additional Factors Determined Away from the Table

Five players were polled with the North hand and the auction. All five believed that the pause before 5♥ did not suggest one action over another.

### Director Ruling

As the poll was unanimous that the BIT did not suggest a particular action, then Law 16 was not violated. The table result was confirmed.

<b>Director's Ruling</b>	<b>6♥ by S, Made 6, N/S +980</b>
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### The Appeal

E/W appealed the ruling and all four players attended the committee. E/W believed that the 15 second hesitations before 5♥ suggested bidding. The committee asked N/S as to what 4NT then 5♥ would show, but they had no agreement.

## Committee Findings

This was a close case. The committee was divided as to whether a 15 second hesitation was meaningful. The screening director opined that while the hesitation was likely meaningful, to violate Law 16 it had to demonstrably suggest one action that was advantageous over another. As the player poll indicated that the hesitation did not suggest a particular action, there was no reason to overturn the director's ruling.

<b>Committee Decision</b>	<b>6♥ by S, Made 6, N/S +980</b>
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## Committee Members

<b>Chairman</b>	Mark Bartusek
<b>Scribe</b>	Hendrik Sharples
<b>Member</b>	Don Kern
<b>Member</b>	Scott Stearns
<b>Member</b>	James Thurtell