

IN THE MATTER OF CHARGES BROUGHT BY THE PROFESSIONAL TENNIS
INTEGRITY OFFICERS (“PTIOs”)
UNDER THE UNIFORM TENNIS ANTI-CORRUPTION PROGRAM (“TACP”)
BEFORE ANTI-CORRUPTION HEARING OFFICER (“AHO”) JANE MULCAHY QC

Corruption Notice to: Samuel Ribeiro Navarrete (hereafter “**the Player**”)

-and-

PTIOs

The PTIOs being constituted by appointments from each of the following governing bodies:

WTA Tour, Inc. (“**WTA**”)
Grand Slam Board (“**GSB**”)
International Tennis Federation (“**ITF**”)
ATP Tour, Inc. (“**ATP**”)

Representing the Player: The Player has represented himself, in writing

Representing the PTIOs: Ross Brown of Onside Law

DECISION OF AHO ON SANCTION

Introduction

1. I am appointed as the AHO to determine the sanction to be applied against the Player, following an acceptance by the Player in a letter emailed on 17 July 2017 that he had committed the offence charged by the PTIOs (see further below). (This acceptance was confirmed by the Player by a communication on 26 July 2017.)
2. By a Notice of Charge dated 28 June 2017 the PTIOs alleged that, on 28 occasions between 2 January 2013 and 27 March 2013, the Player *“submitted wagers on professional tennis Events with the intention of earning significant sums of money should those wagers be successful”*.
3. This was a breach of Section D.1.a¹ of the 2013 TACP.
4. The sanction that may be imposed for such an offence is set out in Section H of the TACP. Under Section H.1.a it may include *“(i) a fine of up to \$250,000 plus an amount equal to the value of any winnings or other amounts received by such Covered Person in connection with any Corruption Offense, (ii) ineligibility for participation in any event organized or sanctioned by any Governing Body for a period of up to three years...”*.

Positions of the Player and the PTIOs

5. In response to the Notice of Charge, in his letter of 17 July 2017, the Player:
 - 5.1. Clarified that he had made only a small number of bets and *“lost practically all of them”*.
 - 5.2. Had no idea that he was prohibited from betting on tennis because he did not take an online anti-corruption course until December 2013, after he had placed the bets.
 - 5.3. Acknowledged he had made the bets and apologised.
 - 5.4. Asked that the minimum sanction be imposed.

¹ *“No Covered Person shall, directly or indirectly, wager or attempt to wager on the outcome or any other aspect of any Event or any other tennis competition.”*

6. By submissions made on 11 August 2017, the PTIOs argued (among other things):
 - 6.1. The Player initially admitted opening a [REDACTED] account but denied placing bets on tennis. It was not until 17 July 2017 that he admitted placing bets on the 28 matches identified by the PTIOs. This delayed admission should constitute an aggravating feature (together with what was styled as his initial failure to cooperate).
 - 6.2. However, no bets had been placed on matches the Player had played in; the Player had not been accused of any prior infringements of the TACP; he had ultimately accepted liability, and the relevant training had not taken place until after the bets had been placed.
7. Relying on these factors, and by reference to four previous cases (*Jatuporn Nalamphun*; *Danail Tarpov*; *Constant Lestienne* and *Mihaita Daniel Damian*) the PTIOs asked for the Player to be fined \$5,000 and rendered ineligible for 12 months with six months suspended.
8. There was a further round of submissions.
 - 8.1. The Player noted, among other things, that he had placed far few bets than in the other cases relied on by the PTIOs, and referred to the case of Marius Frosa who made 12 bets only.
 - 8.2. The PTIOs further response recorded, among other things, that Frosa had been fined \$1,000 and banned for eight months, with four months suspended.

Sanction

9. I was provided with a transcript of the recorded interview with the Player. In that interview the Player said he had not bet on tennis, which was incorrect. However, in the interview it is also clear that the interviewer thought that the Player's conduct, assuming it was limited to "*a mistake over a very short space of time for very limited bets*", was at the more minor end of the scale when it came to breaches of the TACP.

10. I also note that the conduct that forms the subject of the charge took place more than four years ago and does not appear to have been repeated (since the Player had not been charged with any subsequent misconduct).
11. In the circumstances, and in light of the full picture, including the relatively small number of bets made by the Player, I consider the Player's misconduct to be more akin to that of Marius Frosa than to the four decisions relied upon by the PTIOs. (I note that the Frosa decision was not referred to by the PTIOs because it was made only in late August 2017, and hence was after their primary submissions.)
12. The Player is fined \$1,000 and is ineligible to participate in all events governed by the ATP, the ITF, the WTA or the GSB for eight months beginning with the date of this decision, four months of ineligibility to be suspended.

DATED 3 October 2017

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Jane Mulcahy QC
Anti-Corruption Hearing Officer
Signed at London, England