

IN THE MATTER OF CHARGES BROUGHT BY THE PROFESSIONAL TENNIS INTEGRITY OFFICERS
{"PTIOs"}

UNDER THE TENNIS ANTI-CORRUPTION PROGRAM 2018 {"the TACP"}

BEFORE ANTI-CORRUPTION HEARING OFFICER ("the AHO"). IAN MILL QC

CORRUPTION NOTICE TO: Robert Farah {"the Player"}

The PTIOs being constituted by appointments from each of the following Governing Bodies:

WTA Tour, Inc

Grand Slam Board

International Tennis Federation ("ITF")

ATP Tour, Inc

Representing the PTIOs: Jamie Singer and Ross Brown of Onside Law Solicitors, London, England

DECISION AND ORDER OF THE AHO

Unless otherwise clear from the context, capitalised terms in this Decision and Order bear the respective meanings given to them in the TACP.

DECISION

1. I am appointed as the AHO in this case.
2. On 15 June 2018, the PTIOs issued a Notice under Section G.1.a of the TACP alleging a Corruption Offense against the Player. The Notice alleged a breach of Section 0.1.b of the TACP which, in relevant part, provides:

"No Covered Person shall, directly or indirectly, solicit or facilitate any other person to wager on the outcome or any other aspect of any Event or any other tennis

competition. For the avoidance of doubt, to solicit or facilitate to wager shall include ... appearing on commercials encouraging others to bet on tennis".

3. The facts alleged against the Player were that he had on 19 February 2018 posted a tweet advertising a betting company, **(Redacted)** which encouraged the use of the **(Redacted)** app. The words used were (in translation):

*"These people, they have put a link on **(Redacted)**. It's easy to play. There's a lot of sports. You can win in a lot of ways. I already bet. You too bet to your passion at **(Redacted)**".*

4. The Player's response to this Notice was to admit the Charge and to invite me to impose sanctions on the basis of his account of the circumstances of this tweet, which was to be found in his email to the TIU of 24 February 2018 and in the transcript of his interview with the TIU on 18 March 2018.
5. I thereupon invited the PTIOs to make written submissions as to sanction. These attached, at my request, the two documents to which the Player had referred me. They also contained reference to discussions as to sanction between the PTIOs and the Player, and to the outcome of those discussions, which was that they had (subject to my approval) agreed upon the appropriate sanctions for the Corruption Offense admitted by the Player.
6. These sanctions were:
 - a. A Period of Ineligibility for the Player of three months, suspended pending any further Corruption Offense taking place during that three month period.
 - b. Payment by the Player of a fine of US\$5,000.
 - c. A direction that there should be publication of the sanctions against the Player referred to above.
7. The PTIOs' submissions then proceeded to seek to justify these proposed sanctions. I have read this justification carefully, as well as the Player's account of relevant events in the documents attached to the PTIOs' submissions (**the** accuracy of which **has been** accepted by the PTIOs). In circumstances where:

- a. the Corruption Offense admitted carries with it a potential Period of Ineligibility of three years and a maximum fine of US\$250,000, and
- b. the Player **is a** highly experienced, successful and well known Doubles player on the professional circuit¹,

The modest sanctions that are proposed at first sight might appear to be inappropriately light. However, in view of the explanation given by the Player and for the reasons set out in the PTIOs' justification, in my judgment they are in fact entirely reasonable and appropriate.

8. Accordingly, I have decided to give my approval to the sanctions that have been proposed. In summary, the matters which have primarily led me to this conclusion **are as** follows:
 - a. The Player had not checked or approved the content of the tweet, which was posted with his authority by a third party.
 - b. Once he had become aware of the content of the tweet (on the following day, 20 February 2018), he deleted it.
 - c. The tweet contained a material untruth, since the Player did not in fact have any betting account with **(Redacted)** or otherwise.
 - d. Although the tweet was posted in the context of a commercial relationship with the third party under which the Player was to be entitled to payment, he made it clear that he did not want payment in respect of the tweet and no payment was in fact received by him.
 - e. From the moment that he was contacted by the TIU about the tweet, the Player cooperated fully and acknowledged the mistake he had made in authorising such a tweet.
 - f. This was the Player's first Corruption Offense under the TACP.

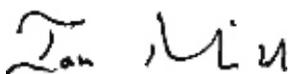
¹ He is ranked in the top 20 in the world for Doubles, and has appeared three times in the final of a Grand Slam Tournament.

- g. The Player acknowledged that he should not encourage, or be seen to encourage, any form of betting on the sport of tennis and apologised for having done so. Further, he indicated a preparedness to assist the TIU with the education of Covered Persons so that they might avoid making a similar mistake.
- h. In the above circumstances, the PTIOs concluded - justifiably in my judgment - that the Player made an honest mistake, which he would not repeat.
- i. The need for some form of sanction imposed upon the Player nonetheless derives in particular from the Player's status in the professional game (see paragraph 7b and footnote 1 above). The higher a player's profile, the more likely that such a Corruption Offense might have an adverse impact upon the sport of tennis in general. All the more important, therefore, that a high profile player does not commit such an Offense in the first place. The amount of the fine proposed is somewhat immaterial in the context of the Player's likely means, but the suspended Period of Ineligibility combined with the fact of the publication of the sanctions (including in his home country of Colombia) are, I accept, likely to have appropriately serious ramifications for him.

ORDER

Accordingly, I make the following Order:

- a. The Player is subject to a Period of Ineligibility of three months (commencing upon the date of this Decision and Order), suspended pending any further Corruption Offense taking place during that three month period.
- b. Payment by the Player of a fine of US\$5,000, such payment to be made within 28 days of the date of this Decision and Order.
- c. There shall be publication of the sanctions against the Player referred to above.



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Ian Mill QC, AHO

13 July 2018