

TENNIS ANTI-CORRUPTION PROGRAM

INTERNATIONAL TENNIS)
INTEGRITY AGENCY,)
and)
ANTONIO SOSA,)
Covered Person.)

DECISION OF THE ANTI-CORRUPTION HEARING OFFICER

I. THE PARTIES

1. *The ITIA:* The International Tennis Integrity Agency is the operationally independent entity responsible for enforcing the Tennis Anti-Corruption Program. The ITIA was represented in the matter by John Thomas and Maggie McQuiddy of Smith Hulsey & Busey and Katy Stirling, ITIA counsel.
2. *Antonio Sosa:* Mr. Sosa is a resident of the Dominican Republic. He is a certified National Chair Umpire for tennis matches covered by the Tennis Anti-Corruption Program. At all times relevant to this case, Mr. Sosa was a “Covered Person” bound by that Program. At numerous points in this case, Mr. Sosa was asked if he had legal representation and he made it clear that he could not afford a lawyer.

II. THE NOTICE OF MAJOR OFFENSE

On 18 July 2024, ITIA sent Mr. Sosa a Notice of Major Offenses in which it alleged that he had engaged in corrupt activity in games in each of two separate matches for which he had served as the chair umpire. Specially:

Match 1: [REDACTED] & [REDACTED] v. [REDACTED] & [REDACTED] at the [REDACTED] tournament in [REDACTED] Dominican Republic ([REDACTED] June 2021)

1. It is alleged that Mr. Sosa corruptly entered false data into the hand-held scoring device to facilitate winning bets that the [REDACTED] game of the [REDACTED] set would [REDACTED] when those bets should have lost.

Match 2: [REDACTED] v. [REDACTED] at the [REDACTED] tournament in [REDACTED] Dominican Republic ([REDACTED] June 2021)

2. It is alleged that Mr. Sosa corruptly entered false data into the hand-held scoring device to facilitate winning bets that the [REDACTED] game of the [REDACTED] set would [REDACTED] to win when those bets should have lost.
3. It is alleged that Mr. Sosa corruptly entered false data into the hand-held scoring device to facilitate winning bets that the [REDACTED] game of the [REDACTED] set would [REDACTED] to win when those best should have lost.

ITIA's position is that each of these acts of corruption violated three separate provisions of the 2021 Tennis Anti-Corruption Program; Section D.2.m (manipulating entry of scoring data); Section D.1.b (facilitating another person's wager); and Section D.1.d (contriving an aspect of a game).

III. PRE-HEARING PROCEEDINGS

The general purposes of the Pre-Hearing Proceedings, in this case, were to: make sure that Mr. Sosa understood the charges against him and that he understood how the proceeding would take place; to establish a schedule for Pre-Hearing Briefing, the submission of Exhibits and Witness Statements; to narrow the issues to be presented at the Hearing including by requiring Mr. Sosa to raise any objection which he had to the ITIA's evidence; and to establish the date and time for the Hearing itself. A Pre-Hearing Conference took place on 1 October 2024. Both Mr. Sosa and representatives of the ITIA were present. Based on the Pre-Hearing Conference, a Pre-Hearing Order (in English and Spanish) was sent to the parties on 10 October 2024. All other instructions from the AHO with respect to the proceedings were communicated by email in English and translated into Spanish by the ITIA case management office. (Copies of the Pre-Hearing Order as well as the AHO's follow-up instructions to the parties in a 10 December 2024 email are attached.)

As provided in the Pre-Hearing Order, ITIA submitted an Opening Brief, written Witness Statements of its three witnesses and Exhibits to serve as its case in chief. Mr. Sosa stated at the Pre-Hearing Conference and in subsequent correspondence that he had no witnesses or exhibits. Mr. Sosa filed no Brief, Witness Statements, or Exhibits as provided in the Pre-Hearing Order, nor did he submit any summary of his own testimony or any disagreement with the ITIA's position that there was a discrepancy between the number of points reflected in the match audio and what Mr. Sosa entered into the hand-held scoring device and as required in the Pre-Hearing Order and the AHO's 10 December 2024 direction to the parties.

Prior to the commencement of the Hearing, the AHO carefully reviewed and considered the ITIA's initial Brief, Witness Statements and Exhibits, as well as any comments made by Mr. Sosa in the Pre-Hearing Conference and correspondence in connection with the case.

IV. THE HEARING

The Hearing took place by Zoom on 18 December 2024 and lasted from approximately 10:00 a.m. Mountain Time until 3:30 p.m. Mountain Time.

1. The ITIA was represented at the Hearing by John Thomas and Maggie McQuiddy of Smith Hulsey & Busey as well as Katy Stirling, ITIA Counsel. The ITIA's three witnesses Helen Calton, ██████████ and Mark Swarbrick were available for the entire Hearing. Mr. Sosa appeared pro se. English/Spanish consecutive translation was provided by two very capable translators.
2. Because Mr. Sosa was obviously not familiar with the adjudication process and was appearing pro se, the AHO bent over backwards to make sure that the process was fair to him. For example: he was permitted to make an opening statement, provide testimony, and provide a closing statement, all of which were a mixture of testimony and argument; he was permitted to cross-examine each of the ITIA's witnesses which examination was a mix of questions, statements, and testimony from Mr. Sosa; every time the ITIA or the AHO asked a question of a witness, Mr. Sosa was reinvited to ask questions; and finally, there was the issue related to ITIA's contention that the audio of the games in question did not correspond with the entries in the hand-held scoring device which establish corruption. The Pre-Hearing Order required Mr. Sosa to provide any disagreement which he had with the description of the relevant match scorecard and audio as set forth in the Notice of Major Offense by 16 October 2024. He filed nothing. The 10 December 2024 email stated that Mr. Sosa "does not contest the discrepancy between the match audio and the hand-held device for the points identified in the Notice of Charge." Mr. Sosa raised no objection to that statement. Based on these clear communications, the AHO certainly could have considered the discrepancy between the match audios, and the hand-held scoring device a closed issue. However, during the Hearing when Mr. Sosa began to question the discrepancies between the audio and scorecard, the AHO decided to leave the issue open and, indeed, spent considerable time examining the ITIA's witness ██████████ on this issue. The ITIA's claim that there is a discrepancy between the match audio and what Mr. Sosa entered on the hand-held scoring device is discussed further in part IV(2) of this Decision.
3. Before going into the merits of the case, it is useful to understand how betting on tennis works. A bet can be placed on virtually anything that happens in a tennis match. In this case, the bets were that a specific game in a specific match would go to deuce (that means that the score in the game would reach 40-40.) Bets are won or lost based on the data entered into the chair umpire's hand-held scoring device producing an electronic scorecard, which data is then automatically transferred to the betting agencies for pay out. The hand-held scoring device also contains a microphone which not only records the scores called out by the chair umpire, but also picks up the sounds of points being played, including, for example, the thud of the ball being hit during a rally and line calls of "out" by a lineman.

IV. THE MERITS OF THE ITIA'S CASE AGAINST MR. SOSA

At the beginning of the Hearing, the ITIA's Witness Statements and Exhibits were admitted without objection. The AHO has considered all of the evidence presented by the parties before

and during the Hearing. For the sake of economy, this Decision will only discuss those points which the AHO found to be most important.

The ITIA put forth several arguments in support of its position that Mr. Sosa entered false scores into the hand-held scoring device reflecting that all three games in question went to deuce in order to benefit bettors who wagered on those results.

1. The bets placed on the games in question [REDACTED] were suspicious. The ITIA's expert witness on betting in tennis was Mr. Mark Swarbrick. Mr. Swarbrick has extensive experience in the sport betting industry. Before joining ITIA as its betting liaison officer in August 2021, he worked for sports betting operator [REDACTED] for more than 30 years, much of that time focused on betting in tennis. Mr. Swarbrick's evidence was supplemented by the evidence of Ms. Helen Calton. Ms. Calton has been an investigator with the ITIA and its predecessor agency since 2019. Her written testimony and an examination by the AHO confirmed that two of the individuals whose bets were made successful by Mr. Sosa's alleged corruption were known to Mr. Sosa: [REDACTED] and [REDACTED]. Investigation into Mr. Sosa began when ITIA received notification from the International Betting Integrity Association of suspicious betting on Match 2. Upon investigation, the ITIA discovered that one of the bettors on Match 2, [REDACTED] also placed the same suspicious bets on Match 1. Another bettor, [REDACTED] placed the same suspicious bets on Match 2. In Mr. Swarbrick's opinion, those bets were highly suspicious. For example, with respect to Match 2, Mr. Swarbrick testified that three [REDACTED] accounts and one [REDACTED] account placed bets on the [REDACTED] game of the [REDACTED] and [REDACTED] sets of this match to [REDACTED]. One of those accounts was registered in the name of [REDACTED] (the same bettor who wagered on a substantially identical market in match number 1.)

As to the [REDACTED] bets, Mr. Swarbrick testified that:

- All three accounts placed bets both on (i) the games at issue [REDACTED] and (ii) both players to win the games at issue [REDACTED]. Given that one of the players will win the game [REDACTED] should the game get to that point, betting on both will guarantee a profit given the available prices. This is a well-known market targeted by bettors in previous instances of proven chair umpire corruption. To see multiple bettors use this same tactic would be highly unusual in a random occurrence.
 - i. As to bets placed on the [REDACTED] game of the [REDACTED] set:
 1. The three accounts placed four bets on this game [REDACTED].
 2. The three accounts placed two bets on [REDACTED] [REDACTED] to win this game [REDACTED].
 3. The three accounts placed two bets on [REDACTED] [REDACTED] to win this game [REDACTED].

4. In total, the three accounts generated 4,706,300 COP in profits on these bets (approximately 1,000 Euro at current exchange rates).
- ii. As to bets placed on the [REDACTED] game of the [REDACTED] set:
1. The three accounts placed five bets on this game [REDACTED].
 2. The three accounts placed five bets on [REDACTED] [REDACTED] to win the game to [REDACTED]
 3. The three accounts placed five bets on [REDACTED] [REDACTED] to win this game to [REDACTED]
 4. In total, the three accounts generated 7,506,000 COP in profits on these bets (approximately 1,600 Euro at current exchange rates).
- All three accounts were registered in Colombia. In Mr. Swarbrick's experience, having multiple bettors on suspicious markets coming from the same country added to the likelihood of collusion between bettors.

2. Beyond the highly suspicious betting patterns in these games, and the fact that two of the successful bettors were known to Mr. Sosa, and important part of the ITIA's corruption case was its assertion that the audio recordings of the games in question showed fewer points we're actually played than the points entered by Mr. Sosa into the hand-held scoring device which showed that the games went to deuce. Both Ms. Calton and the ITIA's witness [REDACTED] gave evidence on this issue. The AHO directed his questions in this area primarily to [REDACTED] is [REDACTED]
[REDACTED]
[REDACTED]; he has [REDACTED]
[REDACTED]; he is also an expert on the workings of the hand-held scoring device used by Mr. Sosa to officiate the matches in question. The AHO found [REDACTED] to be a very qualified and credible witness. In reaching his conclusion that Mr. Sosa entered false points into the hand-held scoring device in order to cause the bets that the games in question would reach [REDACTED] to be successful, [REDACTED] noted the following based on what he heard on the match audio.

- [REDACTED] evidence was that when he listened to the match to audio recordings, Mr. Sosa called the game scores correctly, announcing the score after each point finished until he got to the games where suspicious bets had been placed. In those games, he stopped regularly calling out the score after each point in order to disguise his efforts to add fictitious points in the hand-held scoring device so that the games would appear to go to deuce. In [REDACTED] view, this was evidence supporting corruption, not mere coincidence.

- As noted previously, Mr. Sosa was instructed by the AHO to raise any disagreement which he had with the ITIA's assertion that the scores which he entered into the hand-held scoring device were different than the points heard on the match audio. He did not do so. The first time Mr. Sosa raised any suggestion of disagreement on this issue was during the Hearing. Had Mr. Sosa been represented by counsel in this proceeding, the AHO would have considered this issue resolved in favor of the ITIA and considered no further evidence on the issue. However, since Mr. Sosa was clearly unfamiliar with how the process worked, the AHO opened the issue during the AHO's examination of [REDACTED]. After hearing [REDACTED] explanation, and so the AHO could confirm for himself that [REDACTED] description of the points reflected on the match audio was correct, the AHO had [REDACTED] listen to the match audio of the [REDACTED] game in the [REDACTED] set of Match 2 and raise his right hand every time he heard that a point had been concluded. The AHO also had [REDACTED] raise his left hand every time he heard a buzz as an entry was made into the hand-held scoring device. (For each point there would have been two buzzes, one to activate the device and another to enter a point.) What the AHO heard as the audio was played was the same thing that [REDACTED] heard, namely, that there were not enough points played for the game [REDACTED], and that there were more buzzes as fictitious points were entered into the hand-held scoring device than actual points played. Thus, the AHO personally validated the credibility of [REDACTED]'s opinion. To be fair, the AHO invited Mr. Sosa to go through the same exercise, listening to the match audio with the instruction to raise his right hand every time he heard the end of a point. Mr. Sosa raised his hand 11-12 times during the game, sometimes when a point was clearly not over because the AHO could hear balls being hit and the rally continuing when Mr. Sosa raised his hand. Mr. Sosa raised his hand signalling the end of a point even more times than the number of points (including fictitious points) which he had entered into the hand-held scoring device.

V. MR. SOSA'S EVIDENCE

Mr. Sosa's evidence consisted entirely on his own testimony and argument. He called no witnesses, provided no exhibits and his cross examination of the ITIA's witnesses was brief. In his defense, Mr. Sosa argued that:

1. He is innocent and has never been involved with any gambling.
2. He chose to participate in this proceeding instead of running away.
3. The hand-held scoring devices used in tournaments in the Dominican Republic did not always work correctly. Perhaps the additional points were added as a result of machine malfunction.
4. If there were "mistakes" made in the entries into the hand-held scoring device, they were because of his inexperience as a chair umpire or the fact that he may have been nervous.

5. He mentioned several times that there were not spectators at these matches and therefore, it was very “quiet.” It was not clear to the AHO how this assisted in his defense.
6. As discussed above, for the first time at the Hearing, Mr. Sosa argued that there was no discrepancy between points heard on the match audio and points entered into the hand-held scoring device.

VI. CLOSING OF THE HEARING

Before the closing of the Hearing, the AHO again asked both parties whether they had any objection to the AHO deciding the case. The answer from both parties was negative. The AHO also asked whether either party had any objection to how the case had been handled or to the conduct of the Hearing. Both parties said they had no objection, and Mr. Sosa went on to say that he was “pleased” with how the Hearing had been conducted. The evidence was then closed except for one issue. Mr. Sosa had asked whether he would receive credit against any period of ineligibility ultimately imposed for the period of time during which he had already been provisionally suspended from working as a chair umpire. Mr. Thomas was instructed to confirm the circumstances of Mr. Sosa’s provisional suspension and to advise the AHO and Mr. Sosa of ITIA’s position with respect to any credit Mr. Sosa should receive. The ITIA subsequently responded that Mr. Sosa had been suspended by the International Tennis Federation on 3 October 2022 on account of the ITIA’s corruption investigation. The ITIA further responded that it did not object to Mr. Sosa receiving credit for time served under the provisional suspension against any period of ineligibility ultimately imposed by the AHO.

VII. THE AHO’S FINDING OF CORRUPTION

The AHO must determine whether the ITIA has proved its corruption case by a balance of probability. Looking at the three games in question, the AHO finds that:

1. It is very likely these suspicious bets would never have been made in the first place without some advanced knowledge that points would be manipulated by the chair umpire as necessary to make the bets successful;
2. Mr. Sosa’s failure to call out the score after each point in the three games where corruption is alleged was not a coincidence or the result of nervousness or lack of experience, and
3. The match audios of the games in question in fact show fewer points played than were entered by Mr. Sosa into the hand-held scoring device. That did not occur because of a malfunction of the device. ██████████ made clear in his testimony that he was very familiar with this hand-held scoring device and that it was not possible for a device malfunction to have added extra points to both games. The AHO therefore finds to a level of confidence far beyond a balance of probability that Mr. Sosa has committed three separate and distinct corruption offenses as set forth in the ITIA’s Notice of Major Corruption Offenses.

VII. SANCTIONS

Under the Tennis Anti-Corruption Program, sanctions for corruption offenses are largely left to the discretion of the AHO. There are however, ITIA published Sanctioning Guidelines which the AHO may follow. Based on those Guidelines, the ITIA recommended a period of ineligibility of three years (within a range of six months to five years) and a fine of between \$1,000 and \$25,000 to be paid on a payment plan as a condition of reinstatement at the end of the period of ineligibility. As previously noted, the ITIA accepted that Mr. Sosa should get a credit for the period of provisional suspension already served.

Mr. Sosa's evidence was that because he was provisionally suspended and lost the income he had received as a chair umpire, he was only able to make \$200 a month teaching tennis. Finally, to feed his family, about four months ago he took a job where he is paid \$500 per month. His rent is \$100 per month. He has no savings.

In deciding on the sanction to be imposed on Mr. Sosa in this case, the AHO notes that chair umpires hold an important position of trust within the sport. The fact that a chair umpire would corruptly manipulate scores to facilitate the fortunes of individuals who gamble on tennis seriously undermines the reputation and integrity of the sport. A good argument can be made that chair umpires who cheat, no matter how small their transgression, should have no place in the sport. On the other hand, there is value to AHO's hearing different cases following Guidelines which ensure consistencies of decisions. Balancing these factors and considering that Mr. Sosa's corruption was a one-time occurrence involving only three games in two matches in a single tournament, with a limited number of bettors receiving only a relatively small payout from his corrupt actions, the AHO finds that a five year period of ineligibility, with a credit from 3 October 2022 when Mr. Sosa was provisionally suspended is appropriate in this case. That means that Mr. Sosa will be ineligible to serve as a chair umpire or in any other capacity in tournaments sanctioned by international tennis organizations or their national federations through 2 October 2027. In addition to the imposition of ineligibility the Guidelines also provide for the assessment of a fine. Given his limited means, the AHO finds that a fine in the amount of \$3,000 is appropriate to be paid by Mr. Sosa if and when he decides to return as a tennis official at the end of his period of ineligibility. The sum may be paid in installments as determined by the ITIA.

Dated: January 21, 2025



Richard R. Young, AHO