

***In the matter of alleged Corruption Offenses under the Tennis Anti-Corruption Program***

**The International Tennis Integrity Agency**

**-and-**

**François-Arthur Vibert**

**SUMMARY**

- On 02 August 2024, the International Tennis Integrity Agency (**'ITIA'**) issues a *Notice of Major Offense under the 2024 Tennis Anti-Corruption Program and referral to Anti-Corruption Hearing Officer* (**'Notice of Major Offense'**) to Mr. François-Arthur Vibert in relation to investigations carried out by Belgian Law enforcement authorities between 2014-2018 (the **'Belgian Investigation'**).
- Pursuant to Section G 1.a of the Tennis Anti-Corruption Program (**'TACP'**) Mr. Vibert accepts liability for all the Charges the ITIA brings against him but requests a hearing before an Anti-Corruption Hearing Officer (**'AHO'**) in relation to multiple TACP Offenses detailed in the Notice of Major Offense in order to mitigate and seek a reduction in the severity of the sanctions proposed by the ITIA.
- Further to both parties being given an opportunity to make written and oral submissions, the AHO decides that the appropriate sanction to impose on Mr. François Arthur Vibert as a result of his numerous TACP Corruption Offenses, is a two years and three months ban and a fine of \$35 000 (\$28 500 suspended).

**INTRODUCTION**

1. This dispute involves the ITIA and François-Arthur Vibert (or **'the Covered Person'**), a former French professional tennis player.
2. Further to advising the Covered Person of his opportunity to accept a proposed sanction on 12 June 2024 and the Covered Person later disputing the severity of the sanction proposed, on 02 August 2024, the ITIA sent Mr. Vibert a Notice of Major Offense, charging

him with various TACP Offenses. Shortly thereafter, the ITIA referred the matter to an AHO on the Covered Person's request.

3. As outlined later in this Decision, the Offenses relate to numerous professional tennis matches Mr. Vibert has admitted to fixing in exchange for money in 2016, 2017 and 2018. While he admits the violations, he seeks a ruling from an AHO on a mitigated sanction applicable to these admitted TACP Offenses.
4. Janie Soublière holds an appointment as an AHO per section F.1 of the TACP. The AHO was appointed without objection by any party to these proceedings as the independent and impartial adjudicator to decide this matter as set out in the TACP 2024, which applies to all procedural aspects of this dispute.
5. The following is the AHO's Decision on Sanction.

## **THE PARTIES**

6. The ITIA is appointed by the Governing Bodies who participate in the TACP, namely the ATP Tour Inc., the Grand Slam Board, the International Tennis Federation (ITF) and the Women's Tennis Association (WTA) Tour Inc., to administer the TACP and the actions of all Covered Persons bound thereto. The ITIA is empowered to investigate potential breaches of the TACP and to bring charges against Covered Persons where they conclude that there are sufficient grounds to do so.
7. Mr. Vibert is a former Professional Tennis Player from France and defined as a Covered Person under all applicable versions of the TACP. He reached a career high Singles ATP ranking of 591 and a career high doubles ranking of 535. His career high ITF singles ranking was 713. His last recorded professional tennis tournament was from 13-17 November 2018 at the ITF F40 futures in Tunisia. Mr. Vibert registered for an ITF IPIN and signed the Player Welfare Declaration for every year between 2010 – 2018, thereby accepting to abide by the provisions of the TACP. Mr. Vibert completed the Tennis Integrity Protection Program (TIPP), an online educational tool designed to assist players in recognising and adhering to their obligations under the TACP, on 22 March 2017. Of relevance to the AHO's decision below is that the TIPP is a mandatory ITF online educational tool that assists Covered Persons to understand their responsibilities under the TACP including identifying and reporting match-fixing and corrupt approaches.

## **THE BACKGROUND TO THE NOTICE OF MAJOR OFFENSE**

8. During the relevant period to Mr. Vibert's offenses, an organised criminal network with links to Armenia and Belgium had significant involvement in match-fixing in tennis. At the centre of that organised criminal network was an individual called [REDACTED] [REDACTED] also



13. Mr. Vibert has admitted among others (and therefore liability has been established) to committing seven violations of Section D 1.d of the 2016, 2017 and 2018 TACP which provide that *“No Covered Person shall, directly or indirectly, contrive or attempt to contrive the outcome or any other aspect of any Event”*. The details of these offenses are as follows:

14. During his interview with French police Mr. Vibert promptly admitted to fixing seven matches. Specifically, he admitted to contriving the following matches at the request of intermediaries of [REDACTED]

- [REDACTED] December 2016, ITF [REDACTED] Tunisia, [REDACTED] with [REDACTED] v [REDACTED] / [REDACTED]
  - He fixed the match by losing a break in the [REDACTED] set.
  - He received €400 or €500 in return for the fix.
- [REDACTED] December 2016, ITF [REDACTED] Tunisia, [REDACTED] with [REDACTED] v [REDACTED] / [REDACTED]
  - He fixed the match by losing a break.
  - He received €400 or €500 for the fix.
- [REDACTED] May 2017, ITF [REDACTED] Tunisia, [REDACTED] with [REDACTED] v [REDACTED] / [REDACTED]
  - He fixed the match either by losing a break or a set (he did not recall which but knew he had performed the fix).
  - He received €400 or €500 for the fix.
- [REDACTED] September 2017, [REDACTED] Tunisia, [REDACTED] with [REDACTED] v [REDACTED] / [REDACTED]
  - He fixed the match either by losing a break or a set (he did not recall which but knew he had done as instructed and received money in exchange but did not remember how much).
- [REDACTED] March 2018, ITF [REDACTED] Tunisia, [REDACTED] with [REDACTED] v [REDACTED] / [REDACTED]
  - He fixed the match either by losing a set or the match (he did not recall which but knew he had followed the instructions he was given).
  - He received €1,000 for the fix.
- [REDACTED] May 2018, ITF [REDACTED] Türkiye, [REDACTED] with [REDACTED] v [REDACTED] / [REDACTED]
  - He fixed the match by losing the [REDACTED] set and received €1,000 for the fix.
- [REDACTED] May 2018, ITF [REDACTED] Türkiye, [REDACTED] with [REDACTED] v [REDACTED] / [REDACTED]
  - He fixed the match by losing the [REDACTED] set and received €1,000 for the fix.

15. Mr. Vibert has also admitted to seven further breaches of Section D.1.f in relation to all the matches listed above as he received money from [REDACTED] criminal network in return for not giving his best efforts for the same. Section D.1.f of the 2016, 2017 and 2018 TACP reads: *“No Covered Person shall, directly or indirectly, solicit or accept any money, benefit or Consideration with the intention of negatively influencing a Player’s best efforts in any Event”*. Mr. Vibert admitted to having received at least Euro 4200 in total in addition to another payment which he could not remember.

16. Mr. Vibert has also, by virtue of his admissions in relation to the above TACP Offenses, admitted to committing numerous breaches of Section D.2.a.i (non reporting) of the 2016, 2017 and 2018 TACP which reads *“In the event any Player is approached by any person who offers or provides any type of money, benefit or Consideration to a Player to (i) influence the outcome or any other aspect of any Event, or (ii) provide Inside Information, it shall be the Player's obligation to report such incident to the TIU as soon as possible.”* Mr. Vibert failed to report the corrupt approaches made in relation to all the matches he agreed to fix and 30 or so other matches he allegedly refused to fix.
17. Mr. Vibert has admitted all of the above Charges (which effectively together total 28 separate TACP Offenses) but challenges the sanction sought by the ITIA as a result of the same.

#### **APPLICABLE LAW AND JURISDICTION**

18. It is uncontested that the applicable rules are substantively the 2016, 2017 and 2018 TACP with regards to the alleged offenses and the 2024 TACP with regards to the procedure.
19. No party has objected to the appointment of the undersigned AHO to hear this matter. She has been properly appointed and seized of the matters in dispute.
20. No other matters relating to jurisdiction or the arbitrability of these matters have been raised by any party.

#### **PROCEDURAL BACKGROUND BEFORE THE AHO**

21. On 02 August 2024, the ITIA issued, in English and French, the Notice of Major Offense to Mr. Vibert notifying him of the allegations and charges against him and informing him that the matter would be referred to an AHO for sanctioning.
22. By letter dated 28 August 2024, Mr. Vibert informed the ITIA that:

*“...Mr. Vibert intends to challenge, pursuant to Article G.1.d.iii of the TACP Charter, the sanction proposed by the ITIA in its letter dated June 12, 2024, (...) In this regard, Mr. Arthur Vibert requests a Hearing before an AHO, and a translator, to present several arguments and explanations that would justify a reduction in the sanction imposed upon him...”*

23. Further to being appointed to settle the matter, the AHO convened a Procedural Call with the Parties the purpose of which was to settle any preliminary issues and to set a procedural calendar for the written submissions and the hearing. Further to this call on 12 September 2024, a Procedural Order was circulated by the AHO to the Parties for approval and eventually signed off with no objections.

24. Both Parties respected the procedural calendar and an oral hearing with simultaneous interpretation was held by zoom video conference on 27 November 2024.

25. Present at the hearing were:

Janie Soublière	AHO
Julia Lewis	Counsel for the ITIA
Gilles Matthieu	Counsel for the Covered Person
Quentin Matthieu	Counsel for the Covered Person
François-Arthur Vibert	Covered Person
Liam Burke	ITIA Secretariat

26. At the outset and closing of the hearing both Parties confirmed that they were satisfied that all their rights of natural justice had been respected throughout the proceedings.

## **PARTIES' SUBMISSIONS ON SANCTION**

27. The AHO has carefully considered the totality of the Parties' written and oral submissions. They are summarised below. Additional facts and allegations found in the Parties' submissions and evidence may be set out where relevant in connection with the legal discussion that follows. The AHO refers in her decision only to the submissions and evidence she considers necessary to explain her reasoning.

### **I. ITIA**

28. The Corruption Offenses that Mr. Vibert has been charged with are set out in the ITIA's 2 August 2024 Notice of Major Offense. Specifically, based on Mr. Vibert' admissions and the evidence available, Mr. Vibert has committed the following TACP Offenses (as outlined in greater detail above in the Notice of Charge section):

- Seven breaches of Section D.1.d of the TACP, by, directly or indirectly, contriving or attempting to contrive the outcome or any other aspect of any Event. These breaches relate to two matches in 2016; two matches in 2017; and three matches in 2018;

- One (global) breach of Section D.1.f of the TACP by, directly or indirectly, soliciting or accepting any money, benefit or Consideration with the intention of negatively influencing a Player's (his own) best efforts in any Event. This breach covers money payments received relating to all of the seven matches above;
- One (global) breach of Section D.2.a.i of the TACP, by failing to comply with his obligation to report to the TIU (as it then was) approaches to him to contrive the seven matches above, as well as further approaches to fix which he did not accept.

29. Pursuant to Section H.1 of the 2024 TACP,

*“H.1 ... the penalty for any Corruption Offense shall be determined by the AHO in accordance with the procedures set forth in Section G, and may include: With respect to any Player, (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 from Participation in any Sanctioned Events for a period of up to three years unless permitted under Section H.1.c., and (iii) with respect to any violation of Section D.1., clauses (c)-(p), Section D.2. and Section F. ineligibility from Participation in any Sanctioned Events for a maximum period of permanent ineligibility unless permitted under Section H.1.c.”*

30. The ITIA first submitted as proposed on 12 June 2024, that the appropriate sanction in this case would be 7 years and 6 months of ineligibility; and a \$35 000 fine with \$24 500 suspended on the basis of no further breaches of the TACP within the period of ineligibility. Further to the Player's written submissions, the ITIA amended its request for relief as below.

31. The ITIA relies on the Sanctioning Guidelines (the **'Guidelines'**). They outline a five-step process by which to determine the appropriate sanction in a particular case:

- a. Determining the category of Offense (which is split in two parts, culpability and impact).
- b. Assessing the starting point for a sanction and where in the applicable range in which Mr. Vibert's case falls. This includes consideration to all applicable aggravating or mitigating factors.
- c. Consideration of any appropriate reduction for early admission.
- d. Consideration of any other factors which may allow a reduction in sanction, such as the provision of Substantial Assistance to the ITIA.
- e. Assessing the amount of any applicable fine.

32. The Guidelines provide that where *“there are multiple Corruption Offenses, in the interests of efficiency, they should ordinarily be taken together in one concurrent sanctioning process (albeit taking particular cognizance of the offense(s) which carry(ies) the highest sanction)”*. Whilst recognizing the AHO’s full discretion as to whether to apply or depart from them, the ITIA submits that the Guidelines should be followed in this case.
33. The ITIA further underlines that the TISB spent considerable time in the preparation of the Guidelines with the intention that they be used to justify an AHO’s imposition of an appropriate sanction which is proportionate to the offenses committed in any given proceedings. In drafting the Guidelines, and in line with tennis’ stated ‘zero tolerance of corruption policy’, the TISB included the need for any sanction imposed as a result of a breach of the TACP to be able to serve as a deterrent to others.

### Step 1 Category of Offense

#### *As to culpability*

34. The ITIA submits that Mr. Vibert’s offenses sit between Categories 1 and 2 but with Category 2 being most appropriate for the following reasons:
- Mr. Vibert committed ‘multiple offenses over a protracted period of time’ (a total of two and a half years) (Category 1);
  - Mr. Vibert clearly displayed ‘some planning or premeditation’ (Category B) and was ‘acting in concert with others’, given the need for him to liaise with third parties in relation to the fixes (Category 2).

#### *As to impact*

35. The ITIA submits that Mr. Vibert’s conduct sits between Categories A and B with the most appropriate being Category B:
- Mr. Vibert’s conduct involved ‘Major TACP offenses’ (category 1). Match-fixing (contriving, contrary to Section D.1.d) is one of the most serious forms of offense under the TACP, and Mr. Vibert has admitted to doing this on seven occasions. Each of these instances is capable of receiving a sanction of above a six-month suspension and fine of \$10,000.
  - Mr. Vibert’s conduct results in a ‘Significant material impact on the reputation and/or integrity of the sport’. All match-fixing offenses damage the reputation and integrity of the sport, and Mr. Vibert was involved in one of the largest match-fixing scandals,



which has attracted significant press attention. At the least, Mr. Vibert's conduct certainly has a 'material impact on the reputation of the sport' (Categories 1-2).

- By Mr. Vibert's admissions, he received in excess of €4,200. This is, at least, 'material gain', and arguably a 'relatively high degree of illicit gain' given the sums earned may have been significant when compared to his usual earnings (Categories 1-2).

#### Step 2: Starting Point and Range of Sanction

36. As the ITIA categorizes Mr. Vibert's offenses as sitting within the B2 range, the starting point for offending conduct in Category A2 would be a 3-year suspension, (with a range of six months to five years). Given the presence of factors in categories A and 1, as well as the number of fixed matches, the ITIA submits that a small uplift to a starting point of five years is appropriate. The ITIA recognizes that Mr. Vibert exhibited good character and conduct in making admissions to French police immediately at the start of his police interview and submits that a reduction of one year down to a starting point of four years is appropriate in light of this mitigation.

#### Steps 3 and 4 : Reduction for early Admissions and other reasons

37. Although there is no reason to reduce Mr. Vibert's presumptive sanction based on substantial assistance or other, the ITIA does note that Mr. Vibert deserves significant credit for his admissions upon receipt of the Notice of Charge. The ITIA considers that in light of Mr. Vibert's admissions in police interview (which he has not withdrawn), a reduction of 25% is appropriate given that this did come at the earliest possible stage. Applying the 25% reduction to the 4 years starting point the ITIA alleges applies leads to a revised sanction of 3 years of ineligibility.

#### Step 5: Fine

38. With regards to the monetary fine, should the AHO accept that Mr. Vibert's conduct falls within the B2 category, then the ITIA submits that because Mr. Vibert has admitted to match-fixing in relation to seven of his own matches on behalf of [REDACTED] criminal network, in addition to receiving money from the network for doing so, and failing to report 23 additional approaches.

39. The fixed matches took place over a protracted period of two and a half years, and it is unknown over what period further approaches were made. The ITIA submits that a fine being payable by Mr. Vibert is appropriate to reflect the key aims of the TACP in reaching a reasonable and proportionate sanction which acts as an effective deterrent as well as redressing repayment of sums earned through the breaches of the TACP.

40. The Fines Table in the Guidelines suggests that the appropriate fine for 5-10 Offenses is \$25,001 - \$50,000. The total amount which Mr. Vibert has admitted to receiving for fixing matches (set out from his admissions in police interview at para 11 of the ITIA's initial submissions) is between €4,300 – €4,500, in addition to a payment for a match for which he did not remember the amount. It is therefore apparent that Mr. Vibert, on his own admissions, received at least in the region of €5,000.
41. The ITIA thus submits based on the Fines Table in the Guidelines, that the appropriate fine is \$35,000 (on the basis of seven fixed matches), but recognises that the Guidelines allow for up to 75% to be suspended, and therefore submits that the appropriate fine is \$8,750 with an additional \$26,250 suspended on the condition of no further breaches within the period of ineligibility.
42. In summary, the ITIA respectfully submits that it is reasonable, proportionate and keeping with the Guidelines that the AHO impose the following sanctions on Mr. Vibert:
- A period of ineligibility 3 years
  - A \$35 000 fine, \$8 750 Payable and \$26 250 suspended so long as he does not commit any further TACP offenses during this period of ineligibility.

## II. Mr. Vibert

43. On 31 July 2024, Mr. Vibert responded as follows to the 26 July 2024 Notice of Major Offense.

*Dear Sir,*

*I acknowledge receipt of your email and would like to clarify certain aspects of my journey to provide context for some of the decisions that were made.*

*It all started with an offer from another player who proposed to cover my travel expenses for participating in tournaments. At that time, I was facing significant financial difficulties. As you know, the annual cost for a tennis player, even at a semi-professional level, ranges between €50,000 and €100,000. The tournament winnings did not even cover a week of travel, making it extremely difficult to continue my career.*

*While this does not excuse the choices I subsequently made, it is important to highlight the financial challenges faced by many tennis players aspiring to reach a professional level. These circumstances often create complex and difficult situations.*

*After accepting help from a player to cover my travel expenses, I discovered that other players were also in precarious financial situations. Faced with these common challenges, some of these players approached me for similar assistance. At that time, we were young and lacked perspective on the gravity of our actions. To us, it was simply about finding ways to continue pursuing our passion for tennis and our dream of becoming professionals.*

*Unfortunately, the only solution I knew at the time to help my colleagues and myself was to engage in arrangements that proved inappropriate and against the integrity of the sport. I want to emphasize that these choices were based on a lack of understanding of the ethical and legal implications of our actions. We did not fully realize the consequences of our acts and thought we were simply finding a way to overcome financial difficulties.*

*Today, I deeply regret these decisions and am aware of the harm they may have caused to our sport and community. I take full responsibility for my actions and am committed to working with integrity and transparency in the future. I hope this explanation provides a better understanding of the difficult circumstances that led to these mistakes, while reaffirming my commitment to upholding the values of the sport.*

*It is crucial to note that it was other players who approached me for assistance with their financial difficulties. At no point did I take the initiative to solicit this type of support from them. I responded to their requests for help, naively thinking it was a way to support each other in continuing to pursue our passion and ambitions in tennis.*

*I now understand that this path was inappropriate and that our actions had regrettable consequences. At the time, we were young and lacked discernment regarding the ethical implications of our choices. Our intention was never to cause harm or compromise the integrity of the sport, but simply to find a way to overcome the financial obstacles we faced.*

*I am not seeking to justify my past actions, but to provide context to better understand the financial pressures that can weigh on players like me. I made mistakes, and I fully accept responsibility for them. My goal today is to continue learning from these experiences and to move forward with integrity in the world of sports.*

*I realize these actions go against the principles of integrity, fair play, and respect that should always prevail in the world of tennis. I fully assume responsibility for my actions and understand the consequences they may have.*

*I would like to share a bit about my current daily life and my new professional path in the world of padel. For several years now, I have been actively involved in various projects and initiatives aimed at promoting and developing this sport. Padel has become a true passion for me, offering a new perspective and positive energy after a difficult period in my life.*

*Having gone through challenges that affected me and those around me, I decided to turn this painful page. Today, I find great fulfillment in fully engaging in projects that reflect my love for padel and the sharing of my professional experience. This commitment allows me not only to give back to the sport but also to impart important values such as resilience and perseverance.*

*On a personal level, I am happy to be able to support my family [REDACTED]. This financial support, although modest, allows me to build a solid home and dream of a better future. The foundation of my family is another aspect of my life that brings me a lot of joy and motivation.*

44. In addition to the above, Mr. Vibert, via legal counsel, filed fulsome written submissions and made oral representation in the course of a hearing which are summarised as follows.
45. He first submits that the Guidelines expressly provide that they “*are not binding on the AHO*” and submits that the sanctions proposed by the ITIA are disproportionate because the ITIA:
  - fail to sufficiently account for his cooperative behaviour throughout the process both in the Belgian Investigation and the ITIA’s,
  - fail to sufficiently take into consideration the passage of time,
  - seek to punish Mr. Vibert more harshly than other players who committed more serious violations than him.
46. Mr. Vibert submits that upon being confronted by Police in the course of the Belgian Investigation and since he has fully and transparently cooperated with the process.
47. Mr. Vibert submits that the infractions were committed more than seven and half years to five years ago. The ITIA was informed of the violations in 2020, yet still waited four years, a disproportionate amount of time, before charging him with TACP violations. On this, he submits that in France, the ITIA’s action would have been time barred as the limitation period there is five years. While the ITIA alleged that it suspended its investigations into Mr. Vibert due to a demand of French Law Enforcement and that this is what caused their delay in proceeding, Mr. Vibert submits that as the ITIA has provided no evidence in support of this allegation, it should be given little weight. The passage of time must therefore be considered as an important mitigating element in favor of Mr.

Vibert in the AHO's Decision. That the ITIA failed to charge him with violations since 2020 cannot be attributed to him.

48. Also, Mr. Vibert submits that the ITIA fails to recognize that while he admitted to fixing seven matches, he also refused to fix another 23 or so matches during this time and that as such, his involvement into the [REDACTED] match-fixing empire was peripheral.
49. Mr. Vibert compares the sanctions proposed by the ITIA in his case to sanctions imposed by the ITIA in other cases and defines the sanctions sought by the ITIA as unsuitable.
50. Finally, Mr. Vibert submits that his tennis career was unprofitable to him. Since retiring, he devoted himself to getting his professional life back on track by obtaining a master's degree in management at the Lyon business school, then working at Dior Couture until [REDACTED]. [REDACTED]. [REDACTED].
51. He explains that he is enlisted with the French Tennis Federation (FFT) to get certified as a professional tennis coach and has tendered evidence of the same. A lengthy suspension would thus jeopardize his ability to pursue this new career and his professional future.
52. On the whole, he submits that the sanctions proposed by the ITIA for what amounts to his first TACP violation would be so severe, disproportionate and unsuited to his personal situation that he would not be able to assume the burden of fulfilling them:
  - Regarding the prohibition to participate, the sanction proposed by the ITIA is unsuitable as Mr. Vibert left the professional circuit since the end of the 2018 season, in addition to the fact that it comes with a much excessive duration which would leave him unable to pursue his career as a professional coach. He submits that a sanction is warranted but that it should be suspended.
  - Regarding the fine, a symbolic fine combined with a significant and dissuasive suspended fine would appear much more appropriate to Mr. Vibert's financial situation and would meet the sanctioning objectives pursued by the ITIA.

## DELIBERATIONS

53. The sanctions which may be imposed by the AHO in relation to the Charges are set out in section H.1.a of the 2024 TACP. That section reads as follows:

*“With respect to any Player, (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 from Participation in any Sanctioned Events for a period of up to three years unless permitted under Section H.1.c., and (iii) with respect to any violation of Section D.1., clauses (c)-(p), Section D.2. and Section F. ineligibility from Participation in any Sanctioned Events for a maximum period of permanent ineligibility unless permitted under Section H.1.c.”*

54. The potential sanction for Mr. Vibert under section H.1.a is a lifetime/permanent ineligibility from Sanctioned Events, a \$250,000 fine and repayment of any corrupt payments Mr. Vibert may have received.

55. As the TACP attempts to eradicate corruption in tennis, the imposition of lenient sanctions would defeat the purpose not only of the TACP’s efforts to circumvent recidivism but also the TACP’s efforts to deter others from being swayed by the possible windfalls of match fixing, which the AHO fully appreciates, as argued by Mr. Vibert, are often considerably greater than a Covered Person’s usual earnings.

56. Conversely, as case law has established in all spheres, any sanction imposed must take into consideration that unique circumstances of each case, be proportional to the offense(s) committed, and fall within the usual sanctions imposed in similar circumstances in order to ensure as a matter of fairness and justice that a certain degree of consistency need be applied in the imposition of sanctions resulting from TACP Offenses.

57. The AHO is satisfied here that the sanctions she imposes have taken into consideration the circumstances of this case, are reasonable and proportional, and are consistent with those imposed in similar circumstances, notably in the recent cases involving French players prosecuted by the ITIA further to the Belgian Investigation.

### ***The Period of Ineligibility***

58. The case against Mr. Vibert is grounded in uncontested evidence of the various fixes.

59. On the one hand, the ITIA seeks a minimum period of ineligibility of three years for the reasons outlined above and with reference to the Guidelines. On the other hand Mr. Vibert submits that any period of ineligibility imposed should be wholly suspended.
60. The AHO appreciates Mr. Vibert's empathetic plea for the whole of his period of ineligibility to be suspended. He is a credible, sincere witness and has stated his case to seek mitigation in a remorseful way. However, this is simply not an option here given the number of tennis matches he has fixed and the impact such actions have on tennis, regardless of the passage of time.
61. No one forced Mr. Vibert to fix those matches. He chose to do so of his own volition and received money for the same. He also failed to report those and the twenty-three or so other instances when he was approached to fix matches, thereby consistently breaching his responsibilities under the TACP, as instructed in the TIPP which he completed on numerous occasions.
62. Regrettably, despite Mr. Vibert's sincere remorse and willingness to rehabilitate himself, he must still be sanctioned and fined for these major TACP Offenses, both as appropriate discipline to his own actions and inactions and as a deterrent to others.
63. Mr. Vibert argued that the fact that he turned down at least twenty three other offers to fix matches should be considered a mitigating element in the AHO's determination. The AHO does not believe so.
64. Firstly, he did accept to fix seven matches and effectively carried out those fixes. Those are the admitted charges.
65. Secondly, as the ITIA has submitted, he did not report any corrupt approaches as was his responsibility under the TACP. Notwithstanding the same, as the ITIA argued at the hearing, the ITIA did not charge him with thirty instances of non-reporting as they could have under the TACP, but simply with one global non-reporting charge. Mr. Vibert's mitigation argument might have held more water had he been charged with these twenty nine additional TACP Offenses, but he was not.
66. Finally, to the AHO, the starting point and what is expected of all Covered Persons based on their TACP obligations and basic principles of ethical behaviour should always be a decision to play the sport of tennis with integrity, to give best efforts, and to not contrive the outcome of matches. Mr. Vibert's decision "not" to fix twenty-three other matches he was asked to fix "in addition to" the seven matches he did fix can therefore not be seen as a mitigating element in AHO's determination of his sanction.

67. The Player has further relied on the various decisions below to demonstrate that the ITIA's proposed sanction is disproportionate.

i. Maxence Broville – Seven year ban and fined \$ 5000 for failing to cooperate.

- The ITIA clarified that Mr. Broville was found liable for failing to cooperate with the ITIA in respect of the investigation of three suspected matches. The seven year period of ineligibility reflects the seriousness of failing to cooperate with an investigation, which seriously hinders the ITIA's to gather evidence sufficient to prove a case. The facts of that case are irrelevant to this matter since Mr. Vibert fully cooperated with the ITIA.

ii. Eduardo Agustin Torre – five year ban and \$35 000 for 35 TACP breaches

- This case rather supports the ITIA's position that a three year ban is reasonable here given Mr. Vibert's mitigating circumstances. Mr. Torre was charged and found liable for fixing seven matches/35 TACP offenses in total. Mr. Vibert was also found liable for fixing seven matches/28 TACP offenses in total. The AHO does note however that unlike Mr. Vibert, Mr. Torre did not cooperate in any way with the Investigation or the ITIA's process. He was banned five years. On the contrary, the mitigating elements identified by the ITIA as being applicable to Mr. Vibert resulted in them proposing a three year ban.

iii. Jonathan Kanar – Fined \$ 2000 for facts which Mr. Vibert alleges are identical to his.

- The ITIA has clarified that Mr. Kanar was only found liable for contriving one match and still received a four years six month sanction, far more than the three year ban which the ITIA now suggests should be applicable to Mr. Vibert. The AHO thus fails to see how reliance on this case is of assistance to Mr. Vibert.

iv. Miguel Astorga – Fined \$ 1500 and suspended for three years.

- The AHO finds, as clarified by the ITIA during the hearing, that Mr. Astorga's circumstances are wholly irrelevant to this case.

68. In summary, the AHO thus generally finds that the cases relied upon by the Covered Person are of no assistance to him.

69. Conversely, the AHO refers to and relies on a similar and wholly relevant case which was recently decided in relation to the Belgian Investigation. In that case, Mr. Jankovits, a



Covered Person and French Tennis Player was also found liable for fixing six matches with the [REDACTED] In the Jankovits case:

- i. the violations were historical and the charges were brought by the ITIA five to seven years after the fact, as here;
- ii. the Covered Person admitted the violations, as here;
- iii. the Covered Person was contriving matches alone in an effort to supplement his meager earnings and did not seek to solicit others to match fix, as here;
- iv. the money received did not amount to high material gain, as here;
- v. at the time he was charged, the Covered Person was taking real steps to rehabilitate himself, as here;
- vi. the Covered Person's financial situation was strained, as here; and
- vii. there was an abnormally long delay for the ITIA to proceed with its charges (whilst still within the TACP limitation period), as here.

70. The only tangible difference in the factual circumstances of both cases is that Mr. Jankovits contrived both singles and doubles matches. Without having knowledge of the Jankovits case, Mr. Vibert argued that the fact he "only" contrived doubles matches is of less consequence than if he had contrived singles matches. However, to the AHO this argument is not persuasive in terms of consequence mitigation. Contriving a doubles match is arguably worse than contriving a singles match because the Covered Person's partner is also unwittingly adversely affected by the contriving.

71. In the Jankovits case, in light of the exceptional circumstances, the AHO exercised its discretion to reduce the period of ineligibility initially proposed by the ITIA as applicable under the Guidelines down to two years. Given the glaring similarities between this case and the Jankovits case and the importance of consistency in AHO decisions, the AHO deems that an appropriate, proportional and reasonable period of ineligibility here would also be in the realm of two years with a three month uptick given that Mr. Vibert fixed one match more than Mr. Jankovits. Imposing a lesser sanction on Mr. Vibert than the two year ban imposed on Mr. Jankovits would result in an unreasonable incongruity.

72. Although the Player submits that the ITIA has not taken into consideration the many mitigating elements applicable to his case, the AHO finds that the ITIA has reasonably done so in their written and oral submissions and expressly in their revised requests for relief whilst still respecting with the Guidelines. They have repeatedly conceded that Mr. Vibert has been cooperative in his admissions and with the process and have recognized the same in their reduced offer of sanction both in terms of ban and fine.

73. A suspended sentence, as Mr. Vibert requests, is simply not possible under the circumstances of this case. The Player admitted to fixing seven tennis matches (qualified as Major TACP Offenses) and effectively has been found liable for what amount to twenty eight TACP violations. Irrespective of his sincere remorse and clear willingness for reform and rehabilitation, an overly lenient sanction would not serve as a deterrent to others, would be inadequate discipline for his Offenses and would run against the ITIA's zero tolerance policy with regards to match fixing and corruption.
74. The AHO notes that considering the responses provided on this point at the hearing, this two year and three months participation ban will preclude Mr. Vibert from obtaining his FFT coaching certificate in the short term but not from coaching the general public at tennis clubs in the meantime as he establishes a profession and moves towards the career he is trying to establish for himself. As a proportionate, reasonable and Guidelines-prescribed discipline for committing seven Major TACP Offenses, this participation ban will delay his ability to coach professional tennis players in the short term. But this ban should not preclude him from coaching rising tennis stars or professional players in France in the medium to long term, which the AHO notes Mr. Vibert stated in the course of the hearing was his intention in any event.
75. With regards to the start of the participation ban, the Player first took issue with the fact that it took almost eight years for the ITIA to charge him and that he is now being prejudiced by the passage of time. He argues that in France, the ITIA's case would have been time-barred. The AHO agrees that quite a long period of time has passed between when the ITIA was notified of Mr. Vibert's admissions and their decision to proceed. The time taken by the ITIA to charge Mr. Vibert was nonetheless within the legislatively prescribed limitation period provided in the TACP, which the AHO finds is the only limitation period applicable here. The AHO thus rejects this first contention.
76. The Player did submit a second valid and persuasive argument with regards to the start of the participation ban in his written submissions, but most notably during the hearing. He submitted that had he been provisionally suspended by the ITIA as soon as he was charged, it would have mitigated the length of the eventual sanction that was inevitably going to be imposed upon him given his admission. Rather than starting as of the date of the decision, his sanction could have started in June. He submits that he was no longer competing or coaching or taking part in tennis in any way at the time he was charged. He argues that while the ITIA has submitted that he was not provisionally suspended because he did not pose a threat to tennis, he submits that it would have been far more reasonable and logical to provisionally suspend him right away given his admissions. As a result of not doing so he will suffer consequences as his ban will only start as of the date of the decision even though he effectively has been serving a voluntary participation ban. Thus, he

argues the passage of time and the ITIA's decision not to provisionally suspend him is affecting him disproportionately.

77. Interestingly, using the same argument, the ITIA submits that it is exactly because he did not pose an immediate threat to the integrity of tennis that Mr. Vibert's case was not prioritized in 2020 and that he was not provisionally suspended at the time he was charged in 2024.
78. On this point, although the AHO understands the ITIA's reasoning, the AHO finds the Player's submissions more persuasive. The ITIA could and probably should have exercised its wide discretion under Section F.3.a of the TACP to provisionally suspend the Player upon sending the Sanction Proposal given his admissions and the likelihood of a sanction being imposed. Alternatively (although not expressly provided for at Section F of the TACP) had the ITIA granted the Player the opportunity to accept a voluntary provisional suspension at the outset of their proceedings against him (as they do in doping cases for example) there is no doubt that he would have accepted, just as he cooperated with the investigation and admitted all the charges brought against him. Therefore, the participation ban which was bound to be imposed upon Mr. Vibert given his admissions would have started immediately in June and not at the end of the adjudication on sanction in December. The AHO thus accepts that he is being prejudiced by the passage of time in this regard and by the ITIA's delay in proceeding. That the ITIA did not promptly impose a provisional suspension because Mr. Vibert was not determined to be a high risk to the integrity of sport is not as convincing an argument as Mr. Vibert's more compelling submission. Without needing to comment further on the same, the AHO thus decides that the two years and three months participation ban she imposes on the Covered Person should be backdated to 12 June 2024.
79. In summary, having carefully considered and balanced both Parties' submissions on the reasonable, and proportionate sanction to impose, whilst keeping in mind the severity of the Major Offenses committed by Mr. Vibert, the passage of time, Mr. Vibert's character, cooperation and admissions, the importance of deterrence and finally the parties' mutually conceded fact that discipline must be imposed upon Mr. Vibert under the circumstances, (i) which the ITIA initially found warranted a seven year sanction, but eventually reduced to three years and (ii) which the Player submits should be a suspended sentence, the AHO finds that a backdated two years and three months participation ban is appropriate under the circumstances. This proportional decision is made keeping in mind the AHO's discretion to deviate slightly from the Guidelines when leniency is justified and is also consistent with recent AHO decisions issued with similar factual circumstances.

### ***The Fine***

80. In accordance with TACP Section H.1.a., the AHO may impose a fine in addition to an amount equal to the value of any winnings or other amounts received by such Covered Person in connection with any Corruption Offense.
81. Pursuant to the Guidelines, the ITIA seeks the imposition of a \$35 000 fine, with 70% suspended (or \$26 750) in light of Mr. Vibert's cooperation, admission and other mitigating elements. Thus \$ 8750 of the fine would be payable and the rest would be suspended lest Mr. Vibert commit any further TACP violations in the future. Mr. Vibert concedes a fine should be imposed but requests that it either be suspended or reduced by 70 % if immediately paid within 7-15 days.
82. On the evidence, Mr. Vibert earned approximately €4500 from his match fixing. The AHO finds that he must repay these monies. With regards to any additional fine, the AHO is also mindful of (i) the numerous matches he fixed, (ii) his failure to report all the corrupt approaches that were made to him, (iii) the passage of time, (iv) the varying interest and inflation rates that would have applied had the charges been made earlier, (v) that Mr. Vibert would have been in a better financial position to pay a higher fine had the ITIA proceeded with the matter more expeditiously, and (vi) Mr. Vibert's accountability for this actions, sincere remorse and cooperation.
83. The TACP provides that, when warranted, a fine may be imposed in addition to *an amount equal to the value of any winnings or other amounts received by such Covered Person in connection with any Corruption Offense*. Thus, in addition to his participation ban, the AHO finds it appropriate and imperative and "warranted", as provided in Section H.1.a of the TACP, that Mr. Vibert repay the monies he earned from his corrupt activities and that he be fined as additional discipline and a proper deterrent to others.
84. As requested by the ITIA, the AHO imposes a \$ 35 000 fine. However, whilst ensuring that the corrupt money he made is effectively repaid to the ITIA in accordance with Section H.1 of the ITIA and adding to that the additional warranted fine of \$ 2000, in light of the numerous mitigating elements before her, the AHO suspends \$ 28 500 of the \$35 000 fine so long as Mr. Vibert does not commit or is not found to commit further TACP breaches in the future.
85. As suggested by the ITIA, a payment plan will be offered to Mr. Vibert to allow him to pay his \$ 6500 fine without straining his financial situation unreasonably. As proposed by Mr. Vibert, the ITIA may entertain accepting a reduction in the same if immediately paid.

## ORDER

86. Francois-Arthur Vibert, a Covered Person as defined in the 2016, 2017 and 2018 TACP, has been found liable for Corruption Offenses in breach of the following sections:

- D.1.d (Contriving or attempting to contrive the outcome or any other aspect of any Event)
- D. 1.f (Soliciting or accepting any money, benefit or Consideration with the intention of negatively influencing a Player's best efforts in any Event)
- D.2.a.i (Non-reporting)

87. Pursuant to the TACP and the ITIA Sanctioning Guidelines, the sanctions imposed upon Mr. Vibert as a result of these Corruption Offenses are:

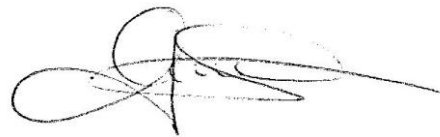
- i. A two years and three months ban from Participation, as defined in Section B.17 of the 2024 TACP, in any Sanctioned Event as prescribed in TACP Section H.1.a. (ii), backdated to 12 June 2024.
- ii. A \$35 000 fine as prescribed in TACP section H.1.a .(i).
  - a. \$ 6 500 USD payable to the ITIA in accordance with a mutually agreed upon payment plan.
  - b. \$28 500 suspended so long as he does not commit or is not found to have committed further TACP Offenses during his period of ineligibility.

88. Pursuant to TACP Section G.4.e., this Decision on Sanction is to be publicly reported.

89. Pursuant to TACP Section G.4.d. this Decision on Sanction is a full, final, and complete disposition of this matter and is binding on all parties subject to appeals.

90. This Decision can be appealed to the Court of Arbitration for Sport in Lausanne, Switzerland within 20 Business Days from the date of receipt of the decision by the appealing party.

Dated at Beaconsfield, Quebec this 9th day of December 2024



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Janie Soublière C. Arb. Anti-Corruption Hearing Officer