

DECISION OF THE ANTI-CORRUPTION HEARING OFFICER

IN THE PROCEEDINGS

B E T W E E N:

PROFESSIONAL TENNIS INTEGRITY OFFICERS

And

EDVIN GUSTAFSSON

1. This is my decision as the AHO appointed in relation to this matter.
2. On 22 July 2019, the Professional Tennis Integrity Officers (the PTIOs) sent a notice of charge (the Notice), pursuant to section G.1.a of the Tennis Anti-Corruption Programme 2019 (the TACP), informing Edvin Gustafsson that he was charged with a breach of section D.1.a of the 2018 TACP (being the version of the TACP in force at the time his alleged offences ceased).
3. The Notice details one breach of Section D.1.a comprising an unknown number of separate bets but in excess of 1,860 bets (the Charge). Section D.1.a of the 2018 TACP reads as follows:

"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."
4. The TIU investigators were not able to recover relevant data from all of Mr Gustafsson's betting accounts. The bets were placed over the course of five and a half years between April 2013 and November 2018 and can be placed into two categories:
 - a. approximately 1,860 bets placed online or via a mobile phone app with betting operator [REDACTED] (the Known Bets); and
 - b. an unknown number of bets placed online or via mobile phone apps with the following betting operators: [REDACTED]
5. The total amount staked by Mr Gustafsson on the Known Bets was £2,410 and he made a return of £5,422, giving a profit of £3,012.
6. On 2 September 2019, Mr Gustafsson wrote to me to admit his liability of the Charge
7. The sanctions which may be imposed for the Charge, pursuant to section H of the 2018 TACP, are as follows:

"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:
 - a. *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 for 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 (d)-(j) and 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.

8. The Charge relates to bets being placed on professional tennis matches in which Mr Gustafsson was not involved. The leading case on sports participants betting in these circumstances is *Montcourt v ATP* [CAS 2008/A/1630], in which the CAS panel stated:

“The sports authorities determined several decades ago that wagering by professional athletes on events in their own sport, even by athletes not involved in the relevant event, is likely to erode the legitimacy of the sport and give opportunities for unscrupulous exploitation of athletes who embark on the slippery slope of betting. This is especially true of sports like tennis, where it is sufficient to corrupt a single player to fix the outcome. The sport of tennis has therefore established a prohibition on wagering by its practitioners. This is a condition of participating in the sport.”

9. PTIOs submit that there are five recent cases that provide particular guidance as to the appropriate sanction in this case: *PTIOs v Gelhardt* (2018)³; *PTIOs v Ikakah* (2019)⁴; *PTIOs v Iyrovbe* (2019)⁵; *PTIOs v Norfeldt* (20196); *PTIOs v D’Hoe* (20197). These cases are summarised below:

a. In *Gelhardt*, the player opened and operated three different betting accounts through which he placed a total of 280 bets over the course of nearly three years (from 29 December 2012 to 3 November 2015). The player was 18 years old when he placed the first bets, 21 when he stopped betting and 24 when the sanction was handed down. Mr Gelhardt admitted the charge under Section D.1.a in response to a notice of charge, rather than volunteering the admission himself. Sanctions were agreed between Mr Gelhardt and the PTIOs and endorsed by the AHO as follows: (i) a ban of eight months, half of which was suspended; (ii) a fine of \$7,000, half of which was suspended.

b. In *Ikakah*, the player admitted to placing 13 bets on professional tennis matches in May 2017. None of the bets were placed on matches or events in which he was involved. Mr Ikakah was 34 during the period of infringement and 36 when the sanction was handed down. Mr Ikakah is and was at all times unranked. The AHO sanctioned the player as follows: (i) a ban of six months, half of which was suspended; (ii) a fine of \$5,000, \$4,500 of which was suspended.

c. In *Iyrovbe* the player admitted to placing bets on matches at the ITF Futures F3 Abuja Open in Nigeria on 15 May 2017. None of the bets were placed on matches or events in which he was involved. Mr Iyrovbe also admitted his involvement in breaches of the betting rules between December 2016 and May 2017. Mr Iyrovbe was 22 years old during the period of the infringement and 24 when the sanction was handed down. Mr Iyrovbe is and was at all times unranked. The AHO sanctioned the player as follows: (i) a ban of six months, half of which was suspended; (ii) a fine of \$5,000, \$4,500 of which was suspended.

d. In *Norfeldt*, the player admitted to placing 195 bets between April 2016 and January 2017. None of the bets involved matches or events in which the player was involved. Mr Norfeldt was aged 18 years old at the time of infringement and 20 years old at the time of the AHO’s decision. At the time of sanction, Mr Norfeldt had a career high singles ranking of 1,501. The AHO sanctioned the player as follows: (i) a ban of eight months, half of which was suspended; (ii) a fine of \$6,000, \$3,000 of which was suspended.

e. In *D’Hoe*, the Player admitted upon receipt of the Notice of Charge to placing 902 separate bets over the course of two months. None of the bets were placed on matches or events in which he was involved. Mr D’Hoe was 21 at the time the bets were placed and 23 at the time the sanction was handed down. Mr D’Hoe held an ATP singles ranking of 461 at the time of the TIU report into his offences. The AHO sanctioned Mr D’Hoe as follows: (i) a ban of six months, five months of which was suspended; and (ii) a fine of \$3,000, \$2,500 of which was suspended.

10. None of the known bets placed by Mr Gustafsson were in relation to his own matches or, with one exception, other matches in tournaments in which he competed.

11. Mr Gustafsson came forward off his own accord to admit his offences to the TIU. He has cooperated with the TIU's investigation into his betting including providing any relevant documentation when asked. He has also cooperated with these proceedings.

12. Mr Gustafsson stated in Interview that he has acknowledged that he had [REDACTED] and has since sought professional help to manage this issue. [REDACTED]

13. PTIOs proposed the following penalty, namely that Mr Gustafsson be ordered:

a. to serve a period of ineligibility from any events organised or sanctioned by any Governing Body for a period of ten months, half of that time suspended on the condition that the Player commits no further violations of the TACP;

b. to pay a fine of \$10,000 (ten thousand dollars), \$7,000 being suspended on the condition that the player commits no further violations of the TACP.

14. On 18 September 2019 PTIOS made the following proposal to Mr Gustafsson:

"the PTIOs would like you to make yourself available to the Tennis Integrity Unit in future to assist in providing a public educational program to explain to junior players the addictive and destructive aspects of betting, based on his personal experience. The exact terms of this engagement would be determined with the TIU.

If you are willing in principle to make yourself available for that purpose, the PTIOs would increase the suspended portion of the fine proposed in our submissions on 6 September 2019 to \$8,500 (so that \$1,500 would be payable initially). "

15. Mr Gustafsson accepted this proposal.

16. In his submissions on sanction, Mr Gustafsson stated as follows:

[REDACTED]

Sanction

17. An important point in Mr Gustafsson's favour is that he self-reported. For someone with a gambling addiction that was a brave thing to do. PTIOs have submitted that self-reporting late (as here) should, given the self-reporting obligation, be considered as an aggravating factor. Obviously, early self-reporting is better. But I regard in these cases self-reporting as a significant mitigating factor. It was for that reason that the non-suspended part of the ban in *D'Hoe* (see above) was less than many similar cases. In that case, where I was the AHO, I said:

“What distinguishes this case from other cases of tennis betting is the fact that it was Mr D’Hoe himself that reported his conduct to the TIU. Not many players would have had the courage to do that and it is important to encourage self-reporting and for it to become known that those who self-report are likely to face significantly lower sanctions (and notwithstanding that the self-reporting was here some time after the offence). I take into account the points made by Mr D’Hoe in his submissions from which I conclude his conduct is less serious than some other cases, but this self-reporting is to my mind the principal mitigating factor.”

18. As for the fine, I would go along with the proposal by PTIOs, with which I agree, were it not for Mr Gustavsson’s evidence of lack of means. Recovering from a gambling addiction is difficult and traumatic. I do not think it is appropriate to impose a fine likely to create further financial problems for him and thus run the risk that it may lead to some return to the addiction. I do not propose setting out a time for payment but I hope PTIOs will have in mind Mr Gustavsson’s financial position in that regard.

19. I will suspend a slightly greater part of the ban in the light of the self-reporting mitigation. There should also be a time limit on the suspended part.

20. Thus the sanction, based on Mr Gustavsson’s agreement to the proposal from PTIOs set out in para 14 above is as follows:

- a. to serve a period of ineligibility from any events organised or sanctioned by any Governing Body for a period of ten months, six months of that time suspended on the condition that the Player commits no further violations of the TACP over the next two years;
- b. to pay a fine of \$10,000 (ten thousand dollars), \$9,500 being suspended on the condition that the player commits no further violations of the TACP over the next two years.

Award

Upon Mr Gustavsson agreeing to make himself available to the Tennis Integrity Unit in future to assist in providing a public educational program to explain to junior players the addictive and destructive aspects of betting, based on his personal experience, the exact terms of this engagement to be determined with the TIU.

And Upon Mr Gustafsson admitting the Charge.

Mr Gustafsson shall:

- a. **serve a period of ineligibility from any events organised or sanctioned by any Governing Body for a period of ten months, six months of that time suspended on the condition that the Player commits no further violations of the TACP over the next two years;**
- b. **pay a fine of \$10,000 (ten thousand dollars), \$9,500 being suspended on the condition that the player commits no further violations of the TACP over the next two years.**

Under Section 1 this Decision may be appealed to CAS by the parties in this proceeding within a period of twenty business days from the date of receipt of the Decision by the appealing party.

London, England

**Charles Hollander QC
Anti-Corruption Hearing Officer
27 September 2019**