

In the Matter of a Notice of Major Offence of Alleged Corruption Offenses under the
TENNIS ANTI-CORRUPTION PROGRAM (“TACP”)

Between

Mr. Manuel Guion
(“Mr. Guion”)

and

International Tennis Integrity Agency
(the “ITIA”)
(together, with Mr. Guion, the “Parties”)

Before **Anti-Corruption Hearing Officer, TACP, Mr. Philippe Cavalieros** (the “**AHO**”)

DECISION OF THE AHO

I. THE PARTIES

1. The ITIA administers the Tennis Anti-Corruption Program for the Governing Bodies of tennis through the Tennis Integrity Supervisory Board.
2. Mr. Manuel Guion is the party having received a Notice of Major Offense under the 2024 TACP, and having thereafter admitted to three Corruption Offenses.
3. Philippe Cavalieros holds an appointment as an Anti-Corruption Hearing Officer under Section F.1.a. of the TACP. No objections as to Mr. Cavalieros' appointment or jurisdiction have been raised by Mr. Guion.

II. OVERVIEW OF THE PROCEDURAL HISTORY

4. On 19 January 2024, the ITIA served Mr. Guion with a Notice of Major Offence under the 2024 TACP.
5. On the same day, Mr. Guion sent an email to the ITIA to seek further information with respect to the sanction which might be imposed "*without legal avenues*".
6. On 30 January 2024, the ITIA responded to Mr. Guion's queries and set out a sanction proposal. Such proposal was ultimately accepted by Mr. Guion, and Mr. Guion's counsel confirmed his agreement on 5 February 2024.
7. Mr. Guion moreover personally confirmed his agreement by email on 26 February 2024.
8. Joint Submissions of the Parties on Sanction were sent to the AHO on 26 February 2024.

III. THE CORRUPTION OFFENSES WHICH MR. MANUEL GUION ADMITS TO HAVE COMMITTED

9. Mr. Guion has admitted to three Corruption Offenses.
10. The first Corruption Offense, which arises from Mr. Guion making or seeking to make a corrupt approach to ██████████ (a professional ██████████ tennis player), amounts to a breach of Section D.1.e, Section D.1.n and D.1.o of the 2022 TACP. In relation to such offense, Mr. Guion has admitted to contacting ██████████ on ██████████ January 2022 on Instagram with a view to helping ██████████ to fix an aspect of an Event. Mr. Guion has also admitted to liaising with other individuals as regards the corrupt approach to ██████████
11. The second Corruption Offense amounts to a breach of Section D.1.b of the 2022 TACP. In relation to such offense, Mr. Guion has admitted to posting certain messages on Facebook which facilitated, encouraged and/or promoted Tennis Betting. Mr. Guion had admitted to making those posts and interacting with customers who reached out to him to encourage them to bet on tennis. Specifically, Mr. Guion has admitted to sending Facebook messages to customers who reached out to him privately following his posts on Facebook, to invite them to join a Telegram group where Mr. Guion would give match predictions. In those messages, Mr. Guion confirmed that,

for a fixed fee of 5 Euros per day or 100 Euros per month, he would provide information to customers including his knowledge of matches which he claimed he was aware were fixed.

12. The third Corruption Offense amounts to a breach of Section D.1.a of the 2023 TACP. In relation to such offence, Mr. Guion has admitted to placing one accumulator bet on 1 August 2023 on matches at the [REDACTED] event at which he was officiating.

IV. AGREED SANCTION

13. The ITIA and Mr. Guion have agreed that the appropriate period of ineligibility, in accordance with the Sanctioning Guidelines, is 5.5 years.
14. The Parties have agreed that the starting date of the period of ineligibility should be the date of the Parties' initial agreement, which was 5 February 2024. Accordingly, the Parties have agreed that the period of ineligibility should end on 4 August 2029.
15. The Parties have agreed that the appropriate fine in the present case, considering various factors, is USD 6,000 – to be paid in equal monthly instalments of USD 90.90 during the 5.5-year period of ineligibility, pursuant to Section J.2 of the 2024 TACP.
16. Considering the above, the AHO issues the Orders set out below.

V. ORDERS

17. Pursuant to the Parties' joint submissions on the Agreed Sanction, Mr. Manuel Guion is declared ineligible from Participation in any Sanctioned Event for a period of five and a half (5.5) years.
18. The ordered suspension commenced on 5 February 2024 and will end on 4 August 2029.
19. A fine of USD 6,000 has also been imposed on Mr. Manuel Guion. Such fine must be paid in equal monthly instalments of USD 90.90 during the entire period of ineligibility.
20. Pursuant to Section I.7 of the 2024 TACP, acceptance of an Agreed Sanction waives any right to appeal in accordance with Section I of the TACP, as well as any right to file any claim or seek any relief from CAS or any other court or tribunal regarding the Agreed Sanction, which is final, non-reviewable, non-appealable and enforceable.
21. The present Decision shall be publicly reported in full, subject to any necessary redaction of information that the ITIA considers to be sensitive or confidential, in accordance with Section F.5 of the 2024 TACP.

Paris, 27 February 2024



Mr. Philippe Cavalieros
AHO

APPENDIX I: JOINT SUBMISSIONS OF THE PARTIES ON SANCTION

(for signature by the ITIA and by Mr. Manuel Guion)

**In the matter of the Tennis Anti-Corruption Program
Before Anti-Corruption Hearing Officer Philippe Cavalieros**

Between:

INTERNATIONAL TENNIS INTEGRITY AGENCY

and

MANUEL GUION

JOINT SUBMISSIONS OF THE PARTIES ON SANCTION

I. INTRODUCTION

1. The International Tennis Integrity Agency (“ITIA”) and Mr Manuel Guion (“**Mr Guion**”) file these joint submissions setting out, in particular, the sanction they have agreed is appropriate in this case. The parties respectfully request that the Anti-Corruption Hearing Officer (“**AHO**”) impose the sanction as agreed without the need for a hearing.
2. These joint submissions set out: (i) a summary of the factual and procedural background including the Corruption Offenses that Mr Guion has now admitted; and (ii) the sanction which the parties have agreed, including setting out their rationale pursuant to the ITIA’s Sanctioning Guidelines.
3. Terms not defined in these submissions have the same meaning as set out in the 2024 Tennis Anti-Corruption Program (the “**Program**”).

II. SUMMARY OF THE FACTUAL AND PROCEDURAL BACKGROUND

A. NOTICE OF MAJOR OFFENSE

4. On 19 January 2024, the ITIA sent Mr Guion a Notice of Major Offense under the 2024 TACP (the “**Notice**”)¹.
5. Mr Guion sent an email to the ITIA later on 19 January 2024 seeking further information with regards the sanction which might be imposed “*without legal avenues*”².
6. On 30 January 2024, the ITIA responded to Mr Guion’s queries on a without prejudice basis setting out a sanction proposal³.
7. This proposal was ultimately accepted by Mr Guion, and counsel on behalf of Mr Guion confirmed as such on 5 February 2024⁴.

B. PROCEDURE

8. Philippe Cavalieros was appointed as AHO on this case.
9. Since the issuance of the Notice and the appointment of the AHO, no further procedural steps have been taken in this case.

¹ Exhibit 1.

² Exhibit 2.

³ Exhibit 3.

⁴ Exhibit 4.

C. BREACHES OF THE TACP

10. Mr Guion has admitted to the following Corruption Offenses:

- a) Charge 1 – Facilitation of a Player not to use his best efforts in an Event in breach of section D.1.e; attempting, agreeing or conspiring to commit a Corruption Offense in breach of section D.1.n; and soliciting, facilitating or inciting a Player to commit, attempt, agree or conspire to commit any Corruption Offense in breach of section D.1.o, all of the 2022 Program.

These breaches all arise from Mr Guion making, or seeking to make a corrupt approach to [REDACTED] a professional [REDACTED] tennis player. Specifically, Mr Guion has admitted to contacting [REDACTED] on [REDACTED] January 2022 on Instagram whereby Mr Guion sought to facilitate [REDACTED] to fix an aspect of an Event. Mr Guion has also admitted to liaising with other individuals with regards the corrupt approach to [REDACTED]

- b) Charge 2 – Directly or indirectly facilitating, encouraging and/or promoting Tennis Betting in breach of section D.1.b of the 2022 Program.

Mr Guion has admitted to there being two Facebook pages which are linked to his public Facebook account. On those two pages, Mr Guion posted certain messages which facilitated, encouraged and/or promoted Tennis Betting. Mr Guion has admitted to making those posts and that he interacted with customers who reached out to him to encourage them to bet on tennis. Specifically, Mr Guion has admitted to sending Facebook messages to customers who reached out to him privately following his posts on the Facebook page to invite them to join a Telegram group where Mr Guion would give match predictions. In those messages, Mr Guion confirmed that, for a fixed fee of 5 Euros per day or 100 Euros per month, he would provide information to customers including his knowledge of matches which he claimed he was aware were fixed.

- c) Charge 3 – Wagering on the outcome or any other aspect or any Event or other tennis competition in breach of section D.1.a of the 2023 Program. Mr Guion has admitted to placing one accumulator bet on [REDACTED] August 2023 on matches at the [REDACTED] [REDACTED] event at which he was officiating.

D. SANCTIONING GUIDELINES

11. The Tennis Integrity Supervisory Board issued a set of Sanctioning Guidelines, the latest version of which is dated 1 July 2022 (the “**Guidelines**”). The preface to the Guidelines sets out:

“The guidelines are a reference tool for AHOs which aim to provide a framework to support fairness and consistency in sanctioning across the sport. The guidelines are not binding on AHOs but set out principles and various indicators and factors which AHOs may consider appropriate to take into account in their decision making. AHOs retain full discretion in relation to the sanctions to be imposed in accordance with the TACP and may apply or depart from the guidelines in accordance with the circumstances of the case. For the avoidance of doubt, an AHO’s departure from the guidelines is not a valid ground for an appeal.”

12. The Guidelines also provide that where there are multiple Major Offenses, in the interests of efficiency, the AHO may only need to follow the sanction process for the Major Offense which carries the highest sanction as any other sanction would ordinarily run concurrently. In this case, the most serious Major Offense relates to Mr Guion’s corrupt approach of [REDACTED] addressed in Charge 1.
13. The Guidelines provide a five-step process by which to determine the appropriate sanction in a particular case, as follows:
1. Step 1 – Determining the Offense category.
 2. Step 2 – Starting point and category range.
 3. Step 3 – Reduction for early admissions.
 4. Step 4 – Consider any other factors which may merit a reduction, such as substantial assistance to the ITIA.
 5. Step 5 – Set the amount of the fine (if any).

Step 1 - Determining the offense category

Culpability

14. The parties have agreed that the present case involves factors that can mainly be attributed to category B – medium culpability, namely, and primarily in relation to the corrupt approach of [REDACTED] which is the most serious of Corruption Offenses:
1. There was some planning and premeditation. This is evident from Mr Guion liaising with certain other third parties with regards the corrupt approach to [REDACTED]

2. Mr Guion acted in concert with others. As set out in the Notice, Mr Guion's actions were part of a broader scheme involving third parties whereby the intention was that an aspect of an Event would be fixed.
3. There were multiple Major Offenses committed, namely, admitted breaches of sections D.1.a of the 2023 Program and sections D.1.b, D.1.e, D.1.n and D.1.o of the 2022 Program.

Impact

15. The parties have agreed that the impact of the present case falls between category 1 and category 2, primarily as a result of the corrupt approach to [REDACTED]
 1. Mr Guion's conduct involved Major Offenses.
 2. The impact on the reputation and/or integrity of the sport was at least material given the potential corruption of a Player in order to fix an Event.
 3. Mr Guion held a position of trust/responsibility within the sport given his role as a Chair Umpire.
 4. The level of gain from the Charge 1 offence is currently unknown, but it is understood that Mr Guion would have been rewarded for his role in the broader scheme had it been successful (although in this case, it was not). Mr Guion's actions in relation to the Charge 2 and Charge 3 offences resulted in a material gain.

Step 2 – Starting point and category range

Starting Point

16. The starting point for a suspension in category B1 is ten years. The starting point for a suspension in category B2 is three years. Therefore, given the mid-point is 6.5 years that is the appropriate starting point in this case,

Aggravating/ Mitigating factors

17. There are no aggravating or mitigating circumstances.

Step 3 - Reduction for early admission

18. The parties noted that the Sanctioning Guidelines state that *"the earlier the admission, the greater the impact of that admission... an admission during a Hearing might have little influence on the AHO's determination of sanction, whereas an admission and full cooperation early during an investigation could be a significant consideration in an alternative disposition; which may be up to a maximum of 25% reduction of the otherwise-applicable sanction for major offenses."*

19. The parties have agreed that in light of Mr Guion's admission of the Major Offenses at this stage a reduction of 15% for an early admission is appropriate, on the basis that a reduction was appropriate but not the full 25% reduction given the admission did not come at the earliest possible stage.
20. Therefore, applying the 15% reduction to the 6.5 years starting point, leaves a revised sanction of 5.5 years.

Step 4 - Consider any other factors which may merit a reduction, such as substantial assistance to the ITIA

21. Mr Guion has not offered any Substantial Assistance under section H.6 of the TACP at this time. Therefore, he is not eligible for any further reduction.
22. Should Substantial Assistance be offered in the future, Mr Guion may apply to the AHO for such relief.
23. There are no other factors present which may merit a further reduction.

Conclusion on Period of Ineligibility

24. Therefore, the ITIA and Mr Guion have agreed that the appropriate period of ineligibility, in accordance with the Sanctioning Guidelines, is 5.5 years.
25. The parties have agreed that the starting date of the period of ineligibility should be the date of the parties' agreement, which was 5 February 2024. Accordingly, the parties have agreed that the period of ineligibility should conclude on 4 August 2029.

Step 5 – Set the amount of the fine (if any)

26. The parties have considered the broad discretion provided to AHOs in fixing fines under the Sanctioning Guidelines where the fine scale for five Major Offenses is up to US\$25,000.
27. The parties submit that the appropriate fine in the present case, considering various factors related to the offending, is US\$6,000 to be paid in equal monthly instalments of US\$90.90 during the 5.5 year period of ineligibility pursuant to Section J.2. of the TACP.
28. The parties have agreed that Mr Guion will not be required to repay any payments received as a result of the Corruption Offenses in addition to paying the agreed fine.

III. REQUEST FOR RELIEF

29. The ITIA and Mr Guion jointly respectfully request AHO Cavalieros to:
 1. Impose a period of ineligibility of 5.5 years on Mr Guion, commencing on 5 February 2024 and concluding on 4 August 2029.

2. Impose a fine of US\$6,000 on Mr Guionto be paid in equal monthly instalments of US\$90.90 over the period of ineligibility.



Ben Rutherford

Senior Director, Legal, ITIA

Date: 28.2.24

Manuel Guion

Player

Date: