

International Tennis Integrity Agency

and

Stefan Milanov

**DECISION ON SANCTION UNDER SECTION
G.1.E.IV OF THE TENNIS ANTI-
CORRUPTION PROGRAM (“TACP”)**

Before Anti-Corruption Hearing Officer:

Amani Khalifa

**Representing the International Tennis Integrity
Agency:**

George Cottle, Onside
Law

Stefan Milanov:

Not represented by
outside counsel

I.	INTRODUCTION.....	- 2 -
II.	BACKGROUND	- 2 -
III.	THE APPLICABLE LAW AND JURISDICTION	- 3 -
IV.	THE NOTICE OF MAJOR OFFENSE.....	- 3 -
V.	THE PROCEDURAL BACKGROUND.....	- 5 -
VI.	ITIA’S WRITTEN SUBMISSIONS.....	- 5 -
VII.	MR MILANOV’S WRITTEN SUBMISSIONS.....	- 8 -
VIII.	REASONS.....	- 8 -
	A. DETERMINING THE OFFENSE CATEGORY.....	- 10 -
	B. STARTING POINT AND CATEGORY RANGE.....	- 12 -
	C. CONSIDERATION OF REDUCTION FOR EARLY ADMISSIONS..-	13 -
	D. OTHER FACTORS WHICH MAY MERIT A REDUCTION	
	INCLUDING SUBSTANTIAL ASSISTANCE.....	- 13 -
	E. THE FINE.....	- 13 -
IX.	DECISION.....	- 13 -

I. INTRODUCTION

1. Pursuant to Section F.4. of the Tennis Anti-Corruption Program (*TACP*) 2023, the International Tennis Integrity Agency (the *ITIA*) issued a Notice of Major Offense (the *Notice*) to Stefan Milanov (*SM*) on 11 October 2023. The Notice informed SM that he was being charged with various breaches of the TACP 2021 and of his right to have this matter determined at a Hearing before the Anti-Corruption Hearing Officer (*AHO*) if he disputed the ITIA's allegations.
2. To exercise this right, SM was required to submit a written request for a Hearing within ten (10) Business Days from receipt of the Notice. SM failed to submit a written request for a Hearing by the deadline and as a result, pursuant to Section G.1.e of the TACP 2023, has been deemed to have: (i) waived his entitlement to a Hearing; (ii) admitted that he has committed the Corruption Offenses specified in the Notice; and (iii) acceded to the potential sanction specified in the Notice.
3. Pursuant to Section G.1.e of the TACP 2023, the AHO is now issuing a decision confirming the charges and the imposition of sanctions on SM.
4. Ms. Amani Khalifa holds the appointment as an AHO as per section F.1 of the TACP. The AHO was appointed without objection by either party as the independent and impartial adjudicator to rule on the case.

II. BACKGROUND

5. SM is a Bulgarian Chair Umpire. On ■ September 2021, ■ September 2021 and ■ October 2021, ■■■■■ a ■■■■■ company with which the ITIA works closely, informed the ITIA that SM had, in its view, delayed the entry of certain of points into the Scoring Device during matches he had officiated during the ITF ■■■■ and ITF ■■■■ Tournaments in ■■■■ Bulgaria. The ITIA investigated and the Corruption Offenses against SM set out in the Notice arise out from that investigation.

III. THE APPLICABLE LAW AND JURISDICTION

6. The applicable rules are TACP 2021 and 2023 with regards to the alleged Major Offenses and TACP 2023 with regards to the procedure.
7. Neither party has objected to the appointment of the AHO to hear this matter. She has been properly appointed and seized of the matters in dispute.
8. No other matters relating to jurisdiction or the arbitrability of these matters have been raised by either party.

IV. THE NOTICE OF MAJOR OFFENSE

9. SM has been charged with seventeen (17) breaches of the TACP 2021 and 2023. The ITIA provided the details of these charges in the Notice, which are summarised as follows:

- (a) Five (5) alleged breaches of Section D.1.b of the TACP 2021 by directly or indirectly facilitating any other person to wager on the outcome or any other aspect of any Event (as defined by the TACP) or any other tennis competition;
- (b) Five (5) alleged breaches of Section D.1.m of the TACP 2021 by delaying or manipulating entry of scoring data from any Event for any reason;
- (c) Five (5) alleged breaches of Section D.1.n of the TACP 2021 by directly or indirectly attempting, agreeing or conspiring to commit any Corruption Offense; and
- (d) Two (2) alleged breaches of Section F.2.b of the TACP 2023 by failing to co-operate fully with investigations conducted by the ITIA.

(together, the *Charges*)

10. The ITIA has provided a summary of the evidence on which it relies in the Notice. That evidence relates to the following matches in which SM was the Chair Umpire:

- (a) Match 1: Singles match on [REDACTED] September 2021 between [REDACTED] [REDACTED] and [REDACTED] [REDACTED] – [REDACTED] [REDACTED] Tournament in [REDACTED] Bulgaria;
- (b) Match 2: Singles match on [REDACTED] September 2021 between [REDACTED] [REDACTED] and [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] – [REDACTED] [REDACTED] Tournament in [REDACTED] Bulgaria;
- (c) Match 3: Doubles match on [REDACTED] September 2021 between [REDACTED] [REDACTED] [REDACTED] [REDACTED] v [REDACTED] [REDACTED] [REDACTED] [REDACTED] – [REDACTED] [REDACTED] Tournament in [REDACTED] Bulgaria;
- (d) Match 4: Singles match on [REDACTED] September 2021 between [REDACTED] [REDACTED] and [REDACTED] [REDACTED] – [REDACTED] [REDACTED] Tournament, [REDACTED] Bulgaria; and
- (e) Match 5: Singles match on [REDACTED] October 2021 between [REDACTED] [REDACTED] and [REDACTED] [REDACTED] – [REDACTED] [REDACTED] Tournament in [REDACTED] Bulgaria.

(together, the *Matches*)

11. Under sections G.1.e.ii and G.1.e.iii of the TACP 2023, by failing to answer the Charges brought against him, SM has effectively admitted liability for the Charges and acceded to the potential sanctions specified in the Notice.

12. Under Section B of the Notice, the ITIA stated that it provisionally considered that in line with the TACP Sanctioning Guidelines (the *Guidelines*), the above charges against SM may be categorised as Culpability A and Impact 1, which has a starting point of permanent ineligibility and a potential fine of over US\$75,000.

13. The Notice also provided that SM was entitled to have the matter determined by the AHO at a Hearing if he disputed the ITIA’s allegations. The Notice provided

the details of the procedure and the deadline for submitting a request for a Hearing.

V. THE PROCEDURAL BACKGROUND

14. On 11 October 2023, the ITIA issued the Notice to SM outlining the allegations and charges against him and informing him of the identity of the AHO responsible for deciding this dispute. SM was given ten (10) Business Days to submit a written request for a Hearing. SM did not respond to the Notice before the deadline or at all.
15. On 1 November 2023, the AHO informed the parties that SM failed to file a written request for a Hearing by the deadline. The AHO noted that in accordance with Section G.1.e of the TACP 2023, the Covered Person has, *inter alia*, waived his entitlement to a hearing; admitted that he is liable for all Corruption Offenses for which he was charged in the Notice and acceded to the potential sanctions set out in the Notice. The AHO therefore requested counsel for the ITIA to file written submissions regarding the recommended sanction by 15 November 2023, further to which the AHO would issue her decision. This deadline was subsequently extended by the AHO to 22 November 2023.
16. On 22 November 2023, the ITIA filed its submissions on sanction (the *Sanctions Submissions*) as directed.
17. On 27 November 2023, the AHO invited SM to make any submissions in mitigation in answer to the Sanctions Submissions by 4 December 2023, failing which, the AHO would proceed to issue a decision on sanction in accordance with Rule G.1.e of the TACP. SM failed to file any submissions within the deadline provided and has not done so as of the date of this ruling.

VI. ITIA'S WRITTEN SUBMISSIONS

18. The AHO has carefully considered the Sanctions Submissions which are summarised below. Additional facts and allegations found in the parties' submissions may be set out, where relevant, in connection with the legal

discussion that follows. The AHO refers in her award only to the submissions and evidence she considers necessary to explain the reasoning.

19. Whilst recognising the AHO’s full discretion on whether to apply or depart from the Guidelines, the ITIA submits that the Guidelines should be followed in this case.
20. The ITIA submits that given the Charges against SM, the maximum potential sanction under section H.1.b TACP 2023 is life/permanent ineligibility from Sanctioned Events, a US\$250,000 fine and repayment of any corrupt payments he may have received.
21. The ITIA submits that in line with the Guidelines, the Charges against SM should be categorised between culpability Category A and B, and impact Category 1.
22. The ITIA submits that with regards to culpability:
 - (a) SM displayed a “*High degree of planning and premeditation*” as required for Category A, owing to the need to agree with third party bettors which points of which games the bets should be placed on. The ITIA submits the element of planning is acute owing to the audible signals provided by SM on court.
 - (b) In light of the above, SM was also “*Acting in concert with others*” as required for Category B, however, the ITIA notes that “*There is no evidence that Mr Milanov initiated or led others to commit offences which would have been required for Category A*”.
 - (c) SM committed “*multiple offenses*”, however, this did not take place “*over a protracted period of time*” as required for Category A. The ITIA submits that the Category B wording of “*Several offenses*” does not accurately or fairly reflect SM’s conduct.
23. The ITIA submits that with regards to impact:

- (a) SM's conduct involves "*Major TACP Offenses*" as required by Category 1, indicated by the charges laid against him.
 - (b) SM's conduct resulted in a "*Significant material impact on the reputation and/or integrity of the sport*" as required by Category 1, given the role umpires play in tennis.
 - (c) As an umpire, SM holds "*a position of trust/responsibility within the sport*", as required by Category 1.
 - (d) SM made a "*material gain*" as required by Category 2, which can be inferred through his conduct in the matter and the surrounding circumstances.
24. The ITIA submits that the appropriate starting point for SM is a ban of twenty (20) years, being midway between the starting point for Categories A1 (lifetime/permanent ineligibility) and Category B1 (ten (10) years). The ITIA submits that the AHO may consider any adjustment from the starting point for any aggravating or mitigating factors.
25. The ITIA submits that the following aggravating factors are relevant to SM's case:
- (a) Multiple completions of TIPP training – SM completed the TIPP online integrity course on multiple occasions, most recently in January 2020.
 - (b) Agreement to the ITF Code of Conduct – SM confirmed his agreement to abide by the ITF Code of Conduct over multiple years, up to and including 2022. Both the TIPP and the ITF Code of Conduct set out the responsibilities of Covered Persons including the obligation to comply with the TACP.
 - (c) His position as a chair umpire – SM should have been aware that match-fixing has become a high-profile issue in tennis, and chair umpires who have undertaken training should be sanctioned accordingly.

26. The ITIA does not accept that any of the mitigating factors under the Guidelines apply to SM.
27. The ITIA submits that SM has effectively been found liable for 17 Major Offenses. The Fines Table in the Guidelines suggests that the appropriate fine for 15 or more Major Offenses is a minimum of US\$75,000. Given the ITIA's submission on categorisation, it submits that a fine of at least US\$75,000 is appropriate, none of which should be suspended.
28. In summary, the ITIA requests the AHO to impose the following sanctions on SM:
 - (a) a ban of twenty (20) years; and
 - (b) a fine of US\$75,000.

VII. MR MILANOV'S WRITTEN SUBMISSIONS

29. SM has not filed any written submissions in these proceedings.

VIII. REASONS

30. Match fixing is a serious threat to tennis. Once admitted to or proven, match fixing is a deliberate, intentional offense that threatens competition by eliminating the uncertainty which is the heart of professional tennis.
31. The imposition of a lenient sanction would defeat the purpose of the TACP. However, any sanction imposed must both be proportional to the offense and consistent with the sanctions imposed in similar cases to ensure consistency. There are seventeen (17) charges against SM under the 2021 and 2023 TACP which are summarised at paragraph 9 above.
32. The Guidelines provide that where there are multiple Corruption Offenses, in the interests of efficiency, they should be taken together in in one concurrent sanctioning process – *i.e.*, a single sanction is imposed.
33. Section H.1 TACP 2023 provides that:

H.1 Except as provided in Sections F.5., F.6., and F.7., 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:

[...]

H.1.b With respect to any Related Person or Tournament Support Person,

(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, 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.

34. SM has not provided an answer to the Notice and is deemed to have accepted liability for each of the above charges under Section G.1.e.ii, as confirmed by the AHO on 1 November 2023.
35. The case against SM is based in part on evidence showing that on multiple occasions he delayed the entry of scores in his scoring device. The ITIA also observed that occasionally SM would also cough or clear his throat audibly just before calling the relevant point or game which was subjected to a delayed entry. These delays coincided with bets being placed on known aspects of the relevant matches before the score was entered. These bets were placed via the betting operator ██████████ and they resulted in a financial gain for the bettors.
36. As stated above, the ITIA has recommended a fine of US\$75,000 and a ban of twenty (20) years. The AHO is not bound by the sanction recommended by the ITIA and may impose appropriate, just, and proportional sanctions pursuant to

the TACP and the Guidelines, bearing in mind the circumstances of the individual case.

37. AHOs retain full discretion in relation to the sanction imposed. However, the application of the Guidelines promotes fairness and consistency in sanctioning across tennis. Therefore, the AHO has followed the Guidelines to reach her decision.
38. The Guidelines set out a five step-process to determine the appropriate sanction as follows:
 - (a) Determining the offense category;
 - (b) Starting point and category range;
 - (c) Consideration of reduction for early admissions;
 - (d) Consideration of other factors which may merit a reduction including substantial assistance; and
 - (e) Setting the amount of the fine (if any).

These are addressed in turn below.

A. DETERMINING THE OFFENSE CATEGORY

39. As regards the level of culpability, the AHO does not accept the ITIA's submission that SM's level of culpability falls between categories A and B. The AHO considers SM's level of culpability falls within category B. The principal reasons for this conclusion are as follows:
 - (a) SM's conduct is more fairly and accurately described as "*Acting in concert with others*" with "*Some planning or premeditation*" across "*Several offenses*". The AHO acknowledges that the terms "*multiple*" and "*several*" are open to some interpretation, however, given that the offenses were committed across a relatively few matches (5), this would suggest a lower classification of culpability is appropriate. Furthermore,

the AHO notes these offenses did not occur “*over a protracted period of time*”, which is a hallmark of Category A culpability.

- (b) By the ITIA’s own admission “There is no evidence that Mr Milanov initiated or led others to commit offences which would have been required for Category A”.
- (c) The AHO considers the highest category of culpability should be reserved for those who plan and lead others to commit offenses or would otherwise be considered to be at the “top” of an organised group who conspire to commit Corruption Offenses. In the present case, there is no evidence to suggest SM operates in this capacity. Rather, the AHO considers it more likely that SM was approached by others to participate in this scheme, receiving a payment to delay the entry of certain scores into the scoring device, with the “lion’s share” of proceeds going to others involved.

40. As regards the level of impact, the ITIA submits the impact of SM’s conduct “*sits comfortably in Category 1*”. The AHO agrees with this assessment on the following basis:

- (a) SM’s conduct undoubtedly involves “*Major TACP Offenses*”.
- (b) As a chair umpire:
 - (i) SM’s conduct plainly results in a “*Significant, material impact on the reputation and/or integrity of the sport*” because of the heightened level of trust the public rightfully have in match officials who are entrusted with safeguarding fairness in tennis.
 - (ii) SM holds “*a position of trust/responsibility within the sport*”.

41. The AHO notes that a hallmark of a Category 1 level of impact involves a “*Relatively high value of illicit gain*”. However, in the circumstances and on the ITIA’s case, “*It is unclear as to whether Mr Milanov received any money in*

respect of the Charges”. The ITIA submits that it would be reasonable to infer that any proceeds earned by SM from his conduct were “*material*”.

42. Absent clear evidence, the true level of material gain by SM cannot be ascertained. However, the AHO observes that the amounts won on the bets in question appear to be relatively low (the combined profit of bets from Match 1 was GBP 1,502.52). However, this fact alone is insufficient to downgrade the level of impact of SM’s conduct. Moreover, the AHO notes that SM’s conduct during the investigation has not allowed the ITIA to fully uncover the true value of gain made by SM.
43. For all these reasons, the AHO considers that SM’s offense category is B1.

B. STARTING POINT AND CATEGORY RANGE

44. Under the Guidelines, the starting point for a category B1 offense is a ten (10) year suspension and the category range is a five (5) year suspension to a life/permanent ban.
45. The AHO accepts the ITIA’s submission that there are several aggravating factors in this case, as summarised above at paragraph 25.
46. In addition, the AHO notes that in April 2023, SM: (i) failed to provide further bank account information to the ITIA in the face of evidence suggesting he had access to more than one account, and (ii) failed to respond to the ITIA when offered the opportunity to be re-interviewed. The AHO considers it reasonable to conclude that the completion of these additional lines of enquiry, which were otherwise frustrated by SM’s conduct, might have resulted in further evidence being uncovered relevant to culpability and impact which in turn could have led to a tougher sanction.
47. The AHO also accepts the ITIA’s submissions that no mitigating circumstances apply to SM.
48. In light of the aggravating circumstances and in the absence of any mitigating circumstances, the AHO considers that an uplift of six (6) years from the starting

point for a category B1 offense is appropriate. The AHO therefore decides that an appropriate ban in line with the Guidelines is a sixteen (16) year suspension.

C. CONSIDERATION OF REDUCTION FOR EARLY ADMISSIONS

49. The AHO notes that SM has not made any early admissions.

D. OTHER FACTORS WHICH MAY MERIT A REDUCTION INCLUDING SUBSTANTIAL ASSISTANCE

50. The AHO notes there are no other factors which merit a reduction in SM's sanction. SM has not given any substantial assistance to the ITIA, has not made any admissions and has ignored the ITIA's recent correspondence.

E. THE FINE

51. The Guidelines include The Fines Table which shows several of scales based on the number of Major Offenses that are proven or admitted. In the present case, SM has effectively admitted seventeen (17) charges which, in accordance with the Guidelines, yields a fine of at least US\$75,000.

52. The Guidelines further provide that the amount of any fine should reflect the categorisation of the offense. Considering the number of offenses, the categorisation of the offense as B1 and the aggravating factors, the AHO decides that the appropriate fine in this case is US\$75,000. No further amount is added as "*the value of any winnings or other amounts received by such Covered Person in connection with any Corruption Offense*" cannot be ascertained.

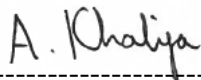
IX. DECISION

53. SM, a Covered Person as defined in Section B.10 of the 2021 TACP, is liable for Corruption Offenses pursuant to the following sections of the TACP 2021:

- (a) D.1.b – facilitating betting – five charges;
 - (b) D.1.m – delaying or manipulating entry of scoring data – five charges;
- and

- (c) D.1.n – conspiring to commit any Corruption Offense – five charges.
54. SM is also liable for Corruption Offenses pursuant to the following section of the TACP 2023:
- (a) F.2.b – failing to co-operate fully with investigations conducted by the ITIA – two charges.
55. Pursuant to the TACP 2023 and the Guidelines, the sanctions imposed upon the SM as a result of these Corruption Offenses are:
- i. A ban of sixteen (16) years from Participation, as defined in section B.26 of the TACP, in any Sanctioned Event as defined in section B.32 TACP and as prescribed in section H.1.a.iii TACP, effective on the date of this Decision; and
 - ii. A US\$75,000 fine as prescribed in section H.1.a.(i) TACP.
56. Pursuant to section G.4 TACP, this award on sanction is to be publicly reported.
57. Pursuant to section G.4.d TACP this award on sanction is a full, final, and complete disposition of this matter and is binding on all parties.
58. This Decision can be appealed to Court of Arbitration for Sport in Lausanne, Switzerland within twenty business days from the date of receipt of the Decision by the appealing party.

Dated at Red Sea, Egypt this 28th day of December 2023



AMANI KHALIFA
Anti-corruption Hearing Officer