

In the Matter of Sanction Determination following Interim Decision on liability for  
Corruption Offenses under:

**TENNIS ANTI-CORRUPTION PROGRAM**

(hereinafter the "TACP")

Major Offenses Notice to Alejandro Mendoza Crespo and Jorge Brian Panta  
Herrerros,  
(hereinafter collectively the "Players")

- and -

International Tennis Integrity Agency (the "ITIA")

**Representing the Players:**

Representing Alejandro Mendoza Crespo

Ms. Maria Fernanda Rojas Sangüesa

Representing Jorge Brian Panta Herrerros

Mr. David Winter

**Representing the ITIA:**

Mr. John R. Thomas

**Anti-Corruption Hearing Officer**  
Tennis Anti-Corruption Program

Professor Richard H. McLaren, O.C.  
(hereinafter "AHO")

## DISPOSITION SUMMARY

The summary of sanction determinations found at the end of this Final Decision are:

### ORDERS

The AHO hereby orders , with immediate effect, on the date below that:

1. The Provisional Suspension imposed on the two Covered Persons on 4 April 2024 following the issuance of the Liability Decision is terminated and the below orders replace the Provisional Suspension.
2. Jorge Brian Panta Herreros pursuant to Section H.1.a.(iii) of the TACP is ineligible to Participate in any Sanctioned Events for a period of three years commencing on 4 April 2024 and ending on 3 April 2027. A fine of \$10,000 USD is imposed under section H.1.a.(i) of the TACP.
3. Alejandro Mendoza Crespo pursuant to Section H.1.a.(iii) of the TACP is permanently ineligible to Participate in any Sanctioned Events effective from 4 April 2024. A fine of \$250,000 USD is imposed under section H.1.a.(i) of the TACP.
4. The sanctions Decisions herein are to be publicly reported in full as required by Section G.4.e. of the TACP.
5. Subject to the appeal rights in Section I. of the 2023 TACP, under Section G.4.d. this Decision is a *“full, final and complete disposition of the matter and will be binding on all parties”*.
6. The Decision herein may be appealed pursuant to Section I.1 of the 2023 TACP. The deadline for filing an appeal under Section I.4 is a period of *“twenty business days from the date of receipt of the decision by the appealing party”*. The appeal is to the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland. In accordance with Section I.2 any appeal to CAS of the Decision *“... shall remain in effect while under appeal unless CAS orders otherwise”*.

## **FINAL DECISION OF THE AHO**

### **Background**

1. On 28 March 2024 the AHO<sup>1</sup> issued the Interim Decision determining the liability for Corruption Offenses listed in the Notice of Major Offenses (the “Notice”) under the relevant TACP for each of the Players. This Decision when combined with the Interim Liability Decision will constitute the Final Decision.
2. The Players are currently Provisionally Suspended until the Final Decision is issued at which time the Provisional Suspension will cease and the Sanctions as set out in this Decision will take effect and include the time spent under Provisional Suspension.
3. All counsel in this case agreed that only written submissions were required by the parties. The submissions of the parties were completed on 19 April 2024 in accordance with the times set out in correspondence from the AHO.

### **Summary of Parties Proposed Sanctions**

- (i) ITIA

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<sup>1</sup> All capitalized words or acronyms take their meaning from this text or the definitions of the TACP.

4. The ITIA submits for Jorge Brian Panta Herreros (“Panta”) the sanction ought to be: (i) a ban for a period of 3 years and (ii) a fine of \$10,000. It is submitted that the offense category should be B-2. With respect to *Culpability*, Panta demonstrated two category B factors as he acted in concert with ██████████ to contrive two of his matches over two years, and one Category A factor as the Corruption Offenses required a high degree of planning and premeditation. With respect to *Impact*, Panta demonstrated two Category 2 factors as he committed Major TACP offenses and likely realized material financial gain of \$2000 to \$2500 per match, and one Category 1 factor as his actions had a significant material impact on the reputation and integrity of the sport.
5. The B-2 starting point for sanction is a 3 year suspension with a category range of 6 months to 5 years. The ITIA submits that Panta’s completion of TIPP training is an aggravating factor placing the athlete on notice of the TAC and there are no mitigating or additional factors present to warrant a reduction in sanction.
6. As Panta has committed 4 Major Offenses and would have received at least \$4000 as a result of his Major Offenses, the ITIA submits that Panta should be fined \$10,000.
7. The ITIA submitted Alejandro Mendoza Crespo (“Mendoza”) committed 20 Major Offenses, therefore, the sanction ought to be (i) permanent ineligibility and (ii) a maximum fine of \$250,000. It is submitted that the

offense category should be A-1. With respect to *Culpability*, Mendoza demonstrated all three Category A criteria as he engaged in a continuous pattern of corruption from 2016-2018, and his offenses required a high degree of advance planning and premeditation. Further, he initiated corruption offenses by asking another Player (Mr. ██████████) to assist in contriving aspects of matches. With respect to *Impact*, Mendoza satisfied three Category 1 criteria as he committed ten major TACP offenses that are punishable by a maximum period of permanent ineligibility. These offenses have a significant material impact on the reputation and integrity of the sport, and he (along with ██████████) likely realized significant financial gain through receiving at least \$5,700 paid to Mendoza's associates and the majority of \$10,100 paid to ██████████ and ██████████ associates.

8. The starting point for sanctions under A-1 is permanent ineligibility with a category range of 10 years to permanent ineligibility. The ITIA submits that Mendoza materially hindering previous ITIA investigations by denying corrupt activity and completing TIPP training were aggravating factors, with no mitigating factors present to warrant a reduction in the sanction.
9. The ITIA submits that a sanction of permanent ineligibility is consistent with prior CAS decisions (See: *Kollerer v. ATP, et al. (CAS 2011/A/2490)*, *Savic v. PTIOs (CAS 2011/A/2621)*, and *Jakupovic v. TIU, et al. (CAS 2016/A/4388)*).

ii) Covered Persons

- 10.** Counsel for Panta submits that while the Player denies guilt, in respect of the Interim Liability Decision the offense category should be C-3. With respect to *Culpability*, three out of four Category C factors are fulfilled. First, there was little to no planning as the Interim Decision establishes that the Corruption Offenses would have happened the day of the matches. Second, the Player was acting alone as the corruptor has not been identified. Lastly, he was perhaps involved through coercion, intimidation or exploitation.
- 11.** With respect to *Impact*, it is submitted that there is only a minor impact on the integrity and reputation of the sport because Panta is being sanctioned on a balance of probabilities and the alleged corruptor has not been identified. Further, there is little to no material gain as there is no evidence that Panta received any payments.
- 12.** The starting point for sanction under C-3 is 3 months and the category range is 0 to 6 months. The Player's counsel submits that the sanction should be mitigated by his good character, and that there is a lack of aggravating factors, including that he has never completed TIPP training.
- 13.** As the Guideline range for 4 Major Offenses is a \$0-\$25,000 fine, the Player did not receive any financial gain and the Player falls under the C-3 category, it is submitted that he should not receive a fine.

- 14.**Counsel for Mendoza submits that he is retired from professional tennis and the principle of proportionality ought to apply to reduce the ITIA submission of permanent ineligibility and maximum fine.
- 15.**It was submitted that under the Guidelines *Culpability* ought to be moderate in the “B” Category and *Impact* at Category 2. That submission would make the starting point for sanctions to be 3 years with a Category range of 6 months to 5 years.
- 16.**The factors that merit a reduction from 3 years include the cooperation in the ITIA investigations and the turning over of his mobile device and access to social media accounts and undergoing investigation interviews.
- 17.**The fine if any should be proportional to what was received which is not established.

### **SANCTION DECISION**

- 18.**The section of the TACP on sanctioning is found at s. H.1.a. The Corruption Offenses in Panta’s case occurred in 2017 and 2018. The applicable TACP language of the section is not the same in those two years. However, the variance has no material impact in the assessment of Panta’s sanctions. In the case of Mendoza, some Corruption Offenses also occurred in 2016. The variance in the 2016 TACP language is noted in that case.

**19.** The ITIA has provided “Sanctioning Guidelines” (the “Guidelines”) to be used at the discretion of an AHO to assist in determining sanctions. The Guidelines are a reference tool, the aim of which is to provide a *“framework to support fairness and consistency in sanctioning across the sport.”* As stated in the introduction to the Guidelines they are not binding on an AHO who *“... retain full discretion in relation to the sanctions to be imposed in accordance with the TACP”*.

**20.** The Guidelines are used herein to assist in determining sanctions and then, compared with the precedents referenced by counsel, to finalise the appropriate sanction.

**(i) Sanctions for Jorge Brian Panta Herreros (“Panta”)**

**21.** In Panta’s case, there is one Corruption Offense in each of the years 2017 and 2018 which could result in permanent ineligibility. Then there is the included Corruption Offense of D.1.b. in each of the same two years which could result in a maximum sanction of three years ineligibility. While the latter are separate Corruption Offenses they arise out of the offense of contriving aspects of his matches under s. D.1.d.

**22.** In using the Guidelines, the initial step is to determine the offense category by assessing *“Culpability”* and *“Impact”* on the sport. With respect to *Culpability*, the AHO finds there is some planning, as the Covered Person has to tell the intermediary corruptor that they will do whatever has been asked



and carry out the agreed upon fix, but planning is largely done by the betting syndicate. For example, in Match 8 agreeing to lose the second serve in the second set. The AHO finds Panta to be acting in concert with others such as ██████████ or other corruptors in ██████'s network. There is in reality, when included D.1.b. offenses are striped out, a single Corruption Offense of contriving in each of the two years. Therefore, the AHO finds the best fit for *Culpability* is Category B. The AHO rejects the submission of counsel for Panta that the Category ought to be C on the grounds that it cannot be said that Panta acted in concert with others, as the evidence is conversations of third parties and there is no direct evidence of with whom Panta spoke. By implication of the AHO findings, there has to have been contact with one of the corruptors. There is also no evidence to support intimidation which might put the matter in Category C.

- 23.** The included offenses of facilitating in section D.1.b. under section H.1.a(ii) are not Major Offenses which can amount to permanent ineligibility. *Impact* Category 2 requires Major TACP offenses of which there are two - one in each year. The AHO also finds there to be an impact on the reputation and integrity of the sport. The issue of material gain is not proven in any of the offenses. Therefore, the AHO finds that the Offense Category ought to be B-2. The submission of counsel for Panta that the *Impact* Category ought to be 3 is not accepted. That category is for offenses other than Major TACP offenses which is not the case herein.

**24.** The next step is to use the B-2 categorisation. The starting point is a 3 year suspension. The range for this category can be 6 months to a 5 year suspension. The AHO finds that there is no aggravating or mitigating factors to adjust from the starting point. Steps 3 and 4 are not applicable on the facts in Panta's case. For all of the foregoing reasons, the AHO determines that the period of ineligibility from Participating in any Sanctioned Events ought to be set at three years.

**25.** Finally, Step 5 is used to determine the fine. The range for 1-5 Major Offenses is \$0 to \$25,000 USD. The ITIA suggested a fine of \$10,000 USD. The AHO agrees with that submission and the fine is set at \$10,000 USD which is consistent with AHO jurisprudence.

**(ii) Sanctions for Alejandro Mendoza Crespo ("Mendoza")**

**26.** In Mendoza's case there were 12 identified professional tennis matches and one unidentified match, all within a three year period from 2016 to 2018. Breaches of D.1.d. were proven in 10 of these matches. Then there was found to be facilitating another person to wager on tennis outcomes in those matches in breach of D.1.b. While the latter are separate Corruption Offenses, they arise out of the offense of contriving aspects of his matches under D.1.d.

**27.** The offense category under the Guidelines uses two factors to establish the category. All three elements of the Category A criteria for *Culpability* are

present on the facts established in the Interim Liability Decision. The conduct occurred repeatedly over three years and the fact that some of the charges are not proven does not move the factors to the B Category. The contriving that went on involved complex planning of which Mendoza was a key cog in the manipulation. Further, he did initiate Corruption Offenses by requesting ██████████ to trigger the syndicate methodology. In examining the *Impact* factor, three of the four Category 1 criteria are met, which is sufficient to set the offense Category at A-1. The Guidelines do not require that “... *all the factors under a particular header need be present for the categorization to apply*”. The offenses are Major Offenses having an impact on tennis integrity and there was illicit gain of \$5,700 USD paid to associates of the Covered Person with another \$10,1000 USD paid to the corruptor of ██████████ or the corruptor’s associates.

- 28.** The A-1 categorisation places the starting point at a “Life Ban” which the AHO interprets in the scheme of the TACP to mean permanent ineligibility. The range being 10 years to a Life Ban. In determining the sanction, Step 3 of the Guidelines does not apply.
- 29.** Step 4 is submitted by counsel as applying to reduce the sanction based on the player’s good faith cooperation with ITIA investigators and permitting access to social media accounts and his mobile device. The matters cited are all obligations of the TACP. There is the duty to report under s. D.2. when approached by corruptors. Under s. F.2.b. there is a duty to cooperate in an ITIA investigation. This would include providing mobile devices and access to

social media. Therefore, the submissions of counsel on sanction reduction are not accepted.

- 30.** The AHO reviewed the CAS arbitration decisions cited in the submissions of the ITIA counsel. In doing so, it was found that the action taken against this Covered Person is consistent with the CAS jurisprudence and if the Guidelines were not used, the same result would arise in the case of Mendoza.
- 31.** For all of the foregoing reasons, the AHO determines that the period of ineligibility from Participation in any Sanctioned Events ought to be set at permanent ineligibility as set out in s. H.1.a.(iii)<sup>2</sup>. The fact that the Covered Person is no longer playing professional tennis is not a reason to reduce or eliminate the sanction as determined herein.
- 32.** S. H.1.a.(i) of the TACP permits a fine of up to \$250,000 USD, which may include value of winnings or other amounts received by a Covered Person in connection with Corruption Offences. The Guidelines at Step 5 for 15 or more Major Offenses is a minimum of at least \$75,000 USD. As discussed in paragraphs above, there are significant sums of money which can be established as payments to Mendoza via associates and to his corruptor and his associates. It is unusual to have such evidence in tennis corruption matters because the ITIA does not have authority to subpoena evidence.

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<sup>2</sup> The various versions of the TACP in 2016 through 2018 have wording differences which are not of significant impact in the determination of the sanction of Permanent Ineligibility.

Given the Belgian Operation, law enforcement was able to supply some data to the ITIA. However, in all such corruption schemes, the primary method of payment is cash for which there is no record that law enforcement can seize. For all of the foregoing reasons the fine is set at the maximum which is \$250,000 USD.

## **CONCLUSION**

Based upon all of the foregoing reasons and analysis the AHO makes the following Orders in respect of sanctions.

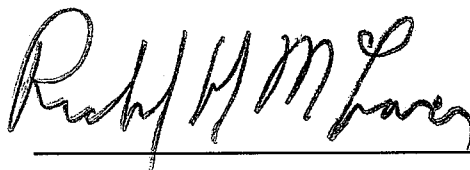
## **ORDERS**

The AHO hereby orders , with immediate effect, on the date below that:

1. The Provisional Suspension imposed on the two Covered Persons on 4 April 2024 following the issuance of the Liability Decision is terminated and the below orders replace the Provisional Suspension.
2. Jorge Brian Panta Herreros, pursuant to Section H.1.a.(iii) of the TACP, is ineligible to Participate in any Sanctioned Events for a period of three years commencing on 4 April 2024 and ending on 3 April 2027. A fine of \$10,000 USD is imposed under section H.1.a.(i) of the TACP.
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**DATED at LONDON, ONTARIO, CANADA THIS 29<sup>th</sup> DAY APRIL 2024.**

A handwritten signature in black ink, reading "Richard H. McLaren", written over a horizontal line.

**Professor Richard H. McLaren, O.C.**

**AHO**