

PTIOs v LUCA GELHARDT

DECISION

1. By a charge notice dated 3 July 2018 pursuant to Section G.1.a of the Tennis Anti-Corruption Program (“TACP”) the Professional Tennis Integrity Officers (**PTIOs**), representing the ATP, WTA, ITF and GSB alleged that Mr Gelhardt placed bets on tennis matches through three separate betting accounts:
 - (a) [REDACTED] opened on 2 October 2013 and closed on 27 November 2017, through which 43 bets were placed on tennis between 2 October 2013 and 20 January 2014;
 - (b) [REDACTED] opened on 7 January 2013 and closed on 22 November 2017, through which 191 bets were placed on tennis between 7 January 2013 and 5 October 2013;
 - (c) [REDACTED] opened on 28 December 2012 and closed on 27 November 2017, through which 46 bets were placed on tennis between 29 December 2012 and 3 November 2015.

2. On 25 November 2017 Mr Gelhardt was interviewed by the Tennis Integrity Unit (“TIU”) and, on 28 November 2017, a Demand pursuant to Section F.2.c of the TACP was made to carry out a download of the content of his phone. The analysis of his mobile phone showed that on 26 and 27 November 2017 he contacted three players who had been found guilty of betting on tennis and revealed a note created in an App on his phone on 27 November 2017 noting the following:

[REDACTED]

On 27 November 2017 he closed the [REDACTED]

3. On 31 January 2018 a Demand pursuant to Section F.2.c was sent to Mr Gelhardt by the TIU requesting that he provide details of current or closed betting accounts and authority for the betting companies to provide details to the TIU, details of bank accounts held and access to email accounts and his iCloud account. On 7 February 2018 a translation of the Demand in German was sent to him. On 20 February 2018 he sent an email in which he failed to provide the information requested. The TIU made a further request for the information on 26 February 2018. He responded on 5 March 2018 stating that he did not have any betting accounts, had a normal bank savings account and would not provide passwords for his email accounts (because he claimed that his family used the same emails and therefore there was private information in the accounts).

Applicable rules

4. Section K.6 of the TACP provides that:

"This Program is applicable prospectively to Corruption Offenses occurring on or after the date that this Program becomes effective. Corruption Offenses occurring before the effective date of this Program are governed by the former rules of the Governing Bodies which were applicable on the date that such Corruption Offense occurred."

The Corruption Offenses took place in 2012, 2013, 2014 and 2015 (there are no changes between these versions of the TACP). Therefore the 2012, 2013, 2014 and 2015 TACPs are applicable to the substantive issues in this matter.

5. It is common ground that Mr Gelhardt is a Covered Person.

6. I was appointed AHO in this matter.

First charge

7. Mr Gelhardt is charged with breaching Section D.1.a:

"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."

8. It is alleged that:

- (a) he placed 43 bets on tennis competitions through the [REDACTED] between 2 October 2013 and 20 January 2014;
- (b) he placed 191 bets on tennis competitions through the [REDACTED] between 7 January 2013 and 5 October 2013;
- (c) he placed 46 bets on tennis competitions through the [REDACTED] between 29 December 2012 and 3 November 2015.

Second charge

9. Mr Gelhardt is charged with breaching Sections F.2.b/D.2.c:

“All Covered Persons must cooperate fully with investigations conducted by the TIU” and “For the avoidance of doubt, (i) a failure of the Reporting Obligation by any Covered Person; and/or (ii) a failure of the duty to cooperate under Section F.2 shall constitute a Corruption Offense for all purposes of the Program”.

10. Following the Demand made on 7 February 2018, it is alleged that he failed to provide details of the betting accounts held by him (in particular [REDACTED] [REDACTED] and he failed to give the TIU access to his email accounts.

Sanctions applicable for Corruption Offenses under the TACP

11. The sanctions that may be imposed by the AHO for the Corruption Offenses with which Mr Gelhardt is charged are set out in full in Section H of the TACP. The relevant provisions in this case are set out below.

“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 event organized or sanctioned by any Governing Body for a period of up to three years, and (iii) with respect to any violation of Section D.1, clauses (d)-(j) and Section D.2., ineligibility for participation in any event organized or sanctioned by any Governing Body for a maximum period of permanent ineligibility. ...

c. No Player who has been declared ineligible may, during the period of

ineligibility, participate in any capacity in any Event (other than authorized anti-gambling or anti-corruption education or rehabilitation programs) organized or sanctioned by any Governing Body. Without limiting the generality of the foregoing, such Player shall not be given accreditation for, or otherwise granted access to, any competition or event to which access is controlled by any Governing Body, nor shall the Player be credited with any points for any competition played during the period of ineligibility.”

Admission

12. By way of response, Mr Gelhardt admitted the first charge. He provided to PTIOs through his lawyer an explanation for his conduct on the second charge as a result of which the PTIOs have agreed to withdraw the second charge.

Sanction

13. Thereafter PTIOs and Mr Geldhardt agreed appropriate sanctions subject to my approval. The terms of the proposed sanction are as follows:
 - (1) a ban of 8 months with half suspended on the condition that the Player commits no further violations of the TACP within 8 months of my decision; and
 - (2) a fine of \$7,000 with half suspended on the condition that the Player commits no further violations of the TACP within 8 months of my decision. \$3500 must be paid before Mr Geldhardt returns to competition (ie by the end of the 4 months, assuming he commits no further violations).
14. Having considered relevant precedent cases, I am willing to approve the proposed sanctions.
15. I confirmed to the parties that I was content to approve the proposed sanction. Thus I confirm the ban commences on 17 August 2018

Decision

16. **I therefore find as follows:**
 - (a) Mr Gelhardt has committed the first charge, which he admits.

- (b) By way of sanction
- (i) Mr Gelhardt must serve a ban of 8 months from 17 August 2018 with 4 months of that suspended on the condition that the Player commits no further violations of the TACP prior to 16 April 2019; if he commits any further violations in that period the other four months of the ban will take effect and
 - (ii) Mr Geldhardt must pay a fine of \$7,000 with half suspended on the condition that the Player commits no further violations of the TACP prior to 16 April 2019. \$3500 must be paid before Mr Geldhardt returns to competition (ie by the end of the 4 months, assuming he commits no further violations. if he commits any further violations in that period the other half of the fine will be payable.

17. Mr Gelhardt is entitled to rights of appeal pursuant to s1 of the TACP.

CHARLES HOLLANDER

AHO

17.8.18