

**IN THE MATTER OF CHARGES BROUGHT BY
THE PROFESSIONAL TENNIS INTEGRITY OFFICERS
AGAINST BENJAMIN D'HOE**

DECISION

1. On 18 February 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 ("TACP"), informing Benjamin D'Hoe that he was charged with a breach of section D.1.a. of the 2017 TACP (being the version of the TACP in force at the time of his alleged offence).
2. The Notice details one breach of Section D.1.a comprising 902 separate wagers (the Charge). Section D.1.a. of the 2017 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."

3. Mr D'Hoe responded to the Notice on 18 February 2019 by email stating that he would "not dispute the charges being made against him." Following further correspondence Mr D'Hoe confirmed by email on 19 February 2019 that he did not consider an oral hearing to be necessary.
4. The sanctions which may be imposed for the Charge, pursuant to section H of the 2017 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:

H.1.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.

H.1.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.

5. The Charge relates to bets being placed on professional tennis matches in which Mr D’Hoe 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.”¹

6. Mr D’Hoe has confirmed his agreement with the Player Welfare Statement on an annual basis from 2015 which specifically includes a requirement to be aware of, and comply with, the terms of the TACP. The PTIOs note that in *Montcourt*, the CAS considered it “unacceptable” for a professional sportsman to be unaware of prohibitions under the relevant rules.

¹ [CAS 2008/A/1630], *Montcourt v ATP* paras 48-49.

7. The volume of bets placed by Mr D'Hoe in a short space of time was substantial. Mr D'Hoe admits to placing 902 separate bets on over 250 tennis matches in the space of just 26 days, from 31 January 2017 to 26 February 2017. I accept the submission of PTIOs that Mr D'Hoe's offences are serious and do have an impact on the integrity of the sport of tennis or, at least, the perception of the general public of its integrity.
8. In *PTIOs v 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, Sanctions were agreed between Mr Gelhardt and the PTIOs and endorsed by myself as the AHO as follows: (i) a ban of 8 months half of which was suspended; (ii) a fine of \$7,000 half of which was suspended.
9. 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. AHO McLaren 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.
10. In *Iyorovbe* 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 Iyorovbe also admitted his involvement in breaches of the betting rules between December 2016 and May 2017. Mr Iyorovbe was 22 years old during the period of the infringement and 24 when the sanction was handed down. Mr Iyorovbe is and was at all times unranked. AHO McLaren 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. I was also shown the recent decision in *Norfeldt*.
11. In mitigation, Mr D'Hoe says that he was not aware that he was prohibited from betting on matches that he was not involved in. He has learned his lesson and will

not do this again. He co-operated fully (as PTIOs accept) and made himself available for interview. Although there seem to be a lot of bets, they involved very small amounts of money and often were bets on particular points in a match, and were on many occasions combined with other sporting events.

12. The PTIOs acknowledge that Mr D'Hoe did come forward of his own accord to admit to the offence under section D.1.a and that he immediately made a formal admission on being presented with the Notice. The PTIOs also acknowledge that the player has cooperated fully with the TIU's investigation, including making himself available for interview. As Mr D'Hoe put it:

"I learned my lesson and I hope the AHO will give me the chance to continue my fledgling career. I would be devastated if a juvenile mistake would ruin my career (even before it started). I had no malicious intentions and would like to emphasize that I only wagered "for fun" small amounts of money and never wagered on a match or tournament in which I was involved."

13. 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. In such circumstances I am able to suspend the majority of the ban. I also fix the total ban including the suspended part lower than proposed by PTIOs in the light of my conclusions as to the level of seriousness of the offence and the mitigation.

Decision

14. Mr D'Hoe has admitted to a breach of section D.1.a of the TACP. The offence concerned does not relate to an allegation of match-fixing, but the nature of the offence presents an ever-increasing risk to the integrity of the sport of tennis, not to mention to the player's own integrity.
15. **I therefore find as follows:**

Mr D'Hoe has committed the charge, which he admits.

16. By way of sanction

- a. Mr D'Hoe must serve a ban of 6 months from 25 April 2019 with 5 months of that suspended (so that the immediate ban ends on 24 May 2019) on the condition that he commits no further violations of the TACP prior to 31 December 2019; if he commits any further violations in that period the other five months of the ban will take effect and
- b. Mr D'Hoe must pay a fine of \$3,000 with \$500 payable before Mr D'Hoe returns to competition (ie by 24 May 2019) and the rest suspended on the condition that he commits no further violations of the TACP prior to 31 December 2019.

17. Mr D'Hoe is entitled to rights of appeal pursuant to s1 of the TACP.

CHARLES HOLLANDER

AHO

25.4.19