

**IN THE MATTER OF A NOTICE OF MAJOR OFFENSE OF ALLEGED  
CORRUPTION OFFENSES UNDER THE TENNIS ANTI-CORRUPTION  
PROGRAM**

**BETWEEN**

**THE INTERNATIONAL TENNIS INTEGRITY AGENCY**

**AND**

**FRANCESCO TOTARO**

**DECISION OF ANTI-CORRUPTION HEARING OFFICER**

**Introduction**

1. Francesco Totaro has been an accredited chair umpire with the International Tennis Federation (**ITF**) since 2018. He has officiated at a number of ITF tournaments.
2. Mr. Totaro is facing nine charges brought by the ITIA, which can be summarised as follows: repeatedly manipulating the entry of scores during tennis matches, facilitating or conspiring with others to wager on those scores, betting on tennis matches, failing to cooperate with the ITIA investigation, and obtaining entry to an ATP Masters event by using [REDACTED] identification.
3. Mr Totaro is a Covered Person under sections B.10 and B.38 of the Tennis Anti-Corruption Program (**'TACP'**). He falls within the definition of a 'Tournament support Personnel'. Additionally, he signed the ITF Code of Conduct, by which he agreed to abide by the provisions of the TACP.
4. Mr Totaro was therefore bound by the TACP (the relevant rules being those of years 2019, 2021, 2022, and 2023). The 2024 TACP governs procedure.

5. Each ITF umpire uses a handheld electronic scoring device (**HESD**) that inputs data into a scorecard, which is the official match score record. Bookmakers betting on the match payout based on this entry. Besides the HESD, there is also an audio recording of the umpire's calls of the score during the match.
6. Two ITIA investigators, Sarah Hamlet and Nicola Greener, interviewed Mr. Totaro on 7 May 2022 at 13:15 at the ATP 1000 Masters in Rome (**the May interview**) regarding his use of the HESD in particular matches and his betting on matches.
7. During the May interview, Mr. Totaro admitted that during certain tennis matches, he made errors in recording entries into the HESD. He also recognised that there were occasional delays in entering scores into the device. He stated that these errors were unintentional and attributed delays to a faulty device. He denied deliberately manipulating scores to assist betting or placing bets himself, asserting that he hasn't had a betting account since becoming an ITF umpire.
8. The ITIA investigators downloaded the contents of Mr. Totaro's phone on that day.
9. Mr Totaro was provisionally suspended on 22 June 2022.
10. Mr Totaro and the ITIA are legally represented. Mr Totaro has not sought to contest the Charges and has agreed to the determination on penalty being made by me on the papers (the submissions of the parties and a number of relevant documents).
11. Out of an abundance of caution, I state that I have no association with the ITIA or Mr Totaro. No issue was raised regarding my capacity or power to hear the Charges as an Anti-Corruption Hearing Officer (**'AHO'**).

## **The Charges**

12. The Notice of Major Offense (**the Notice**), dated 12 July 2024, outlined the Charges against Mr Totaro, the relevant provisions of the TACP, and their particulars. Summarised, it reads as follows:

No.	TACP Section	Summary
1	D.1.d (Contriving)	██████ Oct 2019: ██████ Tournament. Manipulated input of scores in game ██████ set ██████ (██████ v ██████ Audio/HESD discrepancies.
2	D.1.m (Data manipulation)	██████ Aug 2021: ██████ Tournament. Manipulated input of scores in game ██████ set ██████ (██████ v ██████
3	D.1.m (Data manipulation)	██████ Oct 2021: ██████ ██████ Tournament. Manipulated scores in multiple games, set ██████ (██████ v ██████ Added false points and reversed scoring.
4	D.1.m (Data manipulation)	██████ Mar 2022: ██████ Tournament. Delayed inputting game points in multiple games, set ██████ (██████ v ██████
5	D.1.m (Data manipulation)	██████ Apr 2022: ██████ Tournament. Delayed inputting multiple points in set ██████ (██████ v ██████
6	D.1.b (Facilitating betting)	Facilitated/conspired with others to place suspicious bets related to the scoring discrepancies above.
7	D.1.a (Personal betting)	Nov-Dec 2019: Placed 32 bets on professional tennis matches totaling €4,173.
8	F.2.b (Non-cooperation)	11 Oct 2022: Failed to provide requested information (██████ details, bank accounts, betting accounts) to ITIA.
9	D.1.l (Misrepresentation)	10 May 2023: Entered ATP Masters Rome using ██████ identification while suspended.

## Preliminary Matters

13. Mr Totaro responded to the Notice by letter dated 26 July 2024 (**the July response**), which was signed by himself and his lawyers. In it, he stated that he did not wish to have a hearing of the Charges but outlined his response to them, which I will set out later. Although the response was directed to the penalty that might be imposed, it was unclear whether the Charges were admitted or disputed.

14. Mr Totaro was then asked to clarify his position as to whether, in fact, he was contesting the Charges. In a letter of 11 September 2024, Mr Totaro's lawyers said that Mr Totaro *"does not ask to be acquitted but to significantly reduce the sanction for all the circumstances exposed"*.
15. In an email dated 7 October 2024, the AHO then managing the case noted that *"Mr Totaro is not denying his wrongdoing but rather requests to reduce sanctions for the reasons provided in the brief"*. Mr Totaro or his lawyers have not suggested that this approach is incorrect, and the submissions filed by both parties address the sanctions issue alone.
16. Subsequently, Mr Totaro and the ITIA have each filed submissions relating to the penalty to be imposed upon Mr Totaro.
17. The ITIA, in its submissions, repeatedly asserts that, as Mr. Totaro has not disputed the Charges, it is deemed to be proved based on the facts it has alleged. The ITIA argued that, due to Section G.1.D. iii of the TACP, Mr. Totaro is considered to have committed each of the offenses he was charged with. It may be a matter of legal subtlety, but I am not convinced that the provision extends that far. There is no reference to deeming in the relevant provision, which is directed to the procedure to be adopted if a Charge is admitted.
18. Correctly interpreted, Mr. Totaro's response appears to be one of non-contest regarding the factual basis of the various offenses alleged against him. However, it is said on his behalf that he did not have the required intent to commit the offenses.
19. It can therefore be assumed that the facts supporting the Charges are not disputed, and provided I am satisfied that there is sufficient evidence to make out the Charge, then it may be considered proven.

20. In those circumstances, I am satisfied that Mr Totaro: (a) is not disputing the Charges and that the facts relied upon by the ITIA and set out in the Notice are not in issue; (b) has not sought to adduce any contradictory evidence as to the evidence adduced by the ITIA and (c) does not contest how this hearing is to be conducted — by determination by me based on the written submissions of the parties and the supporting material provided by the parties.

## **The Facts**

21. Mr. Totaro began playing tennis at 13 years old. In 2014, at 18, he started his refereeing career, and from 2018 onwards, he was accredited by the ITF as a chair umpire. According to his CV, he chair umpired at 14 ITF tournaments between 2018 and 2022.

22. Mr Totaro completed the Tennis Integrity Protection Program training on 23 January 2019 and 3 June 2021.

23. For ITF tennis matches, each umpire is equipped with an HESD.

## **The [REDACTED] Match**

24. On [REDACTED] October 2019, Mr Totaro was the chair umpire for a match between [REDACTED] and [REDACTED] at an ITF tournament in [REDACTED] [REDACTED]

25. The audio recording of the match and the scorecard demonstrate that Mr Totaro entered different scores in his HESD for the [REDACTED] game than the scores he called during the game. The audio demonstrates the game being won to love. On the other hand, the scores in the HESD record the match being played to deuce and then to advantage.

26. The IBIA informed the ITIA of suspicious betting recorded by [REDACTED] on the game, noting that: *'We saw action from a new Italian account and an existing UK account backing the [REDACTED] game to go to deuce and both players to win the [REDACTED] game to 40'.*

27. Eight of the ten relevant bets were successful.

**The [REDACTED] Match**

28. On [REDACTED] August 2021, Mr Totaro was the chair umpire of a match between [REDACTED] and [REDACTED] [REDACTED] at an ITF Tournament in [REDACTED] [REDACTED]

29. The audio recording of the match and the scorecard demonstrate that Mr Totaro entered different scores in his HESD for game [REDACTED] of Set [REDACTED] than the scores he called during the game. The audio demonstrates the game being played to 40:15 and then won by [REDACTED]. On the other hand, the scores in the HESD record the match being played to deuce and then to advantage.

30. [REDACTED] a bookmaker, stated concern of this match and two other matches on the same day:

*"We received highly irregular betting across three matches from 2 [REDACTED] and 1 [REDACTED] account registered in Italy clearly targeting specific games to go to deuce and supporting related outcomes in those games... The betting does not oppose specific players and instead indicates umpire involvement in any potential manipulation."*

31. [REDACTED] another bookmaker, also noted unusual betting on the match:

*"After reviewing bets placed on this match, our third party trading provider notified us of suspicious bets placed."*

32. Bets of €117, €108, and €221 were placed on game [REDACTED] of set [REDACTED] for the game to go to deuce, the correct score, and total game points, which were all winning bets returning over €1,200.

**The [REDACTED] [REDACTED] Match**

33. On [REDACTED] October 2021, Mr Totaro was the chair umpire in a match between [REDACTED] and [REDACTED] [REDACTED] at an ITF Tournament in [REDACTED] [REDACTED] [REDACTED]

34. The audio recording of the match and the scorecard demonstrate that Mr Totaro entered different scores in his HESD from the scores he called during three of the games.

35. In those games (■■■■ and ■■■■ of the ■■■■ set), it appears that Mr Totaro added two points to the Scorecard at the start of the game that are not recorded in the audio recording. This occurred in the following way:

**Set ■■■■ Game ■■■■**

- Audio: 15:0, 30-0, 40-0,
- Game Scorecard: 0-15, 0-30, 15-30, 30-30, 40-30
- Game to ■■■■

**Set ■■■■ Game ■■■■**

- Audio: Fault, Zero, fault, 30-0. (Nothing further heard)
- Scorecard: 0-15, 0-30, 15-30, 30-30, 40-30
- Game winner ■■■■

**Set ■■■■ Game ■■■■**

- Audio: fault, 15-0, 30-0, 40-0
- Scorecard: 0-15, 0-30, 15-30, 30-30, 40-30
- Game Winner ■■■■

36. ■■■■ a bookmaker, confirmed that the bets placed on these games involved very high average stakes, particularly for four of its clients<sup>1</sup>.

37. An exhibit tendered by the ITIA (exhibit 7) demonstrates that one of these clients, ■■■■ ■■■■ ■■■■ is a Facebook friend with Mr Totaro and appears to have been on holiday with him. ■■■■ bets throughout the match produced a profit of €16,909. He placed winning bets on each of the three identified games in the ■■■■ set and collected nearly € 6000 (Exhibit 7).

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<sup>1</sup> For the avoidance of doubt, no suspicious bets were reported in respect of games ■■■■ of the match on ■■■■ October 2021.

38. Another of the successful bettors was [REDACTED] mother, [REDACTED]  
[REDACTED]

### **The [REDACTED] Match**

39. On [REDACTED] March 2022, Mr Totaro was the chair umpire in a match between [REDACTED]  
[REDACTED] and [REDACTED] [REDACTED] at an ATP Tournament in [REDACTED] [REDACTED]

40. The input of scores by him into his HESD in the [REDACTED] set was delayed on several occasions, as shown below:

Game	Delay
[REDACTED]	11 secs
[REDACTED]	13 secs
[REDACTED]	14 secs
[REDACTED]	12 secs
[REDACTED]	09 secs

41. On most points, the correct score was entered without any delay. Besides the delays in the table, Mr. Totaro experienced delays in entering scores on three other occasions: a 21-second delay in the [REDACTED] game, which the ITIA suggests was caused by a disputed line call, and delays of 11 and 13 seconds, neither of which occurred on game point.

42. Bets were placed by [REDACTED] [REDACTED] [REDACTED] through an account registered in Italy, who placed five bets on the correct score for games [REDACTED] (i.e., games in which there were entering the final game point score), which were all winning bets producing a total profit of €2,428.32

43. On 5 April 2022, a bookmaker, [REDACTED] contacted the IBIA stating in part:

*"This betting activity follows on from initial concerns held in last week's ATP*

*[REDACTED] Challenger match between [REDACTED] [REDACTED] and [REDACTED] [REDACTED] played on March [REDACTED] umpired by the same official, in which a different, previously*



dormant, Italian-registered account placed similar bets, with the correct score targeted on Set [REDACTED] games."

"The activity is chair umpire related, and the operator had initial concerns involving the same umpire, Francesco Totaro, at a match in the ATP [REDACTED] Challenger last week. Although courtsiding alone cannot be ruled out entirely (with no umpire involvement), the pattern of the betting activity indicates the potential for umpire complicity."

44. In a subsequent email, [REDACTED] explained that:

"We identified two matches, at different tournaments, which we believe were umpired by the same individual. In both matches, we identified Italian customers who seemed to be able to beat the inputting of scoring data from the court/event on Set [REDACTED] Game Correct Score markets."

#### **The [REDACTED] Match**

45. On [REDACTED] March 2022, Mr Totaro was the chair umpire in a match between [REDACTED] and [REDACTED] at the ATP Tournament in [REDACTED]

46. The input of scores by him into his HESD in the [REDACTED] set was delayed on numerous occasions, as shown below:

Game/Point	Delay
Game [REDACTED] Point 5	17 secs
Game [REDACTED] (30-30)	10 secs
Game [REDACTED] (GP)	12 secs
Game [REDACTED] (GP)	16 secs
Game [REDACTED] (30-30)	11 secs
Game [REDACTED] (GP)	14 secs
Game [REDACTED] (GP)	15 secs

Game/Point	Delay
Game [REDACTED] (GP)	16 secs
Game [REDACTED] (30-30)	11 secs
Game [REDACTED] (GP)	11 secs
Game [REDACTED] (GP)	10 secs
[REDACTED] Point 10	13 secs
[REDACTED] Point 11	16 secs
[REDACTED] Point 12	18 secs

47. The [REDACTED] remarks set out at [35] relate to both this match and the [REDACTED] match.

The bookmaker also noted that:

*"A newly opened Italian registered account placed maximum stake bets on the Correct score in various games played in Set [REDACTED]. The bets were placed around the time of the last point of each game with the umpire, Francesco Totaro, appearing slow to input the score."*

48. The account, which was registered in Italy, belonged to a [REDACTED], who placed five bets (correct and/or game winner in games [REDACTED]), 4 of which were winning bets that produced a total profit of €1,276.50.

#### **Betting on Tennis Matches in 2019**

49. Exhibit 13 is a report from [REDACTED]. It discloses that a licensed bookmaker in its jurisdiction, [REDACTED], held an account in the name of Mr. Francesco Totaro, with Mr. Totaro's date of birth recorded.

50. On [REDACTED] November 2019, the owner of this account placed a bet on a match between [REDACTED] and [REDACTED] at the [REDACTED] Challenger.

51. On [REDACTED] December 2019, the owner of this account placed 31 bets on a match between [REDACTED] and [REDACTED] at a tournament at [REDACTED], [REDACTED]

52. A total amount of €4,173 was placed across the 32 bets, with winnings of €14,140.80.

53. [REDACTED] has subsequently admitted to fixing the [REDACTED] December match and has been sanctioned for his conduct.

54. Mr Totaro has not contested the accuracy of this report's contents.

#### ***Failure to Co-operate with ITIA Investigators***

55. By letter of 11 October 2022, the ITIA sent Mr Totaro a Demand under the TACP to his email address. [REDACTED]. The ITIA asked Mr Totaro to provide a large body of information relating to [REDACTED] (including names and dates of birth), bank accounts, credit cards and betting accounts. Mr Totaro did not reply, and he has not provided the requested information.

56. The email address was the one provided to the ITIA by Mr Totaro in a previous WhatsApp exchange when asked to provide his correct email address (exhibit 15).

57. Mr Totaro asserts that he did not receive the request. He has not provided the information sought.

#### ***Rome ATP Masters***

58. The ITIA alleges that on 10 May 2023, Mr Totaro gained entry to the ATP Masters in Rome by showing an identification document in the name of [REDACTED]. A statement was made to an ITIA investigator by an unidentified person who knows Mr Totaro and spoke to him at the tournament. At the time, Mr Totaro was provisionally suspended.

59. Mr Totaro denies being at the tournament and says that the person with the pass must have been [REDACTED].

### **The TACP and the TACP Sanctioning Guidelines**

61. Section H of the 2024 TACP (headed Sanctions) deals in part with sanctions against a Tournament Support Person who breaches a provision of the TACP: **H.1** Except as provided in Sections F.5 and F.6, 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 Personnel, (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.

62. The TACP Sanctioning Guidelines ('**Guidelines**'), issued by the Tennis Integrity Supervisory Board ('**TISB**'), provide a framework for issuing sanctions under the TACP to 'support fairness and consistency'. They are not binding on AHOs, but they set out various principles and factors that AHOs may consider appropriate. An AHO retains complete discretion concerning the application or departure from the Guidelines.

63. The Guidelines also provide that where "*there are multiple Corruption Offenses, in the interests of efficiency, they should ordinarily be taken together in one concurrent sanctioning process (albeit taking particular cognisance of the offense(s) which carry(ies) the highest sanction)*".

64. The five steps set out in the Guidelines for the fixing of an appropriate sanction are as follows: a) Determining the offense category; b) Starting point and category range (which includes a non-exhaustive list of aggravating and mitigating

factors); c) Consideration of any reduction for early admissions; d) Consideration of any other factors which may merit a reduction, such as substantial assistance to the ITIA; e) Setting the amount of the fine (if any).

65. Determining the offense category requires an assessment of the culpability of the offender and the impact of the offense. Grades of culpability range from A to C. A is High culpability and requires one or more of: a high degree of planning or premeditation; Initiating or leading others to commit offenses; Multiple offenses over a protracted period of time.

66. In terms of Impact categories, the range is from 1 to 3 where 1 requires: Significant, material impact on the reputation and/or integrity of the sport; Holding a position of trust/responsibility within the sport; Relatively high value of illicit gain.

67. The Guidelines also address the question of multiple charges: Where there are multiple Corruption Offenses, in the interests of efficiency, they should ordinarily be taken together in one concurrent sanctioning process (albeit taking particular cognisance of the offense(s) which carry(ies) the highest sanction).

## **The Competing Submissions of the Parties**

### ***ITIA***

68. The ITIA argues in its submissions of 28 October 2024 (**ITIA submissions**) that the Charges and sanctions should be seen in light of the following overarching factors:

- a. Mr Totaro has not denied breaches of the TACP, ranging from personally betting on tennis matches to manipulating scores and facilitating or conspiring to facilitate others to bet on matches. He also failed to provide information requested by the ITIA as part of its investigation.
- b. The ITIA has identified five separate matches in which Mr Totaro delayed entering or incorrectly entered the scores in matches between 2019 and 2022. Suspicious betting has been identified in relation to the scores that

Mr Totaro delayed entering or incorrectly entered. In some cases, the bettors are linked to Mr Totaro.

- c. Mr Totaro has not sought to deny the Charges and defend the Charges at a hearing. As a matter of procedure, the consequence is that the Charges are deemed proven (per section G.1.d.iii 2024 TACP). In addition, it strongly indicates that Mr Totaro does not have a lawful explanation for his actions (instead choosing to put forward unsubstantiated explanations in writing).
- d. Mr Totaro has breached the provisional suspension imposed on him on several occasions, including by showing [REDACTED] identification to gain entry. This further undermines his credibility as it demonstrates no respect for the rules of tennis or legal procedure and a willingness to deceive.

69. As to culpability under the Guidelines, the ITIA contends that Mr Totaro's case falls into the highest sanction category, A1 (the highest in terms of culpability and impact), and that the appropriate sanction is a lifetime ban from the sport of tennis and a fine of \$250,000, together with repayment of corrupt payments.

70. The ITIA submitted that the offenses fall within Category A of culpability because: There was a "*high degree of planning or premeditation*" in the offenses. Facilitating or conspiring with others to facilitate betting on manipulated and/or delayed scoring necessarily involves premeditation and planning. The fact that this occurred on multiple occasions increases the degree of planning and premeditation by Mr Totaro. Lastly, Mr Totaro committed multiple offenses over a protracted period (from 2019 to 2023).

71. As a chair umpire, Mr Totaro holds "*a position of trust/responsibility within the sport*". As noted above, the role of a chair umpire is one of utmost importance. Chair umpires are the final authority for all decisions on court and therefore, necessarily, are expected to uphold the highest standards and their level of

integrity should not be questioned at any point. Chair umpires are trusted to uphold the integrity of each match, for the good of the players and the sport as a whole (as well as the accuracy of the betting markets). In the case of *PTIOs v Tongplew, Apisit and Chitchal Srillal* AHO Hollander KC stated: "*Any chair umpire occupies a unique position of trust within the sport of tennis. It is vital to anyone playing tennis, watching tennis or otherwise involved in the integrity of a chair umpire to officiate any match to the highest of standards*".

72. Mr Totaro won €14,140.80 merely from the bets he placed that are the subject of Charge 7. This is a significant financial gain. It is also likely that Mr Totaro received monetary rewards for manipulating the scoring, given that it is unlikely that he did it for no reward.

73. As to impact under the Guidelines, the ITIA submitted that the offenses fall within Category 1 for the following reasons: The offenses committed by Mr Totaro are "Major TACP Offenses" (as defined in section B. 21) 12. Mr Totaro's conduct will have a "Significant, material impact on the reputation and/or integrity of the sport". The role of officials in tennis, and especially chair umpires, is a vital one. Aside from ensuring that events on court proceed smoothly and fairly, chair umpires are expected to be a model of integrity and set an example throughout the sport. A chair umpire is there to uphold the rules, but instead, Mr Totaro has deliberately breached them and undermined the integrity of his position.

74. Although Mr Totaro has not contested the Charges, the ITIA argues that he should be given little credit for this, as he has been uncooperative and has prevented it from investigating thoroughly the circumstances surrounding his alleged offending. In addition, his admissions are of little weight as his responses to the Charges do not demonstrate any remorse or true acceptance that his conduct was unacceptable.

## **Mr Totaro**

73. In his initial response of July 2024 (**the July response**), Mr Totaro said as to the data recording charges (Charges one to five) that discrepancies between the recording and the results in the device were not voluntary. He said it was wrong, but frequently, that a different result is typed into the device. When it happens to avoid the calls, umpires try to compensate for the error during the rest of the set. **This is very important, and it's the only reason why Mr Totaro made these mistakes** (my emphasis).
74. This submission was consistent with the statements made during the May interview. It was also emphasised in the response to the Charges filed by his lawyers on 11 November 2024 (**the November submission**).
75. In the July response, Mr Totaro also made separate points about the [REDACTED] and [REDACTED] matches. He referred to the use of a different tablet in relation to the [REDACTED] match.
76. In relation to the betting charges (Charge 6) in the July submission, he said that he always talked to friends about the results of some tennis matches or other sports, and also about the account of the outcome of betting, like any guy his age, on WhatsApp groups directly or indirectly.
77. He does not appear to have directly denied the Charge, although he did deny having an account in his name in the May interview.
78. Mr Totaro denied refusing the request by the ITIA for further information stating that he had never received such a request.
79. Mr Totaro also denied entering the ATP masters in Rome and maintained that it was [REDACTED] who attempted to enter the event.
80. Addressing the Guidelines, Mr. Totaro said that the level of culpability was 'exceptionally low' and fell within Category C or B. It was argued that his actions



seem to be isolated incidents and do not indicate a pattern of behaviour because there was no premeditation, no intimidation, and a low level of culpability. Then, it was claimed that he had shown full cooperation with the investigation from the outset and had voluntarily provided his mobile phone for examination.

81. As to impact under the Guidelines, it was said that his actions did not have any significant impact on the sport of tennis and fall under category 3.

82. Again, it was emphasised that such errors can occur and are not uncommon in the sport. However, these mistakes, so it was said, were not made deliberately or with any malicious intent: 'the errors were the result of the pressures and challenges inherent in officiating'.

83. It was then submitted that Mr Totaro had never been previously involved in any disciplinary issues, and his young age and love for the sport should be taken into account when fixing any penalty. It was also emphasised that he had waived his right to a hearing, saving the ITA time and expenditure, and that he had no material gain as he never received any payments. It was submitted that he had no job and no salary, and therefore, any economic sanction would be very heavy for him.

84. Reference was also made in the submissions to several decisions of AHO's dealing with the delayed entry of match data.

85. The closing part of the July response reads as follows:

*“Francesco Totaro waives his right to a hearing; he hopes for the matter to proceed amicably and quickly so that he could go on in his life without problem. He acknowledges that he was superficial in his approach and did not exercise the level of caution and diligence expected of him as a referee. He wants to emphasize, however, that at no point did he intend to engage in any prohibited activities or compromise the integrity of the sport. It's evident that his actions were not motivated by any desire to deceive or manipulate outcomes, but they were*

*simply the result of a lack of awareness and experience.”* Given Totaro's difficult financial situation he asks, in case of order to pay a fine, to suspend the payment or, at least, to pay off by an agreed-upon payment plan.

86. In the November submission, Mr Totaro's lawyers reaffirmed that the respective violations should be 'evaluated as errors' and considered 'incorrect due to negligence'. They also reiterated that there must be proof of intent, and regarding all the charges, such evidence was absent.

87. It was noted that Mr. Totaro had 1,500 followers on social media, and because they might bet on matches that he umpired, that did not imply collusion. It was emphasised that, simply because there were Italian bettors on matches umpired by Mr. Totaro, this did not demonstrate conspiracy or collaboration.

88. Concerning the penalty, Mr. Totaro stated that the fine imposed by the ITIA was excessively high and unrelated to his behaviour. Mr. Totaro's actions did not tarnish the image of tennis. He was cooperative in surrendering his mobile phone and in his dealings with the ITIA.

89. As to culpability, under the Guidelines, Mr. Totaro reiterated his submission that these were unintentional errors and should be regarded as such. Since there was no deliberate misconduct, this warrants a low categorisation.

90. Regarding its impact, it was noted that Mr. Totaro was a relative unknown, and his case received no media coverage. Consequently, it was argued, there was little real effect on the reputation or image of tennis.

91. It was also said that Mr. Totaro had demonstrated genuine remorse, was young, and had assisted the ITIA in its investigations. He had waived his right to a hearing, leading to a quicker resolution of the matter.

92. I was urged to impose a lenient sanction.

## Analysis and Findings

93. Mr Totaro has not been the subject of any previous sanction under the TACP. I have no information as to his financial position other than that in one year, [REDACTED]. In the May interview, he said that he was supported by his wealthy parents and managed a padel club in Naples.

94. In my view, and consistent with the Guidelines, it is appropriate to consider Charges 1-6 collectively and the three remaining charges (which are diverse) separately.

95. I have endeavoured to apply the principles discussed in the Guidelines in determining the appropriate sanction on each of the Charges. However, I have not adopted a mechanistic approach to the task.

96. Before dealing with the individual Charges, I record the following.

97. First, Mr. Totaro's approach to the Charges has been unhelpful. He has not explicitly admitted the offenses but has chosen to either minimise their seriousness or deny any illicit intent. He has done this without providing any evidence in his favour, such as giving evidence himself, calling relevant witnesses, or producing relevant documentation. He has claimed that the ITIA has not proven its case, while not denying the obvious: that he made numerous errors in his data entries during several matches and delayed inputting scores.

98. Second, I am satisfied that Mr Totaro lied on several occasions during the May interview. The clearest example is his denial of owning a betting account when the evidence from the [REDACTED] outlined at [49], which he did not challenge, shows that he does.

99. Third, regardless of Mr Totaro's stance, I am convinced that the ITIA has proven its case on each of the nine Charges. I discuss the reasons for this conclusion in my findings on each Charge.

***Charges 1-6: The Data Entry Charges and Complicity with the Betting on the Selve  
Garda Match***

100. When viewed collectively, Mr Totaro's errors and omissions in the course of these five matches point squarely to an intentional and premeditated effort to record the input into his HESD of incorrect scores or to delay their input. The evidence also leads unerringly to the conclusion that the purpose of the exercise was to permit bettors associated with Mr Totaro to achieve a result.

101. I cannot accept the suggestion made by himself and his lawyers that these errors — whether incorrect entries or delays — occurred innocently. The mistakes made by Mr. Totaro on multiple occasions were significant and not simply oversights. The HESD entries for the [REDACTED] set of The [REDACTED] [REDACTED] match illustrate this point. It is unthinkable that such errors at different times during the set could have been the result of innocent mistakes. The entries do not correspond in any shape or form to what was happening on the Court during the [REDACTED] set. Instead, they show a pattern that allows the inference, which can be drawn quite confidently, that the errors were intentional. This conclusion is supported by the unchallenged evidence that Mr. Totaro's friend, [REDACTED] [REDACTED] was betting on the [REDACTED] [REDACTED] match and won a substantial amount as a result of the scores recorded for the [REDACTED] set. This match was later found to have been rigged.

102. Similarly, the incorrect entries for the [REDACTED] and [REDACTED] matches cannot be explained by inexperience or innocent error. The delays in recording entries at [REDACTED] and [REDACTED] are both repetitive and significant. They also cannot be explained by inexperience or innocent error.

103. Finally, I repeat that when viewed compositely, there is a clear pattern of conduct on the part of Mr Totaro which supports the inference that these errors and delays were intentional, and which contradicts any innocent explanation proffered by Mr Totaro.

104. Moreover, Mr Totaro's failure to challenge, by adducing evidence, the case put against him in relation to the five Charges (1-5) relating to the HESD entries is significant. The conclusions drawn from the evidence adduced by the ITIA are firm and, in my opinion, may only be offset by Mr Totaro giving evidence explaining how these asserted mistakes occurred and were not the subject of a deliberate strategy.

105. In relation to Charge 6 (the betting on the [REDACTED] [REDACTED] match by [REDACTED] [REDACTED] I am also satisfied that the offense is made out. Mr Totaro's friend (at least on Facebook), [REDACTED] bet on each of the games in which Mr Totaro made the incorrect entries into his HESD and won a significant sum of money betting on those points. [REDACTED] did not give evidence to suggest that this was a coincidence or that he had no relationship with Mr Totaro. Nor, of course, did Mr Totaro explain the relationship.

106. I accept the ITIA submission (set out at [70] and [71]) that Mr Totaro's culpability falls within Category A of the Guidelines — high culpability — and Category 1 in terms of impact — it has a significant material impact on the reputation and integrity of the sport. This was a deliberate and sustained course of conduct, which Mr Totaro must have known was a flagrant breach of both his ethical and TACP obligations as a chair umpire. This conduct of an accredited official brings the sport into disrepute.

107. I reject the suggestion contained in the November submissions that, in terms of both culpability and impact, Mr Totaro's conduct should be viewed at the lower end of the scale. I repeat that I regard his conduct as being intentional and designed to help achieve a result for bettors connected to him. The ITIA's submissions should be accepted on this score.

108. I also reject the argument that Mr. Totaro's behaviour should, at least in terms of impact, be viewed as a minor breach because it has attracted little publicity or

public notoriety. This argument is flawed. It must be made clear to all officials involved in professional tennis that unethical conduct, especially if linked to betting, cannot be tolerated. A clear message must be conveyed to the entire tennis community that behaviour like Mr. Totaro's is totally inappropriate and will not be accepted. Whether his actions have gained media attention or not is irrelevant.

109. This approach to integrity breaches by umpires who operate in a position of authority and trust has been emphasised in several decisions of AHOs referred to in the ITIA submission. There is no reason to depart from the sanction mandated in the TACP. Mr Totaro is permanently ineligible to participate in any Sanctioned Events as defined in the TACP.

110. Regarding any financial penalty, as I have mentioned, there is little evidence of his financial position aside from what he told the investigators during the May interview. Nor is there enough evidence to determine what amount, if any, Mr. Totaro received in terms of 'winnings or other amounts' to justify any other order under H.1.b of the TACP.

111. Given the nature and effect of this penalty it is not appropriate to impose a fine on these charges.

### ***Charge 7: Betting***

112. Mr Totaro has not disputed that he placed the bets identified by the ITIA under Charge 7.

113. Mr Totaro must have known that it was contrary to the provisions of the TACP that he engage in any form of betting on tennis matches. As an official who had also undergone TACP training on two separate occasions, his awareness of the impropriety of his actions should have been acute.

114. Mr Totaro's culpability falls within Category A of the Guidelines — high culpability — and Category 1 in terms of impact — it has a significant material impact on the reputation and integrity of the sport.

115. As I mentioned, I have limited information regarding Mr. Totaro's financial situation. However, it is important to make it clear to everyone involved in the sport (both officials and players) that betting on tennis matches will not be tolerated.

116. Taking into account the penalty imposed on Charges 1-6, Mr Totaro is fined \$10,000 on this Charge.

#### ***Charge 8: Failure to Cooperate***

118. I reject Mr Totaro's account that he did not receive the ITIA letter requesting the provision of additional information. It was sent to the email address he provided, and, given my serious doubts as to his credibility, absent him giving evidence, I see no reason not to assume it was received and ignored.

119. It is, as with Charge 7, necessary to make it clear to others involved in the sport (both officials and players) that cooperation with the ITIA is essential if the integrity of the sport is to be maintained. This is especially so in the case of officials.

120. Considering the penalty imposed on Charges 1-7, Mr Totaro is fined \$5,000 on this Charge.

#### ***Charge 9: Attending the Rome Tournament***

121. Notwithstanding that, the evidence on this charge is less than compelling, I am prepared to accept that Mr Totaro's plea means the charge is proved. Given the penalties on the other charges, no penalty should be imposed.

### **Conclusion and Orders**

122. Accordingly, and in conformity with section G.4.b of the TACP, I order as follows:

- (1) Mr Totaro has committed the corruption offenses identified in Charges 1 to 9.
- (2) Mr Totaro's penalty falls within section H.1.b of the TACP.
- (3) Mr Totaro is permanently ineligible to participate in any Sanctioned Event as defined in the TACP.
- (4) Mr Totaro is fined \$15,000.

123. Subject to Mr Totaro's appeal rights, under Section G.4.d of the TACP, this decision is a 'full, final and complete disposition of the matter and will be binding on all parties'.

124. Mr Totaro has a right of appeal to the Court of Arbitration of Sport under Section I.1 of the TACP.

**The Honourable Jack Forrest KC**

**11 August 2025**