

PTIOs v Anucha Tongplew, Apisit Promchai and Chitchai Srililai

DECISION ON SANCTIONS

1. On 25 May 2018 the Professional Tennis Integrity Officers (*PTIOs*), representing the ATP, WTA, ITF and GSB brought charges against Anucha Tongplew, Apisit Promchai and Chitchai Srililai (“the Respondents”) pursuant to Section G.1.a of the Tennis Anti-Corruption Program 2017 (*TACP*).
2. In October 2017, the Tennis Integrity Unit (“TIU”) received alerts from a betting operator, called [REDACTED] which has an information sharing agreement with the TIU.
3. The alerts identified suspicious betting patterns that related to one or more matches that you had involvement in or influence over.
4. On 19 October 2017, investigators with the TIU attended an ITF Futures event in Thailand to commence a series of interviews with the Respondents. Between 19 and 21 October 2017, the TIU investigators interviewed each of the Respondents and conducted forensic examinations of their mobile phones.
5. During interview, the PTIOS state that each of the Respondents voluntarily admitted to:
 - (a) opening individual betting accounts with [REDACTED];
 - (b) wagering on tennis matches at ITF Futures tournaments at which they were appearing as chair umpires; and
 - (c) manipulating the scores inputted into their official scoring system for betting related purposes and personal profit.

6. The PTIOS state that analysis of the mobile phones revealed evidence supporting these admissions. Mt Tongplew initially acted on his own initially before, when his betting account was suspended, recruiting Mr Promchai. When Mr Promchai's when betting account was suspended, Mr Srililai was recruited.
7. The summary of the factual background set out above gives rise to the following three charges against each of the Respondents :
 - (1) A breach of section D.1.a of the 2017 TACP: *"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."*
 - (2) A breach of section D.1.b of the 2017 TACP: *"No Covered Person shall, directly or indirectly, solicit or facilitate any other person to wager on the outcome or any other aspect of any Event or any other tennis competition. For the avoidance of doubt, to solicit or facilitate to wager shall include, but not be limited to: display of live tennis betting odds on a Covered Person website; writing articles for a tennis betting publication or website; conducting personal appearances for a tennis betting company; and appearing in commercials encouraging others to bet on tennis."*
 - (3) A breach of section D.1.d of the 2017 TACP: *"No Covered Person shall, directly or indirectly, contrive or attempt to contrive the outcome or any other aspect of any Event."*
8. I was appointed the Anti-Corruption Hearing Officer ("AHO") in these cases.
9. On 15 August 2018 in a written decision I held in respect of each of the three respondents that
 - a. Each had waived his entitlement to a hearing
 - b. Each was deemed to have admitted the Corruption Offences specified above which were contained in each case in the Notice of Charges.
10. Pursuant to my direction, on 5 September the PTIOs made submissions on sanctions. These submissions were subsequently translated into Thai. Mr Tongplew acknowledged receipt of

PTIOs submissions on 16 August. On 26 September, as no other communication had been received by the respondents, I emailed them to make clear that I intended to reach a decision if I had not heard from them in 7 days. No response has been received.

11. Having followed the procedure set out in section G of TACP, I now consider the appropriate sanction. Section H provides of TACP provides: :

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.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) suspension of credentials and access to any Event organized, sanctioned or recognized by any Governing Body for a period of not less than one year, and (iii) with respect to any violation of clauses (c)-(i) of Section D.1, suspension of credentials and access to any Event organized, sanctioned or recognized by any Governing Body for a maximum period of permanent revocation of such credentials and access.

12. It is thus apparent that (d) is the most serious of the charges. In *Oleg Oriekhov v UEFA* (CAS 2010/A/2172), , the CAS Panel stated in its award (at paragraph 78) that:

“The Panel has to remind itself that match-fixing . . . and the like are a growing concern, indeed a cancer, in many major sports . . . and must be eradicated. The very essence of sport is that competition is fair; its attraction to spectators is the unpredictability of its outcome”.

13. In *Kollerer v ATP5* (CAS 2011/A/2490) the CAS Panel took into account the fact that any sanction other than a lifetime ban (for the serious match-fixing offences in that case),

“would not have the deterrent effect that is required to make players aware that it is simply not worth the risk.”

14. PTIOs submit the following aggravating features were present:

A. Number and seriousness of Charges

(a) between the various betting accounts operated by the Umpires, a significant number of bets were placed in relation to matches in which the Umpires were officiating or otherwise involved at the relevant tournament in an official capacity. In summary, the betting was as follows:

- Mr Tongplew – a total of 26 bets were placed between 25 and 27 September 2017 of which 23 bets were winning bets. A total sum of 176,125 Thai Baht (which, as at the date of the betting, amounted to US\$5,314) was staked with a profit of 211,109 TB (\$6,309).

- Mr Promchai – a total of 19 bets were placed between 27 and 29 September 2017 of which 15 were winning bets. A total sum of 319,800 TB (\$9,648) was staked with a profit of 300,000 TB (\$9,073).

(b) Suspicious bets were placed from the betting accounts of Mr Tongplew or Mr Promchai in relation to 11 matches with particular suspicions regarding eight of them. Of those eight, Mr Tongplew or Mr Promchai were the chair umpire in each of them. All of those matches

took place during the Thailand ITF \$25,000 Women's Pro Circuit tournament at Hua Hin, Thailand.

(c) As regards Mr Srililai, a total of 10 bets were placed across two accounts on 16 and 18 October 2017 (one in Mr Srililai's name and one that is linked to him) of which seven were winning bets. Mr Sriliali was the chair umpire for both matches which took place during the ITF Men's Futures F9 tournament in Pattaya, Thailand. The total stake and profits are unknown due to difficulties with obtaining data from [REDACTED] the relevant betting operator.

This is a significant number of offences displaying a commitment from each of the Umpires repeatedly to breach the TACP for financial gain (a total profit of at least \$15,382) and with the serious side effect of defrauding other betters in the market.

B. Age and experience:

Mr Tongplew is 32 years old and has been an ITF registered official since 2010. Mr Promchai is 35 years old and was an ITF registered official between 2003 and 2010 and again in 2017. Mr Srililai is 34 years old and has been an ITF registered official since 2007. Each of the Umpires is, therefore, highly experienced and will be very familiar with the rules.

C. Knowledge of TACP:

Each of the respondents has affirmed their knowledge of the TACP by renewing their ITF subscription in 2017. In order to do so, the respondents must endorse the TACP by making a declaration that they will abide by its terms and through which they can understand the responsibilities with being a Covered Person under the TACP. In addition, Mr Tongplew and Mr Promchai completed the Tennis Integrity Protection Programme – the online integrity training provided by the TIU.

D. Position of Trust:

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 sport that they have complete confidence in the integrity of a chair umpire to officiate any match to the highest of standards. The Umpires have admitted to falling well short of such standards and that has a negative impact upon the sport.

15. I accept these submissions. PTIOs very properly also draw my attention to the following mitigating features:

Admissions: The PTIOs acknowledge that, with the initial exception of Mr Srililai, the Umpires all admitted their offences straight away. They have not sought to delay or frustrate these proceedings under the TACP.

Cooperation: The PTIOs acknowledge that the Umpires have cooperated with the investigations of the TIU in that they have made themselves available for interview, made admissions and provided their mobile telephones for forensic analysis. However, the PTIOs note that this cooperation is the standard that is expected under the TACP.

First offence: The PTIOs note that the various incidents in September/October 2017 was each of the Umpires first offence.

16. In my view these are very serious offences and the appropriate penalty in each case is a lifetime ban. I do not consider that any other penalty would be appropriate given the gravity of these offences.

NOW PURSUANT TO THE ABOVE AND SECTION G1.d I FIND IN RELATION TO EACH OF THE RESPONDENTS:

Each of the three respondents shall suffer permanent revocation of their credentials and access to any Event organized, sanctioned or recognized by any Governing Body.

This decision may be appealed exclusively to CAS in accordance with CAS's Code of Sports-Related Arbitration and the special provisions applicable to the Appeal Arbitration Proceedings, by either the Covered Person who is the subject of the Decision being appealed, or the Tennis integrity Board.

Charles Hollander QC
AHO

5 October 2018
London, England.