

IN THE MATTER OF CHARGES BROUGHT BY THE PROFESSIONAL TENNIS
INTEGRITY OFFICERS ("PTIOs")
UNDER THE UNIFORM TENNIS ANTI-CORRUPTION PROGRAM ("TACP")
BEFORE ANTI-CORRUPTION HEARING OFFICER ("AHO") JANE MULCAHY QC

Corruption Notice to: Svetlana Teryaeva
("the Official")

-and-

PTIOs

The PTIOs being constituted by appointments from each of the following Governing Bodies:

WTA Tour, Inc. ("WTA")
Grand Slam Board ("GSB")
International Tennis Federation ("ITF")
ATP Tour, Inc. ("ATP")

Representing the Official: The Official represented herself

Representing the PTIOs: Mr Ross Brown of Onside Law

DECISION OF AHO ON LIABILITY

Introduction

1. I am appointed as the AHO in relation to proceedings brought by the PTIOs against the Official alleging she failed to report an approach by [REDACTED] or her suspicions about [REDACTED] arising out of the same approach).
2. The charges are brought following a notification to the TIU in June 2017 that the Official had been discussing behaviour with [REDACTED] which would amount to a breach of the 2017 TACP.
3. The official is required to comply with the TACP by reason of being defined as "Tournament Support Personnel" through her role as a chair umpire and line judge in relation to professional tennis events and under paragraph U11 of the ITF Duties and Procedures for Officials Rules of 2017 ("the ITF Code").¹

Notice of charge

4. By a Notice dated 15 January 2019 ("the Notice") the Official was charged with:
 - 4.1. One breach of section D.2.b.i of the TACP, which states: *"In the event any Related Person or Tournament Support Person is approached by any person who offers or provides any type of money, benefit or Consideration to a Related Person or Tournament Support Person to (i) influence or attempt to influence the outcome of any aspect of any Event, or (ii) provide Inside Information, it shall be the Related Person's or Tournament Support Person's obligation to report such incident to the TIU as soon as possible."*
 - 4.2. One breach of section D.2.b.ii of the TACP, which states: *"In the event the Related Person or Tournament Support Person knows or suspects that any Covered Person or other individual has committed a Corruption Offense, it shall be the Related Person's or*

¹ U11 states: "Officials are bound by and must comply with all of the provisions of the [TACP], and it is their responsibility to acquaint themselves with all the program rules...and to participate in the on-line Tennis Integrity Protection Programme, including the requirement to report any potentially corrupt approaches to the Tennis Integrity Unit."

Tournament Support Person's obligation to report such knowledge or suspicion to the TIU as soon as possible."

5. The Notice stated that both charges arose out of the same factual background:
 - 5.1. On 28 June 2017, the TIU received an email from an official in Russia which said that the Official and ██████████ had been discussing a plan to manipulate the input of the score of professional tennis matches into the PDA device issued to chair umpires to keep the score. This was to be done at forthcoming ITF Futures events in Moscow in July and August 2017 and would focus on the inputting of deuces. The point was to facilitate the placing of bets by third parties who knew in advance that the score would be input incorrectly and would bet accordingly.²
 - 5.2. The informant also said that the conversations included reference to the involvement of ██████████, a former tennis player from Russia, who is now serving a lifetime ban from the sport for breaches of the TACP.
 - 5.3. On 12 July 2017, the TIU received a betting alert from a betting operator in relation to concerns around suspicious bets placed on a match between ██████████ ██████████ at the ITF Moscow Women's 25K event on 11 July 2017. Ms ██████████ won that match 6-3, 6-4. The betting operator was also concerned about the live feed since they had detected a gap in the input of scoring and the notable number of deuces. The Official was the chair umpire for the match.
 - 5.4. The TIU interviewed the Official on 16 October 2017 during the ATP and WTA Kremlin Cup event in Moscow. During the interview the Official admitted ██████████ had made a corrupt approach to her, around July 2017, in which he asked if she would manipulate the scores being entered into her PDA device in return for payment. The Official said she declined the offer. However, she failed to report the corrupt approach to the TIU or to anyone. As for the issues in the

² As I understand it, the point was not to change the final score in any game: that would, of course, have been impossible since any onlookers and players would know the actual score. Rather it was to inaccurately record how that final score was achieved.

██████████ match she said this was caused by technical difficulties and other factors.

5.5. At the interview, the relevant contents of the Official's phone were downloaded: it was revealed she had ██████████ number in her list of contacts.

5.6. A second interview took place almost a year later, on 14 October 2018. (I should note that the delay between the interviews surprised me: I return to this below.) At that interview, the Official again admitted a failure to report ██████████ corrupt approach.

These proceedings

6. Following receipt of the Notice, the Official - on 1 February 2019 - replied to confirm that she would like the charges against her to be determined by an AHO.
7. A directions hearing took place by telephone on 21 February 2019 at which directions were set to culminate in a hearing in May 2019 (subsequently fixed for 13 May 2019).
8. The PTIOs disclosed documents on which they intended to rely on 1 March 2019. The Official was due to do the same by 29 March 2019 but did not do so, apparently because she did not wish to rely on any documentation not already disclosed by the PTIOs.
9. On 12 April 2019 the PTIOs served their submissions in this matter together with a witness statement for ██████████ investigator with the TIU, and exhibits to their submissions.

The PTIOs' submissions

10. In summary the PTIOs' submissions stated:

- 10.1. The Official was bound to comply with the TACP at the time alleged and was subject to the ITF Code. Further, no issues had been taken with my jurisdiction in this matter and therefore the Official had submitted to my jurisdiction.
- 10.2. The standard of proof was the preponderance of the evidence, i.e. the balance of probabilities.
- 10.3. The Official had made various clear admissions of liability in her interviews that ██████████ had made a corrupt approach to her and she had not reported it. The PTIOs considered this showed the Official must have suspected that ██████████ had committed corruption offences.
- 10.4. Insofar as the Official had, in her second interview only, suggested that she did not need to make a report because it related to an event not covered by the TACP, this was rejected as there *"would only have been a betting market on an ITF tournament"*. Alternatively, the Official must have had a suspicion that the corrupt approach related to an ITF event which was all that was required under the TACP.
- 10.5. There was no reason to doubt the account of the (anonymous) insider who had given information about the Official – dubbed by the PTIOs "Official A" – since they had reported to the TIU quickly and had made themselves available for follow-up inquiries.
- 10.6. The concerns raised by a betting operator, ██████████ about the ██████████ match were insufficient to mount a more serious charge of manipulation against the Official, but nevertheless it remained a concern as a likely explanation for the Official's failure to report ██████████

The Official's account

11. The Official was due to provide her answering brief by 30 April 2019. No such brief was provided and there was some correspondence between the parties about how the Official wished to proceed and the format of any hearing.
12. Ultimately, on 8 May 2019, the PTIOs emailed me to pass on thoughts from the Official as follows:

"Now, it's a tough time for me because I'm graduating, I have exams almost every day and it's impossible for me to answer promptly. I've wrote my point of view on this situation which I can use in my defence. It's in the attached file. Also, as I've told everything I know during the interviews and if the decision can be made based on it, I suppose the hearing is not required."

13. The document attached by the Official stated, in summary, as follows:

- 13.1. In summer 2017 she was asked by [REDACTED] if she wanted to earn extra money on matches. This was during a national tournament and there was no discussion of fixing the score. She refused. Notwithstanding the information from "Official A" she did not believe this conversation was overheard.
- 13.2. During the ITF tournament in Moscow she talked to [REDACTED] only once. He had been fired (for being drunk) by that point and he had called her to ask about his belongings left in the umpire's tent. After that she did not hear from him.
- 13.3. She did not have good relationships with other umpires and some of them might have tried to frame her.
- 13.4. She had cooperated with the TIU in interview and allowed her phone to be checked. She had nothing to hide.

- 13.5. She was a student who combined working at the tournaments with teaching English and French. She loved her work as an umpire but was worried she would not now succeed, because of the charges.
- 13.6. She did not understand why the process concerning the charges had taken a year and a half. She emphasised that the approach to her had not involved an international tournament and said she did not agree with the charges against her.

Hearing vacated

14. By an email timed at 17:58 on 8 May 2019, the PTIOs indicated that they were content that the hearing be vacated and that I deal with this matter on the papers. However, the PTIOs requested the opportunity to reply to the Official's written submissions.
15. I was content to grant that opportunity. By an email timed at 16:44 on 13 May 2019, the PTIOs served their Reply on me and on the Official.

Reply

16. The Reply focussed on the suggestion by the Official that the approach by ██████ had been made by reference to a national tournament rather than an international event covered by the TACP.
17. The PTIOs argued there was no basis for this assertion:
 - 17.1. The Official's first interview confirmed the corrupt approach took place at a tournament where there were different types of event taking place: there was an ITF tournament for women running alongside a Russian national tournament for men.
 - 17.2. ██████ approach had asked the Official to be involved in "*changing the score*". That must have involved the handheld scoring device used for ITF

tournaments. Further, the only reason why the request was made must have been to facilitate betting which required there to be a betting market.

17.3. There was no reason for ██████████ to risk a corrupt approach in relation to a national tournament, in the absence of a betting market.

17.4. In the circumstances, the approach must have been in relation to an ITF tournament. Further, the Official must have known the approach to her was wrong. It was incumbent upon her to report that approach to the TIU. She did not do so. The TIU remained concerned that the Official had agreed to work with ██████████, but they could not prove that.

The decision

Facts found

18. I find the relevant facts to be as follows on the preponderance of the evidence (balance of probabilities):

18.1. On 28 June 2017 the confidential TIU email address was contacted by a tennis official working in Russia. The official has been dubbed "Official A".

18.2. Official A had been contacted by another individual who had heard ██████████ and the Official discussing plans to manipulate scores on a PDA. The alleged manipulation related to the entering of additional points so that the score would reach deuce in any relevant game. Official A understood that the manipulation would take place at tournaments in Moscow in July and August 2017.

18.3. Official A told ██████████ what had been said. He advised Official A to contact the TIU.

18.4. On 12 July 2017 the TIU received an alert from ██████████ a betting integrity officer at the ██████████. He explained that

[REDACTED] had reported suspicious betting activity on the [REDACTED] match (paragraphs 5.3 and 10.6 above). The Official was the umpire. However, no manipulation of the scoring could be proven.
[REDACTED]

18.5. On 8 and 9 August 2017 [REDACTED] contacted the TIU about another suspicious incident involving the Official. He also explained that [REDACTED] had been suspended for two years because of issues around alcohol.

18.6. The Official, then 21, was interviewed by [REDACTED] of the TIU on 16 October 2017. During the interview the Official admitted she had been approached concerning manipulation of scores on her PDA and that the individual who had approached her, promising money, was [REDACTED]. She said she had spoken to [REDACTED] prior to the July 2017 event and had rejected his request. She had not told anyone and that was a "big mistake".

18.7. As for the [REDACTED] match, the Official said she had confused the buttons on the PDA and has also been distracted by someone nearby.

18.8. At the end of the first interview, the Official provided her phone so that a forensic copy could be made of its contents. An analysis was conducted which resulted in further matters needing to be discussed with the Official.

18.9. Somewhat surprisingly these discussions did not take place until just under a year later, on 14 October 2018. I infer from this that the TIU must have been relatively relaxed about the conduct of the Official: surely, otherwise, the TIU would have revisited her sooner.

18.10. The second interview was conducted by [REDACTED] of the TIU at the Kremlin Cup in Moscow. The Official now said that the reason for her failure to report [REDACTED] was that he was referring only to a national tournament. [REDACTED] stated that could not be the case as there would be no associated betting market on such a tournament.

18.11. The TIU has put in no evidence, save for ██████ assertion, that there is no betting market on national games. However, the Official has not challenged the proposition. Hence, I am willing to take it from ██████ that this is the case and that ██████ approach must have related to international matches under the aegis of the ITF.

First charge

19. The first charge is set out at paragraph 4.1 above. Bearing in mind the Official's admissions, and my finding that the ITF has jurisdiction, the PTIOs have proved their case that:

19.1. The Official was approached by ██████

19.2. He offered money for her to manipulate scores on her PDA.

19.3. The Official did not report the approach as soon as possible (or at all).

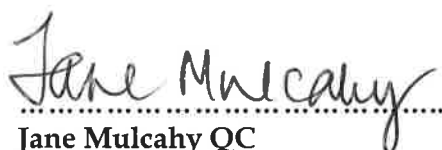
Second charge

20. The second charge is set out at paragraph 4.2 above. In the circumstances set out above, the Official must have known or suspected that ██████ had committed a corruption offence but failed to report it to the TIU as soon as possible (or at all).

AWARD

1. I have found the Player has committed two breaches of the 2017 TACP as set out at paragraphs 19 and 20 above, albeit both breaches arise out of the same facts.
2. The PTIOs are asked to serve submissions in writing concerning sanction by no later than Friday, 7 June 2019.
3. Submissions in response, on behalf of the Player, should be served by Friday, 21 June 2019.
4. Should either party need more time for their submissions they have liberty to apply.
5. The parties are asked to note that, pursuant to I.3 of the 2019 (and 2017) TACP, the deadline for filing an appeal with CAS shall be twenty business days from the receipt of this Decision by the appealing party.

DATED Friday, 24 May 2019



Jane Mulcahy QC
Anti-Corruption Hearing Officer
Signed at London, England