

**IN THE MATTER OF CHARGES BROUGHT BY THE PROFESSIONAL TENNIS
INTEGRITY OFFICERS (“PTIOs”)**

UNDER THE TENNIS ANTI-CORRUPTION PROGRAM (“TACP”)

BEFORE ANTI-CORRUPTION HEARING OFFICER (“AHO”) JANE MULCAHY QC

Corruption Notice to: Patrick Keane (hereafter “the Player”)

-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 Player: The Player represented himself

Representing the PTIOs: Ross Brown of Onside Law

DECISION OF THE AHO ON SANCTION

Introduction

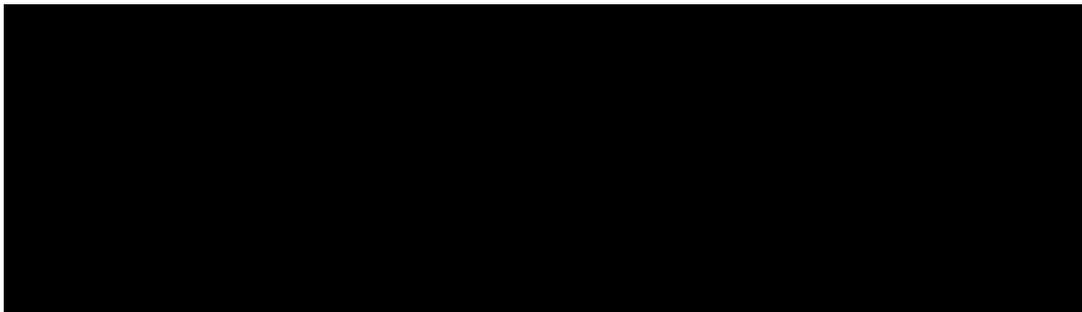
1. By a notice dated 9 January 2010 ("**the Notice**"), the Player was charged with one breach of section D.1.a of the 2019 TACP which states:

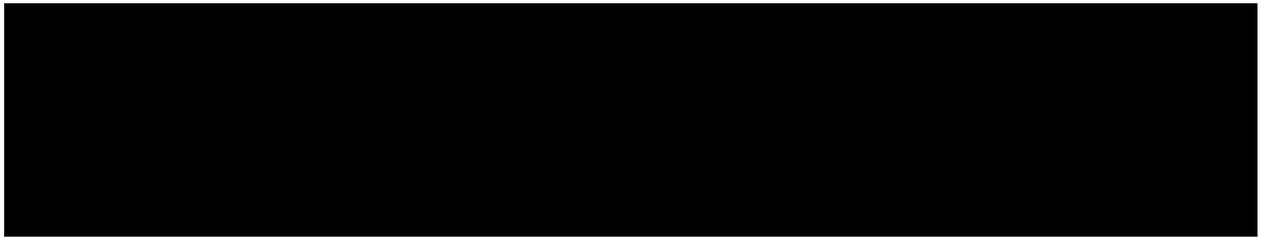
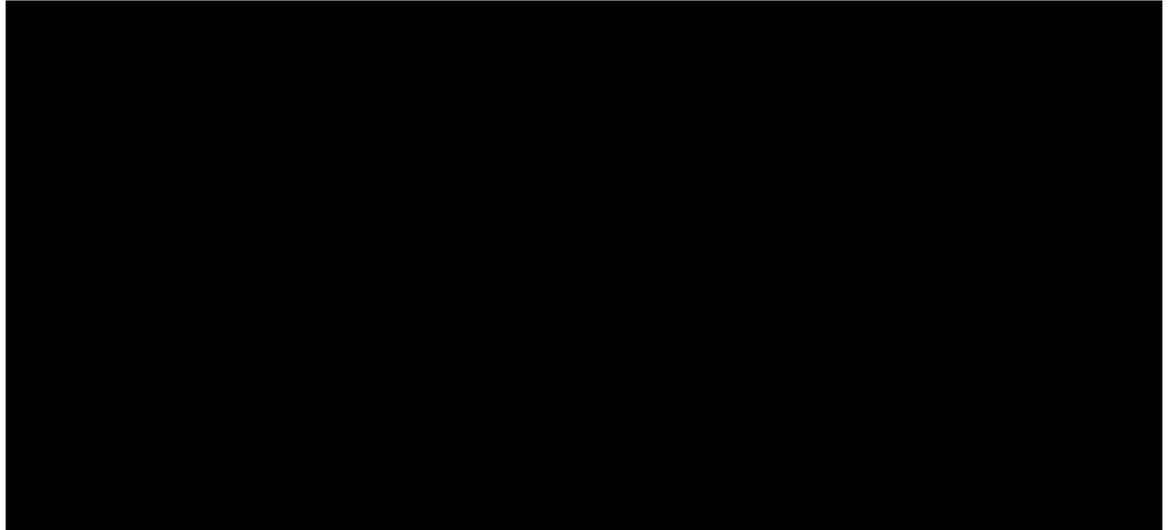
"No Covered Person shall, directly or indirectly, wager, conspire to wager or attempt to wager on the outcome or any other aspect of any Event or any other tennis competition."

2. The PTIOs stated that, by registering as an ITF International Player on 12 October 2016 and agreeing to abide by the terms of the TACP (by playing in the ITF Futures F2 Tournament in Zalaegerszeg in May 2018 and signing the 2019 version of the Player Welfare Statement) the Player was a Covered Person for the purpose of the TACP.
3. The Notice stated that, on 19 September 2019, the TIU was contacted [REDACTED]. It explained that a betting account held in the Player's name had placed various bets on certain professional tennis matches.

Investigation by the TIU

4. The TIU contacted the Player to invite him to attend an interview, as well as asking him to provide additional information. In response, the Player emailed details of other betting accounts in his name - with [REDACTED] - to the TIU. The Player also provided copies of his bank statements.
5. Following an investigation by the TIU, it was alleged that between 18 August 2019 and 18 September 2019 the Player had placed six bets in relation to four tennis matches using betting accounts in his name. The bets were as follows:





The Player's response

7. By an email timed at 13:47 on 22 January 2020, within the 14 days specified in the Notice for a response, the Player thanked the PTIOs for the Notice and stated: *"I will await for the given sanction to follow."*
8. By an email at 9:42 on 23 January 2020, the PTIOs' solicitors noted that the Player appeared to admit liability and to wish to move to a discussion about sanction. Further, he had not indicated he wanted to make any submission on sanction. The Player was asked to confirm that this was correct.
9. By an email timed at 13:05 on 27 January 2020, the Player indicated: *"This is correct, you can proceed as you need."*

PTIOs' submissions on sanction

10. The PTIOs forwarded their submission on sanctions to me and the Player on 7 February 2020. Key points included:

- a. The penalty for a D.1.a offence, under section H.1, was "*(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...*"
- b. Any sanction must be proportionate.
- c. The effect of players betting on tennis, while "*not nearly as serious as the various match-fixing offences set out in the TACP*" nevertheless still had an impact on the integrity of the sport. The case of *Montcourt v ATP* underlined: "*...wagering by professional athletes in their own sport...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*".
- d. The facts of the Player's case were worse than those in the cases of Emmanuel Ikakah and Adimabua Iyorovbe on the basis that "*significantly higher sums were bet on average*". Mr Ikakah admitted 13 bets and was banned for six months, half of which was suspended, and fined \$5,000, \$4,500 of which was suspended. Mr Iyorovbe admitted to 20 to 30 bets. His penalty was the same as Mr Ikakah's.
- e. Other betting cases (*Gelhardt* (2018), *Norfeldt* (2019), *D'Hoe* (2019) and *Gustafsson* (2019)) were worse than the Player's case because there more many more bets placed over longer periods.

- f. Aggravating factors were the amount placed in total by the Player, [REDACTED], and the fact that he confirmed his agreement with the TACP only in 2019.
- g. Mitigating factors were that the Player (i) did not compete in the relevant matches; (ii) cooperated fully with the TIU's investigation including providing details of bets of which the TIU was not aware, and also cooperated in these proceedings, and (iii) acknowledged in his interview with the TIU on 31 October 2019 that he should not have placed the bets and was foolish to do so.
- h. The PTIO's suggestion of a sanction of seven months ineligibility, half to be suspended, plus a fine of \$5,000, \$3,000 to be suspended on the condition that the Player committed no further violations of the TACP.

Decision

- 11. I note all the points made by the PTIOs in their submissions and that the Player himself did not wish to make submissions on sanction.
- 12. In relation to the PTIOs' submissions, I note in particular the argument concerning the awards in *Ikakah* and *Iyoroobe* ("**the Comparator Cases**") (paragraph 10(d) above) and the assertion that the Player's conduct deserves a more serious sanction because significantly higher sums were bet by him.
- 13. I have read the available text of the Comparator Cases as referenced in footnotes in the PTIOs' submissions. They do not tell me the size of the bets placed by the players in question. However, the number of bets in *Ikakah* (13) and *Iyoroobe* (20 to 30) were greater than the six bets placed by the Player.
- 14. I also note that in one of the cases deemed by the PTIOs to be more serious than the Player's case, *D'Hoe*, the player in question placed 902 separate bets (many more than the Player's six bets) but received only a six month suspension with five months suspended plus a fine of \$3,000, £2,500 of which was suspended.

15. In making my decision I also have in mind the Player's admission and cooperation; his awareness of his own foolishness; the fact that he obtained no profit from the bets; that the number of bets was small, and that the period of betting was only one month.
16. In the circumstances, and bearing in mind the apparent close similarity with *Ikakah* and *Iyoroobe* (and treating *D'Hoe* (paragraph 14 above) as something of an anomaly), I determine that the Player is to serve a period of ineligibility of six months, half of that time suspended on the condition that he commits no further violation of the TACP.
17. In addition, the Player must pay a fine of \$5,000, \$4,500 being suspended on the condition that he commits no further violation of the TACP.

ORDERS

18. For his breach of section D.1.a, the Player:
 - a. Will serve a period of ineligibility of six months, half suspended on the condition that he commits no further violation of the TACP.
 - b. Will pay a fine of \$5,000, \$4,500 suspended on the condition he commits no further violation of the TACP.
19. This decision may be appealed to the Court of Arbitration for Sport ("CAS") pursuant to section I.1 of the TACP 2020.
20. The deadline for filing an appeal with CAS shall be twenty business days from the date of receipt of this decision by the appealing party.

DATED 30 March 2020

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