

Case 35 – Betting Misconduct

Key words

Betting; Misconduct; telecommunications; disclosure; phone records; lifetime ban

Summary

Player K was charged by the World Professional Billiards and Snooker Association (WPBSA) with Betting Misconduct under Article 2.1 of the WPBSA Members Rules and Regulations. The charges were in respect of a series of bets that were placed on Player K 's opponent in a match that took place in January 2012. Player K did not participate in that match due to injury. The persons that placed these bets were associates of Player K. The betting patterns and telecommunications activity between the athlete and his associates was found to be suspicious. The matter was referred to a Disciplinary Committee for determination.

Reasoning and Decision of the Tribunal

Player K accepted the irregularity of the betting patterns, and acknowledged how the activity could be perceived as suspicious however, he denied the charges. Player K argued that he did not benefit financially from the bets, he did not place any bets and he did not engage in match fixing.

The case against Player K focused on the telecommunications activity initiated by Player K during the relevant period, the placing of the bets themselves, and the inconsistencies in Player K 's argument throughout the investigative process. The evidence showed that Player K sent 33 text messages and made 3 calls to one of the associates, and 42 texts messages and 1 call to the other associate during the relevant period. Contact between the relevant individuals occurred in three phases. One phase prior to Player K 's injury, one phase following Player K 's

injury, and a final phase following the start of the disciplinary processes related to this charge.

The Disciplinary Committee did not accept the explanation that the telecommunication activity was in relation to Player K 's injury, namely because that explanation could only account for the second of the three phases of communication. The Committee found that it was more likely than not that Player K 's conduct gave an apparent conflict of interest for the athlete as a member of the WPBSA. The combination of the amount of telecommunications activity and the unusual betting patterns was sufficient on the balance of probabilities to make the case against Player K. The Committee then considered the applicability of Article 1.2 of the Member Rules and Regulations which requires any proven breach of the provisions of Article 2.1 to result in a lifetime ban.

The Player's counsel argued the following in mitigation of a possible lifetime ban: the absence of financial gain, the player's age and ranking, and the lack of evidence that the player directly engaged in match fixing. The Committee found that this case justified exceptional mitigation and a lifetime ban was not imposed. Player K was banned until the end of the 2014 World Championships and required to pay £2,000 in costs.

Learning points

- Increased scrutiny on betting in sport combined with the processes used by betting organisations to monitor betting activity show that athletes run a risk of facing significant bans if found in breach of betting rules.