

DECISION IN RESPECT OF [REDACTED]

Held at the offices of WPBSA on Wednesday 25 July 2012

Present: Tim Ollerenshaw (Disciplinary Committee Chairman)
Gordon McKay (Disciplinary Committee)
Robert Bourns (Presenting Officer)
Simon Brownell (Secretary to the Disciplinary Committee)
[REDACTED] (Defendant)
Gareth Williams (Defence Representative)

Witness: [REDACTED]

The Disciplinary Committee has considered the case against [REDACTED] in relation to the alleged breaches of the Members Rules and Regulations (adopted January 2012 as revised on February 2012).

Under Section 2 (Betting Rules) Paragraph 2 – “Betting Misconduct”: 2.1 says It shall be a breach of these Rules for a Member to do any of the following:-“

“2.1. General:

2.1.4.1 *to engage in any other conduct [that] creates an actual or apparent conflict of interests for the Member or otherwise risks impairing public confidence in the integrity and/or the honest and, orderly conduct of the Tour and/or any Tournament or Match.”*

The alleged breach of the relevant Rules was set out in a letter to [REDACTED] sent by the WPBSA dated 30 May 2012. As well as citing the relevant Rule, it went on to say that the circumstances were that:

“It is alleged that a series of bets were placed on [REDACTED] to win the Snooker shootout match against you in Blackpool on 28th January 2012. The pattern of betting, both the geographical spread, amounts and frequency were deemed to be suspicious and as a result the Gambling Commission suspended betting on the match on 23 January 2012.

The investigation conducted by the WPBSA demonstrates and the case is put on the basis that:

On and between 20th and 24th January 2012 bets to a total value of £4,830 were placed and £2,300 in bets and one unknown amount were declined against [REDACTED] winning his match against you.

[REDACTED] and [REDACTED] placed the bets that are the subject of this investigation.

You know both [REDACTED] and [REDACTED], who are associates of yours.

Telephone records demonstrate that in the period leading up to and immediately following the placing of bets you were in repeated contact with both [REDACTED] in that you sent 33 text messages and made 3 calls to [REDACTED] between 16th January and 4th February 2012 and you sent 42 text messages and made 1 call to [REDACTED] between 19th January and 1st March 2012.

You have admitted conversation with [REDACTED] relating to your then forthcoming match with [REDACTED]

The frequency and timing of your contact and the suspicions raised by the pattern of bets placed by [REDACTED] are such that there is a case for you to answer before the Disciplinary Committee on the basis that your conduct (namely contact with [REDACTED], created an actual or apparent conflict of interest for you as a Member of the WPBSA (your admitted concern as to whether or not you should continue with the match), or otherwise risked impairing public confidence in the integrity of the Match with [REDACTED] (the identification by the Gambling Commission of a suspicious pattern of betting)."

The background to the case is set out in more detail in the statement of [REDACTED] dated 4 July 2012 (Clause 2 background). The statement of [REDACTED] (who for the purpose of these proceedings it should be noted played no part in the hearing or outcome of the decision by the Disciplinary Committee save to provide evidence to the Disciplinary Committee goes on to deal with the history of the case investigation and the documents and information that resulted from that investigation, interviews with [REDACTED], and as appropriate with his representative at the offices of the WPBSA on two occasions (7 March 2012 and 19 April 2012) and the ultimate laying of the allegations against [REDACTED]

The statement of [REDACTED] also referred to other statements which were accepted in evidence by [REDACTED] and taken into account by the Disciplinary Committee as follows:

1. Statement of [REDACTED] Gambling Commission xx/xx/xxxx
2. Statement of [REDACTED] Betfair [REDACTED]
3. Statement of [REDACTED] T-Mobile [REDACTED]

The papers (bundle) were served on [REDACTED] and his representatives on 6 July 2012 and a list of the used and unused material were with the bundle, as were copies of the relevant used material.

At the hearing [REDACTED] was represented by a Solicitor, Gareth Williams, who made certain representations during the course of the hearing, after the charge had been put to [REDACTED] and which he denied (it having been made entirely clear to him the nature and structure of the case, the process involved and the serious nature of the allegations against him). [REDACTED] was made aware (and it was confirmed by him that he knew the case he faced) that it was for the Association to prove its case, and it was very clearly explained to him in lay terms the standard of proof required in the circumstances (balance of probabilities).

[REDACTED] put no statement to the Committee and called no witnesses although it should be noted that he was given the opportunity to bring witnesses to the hearing on various occasions. It is also to be noted that prior to the hearing, there was some indication that [REDACTED] would appear as a witness but this did not materialise and [REDACTED] confirmed during the hearing that no other witness evidence would be called on his behalf.

[REDACTED] representative accepted the statements put forward by the Association in full and without challenge or other comments.

In summarising the case being put forward by the Association and what was required to prove the case, Robert Bourns stressed the points made in the letter sent by the WPBSA to [REDACTED] and also pointed out the inconsistencies in the explanations as far as they went that had been given throughout the investigative proceedings by [REDACTED]

██████████ accepted via his representative at this point that there were irregular betting patterns, that he knew ██████████ but that they were not friends. That they put money on ██████████ as they thought he would lose but he himself did not do anything untoward. There was no financial gain for him and he did not place any bets.

Overall, ██████████ accepted how suspicious it looked and how easy it was to draw an adverse conclusion.

It was the Association's case that the key factor was the interrelationship between the telecommunications activity initiated by ██████████ during the relevant period or periods, and the placing of the bets as summarised in the letter sent by the WPBSA to ██████████ dated 30 May 2012. In this regard all the parties and the Committee had the benefit of the useful document entitled Chronology which dealt with the relevant information extracted from other reports including data reports on mobile use by ██████████ and also the placing of various bets.

At this point in the hearing questions were put to ██████████ by members of the Committee and the Presenting Officer which highlighted the various inconsistencies in ██████████ account of what happened at various points in the investigation process, including inconsistencies regarding the nature and extent of injuries that had prevented him from taking part in the match. It should be noted here that the Committee questioned the relevance of the injury because the betting pattern had shown that substantial bets had been placed and telecommunications had taken place both before and after the injury.

In enquiring about his explanation given at the hearing this did not deal adequately with the three phases of communication that was apparent from the telephone records. Those three phases included one phase prior to the injury, one phase following the injury and a final phase following the instigation of disciplinary processes. The suggestion that any communication made was in relation to the injury, could only account for the second of these three phases and as a result was only a partial explanation of the communication that had taken place.

The Committee did not accept that the last phase of communications was due to ██████████ being harassed by ██████████ as he had been initiating the contact. Robert Bourns submitted that it was more likely than not that ██████████ conduct gave an apparent conflict of interest which would breach the rules and in making its decision, the Committee agreed with that view.

Gareth Williams concluded that the betting was suspicious and compounded by ██████████ conduct. ██████████ did not believe that he had done anything wrong..

The Committee then adjourned to consider its decision.

The Hearing then reconvened and the decision was as follows:

That the combination of the amount of the telecommunications in the relevant period immediately before the injury, and during the period after the injury, coupled with the evidence given by third parties about the unusual betting patterns (which had not been challenged or disputed) was sufficient on the balance of probabilities to make the case proven against ██████████ in that:

2. Betting misconduct

2.1 It shall be a breach of these Rules for a Member to do any of the following:

2.1.1 Betting:

2.1.4 General:

2.1.4.1 to engage in any other conduct (ie beyond that specified in paragraph 2.1.1 to 2.1.3) that is corrupt or fraudulent, or creates an actual or apparent conflict of interest for the Member, or otherwise risks impairing public confidence in the integrity and/or the honest and orderly conduct of the Tour and/or any Tournament or Match;

It was accepted, as had been put forward helpfully by his representative, that ██████ gained no personal benefit, placed no bets himself in relation to the match he was to play against ██████ and received no financial gain from this activity. While the committee considered that not to be relevant to the finding that the charge has been proved against ██████ as set out above, it made no finding here on those latter points.

The Committee also took into account that it had been accepted on ██████ behalf that there had been an irregular betting pattern, that he knew ██████ (the individuals who had placed the bets) and had been in frequent contact with them at the time bets were being placed, that numerous bets had been placed on the match giving rise to understandable suspicions.

The Committee had also taken in to account that despite various explanations put forward by ██████ from the time of the first meeting at WPBSA offices in March 2012 through to the hearing today, there was no consistent or detailed explanation of the subject of the telecommunications between ██████ and ██████. It was noted that the pattern of these communications surrounding the incidents had also been accepted.

Accordingly the allegation was found proven.

The effect of that decision was to bring into consideration Regulation 1.2:

1. Introduction

1.2 Any proven breach by a Member of the provisions of 2.1 below will result in a lifetime ban from involvement in the game of snooker and billiards for that Member, save in circumstances where the relevant Member can show clear and exceptional mitigation

It was then appropriate to consider whether there had been exceptional mitigation in this case that could be applied.

Robert Bourns addressed the Committee in relation to mitigation that may be relevant for the Committee to take into account.

In summary:-

- He referred to the decisions in a number of sporting cases that showed that consideration could be given to whether and how a committee might exercise a discretion is in relation to the length of a ban (life or otherwise)

- That the amendments to rules in January 2012 had extended the definition of unlawful conduct in relation to betting beyond those contained in earlier rules.
- He referred in particular to the case of the ICC against Mohammad Amir and others and providing useful guidance (albeit in the application of a different code) when considering mitigation and the length of a ban including the need to consider the "basic requirement to make an overall assessment of the relative seriousness of the offence " and the proportionality of the sanction.
- He referred to a comment in that judgement that while recognising the need for sporting regulators to demonstrate zero tolerance of all kinds of corruption and to impose sanctions sufficient to serve as an effective deterrent "confidence in the fairness of the administration of [the sport] would be undermined rather than strengthened if it was felt that the Code was being applied in a way that appeared to be penalising relatively minor transgressors in an unduly vengeful way."
- The Committee should consider other cases from within Snooker that were either precedent or could be distinguished from the case concerning [REDACTED]

Gareth Williams was then asked if he wanted additional time to prepare to address with further mitigation. He indicated that he was in a position to put mitigation forward immediately. He asked the Committee to take into account the following, that :-

1. [REDACTED] did not benefit financially.
2. [REDACTED] conduct had effectively been caught by a change in the rules against betting misdemeanours which had become all embracing which was a result of a higher focus on betting in sport. There were distinguishing features in this case which related to the absence of financial gain. In hindsight [REDACTED] has appeared stupid and naïve. He had become a victim of the current harsh attitudes towards betting activity and the need to remove corruption from sport.
3. The effect of the interim suspension in this case had taken its toll on [REDACTED] including loss of ranking points and necessitating him to have to re-qualify for the Tour.
4. Any ban would compound [REDACTED] poor financial situation.
5. Any significant ban was effectively giving him a life ban as a result of his age ([REDACTED] years old).
6. This case was distinguishable from the cases referred to earlier as there was no evidence that [REDACTED] had directly engaged in match fixing.
7. The Amir case was distinguishable because in that case the players had foolishly taken money in exchange for carrying out a pre-determined action and that in [REDACTED] case there was no evidence that he had taken any money.
8. There was an old cricket case where two players had been caught providing detail regarding the playing surface to a bookmaker in exchange for financial benefit. This case drew closer parallels to the [REDACTED] case and in this case the defendants were fined and not banned.

Gareth Williams then went on to say that any ban for a player of his ranking and age would be draconian.

After a further short adjournment, the committee returned and gave its decision on sanction as follows:

Sanction

Consideration is given to Regulation 1.2:

1. Introduction

1.2 Any proven breach by a Member of the provisions of 2.1 below will result in a lifetime ban from involvement in the game of snooker and billiards for that Member, save in circumstances where the relevant Member can show clear and exceptional mitigation

We have listened to the mitigation put forward. We have found that the circumstances of this case justify exceptional mitigation and accordingly we will not impose a lifetime ban. Therefore [REDACTED] is banned from involvement in the game of snooker and billiards until the conclusion of the 2014 World Championships.

We have also decided that he should pay £2,000 as a contribution to the costs including the hearing and the investigation of the case.

[REDACTED] was given an indication of how he should appeal if he intended to do so and that the committee would provide a detailed decision as soon as it reasonably could.