

In the Matter of an alleged Corruption Offense under the Tennis-Anti Corruption Program
BETWEEN

Gleb Alekseenko (hereafter "Gleb")

- and -

Professional Tennis Integrity Officers (hereafter the "PTIOs")

Being constituted by appointments from each of the following Governing Bodies:

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

Representing the Covered Persons:	Mr. Renat Bedretdinov Versus LLC Yamskogo Polya 1-st street 9/13 Moscow 125040 Russia
-----------------------------------	--

Representing the PTIOs:	Mr. Stephen Busey Mr. John MacLennan Mr. Chris Dix Smith Hulsey & Busey 225 Water Street, Suite 1800 Jacksonville Florida 32202
-------------------------	--

Anti-Corruption Hearing Officer, Tennis Anti-Corruption Program	Professor Richard H. McLaren, O.C. (hereafter "AHO")
--	---

DECISION of the AHO

PARTIES

1. The PTIOs¹ are appointed by each Governing Body (ATP GSB, ITF and WTA) participating in the Tennis Anti-Corruption Program (“the Program”). They have the responsibility to administer the Program and direct the Tennis Integrity Unit (“TIU”).
2. Professional tennis is structured such that top-level tournaments (for example, Masters Series events) are organized by the ATP. Lower level tournaments, such as ITF Futures tournaments, which form part of the ITF Pro Circuit are organized by the ITF. To play in ITF tournaments a player must obtain an ITF International Player Identification Number (“IPIN”) from the ITF. On registering a player must confirm their agreement to the Player Welfare Statement. Amongst many other matters the relevant part of that document states:

“...I hereby submit to the jurisdiction of the ITF to manage, administer and enforce the Anti-Corruption Programme and to the jurisdiction and authority of the Court of Arbitration for Sport to determine any appeals brought under the Anti-Corruption Programme.”
3. Gleb Alekseenko (hereafter "Gleb") is a 35 year old professional tennis player. He registered for an ITF IPIN and electronically signed the ITF Player Welfare Statement every year from 2010 to 2018. By registering with the ITF he accepted the ITF rules and regulations, which incorporate the ITF Code of Conduct and in turn incorporate the Program. Gleb also agreed to abide by the Program by signing the ITF Player Welfare Statement. On 17 March 2015 and again on 10 April 2017, he also completed the Tennis Integrity Protection Program (“TIPP”), an

¹ All capitalized words or acronyms take their defined meaning from this text; or the Program Definitions; or, ordinary English language usage or custom.

educational tool used to familiarize players with tennis anti-corruption rules. At the time of the alleged Corruption Offenses Gleb was registered with the ITF and had seen the anti-corruption videos of TIPP. Gleb is without doubt a Covered Person under the Program and is subject to the jurisdiction of the AHO.

4. Richard H. McLaren holds an appointment as an Anti-Corruption Hearing Officer (“AHO”) under Section F.1 of the Program.
5. Vadim Alekseenko (hereafter "Vadim") is a 35 year old professional tennis player and twin brother of Gleb. He is one of two other persons, aside from Gleb, charged in the Notice of Charge (the “Notice”). The case for each of the other two persons is dealt with under two separate Decisions of the AHO. For the purposes of this Decision both of the other two persons are considered by the AHO to also be a Covered Person under the Program.
6. On the order of the AHO, the cases of Vadim and Gleb have been deconsolidated from the case of [REDACTED] who is the third professional tennis player named in the Notice. [REDACTED] failed to respond to the Notice and the related correspondence of the AHO thereto. His case was dealt with by Richard H. McLaren as the AHO, in a separate Decision issued on 29 May 2018. The AHO dealt with his case in his absence as provided for in the Program under Section G.1.d.(iv). Therefore, his case has been determined *in absentia*. The Decision in [REDACTED] case found, as required by Section G.1.d.(i) through (iii) that he was deemed to have waived his entitlement to a Hearing; and deemed to have committed the Corruption Offenses found in Sections D.1.b. and D.1.d. of the Program as set out in the Notice. [REDACTED]

D.1.d. and facilitating betting in violation of Section D.1.b of the 2015 and 2016 Programs.

7. This Decision should be read in tandem with the two other AHO Decisions involving both [REDACTED] the Decision for which was released simultaneously with the Decision herein.

BACKGROUND

8. In 2015 and 2016, the TIU received an unusually high number of suspicious betting alerts from the gambling industry regarding the professional tennis playing brothers Vadim and Gleb (hereafter “the Brothers”); and [REDACTED]. The TIU investigated these betting alerts by interviewing witnesses and the three players.
9. The TIU also examined and analyzed electronic data received from the betting companies and forensically examined the three players’ mobile phones. The TIU’s investigation suggested that each of the three players may be associated with [REDACTED] a well-known professional tennis bettor. Bets were made from accounts linked to [REDACTED] on various matches in which the three players were participants. The TIU linked these accounts to [REDACTED] through the use of IP addresses and other data obtained from open sources and betting operators.
10. The Notice dated 14 March 2018, was sent to each of the [REDACTED] players. As the Notice pertains to Gleb, it is alleged that he “contrived the outcome or other aspect of the following Events”, described below:
 - *“On 1 September 2015, Gleb Alekseenko played a singles match against [REDACTED] at the ITF Features F15 Event in [REDACTED]. Betting accounts the TIU has linked to [REDACTED] placed winning bets on the score of the second set (6-0) and spot bets on particular games.”;*

-

-



If found to have been proven in this Decision, Gleb would thereby have committed a Corruption Offense as set out in Section D.1.d. of the 2015 and 2016 Programs.

11. All of the foregoing allegations are described in the Notice as the alleged Contriving Corruption Offenses (hereinafter referred to collectively as the “Gleb Contriving C.Os.”).

12. In addition to the foregoing allegations it was also alleged that Gleb along with the other two Covered Persons had committed what was described in the Notice as “Wagering Corruption Offenses” (hereinafter referred to as the “Gleb Wagering C.Os.”). As the Notice pertains to Gleb, it is alleged that he, Vadim and [REDACTED]

“directly or indirectly solicited or facilitated [REDACTED] or other persons linked to [REDACTED] to wager on the outcome or other aspects of each of the Events described above, [Being the Events involved in the Gleb Contriving C.Os.] each time in violation of Section D.1.b. of the 2015 and 2016 Program”.

13. As the Notice pertains to Vadim it is alleged that he committed both Contriving Corruption Offenses and Wagering Corruption Offenses. These allegations are dealt with in a separate Decision of the AHO released simultaneously with this Decision.
14. The allegations against Gleb in the Notice refer to events that took place between 1 September 2015 and 13 January 2016. Therefore the 2015 and 2016 rules of the Program apply to the merits. The rules of the 2018 Program provide the procedural basis for this Decision.

PROCEDURAL SUMMARY

15. In accordance with Section G.1.g of the 2015 and 2016 Program, on 4 May 2018 a pre-hearing telephone conference call was held with counsel for all parties to determine the procedure applicable to these matters.
16. Procedural Order No. 1 ("PO No. 1") was executed by the AHO on 10 May 2018. By agreeing to PO No. 1, the Parties have confirmed that the AHO is properly appointed and seized of the matters in dispute. The Parties had no objections to the jurisdiction or the appointment of the AHO. Furthermore, the Parties confirmed that there were no objections to the arbitrability of the matter.
17. Procedural Order No. 2 ("PO No. 2") was executed by the AHO on 22 May 2018. Pursuant to PO No. 2 Mr. Bedretdinov, counsel to the Brothers, prepared a list of questions and provided them to counsel for the PTIOs and the AHO on 25 May 2018. Answers were provided and filed with the PTIOs' Initial Brief as an exhibit.
18. On 6 July 2018, in accordance with PO No. 1 and permitted extensions, the PTIOs submitted their Initial Brief, with exhibits and a list of witnesses intended to be called at the Hearing. The PTIOs also filed signed witness statements and related exhibits on behalf of: [REDACTED] an



19. On 31 July 2018, in accordance with PO No. 1 and permitted extensions, the counsel for the Brothers submitted their Initial Brief, with exhibits and a list of witnesses. It was indicated that they intended to call the following witnesses at the Hearing:



20. On 3 August 2018 the AHO dealt with a written motion of the counsel for the PTIOs. The PTIOs requested that Gleb not be allowed to present any testimony at the Hearing for the witnesses identified in Gleb’s Answer Brief, as Gleb did not file witness statements for these witnesses in accordance with PO No. 1. Counsel for the PTIOs also requested Gleb submit a “will say” statement prior to the Hearing.

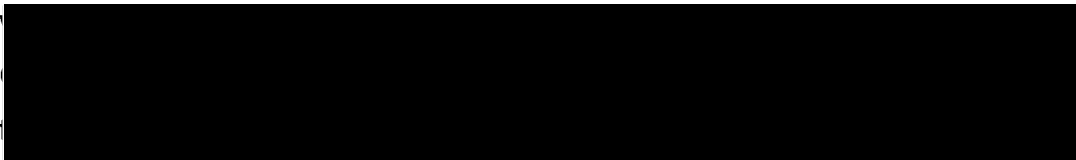
21. On 5 August 2018 the AHO ruled that witness statements or will say statements were required for fact event witnesses and were to be filed by 8 August 2018 but were not required for character witnesses.

22. The AHO also ruled that if the counsel for Gleb wished to use [REDACTED] as a witness, a sworn statement from [REDACTED] must be filed by 8 August 2018. Finally, the AHO ruled that Gleb was not compelled to testify and was not required to submit any will say or sworn statement prior to the Hearing. However, the AHO ordered that if Gleb testifies then he would be subject to full cross-examination by the counsel for the PTIOs. If something were to arise at the Hearing as a result of testimony from Gleb or other witnesses, the AHO ordered that he may entertain a request for adjournment the length of time of which will be set, if the request is granted, at the time of the Hearing.
23. The sworn witness and will say statements were provided by the counsel for Gleb on 8 August 2018 in accordance with the AHO's ruling. Sworn affidavits were provided for [REDACTED]
- [REDACTED]
24. On 10 August 2018 a further conference call was held between counsel and the AHO. The call was requested by Gleb's counsel, who raised the following issues before and during the call: he claimed that the PTIOs had failed to respond to his request to make available for cross-examination, Covered Persons including judges, supervisors and tournament directors who were present at the suspicious events. Gleb's counsel argued that Gleb was disadvantaged, as he had no power to compel these individuals to participate as witnesses. Gleb's counsel requested that the AHO require the PTIOs, through the TIU, to make certain officials and others witnesses in the proceeding available, thereby enabling counsel to cross-examine them as witnesses.

25. The AHO ruled that he did not have the power to compel witnesses to attend a Hearing as a witness for either the PTIOs or the Brothers. In making that ruling the AHO recognized the submission of Mr. Bedretdinov that the balance was skewed in favour of the PTIOs who could through the relationship of the participating tennis bodies provide or deny access and presence of certain employees or contractors acting as officials or umpires for the respective bodies at their tournaments.
26. As required by PO No. 1 with the permitted extended deadlines, the PTIOs filed their Reply Brief on 14 August 2018. In that Brief they indicated that the seven sworn witness and will say statements filed by Gleb's counsel pursuant to the AHO's ruling of 5 August 2018 were accepted and that those witnesses would not be required to attend the Hearing for purposes of cross-examination by the PTIO's counsel. Therefore, the will say statements were accepted as filed.

HEARING

27. At the Hearing counsel for Gleb cross-examined each of the witnesses proffered by the PTIOs.
28. Counsel for the PTIOs, as stated in their Reply Brief accepted all the witness statements and will say statements filed on behalf of Gleb and thereby precluded any cross-examination of these individuals. Counsel for the PTIOs also did not make objections to the questions prepared by Mr. Bedretdinov and answers given by the officials, supervisors, and a player,



29. Counsel for the PTIOs did not cross-examine either of the Brothers who were listening to the proceedings via telephone. Counsel elected not to do so because there was no deposition, sworn affidavit or will say statement from either Vadim or Gleb.
30. Mr. Busey, in explanation of his decision, stated that Gleb's brother Vadim's denial to the AHO at an early stage in these proceedings that the Brothers' did not know ██████ despite what was said to the contrary in prior TIU interviews indicated that the "...players are not confined by the truth." Therefore, he found no sense in cross-examining them. As a result, there is only the direct testimony from the Brothers at the Hearing and the transcripts arising from the first and second TIU interviews. ██████ had abandoned his opportunity to provide any explanations in his defence and the subsequent Decision of the AHO was rendered.

EVIDENCE

31. The Brothers were first interviewed by the TIU in February 2016 ("the first TIU interview(s)"). Those interviews came about because of the frequency of suspicious betting alerts. The TIU was in receipt of 14 betting alerts beginning in May 2015 relating to 21 matches within a relatively short span of time in which one of the Brothers were participating players. These betting alerts involved bets placed: either by ██████ ██████ associates because of suspicious betting activity in matches played by Gleb. ██████ personal account was also suspended in October of 2015 as a result of suspicious activity.
32. During the February 2016 interview with the TIU Gleb provided an iPhone and a Nokia phone for forensic examination.

33. From an analysis of the downloads of the Brothers' non-Nokia phones the identity of ██████████ came up. That was a common denominator with the betting alert data received from the betting operators as ██████ was a known bettor who's suspicious betting activity had led to one betting operator closing his account.
34. An analysis of the Nokia phone provided by Vadim revealed a deleted message sent on 26 January 2016 from phone number ██████████ the Nokia phone in Vadim's possession. That message in Cyrillic script translated into English read:
"SMS write to me, with this deal 1500 6-1"
The identical phone numbers were found in both of the Brother's phones in their respective contacts list and were attributed to ██████████ That same day Vadim played a singles match at an ITF Event, which he lost 6-3, 6-1.
35. Forensic examination of the Brothers' phones revealed that they had been in communication with ██████████ after their first TIU interviews.
36. Furthermore, just seven days before the first TIU interview of Gleb, ██████████ registered for an IPIN from the ITF. ██████████ entered himself into two different ITF Futures tournaments in Australia and Canada during the same week but did not play in either tournament. The TIU Analytical Report discussed below shows the ██████████ IP Address that registered for these events was the same one used by over 40 betting accounts (██████████ suspended those accounts). Having registered, ██████████ would have access to non-public information on the website of the ITF used by registered professional tennis players. ██████████ never played in any ITF tournaments.
37. The foregoing information concerning ██████████ triggered the second TIU interviews of the Brothers in August of 2016 ("the second TIU

interview(s)"). Furthermore, in March of 2018 in correspondence to the AHO, Vadim denied any knowledge of [REDACTED] and stated that his brother Gleb also has no knowledge of any person by the name of [REDACTED]. However, this statement contradicts direct evidence from the TIU's investigation and forensic downloads, which reveals that Gleb did indeed communicate with [REDACTED]. In his initial response to the AHO's email Gleb also stated that in the previous letter, sent from his brother, "is written our opinion about all this situation and I totally agree with him..." Gleb was referring to the letter in which Vadim denies any knowledge of [REDACTED].

38. During the follow-up interview with the TIU on 23 August 2016 Gleb admitted to knowing and communicating with [REDACTED] but denied that he was a good friend or business partner. Gleb also claimed that [REDACTED] is involved with [REDACTED] business.

39. In the transcript of the second TIU interview of Gleb, Gleb said the following about [REDACTED]

*"I can say that he [REDACTED] is an acquaintance of mine and Vadim's. He does have business relationships with [REDACTED] construction business together but I don't know what Vadim meant by a close relationship. We met a couple of times and we played tennis twice, he played as an amateur player...
...He's just an acquaintance, he came to play tennis to Odessa with his family and we played a couple of times back home."*

40. When questioned about the last time he had been in contact with [REDACTED] Gleb stated, "About one and a half months ago. He sent a parcel to me with some tennis strings..."

41. A further forensic examination of Gleb's phone revealed that Gleb had been in communication with [REDACTED] after their initial TIU interview.

(i) *TIU Analytical Report*

42. The TIU commissioned a study to create an analytical report to determine if they had sufficient data to overcome the denials of the Brothers and of ██████████ Senior TIU Intelligence Analyst (as she then was, having since left that position) ██████████ conducted a comparative analysis on suspicious matches and produced the TIU Analytical Report (the "Analytical Report") in response to the betting alerts received by the TIU. No challenge was made to her qualifications as an expert permitted to provide opinion evidence.

43. The overview in the Executive Summary of the Analytical Report is:

"The key findings of this report support the inference that Ukrainian players Gleb ALEKSEENKO, Vadim ALEKSEENKO and ██████████ are involved in match-fixing along with their confirmed associate ██████████ controls a number of UK-registered betting accounts held in the names of persons known to ██████████ himself. He uses these accounts to place bets from the Ukraine on fixed matches in which the ALEKSEENKOs and ██████████ play involving straight set losses".

44. The conclusion of the Analytical Report is:

"... The ALEKSEENKOs and ██████████ all display a similar pattern of straight set losses in their matches alerted to the TIU, with a significant number of these being bet on by online or retail bettors based in the UK, including accounts and persons linked to ██████████ In conclusion the evidence supports the inference that the ALEKSEENKOs and ██████████ are involved in match fixing alongside their betting associate ██████████

45. The Analytical Report states that an analysis of matches flagged as suspicious revealed a common pattern of "Lose Lose" set outcomes². In 2015 suspicious matches also had a disproportionate number of successful bets placed on the second set of each suspicious match. Of the 21 matches included in the betting alerts provided to the TIU, ten

² This outcome occurs when a player loses the first two consecutive sets of a match.

matches had suspicious bets placed on the second set. A total of 14 of the alerted matches sent to the TIU took place in 2015 and nine of those matches were associated with suspicious second set betting. Many betting operators removed from offer the second set betting options from the Brothers' matches.

(ii) *Tennis Event Evidence*

46. The Notice setting out Gleb's Contriving C.Os. identifies a singles match between Gleb and [REDACTED] at the ITF Futures F15 Event in Brasov, Romania. The Notice on Vadim's Contriving C.Os. identifies a singles match the same day between Vadim and [REDACTED] at the same Futures Event. Both of these opponents testified at the Hearing.
47. [REDACTED] was interviewed by the TIU on 14 February 2017 after Gleb's two TIU interviews. During that interview [REDACTED] told the TIU investigator that Gleb had "given up" in the second set of the match. [REDACTED] the top seed and winner of the tournament in Brasov, Romania won the match against Gleb 6-4, 6-0. [REDACTED] was ranked approximately 500th and Gleb 1,000th; therefore, he would have been favoured to win and did win. In his cross-examination testimony at the Hearing, [REDACTED] described the first set as "hard" because both he and Gleb were not playing well. [REDACTED] testified:

"we didn't play a very good set but it was hard, it was hard because I think he was not playing good I was not playing good and we had a fight..."

He did not remember particularly how Gleb played in the second set nor if there were a lot of double faults.

48. In response to questions disseminated by the TIU on behalf of counsel for Gleb the chair umpire in the September 2015 match between Gleb and ██████ stated:

"I didn't report anything from the match to TIU because I didn't realize anything suspicious (from my chair umpiring side). I told once to Vadim not to coach Gleb as he was saying few words in Russian from behind the court. He smiled and stopped talking. Also the Supervisor was aware of that. I didn't find it suspicious because this kind of soft warnings happen quite often because coaches or team members of the players try many times to coach the players."

49. At the match Vadim played against ██████ on the same day, Gleb was also in the stands watching his brother play. At the set interval Gleb accompanied Vadim to the toilet where they stayed for 6 minutes. The Event Supervisor's report made at the time confirms Gleb was in the stands. It was the testimony of ██████ that describes the toilet visit.
50. The TIU was also notified by ██████ on 22 September 2015 of suspicious betting activity related to Gleb's match on the 1 September 2015. The accounts that placed the suspicious bets were the same ones used to place suspicious bets on Vadim's match against ██████ on the same day at the same Event. Successful bets were placed on undergames and the exact score of the second set.
51. The Analytical Report contains a summary of 261 bets that were placed on 1 September 2015 on the two matches, one of Vadim and one of Gleb. It is a minute-by-minute list of bets on that day. In a little under 3 hours 259 successful bets were placed leaving only two unsuccessful bets. The Analytical Report shows these accounts won thousands of pounds in connection with large bets placed on the Brothers matches that day.
52. On 16 September 2015 at the ITF Futures F37 Event in Antalya, Turkey, Gleb lost a singles match against ██████ 6-2 6-0. The TIU was informed on 21 September 2015 by an Italian betting

operator that this match had suspicious bets placed on it in favour of [REDACTED] winning the match. On 20 October 2015, the TIU was informed by another betting operator about suspicious bets in favour of [REDACTED] winning the match in two straight sets which was the actual result. These bets were placed by an account that used the [REDACTED] IP Address. A treble bet from that account also accurately predicted the results of three separate matches: (1) Gleb's match against [REDACTED] (2) Vadim's match against [REDACTED] at the same Event and (3) a match involving [REDACTED]

53. The score card of this match shows that Gleb made a total of nine double faults, six of which were in the second set. When questioned about this match in his first TIU interview Gleb stated that he had problems with his knee which was made worse by the fact that he had to transition between tennis surfaces. No medical time out was requested.
54. On 13 January 2016 at the ITF Futures F2 Event in Antalya, Turkey, the Brothers played a doubles match against [REDACTED]. The Brothers won the first set 7-5. Gleb took a restroom break before the second set. The TIU was informed on 14 January 2016 that suspicious bets were then placed on the Brothers to lose the second set 0-6. This was the actual result of the second set and the Brothers won the third set 10-8. [REDACTED] told the TIU in an interview on 15 November 2016 that he thought the Brothers had deliberately tanked the second set. [REDACTED] also noted that it seemed suspicious that the Brothers were making many double faults.
55. [REDACTED] was called as a witness and participated at the Hearing. During cross-examination at the Hearing he stated that the wind during the entirety of the match was very strong which made the match challenging. He also confirmed his earlier statements that he observed the Brothers

make "big mistakes" during the match and believed that they were not using their best efforts during the match.

(i) [REDACTED] Report

56. Since December 2013, 18 matches played by Gleb or Vadim were regarded by [REDACTED] as "highly suspicious and likely manipulated by either or both of the Alekseenko brothers." A report communicating some of these findings to the TIU also notes that both the Brothers were 'blacklisted' by four betting operators, which means that these betting operators do not permit matches containing these players to feature on their betting schedules. The [REDACTED] report concludes that the Brothers are likely engaging in corrupt betting practices given the number of times both Brothers had been reported by bookmakers relating to suspicious betting in their matches.

SUBMISSIONS of the PARTIES

(i) *The PTIOs*

57. The PTIOs submitted that Gleb contrived the outcome or other aspect of three Events between 1 September 2015 and 13 January 2016 in violation of Section D.1.d. of the 2015 and 2016 Programs.
58. It was further submitted that Gleb directly or indirectly solicited or facilitated professional tennis bettor [REDACTED] or other persons linked to him, to wager on the outcome or other aspects of each of the Events above in violation of Section D.1.b of the 2015 and 2016 Program.
59. The PTIOs submitted that each of the matches identified in the Notice involved either (i) specific testimony by an opponent that Gleb tanked the match or (ii) suspicious betting patterns generated by accounts linked to [REDACTED] or both.

60. Counsel for the PTIOs also submitted that ██████ registered for an IPIN and entered into ITF Events to obtain access to non-public information to assist him in making corrupt approaches to legitimate tennis players registered for the same tournaments.

61. In addition, the PTIOs submitted that the betting alerts received from European betting operators, the use of a single IP address to place bets on multiple of Gleb's matches, the observations of the Gleb's opponents, the fact that betting operators have blacklisted matches involving the Gleb, and the TIU Analytical Report findings, demonstrates by a preponderance of the evidence that Gleb violated the 2015 and 2016 Programs.

(ii) Gleb

62. Counsel for Gleb submitted that the allegations and the case itself against Gleb are not substantial.

63. It was submitted that the lack of actions taken until 2018 on alleged violations that occurred in 2015 and 2016 signify an absence of evidence proving Gleb's guilt.

64. Counsel for Gleb submitted that the match Gleb lost against ██████ ██████ on 1 September 2015 is not suspicious because ██████ was ranked around 500 while Gleb was ranked lower around 1100.

65. It was also submitted that Gleb was unaware of ██████ betting activity.

66. Gleb submitted that the TIU is filing hearsay or assumptive evidence in attempts to amount to a preponderance of evidence against Gleb.

(iii) PTIOs Reply to Gleb's Answering Brief

67. In reply counsel for the PTIOs stated that the time period between the alleged offenses (in 2015 and 2016) and sending of the Notice was

required to enable the TIU to collect and analyze the evidence. In any event the delay in prosecution of this case was of no consequence because the PTIOs commenced this proceeding well before the expiration of the Program's statutory limitation provided for in Section K.1.

68. It was further submitted that the alleged translation error referred to in the Answering Brief does not present a further or different authoritative translation to challenge that submitted by the PTIOs. In any event the purpose of the evidence is to identify what evidence led to the discovery of the connections between the Brothers and the tennis bettor [REDACTED]
69. Finally it was submitted that all other issues raised by Gleb's counsel are immaterial because they are speculative or argumentative or both.

THE RELEVANT PROVISIONS OF THE 2015 AND 2016 PROGRAMS

70. Section D.1.b. and D.1.d. of the 2015 and 2016 Programs reads as follows:

D. Offenses

Commission of any offense set forth in Section D or E of this Program including a violation of the Reporting Obligations or any other violation of the provisions of this Program shall constitute a Corruption Offense for all purposes of this Program.

1. Corruption Offenses.

- b. 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.

...

- d. *No Covered Person shall, directly or indirectly, contrive or attempt to contrive the outcome or any other aspect of any Event.*

...

71. Section H.1. of the 2015 and 2016 Programs reads as follows:

H. Sanctions

- 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:*

- a. *With respect to any Player, (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 for participation in any event organized or sanctioned by any Governing Body for a period of up to three years, and (iii) with respect to any violation of Section D.1, clauses (d)–(j) and Section D.2., ineligibility for participation in any event organized or sanctioned by any Governing Body for a maximum period of permanent ineligibility.*

...

- c. *No Player who has been declared ineligible may, during the period of ineligibility, participate in any capacity in any Event (other than authorized anti-gambling or anti-corruption education or rehabilitation programs) organized or sanctioned by any Governing Body. Without limiting the generality of the foregoing, such Player shall not be given accreditation for, or otherwise granted access to, any competition or event to which access is controlled by any Governing Body, nor shall the Player be credited with any points for*

any competition played during the period of ineligibility.

DECISION ON THE MERITS

Gleb Tennis Matches

72. The Notice as it relates to Gleb charged him with three Gleb Contriving C.Os. The matches span the time period from 1 September 2015 to 13 January 2016. Both of the Brothers played singles matches on the 1st of September at the same tournament. The third match on 13 January 2016 relates to both of the Brothers playing doubles.
73. Section D.1.d. of the Program stipulates that a Covered Person shall not directly or indirectly contrive or attempt to contrive the outcome or any other aspect of an Event.
74. There are two aspects to the analysis of the evidence of the Hearing. The first is to assess what direct evidence there may be of contriving the outcome or other aspect of the three matches. The second element is to assess the circumstantial evidence that exists relating to contriving the outcome or other aspect of the three matches. Finally, when both assessments are put together it must be determined whether the evidence amounts to proof of a violation of Section D.1.d. and whether it also establishes the breach of Section D.1.b. of the Program.
75. The standard of proof set out in Sections G.3.a. and b. requires that “*the commission of the alleged Corruption Offense [or establishment of facts or circumstances] by a preponderance of the evidence.*” Section K.3 provides for the choice of law to be that of the State of Florida³ and the

³ The Program states, “*This Program shall be governed in all respects (including, but not limited to, matters concerning the arbitrability of disputes) by the laws of the State of Florida, without reference to conflict of laws principles.*” The applicability of Florida law was affirmed in *Savic v. PTIOs*, CAS 2011/A/2621.

standard of proof in Florida civil proceedings is the preponderance of evidence. The standard is defined as the greater weight of the evidence when the instruction is given to the jury as to what the preponderance of the evidence means: The greater weight of the evidence that is more on this side than that side on the picture of the scales of justice. The cases of *Daniel Köllerer v. ATP*, CAS 2011/A/2490; *Savic v. PTIOs*, CAS 2011/A/2621; *Football Club Khimki v. Eljver Raca*, CAS 2012/A/2957; and *Daniel Garza v. Professional Tennis Integrity Officers*, CAS 2016/A/4860, affirm the “preponderance of the evidence” as an applicable standard of proof. In *Daniel Köllerer v. ATP* (CAS 2011/A/2490), the CAS panel noted that to meet the standard of a preponderance of the evidence, it must be shown that the commission of a corruption offense “was more likely to be true than not.”

76. There is no *viva voce*, sworn or will say evidence provided before the Hearing from the Brothers or [REDACTED]. The main evidence coming from them is through the two TIU interviews of which there were two each for Vadim and for Gleb and their testimony provided at the Hearing in their direct examination. They were not cross-examined at the Hearing for the reasons stated above. The TIU also conducted two interviews with [REDACTED] the transcripts of which are exhibits in these proceedings.
77. In direct examination Gleb was asked about his relationship with [REDACTED] how often they met, and when they had stopped communicating. Gleb stated:
- A few times when he [REDACTED] came to tournament, few times he rang or communicated by phone. I know that he's in construction business, but it's long time since I actually communicated with him at all, and only from this case hearing I found out about that he is involved in betting.*

to spot fix the second set result on September 1st. The standard of proof is met to establish the conduct and thus conclude that the Program has been violated. Therefore, I find it is more likely than not that a Corruption Offense by Gleb occurred in relation to the match on 1 September 2015 in Brasov, Romania in violation of D.1.d. of the Program.

85. Turning to the match on the 16th of September 2015 in Antalya, Turkey in which Gleb lost to [REDACTED] It should be noted that on the same day that Gleb played [REDACTED] Gleb's brother played [REDACTED] [REDACTED] The TIU was informed by two betting operators of suspicious bets placed in favour of [REDACTED] to win the match within two sets. The same accounts used to place bets on this match also placed bets on the match Vadim played against [REDACTED] An account linked to [REDACTED] IP Address was used to place the suspicious bets on both matches.
86. There is no sworn testimony from Gleb's opponent [REDACTED] However, an examination of the score card from this match suggests that Gleb did not use his best effort or intentionally played in a manner that resulted in him losing the match within two sets as Gleb made many double faults.
87. Given the relationship that I have found between Gleb and [REDACTED] as well as the circumstantial betting evidence relating to this match and the match played by Vadim at the same Event, an inference can be drawn that Gleb contrived the outcome of the match on 16 September 2015 by losing within two sets. Therefore, I conclude that it is more likely than not that a Corruption Offense was committed by Gleb in violation of D.1.d. of the Program in relation to the match on 16 September 2015 in Antalya, Turkey.

88. Turning to the doubles match in question that Gleb played on the 13th of January 2016 in Antalya, Turkey with his brother Vadim against [REDACTED] [REDACTED]. The Brothers won the first and third sets 7-5 and 10-8 thereby winning the match. However, they lost the second set without winning a game at 0-6. There is sworn testimony from [REDACTED] [REDACTED] submitted by the Brothers stating that the main reason they won the match was bad weather. I note the weather would have been the same for all players. In the un-crossed testimony of [REDACTED] he makes no reference to what went on in the second set by the way in which the Brothers played that set. Therefore, I do not find the evidence as having any impact on my analysis of the evidence.
89. The AHO analyzed the evidence of this match in the Vadim Decision released simultaneously with this Decision. Reference should be made to the discussion therein as it is equally applicable in this Decision.
90. In the Vadim Decision it was found that it is more likely than not that a Corruption Offense occurred in relation to the second set of the match on 13 January 2016 in Antalya, Turkey in violation of D.1.d. of the Program. I conclude that Gleb contributed to the commission of that Corruption Offense in violation of D.1.d. of the Program.
91. The Notice to Gleb included three different matches. In each of those matches Gleb lost or was a partner with his brother in losing the second set of the match. Gleb lost the second set in all three of those matches with a nil score. I have concluded that the second set of those three matches were spot fixed by Gleb in two of the three and in combination with his brother in one match, to assist the bettor [REDACTED] and his associates or unknown bettors. The Analytical Report permits an inference to be drawn that Gleb was assisting the bettors by pre-arranging the outcome of the second sets of the fixed matches, or in the case of the 16 September

2015 match to lose in two straight sets. It is a combination of the direct evidence combined with the circumstantial evidence that leads to the conclusion of violations of Section D.1.d.

92. Aside from the frequent breaches of Section D.1.d. it is also established that the result of Gleb's conduct in contriving the outcome in particular of the match on 1 September 2015, is a profitable scheme for the bettors. Thus, Gleb is also contributing to the bettors corrupt conduct which cheats the betting industry and its customers of a true and fair market on which they have placed their bets. Therefore, there are widespread ramifications to Gleb's conduct that impeach the integrity of the sport of tennis in a very significant fashion.
93. Gleb's breach of the Program is all the more flagrant given that he had been through the TIPP training on the 17th of March 2015 before any of the allegations of the Notice had arisen. That training was then repeated on 10 April 2017.
94. Based on all of the evidence provided to me and all of the foregoing findings of fact set out herein, I have concluded that the maximum penalty of lifetime ineligibility is the appropriate sanction in this case. It is consistent with prior significant misconduct cases where lifetime bans have arisen. See *Savic v. PTIOs*, CAS 2011/A/2621; *Daniel Köllerer v. ATP*, CAS 2011/A/2490; *Kumantsov v. PTIOs* (McLaren, June 2014); *Hossam v. PTIOs* (Mulcahy, July 2018).
95. The betting industry evidence reveals a very profitable pattern of betting on Gleb's matches. It is unknown how much Gleb may have earned through his violations of the Program or what the total profit would be for the corrupt bettors. It can be inferred that substantial sums are involved. The

conduct, scale, and span of time justify the imposition of the maximum fine under H.1.(a). I find that the fine should be assessed at US \$250,000.00.

The Wagering Corruption Offenses of the Three Covered Persons

96. Vadim, Gleb and ██████ were all charged with a violation of Section D.1.b of the 2015 and 2016 Program. In making the finding that Gleb had more than the misleading casual relationship he would have me believe in respect of ██████ I have found that there was a relationship that would permit a working contact enabling him to directly or indirectly solicit and facilitate ██████ and persons linked to this known bettor. Where I have found Corruption Offenses of contriving the matches Gleb was playing there must have been either direct or indirect contact to facilitate the betting carried out by ██████ and persons linked to him and also to arrange payments for his misconduct under the Program. Therefore, based on all of the evidence I have received and considered I find that there has been a violation of Section D.1.b of the 2015 and 2016 Programs. The maximum period of ineligibility for such offenses is 3 years and I so find.
97. I have already determined that the maximum sanction under the Program ought to be applied to the Corruption Offenses of D.1.d. I find that there should be a concurrent sanction running for the first three years of the permanent ineligibility as the sanction for the breach of D.1.b. The fine has been enlarged to the maximum because of the wagering facilitation offenses. Therefore, the fine is a combined fine for breach of both sections D.1.d. and D.1.b. of the Program and is set at the maximum of US \$250,000.00.

CONCLUSION

98. While I have considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, I refer in this Decision only to the submissions and evidence considered necessary to explain the above reasoning.
99. Based on all of the evidence provided, the foregoing evidence discussed in this Decision and for the reasons set out I find that Gleb breached Section D.1.d. of the Program. Furthermore, these offenses are not isolated occurrences but reoccurred at different tournaments spanning a time period of more than a year in Vadim's case and five months in Gleb's case. There is a pattern associated with the sets lost and a pattern of repeatedly engaging in the commission of Corruption Offenses.
100. The purpose of the Program is to:
- (i) maintain the integrity of tennis;*
 - (ii) protect against any efforts to impact improperly the results of any match; and,*
 - (iii) establish a uniform rule and consistent scheme of enforcement and sanctions applicable to all professional tennis Events and to all Governing Bodies.*
101. Corruption associated with contriving sets repeatedly at multiple Events represents the most serious breaches of the Program and directly impacts the integrity of the game. The purpose of the Program, as cited above, is to maintain the integrity of tennis. Therefore, such a continued commission of Corruption Offenses and activities justifies the maximum sanctions outlined in the Program. Therefore, I find that the maximum sanction under the Program of permanent ineligibility be applied to Gleb.
102. As far as the fine is concerned the PTIOs requested that I impose a substantial fine. Given the fact that I ruled in the case of [REDACTED] and

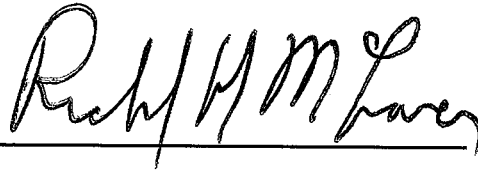
imposed a fine of US \$100,000, where there was no hearing, the fine in this matter ought to be higher. It is unknown what monetary benefit Gleb received for the Corruption Offenses he committed. The series of offenses justifies a higher fine than that imposed in [REDACTED] case. The fine should also equal that of his brother Vadim. Therefore, I place the fine at the maximum of US \$250,000. In addition, I am placing the fine at the maximum level because the Wagering Corruption offenses of all three Covered Persons have been established. This fine is to be fully paid before any reconsideration of the sanctions by application of Gleb in the future.

The Anti-Corruption Hearing Officer Rules that:

103. Gleb is a Covered Person under the Program and as a result is subject to the rulings set out below.
104. Gleb having committed multiple breaches of D.1.d. of the Program is declared permanently ineligible from participation in any Event organized or sanctioned by any Governing Body as provided for under Section H.1.b.(iii).
105. Gleb having committed a Corruption Offense under Section D through his breach of D.1.b. and D.1.d. is ordered to pay a fine of US \$250,000.
106. As prescribed in Section G.4.d. this Decision is a “*full, final and complete disposition*” of this matter. The orders herein take effect from the date of this Decision.
107. The Decision herein is appealable under Section I.3. for a period of “*twenty business days from the date of receipt of the Decision by the*

appealing party.” The appeal is to the Court of Arbitration for Sport in Lausanne, Switzerland.

DATED at LONDON, ONTARIO, CANADA THIS 15th DAY OF OCTOBER 2018.

A handwritten signature in black ink, reading "Rich H McLaren", written over a horizontal line.

Professor Richard H. McLaren, O.C.

AHO