



## **DECISION of the AHO**

### **PARTIES**

1. Adam El Mihdawy is an American professional tennis player with an ATP<sup>1</sup> ranking of 821 and an ITF ranking of 193. He had a career-high ATP ranking of 281. He is a Covered Person under the definitions in Section B.27 and B.10 of the 2022 TACP. Mihdawy is sometimes referred to herein as a “Party”.
2. The ITIA, (a “Party”), administers the Tennis Anti-Corruption Program (the “TACP”) for the Governing Bodies of tennis through the Tennis Integrity Supervisory Board. A tennis player who is a Covered Person under the TACP must register with the relevant Governing Body to be eligible to compete in that body’s tennis tournaments.
3. Richard H. McLaren holds an appointment as an Anti-Corruption Hearing Officer (the “AHO”) under Section F.1.a. of the 2022 TACP. No Party made any objection to his being an independent, impartial, neutral adjudicator to render a determination in this case.

### **BACKGROUND**

4. On 20 March 2022 the Covered Person was interviewed by ITIA investigators following up on a prior interview on the 23<sup>rd</sup> of September 2020. In the second interview the Covered Person admitted to fixing two matches in 2016 in Mexico and receiving \$3,736 as payment for the fixed matches.
5. On the 28<sup>th</sup> of March 2022 the Covered Person was Provisionally Suspended by the ITIA under Section F.3. of the 2022 TACP. The Provisional Suspension

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<sup>1</sup> All capitalised words or acronyms not otherwise defined in this Decision take their defined meaning from the TACP. All capitalised words not defined in the TACP have their ordinary English language meaning.

letter (the “PS”) sets out information that was acquired as a result of a 4 year Belgian law enforcement investigation of an organised criminal network that the authorities believed was operating to fix tennis matches worldwide. Certain additional facts are set out in the PS which may be referred to in this Decision.

6. On the 5<sup>th</sup> of April 2022 Adam El Mihdawy, as a Covered Person under the 2022 TACP, received from the ITIA a Proposal for Disposition for Alleged Corruption Offense (“the Proposal”) under Section F.5 of the 2022 TACP. The ITIA had concluded after an investigation that there existed a realistic prospect of proving that Mihdawy had committed the Corruption Offense(s) under the TACP as described in the Proposal.
7. The Proposal may be used by the ITIA under Section F.4 as an alternative to referring the matter of an alleged Corruption Offense(s) to an AHO for a Hearing to determine if there has been a breach of the TACP. The proposed disposition sent to the Covered Person used the 2021/2022 Sanctioning Guidelines (in place on a trial basis in 2021)<sup>2</sup> to determine its proposed sanction for disposition of the listed alleged Corruption Offenses. The Proposal was for a four year and nine months period of ineligibility commencing on the date of the Proposal combined with a fine of \$5,000 USD and the possibility of an additional fine of \$10,000 USD payable if there is any further breach of the TACP. It also contained a commitment to not require the repayment of at least \$3,736 USD received as a corrupt payment.
8. The time limit set out in the Proposal for acceptance was 14 days from receipt by the Covered Person. The deadline was apparently not met.
9. On 4 May 2022 the Covered Person received from the ITIA a Notice of Major Offense (“the Notice”) under Section F.4. of the 2022 TACP and the process described in the Proposal. The Notice advised that his case had been referred to Richard H. McLaren, an AHO under the TACP.

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<sup>2</sup> A revised version of the Guidelines was introduced with a commencement date of 1 July 2022.

10. The ITIA stated in the Notice that it has determined that the following alleged charges constitute Major Offenses of the TACP which resulted in the issuing of the Notice. The alleged Corruption Offenses are:

- a. two breaches of "Section ... D.1.d. of the 2016 TACP  
***("No Covered Person shall, directly or indirectly, contrive or attempt to contrive the outcome or any other aspect of any Event.")***.

*You agreed to fix the result of tennis matches on 13 March 2016 and 19 March 2016, following approaches from [REDACTED] [REDACTED] (hereinafter "[REDACTED]" thereby contriving the outcome of those matches.*

- b. three breaches of "... Section D.1.f. of the 2016 TACP  
***("No Covered Person shall, directly or indirectly, solicit or accept any money, benefit or Consideration with the intention of negatively influencing a Player's best efforts in any Event.")***.

*You received money transfers as payments on 29 September 2016, 21 October 2016 and 8 December 2016. These were collected by [REDACTED] [REDACTED] (hereinafter "[REDACTED]" and [REDACTED] [REDACTED] (hereinafter "[REDACTED]" on your behalf.*

- c. two breaches of "...Section D.2.a.i. of the 2016 and 2018 TACPs  
***("In the event any Player is approached by any person who offers or provides any type of money, benefit or Consideration to a Player to (i) influence the outcome or any other aspect of any Event, or (ii) provide Inside Information, it shall be the Player's obligation to report such incident to the ITIA as soon as possible.")***.

*You failed to report the offers by a known match-fixer linked to an organised criminal network communicated to you to contrive aspects of your own matches on at least five occasions ...".*

Under Section K.6 the procedural aspects of these proceedings are governed by the 2022 TACP. Under Section K.5 the alleged Corruption Offenses are governed by the versions of the TACP in force at the time of the alleged conduct. Therefore, the TACP of 2016 and 2018 are applicable to the merits of these proceedings.

## PROCEDURE

11. The Covered Person appealed the Notice under Section F.6.b.i. admitting the Corruption Offenses and sought to mitigate the sanction. Under Section F.6.d. the AHO is to determine the sanction without a hearing based upon written submissions.
12. Following discussions with the Parties, under the provision of Section F.6.d., a consultation with the AHO and counsels for the Parties was held on 24 May 2022. Following the consultation, the AHO issued a draft procedural order for review by counsels for the Parties. After review and adjustment by the counsels Procedural Order No. 1 (the "PO No. 1") was issued by the AHO.
13. In accordance with PO No. 1 on 28 July 2022 the Covered Person submitted a mitigation plea in his written submissions. Mihdawy admitted to the allegations of Corruption Offenses contained in the Notice. In mitigation of the possible sanction it was submitted that the Covered Person was suffering from severe depression, anxiety, PTSD and ADHD, conditions which impaired his ability to exercise good judgment. It was submitted that the noted mitigating circumstances should be considered in the determination of the sanction. It was suggested that under the TACP 2021/2022 Sanctioning Guidelines<sup>3</sup> (the "2021/2022 Guidelines") the Covered Person's ban ought to be classified as Level B, Category 2. It was submitted that a lower level sentence and a provision in the ban which would allow the Covered Person to continue coaching would permit Mihdawy to rehabilitate his actions, redeem the reputation of the sport and continue contributing positively to the tennis community.
14. On 18 August 2022 in compliance with PO No. 1 counsel for the ITIA submitted its response to the submissions of the Covered Person. In so doing the ITIA did not offer evidence to contradict that Mihdawy suffered from medical conditions or experienced financial difficulties. Therefore, the submissions by the Covered Person on those subject matters being unchallenged are considered to have been established for the purposes of

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<sup>3</sup> These Guidelines were issued on a trial basis during the period 2021/2022 and were subject to review and adjustment having been approved in November 2021.

this Decision. It was also noted that Mihdawy waited until 2022 to report the corrupt approaches that he received in 2016 and 2018.

15. An issue arose from the ITIA submissions as to which Guidelines – the 2021/2022 or the ones commencing on 1 July 2022 – the AHO ought to refer to in this Decision because a revised set had come into effect. On request of the Covered Person and over the disagreement of the ITIA, the AHO agreed to receive a brief written submission from the Player’s counsel on which of the two Sanctioning Guidelines might apply for use by the AHO.
16. A brief reply by the ITIA counsel to the Guideline submission of the Player’s counsel was received by the AHO on 23 August 2022. That submission completed the Section F.6.d. procedure and the filing of written submissions to the AHO without a hearing.

## **SUBMISSIONS**

### **(i) The Covered Person**

17. The Covered Person submits that his financial, psychiatric and medical circumstances provide meaningful context for his offenses. It was submitted that in March of 2016 he was struggling to pay for necessities to support himself and his tennis career. He was also suffering from several psychiatric issues that affected his decision-making skills including ADHD, anxiety, PTSD and depression. Furthermore, he was dealing with severe back pain that he did not have the money to properly treat, and as a result, seriously doubted his ability to compete in the tournaments. The Covered Person submits that his primary motivation at the time of the offenses was to continue his tennis career and get away from an abusive home environment.
18. Mihdawy submits that given his financial situation, hesitation to go back home, and the pressure and emotional strain he was experiencing, he felt as if he had no choice but to agree to [REDACTED] offers. He submits that after accepting [REDACTED] offers to fix the matches, he felt guilty, trapped, isolated, alone, and depressed.
19. The Covered Person submits that the Notice implies that violations of Section D.1.f. of the 2016 TACP occurred when the Covered Person received

payments resulting from the agreements made between him and [REDACTED]. The Covered Person argues that this is incorrect. The violations of Section D.1.f. occurred the day before each match when the Covered Person accepted [REDACTED] promise of a future payment (consideration) with the intention of not putting forth his best efforts in the matches. The Covered Person submits that the transfer of payment is evidence of the violations occurring and does not in and of itself amount to a violation under Section D.1.f. of the 2016 TACP. The receipt of money did not involve the intention to influence a match, since the match had already taken place by the time the Covered Person received payment.

20. Recognizing the psychological, emotional and medical issues that influenced him to commit the Offenses, the Covered Person began seeing a psychotherapist in 2018. In May 2018, [REDACTED] again reached out to the Covered Person asking him several times to fix his matches. Despite facing the same financial, emotional and medical issues that he was facing in 2016, the Covered Person declined [REDACTED] offers. Although the Covered Person did not report the approaches to the ITIA, he submits that refusing to accept [REDACTED] offers reflects his good character and personal growth and demonstrates that he is no longer at risk of committing the same Offenses.
21. It was submitted that in using the 2021/2022 Guidelines the degree of Culpability should be rated B-Medium and not A-Highest.
22. The Covered Person submits that his Offenses required only some planning and premeditation. Regarding Offenses 1-5 the Covered Person submits that he did not go to the tournaments with any intention to match-fix or accept future payments in exchange for not giving his best efforts, but instead was approached by [REDACTED] on site, accepted the offers and did as he was told. Regarding Offense 6 the Covered Person states that he had no plans to match-fix or accept [REDACTED] offer and only chose to forego reporting the advance because he felt he could not do so without admitting his corrupt actions from 2016. The Covered Person also admits that he acted in concert with [REDACTED] to commit the Offenses, but emphasizes that it was [REDACTED] who approached him and submits that he did not initiate or lead anyone else to knowingly participate. Finally, it was submitted that the Covered Person

committed several Offenses, but he argues that the root of the corruption took place over a short seven-day period in March 2016 rather than a protracted one. Offenses 1-5 were committed during this time and he argues that the refusal to accept █████ corrupt offers in 2018 (Offense 6) demonstrates that their relationship had ended in 2016. Therefore, the Covered Person’s position is that he meets the criteria for Culpability Level B.

23. It is conceded that the Covered Person committed Major TACP Offenses. Regarding the Offenses’ impact on the sport, the Covered Person argues that his violations fall within Category 2 (Medium) and not Category 1 (Highest). The Covered Person submits that his Offenses align with all three criteria in Category 2, and with only one in Category 1. The criteria for Categories 2 and 1 are as follows:

<b>Category 2 – Medium</b>	<b>Category 1 – Highest</b>
<ul style="list-style-type: none"> <li>• Major TACP offense(s)</li> <li>• Significant impact on the reputation and/or integrity of the sport</li> <li>• Material gain</li> </ul>	<ul style="list-style-type: none"> <li>• Major TACP offenses</li> <li>• Very significant impact on the reputation and/or integrity of the sport</li> <li>• Relatively high value of illicit gain</li> </ul>

24. It is submitted that the Offenses have a moderate impact on the reputation and integrity of the sport, given the specific and unique factors in this case. The Covered Person submits that the mental conditions he was suffering from greatly influenced his ability to exercise good judgement. The Covered Person argues that his motivations were not malicious and that he committed the Offenses out of desperation to continue playing tennis and for financial support. The Covered Person also submits that he did not corrupt the outcomes of the tournaments. His alternative to deliberately losing was to withdraw from the tournament resulting in his opponent progressing regardless. It is further submitted that the fixed matches were obscure games in low ranked tournaments. The Covered Person also states that following the Offenses, he took steps to mitigate the impact of his conduct on the reputation and integrity of the sport by admitting his Offenses, informing the investigators about █████ approaches, and taking full responsibility for his behaviour.



25. It is submitted that the Covered Person received little material gain, given that the payments from fixing the matches totalled \$3,736. The Covered Person submits that this is little in comparison to the tens and hundreds of thousands of dollars offered to other prominent players.
26. The next step of the 2021/2022 Guidelines is to determine the starting point and category range of the Offenses, as well as to consider aggravating or mitigating factors that would warrant an increase or reduction in the suspension. The Covered Person submits that because his Offenses are at Culpability B and Category 2 the starting point for his suspension is 3 years and the category range is 6 months to 5 years. The Covered Person further submits that there are several mitigating factors that warrant reducing the ban to between 1 and 2 years.
27. First, the Covered Person submits that he is genuinely remorseful for his conduct as demonstrated by statements of regret set out in his Personal Statement and his cooperation with ITIA investigators. The Covered Person also submits that he is of good character, that his colleagues describe him as kind and selfless and that he positively contributes to the sport of tennis by coaching young players. It is further submitted that he was struggling with a number of mental illnesses at the time of the Offenses including anxiety, depression, PTSD and ADHD, all of which affected his ability to exercise good judgment. Lastly, the Covered Person submits that there are no aggravating factors, as he has no prior disciplinary history and has actively cooperated with the investigation, other than initially denying his actions on the phone to investigators.
28. The next step of the 2021/2022 Guidelines is to determine any other factors that could warrant a reduction in sentence. The Covered Person submits that his sentence should permit him to attend Sanctioned Events as a coach during his ban, or in the alternative, that his ban should be suspended to allow him to coach.
29. The Covered Person submits that his coaching of junior players reduces the impact of his Offenses on the sport and that his experience can be a lesson to young players in a similar position. The Covered Person also submits that

he makes a living from being a coach and has no other financial support. It is further submitted that the Covered Person is not at risk of committing Offenses in the future, given that the conduct at issue occurred over 6 years in the past and was a result of unique circumstances at that time. The Covered Person submits that he continues to suffer from several psychological conditions and that preventing him from being involved in the tennis community would not aid his rehabilitation. It is suggested that his case be used as an example to show other players that those who admit their violations and cooperate with the ITIA will still be able to contribute to the tennis community.

30. The Covered Person submits that he should receive a reduction of 25%, which the 2021/2022 Guidelines permit in cases where there is an early admission.
31. The Covered Person submits that although he denied any involvement in match-fixing when the investigators first interviewed him, he admitted his Offenses at the earliest stage of the process before the Notice had been issued. It is further submitted that the Covered Person continued to cooperate with the ITIA after the Notice was issued by waiving his right to a Hearing on the merits and only submitting mitigating evidence. The Covered Person contends that his admission was highly valuable to the investigation.
32. Pursuant to Section G.4.e. of the 2022 TACP the ITIA has the right to report its decision in full, subject to any information that is considered sensitive or confidential. The Covered Person submits that the evidence contained in the submissions relating to his mental health and family circumstances should be treated confidentially. As well, the Covered Person has requested that references to ■■■ be redacted in order to reduce the risk of retaliation.

**(ii) The ITIA**

33. It was submitted that the arguments of the Covered Person fell into two categories.
  - (i) medical and financial difficulties that warranted mitigation; and

- (ii) an incorrect application of the Sanctioning Guidelines, resulting in an inflated starting point for calculation of an approximate sanction.

In respect of the first category the ITIA does not offer evidence to contradict or refute that Mihdawy suffered from medical conditions or experienced financial difficulties. Therefore, the submission focused on the application of the July 2022 TACP Sanctioning Guidelines (the "July 2022 Guidelines"). The ITIA rejects that the Guidelines were applied incorrectly and submits that regardless, they are not binding on the AHO.

- 34. It was submitted that the starting point for determining the Sanction at Step 1 under the July 2022 Guidelines ought to be B-1/2. Thus, the starting point ought to be 6 years and 6 months. That starting point is reasonable because in terms of "Culpability" there are elements of the High Category A. Similarly with the "Impact Criteria" several Category 1 criteria are present justifying the 1/2 rating.
- 35. With regard to Culpability, the ITIA submits that when the Covered Person arranged for payments to be made to him indirectly through two individuals in the months following March 2016 he exercised a high degree of planning and premeditation and initiated others to commit Offenses. The ITIA also submits that the Covered Person committed 10 Offenses between March 2016 and May 2018, representing multiple Offenses over a protracted period of time.
- 36. With regard to Impact, the ITIA submits that the Covered Person's actions have a significant material impact on the reputation and/or integrity of the sport, given that the very essence of sport is fair competition and match-fixing is the most serious type of Corruption Offense under the TACP. It is further submitted that the Covered Person received relatively high illicit gain, given that the payments to the Covered Person for fixing the matches was significantly higher than the financial benefit for playing competitively in the rounds.

37. The reduction for early admission is permissive not mandatory and can amount to a 25% reduction. However, Mihdawy is no longer in an Agreed Disposition process under Section F.5. He has requested the Hearing on the appropriate sanction.
38. It is submitted that under Section H.1.a. the sanction ought to be:
- (i) a period of 5 years, 6 months in recognition of circumstances surrounding the Offenses - a 1 year reduction from the starting point; and
  - (ii) a fine of \$50,000 USD with a 75% reduction for admission of the Offenses resulting in \$37,500 USD being suspended on the condition that Mihdawy commits no further breaches of the TACP.

**(iii) Submissions on applicable Sanctioning Guidelines**

39. The Covered Person submitted that the 2021/2022 Guidelines are the applicable ones because they were in place when the ITIA determined the Sanctions in April 2022 and were still in place when the AHO took charge of the matter in May 2022. In such circumstances the ITIA is estopped from relying on the 2022 Guidelines.
40. The ITIA submitted that the amended July 2022 Guidelines ought to be applicable despite not commencing until 1 July 2022. This is because the introductory language provides that they are applicable when “... *a sanction falls to be considered by the AHO or ITIA*”. The consideration is underway after 1 July 2022. It is further submitted that whichever Guideline is used is nonbinding on the AHO and in any event would not yield a different result.

**APPLICABLE SANCTIONING GUIDELINE**

41. At the time the procedure leading to this Decision commenced the only version of the Guidelines was the inaugural one of 2021/2022. Unless the principle of *lex mitior* is applied, which is not the case here, the 2022 version

of the Guidelines were not in place when the procedure leading to this Decision commenced. It is at the commencement of the procedure that the sanction “falls to be considered” first by the ITIA in the Proposal and now by the AHO when establishing PO No. 1. The key documents that generated this process being the PS, the Proposal and the Notice were all in play before the 2022 Guidelines were promulgated. Therefore, I find that the Guidelines to be used in this Decision is to be the 2021/2022 version.

### **REASONS**

42. The Covered Person admitted that he committed the Corruption Offenses alleged in the Notice. Therefore, it is found that Mihdawy committed the following Corruption Offenses:
- (i) two breaches in 2016 of Section D.1.d. of contriving his matches;
  - (ii) five breaches (two of which were in 2016 and three in 2018) of Section D.2.a.i. for failing to report a corrupt approach; and
  - (iii) three breaches in 2016 of Section D.1.f. for receiving money, benefit or other Consideration paid with the intent of negatively influencing Mihdawy’s best efforts.
43. There is a dispute as to the starting point for the determination of the Sanction under Section H.1.a. The most serious of the Corruption Offenses is the breaches of Section D.1.d. involving manipulation of the outcome of games within sets on two occasions in ██████████ in 2016. The two breaches of the duty to report in 2016 under D.2.a.i. are approaches that arise directly out of the D.1.d. breaches and do not aggravate the level of conduct leading to the Corruption Offenses. It also flows from the nature of the D.1.d. breaches that there would be money paid for the manipulation of the matches with the intent to negatively influence the use of best efforts as provided for in D.1.f. They are also breaches of the TACP but all these breaches have the same root. Quantifying the number of breaches of the TACP in 2016 does little, if anything, to assist in determining the appropriate level of sanction. They are all part of the same set of facts stemming from

the foundational root breaches of Section D.1.d. However, it must be noted that the Covered Person brought into the scheme for payment two persons to receive the money, one of whom was also a professional tennis player. The only breaches not connected to the fundamental misconduct are the three further breaches of D.2.a.i. when corrupt approaches were made in 2018 and not reported until 2022 in a follow-up investigation interview. Therefore, the misconduct to be dealt with is the manipulation of two separate matches at the same tournament in 2016 and persuading another professional tennis player to receive money in payment of the Covered Person's misconduct. Then, there is a failure two years later to report another set of the corrupt approaches in 2018 by the same corruptor of 2016. They were not reported for fear of revealing the root breaches from 2016. In mitigation it must be reflected, however late, that the duty to report was ultimately performed in 2022 by way of admission during an investigation interview.

44. The AHO notes that the 2021/2022 Guidelines are not a binding procedure for the AHO to follow. They are a tool for assisting the decision on sanction. They do so by providing a framework for supporting fairness and consistency in sanctioning. In using the tool the AHO retains full discretion in relation to the sanction to be imposed in accordance with the TACP.

#### **Assessment of the 2021/2022 Guidelines against the facts of the case**

45. The first step in applying the 2021/2022 Guidelines is to determine the Offense Category by referring to the factors in the table. An assessment of the criteria within the factors of "Culpability" and "Impact on the Sport" is required.

##### **(i.) Culpability**

The Covered Person submits Culpability ought to be medium culpability "B" which is described as a "B". The ITIA submits that they could have reasonably classified the Offenses as A/B Offenses, which would be a hybrid between

medium and high culpability. In the view of the AHO, what makes the misconduct more than a B is the involvement of another tennis professional. The Covered Person took the advice of his corruptor and did not receive the money for his breaches of D.1.d. directly. He approached and convinced a [REDACTED] professional tennis player and [REDACTED] into the scheme of misconduct by persuading them to receive the monies. That action is within the “leading others to commit offenses” which is a criteria found in the table in A Culpability category. The AHO concludes that the Culpability factor ought to be set at A-B.

(ii.) Impact on the Sport

It is here that the decision on which Guideline applies affects the analysis. The 2021/2022 Guidelines uses the adjective “very” to qualify “*significant, material impact on the reputation and/or integrity of the sport*’”. On the facts of this case the AHO agrees with the Covered Person’s submission. The AHO finds that while the Covered Person’s conduct has some impact on the sport it is not “very significant”. The manipulated matches were obscure games in low ranked tournaments which could have a moderate impact on the integrity of the sport. The impact was of short duration involving one match in one week of the tournament. He ultimately mitigated his conduct by admitting his Major Offenses which had been made in the context of personal and financial problems that had overwhelmed his judgment. Finally, the Covered Person’s illicit gain of \$3,736 is at most material. The AHO concludes that Impact ought to be set at 2.

For all the above reasons the Category of Offense is set at A-B 2. Therefore, the starting point for assessing the sanction is not precisely within the table in the 2021/2022 Guidelines. I find that the starting point ought to be not as high as a 10 year suspension of A2 and not as low as B2 which is 3 years. I fix it at 6 years.

46. I do not find any aggravating factors which may be considered to increase the seriousness of the suspension of 6 years. However, there are factors to consider in reduction of the suspension.
47. There can be a reduction of up to 25% under the 2021/2022 Guidelines for an early admission. This matter came to the attention of the TIU because of the law enforcement investigation in Belgium. That gave rise to an interview with [REDACTED] [REDACTED] [REDACTED] who admitted to receiving money on behalf of the Covered Person for his misconduct. Mihdawy, in a TIU investigator interview on 23 September 2020, while admitting knowing this person, denied that [REDACTED] had collected money on his behalf. At the time there was denial of any misconduct. An admission at that point would have resulted in a full 25% reduction. However, it took a further interview on 20 March 2022 before admission to fixing two matches was made and confirming payments for the fixes. At that time there was admission of additional breaches of the TACP in failing to report three corrupt approaches in 2018 which were never followed up by Mihdawy. On the basis of all of this information a PS was imposed on 28 March 2022. Since then the Covered Person has not put the ITIA to the expense of holding a Hearing but did seek to make the present submissions on mitigation of sanction. Some credit must be made for the admission and the ensuing decision not to proceed to make the ITIA prove the Major Corruption Offenses by way of a Hearing. Therefore, I have decided that a reduction of one year from 6 to 5 is appropriate.
48. The written submission of the Covered Person makes reference to considerable personal difficulties at the time of commission of the Corruption Offenses. Those difficulties accompanied by medical conditions (depression, anxiety and PTSD) and financial difficulties warrant some mitigation of the penalty and were not challenged by the ITIA. On a review of all of the information provided I have concluded that these matters do justify a reduction of another year to set the sanction at 4 years.



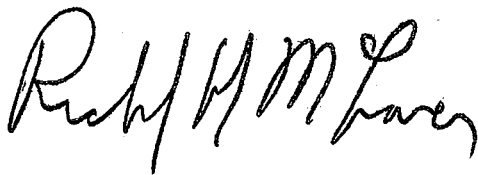
49. The Covered Person is now fully cooperating with the ITIA and there may be a claim of Substantial Assistance under Section H.6. that can be brought forward under the TACP at a later date. The individual has been provisionally suspended and unable to play tennis since 28 March 2022. That will be slightly more than 5 months before the date of this Decision. Under Section F.6.h. the 2022 TACP does not permit this Decision to take effect earlier than the date of its issue as the suspension is to commence on the day after the final ruling of the AHO. Therefore, to take account of this unusual effect of the TACP I reduce the amount of the suspension by a further 6 months to 3 and one half years from the date of this Decision because of the time served under the PS.
50. With respect to any fine and the repayment of corrupt payments the AHO accepts the terms defined in part c of the Proposal. There is also an outstanding issue of redaction of portions of this Decision on request of the Covered Person for which no submission was made by the ITIA counsel. I leave the Parties' counsel to resolve this outstanding point. I am available to adjudicate any difference that may arise through counsels consultation.

## Orders

51. Based on all of the foregoing the following Orders are made:
- (i) Adam El Mihdawy is a Player as defined in Section B.27. and as such a Covered Person as defined in Section B.10. of the TACP. The Provisional Suspension issued to the Covered Person on the 28<sup>th</sup> of March 2022 is lifted and replaced by the following orders.
  - (ii) By his own admission the Covered Person is found to have committed Corruption Offenses under Sections D.1.d., D.1.f., and D.2.a.i. For these violations of the TACP the Covered Person is declared ineligible from Participation in any Sanctioned Event for a period of three and one half years from the date of this Decision as prescribed in Section F.6.h. The period begins on the 1<sup>st</sup> of September 2022 and ends on the 28<sup>th</sup> of February 2026.

- (iii) This Decision shall be publicly reported in full as prescribed in Section G.4.e subject to any necessary redaction.
- (iv) Under Section H.1.a.(i) a fine of \$5,000 USD under a payment plan to be agreed is imposed; with an additional \$10,000 USD payable if the Covered Person commits any further breaches of the TACP before the expiry of the ineligibility set out herein.
- (v) The Decision herein is a final determination of the matter under Section F.6.f. of the 2022 TACP. In accordance with that Section the Covered Person is not permitted “...to file any claim, further appeal or seek any other relief from CAS or any other court or tribunal regarding...” this ruling of the AHO.

**DATED at LONDON, ONTARIO, CANADA THIS 31<sup>st</sup> DAY of AUGUST 2022.**



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Richard H. McLaren

AHO