

In the Matter of Determination of Sanctions in Corruption Offenses under the
TENNIS ANTI-CORRUPTION PROGRAM

Ksenia Palkina (hereinafter "Palkina" or "the Covered Person")

- and -

International Tennis Integrity Agency ("ITIA")

Representing the Covered Person: Roman Bedretdinov

Representing the ITIA: Ben Rutherford
Kendrah Potts

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

A W A R D of the AHO

PARTIES

1. The International Tennis Integrity Agency (“ITIA”)¹ 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 their tennis tournaments.
2. Ksenia Palkina (“Palkina” or the “Covered Person”) of Kyrgyzstan has a career high singles ranking with the WTA of 163 in March of 2009 and 144 with ITF in January of 2019.
3. Richard H. McLaren holds an appointment as an Anti-Corruption Hearing Officer (“AHO”) under Section F.1. of the TACP. No Party made any objection to his being an independent, impartial, neutral adjudicator to render a determination in this case.

BACKGROUND AND PROCEDURE

4. In 2019 the Professional Tennis Integrity Officers made an application to the AHO in accordance with Section F.3. of the 2019 TACP for an immediate Provisional Suspension (“PS”) of the Covered Person. Subsequent to a

¹ All capitalized words or acronyms take their defined meaning from this text or the Program Definitions.

review of all materials provided the AHO issued a PS on 22 November 2019.

The PS continued in effect up to the time of issuing this Decision.

5. The alleged Corruption Offenses took place during the calendar years of 2017 through 2019 inclusive. Under section K.5. the alleged Corruption Offenses occurring in various years are governed by the version of the TACP in the year in which they were alleged to have occurred. The Notice of Major Offense was issued in 2021, therefore, the TACP for that year governs the procedure by which this matter was dealt with.

6. The Notice of Major Offense (“the Notice”) issued on 20 September 2021 to both the Covered Person and ██████████ (“██████████”) charged them with numerous alleged Corruption Offenses in violation of various Programs. In addition to the Notice the ITIA submitted nine exhibits in support of their allegations. The listed Offenses included a caveat, “For the sake of brevity this is a summary only and is not an exhaustive list of all the evidence against you which may be referred to as this matter proceeds.”

7. On 20 September 2021 the ITIA's Senior Director, Legal Matters issued additional correspondence to both Palkina and [REDACTED] indicating their cases were jointly referred to the AHO. Substantial Assistance provided by another Player linked and evidenced the two individuals' involvement in match-fixing. For clarity the ITIA set out the specific Corruption Offenses it alleged each Covered Person committed and the facts giving rise to the allegations in each of the respective Notices served upon them.

8. Summarily the Covered Person was charged with the following alleged Corruption Offenses:

2017 – Four charges of breaching Section D.1.d (contriving); alternatively, four charges of breaching Section D.1.f. (accepting money) and four charges of breaching Section D.2.a.i. (non-reporting).

2018 – Four charges of breaching Section D.1.b. (facilitating); four charges of breaching Section D.1.d. (contriving); one charge of breaching Section D.1.f. (accepting money); three charges of breaching Section D.2.a.i. (non-reporting); and alternatively one charge of breaching Section D.2.a.ii. (non-reporting of suspicion or

knowledge regarding another who committed a Corruption Offense).

2019 – Two charges of breaching Section D.1.b. (facilitating); two charges of breaching Section D.1.d. (contriving); one charge of breaching Section D.1.e. (soliciting) and two charges of breaching Section D.2.a.i. (non-reporting).

9. On 20 September 2021 the AHO wrote to the Covered Person's counsel enquiring as to Ms. Palkina's intentions and position as to the allegations contained in the Notice and requested her election by 4 October 2021. On 5 October 2021 the Covered Person's counsel informed the Case Secretariat that his client had been contacted by her Tennis Federation regarding the communication from ITIA (which he advised neither he, nor she, had received) and then requested that it be resent. On 6 October 2021 counsel confirmed receipt of the Notice. At this point the Covered Person's counsel was inadvertently advised that the fourteen-day response period within which the AHO would accept his client's position would commence immediately. Following a discussion with the ITIA Case Secretariat AHO

McLaren accepted what transpired and a new deadline of 20 October 2021 was established.

10. On 13 October 2021 the AHO sent a First Warning Letter to the Covered Person's counsel reminding him of the new date for his client's election and the consequences of failing to respond accordingly.
11. On 20 October 2021 counsel for the Covered Person confirmed on behalf of Ms. Palkina, "I hereby request a hearing ... as we deny the charges as they were presented in the Notice."
12. A Directions Hearing was held on 28 October 2021 via Teams Meeting video conferencing. During the Directions Hearing the AHO raised the matter of [REDACTED] silence to date and it was agreed the two matters would proceed separately.
13. On 28 October 2021 a draft Procedural Order No. 1 ("P.O. No. 1") was circulated and ultimately issued on 4 November 2021.

14. On 16 November 2021 the ITIA informed the AHO the parties had mutually agreed to an extension to the dates for filing their submissions and witness evidence to allow for settlement discussions. The ITIA documents to be filed by 3 December 2021 and the Covered Person's documents to be filed by 24 December 2021. It was noted the remaining dates would not require extension and would not have an impact of the Hearing Date.
15. On 2 December 2021 the ITIA informed the AHO that as the Player's Counsel had not been receiving communications sent by the ITIA a further extension to the deadlines for parties' submissions had been mutually agreed to. The new dates as a result of the agreement were 8 December 2021 for the ITIA submission and 29 December 2021 for Covered Person's submission. All other dates remaining intact. The AHO agreed to the extension and PO No. 1 was so amended.
16. On 12 December 2021 the AHO was advised the Covered Person's Counsel had contracted the COVID-19 virus and the parties agreed to suspend the procedural timetable. A new timetable would be submitted for the AHO's approval once Counsel recovered. On this basis the Hearing Date of 18

January 2022 was vacated and the timetable of PO No. 1 suspended. The AHO indicated he would await contact by Counsel seeking a date for a future Directions Hearing to put the matter back on track.

17. On 5 April 2022 the AHO requested an update on the status of the matter. The following day the AHO was advised that the parties had reached an agreement which they were in the process of documenting.

18. On 12 April 2022 the AHO received a “Joint Submissions of the Parties on Sanction” The joint submissions set out the sanction the parties have agreed to be appropriate in this case. In so doing they used the Sanctioning Guidelines and set out their rationale as to the requested sanction.

19. The Covered Person admitted to Charges 5 to 10 of the Notice of Charge. The ITIA withdrew Charges 1 to 4 of the Notice. Based upon the admissions, an agreed summary of the factual and procedural background and their rationale of the agreed upon sanction the parties requested the AHO to impose:

(1) a period of ineligibility of sixteen (16) years with six years suspended on a good behaviour basis, commencing on 22

November 2019 and ultimately concluding on 21 November 2035, with the Covered Person being able to return to playing and coaching on 21 November 2029;

- (2) a fine of \$100,000 USD with payment of \$87,500 of that amount being suspended on the condition the Covered Person commits no further violations of the TACP within the same sixteen-year period; and*
- (3) direct the Covered Person to pay the ITIA the sum of \$500 USD every six months, with the first payment due on 30 June 2022 and the final payment due on 31 December 2034, subject to the suspended portion of the fine not being invoked.*

DECISION

20. The AHO has considered the summary of the factual and procedural background contained in the “Joint Submissions”; and all the allegations and documents submitted by the parties in the present proceedings. Reference to the filed material is made only where it is necessary in order to understand the reasoning of the AHO.

21. As noted in the Parties Joint Submissions there were admitted breaches of Sections D.1.b., D.1.d., D.1.e., D.1.f. and D.2.a.i. of the TACP in six different matches during the period of 10 February 2018 to 11 March 2019.

22. Upon an application of the Sanctioning Guidelines (the “Guidelines”) the parties have agreed that the offense category ought to be between categories 1 and 2 because the agreed upon breaches involved exclusively Major Offenses with a significant impact on the integrity of the sport and there was a relatively high value of illicit gain. The parties agreed on the starting point and category range at 20 years halfway between the starting point of A.1. and A.2. The AHO accepts that level as the appropriate starting point for application of the Guidelines.

23. There has been to date no substantial assistance to the ITIA which might merit a reduction in the starting point. If substantial assistance occurs in the future an application may be made to the AHO to consider if there might be cause for a reduction in the sanction as described herein.

24. The parties submitted that they agreed that there was no aggravating or mitigating factors which might justify an increase or a decrease in the 20-year starting point for the period of ineligibility. The AHO on review of the entire materials before him agrees with the parties’ submission that there

are no aggravating and mitigating factors as contemplated by the Guidelines.

25. The early admissions made by the Covered Person to the breaches of the alleged Charges 5 to 10 justifies a reduction of 20% in the starting point. Therefore, the appropriate period of ineligibility in accordance with the Guidelines is 16 years. This sanction shall commence on the date of the imposition of the PS on 22 November 2019 and conclude on 21 November 2035.

26. The parties agreed and the AHO accepts their submission that 6 of those 16 years ought to be suspended on condition of good behaviour and full compliance with the TACP at all times throughout the period of ineligibility. Imposed by agreement of the parties and ordered by the AHO is the further conditions that a vetting process by the ITIA, involving full disclosure of records, forensic analysis, and any further investigations the ITIA may wish to conduct, occur prior to the Covered Person's return to playing or

coaching or at any time during the course of the sanction to assure the ITIA as best as possible the Covered Person poses no future threat to the sport.

27. Therefore, based upon the foregoing condition and after serving 10 years of ineligibility the Covered Person may return to playing or coaching as of the 21st of November 2029.
28. The parties have agreed to an appropriate level for the fine at \$100,000 USD with \$87,500 USD suspended provided the foregoing conditions on reduction in the period of ineligibility have been met.
29. Pursuant the Section J.2. of the TACP the Covered Person will pay \$500 USD every six months with the first payment due on 30 June 2022 and the final payment due on 31 December 2034, subject to the suspended portion of the fine not being revoked because of a breach of the conditions of the ineligibility reduction.
30. Based upon all of the foregoing the AHO makes the following orders:

ORDERS


- (i) Palkina is a Covered Person and Player as defined in Section B.7. and B.23. of the Program.
- (ii) Based on the Covered Person's admissions to Charges 5 to 10 of the Notice, it is found that she committed Corruption Offenses under Sections D.1.b, D.1.d., D.1.e, D.1.f. and D.2.a.i. For these breaches of the TACP the Covered Person is subject to a 16-year period of ineligibility commencing on 22 November 2019 and ending on the 21 November 2035. Six years of that period may be suspended on the fulfillment of the conditions set out below.
- (iii) Upon the issuance of this Decision the PS is terminated and the above period of ineligibility found in this Decision takes effect inclusive of the period of PS.
- (iv) Under Section H.1.a.(i) a fine of \$100,000 USD is payable to ITIA of which \$87,500 USD is suspended. Said fine is payable in instalment payments of \$500 USD every six months commencing 30 June 2022 with the final instalment to be paid no later than 31 December 2034.
- (v) The conditions for the suspension of the period of ineligibility and the suspension of a portion of the fine are based upon the fact that the Covered

Person behaves in accordance with the following conditions throughout the entire period of ineligibility. The Covered Person will be subject to good behaviour based upon full compliance with the TACP at all times and a vetting process by the ITIA, involving full disclosure of records, forensic analysis, and any further investigations the ITIA may wish to conduct prior to her return or at any time during the course of the sanction to assure the ITIA as best as possible she poses no future threat to the sport of tennis. Any breach of these stated conditions will result in the immediate termination of the suspended period of ineligibility and the related reduction in the fine. Both suspended periods will be terminated on breach of these conditions and the full period of ineligibility and entire amount of the fine will apply.

- (vi) This Decision shall be publicly reported in full as prescribed in Section G.4.e.
- (vii) Under Section G.4.d. this Decision is a *“full, final and complete disposition of the matter and will be binding on all parties”*.
- (viii) The Decision herein is appealable under Section I.1. of the 2021 TACP to the Court of Arbitration for Sport (“CAS”) in Lausanne, Switzerland. Under Section I.4 of the TACP the deadline for filing an appeal with CAS must be

made within a period of “*twenty business days from the date of receipt of the decision by the appealing party*”.

DATED at LONDON, ONTARIO, CANADA THIS 19th DAY of APRIL 2022.



Professor Richard H. McLaren, O.C.

AHO