



**IN THE MATTER OF DISCIPLINARY PROCEEDINGS  
B E T W E E N:-**

**WORLD PROFESSIONAL BILLIARDS AND  
SNOOKER ASSOCIATION**

**and**

**LEO FERNANDEZ**

**Telephone Hearing on Friday 24 June 2016**

Present:	Tim Ollerenshaw – Chair }	
	Gordon McKay	} Independent Panel
	Nigel Mawer	WPBSA
	Leo Fernandez	In Person

## Introduction

1. This is the Decision of the Disciplinary Committee of the World Professional Billiards and Snooker Association (“WPBSA”) as a result of proceedings brought against Mr Leo Fernandez (“Leo Fernandez” or “the Player”) for breaches of WPBSA Members RULES AND REGULATIONS, SECTION 2 BETTING RULES 2.1.2.1 or 2.1.4.1.
2. Specifically the allegations are set out in a letter dated 27 May 2016 sent by the WPBSA to Leo Fernandez. This stated that after consideration of a report of suspicious betting patterns surrounding Leo Fernandez’ match with Gary Wilson at the World Championship Qualifiers played at Ponds Forge, Sheffield on 6 April 2016, the WPBSA had decided there was a case to answer in relation to manipulation of the Match for gain from betting.
3. The letter sets out the alleged breach arising from

“..... the first foul that you committed in the first frame of the match where it is alleged that you deliberately committed the foul to ensure that bets placed by persons linked to you were successful.

This is a breach of the WPBSA Members Rules Betting Rules:

**2.1.2.1** *to fix or contrive, or to be a party to any effort to fix or contrive, the result, score, progress, conduct or any other aspect of the Tour and/or Tournament or Match;*

**Or;**

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

***honest and orderly conduct of the Tour and/or any  
Tournament or Match.”***

4. The case to deal with the allegations that Leo Fernandez had manipulated an aspect of the Match for persons to gain from betting was heard on 24 June 2016 by way of telephone conference call. The case was able to proceed at the first hearing as a result of a formal acceptance by Leo Fernandez of the matters against him following an early indication by him that he would not contest the charges. As a result a formal finding was made and the hearing could proceed to sanction. The Decision wording is set out below in the paragraph headed **Finding and Sanction**.

### **Background**

5. The background to the case had prior to the Hearing been set out in a Case Summary provided to the Player and the Disciplinary Committee by Nigel Mawer of the WPBSA (who for the purpose of these proceedings it should be noted played no part in the conclusion and outcome of the Decision of the Disciplinary Committee after a detailed and thorough investigation). The details of the Case were given again during the Hearing by Nigel Mawer and these appear in the Section below.

### **Acceptance and Mitigation**

6. Leo Fernandez confirmed again to the Disciplinary Committee at the Hearing that he accepted all charges laid against him. It should be noted that although the matters were originally put in the alternative, the WPBSA confirmed that it was content to proceeding with the one alternative charge set out in Rule 2.1.2.1.
7. Accordingly it was found that a breach of Rule 2.1.2.1 had occurred and the Hearing could therefore progress to deciding what was the appropriate penalty in this case.

8. Nigel Mawer for the WPBSA set out the detail of the background, facts and evidence for the Disciplinary Committee to take into account in reaching its Decision by reference to the Case Summary and the evidence included in it all of which (including freeze frame footage) had been disclosed previously to the Player. Extracts from his summary for the Hearing are as follows:-

8.1 Leo Fernandez is an amateur snooker player who has just qualified for a tour card to play on the Professional Tour by winning the Asian Championship. He has played in World Snooker events as an invitee over the past year. He is bound by the Rules of the World Professional Billiards and Snooker Association Limited (WPBSA) by virtue of his acceptance of the conditions to enter tournaments and by signing a World Snooker Limited (WSL) Amateur Players Contract.

8.2 All players who compete in WPBSA sanctioned events are subject to the WPBSA Members and Disciplinary Rules.

8.3 In June 2015 Leo Fernandez signed a WSL Amateur Players Contract that enabled him to enter WSL events for the 2015-16 season. The contract includes the following sections:

1. *Obligations of the Player*

a. *General Obligations*

***In consideration for the Player being invited to participate in the WSL Events the Player shall***

***i. Comply at all times with and remain subject to any and all applicable rules and regulations and the jurisdiction of the WPBSA.***

***ii. Comply at all times with the WPBSA Betting Rules as amended from time to time by the WPBSA.***



[REDACTED]  
[REDACTED]

[REDACTED] (*Bettor 2*) also an attendee of the snooker club. [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] (*Bettor 3*) who shows [REDACTED] (*Bettor 1*) and (*Bettor 2*) as friends on his Facebook account.

- 8.9 Leo Fernandez admitted to knowing [REDACTED] (*Bettor 1*) and (*Bettor 2*) in his interview with the WPBSA
- 8.10 Neal Foulds, a very experienced former player and snooker commentator, examined the available footage from the Match and provided his expert view on the first shot of the frame from Leo Fernandez. Mr Foulds' view was that the shot played by Leo Fernandez to give away the foul was highly unlikely in the normal run of play.
- 8.11 On 18 May Leo Fernandez was interviewed by the WPBSA and he denied any involvement with the betting. He did admit to knowing two of the three bettors on his Match.
- 8.12 On 27 May Leo Fernandez was notified that he had a case to answer for a breach of the betting Rules.
- 8.13 On 27 May he was contacted by Jason Ferguson, the Chairman of the WPBSA to notify Leo Fernandez of his suspension pending the outcome of any proceedings. In the course of conversations he admitted his involvement in the Match manipulation.
- 8.14 In simple terms the case was that:

- Leo Fernandez knows [REDACTED] (*two of the bettors*) through [REDACTED] Snooker Club.
- Leo Fernandez agreed to commit the first frame foul in order that [REDACTED] [REDACTED] (*the bettors*) could make money from betting on that outcome on the unusual market offered by Paddy Power.
- [REDACTED] (*One or other of the bettors*) had notified [REDACTED] (*Bettor 3*) who in turn placed bets on the first frame first foul market with Paddy Power.
- Leo Fernandez delivered the first frame first foul by fouling the white ball on his first shot at the table in the first frame a shot described by an expert as being highly unlikely to have occurred in the normal run of play. It was necessary to commit the foul at his first turn at the table as otherwise he would have run the risk of his opponent genuinely committing a foul in the normal run of play, thereby causing the bets to be lost.
- The bettors would recoup £1,299.17 from an outlay of £1,559 from Fernandez committing the first frame first foul.
- The betting identified in this case was extraordinary as the bettors took a significant risk on an unusual outcome as there were three possible outcomes only one of which would lead to a win. (Fernandez to foul, Wilson to foul or no player to foul in the first frame). The only people to bet on this outcome across the whole market offered were associated with Leo Fernandez, who was then in a position to deliver the required outcome and did so. It was submitted that the only conclusions that could be drawn were that Fernandez agreed to deliver the required foul so that the bettors would have complete confidence in the Match outcome.

9. During the course of his summary Mr Mawer also identified that the Player had shown great assistance to the process in that not only had he indicated an early “guilty plea” but had also demonstrated a willingness to assist the Snooker authorities in their campaign to fight against corruption in the Sport. In particular the Player confirmed to the Committee that he would be able to assist in the following ways:-
- a) To provide a recorded interview on the circumstances of what happened in his case for the use in player education to help other players avoid the circumstances he has faced and the outcome;
  - b) To speak in person as and when reasonably required as requested by the WPBSA
10. Although Leo Fernandez’ acceptance of the charges had been unconditional, the Committee were able to take into account these factors in determining the Penalty to be imposed.
11. The Player was invited and encouraged to provide an explanation of details of his version of events and any information or evidence in support of his position. Although he did not produce any independent evidence or testimonials, his position was set out in an email to the Committee which was read out at the Hearing by consent and additionally he put forward comments mostly in relation to his personal circumstances; these comments are summarised as follows:-
- A bettor placed a small bet on him to foul and he agreed;
  - In his 20 plus years of his snooker playing career he had never previously breached the WPBSA Members and Disciplinary Rules;
  - He had undergone public humiliation (including in the media and via social media), the loss of his long term sponsor who had seen him through low and difficult points in his life and now he was facing



relatively difficult financial circumstances. He was distraught by the consequences of his actions;

- He was now seeking closure on the case and facing the consequences of his misconduct;
- He is currently in relatively difficult financial circumstances, living in rented accommodation with his Partner and having a child who is financially dependent on him;
- His adverse health conditions have had an impact both financially and on his family life leaving him distressed and economically unstable.
- His current work prospects (including as a result of these proceedings in Snooker) are poor.

12. As to Costs, Nigel Mawer set out the WPBSA's position on Costs as follows:-

- The Committee had power to award Costs under Rule 7.4.4 of the Disciplinary Rules with an unfettered discretion:
- Leo Fernandez was entirely responsible for the costs of the disciplinary proceedings both by causing the conduct that led to the investigation and its determination.
- There was no reason why the WPBSA or its Members should bear the costs of these proceedings and the WPBSA had established all charges laid against him.
- Although any lack of means or financial resources on Leo Fernandez' part was not ultimately relevant in deciding a Costs Order those factors may lead the WPBSA to elect how or whether it should seek to enforce any Costs Order against him.
- The Disciplinary Committee did have discretion to consider the beneficial impact of Leo Fernandez overriding a lengthy and costly hearing by his early acceptance of the allegations against him. By his admitting his breach of the rules at an early stage he had saved the WPBSA incurring the costs associated with a contested

hearing. Therefore the costs sought by the WPBSA were limited to the cost of the Hearing, the investigation and of the expert opinion.

- Excluding the costs of the Hearing the WPBSA has incurred £2993.45 in costs.

Leo Fernandez did not add anything further in relation to costs although he had earlier explained his difficult personal circumstances.

13. The Player was given the opportunity to add anything further if he so chose by 5.00 pm on Monday 27 June but, it should be noted, did not submit anything further to the Committee, and hence this Decision was made on the basis of the information and submissions set out here.

### **Sanction/Length of Suspension**

14. The primary concern of the Disciplinary Committee has been to determine the appropriate sentence including the length of any suspension to be imposed upon the Player.
15. The Disciplinary Committee has been mindful of the impact of corruption in Sport and Snooker and the importance of protecting the integrity, image and reputation of the Sport: further that any Penalty should be sufficient to prevent a corrupt participant engaging in the Sport, deterrence of others and a demonstration of intolerance of corruption by its investigation, decisions and sanctions.
16. The primary obligation of each Player is to compete honestly and to compete to the best of his or her ability and the clear purpose of the Rules accepted by a Player is for the Regulator to ensure it does not tolerate any corruption particularly in match fixing in any form.
17. Bearing in mind the acceptance by Leo Fernandez of his part in these matters the starting position for the Committee here was to address the question of a lifetime ban.

18. By Rule 1.2 of the Members Rules Section 2 – Betting Rules:-

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

19. In dealing with this issue, the Disciplinary Committee has taken into account the following:-

19.1 The need to balance the primary imperative in the Rules referred to in the preceding paragraphs with the existence of any clear and exceptional mitigating circumstances;

19.2 The need to take into account proportionality and the submissions on proportionality put forward by the WPBSA namely:

a. The Player's involvement in snooker for 20 years and his previous good character with no other disciplinary findings against him. Good character, however, plainly is to be expected of a Member and so of itself is not mitigation; rather it is the absence of an aggravating feature.

b. His admission of his breach of the rules at an early stage in the proceedings and his demonstration of full contrition for his actions.

c. His early admission of guilt significantly reducing the costs to the WPBSA in investigation and any subsequent hearings.

d. His offer to support the WPBSA in its anti-corruption work.

- e. His relatively difficult financial circumstances and the fact of him being a new Player to the Tour.
  - f. The absence of evidence that Leo Fernandez was to gain from the betting. Although the bettors would have made a profit from their betting, which point he accepted (approximately £1,300) if all bets had paid out, Leo Fernandez had claimed that it had started as a joke over a £50 bet and it had all escalated out of hand.
  - g. The overall seriousness of the incident: It could be considered that this was an incredibly inept attempt to manipulate an aspect of a match and the circumstances were such that, although serious, meant there was little prospect of success or of the incident remaining undetected. The money involved was also relatively small.
  - h. The betting market that was offered was incredibly unhelpful to the sport as it provided an encouragement and an opportunity to easily manipulate an aspect of a Match. Although not itself mitigation for the Player, it was an aspect that the Committee could look to in considering the appropriate sanction.
- 19.3 The Cases relating to match fixing have been referred to by the WPBSA in the case papers to assist the Disciplinary Committee. Not surprisingly this case does not fit in exactly with any of those cases and therefore they are of limited, albeit some, use in relation to determining an appropriate penalty in this case.
- 19.4 The willingness displayed by the Player to assist the Sport's authorities to stamp out corruption and his agreement confirmed to the Committee to assist in the specific initiatives identified above so to do.
- 19.5 The other mitigation put forward by the Player (as set out above).

20. The Disciplinary Committee has decided that clear and exceptional mitigating circumstances do apply in this case and accordingly that a lifetime ban need not be imposed.
21. In relation to Costs, the Disciplinary Committee has taken into account the mitigation and information referred to above, the impact of these proceedings on Leo Fernandez' financial position and the fact that the early plea put forward by him has resulted in avoiding the cost of extended lengthy and contested proceedings.

## **Finding and Sanction**

### **22. Finding**

- 22.1 The Committee finds that breach of **MEMBERS RULES BETTING RULES SECTION 2.1.2.1** has been proven;
- 22.2 The Committee also finds that exceptional circumstances showing clear and exceptional litigation exist in relation to **RULE 2.1 OF THE MEMBERS RULES SECTION 2 – BETTING RULES** and therefore that a lifetime ban from the Sport is not appropriate in this case.

### **23. Sanction**

- 23.1 Leo Fernandez is suspended for a period of 15 months, such suspension to take effect from the date of his immediate suspension by the Chairman of World Snooker on 27 May 2016 and to continue in force until Midnight on 26 August 2017.
- 23.2 Leo Fernandez will:-
  - a) provide a recorded interview on the circumstances of what happened in his case for the use in player education to help

other players avoid the circumstances he has faced and the outcome; and

- b) speak in person as and when reasonably required as requested by the WPBSA in its initiatives against corruption in the Sport.

23.3 Leo Fernandez is additionally ordered to pay a contribution of £2,000 to the costs of these proceedings, such payment to be made by 5 August 2016.

05/07/16

Tim Ollerenshaw

Gordon McKay