

**IN THE MATTER OF DISCIPLINARY PROCEEDINGS
BEFORE THE WPBSA DISCIPLINARY COMMITTEE**

David Casement QC (Chairman)

Yasin Patel

Tarik Shamel

WORLD PROFESSIONAL BILLIARDS AND SNOOKER ASSOCIATION LIMITED

-and-

CAO YUPENG

DECISION ON SANCTION

1. On 22 May 2018 a charge letter was issued to Cao Yupeng setting out seven charges relating to three matches in three separate tournaments between January and November 2016. Each of the charges concerned breaches of the WPBSA Members Rules and Regulations Section 2 Betting Rules (“the Rules”). A schedule of the seven charges are annexed to this decision.
2. Mr Yupeng was interviewed on 12 December 2017 and 27 December 2017 by Nigel Mawer, Vice Chairman of the Association. Mr Yupeng had the benefit of an interpreter.
3. On 31 August 2018 the composition of the Disciplinary Committee was notified to Mr Yupeng. The Disciplinary Committee consisted of David Casement QC (Chairman), Tarik Shamel and Yasin Patel. No objection was taken to the composition of the Disciplinary Committee.

4. Mr Yupeng has been ably represented throughout these proceedings by Shazad Ajmal, of Q House Snooker Academy, Sheffield. Whilst Mr Ajmal is not a lawyer he has been eloquent and meticulous in the submissions he has made to the Committee on behalf of Mr Yupeng.
5. The WPBSA has been represented throughout by Louis Weston of counsel. The Committee has been greatly assisted by his analysis and cogent submissions.
6. Whilst Mr Yupeng made no admissions in the course of the interviews referred to above a separate meeting was arranged on 29 May 2018, at his request, four days after the charge letter was issued. At that meeting Mr Yupeng made a full confession of his breach of the Rules. He expressed his sorrow for being involved in match fixing. He explained that he had been involved in fixing matches as a result of his financial difficulties although he maintained he had not fixed any matches since 2016 but admitted he received £5000 for each fixed match. When these proceedings were listed for directions at a telephone hearing on 17 September 2018 it was again confirmed by Mr Ajmal on behalf of Mr Yupeng that he was pleading guilty to each and every one of the charges. That position was expressly confirmed at the hearing on 21 September 2018 when Mr Ajmal attended in person and Mr Yupeng joined by telephone. At that hearing, with the benefit of an interpreter provided by the Association, Mr Yupeng further confirmed his guilty pleas to each and every one of the charges and expressed his contrition for his breaches of the rules.

Sanction

7. The Disciplinary Committee makes it clear that match-fixing is a threat to the integrity of sport and must be eliminated. This has been said by other tribunals in respect of other sports as well as snooker.

8. In *O v UEFA* [CAS 2010/A/2172] it was stated:

“45. However, the Panel has to remind itself that match-fixing, money-laundering, kickbacks, extortion, bribery and the like are a growing concern, indeed a cancer, in many sports, football included, and must be eradicated. The very essence of sport is that competition is fair; its attraction to spectators is the unpredictability of its outcome.

46. There are several pronouncements of CAS panels to that effect.”

In *PTIOs v Nick Lindhahl* [CAS 2017/A/4956] it was stated:

“66. The PTIOs argue that most severe penalties are required in order to combat match-fixing. The Panel agrees that fair competition is the very essence of sport and its attraction to spectators and sponsors. Match-fixing and other types of corruption pose a major risk to the existence and success of all sports and possibly more so in an individual sport in which one player competes against another (unlike a group of runners, as an example) and one corrupt participant is required to obtain an improper result.

67. Match-fixing is one of the most serious types of corruption offences in sport and tennis regulators are right in demonstrating zero tolerance to match-fixing and imposing severe sanctions which punish a corrupt player and also serve as an effective deterrent for other players.

68.... A severe sanction is required to punish and deter match-fixing and that permanent ineligibility may be a proportionate sanction for players who are involved in such corruption offences.”

9. The Committee has been taken to various previous cases by Mr Weston whilst noting that they in no way provide a binding precedent. It was submitted that the starting point for Mr Yupeng must be somewhere between the case of Stephen Lee where period of Suspension of 12 years was imposed after a finding of guilty at a fully contested hearing and that of John Sutton where a period of Suspension of 6 years was imposed.

10. In our judgment the correct starting point in the case of Mr Yupeng is eight years. His admission of guilt was not one made at the first opportunity and therefore the Committee considers that a 25% reduction for guilty pleas is appropriate as opposed to a one-third reduction which might otherwise have been available. That provides for a period of Suspension of six years. The Committee is also minded to suspend 60% of that period on the written terms agreed between the WPBSA and Mr Yupeng.
11. The period of Suspension shall operate with effect from the date of his interim Suspension which was 25 May 2018. The period of Suspension shall therefore last from 25 May 2018 until 5pm 24 May 2024. The entire six year period is the operational period. Of that period 2 ½ years Suspension shall take effect unconditionally. The remaining 3 ½ years Suspension shall be suspended provided there is compliance with the written terms agreed between Mr Yupeng and the Association throughout the operational period.
12. In respect of costs the Committee considers it entirely appropriate that Mr Yupeng bear the burden of all of the costs incurred in respect of the proceedings as far as they relate to him. He is therefore ordered to pay costs to the Association assessed in the sum of £15,558.
13. The Committee wishes to record that it has been greatly impressed with the skill and courtesy displayed by Nigel Mawer, Vice Chairman of the Association, throughout his investigation in respect of this matter. The professionalism with which the evidence has been collated and presented has been of great assistance to the Committee.

DAVID CASEMENT QC (CHAIRMAN)

TARIK SHAMEL

YASIN PATEL

26 November 2018

ANNEX

1. That you agreed to fix the outcome of your match with Ali Carter at the Welsh Open in Wales 15th January 2016 in breach of Rule 2.1.2.1 , or
 - 1a. Passed Information about the outcome of the match, which Information you had by virtue of your being involved in professional snooker as a player competing in the match. That Information related to your performance in the Match in breach of Rule 2.1.3.1 of the WPBSA Members Rules Betting Rules.
2. That you agreed to fix the outcome of your match with Stuart Bingham Indian Open Qualifiers on 30th June 2016 in breach of Rule 2.1.2.1 , or
 - 2a. Passed Information about the outcome of the match, which Information you had by virtue of your being involved in professional snooker as a player competing in the match. That Information related to your performance in the Match in breach of Rule 2.1.3.1 of the WPBSA Members Rules Betting Rules.
3. That you agreed to fix the outcome of your match with Stephen Maguire at the UK Championships in York on 24th November 2016 in breach of Rule 2.1.2.1 , or
 - 3a. Passed Information about the outcome of the match, which Information you had by virtue of your being involved in professional snooker as a player competing in the match. That Information related to your performance in the Match in breach of Rule 2.1.3.1 of the WPBSA Members Rules Betting Rules.
4. That you failed to cooperate with the investigation by failing to provide material that was requested of you during the investigation in breach of Rule 4.4 of the WPBSA Members Rules