

IN THE MATTER OF PROCEEDINGS BROUGHT
UNDER THE BETTING RULES
OF THE DARTS REGULATION AUTHORITY



BETWEEN:

DARTS REGULATION AUTHORITY ("DRA")

Governing body for Darts

-and-

GILBERT ULANG
&
MASUMI CHINO

Respondents

DECISION
OF
THE DRA DISCIPLINARY COMMITTEE

INTRODUCTION

1. The Disciplinary Committee of the Darts Regulation Authority (**DRA**) convened for a Hearing on Wednesday 23 May 2018 to determine whether two darts players Gilbert Ulang and Masumi Chino had at the Professional Darts Corporation (**PDC**) World Championship in matches in December 2016 breached Betting Rules, namely as set out in the DRA Rulebook at Appendix 1 Code of Conduct:-

2.1 It shall be a breach of these Rules for a Player to do any of the following:

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 any Tournament or Match;

2. The DRA's allegations were that Masumi Chino in relation to his match with Tengku Shah played on Saturday 17th December 2016 and Gilbert Ulang in relation to his match with Kevin Simm played on Sunday 18th December 2016 agreed to fix the outcome of their matches in breach of Rule 2.1 in order for money to be made from bets placed on the matches.
3. It should be noted that the charges brought against the two players (in exactly the same terms) related to separate matches on consecutive days and the cases were presented to be heard together in view of a community of evidence. The Committee did deal with each Player on the particular merits of his specific case and separately as set out in this Decision.
4. Suspicious betting was reported on both matches by betting operators and the UK Gambling Commission conducted a criminal investigation. On 20th October 2017 the UK Gambling Commission concluded its investigation and referred the case back to the DRA.
5. A very thorough and detailed investigation was undertaken by Mr Nigel Mawer of the DRA and the documents and information he obtained and produced were contained in the Hearing Bundle presented to the Disciplinary Committee which also included a comprehensive Case Summary and also the responses of both players to the allegations. Mr Mawer presented the case for the DRA but took no part in the determination of the Decision.
6. It should be noted that neither player is a native English speaker. Both were presented with the Charge information and certain other communications relating to the Hearing in English and also in their native languages and given the opportunity to utilise translators/interpreters at the Hearing.
7. All players who compete in DRA sanctioned events are subject to DRA Rules. Players who play in DRA sanctioned events are bound by these rules as a condition of entry. The PDC World Championship is a DRA sanctioned event. Both Masumi Chino and Gilbert Ulang were under the jurisdiction of the DRA when they competed in the World Championships in December 2016. Both players accepted the jurisdiction of the DRA in that regard and did not challenge it.
8. The standard of proof applied by the Disciplinary Committee was that of the balance of probabilities. In reaching its Decision the members of the Disciplinary Committee were mindful that they should take into account all the strands of evidence available presented including the documentary evidence, the statements and transcripts of interviews, the betting

analyses (and expert analysis of the same), CCTV footage, social media trawls and direct verbal testimony given at the Hearing. The arena is not a Court of law and strict Court rules of evidence do not apply.

The Betting summarised

9. The Case Summary sets out that the UK Gambling Commission had conducted enquiries with betting operators and compiled a spreadsheet of the relevant betting and had the CCTV images of persons placing bets in betting shops and provided details of online bets struck on the matches in question. Sportradar, a betting monitoring company contracted to work with various sports, had also examined the betting on these matches and conducted enquiries on behalf of the DRA. Sportradar's Report was in the Bundle.

10. Betting was identified both online and in betting shops. Between 11 and 14 December 2016, 136 bets had been successfully placed in various betting shops on the two matches in central, east and west London, Oxford, Luton, Cambridge, Biggleswade and Stevenage. Where available, the CCTV from the betting shops predominantly shows men placing the bets on the matches in question.

11. Between 11 and 14 December 2016, attempts to place 13 bets online to a total value of £90,020 resulted in eight bets to a total of £5,020 being successfully placed. Between 15 and 18 December 2016 a further 14 bets to a total of £16,000 were placed online.

12. The total betting identified was as follows:-
 - 12.1. Online successful – 22 bets to a total value of £20,975
 - 12.2. Online reported unsuccessful – 5 bets to a total value of £85,000
 - 12.3. Retail successful bets – 136 bets to a total value of £49,822
 - 12.4. Retail unsuccessful – unknown

“Successful” in this context meant “successfully placed” not necessarily “successfully attracting winnings”.

13. The DRA stated that it was likely that 158 bets to a total of £70,797 had been placed on the two matches by persons who were known to each other and working in concert to maximise the betting opportunities. This would have delivered a profit of £72,278.

The Bettors

14. The Case Summary identified a number of individuals which the DRA said were involved in the betting and were connected to each other.
15. In analysing the Betting, the DRA's position was that the evidence led to the conclusion that the Bettors had information as to the outcome of the matches that the Players produced either directly or through intermediaries: the Sportradar evidence indicated that the matches were very likely manipulated for corrupt purposes. The Bettors were connected with each other and the Players.
16. There was also produced to the Hearing a report prepared by a former professional Darts player Wayne Mardle who had viewed the matches and given his opinion on points of note.
17. In summary, the DRA's case was:-
 - 17.1. There was extraordinary betting on the two matches in question. The Bettors sought to deposit large sums of money to place bets on the match outcome (Chino) and the match outcome and score outcome (Ulang).
 - 17.2. One Bettor increased stakes from his usual £5 and £10 to attempt to bet a total of £65,000 and successfully placed £11,800 of bets on the matches in question. Other Bettors opened online betting accounts specifically to try and place significantly large bets on the outcome of the two matches.
 - 17.3. The retail Bettors went to extraordinary lengths to maximise the betting opportunities and travelled around London, Luton, Stevenage, Biggleswade, Cambridge and Oxford to place the bets. All the betting was on the Players to lose their matches. There were links between the retail Bettors (through CCTV) who were in turn linked with Bettors through Facebook and as set out in statements made in interview.
 - 17.4. The betting was unusual in that the majority of it took place a long time before the match was to be played.
 - 17.5. The links through Facebook showed that the identified Bettors were linked to each other and to the Players directly or indirectly and through mutual friends. The Players' game is soft tip darts and there was evidence of connection by use of commercial brands (logos etc.) which the Players had displayed.

17.6. There was conflict in the accounts given by the Bettors in interviews which pointed to guilt.

17.7. In the expert opinion of Sportradar it was extremely likely that the matches had been manipulated for betting purposes.

17.8. The conclusion of Wayne Mardle, a Darts expert was that neither player tried his utmost to win. In the case of Ulang, Mr Mardle's opinion was that Ulang deliberately missed shots and miscounted at a crucial time in the match.

17.9. The cases were made out to the requisite standard and the Players had agreed to arrange match outcomes so that the Bettors would have complete confidence in receiving significant returns from their investments.

18. Both Players, via representatives, lodged documents in response to the allegations but there was, following real and sustained encouragement from the Disciplinary Committee, a material difference between the two Players' approach to engagement in the Hearing itself. It was accepted that both Players lived abroad and were not expected to attend physically at the Hearing which was dealt with by way of telephone conference with the facility of translators/interpreters. Gilbert Ulang did not attend on the telephone conference. Masumi Chino did engage and was accompanied by representatives on the Conference Hearing remotely from Japan. This Decision addresses each Player's case as follows:

GILBERT ULANG

19. Gilbert Ulang is an amateur darts player who lives in the Philippines. He does not compete on the World Darts Tour and was eligible to compete in the World Championships by successfully competing in a regional qualifying event. He regularly competes in "soft tip" darts events predominantly in Asia although according to his manager Julio Santos, he is a full time Darts player and he earned in the region of £1,000 from Darts in 2016; his manager pays all his costs and takes 50% of his net prize money.

20. Gilbert Ulang's response to the allegation can be summarised as follows:-

20.1. In his email dated 2 March 2018 Ulang said that he did not deliberately throw his match, but was suffering from jetlag and the fact that he was drunk at the time of his match.

20.2. In his letter through his Attorney at Law dated 2 March 2018 Ulang stated: *“Playing darts is a game of skill. The simplest explanation that I can give is that on that fateful day, it was an off night for me and I was beaten by the better man. Though that is the case, I can still walk with my head held high knowing fully well that I lost honourably and it was just not my night.”*

21. The various communications with Gilbert Ulang include:

- Notice of Complaint sent by Nigel Mawer of the DRA on 14 February 2018 (translated into Tagalog – the player’s native language)
- Reply from Gilbert Ulang dated 2 March 2018
- Email from Garry Villanueva (Attorney) dated 2 March 2018
- Letter emailed by Chair of the Disciplinary Committee dated 23 April 2018
- Letter emailed by Chair of the Disciplinary Committee dated 8 May 2018 (in English and Tagalog)
- Letter emailed by Chair of the Disciplinary Committee dated 17 May 2018

22. Mindful of the obligations and approach to be adopted as set out in paragraph 8 above, the Disciplinary Committee considered all the available evidence including the initial responses of the Player to the allegations, namely:-

- Case Summary prepared by Nigel Mawer
- Witness Statement of Wayne Mardle dated 29 March 2018 (and shot footage)
- Witness Statement of Nigel Mawer dated 3 April 2018
- Correspondence between the DRA Disciplinary Committee and Gilbert Ulang as listed above in Paragraph 21.
- Referral email from UK Gambling Commission dated 20 October 2017
- Match Sheet – Kevin Simm –v– Gilbert Ulang
- Transcript of Interview with Gilbert Ulang dated 18 December 2016
- Betting Master Spreadsheet
- Transcript of BetFair Interview with a Bettor
- Email correspondence between the DRA and a solicitor representing a Bettor
- Betting slips
- Transcript of Interview with a Bettor dated 14 March 2018
- Email correspondence between a Bettor and Dave Allen (PDC)

- Sportradar Betting Analysis
- Screenshots of various Facebook pages alleging connection between Player and the Bettors.
- CCTV Images
- CCTV Association Chart
- Photograph of Gilbert Ulang's mobile telephone [messages]

23. The Disciplinary Committee took into account all this evidence and noted that there had been no specific challenge to the veracity of it by Gilbert Ulang either in correspondence or by appearing at the Hearing. They noted in particular the compelling nature of the evidence provided by Sportradar in relation to the betting on Gilbert Ulang's matches with Kevin Simm on 18th December 2016. It was clear that there had been significant bets on Gilbert Ulang to both lose the match as well as lose by two sets to zero. It was also noted that many of these bets had been placed and/or attempted to be placed up to six days before the match was played.

24. In addition to the evidence of the unusual betting patterns on this particular match, the Committee took careful account of the statement of Wayne Mardle in relation to the performance of Gilbert Ulang in the match. Mr Mardle says in the Conclusion to his Report on Gilbert Ulang: *"I believe Ulang didn't try his utmost to win this match. I believe he missed some targets on purpose."* Mr Mardle also made the significant point that Gilbert Ulang "completely miscounted at a crucial moment." Having viewed footage of the match in question the Committee found Mr Mardle's report to be persuasive in relation to the issues raised concerning Gilbert Ulang's performance.

25. Due to the potential number of Facebook friends a darts player may have, the Committee did not attach much weight to the various social media links that were set out in evidence. From a screenshot of Gilbert Ulang's mobile phone, taken on 18th December 2016, however, it is reasonable to conclude that a one individual may have been more than just a Facebook friend who was not known to Mr Ulang. The Committee noted that this individual was also Facebook friends with other Bettors, thereby demonstrating a potential link.

26. The Disciplinary Committee noted the reasons that Gilbert Ulang had given regarding why he had lost the relevant match.

Finding

27. The Disciplinary Committee came to the conclusion that on the balance of probabilities and for the reasons outlined above, the allegations against Gilbert Ulang were proven and found that in relation to his match with Kevin Simm played on Sunday 18 December 2016 he had agreed to fix or contrive the result and the exact score in breach of Betting Rule 2.1.
28. Accordingly this matter will proceed to a consideration of sanction, but Mr Ulang will be given a further opportunity to make submissions to the Disciplinary Committee in respect of penalties before any are imposed. Directions in relation to this appear at the end of this overall Decision.

MASUMI CHINO

29. Masumi Chino is an amateur darts player who lives in Japan. He does not compete on the World Darts Tour and was eligible to compete in the World Championships by successfully competing in a regional qualifying event. He also regularly competes in “soft tip” darts events predominantly in Asia and has been sponsored in such events by an identified soft tip darts machine supply company.
30. Masumi Chino’s response to the allegations (sent by his representative Mr Nomura on Mr Chino’s behalf) can be summarised as follows:-
- 30.1. Masumi Chino denied the allegation. According to his representative Chino does not speak English and would be unable to manage such misconduct or make the bets with UK bookmakers.
- 30.2. Chino was discouraged by his first round result and regretted that he did not show his best performance.
- 30.3. Additionally on 3 May 2018 Mr Nomura, who describes himself as the Player’s manager, sent a long email with translation essentially repeating his earlier responses and denial of the allegations. This documents was available for the Hearing and inserted into the Bundle.

31. The various communications with Masumi Chino and his Manager include:-

- Notice of Complaint sent by Nigel Mawer of the DRA on 14 February 2018 (translated into Japanese – the player’s native language)
- Reply from Mr Nomura (sent on behalf of Masumi Chino) dated 17 February 2018
- Email from Masumi Chino appointing Mr Nomura as his representative dated 4 March 2018
- Email from Mr Nomura dated 20 March 2018
- Letter emailed by Chair of the Disciplinary Committee dated 23 April 2018
- Email from Mr Nomura dated 3 May 2018
- Letter emailed by Chair of the Disciplinary Committee dated 8 May 2018 (in English and Japanese)
- Letter emailed by Chair of the Disciplinary Committee dated 17 May 2018

32. Mindful of the obligations and approach to be adopted as set out in paragraph 8 above the Disciplinary Committee considered all the available evidence including the responses of the Player and his Manager to the allegations namely:-

- Case Summary prepared by Nigel Mawer
- Witness Statement of Wayne Mardle dated 29 March 2018 (and shot footage)
- Witness Statement of Nigel Mawer dated 3 April 2018
- Correspondence between the DRA Disciplinary Committee and Masumi Chino/his Manager as listed above in Paragraph 28.
- Referral email from UK Gambling Commission dated 20 October 2017
- Match Sheet – Tengku Shah –v– Masumi Chino
- Betting Master Spreadsheet
- Betting slips
- Transcript of Interview with a Bettor dated 14 March 2018
- Sportradar Betting Analysis
- Screenshots of various Facebook pages showing connection between Player and the Bettors.
- CCTV Images
- CCTV Association Chart

33. The Disciplinary Committee convened physically for the purpose of the Hearing at Greyhound Board of Great Britain, 6 New Bridge Street, London, EC4V 6AB. Also present were Nigel Mawer (for the DRA), Eyre Kurasawa (a Japanese interpreter/translator) and Monika Krtenova (Administrator for the Disciplinary Committee). Masumi Chino dialled in to the telephone conference at the allocated time. He was present in a hotel room in Kobe with his Manager Mr Yoshifumi Nomura, a Director of, and Mr Takahito Morimoto, President of, a major Darts manufacturer in Japan.
34. After the immediate involvement of the Interpreter, and preliminary matters had been dealt with, the structure of the Hearing was put clearly to Mr Chino and Mr Nomura who was accepted as his representative who would be given full opportunity to put forward Mr Chino's case in line with the path that the Hearing would follow.
35. The Charge was put to Masumi Chino who denied it. Accordingly the matter progressed to a fully contested Hearing.
36. Nigel Mawer outlined the DRA Case once more. Mr Nomura chose not to add anything to the previous responses at this point.
37. The DRA presented the evidence and Masumi Chino was given the opportunity to challenge this. While Mr Chino and his representative Mr Nomura confirmed that they were familiar with all the evidence presented in the Bundle and understood its content and meaning in general, they stated that they had not been able to translate every single part of it to their native language as they were limited by the usage of Google Translator software. Mr Nomura also said that he believed that the evidence relating to the other Player Mr Ulang was not of any relevance to Mr Chino's case.
38. The Defence case was then presented and the Defence points given to the Hearing can be summarised as follows:-

Mr Nomura:

- He had seen all the evidence but he was not able to translate every single transcript.
- Masumi Chino denied knowing any of the Bettors/anyone else presented in this case.

- Masumi Chino had nothing to do with Gilbert Ulang or the other three men identified as the Bettors. There might have been some mutual friends on Facebook but there was no direct relationship between them.
- Mr Nomura's company had been sponsoring Mr Chino since he was 19 years old. He had watched thousands of his matches and many times Chino played much worse than during the match in question. Before they went to London their goal was to pass through preliminary matches (as Chino wanted to be the first Japanese to progress that far).
- Mr Nomura believed that Mr Chino would have been able to beat Tengku Shah but unfortunately Chino was not in his best form. In fact, when Chino drew his opponent, he was quite disappointed because he believed that it would be very hard to beat Tengku Shah (as he was the hardest possible opponent).
- Mr Nomura also said that there would be no benefit for them or Chino to "give up" the match. They had been seeking to send Japanese players to international competitions for more than 10 years and when Chino was finally admitted to a PDC Tournament they all had very high expectations. Also, if Chino succeeded in that match he would receive £10,000. It would also be a great honour to him and the Japanese Federation.
- Masumi Chino cannot speak English (except for a few English salutation sentences) so he would have not been able to speak to the Bettors.
- Chino is part of a branded Tournament collective which explains why he wears its logo. In fact every player participating in its tournaments must wear this logo so there are about 1,500 players wearing this logo.
- Chino is very famous in Japan which means that he receives many "friendship" requests on his Facebook profile. Popularity is very important within this sport in Japan so Chino basically is in the habit of accepting every such request because he needs followers. He currently has about 4,700 Facebook friends.
- Mutual "friends" between Chino and the Bettors on social media do not prove anything – there is no direct relationship at all.
- He believed that the Bettors had placed their bets for Chino to lose because they were from Malaysia and Tengku Shah is Malaysian as well. He suggested that they possibly knew the extent of his abilities.

Mr Chino:

- He did not know anybody involved in this case.
- He would have gained no advantage or merit by losing his match.

- He had been playing Darts for 14 years, has many sponsors and has worked really hard to reach such a level so there is no reason to give away that match.
- He appreciated that people believe he can play better than he did but unfortunately he is not always such a good player as people believe.
- He was not in his top form during that Tournament as he could not secure any practising time in London.
- He remains shocked that someone could believe that he would lose his match on purpose.
- He takes it very hard that he stands accused.
- He would do anything to prove his innocence. He was willing to attend any kind of further investigation.

39. During his closing speech Mr Mawer of the DRA referred again to his Case Summary, particularly to paragraph 47 onwards. He said that the betting volume as set out in his Case Summary and Charges included only those bets that were identified as being placed in the United Kingdom; these figures, however, did not include any bets that might have been placed abroad – particularly in Asia – as the DRA and British betting companies could not access such information. The DRA had also been unable despite best efforts to obtain the mobile telephone records of the Player.

40. Mr Chino's closing speech was delivered by his representative Mr Nomura who repeated Mr Chino's defence and who reiterated that neither Mr Chino nor his team would have gained any benefit or merit from giving away the match in question. Mr Nomura also said that it was very hard to prove the non-existence of something that never happened.

41. The Disciplinary Committee then retired to make its deliberations which were undertaken both immediately after the Hearing and subsequently resulting in the Decision set out here.

42. The Decision relating to Masumi Chino is that, applying the standard of proof required in these matters, the charge is not proven in his case.

43. In approaching its Decision in this case the Disciplinary Committee was very much conscious of the need to weigh all the evidence available in the case, in the context of each individual strand of evidence and its impact on the whole picture.

44. In that regard the Disciplinary Committee make the following observations:-

44.1. The Betting Evidence again suggests highly suspicious activity and noted that the UK Gambling Commission had conducted an investigation that may have resulted in a criminal prosecution although ultimately this did not occur. The Disciplinary Committee accepts that the Sportradar Report says that *"...named bettors clearly struck bets in a manner which arouses great suspicion,..."*.

44.2. The Player had maintained consistently throughout the proceedings that he did not know any of the individuals or witnesses in the case as identified by the DRA. In view of his popularity in Japan and the Far East, the Committee were not persuaded that by simply being linked with some of the individuals on Facebook via a high number of mutual friends on this social media site could carry much weight in this instance. Masumi Chino has nearly 5000 Facebook friends and given those figures it is perhaps not surprising that many of those interested in the sport in Japan and neighbouring countries would seek to be "friends" with a player who was not discerning in whom he accepted as a friend in this medium.

44.3. Similarly, with regard to the connection with the commercial organisations involved there was a plausible and innocent explanation as to why a Player would be wearing a logo identified with a certain company as up to 1,500 players are regularly in the habit of using this logo in the Far East. Again, the fact that this particular branding and sponsorship was not particularly exclusive, meant the Committee to be unable did not apportion any weight to this strand of the evidential case presented against Masumi Chino.

44.4. The evidence of the Expert Wayne Mardle in this case was not as convincing as that relating to the parallel opinion expressed in relation to the other Player Gilbert Ulang. In his report Mr Mardle says: *"In my opinion Chino didn't do his utmost to win this match."* In this regard the Panel was able to utilise its members' own understanding of the game and having viewed footage of the three sets, the Committee were not convinced that the expert evidence had successfully demonstrated that the Player was deliberately seeking to miss the intended target in the legs as outlined in the report.

44.5. The Player and his representative offered an entirely consistent approach to the allegations made throughout from the inception of the Case. The Player and the Manager

answered all the questions asked and did not waiver in a material way from the explanations and arguments put forward before or during the Hearing.

45. The Committee took the view that in a sporting case context suspicious betting patterns required other corroborative evidence to establish a link to the sports individual and/or entity concerned. A conclusion that any statistical information cannot be explained by usual circumstances does not necessarily lead to the conclusion that the results are to be explained by match-fixing by the specific individual charged.¹
46. In the circumstances the Disciplinary Committee was of the view that (tested and weighed as set out above) the primary Betting Evidence (suspicious as it undoubtedly looks) without supporting corroboration from other sources of evidence was insufficient in isolation here to result in the Charge being proven against the Player.
47. Accordingly the Charge against the Player was not proven and is hereby dismissed.
48. In so doing the Disciplinary Committee is also acutely aware that two “opposite” results appear to have emanated from the same nexus of circumstances and events. The lay observer could, it is acknowledged, on an initial view be forgiven for enquiring how that outcome could possibly have occurred from what appears to be the same situation. The Committee has sought here to demonstrate how those apparently superficially anomalous results have arisen.
49. While the integrity of any sport is absolutely fundamental for the trust placed in it by those playing, administrating and watching it, equally the individuals called to answer under its disciplinary scrutiny deserve to have their cases dealt with fairly and objectively and according to their own specific facts and evidence.

¹ See for instance: Arbitration CAS 2016/A/4650 Klubi Sportiv Skenderbeu v. Union Européenne de Football Association (UEFA), award of 21 November 2016

SUMMARY

50. The Decisions are summarised as follows:-

50.1. As to Gilbert Ulang, charge proven. Sanctions to be decided following written submissions invited from all parties by 30 June 2018. It is anticipated that no convened attendance will be required for a further Decision on Sanctions to be made which will be communicated in due course following receipt of those submissions and consideration of them by the Committee.

50.2. As to Masumi Chino, charge not proven and dismissed. No order as to Costs.

Tim Ollerenshaw, Chair

Richard Gardner

Tarik Shamel

15 June 2018