

## **Notification by the independent ITF Ethics Commission**

This notification concerns the decision of the Chair of the ITF Ethics Commission regarding allegations that Mr David Haggerty, a presidential Candidate in the upcoming ITF elections, breached the Code of Ethics by engaging the service of Jon Tibbs Associates (*JTA*) to assist him with his campaign. The ITF Ethics Commission is aware of a number of statements that have been made to the press and to members of the public regarding these allegations. Accordingly, pursuant to Appendix 1, Article 8.2.2 of the Code, the Chair considers it appropriate to provide information to the public regarding her decision on the allegations raised.

### **Decision concerning matters relating to Article 14 of the Rules for Candidates**

The ITF Code of Ethics (the *Code*) sets out at Appendix 4 rules that bind individuals who are running as Candidates for appointment to the ITF Board of Directors, or the ITF Presidency (the *Rules for Candidates*). The Rules for Candidates are available on the ITF website via the following hyperlink:

<https://www.itftennis.com/about/organisation/candidate-rules.aspx>

Article 14 of the Rules for Candidates states as follows:

*Candidates shall*

*14. unless in the ordinary course of their business as an existing Official, not receive individual or special support or services from the ITF, or ITF staff, including any consultants, agents or advisors engaged by the ITF, beyond general administrative support and services provided to ensure that Candidacies are conducted in a fair, open and consistent manner.* [Emphasis added.]

On 18 June 2019, a complaint was raised with the Ethics Commission that Mr Haggerty has engaged Jon Tibbs Associates (*JTA*), to assist him with communication matters relating to his campaign for re-election as President of the ITF. It was alleged that, by engaging JTA to assist with his campaign, Mr Haggerty was in breach of the rule against receiving support or services from consultants, agents or advisors engaged by the ITF.

Appendix 1 of the Code sets out the procedure that the Ethics Commission follows when it is seized of a complaint regarding a breach of the Code. Further to Appendix 1, Article 2.3, when a complaint is received, the Chair of the Ethics Commission will review the matter raised, in order to decide how to deal with the complaint. The Chair is permitted to (i) take no further action in respect of a complaint, where she does not identify any matters that warrant an investigation (Appendix 1, Article 2.4); (ii) launch an investigation into the matters raised (Appendix 1, Article 2.5); or (iii) proceed to a sanction, where the Chair is satisfied that there has been a breach (Appendix 1, Article 2.8.2).

The Chair has been provided with documentary evidence, statements, and additional information from Mr Haggerty, Mr Jon Tibbs and the ITF. That information shows that (i) there are two companies of relevance to this decision, JTA and JTA-Design Ltd (*JTA-Design*), which are, respectively, wholly owned and majority owned by the same company (JTA (Holdings) Ltd); (ii) JTA and JTA-Design are separate companies, located in the UK and Spain,

respectively, with separate staff and clients; (iii) prior to 31 May 2019, Mr Haggerty engaged the services of JTA-Design to assist with preparing his manifesto; (iv) the ITF has never engaged the services of JTA-Design; (v) prior to 31 May 2019, the ITF engaged the services of JTA; (vi) on 31 May 2019, the ITF's engagement of JTA terminated; and (vii) after 3 June 2019, Mr Haggerty engaged the services of JTA to assist with the launch of his candidacy. The above findings have been corroborated by independent written statements from relevant parties, invoices, evidence of communications between the parties, and contemporaneous ITF activity reports.

**Conclusion:** Article 14 of the Rules for Candidates is intended to prevent the ITF from providing favourable services to any particular Candidate or Candidates. It is also intended to ensure that Candidates who are also ITF Officials are not able to exploit their position within the ITF to gain favourable services from the ITF. The scope of Article 14 extends beyond ITF staff, to "any consultants, agents or advisors engaged by the ITF". If a consultant, agent or advisor is not engaged by the ITF, it does not fall within the scope of Article 14.

The Chair is satisfied that Mr Haggerty engaged the services of JTA at a time when JTA was not engaged by the ITF. The Ethics Commission has carefully considered whether JTA-Design should be considered as having been engaged by the ITF at the time that Mr Haggerty used their services to prepare his manifesto. The Ethics Commission considers that Article 14 does not automatically cover third parties whose related companies are engaged by the ITF. An exception might arise, however, if there is evidence to show that the ITF can, through the corporate relationship of the companies, nevertheless still ensure that favourable services are provided to a Candidate.

The Chair considers that JTA-Design was not engaged by the ITF at the time that Mr Haggerty engaged its services to assist with the preparation of his manifesto. The Chair has taken into consideration: (i) the evidence that JTA and JTA-Design are separate corporate entities with separate staff and clients; (ii) that the ITF has never engaged the services of JTA-Design; and (iii) the absence of evidence to suggest that, by engaging the services of JTA-Design, Mr Haggerty was able to receive favourable services from the ITF. Accordingly, the Chair does not consider that there is a reason to launch a formal investigation into a potential breach of the Code with regard to Mr Haggerty's engagement of JTA-Design.

On the basis of the foregoing, the Chair of the Ethics Commission has decided to close this matter.

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The independent ITF Ethics Commission encourages those who have questions regarding the interpretation and application of the Code and the Rules for Candidates to contact the Ethics Commission via [commission@itfethics.com](mailto:commission@itfethics.com).

The ITF Ethics Commission was established by the ITF Board in November 2018. The Chair of the ITF Ethics Commission is Ms Sandra Osborne, QC. Other members are Dr Jack Anderson (Oceania), Mr Brian Havill (Europe), Mr David Howman (Oceania) and Ms Urvasi Naidoo (Europe/Africa). These members were all drawn from outside tennis stakeholders, ensuring independence.