

**IN THE MATTER OF PROCEEDINGS BROUGHT UNDER THE DARTS REGULATION
AUTHORITY RULE BOOK**

Before:
Ms Erika Riedl

BETWEEN:

Mr Jack Main

Appellant

and

The Darts Regulation Authority (DRA)

Respondent

DECISION OF THE APPEALS COMMITTEE

A. INTRODUCTION

1. Mr Jack Main, (the “**Appellant**”) is an amateur Darts player from Norwich, United Kingdom. He played in the Modus Super Series. Throughout these proceedings he has been assisted by Mr Alan Warriner-Little, President of the Professional Darts Players Association.
2. The Darts Regulatory Authority, (the “**DRA**”), is the Governing Body for Professional Darts and is the respondent in this matter. The DRA provides for and administers rules and regulations, including the DRA Rule Book. The DRA has been represented by Mr Nigel Mawer, DRA Chairman and Disciplinary Commissioner.
3. Mr Main and the DRA are hereinafter jointly referred to as the “**Parties**”.

4. These proceedings concern an appeal (the “**Appeal**”) filed by the Appellant against the decisions of the DRA Disciplinary Committee of 3 January 2024 (operative decision), of 12 January 2024 (reasoned decision), and of 8 February 2024 (decision on sanctions), together (the “**DRA Decision**”).
5. In its decision of 3 January 2024, the DRA Disciplinary Committee found that the Appellant breached Articles 2.1.2 and 2.1.3 of the DRA Betting Rules. More specifically, the DRA Disciplinary Committee found as follows:

- a. Contrary to Rule 2.1.2 of the DRA Rules Betting Rules

- That you fixed the outcome of your match with Lisa Ashton at the Modus Super Series 4 played on the 9th June 2023.*

- b. Contrary to Rule 2.1.3 of the DRA Rules Betting Rules

- That you provided information to be used for a betting purpose to another person and that information included the fact that you would contrive the score and or outcome of your match with Lisa Ashton on 9th June 2023 at the Modus Super Series 4.*

6. The decision of 8 February 2024 concerning sanctions reads as follows:
 18. *Having considered this matter, Jack Main is suspended from playing in, attending at or being involved in any DRA sanctioned events for the period up to 31st December 2025. The ban is reckoned to take effect from the date of the Player’s original suspension, 15 November 2023.*
 19. *Jack Main is also ordered to pay costs of £762.41 by 8th March 2024 or on such other terms as may be agreed between the DRA and him.*

B. JURISDICTION AND ADMISSIBILITY

7. Modus Super Series is an *Affiliated Organisation* under the DRA Rule Book, and as such has adopted the rules of the DRA.
8. Pursuant to Article 1.3 of Appendix A of the DRA Betting Rules in the DRA Rule Book, “[a]nyone who participates in a Darts Event, whether as a Player or an Official”, agrees to

comply with the DRA Betting Rules. The Appellant played in the Modus Super Series, thus, he was bound by the DRA Rule Book, including the DRA Betting Rules. The applicable rules in the case at hand are the DRA Rules 2023, ratified by the DRA Board on 20 January 2023 (the “**DRA Rule Book**”).

9. Pursuant to Articles 16.1 and 16.3 of the DRA Rule Book, any person bound by the DRA Rules who is found to be guilty of Misconduct or to have committed a breach of these Rules shall have the right to appeal, and the appeal shall be referred to the Appeals Committee. The DRA has instructed Sport Resolutions to appoint an Appeals Committee and act as the Secretariat to the Appeals Committee. Thus, this Appeals Committee has jurisdiction to hear the Appeal. The jurisdiction of the Appeals Committee remains undisputed by the Parties.
10. Pursuant to Articles 16.4 of the DRA Rule Book, the Notice of Appeal shall be received by the DRA within 14 days from the date the relevant written decision is sent to the person affected. The Notice of Appeal must be accompanied by a deposit in the amount of £800 as an initial security for the costs of the appeal. While the Appellant did not submit a Notice of Appeal *per se*, the Appellant provided an email and a series of text messages (hereinafter the “**Notice of Appeal**”), outlining the substance of an appeal, as well as the grounds for appeal via Mr Warriner-Little within the relevant deadline. Further, the Appellant indicated his intention to appeal via email on 23 February 2024, i.e. within the deadline. During the Case Management Conference, the DRA confirms that it accepts the timely lodging of the Appeal and confirms receipt of the security deposit. Thus, the Appeal is admissible.

C. FACTUAL BACKGROUND

11. The Appellant participated in a tournament which was an amateur event promoted by Modus Sport, in which players were paid £250 per day to participate and play at a venue in Portsmouth, United Kingdom. Players who go to the final stages were playing for prize money. The tournament was part of a larger series of events, the Modus Super Series. In this Modus Super Series 4 event (the “**Event**”) players were split into three groups where matches were played throughout the week commencing 5 June 2023. The Appellant was

in Group C and played a series of matches over two days against the same five players, playing each twice, once on 8 June 2023 and once on 9 June 2023.

12. On 8 June 2023, the Appellant played four matches, of which he won one with a score of 4–1, and lost the other three all by the same score of 4–3. One of these defeats was against Ms Lisa Ashton. In the eight matches at the Event, prior to the bets in question, the Appellant won at least one leg in each match.
13. On 9 June 2023, the Appellant played Mr Thibault Tricole starting at 3:55 pm. The match between the Appellant and Ms Ashton started at 4:45 pm.
14. On 9 June, the DRA received an alert of suspicious betting from the International Betting Integrity Association (“IBIA”) on the Main v Ashton match. The alert was raised with the IBIA on behalf of Ladbrokes, a gambling operator licenced by the Gambling Commission, as there were unusual bets placed on the correct score markets for a 4-0 victory for Ms Ashton.
15. The bettors were a couple resident in Portsmouth. One of the bettors, Person A, was shown on the Appellant’s Facebook account as a recently added friend. Her partner Person B placed five bets, all on a 4-0 win for Ms Ashton. This was deemed suspicious by Ladbrokes. Person A and Person B were the only two people to place bets on this specific handicap market.
16. Ladbrokes reported the betting activity as suspicious, commenting that:

“We saw two UK Ladbrokes digital customers placing bets on Lisa Ashton to beat Jack Main by a correct score margin of 4-0. This was the only correct score market targeted with Customer ‘A’ (Person B) placing 5 separate bets (£10-£40) for a total stake of £150 at odds ranging from 14/1 to 16/1 returning £2,310 (profit £2,160). Prior to that the account was last used in August 2019 for a £1 treble on another sport with other historical stakes of a maximum £5.

Customer ‘B’ (Person A) placed a similar £20 bet @ 15/1 returning £320 (£300 profit). There were no bets placed in the week prior on the account with their previous 11 bets all being £1 win singles on Outright darts tournament winners.

Further analysis of social media has highlighted that both customers are in a relationship together, with Customer B (Person A) being a recently added 'Facebook friend' with the darts player Jack Main."

17. The first bet on Person A's account was placed at 3:44 pm on 9 June 2023. The bet was £20 on the handicap market for Ms Ashton to beat the Appellant 4-0. Later, between 4:40 pm and 4:47 pm Person B placed five bets on the handicap market for Ms Ashton to beat the Appellant 4-0.
18. According to the Appellant, Person A was a security personnel on the door on a finals night he participated in, held in April or May 2023. On 9 June 2023, she was the Players' Marshall.
19. The DRA provided a witness statement from Mr Richard Gardner dated 8 September 2023. Mr Gardner has been involved in darts for over 45 years. He is a founding member of the World Darts Council, now the Professional Darts Corporation, and has worked for the DRA for over 10 years. He was asked to provide an independent opinion and analysis of the Appellant's performances in the match against Ms Ashton of 9 June 2023. Mr Gardner came to the following conclusion:

"Not a great game from both players with Main's average 11 points below his yearly average which sits at 83. Noticeably his darts at a finish were a lot further away from the target than his scoring darts. He seemed very jittery and not comfortable at all when approaching the oche and this was his 5th game of the day so should not be the case (although it was mentioned in commentary that he had an eye issue). But for me it was his attempts at finishes and particularly his 1 dart at double which is concerning, a player who only lost his professional card last year simply should not be this far away."

20. The DRA conducted two interviews with the Appellant, in the presence of Mr Warriner-Little. The first interview took place on 2 October 2023 and a follow up interview on 23 October 2023. During the interviews the Appellant explained as follows. He has been playing darts for six years, and he has participated in the Modus Super Series twice: once in a five-day event and once in a two-day event. He also played on the Challenge Tour. He stated that the last time he had not played very well, but in the previous series he had played very well.

21. With regard to the matches during the Event, he stated that on Thursday (8 June 2023) he believed that he lost three out of five games, and that on the Friday (9 June 2023) he played very well up until: *"I scratched my eye in I think the first or second leg of the Tricole game it went downhill for me. I just struggled and I had to have eye wash in my eye and everything else."* He further explained: *"the players [sic] Marshall at the time [i.e. Person A] put the eye wash in my eye which I felt made it worse and then I've tried to wash my eye under the water because it was just stinging and blurry basically."* He added Person A as a friend on Facebook after the Event as he wanted to thank her for her help. He did not have any contact with her since, and he blocked and deleted her after his first interview with the DRA.
22. According to the Appellant he injured his right eye, which is his dominant eye. He still managed to win against Mr Tricole. His eye was not great at the start of the match against Ms Ashton. The referee had asked him whether he was ok, to which he responded: *"I am struggling but I will be able to go through, well go through."* The Appellant stated that if he won the match against Ms Ashton, *"I believe if my maths is correct, I believe that I would have got through the finals night."*
23. When asked why he thinks Person A bet on a 4-0 outcome on his match with Ms Ashton, he stated, *"(...) the fact that she was present and the one that put the eye wash first and foremost in my eye. She saw that the fact that I actually said to her I can't see out of my right eye and other than that I can honestly not tell you (...)"* When informed that the first bet placed on the final outcome of his match was at 15:44 pm, 11 minutes before his match started with Mr Tricole, i.e. that Person A bet on the final outcome before he was injured, the Appellant stated, *"[a]gain, I can't comment. Like I say I haven't had any contact with her (Person A) at that point (...)"* The Appellant further explained that he would have had more money from getting into the final and winning than from the bets. He was not in a situation that he needed money. He had nothing to hide.
24. Finally, the Appellant accepted that he had lost to Ms Ashton 4-3 the day before, that a 4-0 result against Ms Ashton was unexpected, and that his average of 72 was low. The Appellant, despite allegedly sustaining an eye injury in the first leg, maintained an average of 82 in the match against Mr Tricole. The DRA provided match statistics of the Event.

25. On 15 November 2023, the DRA notified the Appellant that he has a case to answer. The DRA also suspended the Appellant from attending or competing in DRA sanctioned events.
26. Following a hearing on 11 December 2023, the Disciplinary Committee issued the DRA Decision, as outlined in paragraph 5 and 6 above.

D. THE APPEAL

27. Between 22 and 24 February 2024, the Appellant submitted a series of text messages as the substance of his Appeal, citing new evidence not presented to the Disciplinary Committee previously. He clarified that this Appeal was against the conviction by the Disciplinary Committee based on new evidence obtained from Person A.
28. The Appellant claims to have received some text messages already in mid-January 2024. Those text messages were between Person A and [REDACTED], who was in charge of security at the Event on 9 June 2023. The most relevant extract reads as follows:

"(...) no money was ex-changed, so that isn't in side betting. Jack didn't profit from a win so it won't be a fix. Also the game before showed him with a bad eye what will be proof as it will be on YouTube etc. (...)."

29. The Appellant claims to have received further text messages directly from Person A on 22 February 2024. The most relevant extract reads as follows:

"I was unaware I wasn't able to bet, because I wasn't told and checked afterwards, also there was no contact in place to say I couldn't. No one at Modus ever told me I wasn't able to place bets.

I had no communication with Jack regarding the bet I placed, the only communication we had was on arrival in the morning which was the first time I had met him and had to collect the phone, taking the players to and from the playing area, when I helped with his eye to which I put the eye wash in and lastly when he left the arena with the players and they collected their phones. Jack did however add me on Facebook which I noticed the next day, but again no communication has been had.

I have been asked for the reasoning behind my bet by Gary to help with this investigation. I placed the bet after watching both the games from the players and also the reactions and

the persona of the players in the players room throughout the day. After the game between Jack and Shane which Jack had lost, Jack said to Shane, I believe that could be me out of the running for qualification. From this comment I was watching the players in the practise area to which Jack looked deflated, wasn't practising (which he was doing a lot previous to this game), looked like he knew his chances was up and had given up, on the other hand looking at the results at the time of the first bet, Lisa was playing well, she was still running for qualification, you see she was practising and also Jack had lost to her the day before.

So on this observation I placed the first bet as the odds looked appealing at the time, from this bet Jack played a bloke from watching this game I saw he was massively struggling with his eye and once the game was finished as I done all day I escorted both players to the practise room but due to Jack's eye, I helped wash his eye out, Jack was in discomfort and said to both me and another member of staff he couldn't see out of his eye (...)."

30. On 4 March 2024, the DRA responded to the Notice of Appeal, opposing the Appeal.

E. PROCEDURE BEFORE THE APPEALS COMMITTEE

31. On 21 March 2024, Ms Erika Riedl, was appointed as Chair of the Appeals Committee.
32. On 12 April 2024, pursuant to Article 16.3 of the DRA Rule Book, Ms Riedl proposed that the case be decided by the Chair of the Appeals Committee alone, and both Parties agreed for the Appeal to be decided by a single member panel.
33. On 24 April 2024, a Case Management Conference was held. In attendance were the Parties, Mr Alan Warrner-Little, and Ms Xènia Campàs Gené, Secretariat to the Appeals Committee. During the Case Management Conference, the Parties confirmed they did not have any objection to the appointment and composition of the panel.
34. On 25 April 2024, the Appeals Committee issued directions as agreed by the Parties during the Case Management Conference.
35. On 1 May 2024, the Appellant submitted his Appeal Brief.
36. On 8 May 2024, the DRA submitted its Response.

37. On 13 May 2024, the Appellant made a further unsolicited submission, but did not respond to his position with regard to a hearing. The DRA submitted that no hearing was necessary and that the Appeal could be decided on papers.
38. On 14 May 2024, the Appeals Committee requested the Appellant to clarify whether he wishes for a hearing to be held, as well as to inform whether he was planning on bringing Person A as a witness.
39. On 17 May 2024, the Appellant clarified that Person A would not provide a written statement, nor did she agree to be heard as a witness during a hearing. The Appellant did not request for a hearing to be held.
40. On 21 May 2024, the Appeals Committee confirmed that it will decide the matter on the papers only and invited the Parties to make their cost submissions. The DRA's cost submission was received by the Secretariat on 22 May 2024, and the Appellant's cost submission on 23 May 2024.
41. On 24 May 2024, the Appeals Committee informed the Parties that it has officially closed the proceedings, and that it will issue a reasoned decision as soon as practicable.

F. POSITION OF THE PARTIES

42. The following summaries of the Parties' positions are illustrative only and do not necessarily encompass each and every contention put forward by the Parties. The Appeals Committee, however, has carefully considered all the submission made by the Parties, even if no explicit reference is made in the summaries that follow. For the sake of clarity, the arguments and contentions made in section F of the Decision are positions of the Parties and they should not be mistaken for the Appeals Committee's findings, which are set forth separately in section G of the Decision.

a) Appellant's position

43. In his Appeal, the Appellant is mainly relying on the text messages of Person A. In essence, the Appellant submits as follows:

- i. With regard to the inconsistencies in his and Person A's statement on whether he would still have had a chance of qualifying for the finals, he states that, *"as a player particularly in this event, it is very difficult to know if you are out or not due to the very complex system of qualifying and updated tables, and the immediate reactions to a loss."*
- ii. With regard to averages in darts, he submits as follows:

"We also cannot use averages as a base to differentiate between matches, again these are amateur players and not professionals. Even professionals have averages which change dramatically. Anyone who plays the game will tell you, you cannot use averages as a base, as they change from match to match and from day to day – that's sport."
- iii. There could not have been any collusion between him and Person A, as for collusion to happen one must have relative contact. They however had met for the first time on the day in question. The collusion allegation was *"a ridiculous assumption, because that what it is an assumption, to say there has been collusion when it is obviously impossible to do so individually or for any time at all in the venue on the day in question, to warrant what has allegedly taken place."*
- iv. The DRA Decision was incorrect, as the new evidence, i.e. the text messages, did not exist at the time of the hearing. In the view of the Appellant the balance of probability has now shifted.
- v. Person A was the only person who knows what happened and why. It would have been for the DRA to contact Person A, which it did not. Following the hearing his only option has been to contact Person A, which initially was done by a third party, namely Mr Holgate.
- vi. Person A states in her text messages why she bet, and her messages confirm that her bets had absolutely nothing to do with him, he did not know Person A, and had no contact with Person A, he only met her on that day as part of the security team.

b) DRA's position

- i. The DRA argues that the date and time of the text messages was unclear. The Appellant's submission only explained when they were received by him, not when they were originally sent or received.
- ii. The DRA does not accept the Appellant's submission that the statement of Person A was significant, as she changed her position on why the bet was placed in her texts. She changed her explanation from the Appellant's bad eye to the Appellant being out of the Event, his demeanour and the player's form. The DRA submits that it was likely that her account changed after the hearing, as the timing of the bet had been highlighted as being before the alleged eye injury. The DRA Disciplinary Committee has considered this in its findings and did not accept that there was an explanation for this bet in terms of the Appellant's form and health.
- iii. The form of the Appellant provides no logical reason to place a bet for a 4-0 outcome for Ms Ashton unless Person A knew that would be the outcome. The Appellant's position was undermined by the timing of the bet placed by Person A as was recognised by the DRA Disciplinary Committee. Nothing in the Appeal impacts the DRA Decision and the rationale for it.

G. LEGAL FRAMEWORK & ANALYSIS

44. Article 2.1 of Appendix A – DRA Betting Rules, reads as follows:

It shall be a breach of these Rules for a person subject to the DRA Rules to do any of the following:

2.1.2

(i) 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 a Darts Event;

2.1.3

(i) to use for betting purposes, or to provide to any other person for such purposes, any information relating to the Darts Event that the person subject to the DRA Rules

possesses by virtue of his/her position within the sport and that is not in the public domain or readily accessible by the public;

45. Pursuant to Article 14.1 of the DRA Rule Book, *“The burden of proof in respect of any allegation shall be on the DRA and the standard of proof shall be on the balance of probabilities (that is, whether it is more likely than not that the Misconduct occurred)”*.
46. As confirmed by the Parties during the Case Management Conference, the Appeals Committee shall have the powers to decide this Appeal *de novo*.
47. To start with, the Appeals Committee wishes to discuss the allegedly new evidence submitted. The Appeals Committee notes a lack of authenticity of the text messages. Neither is it clear when which text message was sent to whom, or what the requests were. While the text messages seemingly were sent by Person A, the Appeals Committee has to take into consideration that the Appellant did not provide a signed witness statement, nor present the witness for cross-examination and questioning by the Appeals Committee. While the Appeals Committee notes that the witness does not fall under the DRA Rule Book, and as such could not be forced to provide a witness statement or to appear at a hearing, the Appeals Committee has to weigh the evidence as presented accordingly.
48. Notwithstanding the foregoing, the Appeals Committee finds that, even if it accepts the text messages as presented, it comes to the same findings.
49. The Appellant submits that Person A’s text messages confirm why she bet. Here, if one accepts the sequences of the text messages as submitted by the Appellant, Person A’s first explanation for her bet seems to be the Appellant’s issue with his eye, as she states *“(…) Also the game before showed him with a bad eye what will be proof as it will be on YouTube etc.”* The Appeals Committee agrees with the DRA that Person A seemingly rectified her reasons for placing the bet at a later stage, as outlined in paragraph 29 above.
50. Even if the Appeals Committee accepts that Person A placed a bet as a result of the Appellant’s loss against Mr Shane McGuirk, and following a statement of the Appellant that he believed he might be out of qualifications for the finals, this still does not explain a 4-0 bet. In fact, as per match statistics provided, the Appellant lost against Mr McGuirk 4-3. The Appellant also lost with the same result against Ms Ashton on the previous day.

There was therefore no indication whatsoever to suggest that he would in the following, all of a sudden, lose 4-0. Even the Appellant himself confirms that a 4-0 loss against Ms Ashton was unexpected.

51. Furthermore, nothing suggests that Person A was a risky better. In fact, from the betting statistics provided, rather the opposite is true. The Appeals Committee also finds of relevance that the only bets with this particular handicap market, i.e. Ms Ashton beating the Appellant by 4-0 came from Person A and her partner. In the Appeals Committee's view, if Person A's explanation for her bet being a simple observation of the Appellant's form were true, and since the matches were livestreamed via YouTube, one would certainly have to expect additional bets with the same handicap, which was not the case.

52. The DRA Disciplinary Committee has come to a similar conclusion in paragraphs 60-62 of the DRA Decision, which read as follows:

60. *There is nothing to indicate that she placed the bet on the basis of Main's performance at the event. Prior to the bet being placed, Main had won two matches by scores of 4 – 3 on each occasion and lost one by a score of 1 – 4 on that day.*

61. *The previous day, 8 June, he had played four matches – winning one with a score of 4- 1; and losing three all by the same score of 3 – 4. One of these defeats was against Ashton.*

62. *In eight matches at the event prior to Person A's bet, Main had won at least one leg in each match. This sequence of scores does not, in the Committee's view, indicate that the bet was placed on an analysis of the Player's form by an occasional and inexperienced better.*

53. The Appeals Committee agrees with the DRA Decision and reasoning, in particular paragraph 64-67 thereof, which read as follows:

64. *It is the Committee's view that there is no rational explanation for the bet placed by Person A other than that it was done in the belief that Main would lose 0 – 4 in his match. There is no logical explanation for this bet in terms of Main's form or health.*

65. *The Committee therefore concludes that Person A's belief that Ashton would beat main 4 – 0 came about with the connivance of Main rather than from any study of the Player's form; and certainly not due to any injury sustained by him.*
66. *Seen in this light, it is the Committee's view that the significant drop in Main's three dart average in the Ashton match is of relevance.*
67. *Likewise, the Committee concludes that the bets placed on Person B's account shortly before the Ashton match were the result of the information known to Person A at 3.44pm when she placed her bet rather than on information relating to Main's injured eye.*

54. In conclusion, the Appeals Committee finds that, in taking into account all circumstantial evidence in this case, the DRA has proven on the balance of probabilities, as required under the DRA Rule Book, that the Appellant breached Articles 2.1.2 and 2.1.3 of the DRA Rule Book.

H. APPLICABLE CONSEQUENCES

55. As a result of the foregoing, pursuant to Article 16.15.1 of the DRA Rule Book, the Appeals Committee dismisses the Appeal, and affirms the DRA Decision, as outlined in paragraph 5 and 6 above.
56. For the avoidance of doubt, the Appeals Committee finds that the sanctions imposed by the DRA Disciplinary Committee are in accordance with the DRA Rule Book and proportionate with the violations in the case at hand.

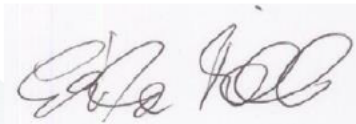
I. COSTS

57. The Appeals Committee notes the Parties' submissions with regard to costs. In essence, the Appellant submits that he has paid a deposit in the amount of £800 as an initial security for the costs of the Appeal, and that the DRA should stand any further costs for the Appeal process no matter of the outcome of the Appeal. The DRA submits that the Appellant was entirely responsible for the costs of the proceedings.

58. Pursuant to Article 19.1 of the DRA Rule Book, the Appeals Committee may order the person subject to the proceedings to bear all or some of the costs of the proceedings held before it, including the costs of convening and holding the proceedings including any costs incurred by the DRA in relation to those proceedings, such as and not limited to the costs of investigations, forensic examinations and expert witnesses.
59. The Appeals Committee also notes that the DRA Rule Book provides for the possibility to appeal decisions of the DRA Disciplinary Commission to an Appeals Committee, such as was the case in the case at hand. Therefore, the DRA has the responsibility to provide for such an appeals mechanism.
60. In the case at hand, the Appellant's Appeal was unsuccessful in full. The Appeals Committee therefore finds that the Appellant shall contribute the deposit already paid in these proceedings.

J. RIGHT OF APPEAL

61. Pursuant to Article 16.14 of the DRA Rule Book, this decision of the Appeals Committee is final.



Erika Riedl, Appeals Committee

London, UK
19 June 2024