

ORIGINAL: FRENCH

**INTERNATIONAL OLYMPIC COMMITTEE
ETHICS COMMISSION**

**DECISION with recommendations
No. D 04/2012**

CASE No. 4/2012

Mr Peter O'Leary,
member of the Irish sailing team
at the Beijing and London Olympic Games
Domiciled in Ireland

FACTS:

On 21 July 2012, using email (Dobbinstony313@yahoo.net), someone informed the Olympic Council of Ireland that Mr Peter O'Leary, an Irish athlete from the sailing team, accredited in Beijing (as well as in London), placed bets on his sport by phone from China on 21 August 2008. The message included a large number of details about the circumstances of the bet.

It was alleged in this message that Mr Peter O'Leary, a member of the Irish sailing team in Beijing and in London, placed two bets, worth EUR 300, with the Boylesports bookmaker. The bets were placed on the winner of the sailing competition (Keelboat [star] men) in which he was participating. He bet that Team GB would win the medal, with odds of 12/1. Team GB won, and Mr Peter O'Leary thus won EUR 3,600 from the bookmaker.

ANALYSIS:

The Commission notes that, at the time of the Beijing Games, all the athletes were already prohibited from betting on any competition of the Olympic Games, and that this ban was already included in the Entry/Eligibility Conditions form signed by the athletes. It notes that Mr O'Leary signed the Entry/Eligibility Conditions Form on 31 March 2008.

The Commission also notes, however, that the athletes and sports organisations were not as well informed of this issue in 2008 as they might be today, and that the International Sailing Federation (ISAF) did not then have specific rules on betting on sailing competitions.

The Commission observes that, during the Olympic Games in Beijing, Mr Peter O'Leary indeed participated in the 10 races (his best result was 6th); but he did not qualify to participate in the medal race, won by Team GB. This analysis is confirmed by the ISAF. His conduct could therefore have had no impact on the result of the competition on which he bet.

The Ethics Commission notes that, in the observations submitted by the counsel of Mr Peter O'Leary, he admits having placed two bets on the Olympic Games in Beijing contrary to the Code of Ethics; but he explains that, despite the fact he signed the Entry/Eligibility Conditions Form on 31 March 2008, he was not really aware about the prohibition and the issue of sports betting, and that he was not conscious of breaching any rule when openly betting on his own account at the betting operator. He also noticed that the Olympic Council of Ireland's Team Member's Agreement for the Olympic Games in Beijing did not include any specific mention of this issue, unlike that for the Olympic Games in London. He argues that he did not influence the result of the competition and apologises for this situation.

OPINION:

After having considered all the facts of this case, the Ethics Commission notes that Mr Peter O'Leary, a participant at the Olympic Games in Beijing, breached the IOC Code of Ethics, specifically point A.5 in the wording applicable in 2008, by betting on a sailing competition at the Olympic Games in August 2008.

The Ethics Commission observes that any breach of articles A.5 and A.6 of the Code of Ethics and the Rules for their application must be regarded as very serious and that, if these acts had taken place at the 2012 Olympic Games in London, they would have been punished very severely pursuant to Rule 59.2.1 of the Olympic Charter.

However, the Commission points out that, in 2008, general awareness of this serious problem among athletes and sports organisations was not as high as in 2012; that Mr Peter O'Leary demonstrates that he was not conscious of being in breach of the IOC Code of Ethics; and that his own performance could not have had any impact on the result of the competition in question.

Consequently, taking into account the specific circumstances, the Ethics Commission does not feel it appropriate to impose the sanctions provided under Rule 59.2.1 of the Olympic Charter; rather it considers it necessary to recommend that the IOC Executive Board issue Mr Peter O'Leary with a warning, pursuant to Rule 59.3 of the Olympic Charter.

The Commission also notes that, as rules and education are the most important tools to tackle the issue of betting, it is essential that sports organisations, NOCs and IFs strengthen their rules and educational tools

Consequently, it recommends that the Executive Board:

- ask the Olympic Council of Ireland to continue to include this specific issue in its Team Member's Agreement for the Olympic Games, particularly by attaching the Rules of Application, and to strengthen its educational tools in order to inform and educate all the athletes and team members on the ban on betting (in particular by using the educational tools of SportAccord); and
- inform the International Sailing Federation (ISAF) and recommend the implementation of a comprehensive education programme for all its athletes, their entourage and the IF's staff (if necessary using the educational tools of SportAccord).

DECISION:

After having deliberated in accordance with its Statutes, the IOC Ethics Commission recommends to the IOC Executive Board, pursuant to Rule 22 of the Olympic Charter:

1. to note that Mr Peter O'Leary breached Article 5 of the IOC Code of Ethics in the wording applicable during the Games of the XXIX Olympiad in Beijing;
2. to issue Mr Peter O'Leary with a warning;
3. to ask the Olympic Council of Ireland to continue to include this specific issue in its Team Member's Agreement for the Olympic Games, particularly by attaching the Rules of Application, and strengthen its educational tools in order to inform and educate all the athletes and team members on the ban on betting (in particular by using the educational tools of SportAccord); and;
4. to inform the International Sailing Federation (ISAF) and recommend the implementation of a comprehensive education programme for all its athletes, their entourage and the IF's staff.

Done in Lausanne, 26 November 2012

For the Chairman,
Pâquerette Girard Zappelli
Secretary of the Ethics Commission