Case No. 2016/2

Rio 2016 Ticketing – NOC of Antigua and Barbuda (ABOA)

FACTS:
Following the so-called “London ticketing scandal”, the IOC decided to take administrative measures to further protect the management of the Olympic Games Ticketing Programme and in particular set up a “Code of Conduct for the Olympic Games Ticketing Programme” (CoC). The Rio de Janeiro 2016 “Ticket Sale Agreement” (TSA) is clearly referred to in the IOC CoC, which is annexed and must be signed.

Following the launch of the 2016 Olympic Games Ticketing Programme, the NOC of Antigua and Barbuda (ABOA) proposed the company WSH to Rio 2016 as its Authorised Ticketing Reseller (ATR).

But after completion of the evaluation process, on 30 January 2015, Rio 2016 rejected WSH as the ATR for the ABOA, after having given a detailed explanation of the reasons for this refusal.

On 18 March 2015, the ABOA announced to Rio 2016 that it would manage the Ticketing Programme itself, which was accepted by Rio 2016.

On 27 March 2015, the ABOA President signed the Rio de Janeiro 2016 Ticket Sale Agreement and the Code of Conduct.

On 10 April 2015, Rio 2016 informed the ABOA President that all the NOCs managing their own Ticketing Programme were solely and entirely responsible for the appropriate use of the tickets allocated to their territory. In other words, the NOCs are required:

i. to abide by the terms and conditions of the Ticket Sales Agreement (TSA)
ii. not to use any third parties to sell or distribute tickets on their behalf (unless they have been specifically mentioned in the TSA)
iii. to pay Rio 2016 for the tickets allocated to their territory. Payments by a third party cannot be accepted.

On 19 May 2015, Rio 2016 reminded the ABOA that WSH was not to be further involved in the Ticketing Programme.
On 5 June 2014, ABOA Secretary General Mr William Cliff signed the IOC Code of Conduct separately.

From March 2015 to autumn 2015, WSH Director of Operations Ms Fiona Christmas and WHS President Mr Howard Schwartz constantly exchanged emails with ABOA President Mr Chet Greene and ABOA Secretary General Mr Cliff William, directly or in copy, not only to support the ABOA as a consultant in order to complete all the documentation required by Rio 2016, but also to request from the ABOA the password set up in the ABOA President’s personal name in order to be able to act directly in the place of the NOC to manage the Rio 2016 Ticketing Programme.

In June 2015, Fiona Christmas confirmed to the ABOA President and Secretary General that ticketing invoices for USD 5,691.49 had been paid directly by Thomas Exchange UK (WSH’s partner) to Rio 2016.

On 24 and 25 June 2015, Rio 2016 observed that the ABOA’s invoices had been paid by a third party, Thomas Exchange UK Ltd [USD 5,691.49 (NOC family) and USD 28,305.32 (Public)].

On 27 November 2015, Rio 2016 requested clarification and asked the ABOA which entity had paid for the tickets as part of the Rio Ticketing Programme on behalf of the ABOA.

On 2 December 2015, the ABOA President requested that the ABOA be withdrawn from the Rio 2016 Ticketing Programme.

Following the request for clarification dated 27 November 2015 sent by Rio 2016 to the ABOA, on 22 January 2016 the ABOA’s lawyer (Thomas, John & Co.) explained the relationships between WSH and the ABOA (agreement dated 28 October 2012) and that Ms Fiona Christmas (WSH) had been hired individually to help ABOA to manage its tickets by itself. The letter mentioned that the payment made by Fiona Christmas through Thomas Exchange UK Ltd had been made without instruction from ABOA.

The IOC Task Force, out of respect for the Olympic Games Ticketing Programme, was informed of the situation by the Rio 2016 Ticketing Section, and the elements were transferred to the IOC Chief Ethics and Compliance Officer for analysis.

By letter dated 3 February 2016, the Chief Ethics and Compliance Officer requested the observations of both the ABOA President and the Secretary General, referring clearly to the charges of non-respect of the IOC Code of Ethics, the IOC Code of Conduct and the Olympic Games Ticketing Programme and Ticketing Sale Agreement. The letter also referred to the arguments raised in the letter to Rio 2016, namely that despite being copied in the various emails between WSH and the ABOA, it never disagreed with the actions taken by WSH contrary to its engagement.

In two messages dated 22 and 26 February 2016, the ABOA President referred to the letter sent to Rio 2016 on 22 January 2016. No reply from the Secretary General was received.

**ANALYSIS:**

Applicable texts:

The IOC Code of Conduct provides that: “Failure to comply with this Code may result, without limitation to any other consequences or sanction under any other applicable rule of regulation,
in (i) the withdrawal of the right of any authorised organisation or person to purchase, use, sell or distribute tickets, (ii) potential removal of any ticket allocations held by any stakeholder."

Article 2 of the IOC Code of Ethics, applicable to all NOCs and their officials in all circumstances, provides that they must use due care and diligence in fulfilling their mission. At all times, the NOC officials must act with the highest degree of integrity, and particularly when taking decisions, they must act with impartiality, objectivity, independence and professionalism. They must refrain from any act involving fraud or corruption. They must not act in a manner likely to tarnish the reputation of the Olympic Movement.

Rule 22 of the Olympic Charter states that the IOC Code of Ethics is part of the Olympic Charter. Rule 27.2 states that the NOC must ensure the observance of the Olympic Charter in its country.

Rule 52.2 of the Olympic Charter states that the IOC may decide to deliver an Olympic Identity and Accreditation Card to the eligible persons.

Rule 59.2.2 states, in the event of a breach of the IOC Code of Ethics within the context of the Olympic Games that the IOC may decide about the officials’ temporary or permanent ineligibility to the Olympic Games.

Breaches of the IOC Ticketing Programme Code of Conduct, Code of Ethics and Olympic Charter:

The objective elements and facts as presented above demonstrate the reality of the breaches by the ABOA President and Secretary General of the NOC’s commitment to respect the ticketing procedure.

In fact,

despite the refusal of Rio 2016, clearly mentioning the ethical reasons why WSH was not approved as an Authorised Ticket Reseller;

despite the signature by the ABOA President of the Ticket Sales Agreement and the Code of Conduct (CoC), and the signature by the ABOA Secretary General of the CoC, clearly mentioning the obligation to respect the Ticketing Programme;

despite the two clear and official reminders sent by Rio 2016 not to make payment via a third party and not to involve WSH in the Ticketing Programme;

it is objectively demonstrated that WSH, through the actions of its President and Director of Operations, continued to act on behalf and in the place of the ABOA in the framework of the Rio 2016 Ticketing Programme. This is demonstrated both by the various emails exchanged between WSH and the ABOA, as well as the payment made by WSH through its UK banking partner, Thomas Exchange UK Ltd.

These activities led by WSH were not only support or consultancy services (such as help in preparing for the signature of the TSA), but actions in the place of the NOC, contrary to the provisions of the agreement signed by the President.

The payment for tickets, in the framework of the Rio Ticketing Programme, on behalf of the ABOA is a clear breach of the provisions of the TSA signed by the ABOA President.

It must be noted that these activities continued after receipt by the ABOA of the two reminders sent on 10 April and 19 May 2015 by Rio 2016 instructing the ABOA not to authorise payment by any third party and to stop any involvement of WSH in the Ticketing Programme; that the
relationships continued until at least the autumn, and the payments were made on 5 and 25 June 2015.

The fact that these activities by WSH could be considered as respecting the “Games ticket and travel agreement” contract signed by the ABOA with WSH just after the 2012 Olympic Games is in no way an excuse for breaching the Rio 2016 Ticketing Regulations, the TSA signed by the ABOA President and the clear IOC Code of Conduct signed by both the President and the Secretary General.

The ABOA President and Secretary General are personally responsible.

They are “administratively” responsible as part of their respective functions as NOC President and Secretary General; the President signed the TSA and they both signed the IOC Code of Conduct. But their active follow-up of WSH activities for almost one year demonstrates their personal responsibility in these breaches.

The various emails demonstrate the participation as well as the agreement of the President and the Secretary General, who were copied on all of the emails, when they did not answer directly.

Contrary to what was mentioned in the ABOA lawyer’s letter to Rio 2016, dated 22 January 2016, also considered as observations to the IOC Chief Ethics and Compliance Officer, the ABOA President and Secretary General were always personally informed and copied in the emails, including those referring to the misuse of the NOC President’s access codes and to the payment by the WSH banking provider based in the UK. They were obviously constantly informed of the WSH Director of Operations’ actions and never reacted to or opposed such actions.

Ms Fiona Christmas, WSH Director of Operations, always acted on behalf of the company, always using the professional email with the company logo, and the WSH Director was regularly involved in the email exchanges. It is therefore not possible to consider that she acted in a “private capacity” and that she is solely responsible for unauthorised actions.

Furthermore, in an email dated 24 September 2015, the WSH Director of Operations explained to the ABOA how to answer to the first request for an explanation from Rio 2016 in order to “cover” the illegal payment made by a third party.

In any case, in the event WHS cannot respect its contract with the ABOA by transgressing its rights of action, this is the sole responsibility of the ABOA President and Secretary General.

**OPINION:**

It emerged from this analysis that:

- The ABOA President signed the TSA, recognising his full responsibility to respect the Ticketing Programme rules, the appropriate use of the tickets allocated to its territory as well as the prohibition on payments made in the context of the Ticketing Programme by a third party;
- The ABOA President and Secretary General signed the Code of Conduct;
- WSH acted on behalf of ABOA in the context of the Rio 2016 Ticketing Programme;
- WSH, through its UK banking partner, Thomas Exchange UK Ltd, made direct payments on the Rio 2016 ticketing platform using the NOC President’s access code;
• For almost one year (between when WHS was refused as an ATR and the closing of the ABOA account), the ABOA President and Secretary General were informed about all of WHS’s activities and agreed that the personal access code of the President of the ABOA could be passed on to WHS. They therefore personally acted contrary to both the TSA and the Code of Conduct.

Based on all of these elements, it can be established that the ABOA President and Secretary General did not respect the agreement made with Rio 2016 nor the IOC Code of Conduct.

This conduct is contrary to the correct fulfilment of an NOC’s mission and tarnishes the reputation of the Olympic Movement; this constitutes a breach of Article 2 of the IOC Code of Ethics, with which all NOCs must comply at all times and in all circumstances.

The ABOA President and Secretary General have not been involved in any similar breach in the past; thus this conduct constitutes a first violation.

Therefore, in addition to possible sanctions which might be taken by Rio 2016 pursuant to its own regulations, it is recommended that the IOC takes the proportionate administrative measure to declare these two people ineligible to receive an accreditation for the Olympic Games Rio 2016.

RECOMMENDATION:

The Ethics Commission, after deliberating in accordance with its Rules of Procedure, recommends that the IOC Executive Board:

1. declare Mr Chet Greene, President of the NOC of Antigua and Barbuda (ABOA), and Mr Cliff Williams, Secretary General of the NOC of Antigua and Barbuda (ABOA), ineligible to receive an accreditation for the Olympic Games Rio 2016 (Rule 59.2.2 of the Olympic Charter); and

2. refuse to deliver those accreditations for the Olympic Games Rio 2016 (Rule 52.2 of the Olympic Charter).

Done in Lausanne, 29 March 2016
Chair of the Ethics Commission

[Signature]