

USA Fencing Final Investigation Report

October 31, 2024

Executive Summary

Background. Seasoned coaches, referees, athletes, and administrators expect some controversy in Olympic qualification years, when friendly competition edges towards a zero-sum game for the ultimate prize, a spot on an Olympic team. By all accounts, the lead-up to the Paris 2024 Games was exceptional for USA Fencing.

The ultimate athlete outcomes in Paris are, of course, now known to all. It is easy to forget in hindsight the complex personal and professional challenges handled over the past seven months by USA Fencing (“USFA,” sometimes called “USAF”) and its Board of Directors, Officers, Referee Commission, staff, and outside counsel; the United States Olympic and Paralympic Committee (“USOPC”); USFA’s three-member Grievance and Disciplinary Committee panel; the arbitrators and participants in the two USOPC “Section 9” proceedings; and above all, the fencers, referees, and coaches.

Saber has for decades endured a reputation for unfair influence, perhaps outright corruption, abroad. Our story begins with new rumors circulating during the Olympic qualification year about perceived manipulation by certain referees licensed by the International Fencing Federation (“FIE”). The rumors involved no U.S. referees, a cadre that is, by all accounts, among the world’s most ethical. Nor did the rumors involve saber Parafencing, a sport governed not by the FIE, but by the International Wheelchair and Amputee Sports Federation of the International Paralympic Committee.¹ Instead, the new rumors raised questions about foreign judges manipulating bouts in favor of American athletes vying for spots on the Paris 2024 men’s and women’s saber teams. Such grave allegations affect all levels of Olympic sport, including the International Olympic Committee (“IOC”), USOPC, national governing bodies (“NGBs”) such as USA Fencing, and international sporting federations such as the FIE.

USA Fencing did not wait for formal complaints to the IOC, USOPC, FIE, or USA Fencing (we are aware of only one, noted below). In December 2023, USA Fencing wrote to the FIE, the implicated athletes, and their personal coaches to flag concerns about potential manipulation by specific FIE referees abroad. The simmering pot gathered steam at the December 7-9 FIE Grand Prix in Orleans, France; the lid blew off during the January 5-8, 2024, North American Cup tournament in San Jose, California (“San Jose NAC”).

The opening day of the San Jose NAC was marked by the release of a viral YouTube video, “*Fencing’s Biggest Open Secret*” (<https://www.youtube.com/watch?v=iiD3l008Xrg>), in which a pseudonymous vlogger raised detailed, pointed questions about certain foreign referees, domestic athletes, and their coaches. A supporting video was posted the next day by a different community member, “*Fencing Has Big Problems*.” (<https://www.youtube.com/watch?v=DqAc7uqQnls>). Meanwhile, a controversial NAC bout on January 6 soon prompted an explosive video by a third pseudonymous vlogger, “*Nazlymov v. Erickson Situation at San Jose NAC Explained*”

¹ (<https://wheelchair-fencing.org/>)

(<https://www.youtube.com/watch?v=WxtpzeCDgm8>) (hereinafter, “*San Jose NAC Explained*”). The San Jose NAC bout also immediately sparked a separate anonymous ethics and “emotional abuse” complaint filed through USA Fencing’s online portal. More YouTube posts followed.² Rumors continued to swirl and grow to include a related allegation of attempted bribery. By mid-February, Global Athlete had requested an FIE investigation; meanwhile, USA Fencing launched Grievance and Disciplinary Committee proceedings against the two foreign referees involved in the controversial San Jose NAC bout (both are USFA members). On March 7, USA Fencing announced its own independent investigation by Aequitask LLC/Prince Lobel Tye and Edgeworth Economics (“Edgeworth”). An official in the Olympic community later remarked on USA Fencing’s “quick action.” To some, however, the formal institutional responses would never be quick enough.

Investigation. This has been a complicated investigation, procedurally and substantively. Procedurally, key athlete witnesses were unavailable temporarily pending Olympic qualification competitions in advance of the Paris Games. Key referee interviews were postponed out of respect for the independence and confidentiality of the ongoing Grievance and Disciplinary Committee proceeding. Inexorable Olympic deadlines for choosing Team USA and other USFA nominees to the U.S. Delegation necessitated a confidential 35-page interim report in mid-April, two additional confidential and lengthy interim reports in late June, and related compliance reporting. Also in June, two separate arbitrations pursuant to dispute resolution procedures in Section 9 of the USOPC Bylaws (“Section 9 arbitrations”) addressed complaints that USA Fencing had denied athletes their rightful place on the men’s and women’s saber team for Paris 2024.

Substantively, investigating allegations of referee manipulation is complicated, in no small part due to the gravity of the charges and potential consequences under governing ethics rules as well as state and federal law. What’s more, almost every witness told us referee manipulation in saber is easy to do and hard to prove. Again and again, we were told of suspicious behavior and sordid connections before being warned, “you’ll never prove it!” We see four reasons for the cynicism. First, saber refereeing requires special expertise, and experts can disagree on how to award a saber touch; no fencing weapon involves more discretion. Second, referees have the final say on the strip under the widely accepted “Field of Play Doctrine,” applicable fencing rules, and norms in the fencing community where post-mortem review is discouraged. Third, a key predicate to *systematic* referee cheating – assigning preferred referees to ‘rigged’ bouts – is hard to catch red-handed and challenging to prove statistically given the relatively small datasets involved. Finally, the FIE referees involved in assigning or officiating international bouts are all outside USA Fencing’s jurisdiction. In addition to these four challenges, this appears to have been the first time the USOPC has been faced with potential violations of the IOC *Olympic Movement Code on the Prevention of the Manipulation of Competitions* as amended in 2022 (officially referred to as the “OM Code PMC” and sometimes referenced colloquially as “the Code” or “IOC Code”). (<https://olympics.com/ioc/prevention-competition-manipulation/regulations-legislation>)

As we reminded all witnesses as well as the USOPC, the FIE, and USA Fencing, we are factfinders only, leaving all decision-making to those organizations and their respective disciplinary processes. Ultimately, any solid decision on referee bout manipulation rests on at least one of three legs: (i)

² See, e.g., “*Response to Fencing’s Biggest Open Secret*” (CyrusofChaos, January 12, 2024, <https://www.youtube.com/watch?v=LzsmF6tNiUg>); “Fencing’s Biggest Open Secret, Reprise: A Deep Dive into Fikrat Valiyev and Uzbekistan” (ponce de leon fencing, March 17, 2024, <https://www.youtube.com/watch?v=4PYhSQ5jXlo>), and “*Why I believe Fikrat Valiyev is Corrupt*,” (Slicer Saber, April 27, 2024, <https://www.youtube.com/watch?v=PV1qMNzTnDs>).

human intelligence, gathered through multiple eyewitness interviews like ours; (ii) statistical analysis of referee assignments and comparative athlete performance like Edgeworth's; and (iii) expert analysis of referee calls. Our first leg is strong. We met online (and over the phone as necessary) with 67 witnesses from all corners of the international fencing community, many of whom had multiple follow-up interviews before and after the Paris Games. We approached many witnesses; some came to us on their own, while others had to be nudged about their duty to cooperate. We refused no one. Key foreign FIE referees in the eye of the storm initially offered to cooperate by written questions, but the collaboration broke down after our suggested written protocol was forwarded to the FIE. On September 30, 2024, the FIE directed USA Fencing to address "any offenses or attempted offences" through the FIE Disciplinary Code.

Our team catalogued a global list of 254 fencers, coaches, referees, and administrators, allowing us to refresh witness memories on the spot and triangulate multiple incidents and suspects.³ Many witnesses expressed a palpable fear of retaliation as an individual athlete, teammate, coach, club owner, or referee. Some refused to talk before the Paris 2024 Olympic flame was extinguished. Other veteran referees, coaches, and outspoken critics in the saber community were utterly fearless, unconcerned about confidentiality or blowback. We could not be more impressed by the overall cooperation, candor, commitment, and caring in the American fencing community and among its many friends abroad.

The Challenge of Evaluating Controversial Referee Decisions. That "third leg" of the stool – proving key referee calls were "bad or wrong" as required to show a violation of the OM Code PMC – initially seemed straightforward. Virtually every witness complained privately to us about clearly incorrect, "reversed" calls awarding a touch to the wrong fencer. Few knowledgeable saber referees, however, seem comfortable taking strong positions in public. Perhaps they worry of retribution in a sport where referees are hired afresh for every tournament and many aspire to a lofty FIE license; we heard painful accounts of retaliation against referees for doing their job and standing by their decisions. Perhaps referees are preternaturally reluctant to question colleagues because they *know* the job is hard, they know reasonable judges can disagree about many saber calls, and they understand and the limitations of after-the-fact video review. Finally, the USA Fencing Code of Ethics requires Referee Coordinators/Assigners to "respect the rights and dignity of all the referees and... not criticize them publicly." The USFA Referee Workplace Code of Conduct elaborates, "Referees should *never* engage in public discussions about a colleague's work. This includes instigating or participating in any discussions of a colleague's decisions on social media, including comments, reactions, or increasing dissemination (*e.g.*, sharing/re-sharing)."⁴

So how does the fencing community address allegations of fraudulent, corrupt officiating without judging the judges? Even if we can show a crooked referee got assigned to a bout, there is no manipulation under the OM Code PMC (or common sense) unless the referee "deliberately makes *bad or wrong decisions* affecting the result or course of a competition, in order to obtain an undue benefit." (<https://olympics.com/ioc/integrity/prevention-competition-manipulation> (emphasis added))

³ Of the 254 on our list, 45 were accused of manipulation, corruption, or guilt by association; some are retired or deceased. The overwhelming majority are outside USFA's jurisdiction and the scope of this investigation.

⁴ USFA's Referee Code of Ethics and Referee Workplace Code of Conduct are both available at <https://www.usafencing.org/referees-codes>.

Proving referee decisions were in fact “bad or wrong” has been challenging in formal settings like the Grievance and Disciplinary Committee hearing and Section 9 arbitrations.

Findings and Conclusions. As promised in the March 7, 2024, USFA announcement, our investigation into “concerns recently raised regarding potential bout manipulation within the saber discipline” was indeed “wide ranging and thorough.” Nonetheless, our review adduced no tangible evidence of saber bout manipulation in the United States in the past decade other than those raised in connection with the San Jose NAC. Allegations and evidence regarding potential corruption abroad are outside USFA’s jurisdiction and our reach, but all such information gathered in our investigation will be shared with USFA verbally.

Thus, our findings of fact and conclusions are limited to the two athletes discussed below and other related individuals as addressed in separate confidential reports. However, our observations about saber from our interviews and our recommendations for USFA are wide-ranging and encompass considerations that extend well beyond the individual circumstances of the two athletes.

At first, the accusations of bout manipulation in saber flew directly at foreign referees. Inevitably, the controversy engulfed the two athletes at its center. Indeed, some speculate Mitchell Saron and Tatiana Nazlymov would be the *last* people to know about referee corruption on their behalf, lest they turn in the perpetrator(s) or fence differently because “the fix is in.” Not surprisingly, our investigation adduced few allegations and no evidence these athletes knowingly participated in bout manipulation. Many witnesses, however, accused Saron and Nazlymov of *receiving improper benefits* from referee bout manipulation.

The primary “improper benefit” allegations against Saron are statistical in nature, involving comparatively little analysis of specific referee calls. The allegations against Nazlymov also include data, but witnesses tended to focus far more on referee behavior and calls in the *San Jose NAC Explained* video and certain other controversial bouts overseas. Regarding the data evidence, many witnesses (but certainly not all) considered the informal statistical analyses circulating in the saber community and reported on YouTube compelling and objective (“numbers don’t lie”). As discussed below and detailed in the separate Edgeworth Economics Report, however, the labor economists found no statistically significant evidence of either rigged referee assignments or unexpectedly better outcomes for Saron or Nazlymov under certain referees.

The second type of evidence in our investigation involved *multiple* anecdotal accounts of referee manipulation. Many asked us, “is it just smoke or is there fire?” The answer turns out to be complicated. Much of the proffered evidence – *the smoke* – involves specific “bad” calls in Saron’s and Nazlymov’s favor. Witness after witness explained how key calls in key bouts were wrong (or right), and we have no reason to agree or disagree because we are not experts. That so many saberists see *fire* in these suspect referee calls is notable, but not decisive given the wide discretion in the sport, clear differences of opinion among saberists, and our obligation to weigh actual evidence rather than majority/minority opinions.

The third type of evidence in our investigation involved more general, background information believed to raise inferences of bout manipulation. For example, many compared Saron’s or Nazlymov’s Olympic year performance to their previous records, including junior competitions. Nazlymov’s performance in international competitions (and, to a lesser extent, Saron’s) seemed to some witnesses atypically better than in domestic competitions. Witnesses told us that both fencers

performed suspiciously poorly in team as compared to individual events (Nazlymov more so). Critics argued that spectacular performances by these two athletes under some referees were not replicated under others. We also gathered information about presumably conspiratorial connections among key players and “suspicious” athlete behaviors including denial, isolation, embarrassment, insensitivity, crying, and apathy.

For each such argument, however, we heard counterarguments – and not just from Saron and Nazlymov. Witnesses told us some fencers get better over time, some do better in the clutch, some hunker down and improve their training regimes and lifestyles in an Olympic year, and some stop pushing when the pressure’s off. Saberists told us of the strategic advantages in focusing on pools and international tournaments offering outsize benefits for early strong performances. Some excellent fencers, we were told, simply don’t do as well in team events. We heard how some top American competitors benefit from the available pool of high-quality referees for FIE tournaments abroad and their predilection for an ‘international’ style of saber fencing. Witnesses often spoke of the small size of the saber community, its many overlaps, and the prospect of guilt by association. We heard how the Olympic year can be “weird” for athlete relationships and how certain “suspicious” Saron and Nazlymov behaviors had been there all along, hardly out of character. Nazlymov’s and Saron’s sometimes awkward, incongruous behaviors in the past year or so (shame, defiance, aloofness, no longer “happy go lucky”) raised eyebrows for some but elicited empathy from others who could not imagine the stress of suddenly finding yourself at the center of a worldwide cheating scandal.

When we weigh the evidence within our expertise that is *not* speculative, unreliable, rebutted, or opinion, the preponderance does not establish that Nazlymov and Saron benefitted from bout manipulation (or that they failed to report it). Put another way, the proof we so aggressively pursued is *not enough* for us to find Saron’s and Nazlymov’s selection to the men’s and women’s saber teams for Paris 2024 is best explained by bout manipulation rather than other legitimate factors. Notably, these conclusions detailed in Sections 8 and 9 below are in line the Edgeworth Economics Report, a Grievance and Disciplinary Committee decision, and two Section 9 arbitrations.

For a fencing community outraged by even the prospect of cheating on our shores and within Team USA, we understand why it is a cold comfort to remind witnesses they were right in telling us, “You’ll never prove it.” Witnesses may be right about the cheating, the “fire.” We cannot say the accusers were wrong, that there was no material evidence of manipulation.

It is important to understand that the primary, statistical evidence against Saron was rebutted by the Edgeworth labor economists, but the primary evidence against Nazlymov – anecdotal (and sometimes highly knowledgeable) witness observations of “bad” referee calls in key bouts – will always be more arguable than rebuttable and thus will retain much of its power in the minds of many. So, too, will the visual evidence of referee conduct at the San Jose NAC (as one witness said, “Even it is innocent, it is 100% wrong”). For these reasons, there was much more evidence for us to sort and weigh with regard to Nazlymov, and it was a closer call. Still, the evidentiary shortfall here for both athletes was sufficiently large for us to conclude in Section 7 below that Saron’s and Nazlymov’s credibility is irrelevant, even if solid.

USFA Support for this Independent Investigation. In our interviews, virtually every witness applauded USA Fencing’s decision to launch an independent outside investigation. USFA also followed through, responding immediately and without objection to our many requests for documents and background information. Every USFA director, officer, staff member, and referee with material

information were interviewed on the record, some repeatedly. All were credible, concerned, responsive, reflective, and helpful. We were never discouraged from following a lead. USA Fencing's uncompensated Board of Directors supported this difficult, complicated, and expensive process to get to the bottom of a serious problem tarnishing the sport and clouding its future. Above all, USA Fencing implored us to identify all areas for improvement and make recommendations tailored to address them; we share below what we learned.

Every witness told us of their love of the sport of fencing. USA Fencing's CEO also spoke of the love of sport itself. The essence of all sport – and all good investigations – is integrity and fair play, *regardless of outcome*.

Hope for a Skeptical Community. We know many in this close community of highly intelligent, strategic, and decisive athletes, parents, coaches, and referees have already made up their minds about what they see as an international conspiracy beyond our reach. Some told us corruption drove them from the sport years ago. Now, saberists have been able to see suspect matches and data *with their own eyes*, live or replayed on YouTube. Many hope for an eventual conviction, while the accused athletes, referees, and coaches surely hope for exoneration. Seasoned investigators know reality usually falls in between, disappointing both ends of the spectrum. Everyone, however, can agree on the long-term value of tackling integrity issues with integrity, respecting due process, and taking reasonable steps to prevent not only the reality, but also the perception, of bout corruption in saber.

Fortunately (and perhaps not fortuitously), we heard of no material allegations of saber bout manipulation at the Paris Games. Optimists may be quick to proclaim this proves saber was fair all along. We see a “clean” 2024 Olympics as proof of something else: *that saber refereeing can indeed be uncontroversial when people are paying attention and speaking up*. Alexandre Dumas's battle cry of *The Three Musketeers* echoes to this day: “One for all, all for one.”

Organization of this Final Report

In addition to the findings, conclusions, and recommendations below, this Final Report also retraces key events in a journey that ends for us here. As noted above, we leave it to USA Fencing's sound discretion to decide on next steps, if any, but we will continue to support the organization in any way we can.

Setting shared expectations about confidentiality is important in every investigation, but especially when, as here, there are widespread fears of retaliation and collateral proceedings with their own policies, procedures, and transparency expectations. Regarding the collateral proceedings, we were privy, after-the-fact, to evidence adduced in the confidential Grievance and Disciplinary Committee hearing; we did not access the evidentiary record in the Section 9 arbitrations, but we pored over the final decisions. These collateral proceedings never substituted for our own digging and analysis, but we did need to see if they squared with our record. They do, with certain limited exceptions noted in the separate reports. Thus, all information provided below about these related proceedings derives from cited public sources rather than from records subject to other confidentiality protocols.

All witnesses were reminded of USFA's whistleblower and anti-retaliation protections. We also explained how we anonymize sources to the maximum extent practicable given our duty to report all material information to USFA and assure due process for every person implicated. We provide no

witness list in this report, the separate confidential reports, or the confidential Appendix to the separate reports.

This report is organized into twelve sections:

1. **Investigation Process** (pp.7-8);
2. **Background on Saber** (pp.9-11);
3. **Applicable Institutional Policies and Procedures** (pp.12-13);
4. **Refereeing Rules** (pp.13-16);
5. **Key Events During the Investigation** (pp.16-20);
6. **Overview of the Edgeworth Economics Analysis and Report** (pp.20-21);
7. **Credibility Assessments** (p.21);
8. **Saron Findings and Conclusions** (pp.21-25);
9. **Nazlymov Findings and Conclusions** (pp.26-30);
10. **USFA's Response to the Controversy** (pp.30-31);
11. **Recommendations** (pp.32-37); and
12. **Conclusion** (p.37).

1. Investigation Process

Launch. In early March, USA Fencing and its Referees' Commission announced the independent investigation by Aequitask LLC/Prince Lobel Tye and data analysis by Edgeworth Economics. The March 7, 2024, press release confirmed, "the investigation will be wide ranging and thorough, including interviews with relevant parties, analysis of video evidence, and statistical reviews." No deadline for the investigation or final report was announced in the press release; instead, USFA committed "upon completion of the investigation," to "share the outcomes and key takeaways and any recommendations with our community (in addition to pursuing any disciplinary actions that are warranted) as part of our continuing commitment to transparency."

(https://www.usafencing.org/news_article/show/1303262)

Outreach. USA Fencing provided the investigators a Confirmation of Authority letter detailing relevant provisions in its Code of Conduct, including whistleblower and anti-retaliation protections; we shared the letter with all USFA member participants. The March 7 USFA announcement urged anyone "with information related to the alleged bout manipulation or other improprieties in saber" to come forward through a dedicated "hotline" email address and telephone number exclusively maintained by the investigators. Response rates were typical in our experience, totaling 17; a clear majority of leads came directly from our witness conversations. The hotline was closed upon delivery of this report, with an automated reply directing further communications to USFA's Director of Member Safety and Compliance or the online "File a Report" portal.

All hotline tipsters were invited to interview, and most accepted the invitation. Information provided by anonymous tipsters who gave no identifying information and/or declined to talk to us were always

considered but discounted accordingly. Certain specific information gathered from hotline tipsters regarding isolated saber officiating frustrations in past domestic bouts unrelated to the main controversy are addressed generally in the recommendations below.

Interviews. Early estimates of the number of people who would come forward proved to be low. We received an initial “saber contact list” totaling 35 athletes, coaches, and referees. Including additional witnesses subsequently named by USFA staff, hotline tipsters, and other members of the fencing community, we eventually interviewed 67 witnesses; many participated in multiple follow-up interviews before and after Paris 2024.

We also prepared a consistent interview “script” explaining not only our confidentiality protocols, but also our factfinding role, each witness’s rights, responsibilities, and reasonable expectations for the process, and USFA’s whistleblower and anti-retaliation protections. Witnesses acknowledged that any truly unique information might be traceable to its source.

With rare exception, interviews were by videoconference rather than by phone. No in-person interviews were conducted. Interviews were generally not recorded except upon request by a handful of witnesses. To assure an accurate record, both investigators participated in and took personal notes during all but a handful interviews. Occasional solo interviews necessitated by scheduling conflicts were promptly followed by detailed debriefs with the absent investigator.⁵ Most, if not all, witnesses confided during or after their interviews their appreciation for the investigators’ diligence, candor, and patience. Many expressed gratitude for the opportunity to talk candidly about sensitive matters in a comfortable setting.

Documentary Record. In addition to documents requested and received from USA Fencing, witnesses were invited to provide documents, data, and videos. As expected in an investigation of alleged manipulation and corruption, there are relatively few documents. All not already in the public domain are gathered in a separate, sequentially paginated confidential Appendix to the separate reports; we did not include purely transactional email correspondence or hotline tips to protect the identity of our participants.

Standard of Review. We investigators know questions of bias arise in every subjective decision-making process, not just saber. Discretion of any kind, anywhere, is always at risk of favoritism, abuse, manipulation, and other biases explicit and implicit. Whether in sport or the workplace, investigators looking for trouble look first in the “discretionary bucket” because that’s where bias thrives and hides.

“Preponderance of the evidence” requires looking at the *totality* of the evidence and assessing what *most* of the record shows, even if it’s a close call – “50% plus a feather.” The preponderance of the evidence standard is thus lower than the “comfortable satisfaction” threshold when questioning referee calls in many organized sports, which itself falls short of the “statistical significance” standard used in the Edgeworth Economics report.

⁵ Although we often draft post-interview summaries for our record (and, sometimes, for exchange with witnesses), such recordkeeping is impossible in urgent investigations because preparing accurate written summaries often requires at least as much time as the interviews themselves. The two-investigator model allows the rapid development of a solid record with internal checks and balances.

2. Background on Saber

Saberists. “Fencing is a niche sport,” we were often told. The niche has three weapons: foil, epee, and saber. Each has its own style of play, rules, and scoring conventions. Fencers usually pick one and like to explain how their weapon befits their personality. Many say fencers are generally possessed of a very high level of intelligence. We agree. This cohort also proved to be curious, perceptive, quick, decisive, good with data, and gifted with long, detailed memories.

We heard an inside joke about fencer personality differences. “After a competition, the foil people sit around and talk about boyfriends and girlfriends. Epee people check their stock portfolios. Saberists talk about how a ref screwed them last week.” “Humor is the good-natured side of a truth,” Mark Twain explains. The truth is, referees are utterly crucial in saber even though, as one quipped, “no one comes to watch us!”

Referees. Fencing referees typically begin their careers as fencers; some joke about learning the hard way they are more talented at judging than competing. Saber referees have particularly broad discretion in deciding how to “award a touch.” Whichever fencer reaches the required number of touches first wins. For Olympic hopefuls, those wins get tallied across multiple tournaments in the “Olympic year” to decide the final Team USA roster.

We asked dozens of referees, athletes, and coaches to picture three “buckets” of calls on the saber field of play: “Clearly Correct,” “Clearly Wrong,” and “Reasonable Refs Can Disagree.” Size estimates for the third bucket range from 20% to 50%. By all accounts, substantial referee discretion is baked into saber. For every USFA referee we interviewed, discretion is a solemn responsibility, not a freedom. Some of the “greats” volunteered remarkably fresh memories of haunting errors they made many years ago.

Referee discretion is also particularly influential in saber because the judging occurs in real time as a bout unfolds –unlike gymnastics or figure skating, where athletes are scored after they perform. The critical action in saber typically takes a half-second or so. By contrast, epee touches can involve 18-30 seconds of swordplay. Indeed, we heard many stories of how young fencers-to-be were inspired by Hollywood swashbucklers (depending on the witness’s vintage, Douglas Fairbanks, Zorro, Inigo Montoya, or Luke Skywalker). Saber, however, is less like swashbuckling and more like lightning.

Given the remarkable speed of play and the action-after-action race to reach the required number of touches, a “bad call” can profoundly influence a saberist’s strategy, state of mind, composure. Thus, saberists are often attuned not only to opponents, but also to referees. Some error is expected of referees in saber, like every other judged sport. One seasoned referee concedes, “sometimes, we just get tired,” particularly in large, hectic domestic competitions that can drag on to the wee hours. Individual referees may also quite rightly value some fencing styles over others, there being few universally accepted “conventions” for interpreting certain saber actions. Finally, referees are people, and people can have explicit and implicit biases. For example, we heard of international referees who “just like Americans.” Others told us how “reputation calls” are commonplace, akin to the “halo effect” or “LeBron James effect.” NBA referees are believed to assess fouls against LeBron’s defenders on the assumption that if the superstar misses a shot near the basket, he must have been fouled. Top saberists likewise candidly acknowledge they may get the benefit of the doubt simply because they are expected to win. This is widely considered a hard-earned perk rather than a problem.

The outside role of referees in saber encourages fencers to figure out what each referee is looking for so fencing styles can be adjusted to suit those preferences (by all accounts, easier said than done). Particularly in domestic competitions, coaches also get involved, questioning a referee's rationale and helping their students adapt strategies and tactics in response. Coaches also tell us they feel increasing pressure to "advocate" for their fencers on the strip, an unpleasant downdraft of helicopter parents hankering to get their children into fine colleges. Referees likewise feel increasing pressure from coaches. We often heard it is harder to acknowledge an athlete's shortcomings than to just "blame the Ref." Saberists may "sit around talking about how a Ref screwed them last week," but so do coaches, moms, and dads.

On-Strip Technology. There is little a fencer or coach can do after sizing up a referee as waffly, biased, or corrupt. If adapting to the referee's perceived "style" doesn't work, the default is always, "just fence better." To saberists, "fencing better" means acting so quickly, clearly, and decisively that the resulting call stays out of the discretionary bucket with what is known as a "one light" touch. Lights are literally wired to a fencer through the backside of the *lamé* protective suit. When both fencers land a touch simultaneously in epee, each scores a point. In foil and saber, by contrast, only one fencer can score. When lighting strikes and an opponent fails to strike back within a predetermined "lockout time" (measured in milliseconds), the more adroit fencer gets a "one light" and indisputably wins the touch. When bolts of lightning strike simultaneously from each end of the strip *within* the lockout time, it is wholly up to the referee to decide who had the "right of way" and award the touch accordingly (sometimes, with the assistance of a second "video referee"). Referees unsure which way to go can call a particularly close two-light a "simultaneous," essentially a draw advancing neither competitor towards the required total.

Rule Changes. Stewards of saber, like those in other sports, keep tinkering to make the competition more appealing. Saberists tell us of two relatively recent tweaks that combine to enhance referee discretion. First, the lockout time was increased in 2016 from 120 to 170 milliseconds (± 10 ms), encouraging more "two lights" for resolution by the referee. Second, abstentions by way of "simultaneous" calls are somewhat disfavored today. Unsurprisingly, change can be controversial. Some see fine-tuning, experimentation intended to make the sport better for fencers, referees, spectators. Others argue, for example, that longer lockout times "ruined the sport." Skeptics see a worldwide conspiracy hatched in Eastern Europe to enhance referee discretion so it's easier for them to cheat and harder to prove. Ironically, every witness told us stealthy saber bout manipulation requires substantial officiating skill, perhaps explaining why the suspect referees are among the world's finest.

Finality. Not only is saber referee discretion at a highwater mark now, but a fencing referee's authority has long been nearly absolute. As detailed in Section 4 (p.15) below, backup "video referees" are employed only towards the final stages of tournaments, and rules limit how often a competitor can request a video review with a fingertip depiction of a television screen. Fencers can incur a penalty for "unjustified" requests for video review.⁶

⁶ Witnesses also educated us on the limits of video in understanding saber actions and referee decisions, particularly "unofficial" video. Some referee calls simply cannot be validated by video because viewing angles can be crucial in understanding touches in general and attacks in particular. A handful of experts further explain that referees rely on not only their eyes, but also their ears in making complex, snap judgments about lightning-fast actions. Audio-video synchronization and (and, we think, low-fidelity, mono rather than stereo playback) may be insufficiently precise to allow even an experienced reviewer to determine *where* contact is made on a saber. As one lauded referee explains, "The first time I saw" the *San Jose NAC Explained* video, "I thought, 'Yikes,' it looked like bad calls. But it can be hard

So-called “appeals” of referee decisions on the strip may be taken to bout committees, but only on the rare occasion when a referee arguably violates an explicit rule. Thus, a referee’s decision on an action is nearly always final, even if it may be plainly, painfully, shamefully wrong.

Referee authority is nearly absolute on the strip, but bout committees and their delegates can and do send referees having “a bad day” to “the lounge.” Because referees are hired on a tournament-by-tournament basis, repeat loungers may quite properly be overlooked in future hiring decisions.

Overlapping Interests in the Sport. Saber also has a challenge common to “niche” sports: overlapping relationships and potential conflicts of interest. Veterans of the sport routinely characterize fencing as a “tight knit” community. Even “internationally, everybody knows everybody.” In the “small town of saber,” “coaches are refs.” “We talk, and not just on the field of play... are coaches having dinner with referees, athletes? Yeah, 100%.” “Sometimes we work things out in the bar,” proudly quips one referee known for unimpeachable integrity. Returning to our NBA analogy above, no NBA referees coach; none owns a team; none must re-apply to referee the next game. In saber, such overlapping interests are the rule, not the exception. A culture of “working things out in the bar” is a great strength until it turns into a profound weakness. Close ties bind, but can also create hidden tensions on the strip, inter-club rivalries, and mere “guilt by association” in investigations like this one.

Referee Supply and Demand. Many witnesses bemoan the short supply of qualified referees for domestic competitions, outstripped by the demands of a rapidly growing sport. Athletes, coaches, referees, and administrators all speak of the scheduling and travel challenges for referees having regular “day jobs.” USA Fencing gets perennial calls for better referee pay, education, and training to encourage new entrants and retain seasoned professionals.

The short supply of qualified but essential refereeing talent, when combined with low pay and the overlapping interests in the sport (*e.g.*, coaches who referee on the side) may help create what more than one witness characterized as “a perfect storm” for trouble, including potential corruption. Some witnesses pine for a better future with robotic “AI referees.” Most witnesses, however, are sanguine about the status quo because it works, by and large. Indeed, many *praise* referee discretion as the human element that makes saber play more “unpredictable,” “mentally challenging,” “exciting,” “noble,” and “interesting.”

Concerns of Manipulation Globally and Locally. Witness after witness explained that corruption has long been a challenge in saber (as in many organized sports) but appeared to be a manageable “foreign” problem until recently. Whatever the reason (we heard many), most witnesses openly worry that refereeing shenanigans (or worse) previously seen only overseas have arrived on our shores, influencing crucial Olympic qualification tallies. Meanwhile, the most flagrant, end-of-tableau cheating or ham-handed referee behavior/calls are caught by spectator video that airs on YouTube, only bolstering suspicions in an already skeptical fencing community.

to say because even square-on may not be a good angle for figuring out where on a blade it is hitting.” Others remind of the importance of reviewing *full* bouts rather than edited clips to assess the overall fairness of the refereeing given the inherent subjectivity of the sport and the need to assess a referee’s consistency before jumping to conclusions about a call or two.

3. Applicable Institutional Policies and Procedures

The interplay of policies, procedures, and rules governing the IOC, USOPC, FIE, and USFA is beyond the scope of this report, which reflects our factfinding solely for USA Fencing's use in deciding on next steps, if any.

In addition to the IOC's overarching Code of Ethics (<https://olympics.com/ioc/code-of-ethics>) the OM Code PMC applies to all organizations bound to the Olympic Charter (including, for our purposes, the USOPC National Olympic Committee, the FIE International Sports Federation, and USA Fencing National Sport Federation (<https://olympics.com/ioc/integrity/prevention-competition-manipulation>)). Each of those organizations, in turn, assures its own compliance and takes responsibility for the downstream compliance of member athletes, coaches, referees, and staff.⁷

USFA and FIE each have their own codes of ethics/conduct. (*See generally* <https://fie.org/development/projects/41> and <https://www.usafencing.org/fencesafe-codes-of-conduct>) The FIE and USFA codes of ethics/conduct generally require compliance with all applicable anti-manipulation and anti-corruption rules including but not limited to the OM Code PMC. USFA's Code of Conduct also requires, among other things, members to act "in a sportsmanlike manner consistent with the spirit of fair play and reasonable conduct"; "Report all Code of Conduct violations"; "Abide by all applicable USA Fencing rules and regulations"; and "Adhere to the rules governing fair play and competitive manipulation per the Olympic Movement Code on the Prevention of Manipulation in Competitions."⁸ Online FIE ethics rules and related information are structured somewhat differently.⁹

⁷ The IOC offers online guidance regarding manipulation (*see, e.g.*, <https://olympics.com/ioc/integrity/prevention-competition-manipulation>, <https://olympics.com/ioc/prevention-competition-manipulation/regulations-legislation>) and offers an "Integrity Hotline" for reporting, among other prohibited conduct, "suspicious approaches or activities related to competition manipulation." (<https://ioc.integrityline.org/>) Essentially, the OM Code PMC prohibits intentional acts or omissions aimed at improperly altering the result or course of a sporting competition for an improper benefit, including match-fixing, intentionally poor performance, and deliberately making bad or wrong decisions affecting a competition. (<https://olympics.com/ioc/integrity/prevention-competition-manipulation>)

⁸ USA Fencing provides online guidance through its detailed Rules and Compliance webpage (<https://www.usafencing.org/rules-compliance>) and offers links to its own inquiry/reporting portal (<https://www.usafencing.org/fencesafe-report>) as well as the USOPC's Team USA Athlete Ombuds (<https://www.usopc.org/athlete-ombuds>). USFA's Member Code of Conduct also provides additional avenues for raising questions and concerns via direct email to USFA's Athlete Safety and Compliance Manager as well as the Grievance and Disciplinary Committee.

⁹ The FIE webpage links to original source material and personnel directories. FIE information about manipulation is found in the "FIE Documents" tab in the FIE homepage (<https://fie.org/fie/documents/statutes-and-admin-rules>), which links to a PDF of the October 2024 version of the FIE Statutes (<https://static.fie.org/uploads/34/172621-FIE%20Statutes%20ang.pdf>) as well as the 2023 version of the IOC Code of Ethics (<https://olympics.com/ioc/code-of-ethics>). The FIE "Integrity and Compliance Hotline" link (<https://fie.org/development/projects/41>) link redirects to the general IOC homepage, "Olympics.com." (<https://olympics.com/>) FIE menu tabs on topics of relevance to this investigation generally link to photo directories. (*See, e.g.*, "Commissions and Councils" sub links to "Refereeing" and its photo directory of FIE Referee Commission members (<https://fie.org/fie/structure/council/CA>); the "Ethics" tab under "Councils and Commissions" launches an "Ethics Committee" photo directory; the "Disciplinary panel" tab links to a personnel directory, as does the "Fair Play" tab under "Commissions and Councils.")

Duty to Report Manipulation. The OM Code PMC imposes, among other things, a duty on all “participants,” including athletes, to report “to the Sports Organisation... at the first available opportunity,” details of any approaches or invitations *received by the Participant* to engage in conduct or incidents that could amount to a violation”

(<https://stillmed.olympics.com/media/Documents/Beyond-the-Games/Fight-against-competition-manipulation/Code-Mouvement-Olympique-2022-EN.pdf>, Art. 2.4.1) as well as “any fact or matter that *comes to the attention* of the Participant (*or of which they ought to have been reasonably aware*)” by others “to engage in conduct that could amount to a violation.” (*Id.*, Art. 2.4.2)

IOC “FAQs” on preventing competition manipulation, however, are unclear about *where* reports should be lodged: “as soon as you learn of any suspicious activity, you have to report it. *Talking to your coach or sports federation is not enough; you need to do it officially through the IOC Integrity Hotline or any other official reporting mechanism available to you.*”

(<https://olympics.com/athlete365/believe-in-sport/#faq> (emphasis added))

Under USFA’s Code of Conduct, potential violations “must be reported promptly” through the organization’s “online reporting portal” or to USFA’s Athlete Safety & Compliance Manager; reports may also be directed to USFA’s Grievance and Disciplinary Committee. The process for addressing reports is set forth in the USFA Grievance and Disciplinary Committee Complaint and Hearing Procedures.¹⁰ Again, FIE guidance is presented somewhat differently.¹¹

4. Refereeing Rules

Both the FIE and USA Fencing have Referee Commissions (often called “RCs”) responsible for promulgating officiating rules, enforcing them, managing referee pools, and supervising their respective referee bout assignment processes. (See generally <https://www.usafencing.org/referees-commission>; <https://fie.org/fie/structure/council/CA>) The bouts in question occurred both in the United States and abroad; the San Jose NAC involved two foreign referees, one licensed by the FIE. Domestic competitions are governed by USA Fencing Rules.¹² Overseas, FIE Technical Rules apply.¹³ However, in nearly all relevant respects, USFA’s and FIE’s Technical Rules (collectively, the “Technical Rules”) are substantially the same.

Referee Assignments. The guiding principles of referee assignment under the FIE Technical Rules are (i) randomization, and (ii) avoidance of potential conflicts or the appearance of conflicts,

¹⁰ (<https://www.usafencing.org/resources-protocols>, Protocols/Codes/Policies) The USFA Code of Conduct also provides information and links for additional resources and support, including information about the USOPC Ethics and Compliance team, its Speak Up Policy, the USOPC Integrity Portal (*id.*), all of which help implement OM Code PMC reporting obligations.

¹¹ The FIE offers more limited guidance on reporting obligations and options. Users can navigate from the FIE.org homepage to “FIE” (<https://fie.org/fie/structure>) to “FIE Documents” (<https://fie.org/fie/documents/statutes-and-admin-rules>), and finally to “IOC Code of Ethics August 2023,” which launches a PDF of the IOC 2023 “Ethics” publication. The FIE “Statutes October 2024” page links to a PDF of the FIE Statutes, which codify rules relating to manipulation and corruption.

¹² (https://www.usafencing.org/rules-compliance#USA_Fencing_Rulebook_csec)

¹³ (<https://static.fie.org/uploads/34/172615-technical%20rules%20ang.pdf>)

especially those arising from a referee's ability to benefit an athlete of the same nationality. The Technical Rules provide that, at each stage of the competition, referees are initially assigned by a computer "drawing lots." (Technical Rule ("t") 50.1) In later, Direct Elimination rounds, Refereeing Delegates¹⁴ are expected to establish a list of the best referees "according to the grades obtained during the season" before any bout assignment lots are drawn. (t.50.3)

Under the Technical Rules, only one factor overrides this randomization process: avoiding conflicts based on nationality. In the pools, each assigned referee "must be of a different nationality from that of any of the fencers in the pool." (t.50.2) This same principle applies to the direct elimination rounds through the finals. (t.50.3 and 50.5)¹⁵ Referees are also expected to declare all other potential, material conflicts of interest at the referees' meeting prior to the competition.¹⁶ The relevant federation (USFA or FIE, as the case may be) is required to forward all such information to the Refereeing Delegate or the Bout Committee (also known as the "Directoire Technique" in FIE competitions). (t.50.3) Refereeing Delegates may modify the mandatory computer-generated draw due to such conflicts or in case of a computer problem. (t.50.3) The computer program is nonetheless expected to record each draw and document whether the draw for any round was subsequently modified. (t.50.6) All changes to the computer's randomized assignment must be approved by the Refereeing Delegate and the Bout Committee/DT. (t.50.3)

In addition to the main referee on the strip, important bouts often involve a similarly randomized assignment of a second, "video referee" who assists in accordance with Technical Rules further discussed below. (t.49) The procedures for modifying "video referee" assignments and documenting those changes track those for the main referee. (t.50.7)

USA Fencing rules also mandate randomization; by all accounts, however, domestic tournaments are significantly larger than foreign events, necessitating a more hierarchical bout assignment and referee monitoring system that relies on a bout committee, one or more Referee Coordinators/Assigners, and "pod captains" who directly manage bouts on a limited number of adjacent strips. The USA Fencing Referee Code of Ethics generally requires Referee Coordinators/Assigners to "make assignments based on what is good for fencing and what is good for the referee."¹⁷

¹⁴ Under the FIE Organisational Rules (Rule 20), "The functions of the Refereeing delegates include the strict and complete organisation of the refereeing of events, ensuring their perfect running. They have the obligation to see that the Rules are adhered to and cannot themselves decide on any departure from the Rules except in circumstances in which it is absolutely impossible to apply them."

¹⁵ However, during the DE rounds until the semifinals, the Technical Rules recognize that it may not be possible to eliminate all nationality-based conflicts. (Rule 50.3)

¹⁶ Both USFA Referees Code of Ethics and the FIE Ethics Code provide referees with guidance on conflicts of interest. USFA Referee Code of Ethics states that a referee "shall accept assignments only when no conflict of interest exists. Even in those instances that may suggest a conflict of interest (e.g., pupil or former pupil, same club, etc.), the referee must make it known immediately to the Assigners, whose judgment will resolve the concern." The FIE Ethics Code also counsels against accepting assignments where there is a perceived conflict of interest and offers examples of potential conflicts (e.g., a referee had a "fencing relationship" with a coach within the past 5 years). (FIE Statutes, ch.XII(3), p.57)

¹⁷ (<https://www.usafencing.org/resources-protocols>, Codes/Policies)

Referee Decision Making and Authority. As noted above, many sports, including fencing, generally adhere to the Field of Play Doctrine discouraging after-the-fact reconsideration of officiating decisions made in good faith in the heat of competition, right or wrong.¹⁸

Referees direct every bout, issue penalty “cards” as they deem appropriate, and award touches. (t.47) The Referee alone decides the validity or the priority of the touch by applying the “conventions” of sabre fencing. (t.100) All referees are required to act with “honor” and the “strictest impartiality.” (t.46)¹⁹ With few exceptions, there is no appeal from a referee’s judgment call, “including any ruling by the referee analyzing what happened on the strip, such as the validity or priority of a hit.” (t.172) Generally, the only basis for an appeal is that a referee misunderstood or misapplied a “definite rule.” (t.172) Such appeals are taken to the Head Referee, who decides if the appeal is “justified.” “Unjustified” appeals result in a penalty against the appealing fencer. (t.174)

The only circumstance in which a fencer may contest whether the referee made the right call is when a video referee is assigned to the bout. (t.172) Each fencer is allowed one appeal in a pool bout and two appeals in each direct elimination bout. (t.61)²⁰ After a request is made for a video review, the referee watches the video replay with the video referee; the main referee makes the final decision. (t.61.3) If the main referee agrees with the fencer after a video review, the right of appeal is retained. (t.61) Each time the referee consults the video, the opinions of the referee and the video-consultant must be recorded on the match sheet. (t.62.6)

The USA Fencing Code of Ethics requires Referee Coordinators/Assigners to “respect the rights and dignity of all the referees and... not criticize them publicly, and any criticism shared will be constructive and for the referee’s benefit.” (<https://www.usafencing.org/resources-protocols>) The USFA Referee Workplace Code of Conduct explains:

Referees shall not publicly criticize, or invite public criticism of, a colleague’s decision. Referees in all sports accept their positions fully cognizant that their work is part of a public performance and, therefore, is open to public comment and criticism. However, the voices of referees themselves can carry disproportionate weight in such discussions, potentially undermining the trust and respect referees must command in order to function. Referees should *never* engage in public discussions about a colleague’s work. *This includes instigating or participating in any discussions of a colleague’s decisions on social media, including comments, reactions, or increasing dissemination (e.g., sharing/re-sharing).*”

¹⁸ See, e.g., 2024 USOPC Bylaws, Section 9.12 (“The final decision of a referee during a competition regarding a field of play decision (a matter set forth in the rules of the competition to be within the discretion of the referee) is not reviewable through or the subject of these complaint procedures unless the decision is (i) outside the authority to make or (ii) the product of fraud, corruption, partiality or other misconduct of the referee.”) (<https://www.usopc.org/governance-documents>) Section 7 of USFA’s Grievance and Disciplinary Complaint and Hearing Procedures paraphrases Section 9.12 of the USOPC bylaws.

¹⁹ The USFA Referee Code of Ethics and FIE Codes of Ethics both emphasize the importance of referee neutrality and independence. The FIE Code states that referees “must maintain an objective and impartial stance during the competitions, not being influenced by any pressure from sportsmen, trainers, coaches, colleagues, leaders, media or general public.”

²⁰ The referee or the video referee can also request video review of a call. (t.62.5) In addition, if the score is tied at the end, the referee must conduct a video review before awarding the decisive touch. (t.62.5)

(<https://www.usafencing.org/referees-codes> (emphasis in original)) USFA Fencing Rules likewise stipulate: “*at no time* is anyone allowed to criticize the Officials or their decisions...”

(<https://www.usafencing.org/resources-protocols>, Part VI, Ch.1 t.109) The cited FIE Technical Rule, t.109, confirms that “[d]uring a bout no one is allowed... to criticize the Referee or the judges...”

(<https://static.fie.org/uploads/26/131735-technical%20rules%20ang.pdf>, p.36)

Although the USOPC “fraud” exception is not explicit in the USA Fencing Referees Code of Ethics or Referee Workplace Code of Conduct, similar language is found in Section 7 of the USA Fencing Referee Commission Ethics Committee Complaint and Hearing Procedures,²¹ the prefatory instructions to the USA Fencing – Referees’ Commission Ethics Committee Misconduct Report,²² and Section 13.1.7 of the USA Fencing 2024-2025 Athlete Handbook.²³

Other Referee Responsibilities. FIE rules and competition layouts discourage interaction between referees and coaches. “During bouts no one is allowed to go near the strips. At no time is anyone allowed to criticize the Officials or their decisions, to insult them or to attempt to influence them in any way.” (t.109) By all accounts, “strip control” at American tournaments is more relaxed; referees complain of spectators “walking across strips,” coaches standing at a referee’s shoulder, and “loud” crowds.

5. Key Events During the Investigation

April 2024 USOPC Report to IOC. In early- to mid-April, the USOPC provided a report to the IOC regarding potential bout manipulation in saber that the IOC apparently shared with the FIE. Among other things, the report noted questionable referee assignments abroad and perceptions of improved athlete outcomes in bouts involving the suspect referees. The USOPC also described efforts by USA Fencing representatives to assure unbiased referee assignments abroad.

April 12 Disciplinary and Grievance Committee Hearing. The USFA Grievance and Disciplinary Committee panel conducted a videoconference hearing on the allegations against the San Jose NAC referees on April 12; the decision was issued 10 days later. We understand that the April 23, 2024, Decision has not been released to the public. USA Fencing did, however, issue a press release confirming that the two referees, Brandon Romo and Jacobo Morales, “have been sanctioned for violation of the USA Fencing Referee Code of Ethics, the FIE Technical Rules, and the FIE Ethical Code.” (<https://www.usafencing.org/news/2024/april/24/usa-fencing-receives-preliminary-findings-from-saber-investigation-offers-updates-on-disciplinary-hearing>)

Specifically, the USFA press release continues, “Morales violated Rules t.100 and t.109” and the FIE Ethical Code “by providing input to Romo during the Erickson/Nazlymov bout,” and Romo “violated the same Rules and sections of the Ethical Code by asking for input from Morales.” The panel “did not,” the statement continues, “make a finding... regarding whether Morales was making the calls

²¹ (<https://www.usafencing.org/resources-protocols>)(Protocols/Codes Policies)

²² (*Id.*, Protocols/Referee Misconduct & Ethics Report)

²³ (<https://www.usafencing.org/rules-compliance>)

himself or reaffirming calls made by Romo nor did the panel determine there was any credible evidence to support collusion or other impropriety.” (*Id.*)

The Grievance and Disciplinary Committee decision thus did not resolve certain questions relevant to our investigation, including: (i) whether Morales “reaffirmed” Romo’s intended calls at Romo’s request or was instead *making* the calls and communicating them to Romo, (ii) whether their on-strip conduct was the product of corruption/collusion, and (iii) whether the referee calls were in fact wrong and, as a result, whether points earned in the San Jose NAC could or should be deducted from Nazlymov’s Olympic qualification totals. Our investigation into the first two issues is reflected in the separate reports; the third issue is left to saber experts and USFA decision making processes.

April 12 Interim Investigation Report. Given the ongoing investigation, our 35-page April 12 Interim Investigation Report was submitted confidentially to USFA. The report recounted in detail all known allegations of bout manipulation and evidence adduced to date but offered no credibility assessments or conclusions given the preliminary nature of the report.

As noted in the USA Fencing press release above, our interim report also highlighted two “key findings.” First, no evidence had been found “that individual U.S. fencers were actively involved in manipulating their own bouts as athletes, meaning no fencing athletes are facing disciplinary hearings at this time.”

Second, the USFA press release confirmed that no evidence had been adduced to date “suggesting broader issues within the referee cadre at USA Fencing national tournaments, indicating that the refereeing improprieties that occurred at the January [San Jose] NAC were an isolated incident.” (<https://www.usafencing.org/news/2024/april/24/usa-fencing-receives-preliminary-findings-from-saber-investigation-offers-updates-on-disciplinary-hearing>)

April 12 Edgeworth Economics Report. Contemporaneous with the submission of our April 12 Interim Report, Edgeworth Economics submitted its initial report analyzing referee assignment and competition data. As the investigation progressed, we continued to share with the Edgeworth team all data analyses provided by witnesses and anonymous hotline tipsters. Although the Edgeworth analysis was updated periodically to acknowledge all such outside contributions, the firm’s fundamental methodology and conclusions remained unchanged, as discussed in Section 6 (pp.20-21) below.

May 16 Open Letter. Global Athlete (<https://www.globalathlete.org/>) was an early advocate for at least one aggrieved athlete in the growing saber controversy. The organization published an “Open Letter” to USA Fencing’s Board from “USFA Coaches and Retired Olympians”; the letter copied, among others, the IOC, the USOPC, and the FIE. The Open Letter complained of certain aspects of the investigation process and the severity and implications of the Grievance and Disciplinary Committee’s discipline of the two San Jose NAC referees.²⁴

²⁴ (<https://www.globalathlete.org/our-word/open-letter-board-usa-fencing>) Questions were raised by others in the fencing community about the letter’s content, authorship, and the circumstances surrounding the consent of certain signatories. We were told by several who participated in our investigation that they fully supported our efforts and process. We took no position publicly or privately on the Open Letter, and we respect any good faith effort to assure that the voices of amateur athletes, parents, and concerned coaches are heard.

June Section 9 Arbitrations. On June 7, the first of two Section 9 arbitrations was filed, challenging USFA's decision to name Nazlymov as the third and final individual saber competitor on the women's team for Paris 2024 (hereinafter referred to for convenience purposes only as the "Nazlymov Section 9 proceeding"). On June 11, a male competitor filed a parallel Section 9 arbitration complaint challenging USFA's selection of Saron (hereinafter, "Saron Section 9 proceeding").

We did not participate in the Section 9 arbitrations, nor were we privy to the testimony or exhibits. Arbitral decisions on Section 9 proceedings are, however, public.

(<https://www.usopc.org/governance/section-9>) We reviewed the decisions to identify any inconsistencies with our record, findings of fact, and conclusions. Inevitably, some facts vary; however, there are no inconsistencies with respect to Saron's or Nazlymov's own conduct.

The Nazlymov Section 9 arbitrator concluded, "there was no evidence to show that Nazlymov was involved in any attempt to improperly sway the opinion of a referee or to obtain illegitimate results from any bout, thus there was no evidence presented to show a referee's decision was the product of fraud, corruption, or partiality." (Arbitration Award, p.15) Likewise, the arbitrator concluded that he was "in no position to reverse calls that were made in real time during the pressure of the action." Thus, "the preponderance of the evidence... offered at the hearing did not support the overturning of USAF's decision to award Nazlymov with a place on the women's sabre team at the Olympics...." (Arbitration Award, p.17)

The Saron Section 9 arbitration involved more limited questions of whether Saron improperly benefitted from disproportionately high assignments to Bulgarian FIE referee Vasil Milenchev ("Milenchev") and if Saron's outcomes in those matches were "anomalous." (Final Award, p.13). "[N]o evidence" was offered showing "Milenchev or any other party" had "overruled" the random referee selection process to "install" himself in Saron bouts. (*Id.*, p.14) Similarly, the arbitration record reflected "no evidence presented of exchange of funds or favors." (*Id.*, p.17) The arbitrator left USFA's team selection undisturbed after considering evidence including, among other things, Saron's strong results in certain bouts not officiated by Milenchev and the impact of Saron's "hand injury" and subsequent recovery on his Olympic year performance. (*Id.*, p.15) The arbitrator also accepted the Edgeworth statistical model and conclusions generally described in Section 6 (pp.20-21) above. (*Id.*)

June USOPC Guidance and Related Information Requests. In early June, the USOPC formally requested information about USFA's processes, our investigation, and their impact on athlete qualification for the Olympic team and nominations to the U.S. Delegation to Paris 2024. As a "need to know entity" independently obligated to comply with the OM Code PMC, the USOPC identified all potential violations including manipulation, any failures to report manipulation, and any failures to cooperate with USA Fencing's investigation. Open issues flagged in the USOPC June 7 letter regarding perceived non-cooperation by certain nominees to the U.S. Delegation were quickly resolved and reported to USFA and, in turn, to the USOPC. On June 18, 2024, the USOPC acknowledged the resolution of the cooperation concerns and requested a summary of evidence and USFA's conclusions regarding any remaining compliance questions by June 24, 2024.

Updated Interim Investigation Reporting in Late June. On June 25 and 27, we submitted two updated interim reports to inform the exercise of USFA's discretion in selecting members of the men's and women's saber teams and other potential USFA nominees to the U.S. Delegation. USFA in turn provided certification letters about its team selection decisions and other supporting documentation to the USOPC.

Appeal of Morales Discipline. On August 12, 2024, the USA Fencing Board of Directors affirmed USFA’s appeal of the Grievance and Disciplinary panel’s nine-month suspension of San Jose NAC referee Jacobo Morales. (<https://www.usafencing.org/news/2024/august/13/usa-fencing-board-extends-suspension-of-referee-involved-in-january-2024-nac-bout>) The Board of Directors “voted to extend that suspension to four years, meaning Morales cannot referee at USA Fencing national tournaments until after the 2028 Olympics and Paralympics in Los Angeles.”

FIE Engagement and Recent Publicity. The FIE was formally drawn into the growing controversy over saber bout manipulation back in December 2023, when USFA representatives wrote to the FIE’s senior administration to raise “a potential sports integrity issue that requires your immediate attention,” namely, “improper officiating, both in assignment of officials and officiating the bouts” of two U.S. athletes vying for a spot on the USA Saber Olympic saber teams for Paris 2024. USA Fencing’s December 2023 letter named four non-US FIE licensees, including certain referees highlighted in the YouTube videos cited in the Executive Summary. Additional allegations of manipulation also appear to have been forwarded to the FIE.²⁵

Our investigation initially focused on gathering information within the jurisdiction of USA Fencing, particularly from USFA members subject to the organization’s duties to cooperate and preserve evidence. Even though USA Fencing has no jurisdiction over the non-US FIE licensees, we sought all available information regarding bout manipulation affecting U.S. saber athletes. Other members of the international fencing community not subject to USA Fencing’s jurisdiction volunteered their cooperation and participated in online witness interviews.

Back in May, we reached out to the four non-US FIE licensees to seek their voluntary cooperation. Several, including Milenchev, initially offered to cooperate by written questions; after a delay intended to insulate Team USA athletes, coaches, and referees (as well as the non-US FIE licensees themselves) from potential retaliation concerns at the Paris Games, we provided a suggested protocol for a written process.

In the meantime, FIE’s Interim President issued a September 9, 2024, statement, “Fencing at the Paris 2024 Olympics was transparent and triumphant.”²⁶ Our suggested protocol had also apparently

²⁵ *E.g.*, (i) a February 14, 2024, letter to FIE from Global Athlete requesting an investigation; (ii) the March 7, 2024, USA Fencing announcement of this investigation “in response to specific concerns recently raised within our community and in broader online forums about saber refereeing”; (iii) Global Athlete’s follow-up letter to FIE of March 12, 2024; (iv) an April 11, 2024, letter from the USOPC to the IOC (which we understand was shared with the FIE) regarding an allegation that “referees in the international community... are being bribed in exchange for making favorable calls for two US athletes”; (v) USA Fencing’s April 24, 2024, announcement of sanctions against FIE licensed referee Jacobo Morales for violating “the USA Fencing Referee Code of Ethics, the FIE Technical Rules, and the FIE Technical Code”; (vi) the May 16, 2024, Global Athlete “open letter” submitted to FIE (as well as USA Fencing, the USOPC, and the IOC) asking to “address the urgent issues of saber fencing bout manipulation at the US and international levels”; and (vii) USA Fencing’s August 13, 2024, announcement of the extended Morales suspension.

²⁶ (<https://www.euronews.com/2024/09/04/fencing-at-the-paris-2024-olympics-was-transparent-and-triumphant>) In the words of FIE’s Interim President, “the current approach to refereeing and scoring in our sport makes accusations of ‘facilitating corruption among referees’ absurd.” The statement continues, “Under the current system, there is no point in trying to bribe a particular referee” because they are “assigned to specific bouts by a computer, without human intervention, and the names of the referees are announced less than half an hour before the start of the bouts.”

Again, we did not have an opportunity to debrief FIE administrators for their side of the story. Multiple witnesses

been forwarded to the FIE, which responded by letter dated September 30, 2024. The FIE letter did not address the suggested protocol, but instead requested USA Fencing address “any offenses or attempted offences” through the FIE Disciplinary Code.

On October 8, 2024, FIE issued a statement, “*German Court Rules Against Television Network Allegations About International Fencing.*” (<https://fie.org/articles/1437>) According to FIE, certain statements about a “system of bribing referees” were “banned” by the court as “inadmissible suspicion-based reporting.”

6. Overview of the Edgeworth Economics Analysis and Report

In the public discourse on this controversy, including in the now famous YouTube videos, there is much discussion regarding seemingly disproportionate allocations of certain referees to certain fencers’ bouts in FIE events abroad and the perceived improvement in outcomes for those athletes. Witnesses and hotline tipsters freely shared informal data analyses with each other and us. Without question, these data analyses had a powerful impact on the saber community; virtually every witness spoke of them. We understand why a statistical approach to examining referee assignments and outcomes could be an important, objective way to get at the underlying question in this investigation: were any Olympic qualification points the product of manipulation?

From the outset, we urged USFA to address the statistical evidence of bout manipulation with appropriate expertise. Labor economists like the Edgeworth team are highly trained not only in statistics, but also in analyzing data involving human decision-making and determining whether bias explains outcomes better than other factors.

Edgeworth submitted its own, independent report to USFA in mid-May 2024 and shared it with us. Their statistical model is different from the analyses we received from witnesses and hotline tipsters; among other things, the Edgeworth team focused on key pools.²⁷ The Edgeworth Report also details their data sourcing, analysis, and how they measure statistical significance by applying a significance level of either 5% or 10%, depending on the “power” of the data (*i.e.*, the higher number of observations, the higher the threshold for significance). Statistical significance is how labor

reported to us, however, that while FIE bouts are assigned “by a computer,” human intervention is involved if computerized assignments are questioned and changes are approved before final referee assignments are announced.

²⁷ The Edgeworth Report explains its focus on pool rounds of FIE competitions where points were awarded for selection to the Paris Olympics:

Our statistical analysis focuses on pool rounds in FIE events when points were awarded for selection to the Paris Olympic Team because (i) there may have been less scrutiny of bouts in pool rounds, (ii) unlike later direct elimination rounds where more experienced and qualified referees receive assignments, the assignment of referees to pools should mirror a random assignment process that limits conflicts of interest, and (iii) an excellent performance by an American fencer in a pool round can help them to be exempt from the preliminary direct elimination round or receive better direct elimination placement and generate valuable points towards the selection for the Olympic Team.

(Edgeworth Report, p.2)

economists determine whether there is a potentially meaningful relationship between variables (*e.g.*, referee assignments and outcomes in pools during the Olympic qualifying period).

The Edgeworth Report concludes that neither Saron nor Nazlymov had statistically significant (i) over-allocation of referees in pools; (ii) better performance in pools relative to other similarly seeded fencers; or (iii) better performance in pool rounds when officiated by referees with whom they had multiple encounters. If a result is “statistically significant,” that means it is unlikely to be explained solely by chance or random factors; our investigation hunted for those “other factors.”

7. Credibility Assessments

Ultimately, we found Saron and Nazlymov to be credible witnesses. In their interviews, each answered questions directly, in a thoughtful and forthright manner showing no signs of deception. Neither objected to a question, refused to answer, or offered evasive responses. Both were highly intelligent, subtle thinkers, candid about strengths and weaknesses. Each athlete offered genuine, affecting accounts of the profound personal challenges they encountered in the past year, just like the athletes, teammates, coaches, and parents who believed Nazlymov and Saron unfairly displaced more qualified athletes for the Paris 2024 men’s and women’s individual saber teams.

Although witnesses impugned certain coaches and international referees, some of that cynicism and mistrust can be chalked up to global tensions and the many overlapping interests and rivalries in the sport that have become quite personal over the years. Very few questions were raised, however, about *Saron’s or Nazlymov’s* credibility. To be sure, Saron and Nazlymov became suspects, but they stood accused of benefitting from the misdeeds of others. No one offered tangible evidence of deception or manipulation by either athlete, and even their harshest critics were reticent to question their integrity.

Some investigations hinge on credibility assessments, particularly in “he said/she said” situations. Because our investigation record of bout manipulation in saber falls short of a preponderance of the evidence, however, no findings or conclusions below depend on Saron’s or Nazlymov’s credibility.

8. Saron Findings and Conclusions

Our investigation adduced no evidence, much less a preponderance of the evidence, that Saron received any approaches or invitations to engage in conduct or incidents that could amount to direct participation in bout manipulation in violation of the OM Code PMC. The primary allegations involving Saron are (i) that he appears to have benefitted from non-random referee assignments in key Olympic qualifying events abroad, and (ii) Saron’s outcomes were atypically better when suspect referees officiated Saron’s bouts.

Although questions were raised about certain of Milenchev’s *calls* in Saron’s favor, few witnesses focused on such details; instead, they mostly pointed to Milenchev’s *presence* at Saron bouts, Saron’s generally favorable outcomes in those bouts, and questionable connections between Saron’s personal coach and the Nazlymov Fencing Foundation.²⁸

²⁸ Many witnesses were suspicious of connections between the Nazlymovs and Saron’s personal coach at Bergen Fencing Club, Oleg Stetsiv. The Saron Section 9 arbitration addressed one such allegation, that “Milenchev and Mr. Saron’s Coach Oleg Stetsiv are acquainted and/or have attended or taught seminars at the Nalzymov fencing school,”

The Saron Section 9 arbitration Final Award confirms the claimant did “not challenge any specific call in any specific bout” to “avoid running afoul of the ‘Field of Play Doctrine.’” (Final Award, p.2) By all accounts in our investigation as well as testimony in the Saron Section 9 arbitration, “Milenchev is one of the best, if not the premier saber referee in the world.” (Final Award, p.13)

Perceived Referee Assignment Anomalies Abroad. As noted in Section 4 (pp.13-14) above, referee assignments in Olympic qualifying tournaments abroad are handled by the FIE, through its Referee Commission and other FIE representatives coordinating with on-site local organizers. None are within USFA’s jurisdiction, so we were unable to gather specific information about Milenchev assignments to Saron bouts.

Multiple witnesses explained that even fully randomized referee assignments consistent with FIE Technical Rules can appear lopsided given the limited number of top FIE saber referees and top American saberists. As reflected in the Saron Section 9 Final Award, “the cohort of elite fencing referees” is “so small that it was reasonable for a top referee like Milenchev to appear frequently as a referee, particularly in DE bouts.” (Final Award, pp.13-14)

Few witnesses we interviewed, however, understand FIE referee assignments to be fully randomized. We heard from multiple knowledgeable witnesses that computerized FIE bout randomization procedures can be superseded. A witness familiar with FIE protocols explains, “hand assignments *are* done,” but the “the President of the DT [Director of Tournament] must agree.” Exactly *how* such agreements are reached is questioned by many, in part because the FIE’s “hand assignment” process can be opaque; one witness, for example, remarked on the difficulty of obtaining access to FIE “change logs.”

We are not aware of any direct, non-statistical evidence that Milenchev or anyone else manipulated his assignments to Saron bouts, and the Section 9 arbitration similarly adduced none.²⁹ But even assuming human intervention was involved in Milenchev assignments to Saron bouts abroad, witnesses pointed to legitimate reasons for such changes, including last-minute scheduling problems and accommodating referee preferences having nothing to do with manipulation. “At the international level,” one highly successful fencer explains, “top 10 Refs” have “the freedom to pick bouts –I’ve experienced it myself.” According to this athlete, the likely motive is selfishness, not manipulation: “better refs” pick “better matches,” “probably because they like it more, have friendly connections with coaches, etc.” One top fencer opined, for example, “Milenchev likes Americans.”

calling into “question the fairness of Milenchev officiating Mr. Saron’s bouts.” (Final Award, p.15) The arbitrator concludes, “the evidence that Milenchev and Stetsiv knew each other (as is common in elite sport) and may have been for services by a common third party” is “not the type of conflict” violative of the FIE Ethical Code. (*Id.*, p.17)

We looked into other questioned connections between the Nazlymov Fencing Foundation, Saron, and Stetsiv, including a widely-held belief that Saron was favored by Milenchev as part of a complicated multi-party *quid pro quo* for Princeton admissions (where Stetsiv is/was an Assistant Coach), but interviews of knowledgeable witnesses (including but not limited to Stetsiv) adduced no such evidence with respect to Tatiana, and evidence of other alleged *quid pro quos* along these lines did not pan out.

²⁹ According to the Final Award, the claimant “provided no evidence to demonstrate that in Mr. Saron’s contested bouts Milenchev or another party had overruled this [FIE] random selection process to install Milenchev as referee.” (Final Award, p.14)

Saron himself denies any involvement in or knowledge of FIE referee assignment processes, and there is no evidence to the contrary. He also complains of the statistical methodology in the “*Open Secret*” video. An Economics major avowedly comfortable with statistics, Saron warns that data analyses may be misleading when, as here, sample sizes are small. He also rebuts the implication in the “*Open Secret*” video that his pool performance in the 2023 Tunisia Grand Prix suffered because Milenchev was not refereeing his bouts there: Saron shared video confirming Milenchev did in fact officiate Saron pools in Tunisia regardless of what the official record shows.

We thus conclude that the preponderance of the evidence in our record does not establish that Milenchev’s assignment to Saron bouts was an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a competition in violation of the OM Code PMC. Notably, our conclusion comports with the Edgeworth Economics Report and Saron Section 9 Final Award.³⁰

Perceived FIE Referee Favoritism. Witnesses have criticized Milenchev’s officiating in certain Saron bouts, prompting some curious and independent saberists to review all available video and decide for themselves.³¹ Two such witnesses each told us they found no reversed calls for Saron. Many characterize suspect Milenchev calls as falling into the “discretionary bucket” rather in the “clearly wrong” bucket. According to one top coach, “the Ref assignments look a little weird, but it didn’t seem like [Saron] was getting help” because the bouts look “clean,” with “some touches a little questionable” but no “flat out” evidence of cheating.” We are unaware of any formal, vetted expert analysis or testimony regarding Milenchev’s calls in Saron bouts; the Section 9 proceeding involved no challenge to “any specific call in any specific bout.” (Final Award, pp.1-2) The Section 9 arbitrator also cites “compelling” testimony that a top saber fencer “had encountered many instances where he disagreed with Milenchev’s rulings on points to be awarded in a bout,” but “Milenchev was one of the few referees in the world to whom he would defer in the instance of a conflict.” (*Id.* at p.16, n.20) “Similarly,” the arbitrator continues, “Mr. Saron contended that he often disagreed with referees officiating his events. Such is the nature of judged sport.” (*Id.*)

To be sure, witnesses in our investigation frequently speculated about Milenchev’s perceived bias and expert ability to tilt the playing field in a subtle and undetectable ways (*i.e.*, “you’ll never prove it”). However, we adduced no evidence, much less a preponderance of evidence, showing Milenchev

³⁰ According to Edgeworth, “There was not a significant and systematic difference in the referee assignment process in pool rounds in the Paris selection year when compared to assignments for the same events in the prior year for both USA National and FIE events, for male and female fencers.” (Edgeworth Report, p.3; *see also* Saron Section 9 arbitration Final Award, p.15 (“Mr. Bronars testified that Mr. Saron’s likelihood of seeing Milenchev in a pool round was not statistically significant from the pre-qualification period to the Olympic qualification period. He also corroborated the lay testimony of the athletes that statistically it was more likely that earning more points in the pool round would lead to an increased likelihood that one would encounter Milenchev, a senior referee, in DE rounds as one kept progressing in a tournament.”))

³¹ Common criticisms include a bout at the 2023 World Championships in Milan. According to witnesses and the “*Open Secret*” video, Saron was losing to a French saberist in the Round of 64; Milenchev allegedly stopped by and whispered in the referee’s ear; calls subsequently appeared to some as favoring Saron, who ended up winning 15-11. Also, some eyewitnesses question Milenchev’s assignment to a Saron bout at the December 2023 Orleans Grand Prix as well as the quality of his officiating in that bout: “We’ve been fencing most of our lives, and we see this happen: weird calls.” “But,” this witness concedes, “there’s obviously no hard proof.”

“knowingly underperform[ed]” or “deliberately” made “bad or wrong decisions affecting the result or course of a competition” in violation of the OM Code PMC. We also heard from a handful of witnesses that Milenchev denies favoring Saron, but, again, we have not had the opportunity to debrief Milenchev or any other FIE representatives given USFA’s lack of jurisdiction.

In addition to a dearth of tangible evidence that Milenchev deliberately threw bouts in Saron’s favor, multiple witnesses explained why differential treatment by a referee is not necessarily proof of manipulation. First, many witnesses acknowledge FIE referees adhere to different scoring conventions, and Saron’s fencing style is appreciated by certain foreign judges.³²

Second, as noted in Section 2 (p.9) above, witnesses told us that Saron could legitimately benefit from “reputational calls” (*i.e.*, the “halo” or “LeBron James effect”). As one top saberist summarizes, “Every single Ref helps the best fencers,” and referees “*know*” which fencer is better and may be inclined to “throw out a call” accordingly. Many witnesses – including teammates who depended on him at the Paris Games – consider Saron “an excellent fencer – he is not winning bouts he doesn’t deserve.” Even a Saron skeptic concedes, “Mitchell is extremely good.” In Paris, Saron made it to the Table of 16 in the Men’s Individual Saber, while no other male saberists made it past the Table of 32. According to one witness, “Saron fenced better than any other American saberists.”

In the absence of evidence that Milenchev deliberately favored Saron for an improper purpose and in light of credible (and unrebutted) explanations to the contrary, we conclude the preponderance of the evidence in our investigation does not establish Saron benefitted from deliberately bad or wrong decisions affecting the result or course of a competition in violation of the OM Code PMC.

We also note that the Edgeworth Economics report and the Saron Section 9 Final Award comport with our conclusion. Specifically, the arbitrator concludes:

Mr. Bronars testified that there was no doubt that Mr. Saron did well when Milenchev appeared in his bouts but that in his expert opinion there were other explanations available for that success besides match fixing or results manipulation. He indicated that [a] lay observation without a deeper statistical analysis... may have demonstrated a correlation between Milenchev’s appearances and Mr. Saron’s better results but did not establish causation. The arbitrator agrees.

(Final Award, p.15)

Saron’s Duties to Cooperate and Report. There is no evidence whatsoever that Saron failed to cooperate in this investigation as required by the USA Fencing Code of Conduct. He promptly agreed to an interview and responded quickly and completely to all follow up inquiries; Saron also volunteered available video evidence of any bouts in question.

³² As noted in the Saron Section 9 arbitration Final Award, witnesses “testified that some referees favor a particular style of saber combat,” and “Milenchev tended to favor a more aggressive style of attack and that Mr. Saron’s style could be characterized as aggressive... another US Fencer... also received significantly higher scores in bouts where Milenchev was officiating,” but “[t]here is no allegation in this forum that those results were achieved as the result of manipulation.” (Final Award, p.17, n.23)

Regarding Saron's duty to report bout manipulation, the OM Code PMC requires reporting "at the first available opportunity, full details of *any approaches or invitations received by the Participant* to engage in conduct or incidents that could amount to a violation." (OM Code PMC, Art. 2.4.1) The Code also requires participants, "at the first available opportunity," to provide "full details of any incident, fact or matter *that comes to the attention of the Participant (or of which they ought to have been reasonably aware)* including approaches or invitations that have been received by *another Participant* to engage in *conduct that could amount to a violation.*" (OM Code PMC, Art. 2.4.2 (emphasis added))

Again, there is no allegation or evidence that Saron received any improper direct approaches, much less failed to report them. Regarding the question of whether Saron was "reasonably aware" of "conduct that could amount to a violation," we conclude that the preponderance of the evidence does not establish that Saron failed to report manipulation as required by the OM Code PMC for the following reasons.

First, acquaintances reported a small handful of isolated discussions about rumors as well as ambiguous, presumably guarded behavior by Saron. Even accepting these allegations as true, such friendly, informal encounters are hardly enough to make Saron "reasonably aware" of "*conduct that could amount to a violation.*" Second, the threshold allegation of manipulation – that Milenchev was disproportionately assigned to Saron bouts – has always been statistical in nature, and there is no evidence rebutting Saron's claimed belief that the informal data analyses were unconvincing (the Edgeworth Economic Report concurs). Third, Saron flatly denies he was being helped by Milenchev, and other experienced saberists consider Milenchev's calls in favor of Saron to be within the expected range of discretion (and again, the Edgeworth Report found no statistically significant advantage for Saron in bouts officiated by Milenchev). Fourth, Saron offered credible, corroborated, unrebutted testimony explaining his Olympic year performance, including improvements in diet, counseling, training, his hand injury and recovery, and enduring improvements in his technique. Fifth, Saron's experienced personal coach flatly disputed the allegations reflected in USFA's December 19, 2023, warning letter. Finally, apparently none of Saron's teammates, USFA staff, or team coaches formally reported potential manipulation to the IOC, FIE, the USOPC, or USFA.³³

9. Nazlymov Findings and Conclusions

Our investigation adduced no evidence, much less a preponderance of the evidence, that Nazlymov herself received any approaches or invitations to engage in conduct or incidents that could amount to direct participation in bout manipulation in violation of OM Code PMC.³⁴ Instead, Nazlymov is generally accused of having benefitted from (i) a questionable referee assignment in the San Jose NAC and questionable referee calls during that bout; (ii) anomalous referee assignments at international competitions, and (iii) unusually good outcomes under multiple foreign referees presumed by some to be in league with one another.

³³ The Saron Section 9 arbitration Final Award notes, "None of the athletes who testified at the hearing.... ever filed any type of formal protest with FIE's ethics committee as was their absolute right." (Final Award, p.18)

³⁴ The Nazlymov Section 9 Arbitration Award similarly indicates, "[t]here was no evidence presented to show that Nazlymov was involved in any attempt to improperly sway the opinion of a referee or to obtain illegitimate results from any bout." (Arbitration Award, p.15)

Perceived Referee Assignment Anomalies Abroad. Nazlymov, like many other saber fencers we interviewed, acknowledges having “a passing thought” about repeated referee assignments to her bouts, but she denies any knowledge of how the FIE “machine works” or belief that assignments were manipulated in her favor. Our investigation adduced no evidence to the contrary, although we were unable to obtain information from FIE representatives outside USFA’s jurisdiction.

In the absence of direct evidence of referee assignment manipulation and in light of legitimate explanations to the contrary detailed in Section 8 (pp.22-23) above with respect to Saron, we conclude that the preponderance of the evidence in our investigation record does not show that referee assignments to Nazlymov bouts constituted an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a competition in violation of the OM Code PMC.

Again, we note that our conclusion comports with the Edgeworth Economics Report. Edgeworth analyzed referee assignment data in the Paris selection period, looking for statistically significant patterns not only with respect to Nazlymov and Saron, but also other athletes. Indeed, the Edgeworth analysis identified several top American saberists who “faced referee assignments in pool rounds of FIE during the Paris selection year that were significantly more concentrated... than what would have been expected from a random referee assignment process that minimized conflicts of interest.” (Edgeworth Report, pp.2-3) However, “[t]he concentration of referee assignments” for Nazlymov was “well below the threshold that would indicate a significant difference from what was expected based on our simulations of referee assignments for her nine events and times.” (Edgeworth Report, p.18) (The Nazlymov Section 9 Arbitration Award reflects no evidence or analysis of referee assignments; *see generally* Arbitration Award, pp.11-17.)

Perceived FIE Referee Favoritism. Nazlymov’s critics offer examples of officiating bias by multiple foreign FIE referees allegedly connected by shared language, national origin, “friendships,” “close friendships,” or romantic relationships. All were outside USFA’s jurisdiction, and we were unable to debrief these suspect referees. We thus have no evidence of a conspiracy other than the earnest and heartfelt speculation of multiple witnesses. Nor do we have hard evidence of any fruits of such a conspiracy.

Nazlymov methodically defended every questioned call, denying any knowledge or belief that referees abroad favored her. Notably, the only referee decisions questioned in the Section 9 proceeding appear to be the San Jose NAC, the November 2023 Algiers World Cup, and the April 2023 Grand Prix in Seoul, Korea. After reviewing video and taking expert testimony, the arbitrator found himself “in no position to review calls that were made in real time during the pressure of the action.” (Arbitration Award, pp.16-17)

We heard impassioned accounts of other “bad” calls for Nazlymov (some pre-dating the Olympic selection year) in addition to the Algiers and Seoul tournaments at issue in the Section 9 arbitration (the San Jose NAC is discussed separately below (pp.28-29). We also heard contrary explanations for why those same calls and outcomes were fair and taken out of context.³⁵

³⁵ In addition to the controversial Misaki Emura bout in Algiers, for which the Section 9 arbitrator found “no basis to remove Nazlymov’s points” “based on the evidence presented” (Arbitration Award, p.16), witnesses questioned calls by a Moldavan referee (and reputed friend of Nazlymov’s personal coach) in the 2022 Pan American Championships in Lima, Peru (prior to the Paris selection year). In the Direct Eliminations, the Moldavan referee officiated Nazlymov’s questioned victory over a Canadian fencer, after which Nazlymov lost decisively to fellow American saberist Eliza

In any event, none of these allegations of questionable referee calls by Milenchev or his perceived associates has been the subject of formal collateral proceedings or otherwise vetted by experts on saber refereeing. We investigators have no reason to doubt the sincerity of the witnesses who reported bad or reversed calls in favor of Nazlymov, but these informal or casual accounts simply cannot be given significant weight towards finding bout manipulation. Further, as explained below, the Edgeworth model analyzed Nazlymov's outcomes under multiple referees in the Paris selection year and found no statistically significant evidence of favoritism.

Witnesses in our investigation also point to more general perceived irregularities or inconsistencies in Nazlymov's fencing record as revealing referee bias abroad. Unsurprisingly, Nazlymov and her supporters deny each accusation in detail.³⁶

Stone in a bout officiated by a *substitute* referee at USFA's apparent request. Nazlymov denies any knowledge or belief that manipulation occurred in Lima, and she (and certain other witnesses) characterize the Lima outcomes as predictable given Nazlymov's ranking (95) compared to that of the Canadian fencer (139) and Stone (13).

Witnesses also question Nazlymov's pool performance in the December 2022 Grand Prix in Orleans, France, where she finished strongly after a FIE Refereeing Commission member notably stopped by to watch; spectators say Nazlymov subsequently lost a close bout officiated by Milenchev only because her opponent's one-lights minimized his discretion. Nazlymov disagrees, reiterating her frustration over being accused regardless of whether she wins or loses.

Regarding the Emura bout addressed in the Section 9 arbitration, Nazlymov offered a detailed analysis of this highly controversial upset of the reigning world champion. Nazlymov explains she was "having a good day," a genuine phenomenon acknowledged by many fencers surprised by lower-ranked opponents who show up with more mojo. Nazlymov acknowledges the controversy and tension in the wake of the Emura bout, which she initially considered typical for an Olympic year, "when we were all competing for three spots" on the women's Olympic saber team. She is convinced Emura should have lost the Algiers bout and that Nazlymov herself was bested by Ukrainian fencer Olga Kharlan in the next bout. Nazlymov volunteered that video of Emura bout has since been used in FIE referee training programs. Again, the scope of our investigation has never included an assessment of saber calls, and we take no position on whether Nazlymov or her accusers have the better argument on these hotly disputed touches.

³⁶ For example, witnesses cited Nazlymov's comparatively weak pool performance at the highly scrutinized March 2024 Sint Niklaas SGK Ladies World Cup in Belgium as proof of *prior* referee manipulation in her favor. Nazlymov counters, "I finished in 14th place" at St. Niklaas, well ahead of the next American finisher in 34th place. Likewise, some consider Nazlymov's comparatively weak January 2024 pool performance in Tunisia as attributable to "taking away her cheating refs" (chiefly, Milenchev), while Nazlymov blames the lapse on, among other things, her own "mental health" in the wake of the controversial San Jose NAC.

Witnesses also question Nazlymov's comparatively weak performance in junior competitions compared to senior tournaments. Others were less skeptical, remarking "Tatiana is a late bloomer, not uncommon." Nazlymov herself explains, "I entered juniors and seniors" about the same time, and "I prioritized the more important" senior events. In her view, her record in juniors and seniors is "not different." "I've competed well in junior events," she explains, although "not as often as seniors."

Some also doubt Nazlymov's exceptionally strong performance in international pools, with rare, "near perfect" indicators, something she has never accomplished domestically. Nazlymov notes that she was usually one of the highest ranked fencers in each pool last season, so good results are not surprising even if her pool performance can and does vary.

Nazlymov's weaker performance in team events was also contrasted with her stronger performance in individual events. Many fencers, however, also acknowledge that some strong individual fencers are not well suited to team competition for a variety of reasons. Nazlymov concurs, adding, she is "inexperienced in team" and is also learning how to handle added "pressure" of not letting her teammates down.

In the absence of evidence that FIE referees abroad deliberately made calls to benefit Nazlymov and in light of (i) other credible (and unrebutted) explanations for perceived referee favoritism as noted with respect to Saron in Section 8 (pp.23-24) above, and (ii) credible debate over the quality of officiating calls outside the scope of our investigation, we conclude the preponderance does not establish Nazlymov benefitted from deliberately bad or wrong decisions affecting the result or course of a competition as required to establish manipulation under the OM Code PMC.

Again, our conclusion comports with the Edgeworth Economics analysis. Edgeworth analyzed Nazlymov's performance throughout the Paris selection period and confirmed that she did not perform "significantly differently in FIE pools than fencers to whom [she was] compared with similar seedings entering FIE events in the Paris selection period." (Edgeworth Report, p.4) While Nazlymov did perform "significantly better in pools of FIE events officiated by Miklos Kosa during the Paris selection year relative to her other performances," the Edgeworth analysis continues, the "concentration of her referee assignments was not significantly different from what was expected so there is insufficient statistical evidence to warrant a reduction of points awarded in those FIE events." (Edgeworth Report, p.5)

Perceived Benefit from San Jose NAC Referee Assignment and Calls. Everyone seems to think they know exactly what happened at the San Jose NAC, but our separate reports regarding certain implicated members of the fencing community *other than Nazlymov* identify limited differences between our investigation record and (i) the "San Jose NAC Explained" video; and (ii) the confidential Grievance and Disciplinary panel decision publicly analyzed in the Nazlymov Section 9 Arbitration Award.³⁷

None of the evidence addressed in our separate reporting about certain details of the San Jose NAC, however, involves *Nazlymov or her conduct*. On the contrary, our investigation adduced no evidence that Nazlymov had any role in the San Jose NAC other than as the successful fencer in a bout made controversial by others. The only additional information about Nazlymov's conduct at the San Jose NAC in our investigation record is that one witness reported seeing (but not hearing) Nazlymov mouthing "I lost" to her father/coach immediately after the bout (which she denies), and another

Finally, multiple witnesses weighed in on whether Nazlymov's generally stronger performance in international competitions reveals referee manipulation abroad. All fencers noted the strategic advantage of focusing on international qualifying events because a "top 8" finish in an international tournament offers more points than "a domestic win." Many told us how some fencers – including Nazlymov – tend to "fence to an international style" and that American referees may not always be as "good" as they are abroad. Multiple witnesses pointed to top American saberists *other than Nazlymov* who perform significantly better internationally than domestically. Nazlymov herself acknowledged performing "poorly" in certain tournaments at home for a variety of reasons, including her overall strategy of focusing on international qualifying events, her fencing style, the uneven quality of domestic referees, and her college studies and fencing team obligations.

³⁷ Out of respect for the confidentiality of the Grievance and Disciplinary proceeding, our findings of fact and conclusions below do not rely on evidence exclusive to that proceeding to which we became privy after the fact solely for purposes of squaring testimony in that hearing with our investigation record. We also refrain from relying on any portion of the unpublished panel Decision except as expressly quoted in the Nazlymov Section 9 Arbitration Award available to the public through the USOPC's Section 9 "Awards, Decisions and Orders" webpage (<https://www.usopc.org/governance/section-9>).

witness's recollection that Nazlymov was spotted "crying" by herself at some indeterminate point in the tournament (which Nazlymov does not specifically recall, but acknowledges, "it's pretty possible").

As noted at the outset of this Final Report, however, even if Nazlymov were blameless, she is still subject to remedial action under the OM Code PMC if she did in fact obtain an improper benefit from the bout manipulation of others. We conclude that the preponderance of San Jose NAC evidence within the scope of our investigation and expertise does not establish Nazlymov benefitted from deliberately bad or wrong decisions affecting the result or course of a competition in violation of the OM Code PMC. Our conclusion is also in line with two collateral proceedings focused largely on the San Jose NAC, neither of which found manipulation or reason to disturb USFA's decision to give Nazlymov the third spot on the women's saber team for Paris 2024 even if the two referees involved were disciplined.³⁸ (The Edgeworth statistical analysis did not specifically address referee assignments or outcomes in the San Jose NAC.)

Nazlymov's Duties to Cooperate and Report. Although Nazlymov's teammates promptly participated in interviews at our request, she initially demurred, citing competitive and academic reasons. Nazlymov offered a brief written statement in lieu of an interview; we reviewed the statement but did not and could not waive Nazlymov's duty to cooperate under the OM Code PMC and USFA's Code of Conduct. Our concerns (and that of USFA and the USOPC) were, however, quickly and amicably resolved with Nazlymov and her counsel. We conducted a full interview in mid-June, and no follow-up interview was required.

Regarding Nazlymov's duty to report potential violations of the OM Code PMC, there is no allegation or evidence that Nazlymov herself received any improper direct approaches, much less failed to report them as required by the OM Code PMC. For the reasons detailed below, the preponderance of the evidence also fails to establish that Nazlymov "ought to have been reasonably aware" of "conduct that could amount to a violation," thereby triggering her duty to report.

As with Saron, our investigation record includes some (mildly disputed) evidence of isolated, brief, and ambiguous conversations with teammates as well as "awkward," seemingly suspicious behavior including Nazlymov's isolation from others on Team USA. Nazlymov explained behaviors that some misinterpret as suspicious as typical for her, her family, and other athletes in the stressful Olympic year; multiple witnesses – including harsh critics of referee calls in her favor – corroborate her

³⁸ With respect to the San Jose NAC, the Nazlymov Section 9 arbitrator confirms: (i) "no evidence [was] offered to show" manipulation by Nazlymov's personal coach (Arbitration Award, p.16); (ii) the "video of the San Jose Bout" and other "evidence presented, like that which was presented to the [Grievance and Disciplinary Committee] Panel, does not undermine Mr. Morales's testimony that he was merely confirming Mr. Romo's call" (*id.*); (iii) "all of the witnesses who provided any testimony" on the topic of whether "referees may have been paid to skew the results of Nazlymov's bouts" confirmed "they have never witnessed money exchange hands to manipulate a bout and, certainly, never witnessed such an exchange relating to any bout involving Nazlymov" (*id.*); (iv) there was "no basis to remove Nazlymov's points" for questioned bouts at the Algiers World Cup or the Grand Prix in Seoul, Korea because "a former international referee" called to testify was unable to adequately demonstrate "purported errors" (*id.*); and, finally, (v) "the Arbitrator cannot rescore the San Jose Bout for multiple reasons including... the flow of the San Jose Bout changed point-by-point and the athletes adjust to the calls made by the referee" and a highly credentialed witness for the Claimant confirmed, "I can score it one way and we can find five others to score it the other way." (*Id.*, p.17) The Arbitration Award concludes, "based on a preponderance of the evidence, the evidence offered at the hearing does not support the overturning of USAF's decision to award Nazlymov with a place on the women's saber team at the Olympics..." (Arbitration Award, p.17)

account. Even accepting all other witness suspicions as well-grounded, however, they still fall short of establishing a violation of Nazlymov's duty to report. First, a friendly, private (and potentially intoxicated) social encounter in which a teammate apparently mentioned a *rumor* of corruption by a relative of Nazlymov's would not make Nazlymov "reasonably aware" of *conduct* that could amount to a violation. Second, Nazlymov has consistently denied any knowledge or belief that referee assignments or officiating decisions were deliberately tilted in her favor, and the Edgeworth Economics Report found no statistically significant evidence to the contrary. Finally, apparently none of Nazlymov's teammates, USFA staff, or team coaches formally reported potential manipulation to the IOC, FIE, the USOPC, or USFA.

10. USFA's Response to the Controversy

Suspicions of discrimination, harassment, and other inappropriate behavior often appear clearer and more urgent in hindsight. It's not unusual to see institutions accused of jumping the gun, being too slow on the draw, or both. Everyone understands the risks and potential consequences of a premature attack on top world saber referees on the one hand and, on the other hand, allowing potentially tainted points to accumulate in the crucial months leading up to team selection decisions. Literally, every day counts. But in real time, the balance between premature and dilatory can be hard to find.

As noted at the outset of this report, some witnesses express deep frustration that representatives of Olympic sport from the IOC on down "didn't take this seriously," "didn't do anything until it was too late," "didn't do anything until the USA Today story."³⁹ Although the scope of our investigation does not include a formal assessment of USA Fencing's response to this snowballing controversy, we offer a brief chronology and personal conclusion below.

By all accounts, rumors were swirling during the Olympic qualification year, if not before. Gossip was in the air, data was being shared in confidence, scrutiny was sharpening. Team USA athletes, coaches, and staff struggled accordingly. The women's saber team, in particular, raised concerns with their national coach that led to the first *documented* effort to meet the challenge, USFA's December 3, 2023, letter to the FIE raising concerns of "improper officiating, both in the assignment of officials and in officiating of the bouts of two US athletes..." USFA requested that two FIE referees not be "assigned to any US Fencer henceforth" and all future US bouts receive "qualified oversight, approved by the FIE Sport Director."

The next day, December 4, 2023, USFA's Chief of Sport Performance emailed a reminder to all athletes and coaches regarding "the USA Fencing Code of Conduct and the important role it has in creating a fair playing field for all athletes" and highlighting the obligation "to act in a sportsmanlike manner." The email confirms the Code of Conduct prohibits "manipulation of results in any form." USFA also began sending its own representatives to Olympic qualifying events for oversight purposes.

Several days after USFA's written request to the FIE, Vasil Milenchev officiated a Saron bout at the Orleans Grand Prix. On December 19, 2023, USFA sent "Suspicious Activity Warning" letters to

³⁹ "[US fencers fear Olympic team will be impacted by biased judging](#)," (*USA Today*, March 7, 2024).

Saron, Nazlymov, and their respective personal coaches.⁴⁰ On December 8, 2023, the FIE responded to USFA's December 3 letter, confirming "the FIE takes very seriously the protection of the integrity of the sport of fencing and shows zero tolerance to any case of impropriety as far as the scope of its activities is concerned." The letter assured, "FIE will immediately address the issue with due diligence and seriousness." Knowledgeable witnesses told us the FIE subsequently dispatched Vitaly Logvin, President of the Pan-American Fencing Confederation, to address these concerns; we are aware of no further formal response or report.

As the San Jose NAC got underway on January 5, 2024, YouTube posted the first of several YouTube videos questioning corruption in saber, "*Fencing's Biggest Open Secret*." The controversial bout involving Nazlymov occurred on January 6. Later that day, a confidential report arrived through USFA's portal (<https://www.usafencing.org/fencesafe-report>) complaining of misbehavior and urging USFA to "watch the video." On January 12, 2024, the "*San Jose NAC Explained*" video was uploaded to YouTube. Meanwhile, the 2024 Grand Prix in Tunis began under the watchful eye of a USFA representative dispatched for oversight purposes.

Several weeks later, on or about February 7, 2024, women saberists, parents, and their respective legal counsel began sending emails and letters to USFA underscoring bout manipulation concerns raised in the "*Open Secrets*" and "*San Jose NAC Explained*" YouTube videos and offering an additional, non-specific allegation of attempted bribery. Letter writers also complained of a lack of disciplinary action by USFA or adequate preventative measures against cheating. Acknowledging that "an accusation does not equal misconduct," the authors requested a thorough investigation and independent observers for all upcoming 2024 Olympic team qualifying events. USFA's CEO responded the next day, generally confirming the organization's ongoing efforts along these very same lines.

By February 13, 2024, USA Fencing had filed an Ethics Complaint in its Grievance and Disciplinary Committee against the two San Jose NAC referees spotlighted in the "*Explained*" video. USFA announced this investigation on March 7, 2024, and USA Today reported the story later that day. (See n.37 above)

Again, to athletes and coaches already struggling under heavy, stressful Olympic qualification schedules, allegations of cheating could never be addressed quickly enough. Based on the information we gathered about the burgeoning controversy, however, we consider the timing and nature of USFA's escalating response, up to and including commissioning this investigation, reasonable under the circumstances.

All additional suggestions from the fencing community regarding institutional responsiveness are reflected in the Recommendations section below.

⁴⁰ Some in the fencing community flagged the removal of language in a leaked earlier draft of the warning letter (namely, that "strong evidence" of match manipulation could result in the loss of previously earned Olympic qualifying points) as indicative of USFA's reluctance to punish Saron and Nazlymov. (See, e.g., <https://www.nytimes.com/2024/05/09/world/europe/fencing-olympics-turmoil.html>) Our extensive interviews with USFA leadership and staff, however, reflect no favoritism of any athletes or unwillingness to enforce the OM Code PMC to the letter.

11. Recommendations

We asked witnesses to imagine having a “magic wand” and telling us how they would use it to improve the sport in the wake of the saber controversy. Everyone had a wish, often more. Some wishes are more attainable than others; some overlap, and some conflict with each other; some require FIE leadership. Significantly, some proposed “fixes” had in fact already been made quietly, diplomatically, and seemingly off the record by unsung heroes of saber. All recommendations are summarized here, leaving it to USFA and its membership to set its own agenda and priorities.

Awareness. Witnesses told us of one problem that fixed itself: perceived naivete of the American fencing community regarding referee bout manipulation in saber. As noted at the outset of this Final Report, our investigation quickly confirmed that the American referee cadre is considered a world leader in integrity. Some suggest this success could also be a weakness in ferreting out corruption because USFA’s membership has less experience recognizing trouble and fewer time-tested protocols for handling it. As one aggrieved parent explained, “American referees are not experienced in cheating.” Moreover, allegations of bout manipulation in saber now involve subtle and complex *quid pro quos* that, for example, could span multiple tournaments and involve questionable referee promotions or demotions down the road. Witnesses in this investigation spoke of bribery infrequently, usually in vague terms; by most accounts, exchange of favors is the more likely problem.

Times are changing for fencing, like every other sport. Now, most spectators can record bouts easily on their smartphones and upload the video for all to see. Outrage naturally follows exposure of apparent misdeeds caught on camera. The culture of saber fencing may not have caught up with today’s instantaneous worldwide publicity. As noted in Section 4 (pp.15-16) above, referees are understandably reluctant to weigh in on questionable referee calls at the center of today’s saber manipulation scandal, and ethical rules prohibit certain commentary. One anonymous vlogger sadly reflected, “I’m worried the videos make the whole sport look bad.”

These challenges are hardly unique to saber. Everywhere, institutional trust seems to be down and complaints about judging seem to be up. Many of our most youthful witnesses despaired of “lost faith,” anger, and disillusionment. One parent/coach watched firsthand as the scandal “took some innocence out of these kids.” The call to action has been placed; the question is how to best answer that call.

Prevention. Witnesses focused on ideas large and small to help prevent opportunities for and perceptions of bout manipulation in saber, recognizing all the while that cheating is “easy to do and hard to prove.”

Clarity and Consistency of Policies and Rules. The map of multiple relevant ethics and anti-corruption policies in the highly structured world of Olympic sport can be complicated and unclear. Navigating with cursor clicks to IOC, the USOPC, FIE, and USFA websites is easier than figuring out exactly who is supposed to do what, when, and how. This is surely not USFA’s fault. In our experience, cross-referencing is often required to understand any given policy or procedure in Olympic sport. Nonetheless, amplified guidance, perhaps formatted as FAQs, could help USFA’s members integrate disparate rules and resources.

Others contend USFA’s “written rules don’t align with how things are called” in competitions, and such disconnects can open a door to manipulation or, at minimum, perceptions of manipulation.

Discretionary enforcement raises a similar problem, particularly when powerful coaches appear to get a pass on rule violations as discussed further below. Clarifying rules and applying them consistently is considered by some a top priority.

Similarly, different “conventions” of saber judging – with no consensus on which should apply – again widens opportunities for misunderstanding and invites cynicism. Some advocate for better alignment of FIE saber refereeing conventions and how touches are actually judged in domestic *and* international competitions.

Data Gathering. Many witnesses consider data analysis an exciting and objective way to identify and manage potential manipulation concerns. Others worry routinized data analysis could “open a can of worms.” USFA already shares “Referee Usage” spreadsheets (<https://www.usafencing.org/resources-protocols>), and an appropriate deliberative process could evaluate whether additional data gathering and transparency would be doable, helpful, or harmful. Some witnesses believe the advent of widely known data gathering could, without more, have a salutary impact on the entire saber community.

Reporting. Organizations including USFA face the inevitable challenge of having clear ethics reporting portals and multiple links to helpful sources and sounding boards (including the Director of Member Safety and Compliance as well as all members of the Referee Commission), but some of our witnesses understandably look back on discussions with a USFA representative or coach as a formal complaint that should have immediately (and confidentially) triggered all available remedial procedures. Informal dialogue about potential cheating concerns must never be discouraged, but additional staff training on mutual expectation-setting never hurts.

USFA’s multiple reporting mechanisms are easily accessed and clear; athletes are also routinely directed to the USOPC’s independent Ombuds resource. (<https://www.usopc.org/athlete-ombuds>). Still, as noted in Section 3 (p.13) above, specific guidance regarding the duty to report through the IOC Integrity Hotline and USOPC resources may be unclear through no fault of USA Fencing; additional guidance FAQs might help members better understand the Olympic compliance landscape.

Interventions. Witnesses widely praised the presence of USFA observers at recent FIE events. We also heard accounts of impactful behind-the-scenes diplomacy aimed at protecting everyone involved (even the suspected FIE referees) from accusations of bout manipulation (one such operative was called “an angel”). While more cynical veteran saberists doubt informal observers have any real “power” in international competitions, athletes, parents, and coaches appreciated having an extra camera, a friendly face, and a single point of contact for cheating concerns. Although such resources are surely in short supply and costly, USFA might explore options for continuing such support in appropriate circumstances.

Rule Changes. Although outside the scope of this investigation and hotly debated in the saber community, some advocate re-thinking longer lockout times (obviously, in coordination with the FIE given the overlapping USFA and FIE Technical Rules). Some also advocate removing any stigma associated with making “simultaneous” calls to reduce referee discretion and thereby lessen opportunities for misunderstanding and suspicion. Again, however, athletes, coaches, and referees on the other side of the “lockout” and “simultaneous” debates are ready for combat; perhaps no more is required than a forum for airing their concerns and rationales.

Referee Assignment Processes. A small but vocal minority of witnesses we interviewed (often, but not always, younger athletes) argued that “hand assignment” processes for fencing referees should be abandoned and replaced by enhanced conflict-of-interest reporting and a truly randomized system. FIE rules mandate a high level of randomization, but all witnesses confirm randomization is not enforced in domestic U.S. competitions by design and enforced in the breach in FIE tournaments abroad. Indeed, top referees gasp at the prospect of true randomization because hand assignments (at least here in the U.S.) are nearly always sincerely intended to calibrate the talents of referees and fencers. One highly respected referee warns of randomization, “you’ll get quite a few bouts that will be a disaster.” On the other hand, one former Olympic medalist sees stricter adherence to randomization rules as an effective way to reduce the opportunity for corruption and perceptions of bias. Some speculate that many fencers and coaches would rather take their chances with a less experienced or skilled referee than one whose undisclosed external influences could invisibly affect a bout. The fencing community might simply benefit from studying the strengths and weaknesses of different referee assignment processes.

Technology. Unsurprisingly, the prospect of artificial intelligence “AI referee” systems thrills some and terrifies others. Many, however, hope to someday see AI systems support rather than supplant referees on the strip, as we were told has already begun in boxing.

Others suggest a more mundane (but costly) technology solution: getting more cameras on strips. One seasoned saberist suggests, “the only way to get around” referee manipulation concerns “would be to put video replay on all strips [beginning] in the round of 64,” which “might” be affordable at “national events that are profitable enough.” Others, unsurprisingly, worry that official cameras and archival footage could be costly to implement and risk further slowing already busy tournaments. As the San Jose NAC demonstrated, however, the salutary and evidentiary impact of video *and* audio recording on the strip cannot be underestimated.

Recordkeeping. One seemingly simple solution, but still a clumsy and perhaps costly one, would be to revisit competition recordkeeping practices and related document retention policies and procedures. For example, we heard that “bout slips” are often handed out in person, with the referee’s name inserted afterwards; the slips are trashed after the information is uploaded to the database. Similarly, some referee decisions during a bout (*e.g.*, “simultaneous” calls) may not be documented consistently. Again, however, skeptics question whether these are solutions in search of a problem given the rarity of situations like the San Jose NAC.

Enforcement. Time and time again, witnesses complained that some powerful rule-breakers evade capture or punishment. Indeed, we heard corroborated eyewitness accounts of penalty-worthy behavior waved off in deference to powerful coaches. One thoughtful athlete detailed how inconsistent enforcement of seemingly minor infractions can embolden bad actors, demoralize competitors, and normalize perceptions of favoritism in the sport (a “Broken Windows Theory” applied to saber).

Coalition-Building. Many USFA members fear foreign retaliation not just against themselves, but against Team USA. According to multiple witnesses, “everyone knows the federations most respected for integrity in addition to USFA,” and, as one esteemed coach remarked, “It would be nice if other countries stepped up.” Few doubt the likely impact of a combined effort by multiple federations to improve a saber culture tarnished worldwide by manipulation concerns. “By speaking out,” USFA “is encouraging others to come forward,” one witness told us. “I hope we’re not the only one raising

questions.” Another pragmatist explains, “realistically, this is not a problem the US can solve.” For that same reason, some advocate for efforts to strengthen rather than further strain ties with the FIE.

Proving Manipulation. As noted in the Executive Summary, proof of manipulation rests on at least one of three legs. Our leg – human evidence – can be particularly effective in larger, distributed corruption schemes with knowledgeable participants having disparate interests and a reason to turn “state’s evidence.” One credible confession can be enough. The second leg, expert data analysis, can also be sturdy enough to support a manipulation finding when statistically significant evidence clearly shows causation, not just correlation. The third leg – assessing whether calls are in fact “bad” or “wrong” – likewise could be strong enough to uphold a manipulation finding.

As noted in Section 4 (pp.15-16) above, however, that last leg is weakened somewhat by applicable ethical rules and norms about criticizing referee calls. Although the “fraud” exception appears to allow such criticism, referees may still not be comfortable with it.

Few recommendations, however, received more enthusiastic support from veteran members of the saber community than developing a mechanism for saber experts to weigh in on refereeing decisions when allegations of fraud are involved, a “blue-ribbon” committee or panel.

Indeed, we were amused to see highly experienced members on opposite ends of a deeply divided community independently endorse the same idea. Some witnesses also suggest such a process could be prophylactic, helping address emerging bout manipulation concerns early, informally, and confidentially. A vocal minority of veteran saberists hope to see a broader role for after action review (“AAR,” as they call it in the military and business world) for education and training purposes even if that may require revisiting current ethics rules.

Addressing Potential Conflicts of Interest. All witnesses remarked on the benefits and burdens of a niche sport in which athletes affiliate with coaches and clubs, club coaches referee, college coaches referee prospects, personal coaches keep coaching athletes through college and beyond, referees conduct workshops at clubs, and then they can all get together for drinks and dinner. Multiple witnesses suggested (and many opposed) upgrading existing conflict of interest disclosures, tracking, management, and reporting, but the question is how much. Some witnesses openly worry that a more robust process could get “too complicated” and might even exacerbate chronic referee shortages for major tournaments. Others suggest blunter tools; in the words of one saber veteran: “if you’re registered as a coach,” there should be “no refereeing, period.”

Supporting Referees. Longtime experts in saber worry that a “cornerstone” of American saber, its referee cadre, is too small to carry the weight of the growing tournament superstructure. Some describe the fencing boom as “a gold rush” for coaches in the U.S., but not for a referee cadre that by almost all accounts is still “underpaid.” “We need to beef up our ranks,” we were told.

Education and Training. Many referees spoke to the value of education and training for all referees, and especially junior referees. Some see referee “discretion” as less a problem than getting referees better aligned on calling touches in the “discretionary bucket.” Others advocate for more practical training on current topics such as conflict resolution, mentoring, management, and wellness. For example, “A class to standardize pod captaining would be great,” suggested one esteemed referee. As one legendary referee argues, “If we’re not making some money go into upholding the ref education piece, we’re shooting ourselves in the foot.”

Reinforcement. One fencer-turned-referee reminisced about a short-lived experiment banning all coach interactions with referees on the strip: “It was heaven!” Other witnesses explain heaven can wait: like it or not, referee dialogue has become second nature on the strip. Problems arise, however, when unduly aggressive “input” or abrasive, thinly veiled “questions” about referee calls may go unchecked when a coach is perceived as powerful in the sport. Again, the implications go beyond mere civility concerns. Corrosive commentary on the strip can undermine confidence in the officiating process, normalize troubling behavior, and raise even unfounded suspicions of less-than-fair play. Even the most steadfast official might be reluctant to alienate a top coach with FIE connections who could, imaginably, make or break a refereeing career. After all, athletes are not the only ones who dream of going to the Olympics – great referees do, too. Some suggest more proactive interventions on behalf of referees could help deflect these retaliation worries.

Witnesses spoke to the obvious and costly benefits of building a full-time independent referee cadre as found in professional sports. Most acknowledge this is likely out of reach for NGBs, but perhaps less comprehensive solutions (*e.g.*, longer hiring commitments) could reduce the perception and the reality that referees must kowtow to influential athletes, parents, coaches, and administrators because referees technically get hired one tournament at a time.

Assessment. Some witnesses suggest upgrading the system for evaluating and rating referees, flagging problematic folks for follow-up scrutiny, mentoring, and sidelining or off-boarding as necessary. The idea is less punitive than protective, reinforcing important perceptions of excellence in the referee cadre. As always, the question in saber is who should do the assessments and how. Multiple witnesses – who happen to be coaches – advocate for “coach panels.” Many others – who happen to be referees – disagree. One legendary referee explains: “coaches shouldn’t be in charge of refs... *we need to get coaches off of refs.*” Perhaps a rotating mix of saber community members could do the job; some witnesses also suggested more regular and detailed referee feedback surveys.

Strip Management. We met few wallflowers in the saber community, and none in the top ranks of saber referees. We interviewed referees esteemed not only their officiating acumen, but also their self-confidence, gravitas, and strip control. These skills take time to acquire, and some witnesses told us they dropped out of the cadre because it did not suit their personality. A few suggest implementing a simple, proven solution that works regardless of a referee’s “people” skills: “Put coaches in a box at the end of the strip like the FIE does.”

Supporting Athletes. Everyone in this investigation – *all* USFA witnesses included – sympathize with fencers who struggled through a uniquely challenging Olympic qualification year. Witnesses uniformly characterized the athletes as “pawns.” Many affected athletes were understandably frustrated that no quick fix was at hand and, perhaps worse, that preemptory action could backfire on Team USA. All the while, alleged cheaters and victims alike were unavoidably required to compete alongside and against each other. Interviewing these athletes revealed genuine trauma, bruises that will surely outlast the Olympic year.

We also heard inspiring stories of desperately needed morale-boosting interventions by USFA staff and truly remarkable sportsmanship by athletes, coaches, and referees. There is no playbook for shepherding a team through the hazards of a highly publicized cheating scandal, but everyone

agrees that there can never be enough attention, concern, and support during such a controversy – and, we will add, *after* its denouement.

12. Conclusion

We worked hard to gather all available human evidence of bout manipulation in saber. For the reasons discussed above, the preponderance of evidence in our record falls short of establishing that Mitchell Saron or Tatiana Nazlymov benefitted from biased referee assignments or calls in their favor in violation of the Olympic Movement Code on the Prevention of Manipulation in Competitions and USFA's Code of Conduct. Our separate reports to USFA and anticipated debriefing on allegations outside the scope of our investigation in no way detract from or diminish these important conclusions.

Fortunately, we can also confirm that *everyone* we interviewed says integrity and fairness must be at the center of saber, USFA's team selection procedures, USFA's referee cadre, and USFA's disciplinary processes. As the foregoing recommendations confirm, there is more work to be done at home and abroad. While some may consider this final report an ending, we see the beginning of a new chapter in the history of this incredible sport. "*En garde! Prêts? Allez!*"

• • • •



Bruce Melton
Aequitask LLC



Daniel Tarlow
Prince Lobel Tye LLC