

INTERNATIONAL SKATING UNION

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Disciplinary Commission

Case No. 2012-10

Decision of the ISU Disciplinary Commission

Panel: Volker Waldeck (Chair)
Dr. Egbert Schmid
Fred Benjamin

In the matter of

International Skating Union, Chemin de Primrose 2, 1007 Lausanne, Switzerland,

represented by

Mr. David M. Dore, ISU Vice President for Figure Skating, and
Mr. Peter Krick, Chair ISU Sports Directorate,

- Complainant -

against

Ms Natalia Kruglova, Lajosha Gavro str. 17-A apt. 73,
04211 Kiev, Ukraine,

- Alleged Offender –

and

Ukrainian Figure Skating Federation,
Esplanadnaya str. 42
01601 Kiev, Ukraine,

- Interested ISU Member –

Concerning alleged Violations of the Duties of Judges and the ISU Code of Ethics.

I. History of the Procedure

1. On November 20, 2012, the ISU Vice President for Figure Skating and the Chair ISU Sport Directorate filed a complaint against the Alleged Offender together with two exhibits. The Complainants learned about the disciplinary/ethical offense in question which had happened on October 25, 2012, through an e-mail addressed to them by the Event Referee, Mr. Jeroen A. Prins on October 30, 2012.

2. On November 29, 2012 the Disciplinary Commission invited the Alleged Offender and the Interested ISU Member to file their statements of reply within 21 days upon receipt of the Complaint.

3. On December 18, 2012, in due time, the Alleged Offender filed her statement of reply to the ISU Director General. The reply was forwarded to the complainants. The complainants responded that the statement of Ms. Kruglova did not exonerate their accusation. The complainants requested on oral hearing and the examination of the witness Ms. Diana Stevens.

4. By order No. 2 of December 24, 2012, the Disciplinary Commission provisionally suspended the Alleged Offender in her function as an ISU Judge until the final decision would be rendered.

5. On January 7, 2013 by Order No. 3 the Disciplinary Commission appointed on oral hearing, including evidence from the witness Ms. Diana Stevens, to be held on February 13, 2013, 13:00 p.m., at the Sheraton Airport Hotel, Terminal 1, Frankfurt/ Main (Germany).

Ms. Kruglova was summoned for the hearing by order No. 3 of the Disciplinary Commission. In her letter of January 11, 2013, Ms. Kruglova formally acknowledged the receipt of the invitation to attend the oral hearing. Because of financial reasons she proposed to conduct the hearing by video conference via Skype. The panel did not grant the request for a hearing via Skype. The panel was of the opinion that a hearing by video conference would defeat the purpose of asking for a formal in person hearing with all parties and witnesses being present.

By email of January 21, 2013, Ms. Kruglova asked for a separate invitation for the hearing, to apply for a visum at the German embassy in Ukraine. On January 22, 2013, the Disciplinary Commission formally invited her by an attached letter to the email. Ms. Kruglova immediately replied that she needed an original invitation for the visum application. By email of February 5, 2013, Ms. Kruglova informed the Disciplinary Commission that the German Consulate in Kiev has rejected her application of a visum for Germany because she could not present an original invitation for the hearing. On February 11, 2013, Ms. Kruglova informed the Disciplinary Commission that she was ill and would not attend the hearing on February 13.

The hearing was held on February 13, 2013, at the Sheraton in Frankfurt (Germany). The minutes of the hearing are attached to this decision.

By letter of March 2, 2013, Ms. Kruglova filed a statement of reply to the minutes of the hearing and explained why she was unable to attend the hearing. The Disciplinary Commission therefore offered her the choice for another date of an oral hearing or to waive the right of an oral hearing. By email of March 19, 2013 Ms. Kruglova waived the right of an oral hearing.

II. Procedural Matters

1. According to Article 24 paragraph 1 of the ISU Constitution and General Regulation 2012 the Disciplinary Commission (“DC”) serves as an authority of first instance to hear and decide all charges referred to it against ISU Officials accused of a disciplinary or ethical offence.
2. The present case arises out of an ISU International Figure Skating Competition in Nice (France) on October 25, 2012, where the Alleged Offender has participated as a judge and is accused of disciplinary and ethical offences. Therefore, the DC has jurisdiction to hear and decide the present case.
3. The present case is governed by the ISU Special Regulations and Technical Rules for Single and Pair Skating and Ice Dance 2012, the ISU Code of Ethics 2012 (ISU Communication 1717) and the ISU Disciplinary Commission Rules of Procedure (ISU Communication 1419).

III. Facts

1. The Alleged Offender is an ISU Judge for single and pair skating from Ukraine (see ISU Communication no. 1756). At the Cup of Nice 2012 she served, among others, on the Panel of Judges for the Senior Pairs Event and the Junior Ladies Event. In his e-mail of October 30, 2012 the Event Referee of the Senior Pairs Event informed the Complainants that Ms. Diana Stevens, an ISU Judge from Great Britain who served on the same Senior Pairs Judges Panel had come to him before the Short Program and told him that she had been approached by the Alleged Offender who encouraged her to give higher Grade of Execution Marks to the couple from Ukraine. Ms. Stevens handed over to the referee a report of an incident which took place on October 25, 2012, at the café of the ice rink in Nice. In this report Ms. Stevens wrote, that on entering the ice rink café she was invited by Ms. Kruglova to join her at the table. Ms. Kruglova allegedly asked her, if when judging the Senior Pairs Competition she would give the Ukrainian couple a +1 instead of a zero, as they need as many points as possible to qualify.
2. In her statement of reply Ms. Kruglova confirmed that she had lunch at the ice rink cafe in Nice on October 25. When Ms. Stevens entered the cafe it was not her but Ms. Stevens who asked to join her at the table. Ms. Kruglova allegedly did not ask Ms. Stevens to improve the marks of the Ukrainian couple, but was talking with her about figure skating in general and that skaters are now travelling from competition to competition trying to earn a minimal technical score. There would have been no reason to push the marks for the Ukrainian couple because they had already enough points to qualify for the European Championships and the Junior World Championships. Her own marks for the technical elements and the program components of the Ukrainian couple were in the middle of the total panel score which proves that she personally did not favour the Ukrainian couple.
3. At the hearing on February 13, 2013, the witness Ms. Stevens described the encounter and conversation with Ms. Kruglova as follows:

“On that day I knew I was judging the pairs skating section. I arrived at the ice rink at a quarter past one and the competition was due to start at two o'clock. We had a meeting with the referee at 1:30. I went into the cafe at the ice rink, which was on the top floor next to the judges' room. When I was getting my soup suddenly Natalia Kruglova asked me: ‘Diana, come and sit with me!’ Behind me all the tables were full but in front of me they were all empty. If she hadn't said that to me I would have

gone to one of the other tables. As I was having my soup Natalia bent over to me and touched my arm and just said: *'O Diana I have got something to ask you. Please, when you are judging my couple this afternoon, you know they need every mark they can get. So please will you, when you think of giving them a Zero, please give them a Plus, because that will help them'*. At this point I was shocked and I was angry. I put my spoon down and said 'I am going to the meeting' and left the table and moved away."

4. At the hearing the representative of the complainant, Chair ISU Sports Directorate, Mr. Peter Krick, explained, that the Ukrainian couple needed to reach 28 points in the short program and 45 points in the free program for a qualification, which they could easily reach if the judges would increase the Grade of execution of the 8 elements in the short and 13 elements in the free program.

Mr. Krick also added that the referee of the Junior Ladies event, in which Ms. Kruglova was also judging, has written in his report:

"Judging of Ms. Kruglova (UKR):

Short Program: the component marks for the Ukrainian skater are the highest she gave in the competition. The skater finished 6th on components in this segment.

Free skating: based on her total score for components, she would have placed the Ukrainian skater 5th. The skater finished 12th on components in this segment.

...to me this judging looks like a national bias. Also in the round table discussion she was really fighting and pushing for this skater."

(Report of the referee of the Junior Ladies event, of November 5, 2012).

5. In her reply of March 2, 2013, Ms. Kruglova insisted on her version of the encounter and conversation with Ms. Stevens. She also contested to have judged in favour of the Ukrainian lady at the Junior Ladies event. Her judging would have been in the "corridor" of the panel's marks and did not infringe the ISU Rules.

IV. Law

1. The Statement of Complaint is admissible.

1.1. The Complaint was filed to the Disciplinary Commission within the time limit of 60 days according to Article 24 Paragraph 6a) of the ISU Constitution and General Regulations 2012. The 60 days deadline started from the date of the receipt of the report of the referee on October 30, 2012, when the Complainant became aware of the facts or events which constitute the disciplinary offence.

2. The Statement of Complaint is justified.

2.1. Ms. Kruglova is an ISU Judge for single and pair skating from the Ukraine as listed in the ISU Communication No. 1756. Therefore she is an "ISU Official" according to the definitions in Article 37 para 2 of the ISU Constitution and Rule 121 para 1a)i) of the General Regulations 2012. According to Rule 125 para 4 of the General Regulations 2012 Officials shall comply with any applicable statutes, ethical declarations and codes of conduct, in this case especially with the ISU Special Regulations for Figure Skating 2012 and with the ISU Code of Ethics 2012 (see Rule 430 General e) of the ISU Special Regulations and Technical Rules for Single & Pair Skating and Ice Dance 2012)

2.2. Rule 430 General f) of the ISU Special Regulations and Technical Rules for Single & Pair Skating and Ice Dance 2012 states – *inter alia* –

“Officials must:

- *not show bias for or against any competitor on any grounds;*
- *be completely impartial and neutral at all times;*
- *not discuss their marks or decisions and marks or decisions of other Officials during the competition with any other person other than the Referee*

2.3. The ISU Code of Ethics 2012 (Communication 1717) Paragraph 4a) obliges an ISU judge to exemplify the highest standard of honesty, respect, truth, fairness, ethical behaviour and sporting attitude. According to Paragraph 4f) the performance and conduct of an ISU judge should stimulate trust and confidence among the skaters, officials, media and the public at large. Finally Paragraph 4h) obliges an ISU Judge to refrain from any attempt to influence the course and/or results of any ice skating event in a manner contrary to sporting ethics.

2.4. After the Disciplinary Commission has heard the witness Ms. Stevens, the Commission is convinced that Ms. Kruglova has tried to incite Ms. Stevens to give higher marks for the Ukrainian couple than impartially justified. The witness has described the approach of Ms. Kruglova at the cafe of the ice rink in Nice on October 25, 2012 in detail and the Commission has no doubt, that the conversation between the two judges was conducted as explained by the witness. Whereas the witness recalled that she was asked by Ms. Kruglova to come and sit with her at the table, Ms. Kruglova alleged that Ms. Stevens asked to join her at the table. But the witness convincingly explained that she did not know Ms. Kruglova personally and there would have been no reason to join her at the table and start a conversation with her. The witness also confirmed that she never had a relationship or any confrontation with her in the past. The panel believes that the conversation at the ice rink cafe has taken place as described by the witness and Ms. Kruglova has tried to influence the witness in her judging.

The reason that the panel believes the testimony of Ms. Stevens is truthful after witnessing her testify before the panel at an in person hearing is that the panel had a chance to see her demeanor and judge her credibility. The panel felt her to be very sincere and believed her description of her shock and surprise, of her feeling of being upset and the fact that she felt "horrified" when requested to give the Ukrainian Team a plus instead of a Zero. Although she did not know Ms. Kruglova personally, Ms. Stevens found it unusual at this competition while sitting in the coffee shop with her husband that Ms. Stevens and others from the Ukrainian group had attempted to befriend her asking to join them at their table because she vaguely knew her and had never experienced any relationship or and confrontation with her in the past. Additionally, she reported it to the Referee at the earliest possible moment she could meet alone with the Referee on the same day while still at the competition. She put it in writing for him as requested and gave it to him the next day. It is for all these reasons as well as the long period of time she has been an ISU Judge that the panel felt the veracity of her testimony was very strong and believable.

Additionally the panel has taken into consideration the report of the referee of the Junior Ladies event in Nice who noticed that the judging of Ms. Kruglova looked like a national bias. Also in the round table discussion she was really fighting and pushing for the Ukrainian skater. That indicates that Ms. Kruglova not only has tried to influence the witness but that she herself has favoured skaters from the Ukraine unjustified.

2.5 Based on the above considerations the Disciplinary Commission finds Ms. Kruglova guilty of misconduct and of violation of the duties of judges and the ISU Code of Ethics. A sanction of a two years suspension is appropriate taking into consideration that the whole judging system in figure skating depends on the honesty and integrity of judges. Inciting other judges of the panel to give skaters higher marks than justified by their performance would shake the judging system to the very foundations.

2.6. According to Article 15 Para 3 of the ISU Disciplinary Rules of Procedure the costs of the hearing, including the rent of the meeting room and the travel expenses of the Disciplinary Commission and the witness, are imposed on the Ukrainian Figure Skating Federation.

V. Decision

1. Natalia Kruglova is guilty of misconduct and of violation of the duties of judges and the ISU Code of Ethics 2012.
2. A two years suspension from participation in all ISU activities as an ISU Judge is imposed on Natalia Kruglova, beginning on December 24, 2012 (date of the provisional suspension) and ending on December 23, 2014.
3. The Complainants and Ms. Kruglova shall bear their own costs.
4. The costs of the hearing (room and travel expenses of the panel and the witness) are imposed on the Ukrainian Figure Skating Federation.

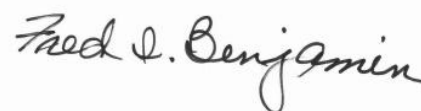
May 30, 2013



Volker Waldeck (Chair)



Dr. Egbert Schmid



Fred Benjamin

The decision is sent to Ms. Natalia Kruglova, Lajosha Gavro str. 17-A apt. 73, 04211 Kiev, Ukraine, by registered mail against return receipt and to the Interested Member and to the ISU by email.

The present decision is subject to appeal to the Court of Arbitration for Sport, Avenue de Beaumont 2, CH-1012 Lausanne, Switzerland, within 21 days upon receipt of the decision, in accordance with Article 24 Paragraph 12 and Article 25 of the ISU Constitution 2012.

Minutes of the hearing

February 13, 2013, 1 p.m.
Sheraton Airport Hotel
Frankfurt/Main (Germany)

1. Parties present:

Complainant: Representative of the ISU: Mr. Peter Krick

Alleged Offender: Ms. Kruglova absent

Ms. Kruglova was summoned by Order No. 3 on January 7, 2013. She has confirmed the summoning by email on January 8, 2013.

On February 11, 2013, Ms. Kruglova informed the DC that she was ill and would not attend the hearing. As proof she added a medical certificate. The panel does not accept the certificate because it is not written in English. Ms. Kruglova was duly notified and fails to appear at the hearing without prior excuse acceptable to the panel. Therefore the proceedings are to be continued as appointed.

2. Hearing of the witness

Ms. Diana Stevens,

Longfield, Romsey Road, Whiteparish, Salisbury SP52SD, United Kingdom.

The witness was informed that the hearing and her testimony would be recorded on a voice recorder. The witness has no objections against the recording.

The witness was advised that her testimony is very important for the decision of this case. She was admonished to tell the truth.

Subject matter is an incident at the ISU Figure Skating Event in Nice on October 25, 2012. The witness describes the meeting and discussion with Ms. Kruglova as follows:

“On that day I knew I was judging the pairs skating section. I arrived at the ice rink at a quarter past one and the competition was due to start at two o'clock. We had a meeting with the referee at 1:30. I went into the cafe at the ice rink, which was on the top floor next to the judges room. When I was getting my soup suddenly Natalia Kruglova asked me: ‘Diana, come and sit with me!’ Behind me all the tables were full but in front of me they were all empty. If she hadn’t said that to me I would have gone to one of the other tables. As I was having my soup Natalia bent over to me and touched my arm and just said: *‘O Diana I have got something to ask you. Please, when you are judging my couple this afternoon, you know they need every mark they can get. So please will you, when you think of giving them a Zero, please give them a Plus, because that will help them’*. At this point I was shocked and I was angry. I put my spoon down and said ‘I am going to the meeting’ and left the table and moved away. I went into the judges room and there were all the judges and the referee, where we continued with the pre event meeting. Then I went down to the rink and judged. I felt awkward because I was seated next to Natalia. I judged the competition as I would have judged anything else. After the completion I wanted to see the referee. I found him in the judges room on his own. I asked him to speak to him confidentially. He invited me to sit down and shut the door, which I did. Then I explained the situation that I had been asked to give marks that were not justified. The referee asked me, if I would put it in writing. I said of course, I will give it to you tomorrow. The next day I had written out my brief statement and handed it to him. I did not speak to Natalia again.

Question of the panel: Did she give you any reason for the request?

No, all she said was, basically any mark that you would have given them for the GOE (Grade of Execution), please make it higher than you would normally.

Panel: Ms. Kruglova has given her reply to the complaint and this reply is complete opposite to what you said. (Statement of Kruglova was handed to the witness to read)

Witness: I can’t believe the statement. I am shocked totally. She called and beckoned me. Diana, come and sit with me! It is my custom to never talk about the competition with anyone before the event.

Panel: In your report you said she asked for this because the Ukrainian couple needs more points to qualify.

Witness: May be it was to qualify for the Europeans or some other events. She did not explain in detail why she made the request. She stated they needed all the marks they could get. She said to qualify but not for what. I was

shocked and surprised. In all the years of judging no one has asked me to do anything like that. I was upset and horrified. I have been judging since 1972.

I did not know her personally but it's funny she befriended me during the time. I was there with my husband and on two occasions the Ukrainian group asked to join us at our table for a meal which I thought was unusual. It is totally false that I asked her to sit down at my table. I vaguely knew her. I never had any relationship or any confrontation with her in her past.

Representative of the ISU, Mr. Peter Krick:

I have it in my notes: the Ukrainian team, to participate in the World Championship they reached at that time before Nice 20,94 scores and they had to receive 28,00. It looks like a big distance but if all judges would give for the elements in the short program for pairs instead of a Zero, one point more, they would be close to reach it. They scored 40,43 in free skating and they need 45. It is obvious, with thirteen elements it is very easy to reach and their wish would be fulfilled. What we do not know is how many judges she approached but we know that only one was reported. In this particular case it makes, in my opinion, sense that she tried to reach for her couple the qualification for participation in the World Championships via the way it was reported. I need to draw your attention also on to the report of the referee of the ladies event. The referee of this event put in his report: "Ms. Kruglova favoured her own skaters enormously and she pushed at the round table discussion very heavily in favour of her skaters". So this gives a sign that she has taken a message to help her skaters to make the cut. With the ladies it was absolutely the same situation as with the pairs. But the witness was not at the ladies panel.

Panel: Mr. Krick is requested to file the report of the referee of the ladies event so it could be attached to these minutes.

Mr. Krick: I have known the witness for many years and feel her report to be credible which is why David Dore and I made this complaint.

End of the hearing: 13.02.2013, 2 p.m.



Volker Waldeck
ISU Disciplinary Commission