

Report of a December 30, 2004 telephone interview with [REDACTED] a former member of the [REDACTED] Swim Team and currently an enrolled student athlete in the sport of swimming at the [REDACTED]. The interview was conducted via telephone conference call. Present for the interview was [REDACTED] Attorney [REDACTED] and investigator Dirk Taitt. The interview was not recorded per the agreement of the participants. [REDACTED] is a Mexican National and his family continues to reside in Mexico. [REDACTED] current residential address at the [REDACTED] is [REDACTED] may be contacted at telephone number [REDACTED] Attorney, [REDACTED] business address is [REDACTED] telephone number [REDACTED]

At the outset of the interview [REDACTED] was advised that his cooperation was entirely voluntary and that the investigator had been retained by USA Swimming to conduct an independent inquiry concerning possible USAS Violations.

[REDACTED] and [REDACTED] were informed that the investigator was in possession of a February 24, 2004 complaint letter which had been sent to [REDACTED] Chairman of the Board of Review for the [REDACTED] Swimming Aquatics Club. The complaint detailed potential USAS Code of Conduct violations involving USAS swim coach [REDACTED] and his alleged assault of [REDACTED] at the [REDACTED] Aquatic Center on or about February 13, 2004. The complaint report in its entirety was subsequently forwarded to USA Swimming Executive Director Chuck Wielgus. The investigator informed [REDACTED] that the investigator had reviewed the statement signed by [REDACTED] and a copy of a [REDACTED] report regarding the alleged assault incident involving [REDACTED], a copy of the medical report from [REDACTED] Hospital indicating injuries sustained by [REDACTED] and copies of a newspaper article referring to the above described incident. [REDACTED] and [REDACTED] said they were aware of the above referenced documentation that had been assembled by [REDACTED] on [REDACTED] behalf.

[REDACTED] was questioned about his background and reported that he was a native of Mexico and immigrated to the United States, specifically [REDACTED] to attend high-school in what [REDACTED] thought was his junior or senior year of high-school in 2000 - 2001. [REDACTED] explained that prior his arrival in [REDACTED] he corresponded with [REDACTED] head swim Coach [REDACTED] and expressed his desire to participate on the [REDACTED] swim team. [REDACTED] reported that he and [REDACTED] discussed the team's coaching philosophy and how the team was structured etc. [REDACTED] reported that [REDACTED] told him that he, [REDACTED] was the head coach and had two assistant coaches identified as [REDACTED] and [REDACTED]. According to [REDACTED] [REDACTED] was then the National Team Coach, [REDACTED] was in charge of national development

and [REDACTED] was primarily responsible for swim instruction for developing swimmers.

[REDACTED] continued and reported that he relocated to the [REDACTED] Area in what he thought was August 2000 and joined the [REDACTED] Swim Club. [REDACTED] reported that in the beginning, [REDACTED] was designated as his primary coach.

[REDACTED] was asked where he resided in [REDACTED] and [REDACTED] reported that [REDACTED] had informed [REDACTED] of the opportunity to rent a room in the home of Assistant Coach [REDACTED]. Consequently, [REDACTED] arrived in [REDACTED] and moved into [REDACTED] residence. [REDACTED] was asked how his room and board were paid and [REDACTED] reported that his parents paid his room and board expenses from Mexico. When asked, [REDACTED] reported that other swimmers also resided with [REDACTED] in [REDACTED] home. [REDACTED] identified [REDACTED] and [REDACTED] all from Brazil. When asked, [REDACTED] reported that [REDACTED] is currently enrolled at the [REDACTED] in [REDACTED] and [REDACTED] had returned to Brazil.

[REDACTED] reported that he resided with [REDACTED] until 2002 when he moved from [REDACTED] residence and rented an apartment. [REDACTED] added that he moved due to [REDACTED] inappropriate behavior (discussed later in interview) which [REDACTED] said contributed to his refusal to respond to [REDACTED] direction on February 13, 2004 at the [REDACTED] Aquatic Complex which led to the incident detailed in the misconduct complaint.

At this point in the interview, the investigator asked [REDACTED] to describe in his own words, the alleged misconduct incident which occurred on February 13, 2004. [REDACTED] explained that at the time of the incident his primary coach was [REDACTED] and [REDACTED] Assistant Coach [REDACTED] (phonetic). When asked, [REDACTED] explained that when he initially joined the swim team, [REDACTED] was his primary coach but he subsequently advanced to the national team coached by [REDACTED] then [REDACTED] in 2003 - 2004. [REDACTED] stated that at the time of the incident, he was to take coaching instruction from [REDACTED] and or his assistant referred to by [REDACTED] as "Coach [REDACTED]" exclusively. [REDACTED] explained that all of the coaching staff members were aware that [REDACTED] did not get along with [REDACTED] and [REDACTED] was not to take any coaching direction from [REDACTED].

[REDACTED] reported that [REDACTED] had scheduled a practice for 5:00 a.m. on February 13, 2004. [REDACTED] arrived at the Aquatic Center and dressed out for practice as scheduled. [REDACTED] reported that he subsequently learned that [REDACTED] was not available to conduct the 5:00 a.m. swim practice and consequently, his assistant, "coach [REDACTED]" would conduct the practice. [REDACTED] reported that he was dressed out for practice in a Speedo swimsuit with a towel around his neck and goggles in his hand and was seated in the bleachers on the pool deck waiting for Coach [REDACTED] to arrive and begin the practice session.

██████████ was asked if other swim team members were also seated in the bleachers waiting for coach ██████████ and ██████████ said yes and estimated there were at least five to six other swimmers. ██████████ was asked to identify the swimmers by name and ██████████ said he could not specifically recall.

██████████ reported that shortly thereafter, ██████████ appeared, approached the group of swimmers and directed them to get in the water and begin the practice session. ██████████ reported that all of the other swimmers responded to ██████████ direction and got into the pool and began the workout. ██████████ reported that he elected to remain in the bleachers and wait for Coach ██████████. ██████████ said that he recalled his swim team members asking ██████████ if he was going to join them in the swimming pool for practice and he advised the he was not, that he was waiting for coach ██████████. ██████████ reported that ██████████ approached him in an angry fashion and stated to ██████████ that he had better "Do his practice". ██████████ said he responded and advised ██████████ that he was waiting for coach ██████████ to begin practice. ██████████ reported that ██████████ pointed his finger in ██████████ chest in a threatening manner and pushed him with his index finger and stated "You better fucking start doing my practice". ██████████ said he continued to resist and told ██████████ that he was sorry but ██████████ was wrong, that he was not to take coaching direction from ██████████ and again said that he was waiting for Coach ██████████. ██████████ reported that ██████████ became increasingly aggressive and agitated when ██████████ refused to respond to his direction to get into the pool. ██████████ said that ██████████ again told him "You had better get into the fucking pool, I don't care what you think, your fucking no one".

██████████ said he continued to be unresponsive to ██████████ direction to get into the pool. ██████████ reported that his towel was hanging around his neck over his shoulders on the front of his body. According to ██████████, ██████████ attempted to push ██████████ toward the pool and ██████████ resisted ██████████ efforts to push him from the bleachers. ██████████ then grabbed both ends of the towel which was around ██████████ neck and crossed the towel. ██████████ then used it to pull ██████████ from the stands and also effectively choked ██████████. ██████████ stated that ██████████ was "man handling" him and while pulling him from the bleachers with the towel, ██████████ said he placed his hands around the towel to try to remove it from his neck because he was choking. ██████████ further reported that during the altercation, ██████████ also hit him with his fist on ██████████ side and continued to verbally abuse the young man. ██████████ reported that the incident ceased after ██████████ effectively pushed ██████████ to the floor and stated to the young man "get the hell out of my pool, you don't belong here". ██████████ reported that he was shaken, rose to his feet and ran into the locker room for the purpose of retrieving his cellular telephone to contact the police for help. ██████████ reported that ██████████ followed him into the locker room and while ██████████ was attempting to open his combination lock on his locker, ██████████ banged on the locker with his fists and verbally abused the young man. ██████████ said that he told ██████████ that if he did not get away from him and stop, that he

would telephone the police. [REDACTED] said that [REDACTED] responded and told [REDACTED] to go ahead and call the police because they would not believe him anyway. [REDACTED] stated that he did in fact telephone the police by dialing 911 and requested help at the [REDACTED] Aquatic Center. [REDACTED] reported that at about this same approximate time, another swim coach identified as [REDACTED] appeared in the locker room and intervened. [REDACTED] removed himself from the locker room and shortly thereafter two officers from the [REDACTED] Police Department arrived and began to investigate the incident by taking statements from [REDACTED], some of the other swimmers and [REDACTED]

[REDACTED] was asked to identify any swim team members who may have witnessed the incident and [REDACTED] identified [REDACTED] and [REDACTED] identified as a "masters swimmers". [REDACTED] was asked if there were any witnesses to his interaction with [REDACTED] in the locker room and [REDACTED] said there was not.

[REDACTED] was asked if he discussed the incident with any of his swim team mates after it occurred? [REDACTED] reported that some of the swimmers made statements to him to the effect that "this is what you get when you cross [REDACTED] and show him disrespect".

[REDACTED] was asked where he went after the incident. [REDACTED] reported that he left the swim complex, received treatment at an area hospital and returned to his apartment.

[REDACTED] was asked if there were any other incidents or instances when [REDACTED] had threatened him or put his hands on him in a threatening manner and [REDACTED] reported that aside from having an aggressive manner, there was not.

[REDACTED] was asked if [REDACTED] ever video taped he or other swimmers without their knowledge or approval and [REDACTED] said yes. [REDACTED] added that the video tape incident is what caused his falling out with [REDACTED] and was why he moved out of [REDACTED] residence and refused to take coaching direction from him. When asked to explain, [REDACTED] reported that one night in November or December 2001 he was living in [REDACTED] residence when he got up to use the bathroom. [REDACTED] reported that as he entered the bathroom, [REDACTED] was in the bathroom which was to be used exclusively by [REDACTED] and the other swimmers who resided in [REDACTED] residence. According to [REDACTED] [REDACTED] had his own private bathroom. [REDACTED] reported that he observed [REDACTED] holding a drill and it was obvious that he was performing some work in the bathroom. [REDACTED] reported that [REDACTED] quickly exited the bathroom and shortly thereafter, [REDACTED] observed a hidden camera in a heating vent located in the bathroom.

██████ was asked if he told anyone about the hidden camera and ██████ reported that he did not immediately tell anyone. ██████ reported that after a few days he told ██████ about the camera in the bathroom but ██████ did not believe him. ██████ reported that he also told ██████, another swimmer who then resided in the house about the hidden camera. ██████ reported that ██████ told ██████ that he too had seen the camera in the bathroom. ██████ reported that ██████ corroborated ██████ claim and they both advised ██████ about the camera. ██████ was asked if he showed ██████ or ██████ the hidden camera and ██████ said he did not and he believed ██████ had removed it after ██████ saw ██████ in the bathroom.

██████ continued and reported that sometime thereafter, the exact date ██████ could not recall, he with ██████ observed a tape in a VCR located in ██████ bedroom. ██████ was not in the room at the time. The two engaged the VCR machine and on the tape saw themselves, specifically ██████ and ██████ using the bathroom at various times. ██████ was asked what he did after discovering the tape. ██████ said the he and ██████ were scared but said nothing to anyone at that time. ██████ was asked if he took control of or copied the tape and ██████ said he did not.

██████ was asked if anyone in a position of authority ever questioned him about the video tape or the hidden camera. ██████ reported that in 2002 or 2003 he informed coach ██████ about the hidden camera and video tape they discovered in ██████ VCR. ██████ said that ██████ told ██████ not to tell anyone because it could ruin the ██████ Swim Club's reputation. ██████ reported that ██████ made the off hand remark that he couldn't believe that someone else was having problems with Coach ██████. ██████ stated that ██████ confided in him that he was aware that ██████ had previously had similar problems with ██████. ██████ said that he asked ██████ what he meant and ██████ told him that ██████ had personal problems and an unusual infatuation and physical attraction to ██████. However, ██████ was aware of his personal problem and was receiving professional help from a psychiatrist.

██████ was asked if ██████ contacted the police, USA Swimming or any other persons concerning the reports of ██████ alleged improper video taping. ██████ said no he did not. ██████ was asked what ██████ told him he would do in response to this information. ██████ reported that ██████ told him that he was going to confront ██████ and tell ██████ that he needed to work out this incident with ██████.

██████ reported that ██████ did subsequently contact ██████ and told him to contact ██████ and to work this problem out. ██████ reported that he knew this because ██████ came to ██████ apartment and confronted ██████ about having viewed ██████ video tapes. ██████ said that he was scared of ██████ and ██████ told him that it didn't matter what he said because no one would believe him because he had no proof.