

JOCKEY CLUB OF SAUDI ARABIA

-and-

MR JASON SERVIS

DECISION and SANCTION

Introduction

1. Under the powers vested in them under Articles 3 & 9 of the JCSA Rules of Racing 2019 (1440/1441) (the **Rules**), The High Committee of the JCSA, in consultation with the Technical Committee have appointed the following officials to adjudicate in the case of the JCSA v Jason Servis:

1. Paul Barton	Chairman
2. Rion Hitchener	Member
3. Dr David Sykes	Member
4. Mukhlid Alotaibi	Member
5. Halah Salah	Secretary

The Committee will:

1. Adjudicate over the charges brought by the JCSA against Jason Servis
2. Consider and question the evidence, written and verbal
3. Apply sanctions, if proven guilty based on the balance of probabilities
4. Provide written reasons to explain their findings.

The final decision of the Stewards Committee shall be effective from the date of distribution of the final written judgement.

Bandar bin Khalid bin Faisal bin Abdulaziz
Chairman of the Jockey Club of Saudi Arabia

2. Maximum Security crossed the line first in the inaugural running of the Saudi Cup, run on 29 February 2020 (the **Race**), however prior to the distribution of prize money, the JCSA was alerted to the fact that Mr Jason Servis had been arrested and indicted in the United States of America as part of criminal



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proceedings. In those criminal proceedings, it was alleged that Mr Servis, along with others, administered performance- enhancing drugs (PEDs) to horses he trained, including Maximum Security.

3. Mr Servis, the trainer of Maximum Security, is charged with breaching the Rules, enforceable at the time of the running of the Race, and additionally breaching the conditions of entry headed 'Medication, Testing and Safety' contained in the 2020 Horsemen's Guide.
4. The Horsemen's Guide is a booklet produced specifically for the Saudi Cup. It includes guidance to assist those participating in the Saudi Cup meeting and requirements that must be met to be eligible to participate.
5. Maximum Security is owned by Gary and Mary West (together owning a 50% stake in the horse) and Mrs John Magnier, Derrick Smith, and Michael Tabor (Coolmore Stud - together owning a 50% stake in the horse).
6. The owners are not charged with a breach of the Rules, and it was accepted that they were unaware of Mr Servis's conduct.
7. This Stewards Committee convened to hear the charges during a hearing held in the Kingdom of Saudi Arabia on 22 and 23 May 2024.
8. The Stewards Committee is independent of the JCSCA, and its powers are contained in Articles 9 to 23 of the Rules.
9. It is accepted that Maximum Security has not tested positive for any prohibited substances taken post-Race (both A & B post-Race urine samples were analysed). Nor when sampled at times in other racing jurisdictions. This case relies on other evidence when seeking to establish breaches of the Rules and entry conditions for the Race in relation to the use of prohibited substances.
10. It is established that Mr Servis administered prohibited substances to Maximum Security when preparing him to run in the Race and that these substances were not recorded in his medical records, a requirement when entering the Kingdom of Saudi Arabia to compete in the Race and that in so doing he had knowingly entered the horse to run in the Race when the horse was not qualified.



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11. The Stewards Committee accepts the judgment of Judge Vyskocil held in the United States District Court Southern District of New York, United States v. Jason Servis, S16 20 Cr. 160 (MKV), 20 July 2023, in that it proved to the Committee beyond the balance of probabilities that Mr Servis had knowingly administered prohibited substances to Maximum Security within the 6 months prior to the running of the Race.
12. The Stewards Committee finds Mr Servis in breach of administering prohibited substances to Maximum Security and falsifying records in contravention of the Rules and the conditions for entry to the Race.

The Rules

13. The Rules were in force when the Race was run on 20 February 2020.
14. Article 1 of the Rules states that:

The Rules applied to all Meetings held under the sanction of the JCSA, and those persons who take part in any matter coming within these Rules agree to be bound by them.
15. The Stewards Committee has the power; Under Article 13, to penalise Owners, Trainers, Jockeys, Stable Assistants, Grooms, and any Stable Staff transgressing the Rules and regulations, and to disqualify or alter the placing of any horse.
16. The Stewards Committee has the power; Under Article 19, to disqualify or suspend any person for any period of time at its discretion within the Rules and/or apply a penalty not to exceed Twenty Thousand Saudi Riyals (SR. 20,000) unless any rule gives specific power to impose a fine above this limit and has the power to suspend a horse from racing as they may see fit.
17. Under Article 64(1), a trainer has an obligation to conduct business with reasonable care and skill, as detailed in the Rules as follows:

Article: 64

- (1) Every Trainer shall:



- a) Conduct his business with reasonable skill and care, having proper regard to the interests of his Owners, to the safety of his employees, the welfare of the Horses in his care and manage and train such Horses in a good and proper manner.
- b) Comply with all Rules and Instructions issued by the JCSA.
- c) Be responsible for all matters relating to the running of his stable including stable management, training and welfare of horses, complete supervision of stable housekeeping, feeding, taking full responsibility of use of drugs and the effects that any drug administered may have on a horse's performance and should include knowledge of any withdrawal periods that may be required.
- d) keep appropriate records of all veterinary procedures and medication treatments and shall provide such records for inspection if required.
- e) Be responsible for the safety and conduct of his stable staff, grooms, and ensure that they comply with all track and safety requirements set out in these Rules and Instructions.
- f) Be responsible for providing protective riding helmets for their riding staff and for ensuring that they are worn when riding on the Racecourse and training tracks.
- g) Meet his commitments towards his work Jockeys.
- h) A trainer must not enter any horse for race unless it belongs to his stable and under his responsibility. The number of his registered racehorses should not exceed the proper space of rooms in his stable. In case the stewards committee found out otherwise he will be subject to penalty (as set out in the Race Day Penalties).
- i) The trainer who takes over horses of a suspended trainer must subject these shifted horses to test and make sure that they are free from any prohibited substances before registration.
- j) Stables having 10 or more racehorses can change training task to a general trainer in the same stable provided that horses assigned to such trainer, horse rooms and facilities put under his responsibility in the stable be well defined and the stewards committee should be notified thereof.
- k) If he is unable to attend a race meeting, must make sure he is represented by his Assistant.

18. Under Article 64(2), a failure to fulfil Article 64(1) obligations to the satisfaction of the Stewards Committee shall constitute an offence under these Rules.

19. Under Article 115(a), highlighting the prohibition against corrupt practices, including the administration of prohibited substances, and as detailed in the Rules as follows:

Any person may be declared a disqualified person or be otherwise penalized by the Stewards Committee under these rules if he exercises any of the following corrupt practices:

- a) Permitted, commanded, administered or attempted to administer to a horse any prohibited substance under these rules, or any substance beyond the normal and natural feed substances provided to the horses.

20. Under Article 119(7), prohibited substances are detailed in the rules as follows:

7) The Following are prohibited substances:

Substances capable at any time of acting on one or more of the following bodysystems:

- (a) The nervous system.
- (b) The Cardiovascular system.
- (c) The Respiratory system.
- (d) The Digestive system
- (e) The Urinary system.
- (f) The Reproductive system.
- (g) The Musculoskeletal system.
- (h) The Blood System.
- (i) The immune system except for licensed vaccines
- (j) The Endocrine system.
- (k) Endocrine secretions and their synthetic counterparts.

The following are examples of such prohibited substances but are not limited to:

- Anti-pyretics, analgesics and anti-inflammatory substances
- Cytotoxic substances
- Antihistamines
- Diuretics
- Local anesthetics
- Muscle relaxants
- Respiratory stimulants
- Sex hormones, anabolic agents and corticosteroids
- Substances affecting blood coagulation
- Anabolic Steroids

21. Under Article 133(c), conduct reflecting poorly on the integrity of horse racing is detailed in the Rules as follows:

No person shall act in any violent or improper manner on any land the property of JCSA:

c) No person shall act in a way which in the opinion of the Stewards Committee reflects badly on the integrity, proper conduct, or good reputation of horseracing in Saudi Arabia.

22. Under Part 18 – Notices, prohibited practices, including the use of chemicals to achieve inappropriate responses in horses, are detailed in the Rules as follows:

4. PROHIBITED SUBSTANCES

The JCSA wishes to remind Trainers of the need to allow adequate time to elapse between the termination of a legitimate course of veterinary treatment and a horse's next race. This is true for all veterinary drugs but is more likely to be a problem with those that are in regular use. It is unwise to allow less than 8 days to elapse after any treatment, and this may be inadequate for some drugs.

Trainers should always consult the approved Veterinary Surgeon for advice.

5. PROHIBITED SUBSTANCES - PRECAUTIONS RELATING TO

The JCSA draw the attention of Trainers to the following:

- 1) The necessity for taking all reasonable precautions to ensure that those manufactured compound feeds which Trainers may use for their horses are free from Prohibited Substances. Precautions are particularly important in the case of feedstuffs not specifically manufactured for horses racing under the Rules of Racing, since they may contain substances prohibited under the Rules. Trainers are also advised that they should keep Samples of all feedstuffs together with all details of any product and other coding on the sacks.
- 2) The need to ensure that medicines are only administered to the horses for which they are prescribed and to avoid any cross contamination of feed.
- 3) The need for great care when administering medication by inhalation, including using nebulisers, to avoid contamination of the horse or its local environment. Such contamination may result in extended detection of the medication in the horse being treated, or unexpected detection in other horses. Veterinary advice should be sought to avoid such problems.

8. MEDICAL RECORDS

All Trainers should keep records of all administrations of medications, tonics and treatments to Horses in their care. (See Article 119 A) Trainers Responsibilities and Article 64 (1) c d).

9. PROHIBITED PRACTICES

Practices that jeopardize the health and welfare of the horse, the welfare of the Jockey, and other participants as well as the integrity of horseracing are inappropriate and prohibited.

1) PRACTICES THAT HAVE NO PLACE IN THE TREATMENT OR MANAGEMENT OF A HORSE INTENDED TO RACE

- The use of any unapproved object, device, behavioural activity, or chemical to achieve an inappropriate response, at any time during training or racing.
- Subjecting horses to medical or surgical procedures outside of a valid and transparent owner-trainer-veterinarian relationship and those inconsistent with providing medical and/or welfare benefits to the horse.
- Use of physical or veterinary procedures or medication treatments to mask the effects or signs of injury so as to allow training or racing to the detriment of the horse's health and welfare.



- Practices that are fraudulent, potentially fraudulent or may have adverse consequences for the integrity of the industry.

2) SPECIFIED PROHIBITED PRACTICES

Prohibited practices include but are not limited to:

- Withholding of water pre-race to the detriment of the health, welfare or safety of the horse.
- The use of extracorporeal shock wave therapy in a manner that may desensitize any limb structures during racing or training.
- Withdrawal, manipulation and re-infusion of homologous, heterologous, or autologous blood or blood cells with the exception of those performed for life-saving purposes.

3) THE TRAINER'S RESPONSIBILITIES REGARDING PROHIBITED PRACTICES

The trainer shall always be responsible for:

- the management, protection and security of the horses in his care
- the avoidance of prohibited practices
- keeping informed of the possible consequences of therapies given to his horses
- keeping appropriate records of all veterinary procedures and medication treatments

4) THE OWNER'S AND TRAINER'S RESPONSIBILITIES REGARDING PROHIBITED PRACTICES

- At any time the owner, and if in training also the trainer, is responsible for compliance with the provisions of this Article and in particular requirements for record keeping and notification to the Horseracing Authority.

10. CODE OF MEDICATION PRACTICE FOR HORSES IN TRAINING

Definition of Treatment

For the purpose of this Article, the term treatment includes:

1. The administration of any substance (including any medication) to a horse and.
2. The administration or application of any physical procedure or therapy to a horse intended to have an effect.

Guiding Principles

The following guiding principles apply to the treatment of horses in training:

1. All treatments are the responsibility of the trainer and must be administered under veterinary supervision.
2. Every treatment must be administered in the best health and welfare interests of the horse.

Accordingly:

1. The trainer must obtain veterinary advice from the attending veterinarian on the management, treatment and appropriate level of training for a sick or injured horse.
2. Treatment of a horse by the administration of a substance or a medication containing a prohibited substance may only be performed on the advice of a veterinarian with appropriate knowledge of the condition, health status and management of the individual horse. In the case of substances controlled by government regulation, these may only be administered by, or on the prescription of, a veterinarian.
3. The trainer is responsible for creating and maintaining full and accurate records of all treatments given to a horse, including all veterinary procedures performed and all medications administered. These records must be kept for a minimum of 12 months and be readily available for inspection by regulatory officials when requested.



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4. With the exception of normal feed and water by mouth, no substance shall be administered to any horse on race day before the race in which it is entered, unless such treatment is authorized by the Horseracing Authority. This includes any substance administered by injection, into the mouth, by inhalation, topically or by any other method of administration.

5. The trainer must comply with mandatory horse rest periods for specific drugs or treatments, as enforced by the Horseracing Authority.

6. Horses that are unable to be trained due to injury or illness must be taken out of training and given appropriate veterinary treatment and/or rest.

All treatments must be administered in the best interests of the horse and not to facilitate the continuation of training.

Specific requirements regarding bisphosphonates:

Any bisphosphonate is not to be administered to a racehorse:

- under the age of three years and six months as determined by its recorded date of birth; and
- on the day of the race or on any of the 30 days before the day of the race in which the horse is declared to run.

The bisphosphonate product administered must be licensed for use in horses in the country in which it is being used and be administered in accordance with the label instructions. There must be a diagnosis determined by a veterinary surgeon that supports the use of a bisphosphonate as an appropriate treatment, and such treatment must be administered by a veterinary surgeon.

Conditions of Entry – Saudi Cup

23. The Conditions of Entry into the Saudi Cup are clearly detailed in the Horseman's Information Guide (11 December 2019) and are as follows:

MEDICATION, TESTING & SAFETY

PRE-EMBARKATION, MEDICATION DECLARATION, AND INSPECTION

All trainers must complete a medication declaration form (provided) for invited horses prior to shipping.

POTENTIALLY LONG-ACTING MEDICATIONS

The following should be noted (including dose, route, and frequency of administration and last date of administration within SIX MONTHS) of any of the following types of medication: bisphosphonates, including "Tildren", corticosteroids, hormones, procaine penicillin and any other depot preparations and implants.

ALL OTHER MEDICATIONS



All other medications should be noted when administered within ONE MONTH of the horse departing for the KSA, even if the medication is not considered to be a prohibited substance in your home country. A NIL RETURN IS REQUIRED IF NO MEDICATION HAS BEEN ADMINISTERED.

INSPECTION

All invited horses will be subject to a pre-travel veterinary inspection by a JCSA approved veterinary surgeon before its departure to the KSA, irrespective of the country in which the horse is located at the time. The purpose of this inspection is to ensure that the horse is not suffering from any apparent problems, which could possibly:

- Jeopardise its chances of competing in its race
- Have an adverse effect on its performance in its race
- Cause it to finish lame or suffer an injury during the race
- Adversely affect its health during travel

The inspection, as a minimum, requires the horse to be trotted-up in-hand firm flat surface and to undergo palpation of its locomotor structures.

MEDICATION RULES

Horses are liable to be tested for banned substances, which are prohibited at all times, upon arrival to the KSA.

There are three categories of substances listed in the prohibited list (below).

Prohibited at all times: Substances that have no legitimate justification for use under a zero-tolerance policy.

They include:

Anabolic agents

Substances not approved for veterinary use.

Peptide hormones, growth factors and related substances

Manipulation of blood and blood components

Blood transfusions

Genetic and cellular manipulation

Oxygen carriers

Prohibited on race day only: This category covers substances that could affect a horse's mammalian bodily systems, but which is not included in the list of substances which are prohibited at all times. They are permitted for use on a horse in training but cannot be present in a horse's system on race day. These substances could include short term pain relievers such as Phenylbutazone (Bute) and diuretics such as Furosemide (Lasix). It is only permitted to give a horse feed and water on race day.

Burden and standard of proof

24. The JCSA has the burden of proof, which means it must demonstrate, on the balance of probabilities, that a breach of the Rules occurred. This is the civil standard and is the usual test applied in horseracing and other sporting tribunals.



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25. That test is lower than the standard of proof of beyond reasonable doubt that must be established in criminal proceedings.

The JCSA Case

26. The JCSA Rules of Racing are constructed to ensure that racing taking place in the Kingdom of Saudi Arabia under these Rules ensures a 'fair' playing field and prevents illegal activities.
27. The use of prohibited substances is illegal, and if it can be proven, by whatever evidence, that on the balance of probabilities, such substances have been administered to a horse and this breaches the Rules, then the trainer should be penalised, and by administering these substances, the horse would be ineligible for entry to a race and should be disqualified.

The JCSA Case Against Mr Jason Servis

28. Mr Servis was the trainer of Maximum Security when the horse won the Race, and he is charged that between 1 March 2019 and 15 February 2020, he administered or caused to be administered to Maximum Security, the substances SGF-1000 and/or illicit Clenbuterol (that is to say, Clenbuterol which Maximum Security had not been prescribed and/or compounded Clenbuterol).

The Charges in Detail

29. **Charge 1:** That between 1 March 2019 and 15 February 2020 Mr Servis **administered or caused to be administered** to the horse (Maximum Security) the substances SGF-1000 and/or illicit Clenbuterol (that is to say, Clenbuterol which the Horse had not been prescribed and/or compounded Clenbuterol) when such administration was:
- 1.1 A failure to conduct his business with reasonable care and skill and to train the Horse in a proper manner, in breach of Art 64(1); and/or
 - 1.2 A corrupt practice because it involved the administration of a prohibited substance, within the meaning of Art 119(7), to the Horse, in breach of Art 115(a); and/or
 - 1.3 A corrupt practice because it involved the administration of a substance beyond the normal and natural feed substances provided to the horse, in breach of Art 115(a);



and/or

1.4 A corrupt practice because it led to his knowingly entering or causing to be entered into the Race the Horse when he knew the Horse was not qualified to be entered into the Race, in breach of Art 115(e); and/or

1.5 Reflects badly on the integrity, proper conduct or good reputation of horseracing in Saudi Arabia, in breach of Art 133(c); and/or

1.6 The use of a chemical to achieve an inappropriate response, at any time during training or racing, in breach of the Prohibited Practices under Part 18 – Notices; and/or

1.7 A fraudulent practice or potentially a fraudulent practice that might have adverse consequences for the integrity of the industry, in breach of the Prohibited Practices under Part 18 – Notices; and/or

1.8 Jeopardised the health and welfare of the horse, and/or the integrity of horseracing in breach of the Prohibited Practices identified in Part 18 - Notices.

1.9 A breach of the obligations under the Conditions set out in its internal page 39 [Horsemens Guide] at paragraph 1a) to not administer or cause to be administered any prohibited substance to a horse for the purpose of affecting its performance in a race, or any test.

30. **Charge 2:** That between 1 March 2019 and 15 February 2020, Mr Servis administered or caused to be administered to the Horse the substances SGF-1000 and/or illicit Clenbuterol (that is to say, Clenbuterol which the Horse had not been prescribed and/or compounded Clenbuterol) and in relation to those administrations **failed to record those administrations:**

2.1 Failed to conduct his business with reasonable care and skill and to train the Horse in a proper manner, in breach of Art 64(1); and/or

2.2 Engaged in a corrupt practice because it involved the administration of a prohibited substance, within the meaning of Art 119(7), to the Horse, in breach of Art 115(a); and/or

2.3 Engaged in a corrupt practice because it involved the administration of a substance beyond the normal and natural feed substances provided to the horse, in breach of Art 115(a); and/or

2.4 Engaged in a corrupt practice because it led to his knowingly entering or causing to be entered into the Race the Horse when he knew the Horse was not qualified to be entered into the Race, in breach of Art 115(e); and/or

2.5 Behaved in a way that reflects badly on the integrity, proper conduct or good reputation of horseracing in Saudi Arabi, in breach of Art 133(c); and/or

2.6 Used a chemical to achieve an inappropriate response, at any time during training or racing, in breach of the Prohibited Practices under Part 18 – Notices; and/or



2.7 Was engaged in a fraudulent practice or potentially a fraudulent practice that might have adverse consequences for the integrity of the industry, in breach of the Prohibited Practices under Part 18 – Notices; and/or

2.8 Jeopardised the health and welfare of the horse, and/or the integrity of horseracing in breach of the Prohibited Practices identified in Part 18 - Notices.

31. **Charge 3:** That between 15 August 2019 and 15 February 2020 in breach of the Conditions in relation to the completion of the Medical Declaration Forms, namely the MDF1A and MDF1B forms, Mr Servis:

3.1 administered or caused to be administered to the horse medication and/or treatments (including SGF-1000 and illicit Clenbuterol) which:

(a) Were not recorded accurately or at all on the Form MDF1A dated 12.2.20; and/or

(b) Were not recorded accurately or at all on the Form MDF1B dated 13.2.20; and/or

3.2 Recorded as having been administered to the horse medications and/or treatments which had not been provided by any veterinarian.

32. **Charge 4:** That having been convicted in 2023 of a criminal offence related to the racing in the Kingdom of Saudi Arabia and/or in the United States of America, is in breach of Art 115.

AND

That by reason of the matters alleged in Charges 1, 2 and 3:

(i) The Horse was not qualified, by effect of Art 73, to run in the Race; and/or

(ii) The Horse was not capable of being declared for the Race, by effect of Art 74(1); and/or

(iii) The Horse should be ordered to be withdrawn from the Race under the Penalties in the Conditions, by its section on internal page 39 (Saudi Cup Horseman's Guide 2020 (SC 2020); and/or

(iv) The Horse should be ordered to be disqualified from the Race under the Penalties in the Conditions, by its section 10 on internal page 39 SC2020; and/or

(v) The Horse should be ordered to be disqualified from the Race under Art 13; and/or

(vi) Mr Servis should be declared to be a disqualified person under Art 115; and/or Art 13 and/or Art 19 and fined under Art 19; and/or

(vii) Mr Servis should be ordered to pay the JCSA's costs of the proceedings under Art 13.

For clarification, the JCSA has not charged Mr Servis with administering PEDs (Performance-Enhancing Drugs), the charge(s) refers to the administration of 'Prohibited Substances'.

The case against Mr Servis is whether the substances used, SGF-1000 and Clenbuterol/illicit Clenbuterol are prohibited substances and if they are, was there proof that they had been administered to Maximum Security, and if so when and in what time frame.



If it is established that they are prohibited and were administered to Maximum Security in contravention of the entry requirements set out in the Horsemen's Guide, then the horse was not eligible to run in the Race and should therefore be disqualified.

Hearing and Evidence

33. The Stewards Committee relied on a substantial amount of written evidence and submissions.
34. Mr Louis Weston of Charles Russell Speechlys presented the case on behalf of the JCSA.
35. Mr Servis was represented by Ms Rita Glavin of Glavin PLLC during at least part of the preparation for this case, and she represented him at his court hearings in the United States of America. He declined to be represented in person at the hearing, and he declined to cooperate with the JCSA's attempts to enable him to give evidence via video conference.
36. Following his conviction for a criminal offence in 2023, Mr Servis is incarcerated in a US Federal Prison Camp in Pensacola. Whilst this presented challenges to the JCSA when attempting to contact him, it is clear from the record of letters, emails, and phone calls that the JCSA made every effort to communicate with Mr Servis and his legal representative, but there was a lack of positive engagement from them.
37. The Stewards Committee were satisfied that Mr Servis and Ms Glavin had been given every opportunity to present their defence and attend the hearing, and this was supported by documentary evidence in the form of letters and emails.
38. The Stewards Committee received written submissions from witnesses who did not present evidence in person at the hearing and heard from two witness via video link:
 - 38.1. Mr Gary West - Part owner of Maximum Security
 - 38.2. Mr Magnier - Part owner of Maximum Security
 - 38.3. Mr Eddie Irwin - Coolmore Stud Farm Manager on behalf of Coolmore
 - 38.4. Ms Rita Glavin on behalf of Mr Servis - Legal advisor
 - 38.5. Professor Timothy Morris - JCSA veterinary expert witness (via video)
 - 38.6. Mr Paul Scotney - JCSA integrity expert witness (via video)



39. The judgment from Mr Servis's case in the United States established the substances being used by the trainer at the time, to which horses they were given, and during which time frame. This judgment was not challenged by Mr Servis, so the facts contained within it are accepted as true and accurate.
40. There is documentary evidence that Mr Servis failed to record the administration of these substances as required, and there was further evidence that he had falsified documents to hide the administration of the prohibited substances.
41. Challenges to the evidence from Mr West who asserts that all the Rules were complied with and that there is no proof whatsoever that Maximum Security was administered any drugs not disclosed in his pre-race vet forms.
42. In Mr Servis's sentencing hearing the Judge reminds the court that Mr Servis said:

"I got to keep Max on the bronchodilator [Clenbuterol]."

And then you lied to the owner of Maximum Security in the weeks leading up to the Saudi Cup. Telling Mr. West, "FYI, Max has never been on anything out of the ordinary" infers Mr Servis's continued unlawful administrations of Clenbuterol to MS - and that the 13 February administration is an unlawful compound of Clenbuterol.

43. The following extract from the finding of the United States sentencing court in the Criminal Proceedings that the use of SGF-1000 continued after December 2019 is explicit in these sentencing remarks:

"At the end of the day, unquestionably, you have undermined the integrity of the sport of horse racing. You also betrayed the owners who entrusted you with their horses.

I already mentioned the fraudulent billing scheme to which you have admitted. As part of its sentencing submission, the government filed a letter from Gary West, the owner of Maximum Security, who begged you before the Saudi Cup to make sure his horse was "squeaky clean." He specifically said, and I'm quoting, "It would feel horrible to win a life-changing race, only to find out you didn't do something right." He told you to feed the horse "just hay and organic carrots for a month before the race." Instead, you gave the horse illegal performance-enhancing drugs."

44. Mr Irwin, Coolmore Stud Farm Manager on behalf of Coolmore, asserts that all biological samples from the horse were negative and that there is no contrary concrete evidence [which] has been proven in the intervening period which justifies a decision other than the distribution of the winners' purse to the owners of Maximum Security who won the Race on merit. The Committee accepts Maximum Security has never



tested positive for either SGF-1000 or Clenbuterol, although asserts that the case for disqualification of Maximum Security is logical and the evidence overwhelming.

45. Coolmore's Response included a note summarising their current legal advice, which it invited to be put before the Tribunal. Challenges included that the horse's eligibility cannot be determined after the fact. The Stewards Committee has set out its reasons as to why it believes this to be incorrect under the specific circumstances of this case.
46. Coolmore asserts that there was no concrete evidence in the United States Criminal Proceedings that PEDs were administered to Maximum Security in the 6 months before the Race and that Mr Servis was not charged with administering any PED. The Stewards Committee does not dispute this and reinforces the fact that Mr Servis is charged with administering prohibited substances contrary to the entry conditions for the Race.
47. Coolmore adds that it is admitted that SGF-1000 was a banned substance in racing in New York. The Stewards Committee affirms that it is also classed as a prohibited substance in the Horsemen's Guide, as it is not a substance approved for veterinary use and that it contains growth factors.
48. Coolmore raises that the transcripts of the hearings involving Mr Servis are hearsay evidence and have never been challenged. The Stewards Committee is advised that as Mr Servis did not appeal the facts relevant to this case, then they can be accepted as being true and accurate.
49. There is evidence from the USA prosecutor, that the SGF-1000 was worthless and Coolmore's own research that SGF-1000 was not a PED and did not contain growth factors. The Stewards Committee maintains that SGF-1000 is a prohibited substance, so its efficacy does not need to be proven.
50. Coolmore submitted a letter to the Stewards Committee dated 15 February 2021 containing extracts (but not the report itself) from a report of a Dr Stanley, in which it is asserted that SGF-1000 contains no prohibited substance or growth factor. The Stewards Committee asserts that it is not a substance approved for veterinary use and, therefore, is classed as a prohibited substance under the Rules.
51. Expert written testimony from Professor Timothy Morris confirms that, in his opinion, SGF-1000 and illicit Clenbuterol were prohibited substances, as defined in the Rules. This contention was challenged, and the Stewards Committee will expand on reasons for accepting Professor Morris's opinion.

Professor Timothy Morris Evidence – JCSA Veterinary Expert Witness

52. The Stewards Committee finds that Coolmore's challenge that SGF-1000, illicit Clenbuterol, and Clenbuterol were not prohibited substances could not be proven based on expert witness testimony presented to the Committee by Professor Morris both in writing and in person. In his summary, he states:

My opinion in respect of SGF-1000 is that it is a prohibited substance under the JCSA Rules of Racing as in force in 2020 (Rules), and the JCSA Horseman's Information Guide - including Medication Rules as in force in 2020 (Conditions).

My opinion in respect of illicit clenbuterol is that it is a prohibited substance under the JCSA Rules of Racing as in force in 2020 (Rules), and the JCSA Horseman's Information Guide - including Medication Rules as in force in 2020 (Conditions).

53. The Stewards Committee concludes on the balance of probabilities that SGF-1000 is a Prohibited Substance as it is not approved for veterinary use.
54. The Stewards Committee concludes on the balance of probabilities that illicit/compounded Clenbuterol is a prohibited substance, as it was not prescribed for therapeutic reasons, and it is not a registered medication. This was established in the investigation carried out by Mr Paul Scotney.

Mr Paul Scotney Evidence – JCSA Integrity Expert Witness

55. Mr Scotney's report on the US Department of Justice – United States vs Jason Servis, Sentencing Submission, 20 July 2023, presented at the hearing contains compelling evidence for the Stewards Committee, seeking to establish the level of deceit Mr Servis committed when attempting to hide the administration of SGF-1000 and Clenbuterol/illicit Clenbuterol to Maximum Security (MS). Mr Scotney's report is detailed as follows:

One of the initial focuses of the investigation was a forensic-level examination of the billing documentation supplied by Gary WEST, the part owner of MS. He provided a large number of invoices that he had been sent by SERVIS and by various veterinary practices, these were for payment of treatment and medications given

to WEST's horses including MS, whilst in training at SERVIS's stables – there were also invoices from SERVIS for training fees.

The Jockey Club of Saudi Arabia also provided the investigation with copies of three separate Medical Declaration Forms that were completed by MS's connections in the run-up to the Saudi Cup - they are the MDF 1A, MDF 1B and MDF 2. These forms record any veterinary-related treatments or medications given to MS during three specific periods of time, prior to competing in the Saudi Cup. It was mandatory for these documents to record all medications and treatments given to MS.

The first Medical Declaration Form is the MDF 1A; this is for the recording all long-acting medications administered to the MS during the six months prior to departure for the Kingdom of Saudi Arabia (so the period from 15 August 2019 to 15 February 2020 or the Relevant Period).

The MDF 1A for MS shows two administrations they are;

- 16 November 2019; Dexamethasone sodium phosphate (trade name DexSP);
- 30 November 2019; an administration of Isoflupredone acetate (trade name Predef);

The first administration of Dexamethasone sodium phosphate may be the same substance referred to in the Indictment documentation as 'Dex' - which is mentioned in a conversation caught on an intercepted FBI call between SERVIS and RHEIN (in June 2019) where RHEIN states "SGF-1000 may show up as a false positive result... for DEX".

Then a short while later SERVIS has a conversation with another unnamed, who agreed to falsify records to show the SGF-1000 administration in June as 'Dex'. This evidence could infer that the administration on the 16 November could well have been an administration of SGF-1000

Of further concern is that the two administrations shown on the MDF 1A do not appear in any of the veterinary billings; so it is unclear who gave these two administrations - although the only veterinary billings produced for that period are from the Empire Veterinary Group. This is the veterinary practice that both RHEIN AND CHAN worked at; further raising the suspicion that these administrations were probably given by RHEIN or CHAN – and disguised within the billing as something else.

The second Medical Declaration Form is the MDF 1B, this is to record all other medications and administrations given to MS in the 4 week period prior to departure for the Kingdom of Saudi Arabia (18 January to 15 February 2020); the MDF1 B for MS shows six administrations, they are.;

- 24 January 2020: Dormosedan, tradename for Detomidine;
- 26 January 2020: An administration of Amicar, trade name for Aminocaproic;
- 29 January 2020: Gastrogard, tradename for Omeprazole;
- 29 January 2020: Adaquan, tradename for Polysulfated glycosaminoglycan;
- 29 January 2020: Ace Suspension, tradename for Acepromaze Maleate;
- 13 February 2020: an administration of Clenbuterol, tradename Ventipulmin Syrup..

(NB: Active ingredient and tradename order updated from original evidence)

The interest in the last administration listed above, is that SERVIS admitted very early on in the US proceedings that he was using an unlawful compound of Clenbuterol, supplied by both RHEIN and Jorge NAVARRO (another trainer indicted as part of the same proceedings) - and the evidence suggests he was, up to the time of his arrest.



In SERVIS's sentencing hearing, the Judge reminds the court that SERVIS said "I got to keep Max on the bronchodilator [Clenbuterol]." And then you lied to the owner of Maximum Security in the weeks leading up to the Saudi Cup. Telling Mr. West, "FYI, Max has never been on anything out of the ordinary" which infers SERVIS's continued illegal administrations of Clenbuterol to MS - and that the 13 February administration is the unprescribed, compounded product of Clenbuterol

Throughout the period of January and February 2020 SERVIS used the veterinary practice of Joseph F. Migliacci to treat his horses, including MS. Copies of these invoices were amongst the previously mentioned invoices given to the investigation by WEST ('the Migliacci billings'). Migliacci also countersigned the MDF1A form, alongside SERVIS, prior to its submission to the JCSA.

In relation to the Migliacci billings for January 2020 they show a number of administrations given to MS throughout January 2020. Specifically, three administrations of Dormosedan (24 Jan), Amicar (26 Jan) and Adaquan (29 Jan) - which correlate with the administrations and dates shown on the MDF 1B. However, for some reason the two administrations of Gastrogard and Ace suspensions do not appear on the Migliacci billings, indicating they were administered by someone else.

However, of more concern is that the Migliacci billings for January show a number of administrations given to MS that are not recorded on the MDF 1B; the billings show that from 20 January 2020 until the 31 January (which is within the 28 day relevant period for the purposes of the MDF 1B) there are 14 other administrations given to MS.

In relation to the Migliacci billings for February they show 26 separate administrations given to MS. The first anomaly is that they do not show the administration of Clenbuterol that is recorded on the MDF 1B - as being administered on the 13 February 2020 - this raises the question as to who gave this already suspicious administration to MS.

Again, of concern is that from the 2 February to the 14 February there are 18 administrations given to MS shown on the Migliacci billings, but do not appear on the MDF 1B.

The third and final Medical Declaration Form is the MDF 2, this records any administrations or treatments given to MS after leaving the US for Saudi Arabia (which was on the 15 February 2020), up until the running of the race on the 29 February 2020.

The MDF 2 for MS shows 5 separate administrations, they are;

- Adequan - given on the 17 February;
- Amicar – given on the 18 February;
- Detomidine – given on the 17 February;
- Two separate Lactated Ringers fluids – given on the 18 February.

When comparing the MDF 2 with the Migliacci billings for February all the above administrations are shown correctly on both documents. However, there are four other administrations given to MS (on the 17/18 February) that are not recorded on the MDF 2.

In summary in relation to the three Medical Declaration Forms there are two suspicious administrations on the MDF 1A and MDF 1B – and a significant level of under reporting of administrations and treatments on the MDF 1B and MDF 2.

These 30+ omissions from the MDF forms are clear breaches of the rules of entry to the race.

The Empire Veterinary Group

As previously stated, SERVIS used the Empire Veterinary Group which is owned RHEIN - and one of RHEIN's employees was CHAN. Amongst the documentation provided by WEST there are two separate invoices sent to WEST by the Empire Veterinary Group - billing him for various treatments and administrations of his horses.

- The first is dated 15 November 2019 and shows treatments and administration in relation to MS from 18 October to 9 November;
- The second is dated 15 December 2019 and shows treatments and administration in relation to MS from 17 November to 10 December;

On both sets of billings there is a charge for 'Stable Supplies' under MS's name. These are likely to be hidden administrations to MS of the unapproved and illegally sourced Clenbuterol. The reason for this belief is, that in the Government Submission on the sentencing of SERVIS, in an intercepted call on the 21 May 2019 between CHAN and SERVIS, CHAN states that he preferred not to list Clenbuterol on billings sent to owners, and between them they agreed that it would show Clenbuterol as 'Barn Supplies' which in essence is the same as Stable Supplies.

Another entry of significant interest is on the second set of billings that shows MS received 'acupuncture and chiropractic' treatment. In the US proceedings there are numerous references, that 'acupuncture and chiropractic' was code used on veterinary billings to conceal the administration of SGF-1000.

Evidence from Court documents contained in Paul Scotney's report.

Further on in the same hearing SERVIS admitted that he was aware of an Advisory Notice published in September 2019, by the US State Gaming, SERVIS was asked;

"Do you challenge that in September of 2019 the New York State Gaming Commission released an advisory stating...all forms of growth hormone and growth factors (e.g. MediVet SGF-1000, RMR, TB-1000) are prohibited" under racing rules. Furthermore, that advisory stated that the rule had "been in effect since August of 2018" and that "these substances were prohibited by a previous version of this rule in July of 2012?" Do you challenge that fact?

SERVIS: "No, your Honour" (see Change of Plea Hearing Page 48 lines 1 to 9).

More specifically SERVIS admitted he continued to use SFG-1000 on his horses after the publication of the Advisory Notice', he was asked by the court "Do you challenge that you were aware of the [above] advisory [notice] and continued to have your veterinarian administer SGF-1000 in New York?"

SERVIS: "I am not challenging that, your Honour" (see Change of Plea Hearing page 48 lines 10 to 15).

SERVIS was also asked by the court about the cost of a bottle of SGF-1000 - and how he passed on that cost owners but without revealing in the billings what they were actually paying for, specifically.

"Do you challenge that a single bottle of SGF-1000 costs up to \$300, and that you approved veterinarian bills that your New York veterinarian provided to owners, knowing that those bills included concealed charges for SGF-1000, specifically that veterinarians falsely billed SGF-1000 under the line item, 'acupuncture and chiropractic'?"

SERVIS "I don't challenge that, your honour."



56. The Stewards Committee concludes on the balance of probabilities that Mr Servis, and his two veterinarians, Mr Rhein, and Mr Chan, repeatedly breached the Rules of Entry for the Race during the six-month and 28-day periods prior to the Race.

Mr Servis's Response

57. The Stewards Committee wishes to address the assertions made by Ms Rita Glavin on behalf of her client Mr Servis, as follows:
58. Claims that this hearing is a sham, and the outcome is pre-determined. The Stewards Committee takes issue and offence at this assertion. The Stewards Committee for this hearing comprises highly regarded professional regulators of international standing appointed for their knowledge, experience, and reputations in regard to integrity.
59. States that the JCSA waited until Mr Servis was incarcerated before bringing proceedings. This hearing has been presented with lengthy documentary evidence of the considerable efforts made by Charles Russell Speechlys and Mr Scotney in their attempts to engage with Mr Servis and his legal representative (see Bundles A and B). This, combined with the compilation of a significant amount of evidence from various sources, has inevitably taken a considerable amount of time and thus delayed the arrangement of this hearing.
60. Asserts that the JCSA relies on hearsay evidence which cannot be tested by cross-examination. The Stewards Committee would have welcomed Mr Servis or his legal representative to cross-examine the evidence presented to them, however, they declined to be present at the hearing.
61. Avows that SGF-1000 contains no prohibited substance, the administration of Clenbuterol was not prohibited, and that Professor Morris' evidence is irrelevant. The Stewards Committee is satisfied that both are Prohibited Substances, and they were administered to Maximum Security in a time frame that made him ineligible for the Race.
62. Claims that the Tribunal cannot award costs. The Stewards Committee did not award costs and the reasons are given when addressing the penalty given to Mr Servis.



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63. Stresses that the Tribunal is not independent. This claim is incorrect and is enshrined in the Rules under Art. 9 (6) and is detailed as follows:

The decision issued by the Stewards' Committee is completely independent and is not subject to any direct or indirect pressure, interference, restriction, or influence.

64. States that the Tribunal has no process, and therefore no fair, procedure. The Stewards Committee operates by the procedures that they would adopt for any hearing in that they will always be open and transparent and ensure that all procedures are 'fair.'

65. Declares that the fact that the proceedings are held in the Kingdom of Saudi Arabia prevents his attendance – this being made within the context of allegations as to the political position in the Kingdom. The Stewards Committee asserts that Mr Servis and his legal advisors have been given every opportunity to attend the hearing, either in person or by video link and they have declined.

On the balance of probabilities, Mr Servis is in breach of all charges.

66. The Stewards Committee has considered all the materials and submissions advanced by both sides, the written testimony of Mr Servis for this hearing, and oral and written evidence presented during the US criminal proceedings against him. The Stewards Committee is satisfied that, on the balance of probabilities, Mr Servis administered Prohibited Substances to Maximum Security when preparing the horse for the Race and that if he had listed them on the MDF forms, as required, then the horse would not have been qualified to run.

67. It is established that Maximum Security did not have SGF-1000 and Clenbuterol detectable in its system when running in the Race, as the post-Race anti-doping samples when analysed were negative for these substances. Rather it is established that, on the balance of probabilities, Mr Servis acted improperly in relation to the administration of these substances when preparing Maximum Security during the lead-in to the Race and that there is sufficient evidence to support this finding.

68. The only reasonable explanation for his falsifying and omitting from documents, information regarding the administration of SGF-1000 and illicit Clenbuterol was to deliberately conceal the use of these



substances, which Mr Servis knew to be prohibited. If they were not, then he would have listed them on the import document MDF 1 as required.

69. There is no other more plausible explanation for what happened. The explanations advanced by Mr Servis and Coolmore do not withstand scrutiny and any reasonable person reading the evidence presented to the Stewards Committee could only reach one conclusion and that is that, on the balance of probabilities, Mr Servis was attempting to seek an illegal advantage by administering Prohibited Substances to Maximum Security in his preparation to race in the Race.
70. Whether the substances used were PEDs or not, was not a factor for the Stewards Committee. What is pivotal to the case is that, on the balance of probabilities, they can only have been given to Maximum Security because Mr Servis thought they would improve its performance, otherwise he would not have concealed the administrations.
71. Mr Servis's victory in the Race with a horse that had been prepared using prohibited substances severely undermined the integrity, proper conduct, and good reputation of horseracing in Saudi Arabia, particularly at a time when the JCSA was asserting its presence on the global stage. This incident was in no way attributable to the JCSA, yet the timing could not have been more detrimental to the Race's reputation and to all participants, who have been awaiting resolution of this matter for over four years.

Decision and Sanction

72. The Stewards Committee orders that:

72.1. MAXIMUM SECURITY is to be disqualified from the Race and the placings are to be amended.

Article 13 states: The Stewards Committee has the power to penalize Owners, trainers, Jockeys, Stable Assistants, Grooms and any Stable staff encroaching the Rules and regulations. In particular, it has the power

1 - To disqualify or alter the placing of any horse

72.2. The effect of the disqualification of the horse is that the result of the Race should be declared to be as per the below, and the Prize Money attributed accordingly:



The Saudi Cup 2020 Amended Result	
Finishing Position	Horse
1 st	Midnight Bisou
2 nd	Benbatl
3 rd	Mucho Gusto
4 th	Tacitus
5 th	Gold Dream
6 th	Chrysoberyl
7 th	Mjjack
8 th	Magic Wand
9 th	Gronkowski
10 th	McKinzie
11 th	Great Scot
12 th	North America
13 th	Capezzano

72.3. Furthermore, Mr Servis is to be disqualified from operating under the Rules under the provision of Article 10.

73. When considering what penalty was appropriate for Mr Servis the Stewards Committee took into account that as a convicted criminal, he no longer holds a licence to train in the USA and thus he would automatically not be granted a licence to train in KSA. In effect, this means that he is automatically a 'disqualified' person under the Rules.

74. The Stewards Committee does not impose any further financial sanction on Mr Servis, as it considered that the disqualification of Maximum Security, resulting in his loss of the winning prize money percentage, coupled with his disqualification, is an appropriate penalty and there is no purpose in imposing any further financial penalty upon him.

75. The prosecution proposed that Mr Servis should be ordered to pay the costs of the proceedings, by way of a financial penalty, under the provision of Article 13. The Stewards Committee does not consider that this Article allows for this provision.



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76. The Stewards Committee's reasons for arriving at this decision have been clearly set out in the judgment and Mr Servis has the right of appeal and under the Rules in place at the time of the Race. This would have been to the High Committee of the JCSA. However, this Committee is no longer in existence and has been replaced by an Independent Appeal Committee in the current JCSA Rules 2023/24 (1444/1445).
77. Mr Servis has 48 hours from receipt of this written judgment to appeal and this should be made in writing to appeal@jcsa.sa

The Stewards Committee

Mr Paul Barton – Chair

Dr David Sykes

Mr Rion Hitchener

Mr Mukhlid Alotaibi