



SME Colorado Section 2021 Benefit Raffle Official Rules & Regulations



- 1. General.** By participating in the Society for Mining, Metallurgy & Exploration Colorado Section “SME” Benefit Raffle (“Raffle”), entrants agree to be bound by these Official Rules and by the decisions of SME, which shall be binding and final as to all matters related to the Raffle. The Raffle is subject to all applicable federal, state and local laws and is void where prohibited.
- 2. Net Proceeds.** All net proceeds of the SME Raffle will benefit the SME Foundation, a 501(c)(3) organization, and the programs that SME Foundation supports.
- 3. Eligibility.** The Raffle is open to all persons age eighteen (18) and older and subject to these Official Rules. The Raffle is only open to legal residents of the United States and is void where prohibited by law. Employees of Caterpillar, Wagner Equipment Co., SME Foundation, SME (the “Sponsor”) and/or those living in the same households are not eligible to participate in the Raffle. The Raffle is subject to all applicable federal, state and local laws and regulations. Void where prohibited.
- 4. Purchasing Raffle Tickets.** All Raffle tickets (“Raffle Tickets”) are digital and may be purchased as follows: one (1) Raffle Ticket for \$30.00; four (4) Raffle Tickets for \$100.00, or multiple variations. Raffle Tickets will be available for purchase online at <https://www.accelevents.com/e/SMEFaffle>, or by texting 228-456-4106 with the word “Raffle” to receive a text message response which provides the online link to take the purchaser to the raffle website.

Raffle Tickets will be sold from December 1, 2020 to March 4, 2021 at 11:59 PM (MST), or until all (5,000) tickets are sold, or whichever happens first. There is no limit to the number of Raffle Tickets an individual may purchase. Each entrant will receive a receipt corresponding to his/her purchased Raffle Ticket(s). SME shall be the sole judge of the validity and eligibility of all entries. All Raffle Ticket purchases shall be final, and no refunds or replacements will be issued by SME unless the raffle is canceled. Raffle Tickets are only valid for the drawing held on Friday, March 5, 2021 from 1:00-1:30pm (MST) live via Facebook during the MINEXCHANGE 2021 SME Annual Conference & Expo. You may also view the raffle drawing in person at Wagner Equipment Co. in Aurora, CO.
- 5. Raffle Tickets are Not Tax Deductible.** The IRS has taken the position that amounts paid for, chances to participate in raffles, lotteries, or similar programs are not gifts and, therefore, the price of the entry does not qualify as a deductible charitable contribution.
- 6. Prize.** Winner will receive a **2021 Cat® CUV82 Utility Vehicle (UTV) with upgrades and a trailer package** “prize”, or equivalent valued at approx. \$19,071. Actual/appraised value may differ at the time of prize award. The specifics of the prize shall be solely determined by the Sponsor. No cash or other prize substitution permitted except at Sponsor’s discretion. Any and all prize related expenses, including without limitation any and all federal, state, and/or local taxes shall be the sole responsibility of the winner. Acceptance of prize constitutes permission for SME and the SME Foundation to use winner’s name, likeness, and entry for purposes of advertising and trade without further compensation, unless prohibited by law.
- 7. Taxes.** Each winner shall be responsible for any and all travel costs, federal, state and local income or excise taxes, fees, assessments and like charges associated with a prize. At the time of this printing, federal law requires that a tax withholding on certain prize values must be collected from winners upon

award and distribution. Federal and state withholding laws are subject to change without notice. The withholding laws in effect at the time the prize is claimed will be followed.

8. **Selection of Winner.** One (1) Winner Raffle Ticket will be drawn randomly by Dave Kanagy under the supervision of the licensed game manager, on Friday, March 5, 2021 between 1:00-1:30 PM (MST) on a Facebook live feed on the official SME Facebook page. Winner need not be present to win.

Winner Notification. Winner notification will be made by text, telephone, email and first-class mail. Prize winner will need to provide proper identification and complete an IRS Form W-9 and any other applicable documents to the satisfaction of SME.

9. **Prize Claim.** Within thirty (30) days of receipt of the first-class mailed notification, the winner must claim their prize. Prize claimant must provide SME with all information required to claim a prize (including tax identification information). The prize claimant will receive an Affidavit, Prize Claim, and Release ("Release") which must be executed and returned to SME no later than five (5) business days after his/her receipt of the Release. A representative of SME and Wagner Equipment Co. will assist in coordinating all the details with the Prize Winner regarding the transfer of the **2021 Cat® CUV82 Utility Vehicle (UTV) with upgrades and a trailer package, valued at approx. \$19,071**, or equivalent. **Prize Winner will be responsible for transporting the vehicle from the Wagner Equipment Co. office in Aurora, Colorado upon transfer of title to the Prize Winner.** Proof of insurance will be required.

10. **Terms.** SME reserves the right, with permission of the Colorado Secretary of State's office, to cancel, terminate, modify or suspend the Raffle should (in its sole discretion) a virus, bugs, non-authorized human intervention, fraud or other causes beyond its control corrupt or affect the administration, security, fairness or proper conduct of the Raffle. In such case, SME may select the recipient from all eligible entries received prior to and/or after (if appropriate) the action taken by SME. SME reserves the right at its sole discretion to disqualify any individual who tampers or attempts to tamper with the entry process or the operation of the Raffle or website or violates these Terms & Conditions.

SME has the right to maintain the integrity of the Raffle, to void entries for any reason, including, but not limited to; entries in excess of that allowed by Raffle rules; or the use of bots, macros or scripts or other technical means for entering.

Any attempt by an entrant to deliberately damage any website or undermine the legitimate operation of the Raffle may be a violation of criminal and civil laws and should such an attempt be made; SME reserves the right to seek damages from any such person to the fullest extent permitted by law.

11. **Odds.** The odds of winning the Raffle depend on the number of Raffle Tickets purchased for the drawing. Maximum number of tickets available to be sold will be 5,000.

12. **Transfer of Raffle Tickets or Prize.** Persons who purchase Raffle Tickets may opt to give away their Raffle Tickets to other eligible persons, but in doing so the purchaser waives any claim he/she might otherwise have to the prize. Purchasers of Raffle Tickets may not re-sell their Raffle Tickets to other parties, and may not knowingly give Raffle Tickets away to others for the purpose of allowing those other parties to re-sell such Raffle Tickets. All Raffle Tickets which have been resold in violation of these Official Rules shall be void. All individuals who re-sell, purchase, or receive Raffle Tickets in violation of these Official Rules shall be ineligible to participate in the Raffle or to win the prize. A winner may transfer his/her prize to a third party provided that the following conditions are met: (a) the transferee would have otherwise been eligible to enter the Raffle (age eighteen (18) or older); (b) the transferee

shall be responsible for all taxes and costs described in these Official Rules; and (c) the transferee shall be bound by all terms and conditions of these Official Rules that are applicable to the winner.

13. **Judges.** The Raffle will be conducted and supervised by SME's Licensed Games Manager, whose decisions are final. SME reserves the right to modify these Official Rules with permission from the Colorado Secretary of State's office. SME reserves the right, with permission of the Colorado Secretary of State's office, to cancel or suspend the Raffle should unauthorized human intervention or other causes corrupt the administration, security, fairness, integrity or proper operation of the Raffle.

14. **Release of Liability.** By entering into the Raffle, all entrants agree to: (a) be bound by these Official Rules; and (b) release SME; SME; and their respective subsidiaries and affiliates, together with their owners, partners, employees, officers, directors, sponsors, and agents, including advertising and promotion agencies from any and all liability with respect to any injury, damage or loss that may occur, directly or indirectly, in whole or in part, from the participation in the Raffle, or from any travel or activity related to the receipt or use of any prize.

15. **Publicity Release.** The winner, by purchasing their ticket, grants SME and its designees and affiliates, including the SME, full permission, except where legally prohibited, to use such winner's name, address (city and state only), photograph, voice and/or other likeness, and prize information for advertising, trade and promotional purposes without further compensation and without notice, review or approval, in all media now known or hereafter discovered, worldwide and in perpetuity. Each winner shall execute all documents that SME may require to be signed in connection with this release.

16. **Governing Law.** The Raffle and these Official Rules shall be subject to and governed by the laws of the State of Colorado. If a court of competent jurisdiction finds that any provision of these Official Rules, or their application to a particular persons or circumstances, is invalid or unenforceable to any extent, then the remainder of these Official Rules shall remain enforceable to the fullest extent permitted by law. The venue for any cause of action arising out of the Raffle or these Official Rules shall be located in Arapahoe County, Colorado.

17. **Prize Donor.** The **2021 Cat® CUV82 Utility Vehicle (UTV) with upgrades and a trailer package**, or equivalent valued at approx. \$19,071 has been generously donated by **Wagner Equipment Co.**, 18000 Smith Rd., Aurora, CO 80011 for the fundraising purposes of the SME Foundation programs.

18. **Sponsor:** This fundraiser Raffle is conducted by SME to benefit the SME Foundation, 12999 E. Adam Aircraft Circle, Englewood, CO, 80112, United States. SME is a 501(c) 3 organization, federal tax EIN 74-2338444. The Society for Mining, Metallurgy & Exploration Colorado Section Raffle is licensed by the Colorado Secretary of State Bingo-Raffles Division under Raffle License #2020-15953 and #2021-15966.