

SME Foundation Benefit Truck Raffle Rules & Regulations

Official Rules

- 1. General.** By participating in the SME Foundation Benefit Truck Raffle (“Raffle”), entrants agree to be bound by these Official Rules and by the decisions of SME Foundation, 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 Raffle will benefit 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 SME, SME Foundation (the “Sponsor”) and Empire CAT and/or those living in the same household 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/SMEFtruck>, or by texting 205-619-3065 with the word “Raffle.” Raffle Tickets will be sold from September 29, 2019 to February 26, 2020, or until all (5,000) tickets are sold. 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). Entries which are or appear to be tampered with are void. SME Foundation 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 Foundation. Raffle Tickets are only valid for the drawing held on February 26, 2020 at the MineXchange 2020 SME Annual Conference & Expo.
- 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 **2020 GMC Sierra 2500 Crew Cab 4WD SLT Diesel truck**, or equivalent valued at approx. \$70,000. 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. The prize is nontransferable. 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. No substitution of prize or transfer/assignment of prize to others or request for the cash equivalent by winners is permitted. Acceptance of prize constitutes permission for 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) Raffle Ticket will be drawn randomly by SME Foundation to determine the winner of the prize on Wednesday, February 26, 2020 at the MineXchange 2020 SME Annual Conference & Expo. The name of the winning Raffle Ticket holder will be announced during the Tailgate Party at 12:45pm in the Phoenix Convention Center exhibit hall prior to the close of the Expo. Winner need not be present to win.

9. **Prize Claim.** Within thirty (30) days of the applicable drawing, the prize claimant must notify SME Foundation and present the winning Raffle Ticket to claim a prize. Prize claimant must provide SME Foundation 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 Foundation no later than five (5) business days after his/her receipt of the Release. In the event a claimant: (a) does not notify SME Foundation within thirty (30) days of the drawing; (b) is ruled ineligible for any reason; (c) refuses the prize; or (d) does not return an executed Release, the prize will be forfeited and will be retained by SME Foundation for charitable use. SME Foundation has no obligation to contact potential winners but will make every effort to do so. Prize will be released to the winner within thirty (30) days of the winner delivering the winning Raffle Ticket, executed Release, and all other required documents to SME Foundation.

Winner Notification. Winner notification will be made by text, telephone, and email. 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 Foundation. A representative of SME Foundation and Empire CAT will assist in coordinating all the details with the Prize Winner regarding the transfer of the **2020 GMC Sierra 2500 Crew Cab 4WD SLT Diesel truck**, or equivalent. **Prize Winner will be responsible for transporting the vehicle from the Empire CAT office in Mesa, Arizona upon transfer of title to the Prize Winner.** Proof of insurance will be required.

10. **Terms.** SME Foundation reserves the right, in its sole discretion 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 Foundation may select the recipient from all eligible entries received prior to and/or after (if appropriate) the action taken by SME Foundation. SME Foundation 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 Foundation has the right, in its sole discretion, 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 web site 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 Foundation 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 Foundation, whose decisions are final. SME Foundation reserves the right to modify these Official Rules at any time. SME Foundation reserves the right, in its sole discretion, 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 Foundation; 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 accepting the prize, grants SME Foundation 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 Foundation 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 Arizona. 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 Maricopa County, Arizona.

17. Prize Donor. The **2020 GMC Sierra 2500 Crew Cab 4WD SLT Diesel truck**, or equivalent valued at approx. \$70,000 has been generously donated by **Empire CAT**, 1725 S. Country Club Dr., Mesa, AZ 85210 for the fundraising purposes of SME Foundation programs.

18. Sponsor: This fundraiser Raffle is conducted by SME Foundation, 12999 E. Adam Aircraft Circle, Englewood, CO, 80112, United States. SME Foundation is a 501(c) 3 organization, federal tax EIN 84-1175450.