

# **OPPORTUNITY DRAWING**

## **Santa Clara Rotary Foundation**

### **Benefiting Military Veterans in Santa Clara County**

#### **Official Rules and Regulations**

Santa Clara Rotary Foundation (SCRF) a tax-exempt organization under Section 501 (c) 3 of the Internal Revenue Code is conducting this raffle pursuant to California Penal Code Section 320.5, et seq., to raise funds for ongoing charitable purposes. The Rules and Regulations of the SCRF raffle are set forth below. By purchasing a raffle ticket the purchaser agrees to be bound by these rules and regulations. SCRF's interpretation and application of the rules and regulations shall be final.

The Grand Prize is a new 2017 Infiniti QX30 Crossover. The Grand Prize winner will win a 2017 QX30 Crossover, base model factory equipped valued at approximately \$30,000. If the vehicle is selected, the winner has options for upgrades at the expense of the winner. Second Prize will be for \$3,000 cash and Third Prize will be for \$1,500 cash.

The Grand, Second and Third Prize Drawings will be conducted by SCRF on Saturday, June 24, 2017, at the awards ceremony (approximately 5:00 pm) at the Silicon Valley BBQ Championships (SVBBQ) event to be held at Santa Clara's Central Park in the Baseball Fields. Website orders must be received by 10:00 pm PDT on Friday, June 23 to be eligible. If tickets are still available, the last opportunity to purchase will be at the SVBBQ event – go to [SVBBQ.com](http://SVBBQ.com) for information on this event; tickets will be sold on-site to event attendees on June 23 and June 24, 2017. The winner does not need to be present to win prizes in either the Grand Prize, Second or Third Place Drawings.

No more than 4,000 tickets will be sold. The chances of winning are based on 4,000 tickets being sold. If fewer tickets are sold, your chance of winning a prize improves. The IRS has taken the position that amounts paid for chances in raffles, lotteries or similar drawings for valuable prizes are not gifts, and consequently do not qualify as deductible charitable contributions.

When the Infiniti QX30 Crossover is awarded, the winner assumes all fees, local, sales tax, state and federal taxes (including, but not limited to, income taxes and sales taxes based on the value of the car), financing costs which must be paid when the car is transferred to the winner and license fees. Likewise, there are federal taxes and there may be state and/or local tax consequences if the winner selects the alternate cash prize. SCRF takes no responsibility for any tax liabilities. Consult your tax advisor. This offer is void where prohibited by law, and all federal, state and local laws and regulations apply.

**BY ENTERING THIS RAFFLE, ENTRANTS ACCEPT AND AGREE (1) TO BE BOUND BY ALL THE RULES, LIMITATIONS AND RESTRICTIONS SET FORTH HERE AND (2) THAT THEIR NAMES AND/OR LIKENESSES MAY BE DISCLOSED TO AND USED BY THE NEWS MEDIA AND MAY OTHERWISE BE USED BY SCRF FOR PUBLICITY PURPOSES AND ANNOUNCED ON THE SCRF WEBSITE. OTHER RULES AND REGULATIONS MAY APPLY. PLEASE CONTACT SCRF IF YOU HAVE ANY QUESTIONS. SCRF'S INTERPRETATION AND APPLICATION OF THE RULES AND REGULATIONS SHALL BE FINAL.**

**BY ENTERING THIS RAFFLE, EACH PARTICIPANT RELEASES SCRF, ITS DIRECTORS, OFFICERS, EMPLOYEES AND AGENTS FROM ANY AND ALL LIABILITY FOR INJURIES, LOSSES OR DAMAGES OF ANY KIND CAUSED BY PARTICIPATING IN THE RAFFLE OR WINNING ANY PRIZE OR RESULTING FROM ACCEPTANCE, POSSESSION, USE OR MISUSE OF ANY PRIZE. THE WINNER AGREES TO INDEMNIFY AND HOLD SCRF HARMLESS FROM ANY AND ALL LOSSES, DAMAGES, RIGHTS, CLAIMS AND ACTIONS OF ANY KIND ARISING FROM, IN CONNECTION WITH, OR AS A RESULT OF PARTICIPATING IN THE RAFFLE OR THE WINNER'S ACCEPTANCE OR USE OF ANY PRIZE.**

**FURTHER, EACH PARTICIPANT HEREBY WAIVES THE PROVISIONS OF CIVIL CODE SECTION 1542 WHICH STATES THE FOLLOWING: "A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IS KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH DEBTOR".**

**Tickets:** Single tickets are \$20.00 each. Only one method of payment, one name, and one mailing address are permitted per ticket. Only one Eligible person may be entered in the raffle per ticket sold. If the name of more than one person is submitted with a ticket purchase, and that ticket is selected as a winning ticket, then the person named first will be deemed the holder of record of that ticket and declared the winner. Division of prize by a group purchasing a ticket in common shall be to the sole responsibility of the person named as the holder of record of that ticket, should that ticket be selected as a winner.

SCRF reserves the right to reject any entry form that is submitted with payment that does not constitute "good funds." All defective or physically altered entry forms will be immediately disqualified by SCRF. If a form is disqualified or if payment is rejected, SCRF will make a reasonable effort to notify the individual and/or entity prior to the drawing using the contact information provided on the entry form. SCRF assumes no responsibility for lost, late, misdirected or non-delivered mail, or any other failure to receive orders or deliver receipts prior to the drawing deadlines.

**A RAFFLE PARTICIPANT'S SOLE AND EXCLUSIVE REMEDY FOR SCRF'S BREACH SHALL BE LIMITED TO THE RETURN OF THE PURCHASE PRICE PAID FOR HIS OR HER RAFFLE TICKET(S). IN NO EVENT SHALL SCRF, ITS DIRECTORS, OFFICERS, EMPLOYEES, AGENTS OR REPRESENTATIVES BE LIABLE TO ANY PARTY FOR ANY LOSS OR INJURIES TO EARNINGS, PROFITS OR GOODWILL, OR FOR ANY INCIDENTAL, SPECIAL, PUNITIVE OR CONSEQUENTIAL DAMAGES OF ANY PERSON OR ENTITY WHETHER ARISING IN CONTRACT, TORT OR OTHERWISE, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGES,**

**How to Purchase:** An individual can purchase as many tickets as he or she may wish, subject to availability.

To purchase tickets: Utilize SCRF's website, [www.santaclararotary.org](http://www.santaclararotary.org) and click on the Raffle link to be directed to the Greater Giving website, where you can purchase as many tickets as you wish using your valid credit card. The Greater Giving website will be "live" to accept

transactions until 10:00 pm on Friday, June 23, 2017. You may also purchase tickets by calling the raffle hotline at (408) 639-9210 and providing your name, address, phone number, credit card number, credit card security code and expiration date. All entries must include payment by check, money order, cash or credit card. SCRF reserves the right to reject any entry form that is submitted with payment that does not constitute "good funds." No refunds will be made except under the following circumstances: any ticket order with payment for a ticket that is sold out, or ticket order received after 5:00 pm on June 24, 2017 will be returned. Phone orders must be received by 12:00 p.m. PST on Saturday, June 24, 2017 to be eligible. The last opportunity to purchase tickets will be at the SVBBQ event. No other refunds are available except at the exclusive discretion of SCRF. SCRF assumes no responsibility for the lost, late, misdirected or non-delivered mail or fax messages, or any other failure to receive orders or deliver receipts prior to the drawing deadlines.

**Selection of Winners:** The SCRF Infiniti QX30 Crossover Raffle Prize, Second and Third Place Drawings will be held on June 24, 2017 for all eligible raffle tickets. The drawings are scheduled to be held at the Silicon Valley BBQ Championships event, at Santa Clara's Central Park in Santa Clara, CA. Physical location of the drawing may be changed without notice at the discretion of the SCRF. Winners need not be present to win prizes in either Grand Prize or Second or Third Place Drawings. All drawings are to be held under the supervision of an independent raffle auditor. The winners will be notified according to the contact information provided to SCRF at the time of ticket purchase. In addition to the list of winners being posted on the SCRF website, a list of winners may be obtained from SCRF or by sending a self-addressed, stamped envelope to Santa Clara Rotary Foundation, c/o Nick Streit, 333 W. Santa Clara Street #750 San Jose, CA 95113 within one week of the drawing.

In order to collect his or her prize, winners may be required to sign and deliver to SCRF (a) sworn affidavit of eligibility in accordance with these Rules and Applicable law, including without limitation that he or she is at least 18 years old; (b) such written information as is required by any applicable tax laws, including without limitation his or her Social Security Number; (c) proof of identity in forms satisfactory to the SCRF showing that the person claiming the prize is the same person named on the winning raffle ticket; and (d) the winning ticket stub. Winners of prizes of \$5,000 or more may be required to submit a W-2G, Form 5754 or similar tax form (provided by SCRF) for tax withholding purposes.

**Winning Odds:** The odds of winning a prize will depend on the number of tickets sold. If all 4,000 tickets are sold, the odds of winning the Infiniti QX30 Crossover, \$3,000 or \$1,500 cash are 1 in 4000.

**Prizes:** The Grand Prize is a new 2017 Infiniti QX30 Crossover. The prize is generously provided by Peninsula Infiniti in Redwood City. The winner has options for upgrades at the expense of the winner.

The Infiniti QX30 Crossover comes base model factory equipped and the Grand Prize winner is solely responsible for any and all state or local license, title, registration, cost differential between the value of the car and the cash alternative prize, taxes, or fees associated with the vehicle, as well as insurance (proof of which must be shown prior to delivery) and pickup or delivery costs at the dealership as well as any non-standard options chosen by the winner and negotiated with the dealership. The vehicle is subject to availability at Peninsula Infiniti and may be substituted with a comparable vehicle by SCRF.

## Grand Prize Drawing:

- 1<sup>st</sup> Prize- Infiniti QX30 Crossover (MSRP of \$30,000)
- 2<sup>nd</sup> Prize- \$3,000 Cash
- 3<sup>rd</sup> Prize- \$1,500 Cash

**Eligibility:** Anyone 18 years of age or older may enter. SCRF members of the Board are excluded from participating and are not eligible to win a prize. All federal, state, and local laws and regulations apply. The raffle is void where prohibited or restricted by law. An affidavit of eligibility may be required from the prize winner.

**General Terms and Conditions:** The 2017 Infiniti QX30 Crossover will be transferred to the winner **"AS IS, WHERE IS AND WITH ALL FAULTS"**, **SCRF DOES NOT PROVIDE ANY GUARANTEE OR WARRANTY, EXPRESSED OR IMPLIED, IN CONNECTION WITH THE INFINITI AND ACCEPTS NO LIABILITY OR RESPONSIBILITY REGARDING THE CONSTRUCTION OR CONDITION OF THE INFINITI. NO EXPRESS WARRANTIES ARE GIVEN AND NO AFFIRMATION OF SCRF BY WORDS AND/OR ACTIONS WILL CONSTITUTE A WARRANTY.**

At the time of closing, all federal and state income taxes and sales tax based on the value of the car, estimated at approximately \$30,000, will be due from the winner. SCRF makes no guarantee that the Internal Revenue Service (IRS) will accept that value of the car for the purpose of determining any income tax that may be due from the winner. SCRF takes no responsibility for any tax liabilities. Consult your tax advisor. **ANY CONTROVERSY OR CLAIM ARISING OUT OF OR RELATING TO THE CONTRACT, OR THE BREACH THEREOF, SHALL BE SETTLED BY BINDING ARBITRATION ADMINISTERED BY THE AMERICAN ARBITRATION ASSOCIATION (PURSUANT TO ITS EXPEDITED PROCEDURES) UNDER ITS COMMERCIAL ARBITRATION RULES, AND JUDGMENT ON THE AWARD RENDERED BY THE ARBITRATOR MAY BE ENTERED IN ANY COURT HAVING JURISDICTION THEREOF.**

By purchasing a raffle ticket and choosing to participate in the raffle, each raffle participant acknowledges and agrees that SCRF has the right, in its sole discretion, to elect not to proceed with the raffle for any reason whatsoever or for no reason, and in such event, a participant's sole and exclusive remedy shall be to receive a refund of the full price paid by such participant for each raffle ticket purchased, without interest.

**Registration with the State of California:** By letter from the Attorney General's office, the Santa Clara Rotary Foundation, has registered with the Department of Justice under Raffle Registration Number RF0010912 and is authorized to conduct raffles in California pursuant to the provisions of Penal Code section 320.5 for the raffle registration periods beginning September 1, 2016 and ending August 31, 2017.

**Santa Clara Rotary Foundation**  
**333 W. Santa Clara Street #750 San Jose, CA 95113**  
**Phone (408) 639-9210 [www.santaclararotary.org](http://www.santaclararotary.org)**