



## Rules and Regulations for the Frisco High School Band Booster Association Raffle

The Frisco High School Band Booster Association, Inc., having a business address of PO Box 125 Frisco, Texas 75034 (hereinafter "FHS Band Boosters") and a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code, is conducting this Raffle to raise funds to support the educational and artistic growth of students in the Frisco High School Band. The Rules and Regulations of the FHS Band Boosters Raffle are set forth below.

This raffle is for a 2023 Jeep Compass Sport 4X4 in Laser Blue Pearl ("Raffle Prize"). Participants are those individuals who enter the raffle by purchasing a virtual raffle ticket ("ticket"). The Participant winning the Raffle Prize ("Prize Winner") is responsible for all fees, local, state, and federal taxes (including, but not limited to, state sales tax and federal income tax withholding based on the value of the raffle prize), and vehicle transfer costs (including, but not limited to, title, license, and other transfer), which must be paid by the Prize Winner prior to legal transfer of the Raffle Prize. The FHS Band Boosters take no responsibility for any tax liabilities. **Prize Winner is encouraged to consult their tax advisor on the tax implications of accepting the Raffle Prize.** This offer is void where prohibited by law, and all federal, state, and local laws and regulations apply.

BY ENTERING THIS RAFFLE, EACH PARTICIPANT ACCEPTS AND AGREES (1) TO BE BOUND BY ALL THE RULES, LIMITATIONS AND RESTRICTIONS SET FORTH HEREIN AND (2) THAT THEIR NAMES AND/OR LIKENESSES MAY BE DISCLOSED TO AND USED BY THE NEWS MEDIA AND MAY OTHERWISE BE USED BY THE FHS BAND BOOSTERS FOR PUBLICITY PURPOSES. OTHER RULES AND REGULATIONS MAY APPLY. PLEASE CONTACT THE FHS BAND BOOSTERS IF YOU HAVE ANY QUESTIONS. THE FHS BAND BOOSTERS' INTERPRETATION AND APPLICATION OF THE RULES AND REGULATIONS SHALL BE FINAL. THERE IS NO RIGHT FOR THE PARTICIPANT TO ENTER INTO ARBITRATION OF ANY KIND OR FILE A LAWSUIT AGAINST THE FHS BAND BOOSTERS OR ITS DIRECTORS, BOARD MEMBERS, OFFICERS, OR REPRESENTATIVES.

BY ENTERING THIS RAFFLE, EACH PARTICIPANT RELEASES THE FHS BAND BOOSTERS AND THEIR DIRECTORS, OFFICERS, VOLUNTEERS, ATTORNEYS, AGENTS, OR REPRESENTATIVES 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 THE PRIZE, AND THE PRIZE WINNER AGREES TO INDEMNIFY AND HOLD THE FHS BAND BOOSTERS 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 PRIZE WINNER'S ACCEPTANCE OR USE OF THE RAFFLE PRIZE.

### **Tickets:**

Raffle tickets are \$50.00 each, payable in USD. Tickets will be processed through an online site Vanco Events (hereinafter "Vanco") and credit card payments will be processed through RevTrak, Inc. (hereinafter "RevTrak"). RevTrak is an online payment processing service for schools. Online payments are accepted with a valid US issued credit card and will cost \$52.00 which includes an additional \$2.00 in online payment processing fees. By paying with a credit card the Participant agrees to authorize the FHS Band Boosters to charge the credit card entered in the raffle ticket transaction for the amount indicated on the ticket checkout page. Payment authorization is for the raffle tickets purchased, for the amount indicated on the checkout page, and is valid for one time use only. Participant certifies that they are an authorized user of the credit card used to purchase the raffle ticket(s) and that they will not dispute the payment with the credit card company; so long as the transaction corresponds to the amount on the checkout page. Only one eligible Participant may be entered in the raffle per ticket sold. If the name of more than one Participant is submitted with a ticket purchase, and that ticket is selected as a winning ticket, the person named first will be deemed the holder of record of that ticket and declared the Prize Winner. Division of the Raffle Prize by more



than one Participant shall be the sole responsibility of the person named as the holder of record of that ticket, should that ticket be selected as the Prize Winner.



Due to the online nature of the raffle processing, the FHS Band Boosters may, at their discretion, discontinue and cancel the raffle if there are technical issues or if there is evidence of hacking, security breaches, or other tampering.

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.

All defective, destroyed or physically altered tickets (hereinafter "Illegible Tickets") will be immediately disqualified by the FHS Band Boosters. The FHS Band Boosters assume no responsibility for Illegible Tickets and the Participant with an Illegible Ticket shall have no recourse against the FHS Band Boosters or their Board Members.

A PARTICIPANT'S SOLE AND EXCLUSIVE REMEDY FOR A BREACH BY THE FHS BAND BOOSTERS SHALL BE LIMITED TO THE RETURN OF THE PURCHASE PRICE PAID FOR HIS OR HER RAFFLE TICKET(S). IN NO EVENT SHALL THE FHS BAND BOOSTERS OR THEIR DIRECTORS, OFFICERS, VOLUNTEERS, ATTORNEYS, 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.

#### **Eligibility:**

Anyone 18 years of age or older and a licensed driver may enter. All Participants must comply with these Official Rules. The FHS Band Boosters 2023 Car Raffle Chairperson and the Frisco High School Band Head Director and their immediate household members are ineligible to win the Raffle Prize. All other 2022-2023 FHS Band Booster members, employees and students of the Frisco Independent School District and other related and unrelated parties are eligible to win, provided they are at least 18 years of age as outlined above.

#### **How to Purchase:**

An individual can purchase as many Raffle tickets as he or she may wish. Tickets may be purchased online at <http://www.friscohsband.org/raffle2023>. At the discretion of the FHS Band Boosters, tickets may be sold at events and through parent volunteers of the FHS Band Boosters who have been specifically authorized to sell the Raffle Tickets and collect the ticket price. Tickets may be requested by emailing [raffle@friscobandboosters.com](mailto:raffle@friscobandboosters.com) and providing your name, address, telephone number and email address. A representative of the FHS Band Boosters will contact you to assist with the purchase of tickets. The FHS Band Boosters assumes no responsibility for lost, late, or misdirected requests for tickets via email, or any other failure to receive requests for tickets prior to the drawing deadline.

#### **Odds of Winning:**

Only 1,000 tickets will be sold. Your odds of winning increase based on the number of tickets you purchase. If you purchase four (4) tickets and all 1,000 tickets are sold, your odds are 1 in 250 of winning the Raffle Prize.

#### **Prizes:**

FHS Band Boosters reserves the right to substitute a comparably equipped and/or different color 2023 Jeep Compass Sport 4X4 in lieu of the Raffle Prize depicted in marketing literature at its sole discretion. If a suitably equipped model of the Raffle Prize vehicle is not available at the time of the FHS Band Boosters' requested delivery date pursuant to the terms hereunder, FHS Band Boosters and/or the Prize Winner shall be required to wait for a longer period until Frisco Chrysler Dodge Jeep Ram. d/b/a Greenway Auto (collectively, "Prize Provider") can locate the 2023 Jeep Compass



Sport 4X4 and/or Prize Provider may provide a 2022 model Jeep Compass Sport 4X4 or comparable model of equal or greater value as determined by comparing the manufacturer's suggested retail prices of the vehicles. The prize cannot be substituted by the Prize Winner. The FHS Band Boosters reserves the right to substitute prizes of equal or greater value, at its discretion. Prizes are non-transferable. In the event less than seven hundred (700) tickets are sold, the FHS Band Boosters reserves the right to cancel the raffle and refund the ticket price to the named individual at the named contact information on the ticket.

The depiction of the Raffle Prize in any advertising or promotional materials may not reflect the actual vehicle delivered to the Prize Winner. Currently, a photo of the 2023 Jeep Compass Sport is not available, so a photo of the 2022 Jeep Compass will be shown on the information cards, virtual tickets, internet sites and promotional materials.

### **Selection of Prize Winner:**

The raffle drawing date for the Raffle Prize will be conducted by the FHS Band Boosters on Monday February 6, 2022, at the Frisco High School Band Winter Concert approximately between 7:45-8:15 PM Central Standard Time from all eligible raffle tickets (the "Raffle Drawing Date"). Tickets will not be sold after 11:59 PM on Sunday, February 5, 2022. The Prize Winner need not be present to win. The Prize Winner will be notified according to the contact information provided to the FHS Band Boosters at the time of ticket purchase and the winning ticket will be posted on FHS Band Boosters website <http://www.friscohsband.org>. The Raffle Prize is forfeited if the Prize Winner cannot be located on or before 5:00 p.m. Central Standard Time on Tuesday, February 13, 2022, after attempting to make contact through the information provided at the time of ticket purchase. If the prize is forfeited, a second drawing will be held, at a time and date to be announced prior to the second drawing, to determine the Prize Winner.

At the discretion of the FHS Band Boosters, ticket purchase deadlines, drawing dates, times and locations may be extended or modified. The Raffle Drawing Date and time may be extended up to thirty (30) days at the discretion of the FHS Band Boosters. The FHS Band Boosters Board of Directors is the final authority in the event of any disputes regarding the drawing.

Applicable federal tax law requires the Prize Winner pay 24% of the fair market value of the Raffle Prize to the FHS Band Boosters, which will remit such payment to the Internal Revenue Service ("IRS"). The Prize Winner will receive a copy of IRS Form W-2G Certain Gambling Winnings reporting the value of the Raffle Prize and the amount of federal income tax withheld. This amount may vary depending upon applicable law. FHS Band Boosters makes no guarantee that the IRS will accept any stated value of the Raffle Prize for the purpose of determining any income tax that may be due from the Prize Winner. FHS Band Boosters take no responsibility for any tax liabilities.

To claim Raffle Prize, Prize Winner must submit the following to the FHS Band Boosters:

- (a) a sworn affidavit of eligibility in accordance with these Rules and applicable laws, including, without limitation, that he or she is at least 18 years old;
- (b) a signed acceptance document indicating that the Prize Winner has accepted the Raffle Prize as described;
- (c) payment in acceptable form (cash or cashier's check) of all required fees, local, state and federal taxes, and vehicle transfer costs (including, but not limited to, title, license and other transfer fees);
- (d) such written information as is required by any applicable tax laws, including, without limitation, his or her Social Security Number;
- (e) proof of identity in forms satisfactory to the FHS Band Boosters showing that the person claiming the prize is the same person who is named on the winning raffle ticket; and
- (f) the winning ticket with a serial number matching the serial number on the ticket drawn as the Prize Winner.

**Prize Winner must complete Form W-9 and sign W-2G prior to delivery of the vehicle. The value of the car is taxable income to the Prize Winner. Prior to delivery, Prize Winner must remit a cash payment of 24% U.S. common tax withholding for the value of the car.**



If the Prize Winner fails to pay required taxes, license, title, and/or registration fees and any other costs associated with winning the Raffle Prize, an alternative Prize Winner may be identified by DVAP by drawing another name from the entries.

If the Prize Winner elects not to accept the prize as described, no substitution or exchange for cash or other goods will be provided. If the Prize Winner does not pay to the FHS Band Boosters the amount necessary to comply with applicable laws as outlined in these raffle rules, then, at its option, the FHS Band Boosters will disqualify the presenting Prize Winner and provide such disqualification in written form. At its sole discretion, the FHS Band Boosters may decide to draw another ticket to determine the Prize Winner.

Subject to the foregoing, Prize Winner must pick up the Raffle Prize at the Frisco Chrysler Dodge Jeep Ram Dealership in Frisco, Texas or an authorized Jeep Dealership designated by Prize Provider for delivery of the Raffle Prize, solely at Prize Winner's cost and expense to execute the necessary paperwork and to receive delivery of the Raffle Prize.

#### **General Terms and Conditions:**

The Raffle Prize will be transferred to the Prize Winner "AS IS, WHERE IS, AND WITH ALL FAULTS". THE FHS BAND BOOSTERS DOES NOT PROVIDE ANY GUARANTEE OR WARRANTY, EXPRESSED OR IMPLIED, IN CONNECTION WITH THE CAR AND ACCEPTS NO LIABILITY OR RESPONSIBILITY REGARDING THE CONSTRUCTION OR CONDITION OF THE CAR. THE FHS BAND BOOSTERS DOES NOT WARRANT THAT THE CAR IS OF MERCHANTABLE QUALITY OR THAT IT CAN BE USED FOR ANY PARTICULAR PURPOSE. NO EXPRESS WARRANTIES ARE GIVEN AND NO AFFIRMATION OF THE FHS BAND BOOSTERS BY WORDS AND/OR ACTIONS WILL CONSTITUTE A WARRANTY.

This Raffle is being conducted in accordance with all federal, state, and local law, including the applicable provisions of the Texas Charitable Raffle Enabling Act.

FHS Band Boosters reserves the right, exercisable upon its sole discretion, to disqualify any individual found to have violated these Official Rules, interfered with the entry process or the operation of the Raffle, altered or attempted to alter the random outcome of the Raffle, violated any law or regulation by participating in the Raffle; or fraudulently completed the entry form or provided other false information to the FHS Band Boosters.

The FHS Band Boosters reserves the right to modify the Rules and/or impose additional conditions, procedures, and requirements as may be necessary or required for the Raffle and the award of prizes hereunder to comply with the laws of the State of Texas and Applicable Law. This Raffle is void where prohibited by law.

For information or inquiries regarding this Raffle, contact [raffle@friscobandboosters.com](mailto:raffle@friscobandboosters.com).