

# Terms and Conditions - New Retailer Applicant Selection Drawing Process

## I. OVERVIEW

[OAR 177-045-0036](#) allows the Lottery to periodically select Video Lottery retailer contract applicants as inventory allows. In the event the number of interested and eligible potential applicants exceeds the number of contracts the Lottery can process, OAR 177-045-0036 directs the Lottery to conduct a drawing to select applicants to move forward. These Terms and Conditions provide additional details about the drawing and ensure that the selection process is conducted in accordance with procedures and rules of the Oregon State Lottery to assure the complete fairness, integrity, security, and honesty of the selection process.

[OAR 177-045-0036](#) gives the Lottery authority to determine when and on what frequency applicants may be accepted. Be aware that these Terms and Conditions may be updated as needed. The Lottery will post the current version on its website. These are also available upon request to the Lottery.

[OAR 177-045-0036](#) Exception to Temporary Pause on Video Lottery Retailer Applications is the controlling law, which covers the following topics:

- Eligibility - [OAR 177-045-0036](#) (2) and OAR 177-045-0036 (3),
- Entry mechanism - [OAR 177-045-0036](#) (1) (b)
- Selected applicants - Under [OAR 177-045-0036](#) (1) (d)
- Entry Closure and Drawing Time Frame - [OAR 177-045-0036](#) (1) (c)

## II. Draw Process

### When

If the Director determines there is sufficient inventory to process applications, and those interested and eligible to apply exceeds available contracts, the Lottery shall conduct a drawing each quarter of the calendar year and/or as determined by the Director or designee. The Lottery will announce the entry period and deadline on its website and/or via other methods reasonably calculated to inform interested and eligible applicants.

### Entry Period

The deadline for entries will be posted on the website. Any entries received after the deadline will be entered in the next round of applicant selection.

### Selection of Set Number

Each quarter or other time period at the discretion of the Director or the Director's designee, a set number of retailers will be randomly drawn from the entry files:

- Existing Retailers
- New Retailers

For example, if a total of 10 retailers are wanted, there will be two drawing selecting:

- 6 Existing Retailers - 60% from the total entries of Existing Retailers.
- 4 New Retailers - 40% from the total entries of New Retailers.

Any retailers who were selected and DID NOT pass their background check process will not be eligible for a retailer contract. When a selected applicant is determined to be

ineligible for a contract, Lottery does not replace that applicant with another entry from that drawing; rather, the additional inventory may increase the number of applications Lottery can process in the future.

Alternates

The below example drawings will explain non-selected entry(ies) and the alternate process:

A. The **first drawing entries** are (please note the unique addresses):

1	Entry	Mark's Deli	888 Waterfront	Original Entry
2	Entry	Mark's Deli	777 Summer Lane	Original Entry
3	Entry	Phil's Cider Shack	111 Beaver Lane	Original Entry
4	Entry	Bill's Eatery	333 Lakeside Drive	Original Entry
5	Entry	Bill's Eatery	222 Electric Street	Original Entry

The Random Number Generator selected rows: 1, 2 and 5 for the **first drawing results** as follows:

1	Selected	Mark's Deli	888 Waterfront	Original Entry
2	Selected	Mark's Deli	777 Summer Lane	Original Entry
5	Selected	Bill's Eatery	222 Lakeside Drive	Original Entry

B. The **second draw entries** now has:

- **non-selected entries** from the previous draw increasing their odds because they were not selected and
- a new retailer "John's Pub" was added because it was submitted during the second entry period:

1	Entry	Phil's Cider Shack	111 Beaver Lane	Original Entry
2	Entry	Phil's Cider Shack	111 Beaver Lane	Non-Select Entry 1
3	Entry	Bill's Eatery	333 Lakeside Drive	Original Entry
4	Entry	Bill's Eatery	333 Lakeside Drive	Non-Select Entry 1
5	Entry	John's Pub	123 River Street	Original Entry

The Random Number Generator selected rows 3 and 4 and row 5 as the alternate.

3	Selected	Bill's Eatery	333 Lakeside Drive	Original Entry
4	Selected	Bill's Eatery	333 Lakeside Drive	Non-Select Entry 1
5	Alternate	John's Pub	123 River Street	Original Entry

After the draw, it was determined that rows 3 and 4 are duplicate address locations of "333 Lakeside Drive", so row 4 will be **disqualified**:

3	Selected	Bill's Eatery	333 Lakeside Drive	Original Entry
4	<del>Selected</del>	<del>Bill's Eatery</del>	<del>333 Lakeside Drive</del>	<del>Non-Select Entry 1</del>
5	Alternate	John's Pub	123 River Street	Original Entry

The alternate will be moved up to the "Selected" position, and this will be the **final results** for the second drawing:

3	Selected	Bill's Eatery	333 Lakeside Drive	Original Entry
5	Selected	John's Pub	123 River Street	Original Entry

C. The **third drawing entries**:

- Phil's Cider Shack now has three entries (*original entry, non-select from drawing 1, and non-select from drawing 2*) for the third drawing and
- Two more submissions entries were added for the third entry period

1	Entry	Phil's Cider Shack	111 Beaver Lane	Original Entry
2	Entry	Phil's Cider Shack	111 Beaver Lane	Non-Select Entry 1
3	Entry	Phil's Cider Shack	111 Beaver Lane	Non-Select Entry 2
4	Entry	Brandon's	456 Cool St	Original Entry
5	Entry	Matt's Beer House	789 River Front	Original Entry

Drawing Date

The drawing date is at the Lottery's discretion but will occur within fourteen (14) business days of entry deadline. For example, if the entry deadline occurred, Monday, September 26, 2022, the latest the drawing will occur is Thursday, October 13, 2022.

Drawing dates, times, and locations may be changed at the discretion of the Director or the Director's designee.

Odds of being selected are dependent on the number of contracts available, total number of eligible entries received during the entry period, and additional entries given to non-selected entries from previous drawing(s).

**III. PURPOSE**

- To ensure the integrity of the Lottery is maintained.
- To ensure the drawing is conducted in strict compliance with Terms and Conditions.
- To ensure compliance to all applicable Lottery statutes, rules, and regulations.

**IV. ELIGIBILITY**

- A. Only one submission will be accepted. If an applicant enters more than one submission, the original will be included, and any other submission(s) will be disqualified.
- B. The Lottery Director or designee will make all final decisions regarding the eligibility of entries and /or participants.
- C. If it is determined by the Lottery that you stole data from or associated with attacking, infecting, or intruding upon, any computer system owned by or associated with the Lottery or which in any way threatens the security of the Lottery's computer system, the Lottery may immediately disqualify any portion of or the entire list of entries. The Lottery reserves the right to seek damages to the fullest extent permitted by law and may seek criminal charges.
- D. If the Lottery determines an entry to be valid, and the entry was not entered into the drawing due to Lottery or the database provider error, as determined by the Lottery Director or designee, that entry can be entered into a comparable drawing. The Lottery Director or designee's decision is final.
- E. Entrants in the draw process hereby release indemnify and hold harmless WUFOO, Mail Chimp, Alchemer and/or Survey Monkey, its owners, officers, officials, agents and or employees, from any and all claims, demands, losses, and liability arising out of or related in any way to participation in this promotion.
- F. This draw process is in no way sponsored, endorsed, and administered by, or associated with WUFOO, Mail Chimp, Alchemer and/or Survey Monkey, etc.

V. **RETAIL CONTRACT DRAWINGS**

The drawings are ongoing until the Lottery determines otherwise.

If there is any reason the Lottery is unable to collect the information to create the entries, the Lottery may cancel the drawing.