

9 Strong Points of Compliance

The points listed below are what may be considered a “layman’s explanation” of why this promotional game system should not immediately be considered illegal gambling. While at first glance, the games here may appear to be no different than casino style slot machines, the truth is in the details. The intent of this document is only to prevent a hasty “RUSH TO JUDGEMENT” of this promotional game system.

The laws that govern this type of business can be very detailed, convoluted, confusing and extensive. This document does not attempt to examine every facet of every point, but to merely provide a broad overview of the subject matter. This document is not state or jurisdiction specific. Therefore, this document should in no way be considered “proof” of compliance, but rather a reporting of the features and functions of the software that, when carefully examined, may show that the software should not be considered “Illegal Gambling”. Careful consideration should be given to each and every point before an accurate determination of “LEGAL or ILLEGAL” can be fairly made.

- **THIS IS NOT GAMBLING*!** Proprietary feature eliminates the element of “Chance”.

*Although free games of chance are legal in most areas to use as a sales promotion, this system is not truly a game of chance. Customers can view all future results of game play before committing to play, thereby eliminating the “chance” factor. Because of the **Full Disclosure feature**, the results of the free promotional games are not “..UNPREDICTABLE TO THE USER.” A recent Supreme Court of California ruling said the “unpredictable element” is a key factor, if not the main feature, of an illegal slot machine (33b(d)(6). Many other states agree.*

- **A GAME OF SKILL!** The skill function allows customers to have impact on the results of the game.

In addition to “...UNPREDICTABLE TO THE USER”, another feature that many states consider an elemental part of an illegal slot machine was the inability of the customer to “INFLUENCE THE OUTCOME” of the game. The SKILL FEATURE gives the customer that ability. Multiple selections may be needed in a limited amount of time to complete the task in order to receive the full potential prize shown in the Full Disclosure Feature, thus influencing the outcome of the game.

- **A TRULY FREE GAME PROMOTION.** Free Game promotions are not illegal in most states.

Free games of chance are routinely used to promote the sale of goods and services by many well-known companies. The system used here is just a different method of presentation. Putting the free game promotion onto a computer does not necessarily make them illegal. While laws vary from state to state, it has generally been found that if something is legal when performed manually with paper, it is still legal when done on a computer!

“...the use of a machine to distribute a lawful game of chance does not convert the machine into a slot machine.”

Trinkle v. California State Lottery, 105 Cal. App. 4th 1401 (4th Dist. 2003)(“Trinkle II”).

- **FREE ENTRY IS REAL.** It is not illusory, too limited or too difficult to obtain.

This promotion is considered “free” because customers may participate for free, with no purchase of any kind. This system provides 3 different ways a customer may receive free entries into the promotional game, and free entries have the same odds of winning as entries received with purchase. Documentable proof of free entry and usage is built into the software!

- **REAL PRODUCTS.** Products and services provided are real, not illusory.

Items and services sold, including Work Station Time, are routinely sold by other businesses that do not offer a free game promotion system to promote the sale of their products. These items and services are sold at competitive rates.

- **MULTIPLE PRODUCTS SOLD.** Items other than just Work Station Time are sold.

Even though competitors who use no form of promotional games sell Work Station Time at rates higher than this location, thus validating Work Station Time as a legitimate product, there are still those who feel Work Station Time is not a legitimate product. This location uses the free game promotion system to promote the sale of various other items that are indisputably legitimate.

- **NOT SLOT MACHINES.** Games are distinctly different from “Vegas-style” slots.

Many states have specific laws as to what a “slot machine” is and isn’t. The work station computers used here do not meet the description of a “Slot Machine” as described by most state laws. The games offered are “Distinctly Different” from “Vegas style slot machines”, and are played on computers identical to those found in homes, offices and government buildings.

- **CUSTOMER USE OF WORK STATIONS.** Usage of the system is trackable and provable.

As well as selling other products besides Work Station Time, the system can prove that usage of the Work Station Time is substantial, usually amounting to hundreds, if not thousands of hours.

- **PROMOTION IS LIMITED AND OCCASIONAL.** Each Promotion is limited to 90 days or less.

Experts say that the 90- day range is the only time frame ever specifically stated by any court in regards to what constitutes “limited and occasional” in reference to this type of promotion.

**This statement is made with the understanding that most legal definitions of gambling require that the element of chance be present. The proprietary software on this system eliminates the element of chance.*

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To All Recipients: This information is provided as a courtesy, and should not be relied upon as legal advice. Anyone considering this type of business or any other, should seek competent legal counsel familiar with their mode of business and their jurisdiction.