

Games and
Contests



+

Solicit
Prospects



+

For the Sale, Lease
or Use



=



+



-



=



ARS 32-2153(A)(13)



www.azre.gov

Games of Chance - Games of Risk - Lotteries - Contests

You have questions, we have answers.

A.R.S. 32-2153(A)(13)

Grounds for suspension or revocation. A licensee has:

13. Solicited, either directly or indirectly, prospects for the sale, lease or use of real property, cemetery property or membership camping contracts through a promotion of a speculative nature involving a game of chance or risk or through conducting lotteries or contests that are not specifically authorized under this chapter.

Holding a game of chance, game of risk, lottery, or contest is not in and of itself a violation of Title 32, Chapter 20. However, a licensee is not permitted to use information collected as a result of a game of chance, game of risk, lottery or contest to solicit - directly or indirectly - potential clients for the sale, lease or use of real property.

WARNING: There are statutes, outside of Title 32, Chapter 20 related to registering games of chance, games of risk, contests and lotteries, of which licensees should be aware.

Additionally, you should ensure your activities are always approved by your broker and you may decide seeking legal counsel may also be necessary.



Games of Chance – Frequently Asked Questions

Q1. Can I conduct a raffle in an effort to attract potential buyers and/or their agents to my open house?

A1. No. Unless exempt as permitted under certain circumstances for a developer, a raffle is considered a game of chance or risk and, under this scenario, is being conducted to solicit prospects for the sale, lease or use of real property.

Q2. If I conduct a raffle or other type of game of chance or risk and insert the contact information of the participants into my database to be used for future marketing endeavors, am I at risk of violating A.R.S. § 32-2153(A)(13)?

A2. Yes. Because the effect of the game or contest is to obtain information that will be used in soliciting prospects, either directly or indirectly, for the sale, lease or use of real property, you are at risk of violating A.R.S. § 32-2153(A)(13).

Q3. If I conduct a raffle or other type of game of chance or risk and only use the information obtained to notify the winner of the game, am I at risk of violating A.R.S. § 32-2153(A)(13)?

A3. Possibly. If the information obtained via the raffle or other type of game of chance is only used to notify the winner and none of the information obtained is used to thereafter solicit prospects for the sale, lease, or use of real property, you would not be in violation of A.R.S. § 32-2153(A)(13). However, if holding the raffle or other type of game of chance at or in coordination with the promotion of a specific property intended to be sold, leased or used, then you are at risk of violating A.R.S. § 32-2153(A)(13).

Q4. If I engage in what would be considered an act of gambling to attract customers but do not use information collected on participants to later solicit prospects for the sale, lease, or use of real property, am I at risk of violating any other statutes?

A4. Possibly. Gambling, which is defined under Title 13, Chapter 33, of the Arizona Revised Statutes, is regulated at the state level. If concerned with running afoul of Arizona's Criminal Code, it is recommended that licensees consult with independent legal counsel.