

## **SOLICITING OFF BASE? HOW TO KEEP YOUR P.O. OUT OF TROUBLE**

As we enter the summer, private organizations (POs) are beginning to plan various fundraising events. Many POs will pay for these events by soliciting gifts and contributions from off-base organizations.

Although this article is a handy guide when drafting an off-base solicitation proposal, it should not be construed as legal advice. AFIs 36-3101 and 34-223 are the final authorities on what activities are allowed.

First and foremost, organizations must send a copy of their proposals to the legal office outlining exactly what it is they would like to do. Next, find out if the organization is a PO. A private organization is a self-sustaining special interest group, set up by people acting outside the scope of any official position they may have in the federal government. This includes organizations like the Unit Advisory Council, Top Four, the Officer's Spouses Club, etc.

Any group with average monthly assets exceeding \$1,000.00 over a 3-month period must apply through the Force Support Squadron and Legal Office for formal PO status. After being authorized, these POs are overseen by 4 FSS. If the organization takes in assets less than \$1,000 over a 3-month period, it will likely be considered an unofficial activity. Unofficial Activities (UAs) are subject to the same restrictions as POs when soliciting.

When planning a fundraiser, these are the things you should ask yourself: Who, What, When and Where? First, "who" are you going to solicit and who is going to conduct the solicitations? The Joint Ethics Regulations (JER) prohibits federal employees, even when acting in their personal capacity, from soliciting from organizations that do business with or seek to do business with the Department of Defense. Also, POs should never solicit from organizations with inherently suspect practices because these organizations could prejudice or bring discredit upon the Air Force. POs, their officers, and their members should be mindful to stay away from these "prohibited sources."

Next, consider who from your organization will be conducting the off-base solicitation? Be careful when making this decision. No DoD employee may knowingly solicit from persons who are junior in rank, grade or position, whether on or off duty. For organizations like the Officer's Spouses Club, this prohibition extends to the spouses of DoD employees. To avoid this issue, you should consider soliciting as an organization.

Here are the restrictions on PO names and letterhead: (1) you cannot use the term Department of Defense, its seal or the acronym DoD; (2) you cannot use the name, abbreviation, or seal of any military department or military service, and; (3) you cannot use the seal, insignia or other identifying device of the local installation (e.g. AFB, Squadron, Group), without approval from the installation commander. This area of the law can be confusing, so make sure you refer to the examples in AFI 34-223, paragraph 10.1.4.

Your next question should be "what" is the basis for the solicitation? You may be seeking to raise money for something that it is a prohibited activity. As a PO, you are prohibited from selling alcoholic beverages, or from conducting games of chance, lotteries, raffles, or other gambling-type activities, except in very limited circumstances. Private Organizations are also

prohibited from soliciting funds for activities that will directly duplicate or compete with AAFES or Force Support Squadron (FSS) activities.

Third, ask yourself “when” you plan to conduct your solicitation? Federal employees may not engage in fundraising for a PO while on government time. You must be in a leave status or off duty and cannot create the appearance that you are on duty, which means no soliciting while in uniform. Members who solicit while on duty or as though on duty send a message that the Air Force endorses the solicitation.

Thus, all off-base solicitations must clearly indicate that they are for a PO or an unofficial activity/organization, and not the base or any official part of the Air Force.

Once the off-base entity agrees to support your organization, the PO cannot publicly recognize the donation/gift. Recognition can only be made to members of the PO or those present at an event benefiting from the donation/gift. Unfortunately, this is where most POs run into trouble.

**EXAMPLE:**

A solicitation sent off base reads as follows: “We are asking you, as a friend and supporter of Seymour Johnson Air Force Base, to help us with the cost of the event. In return for your cash donation, we will provide free advertising. Your name, or the name of your business, will be displayed on promotional materials such as t-shirts, banners, etc.”

You should not make such promises because they require public recognition of the donation outside of the event. Moreover, by making such promises you are engaging in commercial sponsorship. The FSS is the only Air Force organization authorized to use commercial sponsorship to offset program expenses.

The FSS relies heavily on commercial sponsorship to be able to afford events. They estimate that their programs have lost thousands of dollars in commercial sponsorship because POs have already offered “free advertising.” The base-wide events that FSS provides cannot be held without business support. Thus, the more POs that provide unauthorized advertising, the fewer events FSS can offer.

The fourth and final question you should ask is “where” will you solicit? This one is easy because POs are prohibited from soliciting on base. That means the mailing list for the solicitation should not include the BX or the Commissary.

We hope this article has provided some guidance on how to properly solicit for your PO off base. It is important that we conduct ourselves professionally when interacting with the local community. Remember, the base commander retains the authority to disband any and all POs he thinks prejudice or bring discredit to the Air Force.