DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY GARRISON
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IMNT-ZA

23 March 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: United States Army Garrison, Fort Irwin and the National Training Center Policy #16, Personal Commercial Solicitation Home-based Businesses in Government Housing, and Religious Solicitation Policy

1. Purpose. This memorandum provides a consistent policy regarding all commercial solicitation, home-based businesses, to include religious solicitation activities on Fort Irwin.

2. References:

a. Army Regulation (AR) 210-7, Personal Commercial Solicitation on Army Installations, 18 Oct 07

b. AR 420-1 Army Facilities Management, 24 Aug 12.

c. Department of Defense Instruction (DoDI) 1344.07, Personal Commercial Solicitation on DoD Installations, 30 Mar 06.

d. DoDI 1000.15, "Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations." OSD(P&R) dtd 24 Oct 08.

3. Scope. This policy applies to all military and civilian personnel and their family members within Fort Irwin government controlled housing areas. Individuals seeking to conduct home-based businesses, commissary baggers (registration only) or firms desiring to conduct business or advertise their products or events on Fort Irwin.

4. Exclusions. This policy does not apply to:

a. Individuals (military, civilian or family members) who sell personal property which may be advertised through other sources.

b. Individuals or companies delivering products on Fort Irwin that were requested by individuals working or residing on the installation.

c. Individuals or companies providing merchandise or services to Non-appropriated fund activities through an authorized agreement.

d. Individuals participating in authorized yard sale activities as outlined in the lease agreement and Resident Handbook for The Villages at Fort Irwin.

e. Authorized sales and fundraising activities by private organizations, units, family readiness groups or schools, as approved through other channels in DFMWR and the Garrison Commander.

f. Individuals providing authorized child care.

5. Commercial Solicitation Policy.

a. No agent (anyone who solicits, advertises goods, services, products or events) will be allowed to conduct solicitation on Fort Irwin without first obtaining authorization from the Garrison Commander or appointed designee.

b. The Fort Irwin Garrison will establish and monitor a program for agents to enter the installation for the purpose of soliciting business.

c. The Garrison Commander or designee, may deny or revoke a permit if it is in the best interest of the command. The grounds for taking these actions include, but are not limited to the following:

(1) Making false statements on the commercial Solicitation Permit Applications.

(2) Engaging in any act in violation of the law, any act in violation of Army or Fort Irwin regulations or policies, or any act that threatens the safety, health and/or security of the installation.

d. Agents whose requests for commercial solicitation privileges are denied or revoked may appeal in writing to the Garrison Commander. The appeal decision of the Garrison Commander or appointed designee, to authorize, deny or revoke solicitation privileges is final.

e. Agents or Representatives (anyone who solicits, advertises goods, products or events) must have an authorization letter from the Garrison Commander or his designated representative, the Director of Family and Morale, Welfare and Recreation (DFMWR). Agents and representatives in possession of an authorization letter will not solicit in any barracks, unit dayrooms, dining facilities, door-to-door or to any large captive audience unless expressly approved for an exception to policy (ETP) and then only within the specified limitations articulated in that ETP (AR 210-7).

f. Distribution or posting of flyers, business cards, promotional materials, etc. anywhere on Fort Irwin is prohibited except for authorized paid advertising through the post newspaper, the Directorate of FMWR, or other approved media. Exceptions can be approved by private local businesses permitted to operate on post at the discretion of the management at locations like the Landmark Inn or AAFES.

g. All commercial solicitation requests will be reviewed to ensure that there is no duplication or competition of retail sales or services that are available through the installations officially sanctioned commerce, programs or services such as AAFES.

h. All commercial solicitation permit requests are subject to a legal review by the Staff Judge Advocate (SJA) office.

i. Agents applying for a commercial solicitation permit who are active duty military members are required to have approval from their Company level Unit Commander to engage in off duty employment.

j. Agents applying for a commercial solicitation permit who are civilians must be sponsored by an authorized individual holding a valid DoD military Identification card. Sponsor will be liable for any actions of the individual being sponsored. Any misconduct may be cause for immediate termination of the approved permit.

k. Private organizations and units may not sponsor other private organizations or individuals for commercial solicitation permits.

l. Home-based Business (HBB) in Government Housing. It is **not** the purpose of this policy to limit the ability or freedom of industrious and entrepreneurial minded service members or dependents from being able to operate a home business. In a remote location such as Fort Irwin, with limited employment opportunities, home-based businesses represent a valuable way to allow service members families with a means to supplement their income and to provide a service or good to the community. Neither does the Garrison nor DFMWR charge any fees whatsoever for the application and permitting process for home-based businesses. The primary purpose is to: (a) protect the community in terms of safety and health codes as dictated by state and federal laws, (b) protect unfair or unlawful competition with AAFES or DECA as required by Army regulations, and (c) protect the government investment in the privatized housing managed by the Housing Management Office at The Villages at Fort Irwin. The command will do everything within its ability to help support HBBs within the limits of the statutory and regulatory guidance.

(1) Prior to the Garrison Commander's approval, every HBB applicant must submit the application form (available at DFMWR), California Excise Tax License (when required), business information, letter of intent, and housing permission. Applicant must meet both State of California regulations and U.S. Army requirements as contained in AR 210-7, Para 2.

(2) Any modifications to the housing unit must be coordinated and approved in advance by the Housing Management Office in accordance with applicable policies.

(3) Refusal to comply with proper permitting of home businesses in advance of sales or continuing to do so after notification of this policy or disapproval of a permit can

be considered as a violation of the terms of the lease with The Villages at Fort Irwin and could result in other punitive measures or citations under the law.

m. Solicitation During Private Events and Functions.

(1) All agents wishing to solicit or advertise any goods, services, products or events at private events on Fort Irwin must have a solicitation permit and be sponsored by an authorized individual. This includes house-party demonstrations wherein an agent has been invited to demonstrate, advertise, sell or otherwise solicit services and/or commodities at a residence located in installation housing where the resident has invited the agent and other guests.

(2) Solicitation requests must include a sponsorship statement by the authorized individual.

6. Commercial Solicitation Permit Procedures.

a. The DFMWR is the designated agency for monitoring and controlling commercial solicitation permits.

b. Agents requesting solicitation permits must, at a minimum, submit the following:

(1) Completed Commercial Solicitation Permit Application (Enclosure 1).

(2) Applicable sponsorship statements or approval documents.

(3) Letter of intent (Sample – Enclosure 2).

(4) Business information (catalogs, brochures, pamphlet, handouts, picture, etc.).

(5) Copy of a valid California State General Excise Tax (when required)

(6) Insurance License Number and/or business Registration Number (if applicable).

c. Prior to soliciting on Fort Irwin, solicitors will complete all prerequisite requirements and schedule an appointment with the designated Business and Non-profit representative to submit their complete solicitation permit package. Incomplete packages will be returned without further processing.

d. Requests will be coordinated with installation agencies to ensure that there is no duplication or competition of retail sales or services that are available through the installation's officially sanctioned commerce, programs or services (e.g. AAFES, DFMWR).

e. Requestors who are denied requests for commercial solicitation permits will be notified in writing and given the opportunity to appeal in writing to the Garrison Commander.

f. Requestors will be notified or approved commercial solicitation permits in writing. Approved permits will be valid for the following times:

(1) Approved commercial solicitation permits for installation HBBs will be valid for a period of one year.

(2) Approved commercial solicitation permits for individuals participating in a private event or function will be valid for a period of two years. However, these permits are limited specifically to participation in the specified event or function as identified in the submitted sponsorship statement.

(3) Approved solicitation permits for agents offering insurance or financial services will be valid for a period of one year.

7. Religious Solicitation.

a. Solicitation by any religious organizations on Fort Irwin is prohibited without approval.

b. The Garrison Commander or Command Chaplain will not give the perception of favoritism to one faith group over another, nor allow a religious organization with doctrine or tenets contrary to the values and morals of the United States or the United States Army access to the Garrison.

c. The Garrison Command Chaplain serves as the Garrison Commander's special staff officer for all matters pertaining to religious activities. Any requests by religious organizations for solicitation on post will be directed to the Garrison Command Chaplain for review and recommendation for decision to the Garrison Commander.

8. The proponent for this policy letter is the Directorate of Family and MWR (DFMWR) at (760) 380-3348.

G. SCOTT TAYLOR
COL, AR
Commanding