**DEPARTMENT OF THE ARMY**
**U.S. ARMY INSTALLATION MANAGEMENT COMMAND-PACIFIC**
**HEADQUARTERS, UNITED STATES ARMY GARRISON, HAWAII**
**745 WRIGHT AVENUE, BUILDING 107, WHEELER ARMY AIRFIELD**
**SCHOFIELD BARRACKS, HAWAII 96857-5000**

REPLY TO
ATTENTION OF

IMHW-ZA

OCT 15 2018

MEMORANDUM FOR All Military Personnel, Family Members and Department of Defense (DoD) Civilian Employees within U.S. Army Garrison, Hawaii (USAG-HI) Installations

SUBJECT: Policy Memorandum USAG-HI 29, Personal Commercial Solicitation Program

1. References.

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

b. Army Regulation (AR) 190-24, Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations, 27 Jul 06.

c. AR 210-7, Personal Commercial Solicitation on Army Installations, 18 Oct 07.

d. U.S. Army Hawaii Regulation 1, U.S. Army Hawaii Standards and Discipline, 20 Jun 17.

2. Purpose. This memorandum provides a consistent policy regarding all personal commercial solicitation activities, to include home-based businesses on USAG-HI installations. The Commercial Solicitation program is designed to protect Department of the Army military and civilian personnel from fraudulent or unethical business practices. Commanders at all levels must ensure all individuals and agents have permission to solicit on post, and that they know the rules and forbidden practices outlined in AR 210-7, Para 2-1 and 2-9.

3. Scope. The policies in this memorandum apply to:

a. All military and civilian personnel and their Family members within USAG-HI installations, to include on and off post government controlled housing areas.

b. Individuals seeking to conduct home-based businesses or firms desiring to conduct business or advertise their products or event on property controlled by USAG-HI, to include on- and off-post controlled housing areas.

4. Exclusions. This policy does not apply to:

a. Individuals (Soldiers, other military, Civilians or Family Members) who sell personal property which may be advertised through the online Hawaii Army Weekly or other approved media.

b. Individuals or companies delivering products on USAG-HI installations that were requested by individuals working or residing on the installation.

c. Individuals participating in authorized yard sale activities.

d. Authorized sales and fundraising activities by private organizations, units, Family Readiness Groups, or schools.

e. Individuals seeking to provide bagging and carryout services at the Defense Commissary Agency (DeCA) located on Schofield Barracks.

f. Individuals providing authorized Family Child Care.

g. Solicitors or vendors who desire to meet with Army Contracting (procurement) Office representatives or its nonappropriated fund activities to sell or deliver day to day goods and services through established contracting and procurement channels.

h. Solicitors or vendors demonstrating products or services for the Hawaii Exchange (AAFES) or DeCA through established contracts and procurement channels.

5. Commercial solicitation policy.

a. No agent (anyone who solicits, advertises goods, services, products or events) will be allowed to conduct solicitation within USAG-HI installations without first obtaining authorization from the Garrison Commander or his appointed designee.

b. USAG-HI will establish a monitoring program for agents to enter the installations for the purpose of soliciting business on the installation. The decision of the Garrison Commander or appointed designee to authorize, deny or revoke solicitation privileges is final.

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 Application.

(2) Engaging in any act in violation of the law, any act in violation of Army or USAG-HI regulations or policy, or any act that threatens the safety and security of the installation.

d. Agents whose requests for commercial solicitation privileges are denied or revoked may appeal in writing to the Garrison Commander.

e. Agents or Representatives (anyone who solicits, advertises goods, products or events) must have an authorization letter from the Garrison Commander. 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 (AR 210-7).

f. Distribution or posting of flyers, business cards, promotional materials, etc., anywhere on USAG-HI installations is prohibited except for authorized paid advertising through the Hawaii Army Weekly, the Directorate of Family and Morale, Welfare and Recreation (DFMWR), or other approved media.

g. Unapproved advertisements will be removed at the discretion of the DFMWR or any installation agency when discovered. Return of removed advertisement is at the discretion of the approving officials. Wrongful placement may result in loss of privileges.

h. All approved advertisements must contain a disclaimer indicating the event is not endorsed by the Department of Defense, Department of the Army or USAG-HI. In addition, a liability disclaimer must be visible based upon the nature of the event.

i. 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 installation's officially sanctioned commerce, programs, or services.

j. Commercial solicitation will only be permitted by individuals who have successfully received clearance from the Directorate of Emergency Services (DES) and Criminal Investigation Division (CID) after the completion of a background check. Any derogatory or negative findings may result in the denial of a commercial solicitation permit.

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

l. Agents applying for a commercial solicitation permit who are active duty military members are required to have approval to conduct a business from their Battalion Commander.

m. Agents applying for a commercial solicitation permit who are civilians must be sponsored by an authorized individual holding a valid Department of Defense military identification card. Sponsors will be held personally liable for any actions of the individual being sponsored. Any misconduct may be cause for immediate termination of the approved permit.

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

o. Home-based Business (HBB) in Government Housing.

(1) In order to operate a HBB in Government-owned or leased quarters, requests for a HBB must be submitted to the designated processing office, which will then process business competition checks with applicable agencies (The Army and Air Force Exchange Service (AAFES) and the DFMWR) and validate concurrence with the supporting housing manager and legal office.

(2) Prior to the Garrison Commander's approval, every HBB applicant must submit the application form (published on the Garrison DFMWR website), a State of Hawaii General Excise Tax License, business information and letter of intent. Applicants must present a valid DoD Military ID and social security card. HBBs must meet both State of Hawaii regulations and U.S. Army requirements as contained in AR 210-7, Para 2.

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

p. Solicitation during Private Events and Functions.

(1) All agents wishing to solicit or advertise any goods, services, products or events at private events located on USAG-HI installations 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 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. Prohibited solicitation practices. The following solicitation practices are prohibited on USAG-HI installations, per AR 210-7, Para 2-8,f:

a. Solicitation during enlistment or induction ceremonies

b. Solicitation of mass, group, or captive audiences.

c. Making appointments with or soliciting personnel in an "on-duty" status.

d. Soliciting without an appointment in housing or barracks areas.

e. Soliciting door to door.

f. Use of official identification (ID) cards by retired, United States Army Reserve (USAR) personnel, or government service employees to gain access to USAG-HI installations to solicit.

g. Offering false, unfair, improper, or deceptive inducement to purchase or trade.

h. Offering rebates to promote transactions or to eliminate competition.

i. Use of any manipulative, deceptive, or fraudulent practice, including misleading advertisement or sales literature.

j. Any oral or written representations to suggest or appear that the U.S. Army sponsors or endorses the company, its agents, or the item offered.

k. Commercial solicitation by an active duty member of another member junior in rank or grade at any time, on or off the installation.

l. Entry into any restricted area.

m. Improper use of assigned desk space for appointments or desk signs displaying the name of the company or product.

n. Procuring, attempting to procure, or supply roster listings of DoD personnel for purposes of commercial solicitation; except for release granted in accordance with DoD Directive 5400.7.

o. Use of the "Daily Bulletin" or any other notice, official or unofficial, announcing the presence of an agent and his or her availability.

p. Distribution of literature other than to the person being interviewed.

q. Wearing of name tags that include the name of the company or product.

r. Offering of financial or other favors to other personnel to help or encourage sales transactions.

s. Improper use of any installation facilities as a showroom or store room, unless specifically authorized.

t. Advertisement citing addresses or telephone numbers of commercial sales activities conducted on the installation.

7. Additional prohibitions for insurance agents. These additional solicitation practices are prohibited by insurance agents, per AR 210-7, Para 3-2c:

a. The use of commercial insurance agent as a participant in any military-sponsored education or orientation program.

b. The designation or announcement of any agent as "Battalion Insurance Advisor", "Unit Insurance Counselor", or similar quasi-official titles.

8. Allotment forms. Under no circumstances will agents selling insurance or securities have allotment forms in their possession or attempt to coordinate the administrative processing of such forms. For personnel in grades E-1, E-2, and E-3, at least seven days should elapse between the signing of a life insurance application or contract and the certification of an allotment.

9. 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 (Encl 1).

(2) Applicable sponsorship statements or approval documents.

(3) Letter of Intent (Sample – Encl 2).

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

(5) Copy of a valid Hawaii State General Excise Tax (GET) License (required by the state of Hawaii).

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

(7) Background check permission/release forms.

c. Life insurance products and securities content prerequisites. Those soliciting life insurance products or securities on USAG-HI installations must meet the life insurance products and securities content prerequisites, per DoD Directive 1344.7.

d. Insurance and securities businesses must provide documentary evidence that the company and its agents meet the licensing requirements of the State of Hawaii, in addition to other applicable regulatory requirements (Federal, county, or municipal). The business must also identify each of its agents by name. The business shall submit the request to, and contact the Business and Nonprofit Liaison at 656-0104 to schedule a mandatory solicitation briefing. If the request is approved, the business will receive a letter signed by the DFMWR as the representative for the Garrison Commander. A copy of the approval memorandum must be in the possession of any agent soliciting on post. Requests for solicitation will be valid for one year and must be renewed annually.

e. Additional requirements. The president or vice president of the agent's company must file a letter of application with the Garrison Commander, through the Business and Nonprofit Liaison, signed by the president or vice president. The letter must include the following:

(1) The states in which the company is licensed.

(2) The name, complete address, and telephone number of each agent who will solicit, the state in which they are licensed, a statement of the agent's past employment, and the details of the licenses.

(3) The policies and their form numbers offered for purchase.

(4) That the privilege of soliciting is not currently suspended by any military departments.

(5) None of the agents named in the letter are currently suspended from any Armed Forces installation.

(6) The company assumes full responsibility for its agent's failure to comply with Army and USAG-HI regulations.

10. Penalties for false applications. Those who knowingly or willfully falsify applications to solicit on USAG-HI installations may be subject to fines or imprisonment in violation of 18 USC 1001 and possible revocation of the company's solicitation privileges and debarment from USAG-HI installations.

11. Prior to soliciting on USAG-HI installations, solicitors will complete all prerequisite requirements and schedule an appointment with the designated Business and Nonprofit

representative to submit their complete solicitation permit packet. Incomplete packets will be returned without further processing.

a. All complete packages will be reviewed and coordinated as follows:

(1) 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).

(2) Requests will be processed with DES and CID for the completion of an Army Law Enforcement Reporting and Tracking System (ALERTS) and Centralized Operations Police Suite (COPS) records check, which includes a review of the installation debarment records, if any, for each applicant.

(3) A request for legal review will be initiated by the Business and Nonprofit Liaison and completed by SJA.

(4) A review of Better Business Bureau records will be conducted.

b. Denied requests for commercial solicitation permits will be notified in writing and the applicant will be given the opportunity to appeal in writing to the Garrison Commander.

c. Requestors will be notified of 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 two years.

(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 and must be renewed annually.

12. Penalties for noncompliance. Those who violate or continue to disregard U.S. Army and USAG-HI solicitation policies, may have their solicitation privileges suspended and be barred from the installation by the Garrison Commander. In addition, the Armed Forces Disciplinary Control Board (AFDCB) may investigate complaints that off post business establishments are conducting fraudulent, misleading, or deceptive practices. Procedures for these actions are outlined in AR 210-7, AR 190-24, Armed

Forces Disciplinary Control Boards and Off-Installation Liaison and Operations. All military personnel, Family members, and retirees are first encouraged to seek assistance from the Business and Nonprofit Liaison. They may also seek help from the Installation Legal Office at (808) 655-8607, if they have additional questions or concerns.

13. Point of Contact. For home-based business applicants, commercial solicitation or agents, contact the Business and Nonprofit Liaison at DFMWR at 656-0104 or usarmy.wheeler.imcom-pacific.mbx.business-liaison.

14. This policy memorandum supersedes Policy Memorandum USAG-HI 29, SAB, 26 Aug 16 and remains in effect until rescinded or superseded in writing.

Encls
as

THOMAS J. BARRETT
COL, AV
Commanding

# COMMERCIAL SOLICITATION - PERMIT APPLICATION

PRIVACY ACT INFORMATION
AUTHORITY: 10 U.S. Code 3013 (b), Authority of the Secretary of the Army
PRINCIPAL PURPOSE: The purpose for requesting personal information is to verify identification of the applicant for a commercial solicitation permit to conduct business on U.S. Army Garrison, Hawaii
ROUTINE USES: Information provided may be used to determine suitability of applicants desiring a personal commercial solicitation permit on U.S. Army Hawaii installations as well as for other lawful purposes including law enforcement and litigation. For other official purposes Information on this form may be provided to other law enforcement agencies
DISCLOSURE: Submitting requested information is voluntary, however failure to provide information will result in commercial solicitation privileges being refused or withdrawn. The Privacy Act Statement will apply throughout the duration of the Personal Commercial Solicitation Permit

## PART I - APPLICATION INFORMATION

All applications not completed or not legible will be rejected

| | | | |
|---|---|---|---|
| Name (Last, First, MI) | | SSN | Sex: M ( ) / F ( ) |
| Home Address City Zip | | Home Phone | Business or Cell Phone |
| Eye Color | Hair Color | Height | Weight |
| Date of Birth | Birth Place | Email Address | |

**Have you ever been charged with an offense?** Yes ( ) No ( ) Convicted: Yes ( ) No ( )

If yes, what was the offense?

Was the offense on a military installation? Yes ( ) No ( ) Installation:

Military ID Card Holder: Yes ( ) No ( ) Military ID Expiration Date:

Branch: Active Duty ( ) Spouse ( ) Dependant ( ) Retired ( ) Reserves ( )

If Civilian, other ID: Exp: GE Tax No:

Name of Business: Business Address:

STATEMENT OF UNDERSTANDING: THIS CERTIFICATION CONCERNS A MATTER WITHIN THE JURISDICTION OF AN AGENCY OF THE UNITED STATES AND MAKING OF FALSE, FICTITOUS, OR FRAUDULENT CERTIFICATION MAY RENDER THE MAKER SUBJECT TO PROSECUTION UNDER TITLE 18, UNITED STATES CODE, SECTION 1001. I UNDERSTAND THAT AS THE SPONSOR, I AM RESPONSIBLE FOR THE ACTIONS OF THE ABOVE NAMED INDIVIDUAL. REPORTS OF MISCONDUCT MAY BE CAUSE FOR IMMEDIATE TERMINATION OF THIS AUTHORIZATION. I ALSO UNDERSTAND THAT IF THE PERMIT IS NO LONGER NEEDED AND HAS NOT EXPIRED, I WILL RETRIEVE THE PERMIT AND TURN IT OVER TO THE COMMERICAL SOLICITATION CONTROL OFFICER.

Sponsor's Name: Rank: SSN:

Sponsor's Address: City: State: ZIP:

Sponsor's Unit/Organization: Phone:

Sponsor's Signature: Date:

E-6 AND BELOW REQUIRES A UNIT COMMANDER'S SIGNATURE

Unit CDR Signature Phone: Date:

**For Eligible Military Teen Baggers Only, 16 through 18 years of age.**

| | | |
|---|---|---|
| Are you registered with the CYSS Middle School / Teen Program? Yes ( ) No ( ) | Which Center? SB ( ) FS ( ) | CYSS Card Expiration Date: |
| MST Authorized Signature: | | Date: |

STATEMENT OF UNDERSTANDING: BY SIGNING THIS APPLICATION FOR A COMMERCIAL SOLICITATION PERMIT, I AGREE TO ABIDE BY ARMY REGULATIONS WHILE ON U.S. ARMY HAWAII INSTALLATIONS. I CERTIFY THAT ALL INFORMATION PROVIDED ON THIS FORM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, FURTHERMORE, BY MY SIGNATURE, I AM AWARE THAT A BACKGROUND CHECK WILL BE CONDUCTED BY U.S. ARMY AND NAF PERSONNEL ON MYSELF I UNDERSTAND THAT IF SPONSORSHIP IS WITHDRAWN, AT ANY TIME, FOR ANY REASON, MY PERMIT WILL BE REVOKED.

Applicant Signature: Date:

## PART II - STATEMENTS

1. I have read and understand AR 210-7 Personal Commercial Solicitation on Army Installations.

_____ (INITIAL HERE)

2. I understand and acknowledge that any violation or noncompliance with Army or Installation regulations may result in the withdrawal of my privilege of personal commercial solicitation on U.S. Army Garrison - Hawaii.

_____ (INITIAL HERE)

3. I understand that if an individual in grades E-1 to E-4 is being solicited, the solicitation is restricted to specific times and locations as designated by the commander.

_____ (INITIAL HERE)

4. I will provide each person solicited with a Personal Commercial Solicitation Evaluation form (DD Form 2885) and will instruct the individual to return the form to the Commercial Solicitation Officer if they so desire.

_____ (INITIAL HERE)

5. I understand that I am not an employee of any Federal agency or activity and that my sole source of compensation will be from personal commercial solicitation.

_____ (INITIAL HERE)

6. INSURANCE AGENTS. I will leave a completed DA Form 2056 (Commercial Insurance Solicitation Record) with each person applying for insurance and with the unit officer or counselor. I will include in the "Remarks" section any information pertinent to the application. I will include any restriction statement unless such restrictions are clearly indicated on the face of the policy.

_____ (INITIAL HERE)

7. BAGGERS. I understand that I am applying for a permit to bag groceries at the Schofield Barracks Commissary. I understand that this permit is permission to enter these facilities ONLY and in no way implies or guarantees that I will bag groceries.

_____ (INITIAL HERE)

8. CIVILIANS. I understand, acknowledge and agree that if sponsorship is withdrawn, at any time, for any reason, my permit to conduct business on U.S. Army Garrison - Hawaii installations will be revoked and I will cease any and all business immediately. Upon revocation, I will surrender my permit to my sponsor or to the Commercial Solicitation Control Officer.

_____ (INITIAL HERE)

## PART III - HEAD BAGGER AUTHORIZATION TO PROCESS APPLICATION (If applicable)

STATEMENT OF UNDERSTANDING: BY MY SIGNATURE, I HAVE PROCESSED THIS APPLICANT IN ACCORDANCE WITH DECA GUIDELINES AND AUTHORIZE THIS APPLICATION FOR FURTHER PROCESSING BY THE COMMERICAL SOLICITATION OFFICER.

Head Bagger Signature: Permit Number: Date:

## PART IV - ACTION TAKEN

(For office use only)

Local Background Check: ☐ Cleared ☐ Derogatory Information Present

Bar to Installation Check: ☐ Not Barred ☐ Barred

Hawaii E-Crim Check: ☐ Cleared ☐ Derogatory Information Present

| Approved / Disapproved | Permit No.: | Date Issued: | Expiration Date: |
|---|---|---|---|
| | | | |

PRINT - Name of Approving Officer

SIGNATURE - of **Approving Officer** Date

SIGNATURE - of **Applicant (receipt for permit)** Date

8 Jan 13

MEMORANDUM THRU

Name of Community Center Office, Schofield Barracks, Hawaii, 96857

FOR Director, Family and Morale, Welfare and Recreation

SUBJECT: Request permission to obtain a Personal Commercial Solicitation permit.

I am requesting permission to obtain a Personal Commercial Solicitation permit for a home-based business on USAG, Hawaii. The following information is provided:

a. Requestor name:
b. Home Address:
c. Home Telephone:
d. Proposed name of business:
e. Type of business:
f. Service or goods offered for sale:
g. Proposed methods of contacting customers:
h. How services are to be conducted:
i. Hawaii General Excise Tax License Number:
j. Insurance License Number (if permit is to sell insurance):
k. Business Registration Number and Certificate of Good Standing (if applicable):

I further confirm that no modifications will be made to assigned government owned leased quarters.

Signature of Requestor
Printed Name of Requestor

Above request to operate a home-based business is _____ Acknowledged
_____ Disapproved

Community Center Manager's Signature_____

Printed Name_____

Community Center Telephone Number_____

Enclosure 2