



DEPARTMENT OF THE ARMY
DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER
AND PRESIDIO OF MONTEREY
OFFICE OF THE STAFF JUDGE ADVOCATE
1336 PLUMMER STREET, BLDG. 275
MONTEREY, CALIFORNIA 93944

REPLY TO
ATTENTION OF:

IMPM-JA

21 January 2020

MEMORANDUM FOR ALL

SUBJECT: Applicable Law and Regulation for Accepting Free Admission and Attending the AT&T Pebble Beach Pro-Am February 3-9, 2020 "Pro-Am"

1. References.

a. Department of Defense (DoD) 5500.07-R, Joint Ethics Regulation (JER,) Change 7, 17 November 2011 and 5 CFR 2635.

b. Army Regulation (AR) 670-1, Wear and Appearance of Army Uniforms and Insignia, 25 May 2017.

c. AR 360-1, The Army Public Affairs Program, 25 May 2011.

2. Background. This memorandum will describe what service-members may accept and limits on their participation in the Pro-Am. The Pro-Am is a multiple day event conducted at three golf courses in Pebble Beach. Celebrities and professional golfers participate. The event is a significant fund raiser for many charities. Parts of the event are broadcast on national television and outside the United States. The event is heavily supported by volunteer effort.

3. Offers of Free or Reduced Cost Benefits:

a. Free admission. GOVX has offered two general admission any-day tickets to "active duty, military reserve, national Guard, military retirees and veterans" up to a limit of 4,000 complimentary military tickets. Individuals who want to obtain these tickets must create an account at GOVX and comply with GOVX procedures on registration and exchange at the gate. Per the Pro-Am website, "any day" tickets cost \$80.00, <http://www.attpbgolf.com/tickets/>. Individual attendees have done nothing to solicit the gift. Acceptance of the gift of free attendance would not make a reasonable question the impartiality of any individual accepting the gift, or of military leaders in Monterey. The offered gift of free attendance is an opportunity open to such a broad class of the public and military personnel that it is excluded from the definition of a gift, 5 CFR 2635.203 (b)(4). No legal objection to acceptance.

b. Free access to a hospitality facility and reduced costs at a specific concession. Per the website, "all active duty and retired military personnel" are welcome to use a

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Hospitality facility on the 15th Fairway called "Patriots Outpost." The facility provides indoor seating with a view of the fairway. The Pebble Beach Company will provide 50% food discount at the 15th fairway concession "to all active, reserve and retired military, veterans and National Guard." This offer of shelter and reduced concession cost is similarly unsolicited, unlikely to create reasonable question about impartiality, and is to a sufficiently broad group to meet the exclusion from the definition of a gift under reference 1.a.

4. Wear of uniform.

a. Reference 1.b. para. 3-7.k. specifies the conditions under which wearing Army uniforms is prohibited. The list of prohibited conditions for uniform wear include: when wear is in furtherance of commercial interests, when engaged in off duty employment, when participating in a public demonstration, when prohibited by Army regulation, or when wear would be likely to bring discredit upon the Army, as determined by the Commander. None of these prohibited circumstances appear applicable, assuming that Soldiers will acting responsibly. A commander could determine that uniform wear at this event is unlikely to bring discredit upon the Army and authorize its wear, so long as the requirements of reference 1.a. or c. are met.

b. The Pro-Am may request a Color Guard. While DLIFLC & POM provides Color Guards to many events, this event may require coordination with the Office of the Chief Public Affairs (OCPA.) Per reference 1.c. para 7-2.f., local commanders may authorize Color Guards and musical units at professional sports events if the event is not being televised nationally and if the participation is limited to rendering proper honors to the colors. Prior coordination with OCPA may also be appropriate pursuant to para 2-3.d., as Soldiers in uniform may appear in photographs/video with celebrities, broadcast nationally and internationally.

5. Volunteers. Individual service members may be interested in volunteering at the Pro-Am. While they may do so in their personal capacity on off-duty time or on leave/pass, they may not do so while wearing military uniforms. DOD personnel are prohibited from endorsing, or appearing to endorse, non-federal entities (NFE) in their official capacity, reference 1.a., para 3-209. Working on behalf of the Pro-Am while wearing uniform would create the appearance of endorsement. Further, most volunteer tasks at the Pro-Am would fit the definition of bag handler, parking lot attendant or similar capacity. Reference 1.c. para 3-2.i. prohibits use of Army personnel for these type of tasks at NFE events. While there is no objection to individuals performing these tasks as volunteers in civilian attire, wear of the uniform while volunteering would create the appearance that the Army was allowing a prohibited use of Soldiers.

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