

Private Organizations (PO) and Fundraising Reference Guide

Summary. This Reference Guide provides a compilation of the major rules, policies and procedures relating to the Private Organization and Fundraising Program in USAG Bavaria. It is meant to assist customers and the garrison staff in understanding and implementing the Private Organization and Fundraising Program. Due to the complexity, the information in this Reference Guide is not all-inclusive. Commanders, supervisors, and staff associated with the Private Organization and Fundraising Program are encouraged to contact the Office of the Staff Judge Advocate when issues arise to ensure they are acting properly, and to contact the Directorate of Family and Morale, Welfare and Recreation with other questions about the program.

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CHAPTER 1 - INTRODUCTION

1-1. INTRODUCTION.

Private organizations play an important role in creating a positive community environment and improving the quality of life on Army installations. Private organizations offer a wide variety of valuable activities and services which provide avenues of support, esprit de corps, relaxation, and social interaction which would not otherwise be available. All individuals living and/or working on our installations are encouraged to participate in recognized private organizations. However, it is important that individuals who elect to participate in these private organizations do so of their own free will without coercion or pressure from commanders and supervisors.

1-2. REFERENCES.

- a. DODI 1000.15, Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations.
- b. AR 210-22, Private Organizations on Department of the Army Installations, is the primary regulation governing the operation of private organizations on Army installations.
- c. AE Regulation 210-22, Private Organizations and Fundraising Policy, is the regulation governing the operation of private organizations on Army installations in Europe.
- d. Appendix A, References, contains a list of applicable regulations and publications which provide guidance on the operation of private organizations on Army installations.

1-3. RESTRICTION ON GUIDANCE.

This Reference Guide applies to private organizations established in accordance with AR 210-22 and AE Regulation 210-22 that operate in USAG Bavaria. There are special organizations that operate under different guidance. To access information on those types of organizations please see the references listed below:

- a. Army Gift Funds (see AR 1-100).
- b. Chapel organizations operating as extensions of the Army Chapel Program (see AR 165-1).
- c. Banking offices.

d. American Red Cross (see AR 930-5).

e. Army Emergency Relief (see AR 930-4).

1-4. RESPONSIBILITIES.

a. Garrison Commander.

(1) Grants permission to private organizations to operate on post, and ensures that they comply with all applicable regulations.

(2) Ensures that military and civilian personnel working on the installation comply with restrictions concerning official and unofficial relationships with private organizations.

(3) Establishes procedures for and approves private organization fundraising and use of installation assets.

b. Garrison Private Organization Program Manager. Assigned to the Directorate of Family and Morale, Welfare and Recreation, administers the Private Organization Program at the installation as delegated by the Garrison Commander.

c. Garrison Staff Judge Advocate (SJA). Provides legal advice to the Garrison Commander and his/her staff. The SJA may not provide legal guidance to private organizations directly; however, the SJA may provide legal interpretation to questions concerning the installation's relationship to private organizations posed by the Garrison Commander and his/her staff.

d. Ethics Counselor. Provides guidance to the Garrison Commander and his/her staff, as well as military and civilian employees concerning the application of and compliance with DOD 55007-R, Joint Ethics Regulation (JER).

e. S3/5/7. Processes appropriate real estate documents to grant private organizations use of land, buildings, and other real property as appropriate.

1-5. GENERAL PRINCIPLES.

a. Private organizations are separate from the installation and are therefore not entitled to the immunities and privileges given to government entities, nor are they endorsed by the Army. They may receive only limited government support. Private organizations are operated on a financially and operationally self-sustaining basis.

b. Government personnel who become members of private organizations do so in a capacity that is separate from their official government work. They may not use their official position to influence the work of a private organization. Neither soldiers nor civilian employees will be assigned to work for private organizations as an official duty.

CHAPTER 2 - APPROVAL PROCEDURES.

2-1. APPROVAL PROCESS.

a. Before operating within the BMC, private organizations must request and receive written permission from the Garrison Commander.

b. Private organizations must submit constitution and bylaws, a list of officers with contact information, proof of insurance and bonding, and a memorandum requesting establishment to the Program Manager. After SJA has reviewed all the documents the program manager prepares the authorization letter and forwards it through the chain of command for approval. Appendix B of this guide includes a checklist with required information.

c. Approval to operate as a private organization on the installation is usually granted for 2 years unless cancelled by either party.

2-2. REVALIDATION.

a. The revalidation process is similar to the initial approval process.

b. Private organizations should submit revalidation requests through garrison PO PM to the Garrison Commander no less than 90 days before the expiration date of their approval to operate on the installation. This will allow adequate time for the required review process.

c. Requests will include documentation of any changes in private organization's activities, objectives, organization, constitution, membership, and so forth.

2-3. REPORTING REQUIREMENTS.

a. In addition to information required when approval to operate is requested, approved private organizations will provide the following on a routine basis, at a minimum quarterly, to the Garrison Private Organization Program Manager

(1) Minutes or summaries of private organization meetings (monthly submission).

(2) Monthly financial reports.

(3) Any major changes in the private organization's activities, objectives, organization, constitution, membership, constitution and bylaws, and management functions.

(4) Names, addresses, e-mail addresses, and phone numbers of officers (at any changes but at least once a year).

(5) A copy of audit reports (every year or at change of treasurer).

(6) A copy of any correspondence about applicability of Federal, State, or local laws.

(7) A copy of license or lease agreement for continued usage of facility if applicable.

b. The Garrison Private Organization Program Manager will maintain a file for each private organization. If a private organization does not provide the required documentation the Program Manager may recommend to the Commander to freeze the bank accounts or terminate the operation.

2-4. TERMINATION OF OPERATIONS.

a. The Garrison Commander may withdraw approval for a private organization to operate on the Army installation at any time by notifying the organization in writing. The Garrison Commander has absolute discretion to determine whether a private organization's continued operation is compatible with the Army's interest.

b. Private Organizations with similar goals may be terminated by the Garrison Commander if there appears to be a competitiveness; fracturing of the community; and/or other actions which threaten good order and discipline.

c. A private organization may notify the Garrison Commander and the PO Program Administrator in writing if it no longer desires to operate on the installation. Minimum close out requirements include an audit report, distribution of assets, bank account closure and well as minutes of the applicable board meetings.

CHAPTER 3 - POLICIES

3-1. FUNDING FOR PRIVATE ORGANIZATIONS.

- a. All private organizations are self-sustaining. The Government assumes no obligation for any private organization, unless a contractual relationship exists.
- b. Private organizations will not receive financial assistance from the installation.

3-2. USE OF GOVERNMENT RESOURCES.

- a. The installation may not provide services to private organizations, such as legal, audit, printing, information management activities, clerical, financial, copying, management, procurement services.
- b. Transportation may not be provided for private organizations, unless requirements outline in AR 58-1, 2-3m and 6-2f, are met.
- c. The installation may provide intratheater delivery service (IDS) in accordance with DOD 4525-6-M and existing military postal service facilities and personnel on a space available basis.
- d. The installation may render logistical support according to the Joint Ethics Regulation, chapter 3-211. SJA will review all requests before any support is granted.
- e. The installation may allow private organizations to use Army real estate (including utilities and in-place equipment) under license or lease agreements, per AR 210-22, AR 405-80 and the JER, when in the best interest of the garrison.

(1) License. Use may be granted by means of a revocable-at-will license when private organization use is occasional, non-regular, regular part-time, or full-time. Use may not restrict the normal use of the facility by other users.

(2) Lease. Use may be granted by lease when the private organization is guaranteed a sole use of a facility on a full-time basis, or for a specific period.

(3) The Directorate of Plans, Analysis and Integration (PAIO) will process all requests for licenses or leases. Private organizations will submit requests to the DFMWR Private Organizations Program Manager who will staff the request with the proponents.

(4) Requests for licenses or leases should be submitted with requests for approval to operate or with biennial renewal documentation.

3-3. FUNDRAISING.

- a. Fundraising by a private organization is governed by AR 600-29, AR 210-22, and AE Reg 210-22.
- b. Private organizations will submit requests to conduct fundraisers to the DFMWR, Private Organizations Program Manager, at least 30 days prior to the date and include the date, type, and location of fundraiser, how/where the funds will be used, name, e-mail address and phone number of the POC.
- c. Private organization fundraisers will not be conducted in the workplace. Members of the private organization who are on official government duty time will not participate in fundraising activities. DoD personnel may not endorse a private organization fundraiser, personally solicit subordinates or prohibited sources, or require subordinates to participate in fundraising activities.
- d. Fundraising events are limited to individuals with SOFA status. Money may not be solicited or accepted from host nation citizens or other individuals not authorized SOFA status.
- e. Private Organizations who want to participate at FMWR events such as bazaars and volksfests need to do a contract or MOA with FMWR which explains all the terms of participation.
- f. Host nation laws apply, therefore, private organizations may not purchase items intended for resale from AAFES, Commissary, or on the economy using a tax relief form.
- g. No alcohol may be sold or distributed during the fundraising event.
- h. After action reports need to be submitted not later than 14 days after the event.
- i. Government space required to conduct a fundraising event must be coordinated with the facility manager and attached to the fundraising request.
- j. Informal Funds must also request prior approval to engage in fundraising activities.

3-4. SOLICITATION OF DONATIONS TO PRIVATE ORGANIZATIONS.

a. Private organizations will not receive Nonappropriated Funds (NAF) or Appropriated Funds (APF) financial assistance in the form of contributions, repairs, services, dividends, or other donations of money, or other assets except through a contractual relationship.

b. Government employees (military and civilian) face significant limitations when seeking donations on behalf of a private organization. Government employees, in their personal capacity, may join and participate in private organizations. When efforts do not imply Army endorsement and when no official time or resources are used, purely personal, unofficial efforts to support fundraising outside the workplace and off of Army installations is not prohibited.

c. Fundraising for approved private organizations is limited to individuals who have SOFA status. Money will not be solicited or accepted from host nation citizens or other individuals without SOFA status or individual logistical support under AE Regulation 600-700.

3.5. USE OF THE GARRISON NAME.

Private organizations may not include the "USAG Bavaria" name or abbreviation in their name. Use of the name "Grafenwoehr" may be approved as it describes a geographical area rather than the actual USAG Bavaria installation. Private organizations shall use a prominent disclaimer on all printed and electronic media confirming the private organization is not a part of USAG Bavaria. An example of a prominent disclaimer in a private organization's letterhead is at

Figure 3-1.
Grafenwoehr Ski Club This is a non-federal entity. It is not a part of the Department of Defense or any of its components and it has no governmental status.

Figure 3-1 Example of a Letterhead Disclaimer

3-6. PROHIBITION ON THE USE OF THE DEPARTMENT OF DEFENSE OFFICIAL SEALS AND INSIGNIA.

To prevent the appearance of an official sanction or support by the BMC, military unit, or DOD, a private organization is prohibited from using the seal, logo, insignia, or the like used by any DOD component, organizational unit, or installation to identify any of its programs, units, locations, or activities. This

includes use on signs, letterhead, correspondence, advertising, or in its title.

3-7. COMPLIANCE WITH HOST NATION REQUIREMENTS.

a. Private organizations are required to comply with host-nation laws. This includes compliance with fire and safety regulations, environmental laws, tax codes, and other applicable statutes and regulations. Tax-free purchasing is governed by AE Regulation 215-6.

b. Private organizations will obtain any required licensing, certification, or registration if required by host nation authorities.

c. Private organizations are responsible for obtaining private counsel to determine whether they are complying with the appropriate host nation (HN) requirements. Army legal offices and other Army organizations will not provide advice to POs on their obligations under host nation law.

3-8. INSURANCE.

a. Private organizations will obtain insurance as protection against public liability, claims, property damage claims, or other legal actions arising from the private organization activities.

b. Organizations whose members or employees handle a monthly cash flow exceeding \$500 will obtain fidelity bonding equal to the normal maximum amount of cash handled.

3-9. ALCOHOLIC BEVERAGES.

Private organizations will not sell or distribute alcoholic beverages at any time. A private organization may contract with a Family and MWR activity to serve alcoholic beverages.

3-10. AUDITS.

a. Private organizations will arrange for an audit at least once every year, at their own expense. On change of a private organization treasurer, an audit will be conducted regardless of the time elapsed since the last audit. A sample of an audit report is at Appendix F.

b. The audit may be conducted by:

(1) a qualified auditor (GS-9 grade or above), a public or certified accountant.

(2) Or three members of the private organizations that hold no office.

3-11. CONSTITUTION AND BYLAWS.

a. For a private organization to be approved to operate, they must submit a constitution, bylaws, or other authorization documents. A sample constitution is at Appendix C.

b. If affiliated with or governed by a national, regional, or state organization the private organization must submit the parent organization's constitution and bylaws.

3-12. MEETING MINUTES.

a. Private organizations will provide minutes or summaries of all meetings on a routine basis (but not less than quarterly) to the Private Organization Program Manager.

b. A sample format for private organization's meeting minutes is at Appendix D.

3-13. FINANCIAL REPORTS.

a. Private organizations will provide a report of their financial status on a routine basis (but not less than quarterly) to the Private Organization Program Manager.

b. A sample format for a private organization's financial statement is at Appendix E.

3-14. MEMBERSHIP PRACTICES.

a. Private organizations will not unlawfully deny membership, unlawfully exclude from participation, or otherwise subject to unlawful discrimination, any person because of race, color, creed, sex, disability, or national origin.

b. Exceptions to the above paragraph:

(1) Religious, cultural, or ethnic private organizations when membership is not restricted or discriminatory and similar religious, cultural, or ethnic private organizations are approved without preference.

(2) Certain private organizations that restrict membership to one sex, such as women's and men's sports clubs, women's and men's civic associations, and boy scouts and girl scouts.

(3) Organizations in paragraph (1) and (2) above must meet all the requirements of AR 210-22, para 3-

7 to be eligible for approval to operate in the GARRISON.

c. Membership standards contained in the bylaws must, at a minimum, provide the procedures for accepting members.

3-15. PROHIBITED ACTIVITIES.

a. Any private organization conduct that may discredit the Army, DOD, or the Federal government or impose a financial obligation on the Army or NAFI activities.

b. A private organization will neither propagate extremist activities nor advocate violence against others or the violent overthrow of the Government.

c. A private organization will not seek to deprive individuals of their civil rights.

d. A private organization is not created, operated, or administered for a commercial or monetary purpose, except for authorized investment clubs.

e. Private organizations may not duplicate or compete with authorized Family and MWR or AAFES activities.

f. Private Organizations may not declare a community event. Community events are declared by the BMC Garrison Commander and managed by Family and MWR.

3-16. PERCEPTION OF PREFERENTIAL TREATMENT.

All levels of the chain of command must make overt efforts to dispel the perception of endorsement or preferential treatment of specific private organizations. While many organizations provide benefits to the military community and improve the quality of life for our Soldiers, the Joint Ethics Regulation 3-209 prohibits the chain of command from endorsing any private organization, regardless of the good it does for the community.

3-17. LEGAL ADVICE.

a. Commanders, supervisors, and staff are encouraged to contact their legal advisors or ethics counselors in the Office of the Staff Judge Advocate when issues concerning private organizations arise.

b. Private organizations are not authorized legal support from the SJA. However, the SJA may answer questions from the command, and its directorates, which relate to the relationship of the private organization with the installation.

CHAPTER 4 - SPECIAL TYPES

4-1. RECREATIONAL AND EDUCATIONAL PRIVATE ORGANIZATIONS.

a. Private organizations operating as bona fide extensions of APF or NAF recreational activities need not complete the private organization registration process requirements of AR 210-22, paragraph 2-1, although they are subject to all other provisions of this regulation. These organizations include:

(1) Bowling leagues, little league organizations, and other recreational private organizations that operate in coordination with the Family and MWR staff (see AR 215-1).

(2) Organizations formed and operated in conjunction with schools on an installation that operate under the administrative supervision of the school facility/staff member (examples include, but are not limited to, school drama clubs, language clubs, sports team booster clubs, National Honor Societies, and Key Clubs).

b. Recreational and educational private organizations must comply with paragraph 3-3 (Fundraising) of this guide.

4-2. INFORMAL FUNDS.

a. Commanders may authorize Informal Funds such as office coffee funds, cup and flower funds picnic funds. These funds may operate within the GARRISON without formal authorization. Governed by AR 600-20, Army Command Policy, and the JER, therefore only one individual within the organization is to be responsible for fund custody, accounting, and documentation. Annually, this individual's supervisor is advised of the fund's financial status.

b. Normally, funds to run an Informal Fund come from donations from its participants, however, at the Garrison Commander's discretion, Informal Funds may be allowed to conduct fundraising events on the installation.

c. Military units may fundraise only internally in support of unit informal funds that are properly constituted under AR 600-20 or other authority appropriate to the military service. Units may not solicit or accept gifts or donations in support of an Informal Fund from individuals who are not members of the unit. The unit commander is required by AR 600-20, para 4-21 to monitor and approve the operations of a unit informal fund.

d. The bank account may not exceed \$10,000.

e. Bank account custodial changes require a written request signed by the commander/president with copies of financial reports and/or bank statements covering the past three months.

4.3. SOLDIER FAMILY READINESS GROUPS.

a. The Soldier and Family Readiness Groups (SFRGs) are a unit commander's program and therefore not included in this handbook.

CHAPTER 5 - Fundraising Activities.

5.1 General.

The USAG Commander may authorize occasional fundraising in accordance with AR 600-20. Fundraising is primarily intended to generate funds for charitable projects benefiting the military community or a group consisting of Soldiers, civilian employees, and Family members. Fundraising is normally a one-time event.

5.2 Fundraising Policy.

a. All fundraising activities require prior approval.

(1) IFs.

Fundraising activities will be approved at the battalion level (or equivalent).

(2) Private Organizations.

The Directorate, Family and MWR Private Organizations' Program Manager must receive your request **4 weeks** prior to the intended event date.

b. Fundraising activities may not be conducted in the federal workplace, housing areas, or in uniform.

c. Fundraising activities will be self-sufficient and self-supporting, and will not directly benefit from use of Army services, such as legal (except for a requested legal review of the proposed fundraising event), audit, transportation, printing, postal, automation, e-mail (to include AKO), clerical, copying, reproduction, management, or procurement, nor will fundraising efforts receive financial assistance from the NAFI or the Army.

d. **Internal Fundraising.** Activities that generate funds among the membership of your organization for the benefit of the organization's operations, and membership activities are considered internal

fundraising. Fundraising among the membership of an IF (and its bona fide guests), such as a Unit Cup and Flower or Picnic Fund must be approved in advance by the commander of the unit under which the IF is organized (see AR 600-29). These funds may be used for IF operations or membership activities.

e. **External Fundraising.** Defined as fundraising activity outside the POs and IFs membership can only be conducted when approval has been sought and granted for that specific event. All fundraising activities directed toward non-PO or non-IF members (other than bona fide guests) require advance approval. These fundraising activities include activities directed at the military community in general, such as bazaars, ticket sales for sponsored dances or shows, food and drink sales, bake sales, yard sales, craft or gift sales, car washing, raffles, gift wrapping services, or auctions.

(1) Fundraising among the general military community must be for a clearly stated purpose consistent with the function of your organization. These activities may not compete with AAFES or Family and MWR. Requests will be submitted in detail using the fundraising request form (encl 1 thru 3).

(2) Any support rendered to your fundraising activity will be on a reimbursable basis. Requests for logistical and other support will be documented in a Memorandum of Agreement (MOA) between the Army activity providing the support and the organization receiving the support. Facility requirements for the fundraising event must be coordinated with the facility manager (see Appendix I).

f. POs and IFs are subject to host nation law. Items purchased for fundraising cannot be obtained tax or custom free. Host nation law prohibits use of the Army in Europe Individual Tax Relief System (VAT forms) for fundraising purpose.

g. Purchase of items from AAFES or DECA and the use of APO for fundraising purposes to unauthorized customer is prohibited.

h. IFs permitted to conduct a fundraising activity among the general military community must meet the same standards as POs of documentation, cash control, and accounting for funds. All such fundraising activities must comply with reporting requirements and legal review.

i. Fundraising activities are limited to authorized ID cardholders (and, when applicable, Allied forces personnel with SOFA status or bona fide guests) on the military installation. Other requirements are set forth in

the Joint Ethics Regulation (reference a).

j. POs and IFs may not solicit or accept donations from HN citizens or individuals not authorized SOFA status or individual logistic support under Army in Europe Regulation 600-700.

k. POs and IFs must comply with regulatory and local policies concerning health and safety inspections, to include food sanitation and appropriate training of personnel and the prohibition against sale and distribution of alcohol.

l. Members may not personally profit from fundraising income.

m. Referenced regulations list timelines for submission of financial reports.

n. After Action Report must be submitted within 14 calendar days after completion of fundraiser.

APPENDIX INDEX

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APPENDIX A

REFERENCES

Section I

Required Publications

AR 1-100	Gifts and Donations, 15 November 1983
AR 210-22	Private Organizations on Department of the Army Installations, 22 October 2001
AE Reg 210-22	Private Organization and Fundraising Policy, 13 August 2010
AR 215-1	Army Morale, Welfare, and Recreation Activities and Nonappropriated Fund Instrumentalities, 24 September 2010
AR 405-80	Management of Title and Granting Use of Real Property, 10 October 1997
AR 600-29	Fundraising Within the Department of the Army, 7 June 2010.
AR 608-1	Army Community Service, 19 October 2017
DODI 1000.15	Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations, 24 October 2008
DoDI 1015.9	Professional United States Scouting Organization Operations at U.S. Military Installations Overseas, 19 January 2016
DOD 5500.7-R	Joint Ethics Regulation

Section II

Related Publications

A related publication is merely a source of additional information. The user does not have to read it to understand this guide.

AR 1-101	Gifts for Distribution to Individuals, 1 May 1981
AR 11-2	Management Control, 4 January 2010
AR 25-1	Army Information Technology, 25 June 2013
AR 58-1	Management, Acquisition and Use of Administrative Motor Vehicles, 12 June 2016
AR 210-7	Personal Commercial Solicitation on Army Installations, 18 October 2007
AR 600-20	Army Command Policy, 6 November 2014
AR 930-1	Army Use of USO Services, 16 July 2004
AR 930-4	Army Emergency Relief, 22 February 2008
AR 930-5	American National Red Cross Service Program and Army Utilization, 1 February 2005
DA Pam 608-47	Army Family Action Plan Program, 14 December 2004
DODI 1000.11	Financial Institutions on DoD Installations, 16 January 2009
AD 2019-17	Army Directive 2019-17 IAW correspondence Regulation

APPENDIX B

Information required when applying to operate as a Private Organization

- _____ Request to be allowed to operate on USAG Bavaria.
- _____ Charter, articles of agreement, constitution, bylaws, or other authorization documentation. If affiliated with a national, regional, or state organization, the PO will include documentation of the parent organization.
- _____ PO's nature, functions, objectives (including planned use of funds), and activities.
- _____ Membership eligibility and responsibilities for all management functions (including accountability of assets, coverage and limitation of insurance and disposition of remaining assets on breakup of the PO).
- _____ Statement of the PO's liability, if assets are not enough to cover all PO liabilities. The statement of liability will include a provision that all State and jurisdictional laws are met. Also, it will address the extent of the PO members' personal liability for debts of, or claims against the PO.
- _____ Agreement to reimburse the Army for utility expenses, unless use is incidental (would cost more to bill and collect than it costs to provide the utility).
- _____ Statement that neither the installation nor the Government will have any liability for the PO's actions or debts.
- _____ Statement that the PO will neither propagate extremist activities nor advocate violence against others, or the violent overthrow of the Government.
- _____ Statement that the PO activities will not seek to deprive individuals of their civil rights.
- _____ Statement regarding on-post banking accounts
- _____ PO officers' contact information (e-mail addresses, addresses, phone numbers)
- _____ Statement that 51% of members will have SOFA status
- _____ Proof of insurance and bonding
- _____ Statement that President and Vice President will have SOFA status
- _____ Statement that Treasurer will have SOFA status if using an on-post bank account
- _____ Space and Facility Requirements (how frequently will the organization be using what pieces of land, space or facilities and for how long)

In addition to the above, POs are required to submit the following on a routine basis to the Director of Family and MWR.

- _____ Minutes or summaries of latest PO meetings (not less than quarterly)
- _____ Latest Financial Statements (not less than quarterly)
- _____ Names, addresses, e-mail addresses, and phone numbers of officers (annually or at change of officers)
- _____ A copy of latest financial audit report (every 2 years or at change of treasurer).
- _____ A copy of any correspondence about applicability of federal, state, or local laws.
- _____ A statement of tax (or tax-exempt) status.

- _____ Revalidations must include documentation of any changes in PO activities, objectives, organization, constitution, membership, facility support requirements and so forth.

APPENDIX C

FORMAT SAMPLE FOR CONSTITUTION

(Name of Private Organization)

P.O. Box 1234

USAG Bavaria, APO AE 09114

ARTICLE I -- Organization Name and Purpose *(Please see cautions in para 3-5 and 3-6 about use of USAG Bavaria name or symbol)*
(Purpose: Explain why your PO should have a relationship with USAG Bavaria, what your goals are and why these may only be attained through your status as a USAG Bavaria PO)

ARTICLE II -- General Provisions *(Include all statements required by AR 210-22 such as non-discrimination clauses and non-extremists clauses, adhere to all government (Federal, State, and local) laws and regulations, government hold harmless clauses, etc.)*

(Also include facility or space requirements, periods of use and duration over one year)

ARTICLE III -- Functions/Activities and Operating Procedures *(Clearly state your PO's nature, functions, objectives, and activities to include planned use of funds. Please also note that government personnel will not be assigned to work for POs in their official capacity)*

ARTICLE IV -- Membership *(An explanation of your PO membership eligibility requirements – please note para 3-14 of this guide)*

ARTICLE V -- Officers and Governing Body *(Attach names, with addresses and phone numbers, and indicate if your PO is sponsored by or sponsors any other PO—if so describe the relationship) (Also indicate if your PO requires any special status of officers, such as active duty, retired or otherwise)*

ARTICLE VI -- Duties of Officers

ARTICLE VII -- Elections and Voting *(Frequency, method, eligibility, etc)*

ARTICLE VIII -- Standing Committees *(Identify committee roles, how those committees perform their roles within ethical boundaries practiced by USAG Bavaria and DoD)*

ARTICLE IX -- Funding Sources *(Prove that your PO is self-sustaining through dues, contributions, charges, fees or other sources. Include a statement of your PO's liability and whether assets are or are not sufficient to cover all liabilities; that all state laws are followed; and a statement that addresses the extent to which PO members' are personally liable for debts of or claims against the PO. See para 3-10 on audits required)*

ARTICLE X -- Taxes *(A statement that the PO complies with all local, state, and federal taxes, including employee withholding; include certification of section 501 tax exemption status if applicable, signed or attested by an officer of the PO).*

ARTICLE XI -- Insurance Coverage *(The PO must secure adequate insurance as protection against public liability, claims, property damage or other legal actions brought against the PO, or its members or property. The PO must provide fidelity bonding for employees who handle cash in excess of \$1000.)*

ARTICLE XII -- Meetings and Quorums *(Identify frequency and intended locations of meetings, and what constitutes a quorum)*

ARTICLE XIII -- Amendments. *(Include procedures for amending the constitution to include number of voting members required to approval)*

ARTICLE XIII -- Dissolution *(Describe in detail the disposition of assets and equipment or supplies should the PO be dissolved. Include the following or similar statement: "If the organization is dissolved, all funds in the treasury at the time will be used to meet outstanding debts, liabilities, or obligations. The balance of these assets will be disposed of as determined by the membership as approved by a majority vote. If assets are not sufficient to cover all liabilities, the members of the organization will be personally responsible for these liabilities".)*

Signature of President
Name of President
Position Title (President)
Date Signed

Signature of Secretary
Name of Secretary
Position Title (Secretary)
Date Signed

APPENDIX D

FORMAT SAMPLE FOR MEETING MINUTES

(Name of Private Organization)
P.O. Box 1234
USAG Bavaria, APO AE 09114

1. The meeting of the (Name of Private Organization) was called to order on (date and time).
2. The following personnel and members were present:
 - a. Members Present:
 - b. Guest Present:
3. OLD BUSINESS:
 - a. The minutes of the last meeting were read and approve (or approve with the following changes).
 - b. The financial report was presented and approved (or approved with the following changes).
4. NEW BUSINESS:
 - a.
 - b.
 - c.
5. DISCUSSIONS:
 - a.
 - b.
 - c.
6. The meeting was adjourned at (date and time). The next meeting will be held (date and time) at (location).

Signature of Secretary
Name of Secretary
Position Title (Secretary)
Date Signed

Signature of President
Name of President
Title of Position (President)
Date Signed

Attachment
Financial Report

Sample Format for Meeting Minutes

APPENDIX E

FORMAT SAMPLE FOR FINANCIAL REPORT

(Name of Private Organization)

USAG Bavaria, APO AE 09114

FINANCIAL REPORT for the Period *(Beginning Month and Year)* thru *(Ending Month and Year)*

Operating Funds Available as of 1 March 2020 \$ 2,514.33

OPERATING FUNDS:

Change Fund	\$ 146.00	
Fundraisers	\$ 72.00	
1 st VP (Luncheons)	\$ 380.38	
1 st VP (Programs)	\$ 2.51	
Membership Dues	\$ 72.50	
Ways & Means (Consignment)	\$ 183.20	
<u>Ways & Means</u>	<u>\$ 558.85</u>	
Total Operating Income		\$ 1,415.44

OPERATING EXPENSES:

Child Care	\$ 28.00	
Entertainment	\$ 146.00	
Decorations	\$ 57.23	
1 st VP (Luncheons)	\$ 409.47	
Supplies	\$ 55.94	
Donations	\$ 288.32	
Newsletter	\$ 61.42	
Recording Secretary	\$ 25.26	
<u>Ways & Means (Consignment)</u>	<u>\$ 309.88</u>	
Total Operating Expense		<u>\$ 1,381.59</u>

Operating Funds Available as of 31 March 2020 \$ 2,548.18

Submitted by:

Verified by:

Signature of Treasurer
Name of Treasurer
Position Title (Treasurer)
Date Signed

Signature of Person Verifying Report (Normally the Vice President or President)
Name of Person Verifying Report
Position Title (Title of Person Verifying Report)
Date Signed

APPENDIX F

FORMAT SAMPLE FOR AUDIT REPORT

(Name of Private Organization)
USAG Bavaria, APO AE 09114

AUDIT REPORT

For the Period *(Beginning Month and Year)* thru *(Ending Month and Year)*

FUND BALANCES

	<u>Beginning Balance</u>	<u>Ending Balance</u>
Balance in Checking Account	\$ 525.31	\$ 498.76
Balance in Saving Account	\$ 125.00	\$ 125.00
Cash on Hand (change and petty cash funds, etc.)	\$ 100.00	\$ 100.00
Total	<u>\$ 750.31</u>	<u>\$ 723.76</u>

(NOTE: Beginning balances should equal ending balances on last audit)

FUND REVIEW

BEGINNING BALANCE \$ 750.32

INCOME (in detail)

Dues	\$ 250.00	
Contributions (made by)	\$ 50.00	
<u>Meal Fees</u>	<u>\$ 350.00</u>	
Total Income		\$ 650.00

EXPENDITURES (in detail)

Supplies	\$ 126.56	
Donations (list details)	\$ 200.00	
<u>Meals</u>	<u>\$ 350.00</u>	
Total Expenditures		\$ 676.56

ENDING BALANCE \$ 723.76

AUDITOR COMMENTS:

(Make any comments or exceptions in regards to the audit of these funds and their internal controls.)

This audit was made in accordance with current regulations and includes tests of the accounting records and internal controls. In my (our) opinion, subject to the above comments and exceptions cited in this report, the fund examined reflects the results of operations in accordance with applicable directives.

Signature of Audit Committee Member

Name of Audit Committee Member

Dated Signed

Signature of Audit Committee Member

Name of Audit Committee Member

Dated Signed

Signature of Audit Committee Member

Name of Audit Committee Member

Dated Signed

APPENDIX G

CASE STUDIES ON PROPER AND IMPROPER CONDUCT

The following case studies on proper and improper conduct in regards to private organizations are provided to assist both members of private organizations and installation staff members in properly deal with private organizations.

I-1 CASE. The Fort Green Chief of Staff, a member of the local chess club, calls the D, Family and MWR and asks that the chess club's application to hold a fundraising event on the installation be moved to the top of the pile.

VIOLATION. Use of public office for personal/private gain, conflict of interest; acting as an agent for a private organization before the Federal government. 18 USC 205 and JER para 3-204.

I-2. CASE. During a membership campaign for the National Enlisted Association of America (NEAA), the 802d Military Intelligence Brigade Command Sergeant Major gives a cocktail party to recognize the new president of the NEAA. She has invited all senior enlisted personnel living within 50 miles. After a toast to the guest of honor, she has an official photograph taken and hands each guest a printed pocket calendar listing NEAA membership benefits and the local chapter's telephone number and address.

VIOLATION. Appearance of official participation in a membership drive; misuse of government resources. JER para 3-210 and 3-305.

I-3. CASE. In the Division Commander's outer office, a display contains information about professional organizations. Included are a "please take one" sign and brochures for 5 military-related associations and 10 technology-oriented national organizations.

OKAY. Such displays are permissible when displays are open to contributions from other similar organizations.

I-4. CASE. After arriving at a new duty assignment, LTC Jones is asked by his new commander, an officer in the Assembly of Uniformed Service Members (AUSM), to explain why he is not a member of AUSM.

VIOLATION. Coercion for the benefit of a private organization. CFR 1635.702(a).

I-5. CASE. The Director of Resource Management at Fort Blue accepts an honorary membership in the Omertown Rotary Club (ORC). The club's membership includes local businessmen and businesswomen who are contractors with Fort Blue.

VIOLATION. He cannot accept honorary memberships in an organization because of his official position; appearance or actual conflict of interest because of contractors doing business with the installation and the individual's duty position. JER para 3-302.

I-6. CASE. The Fort Smith Chief of Staff accepts an appointment to the Board of Directors for the local Chamber of Commerce that was offered because of his duty position.

VIOLATION. You cannot serve as a director of an organization that was offered because of your official position. JER para 3-301. And you cannot serve as a director of an organization in your official capacity without approval of the Secretary of the Army. JER para 3-202.

I-7. CASE. The Civilian Personnel Officer at Fort Oshkosh solicits subordinates to join the Toastmasters Club via e-mail and at staff meetings.

VIOLATION. Misuse of public office, appearance of official endorsement. 5 CFR 2635.702; JER para 3-205 and 3-230.

I-8. CASE. The Commander of XXX Corps allows his duty position to be used on the letterhead of the Humane Society of the United States.

VIOLATION. Improper endorsement. CFR 2635.702; JER 3-205.

I-9. CASE. The Garrison Commander at Fort Blue, a member of the Aviators Association of America (AAA), actively participates in the association's activities. He also decides who in the command will attend the AAA's national convention in an official capacity.

VIOLATION. Appearance of conflict of interest. 5CFR 2635.502; JER para 3-204.

I-10. CASE. An Assistant Secretary of the Army, who previously soldiered in an Armored Division, provides to the Society of Army Tankers (SAT) an official photograph and letter on official letterhead pointing out the benefits of membership in the Society. The letter and photo will be used in membership drives.

VIOLATION. Improper use of office.
CFR 2635.702; JER para 3-205 and 3-210.

I-11. CASE. Major Smith is a member of the Association of American Cavalryman that sponsors a car wash to raise funds. Major Smith helps wash cars during his off-duty time.

OKAY. Fundraising in a personal capacity during non-duty hours is permissible.
CFR 2635.808(c); JER para 3-300.

I-12. CASE. Captain Day, a finance officer, has her supervisor's approval and is writing a paper that she will present at the national conference of the Organization of Army Comptrollers (OAC). The topic is related to her official position and preparation of the paper has not interfered with her official duties. She has used government equipment to prepare the paper.

OKAY. Use of government equipment under these circumstances is permissible. JER para 3-300.

I-13. CASE. Colonel Johnson is the treasurer of the local chapter of the Military Intelligence Association of America (MIAA) and is responsible for MIAA's monthly billing statements for dues. He tasks his secretary to prepare the billing statements during duty hours on government equipment.

VIOLATION. Misuse of government resources and time. 5 CFR 2635.704 and 705; JER para 3-305b.

I-14. CASE. The Deputy Commanding General at Fort Green attends a fundraising banquet held on behalf of the local American Society for the Prevention of Cruelty to Animals (ASPCA). He is in uniform and sits at the head table, and makes a speech encouraging contributions.

VIOLATION. No official support of fundraising for private organizations. 5 CFR 2635.808; JER para 3-210.

I-15. CASE. Colonel Yoke, Commander of the 3399th Armor Brigade, declared a Friday as a training holiday

so the military community could participate in a private organization sponsored picnic on the installation's lake front.

VIOLATION. Endorsement of a private organization, misuse of government resources.
5 CFR 2635.705; JER para 3-209.

I-16. CASE. Colonel Ping, assigned to HQ, TROOPCOM, is an active member of the Oshkosh State College Graduate School Alumni Association (OSCGSAA). He visits the Commander of MDW in an effort to convince him to reverse a recent denial of the association's request for certain support. After discussing his concerns with the MDW Commander, Colonel Ping flies back to Atlanta and completes a travel voucher for per diem and transportation expense reimbursement.

VIOLATION. Using appropriated funds and official time for personal business, government employee acting as an agent for a non-Federal agency, using government position to further personal interests. 18 USC 205; 5 CFR 2635.702 and .705; JER para 3-204.

I-17. CASE. Sergeant Lee conducts door-to-door solicitation for the American Cancer Society (ACS) during its annual fundraising drives. Several junior enlisted personnel with whom the sergeant works live in the area he canvasses. In the process of the solicitation, he knocks on doors and pitches ACS and its need for money. The sergeant does not knock on doors of enlisted personnel with whom he has an official relationship. Another volunteer in the community does that. Assume the Garrison Commander has given the ACS permission to solicit door-to-door.

OKAY. Only if door-to-door solicitation is approved by the Garrison Commander. Avoided coercion, fundraising in personal capacity and during non-duty time is authorized. 5 CFR 2635.808(c); JER para 3-300a.

I-18. CASE. A unit commander appoints a unit point of contact for the local Military Spouses Organization (MSO) membership drive.

VIOLATION. Misuse of position, misuse of government resources, endorsement of a private organization, official participation in membership drive. 5 CFR 2635.702 and .705; JER para 3-205 and 3-210.

I-19. CASE. The Assistant Secretary of the Army for International Affairs, ASA(IA), is the treasurer of the Federal Officers/SES Organization of Federalists (FOSOF). In her capacity, she approves TDY for several members of her staff to attend the FOSOF annual symposium.

VIOLATION. Conflict of interest; 18 USC 208, 5 CFR 2635.402; JER 3-203.

I-20. CASE. The Garrison Commander at Fort Purple has allowed sole or exclusive use of Army facilities by the Association of Community Members (ACM) without initiating a license or lease agreement.

VIOLATION. No license or lease. AR 405-80.

I-21. CASE. Captain Blue, Commander, A Company, is a member of the National Association of Officers (NAO). He directs his Soldiers to accept donations (i.e., sell) raffle tickets for the NAO's major fundraising event during duty hours while in a duty status.

VIOLATION. Misuse of position and government resources. 5 CFR 2635.702 and .705; JER para 3-305. May also be in violation of State law concerning gambling and lotteries. Raffles outside of Family and MWR are not authorized.

I-22. CASE. Colonel Crawford, Director of Public Works, is the president of the local chapter of the National Association of the Army (NAA). NAA is having computer problems, so Colonel Crawford asks one of his subordinates with computer experience to assist NAA in fixing its problems. The subordinate uses his lunch hour or leave to go to the NAA headquarters and works on their computers.

VIOLATION. Misuse of position. 5 CFR 2635.702; JER para 3-305b.

I-23. CASE. At his weekly staff meeting, the Commander, XXX Corps, a member of the National Officers Association (NOA) announces that his command will provide speakers and other limited

support (including the loan of a sound system and Soldiers necessary to operate it) for the NOA's upcoming regional conference. He has decided that the conference will be useful for the local military community and will not detract from mission accomplishment.

OKAY. Assuming all other criteria in JER, para 3-211 are met; also mere membership in an organization does not create a conflict or an appearance of conflict of interest issue unless an "active participant." Should consult with the SJA prior to approving use of government resources.

I-24. CASE. The G2 at XXX Corps is the treasurer of the local chapter of the Electronic Surveillance Association (ESA). He decides who in his office attends ESA's national conference by selecting those individuals who have done the most work in the ESA during the year.

VIOLATION. Conflict of interest; misuse of personnel, resources, and position. 18 USC 208; 5 CFR 2635.702, .704, and .705; JER para 3-305

I-25. CASE. LTC Speer, Acting Director of Resource Management at Fort Oshkosh, used Army letterhead and his official signature block to strongly encourage membership amongst his subordinates in the Comptrollers of America Association (CAA). The Chief of Staff is made aware of LTC Speer's actions, and advises LTC Speer and all members of his staff that this type of endorsement is improper. LTC Speer apologizes to his subordinates for the error.

OKAY. Good leadership; the Chief of Staff recognized the misuse of official position and that an Army official may not endorse a private organization. He took positive action to correct the error. LTC Speer then took positive action with his subordinates to correct his error.

APPENDIX H

AFTER ACTION REPORT (AAR)

Date: _____

Submit **NLT 14 calendar days** to: Melanie Presley (DSN 314-526-9036), e-mail address usarmy.bavaria.imcom-fmwrc.list.po-frg@mail.mil.

1. Organizational Information:

Organization Name: _____

Type of Fundraiser and Approval Date: _____

Date of Fundraiser: _____

Name/Phone Number/E-mail address of Person submitting AAR:

2. Financial Summary:

Revenue generated: * _____

Less Prepaid Expenses (i.e. Supplies): ** - _____

Less Cost of Goods Sold (i.e. Inventory): *** - _____

Net Income: = _____

* All collected income.

** **Expenses** include rent space, advertising, supplies, etc.

*** **Cost of Goods Sold** is the cost for inventory required to create the resale product.

3. Summary:

Describe the fundraiser event – how was it conducted, what worked out very well, what can be improved, etc.; add a second page, if necessary.

Signature of Fundraiser Coordinator

Signature of President

APPENDIX I

REQUESTING USE OF A FACILITY FOR A FUNDRAISING EVENT

Private Organization/Informal Fund/Unit Letterhead

Date

MEMORANDUM THRU (*Facility Name, Facility Manager's Name*)

MEMORANDUM FOR Commander, U.S. Army Garrison Bavaria, Attn: D, FMWR, Private Organizations Coordinator, Unit 28130, APO AE 09114-8130

SUBJECT: Request for Use of Facility

1. Request the use of (*name of the facility and/or specific area, building number, room number, etc*) during the period (*dates and times*). The (*name of the facility*) will be used to conduct the (*name of the event*).
2. (*enter organization Name*) understand that coordination with the facility manager does not constitute approval of the PO's event. Coordination assures the Garrison Commander that the facility manager can support your request. Further, (*enter organization Name*) will not start advertising this event until (*enter ORGANIZATION Name*) receives approval from the Director of Family and MWR.
3. (*enter ORGANIZATION Name*) agrees to assume responsibility for all equipment located in the space utilized during occupancy by the (*enter ORGANIZATION Name*) or for which a direct cause of its loss is attributable to an act of commission or omission by (*enter ORGANIZATION Name*). (*enter ORGANIZATION Name*) agrees to assume the cost of repair and/or replacement of damaged, lost, or stolen equipment within 10 working days following initiation of the report of survey. Funding for such repair or replacement shall be borne by the (*enter ORGANIZATION Name*).
4. POC is (_____) at (_____).

ORGANIZATION Officer's Name, Title and Signature
Name of the ORGANIZATION

Facility Manager's Name (Print)

Facility Manager's Signature

Date



UNITED STATES ARMY GARRISON BAVARIA PRIVATE ORGANIZATION (PO) FUNDRAISING REQUEST FORM



SECTION I. ACKNOWLEDGMENT OF FUNDRAISING PARAMETERS.

BY COMPLETING THIS FORM, YOU ACKNOWLEDGE THE FOLLOWING:

1. The PO must ensure that all fundraising sales are limited to individuals with SOFA status. Money may not be solicited or accepted from host nation citizens or other individuals not authorized SOFA status or individual logistical support under Army in Europe Regulation 600-700, Identification Cards and Individual Logistical Support.
2. No fundraising may take place in the federal workplace or housing areas. The fundraising must take place in a location designated by the Garrison Commander as an approved fundraising site. The PO must obtain approval from a representative of the proposed fundraising site before initiating fundraising activities. No fundraising may take place outside the installation.
3. No alcohol may be sold or distributed during PO fundraisers.
4. All POs must have previously requested permission from the Garrison Commander to operate on the Army Installation and the Garrison Commander must have approved the POs request to operate on the Army Installation prior to submitting this request.
5. The Garrison Commander or authorized representative must grant permission to fundraise prior to the event.
6. The Garrison Commander may revoke permission to operate at any time.
7. Fundraising Request must be returned to Ms. Melanie Presley no later than **twenty-eight (28)** days before scheduled event.
8. This form must be displayed at the fundraising site throughout the fundraising event.

BY SUBMITTING THIS FORM I AM ACKNOWLEDGING THE ABOVE PROVISIONS AND WILL ENSURE THEY ARE FOLLOWED. **Signature** _____

SECTION II. PO FUNDRAISING SPECIFICS

Return form to Ms. Melanie Presley at [USARMY USAG Bavaria IMCOM FMWRC List PO FRG](#) or Bldg 539, Room 140

Name of PO		Expiration Date of Approval to Operate	
Fundraiser Type		Date/Time of Fundraiser	Location
Description of Fundraiser (Be Specific)			

Facility Coordination ☐ YES ☐ NO			
PO POC Name			
Signature		E-Mail	
		Date	

SECTION III. LEGAL REVIEW.

I have reviewed the above fundraising request. ☐ I have no legal objections. ☐ I object for the following reasons:		
Signature		
Date		
Name/Position		

SECTION IV. GARRISON COMMANDER/AUTHORIZED REPRESENTATIVE DECISION

FUNDRAISING EVENT IS: ☐ Approved ☐ Disapproved		After Action Report Due No Later Than:
Signature		
Name/Position		Date signed _____

--THIS FORM MUST BE DISPLAYED AT FUNDRAISER SITE--

Guidelines on how to complete the Fundraising Request Form:

1. Submit Fundraising requests 30 days prior to event date.
2. Provide current and legible contact information.
3. Detailed description of Fundraiser:
 - Purpose of Fundraiser?
 - What items will be sold?
 - What is the procurement source of the resale items?
 - How are these items being prepared?
 - What funds are used to purchase these items?
 - How are the funds generated being used for the community?
 - List participating volunteers with Food Sanitation training
4. Attach facility approval (Appendix I).

Keep in mind:

Don't start promoting or advertising the event until receipt of approval.

Don't forget the After-action report not later than 14 days after the event.

Glossary

Abbreviations and Terms

Abbreviations:

AAFES	- Army and Air Force Exchange Service	NAF	- Nonappropriated Funds
AAR	- After Action Report	NAFI	- Nonappropriated Funds Instrumentality
AER	- Army Emergency Relief	NCOA	- Noncommissioned Officers Association
APF	- Appropriated Funds	NMA	- National Military Association
AFAP	- Army Family Action Plan	NMFA	- National Military Family Association
AFCEA	- Armed Forces Communications and Electronics Association	NSIA	- National Security Industry Association
AFTBA	- Army Family Team Building	OCONUS	- Outside the Continental United States
APF	- Appropriated Funds	OGE	- Office of Government Ethics
AR	- Army Regulation	PAM	- Pamphlet
AUSA	- Association of the United States Army	PAO	- Public Affairs Office
BSA	- Boy Scouts of America	PTSA	- Parent, Teacher, Student Association
CFC	- Combined Federal Campaign	FRG	- Family Readiness Group
CONUS	- Continental United States	SJA	- Staff Judge Advocate
DA	- Department of the Army	US	- United States
DAEO	- Designated Agency Ethics Official	USC	- United States Code
DFMWR	- Director of Family and Morale, Welfare, and Recreation	USO	- United Services Organization
DOD	- Department of Defense		
DODI	- Department of Defense Instruction		
FOIA	- Freedom of Information Act		
GSA	- Girl Scouts of the United States of America		
HQDA	- Headquarters, Department of the Army		
IF	- Informal Funds		
IMCOM	- Installation Management Command		
ILS	- Individual Logistic Support		
IRS	- Internal Revenue Service		
JAG	- Judge Advocate General		
JER	- Joint Ethics Regulation		
MACOM	- Major Command		
MOA	- Memorandum of Agreement		
MOU	- Memorandum of Understanding		

TERMS

Agent – an individual who represents a private organization in dealing with the Federal government.

Active Participant – an Army employee who regularly participates in the management, operations, and programs of a private organization in their off-duty time. An individual is not an active participant of a private organization if they only pay their dues, read the monthly newsletter and attend an occasional function.

Appropriated Funds – funds available from Congressional appropriations.

Army Employee – any Soldier (officer or enlisted) or civilian employee (APF or NAF) working for the US Army.

Audit – an official examination, verification, and correction of account books that show the financial status of a private organization.

Army Installation – a location, facility, or activity assigned to, owned, leased, controlled, or occupied by the Department of the Army.

Commercial Sponsorship – the acceptance of funds, goods or services by the Army in exchange for advertising opportunities for the company or corporation. Commercial Sponsorship may only be solicited/accepted by the Family and MWR Commercial Sponsorship program and only accepted in support of Family and MWR, AFAP, and AFTB programs and events. Private organizations are not allowed to solicit or accept commercial sponsorship.

Community Event – an event declared by USAG Grafenwoehr Commander and managed by MWR.

Constitution and Bylaws – a document that outlines the basic purpose of a private organization and the means on how the private organization operates.

Co-Sponsored Event – an event or program jointly put on by the Army and a private organization, considered an Army event. The Army may endorse participation in the event and provide support within the guidelines established by the JER.

Disclaimer – an unambiguous statement that a private organization is not endorsed or affiliated with DA or DOD.

Donation – an individual or vendor giving funds, goods, or services without the expectation of receiving, advertising opportunities in return. Private organizations may solicit donations from off-post vendors and companies if allowed by the Garrison Commander.

Double Entry Accounting System – a system in which both elements of each transaction (debits and credits) are:

- (1) Recorded separately; and
- (2) Recorded during the period of occurrence.

Endorsement – an Army official encouraging membership or participation in a specific private organization.

Fidelity Bonding Insurance – insurance to protect a private organization from loss of funds through the embezzlement by private organization members or employees. Bonding normally will equal the maximum amount of cash handled in a month.

Financial Report – a summary of the status of a private organization finances. Covers a set period, which is normally a month.

Fundraising – the raising of funds for a private organization by soliciting cash contributions, in-kind donations of services or goods, or grants from members or non-members of the private organization.

Investment Club – a membership organization that pools stated amounts of funds to invest in stock or other securities. Usually, group members pledge a regular amount to be paid into the club on a scheduled basis, such as monthly or annually. Some clubs have a committee that gathers information on securities, selects the most promising, and recommends that the club invest in them. Other clubs rotate the investigator responsibilities among all their members. Most require all members to vote for or against all investments, sales, exchanges, and other transactions.

Joint Ethics Regulation – a DOD document which outlines appropriate and inappropriate standards of conduct by DOD personnel.

Liability Insurance – insurance to protect the private organization and its members from public liability, claims, property damage claims, or other legal actions arising from private organization activities, one or more of its members acting on behalf, or the operation of any equipment, apparatus, or device under the control and responsibility of the private organization.

Liaison – an individual appointed by the Commander to inform a private organization on the concerns of the Command and report back to the Commander on the actions and concerns of the private organization. The Liaison does not take an active part in the management or operations of the private organization. The liaison is mainly an observer.

Membership – individuals that belong to a private organization. Membership, by itself, does not make one an “active participant” as described above.

Minutes – a written summary of a meeting of private organization’s members or officers.

Managerial Fiduciary Responsibility – persons charged with a legal duty to direct or manage an organization. This means service as an officer of a private organization (president, vice-president, secretary, treasurer) or in the role of a member of the board of directors/trustees that includes voting authority for organizational matters, or as a general partner in a partnership. It generally does not include persons who perform advisory roles, or serve in topical committee chair positions. One who exercises fiduciary responsibility for a private organization also would be considered an “active participant”. An individual may exercise fiduciary responsibilities under State law, but not be an officer, director, or trustee (e.g. an accountant, auditor or attorney retained by a private organization). In such cases, the individual still would be an “active participant”.

Management of a Private Organization – legal responsibility for making decisions, including financial decisions, for the private organization. Used synonymously with managerial fiduciary responsibility.

Mutuality of Interest – a demonstrated substantive interest in a subject matter by both the government and a private organization. This is an essential ingredient to any co-sponsorship.

Nonappropriated Fund Instrumentality – it acts in its own name to provide, or assist other DOD organizations in providing MWR and other programs for military personnel, their families, and authorized civilians. As a fiscal entity, it maintains custody of and controls over its NAFs. It is also responsible for the exercise of reasonable care to administer, safeguard, preserve, and maintain prudently those APF resources made available to carry out its function. It is not incorporated under the laws of any State or the District of Columbia and enjoys the legal status of an instrumentality of the United States.

Nonappropriated Funds – cash and other assets received by NAFIs from sources other than Congressional appropriates. NAFs are Government funds used for the collective benefit of those who generate them. These funds are separate and apart from funds that are recorded in books of the Treasurer of the United States.

Official Capacity or Participation – official capacity refers to direct participation with a private organization for the purpose of representing the interests of the Department of Defense or the Federal government. Official participation means that one or more of the following may be said of your participation with the organization: (1) it is derived from your Federal position, title, or authority; (2) it entails official positions or policies of the Department of Defense; (3) it occurs on official time; and (4) it involves expenditure of appropriated funds or nonappropriated funds. Official participation normally does not include taking an administrative role in a private organization, unless specifically required by Federal statute.

Perception of Preferential Treatment – granting special treatment toward one private organization. DOD policy is that all private organizations should be treated the same. If one private organization is allowed to do something, the Commander must be prepared to allow all private organizations to do the same thing.

Personal Capacity or Participation – personal capacity refers to participation in a private organization in one's private capacity. Personal participation means that your participation in the organization is not derived from your federal position, title, or authority; does not entail official positions or policies of the government; does not occur on official time; and does not involve the expenditure of appropriated funds or nonappropriated funds.

Private Organization – a self-sustaining, non-Federal entity, incorporated or unincorporated, which is operated on Army/DOD installations with the written consent of the Garrison Commander or higher authority, by individuals acting exclusively outside the scope of any official capacity as officers, employees, or agents of the Federal Government or its instrumentalities.

Prohibited Activities – any private organization conduct that may discredit the Army, DOD, or the Federal government; impose a financial obligation on the Army or NAFI activities; duplicating or competing with authorized Army or NAFI (MWR or AAFES) activities; distribution or sale of alcoholic beverages by a private organization.

Prohibited Source – as defined by 5 CFR 2630.203d, a prohibited source may be any person who (1) seeks official action by the Department of Defense, (2) does business or seeks to do business with the Department of Defense, (3) conducts activities regulated by the Department of Defense, (4) has interests that may be substantially affected by performance or nonperformance of an employee's official duties, or (5) is an organization with a majority of whose members are described above.

Qualified Auditor – a public accountant or certified accountant licensed by a State or other recognized licensing jurisdiction.

Represent on Behalf of a Private Organization – refers to knowingly attempting to influence an official action on a matter in which the Federal government has an interest by making a communication to, or appearance before, a Federal official or employee. The term does not include the communication of technical information.

Single Entry Accounting System – often called a combined journal system. A simple system of recording transactions on a cash basis. No inventories or accounts receivable or payable are kept.

Special Status Private Organization – a private organization which is authorized limited support as specified in federal statute or DOD policy or directive.