



DEPARTMENT OF THE ARMY
HEADQUARTERS UNITED STATES ARMY MANEUVER CENTER OF EXCELLENCE
1 KARKER STREET
FORT BENNING GEORGIA 31905-5000

REPLY TO
ATTENTION OF

Policy Memorandum 210-7-6

IMBE-MWN (210)

27 FEB 2017

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Personal Commercial Solicitation on Fort Benning

1. REFERENCES:

- a. Department of Defense Instruction (DoDI) 1344.07 (Personal Commercial Solicitation on DoD Installations), 30 Mar 06.
- b. Army Regulation 210-7 (Personal Commercial Solicitation on Army Installations), 18 Oct 07.
- c. Army Regulation 608-1 (Army Community Service), 22 Dec 16.
- d. Army Regulation 215-1 (Military Morale, Welfare, and Recreation Programs and Nonappropriated Fund Instrumentalities), 24 Sep 10.
- e. Army Regulation 600-29 (Fund Raising Within the Department of Army), 7 Jun 10.
- f. Maneuver Center of Excellence Policy Memo 600-29-12 (Fund-Raising Activities on Fort Benning), 26 Oct 15.

2. PURPOSE: To establish standards concerning solicitation practices on Fort Benning.

3. GENERAL: The DoDI 1344.07 and Army Regulation 210-7 regulate personal commercial solicitation on Army installations. These rules were designed to ensure solicitation practices comply with ethical and legal prohibitions.

4. POLICY:

a. Personal commercial solicitation on Fort Benning must comply with the terms of the above references and this policy memorandum. Commanders at all levels will become familiar with these rules governing solicitation practices and enforce the same within their unit areas.

b. Personal commercial solicitation is prohibited in any training unit or at any training location or training event, to specifically include unit barracks. The rigorous, intensive training requires military members' full-time effort and concentration. It is in the best interest of the Soldier, his Family, and the Command to defer personal commercial

solicitation until assignment to their first or next duty station. This prohibition includes, but is not limited to trainees or students undergoing Initial Entry Training for both the Armor School and the Infantry School, Airborne, Ranger, Officer Candidate School, functional courses, and all Basic Officer's Leadership Courses (BOLC) A and B, Maneuver Captain's Career Course (MCCC), and Noncommissioned Officer Academy (NCOA) courses, Warrior Leaders Course, Advance Leaders and Maneuver Senior Leaders Course. Additionally, members of the 75th Ranger Regiment and 3d Battalion, 75th Ranger Regiment, due to their intense training and mission requirements.

c. The Directorate of Family and Morale, Welfare and Recreation (DFMWR) must approve requests to conduct personal commercial solicitation on Fort Benning. Hours permitted for solicitations are 1800-2100, Monday - Friday. No solicitation permitted during duty hours, weekends, or lunchtime. The Garrison Commander (GC) retains authority to disapprove personal commercial solicitation requests.

d. Report any unauthorized solicitation to the DFMWR Personal Commercial Solicitation Officer Tonjia.D.Williams.naf@mail.mil (706-545-4847) and the Directorate of Emergency Services (DES), Military Police Investigative Services, (706-545-5915), who will staff complaints with the Office of the Staff Judge Advocate (OSJA). The OSJA will present to the Armed Forces Disciplinary Control Board, and subsequently to the Chief of Staff for final determination to ban from post or place on off-limits establishments list. The Commanding General has delegated this authority to the Chief of Staff.

e. With appropriate disclaimers and the express request of the installation GC, representatives of credit unions and banks located on military installations may provide their material, educational programs and information as outlined in AR 210-7, paragraph 2-14.

f. Concessionaire contracts issued by DFMWR or AAFES are governmental contracts, solicited and awarded using procurement and contracting procedures, and not considered as personal commercial solicitation. Army Regulation 210-7, page 17, defines personal commercial solicitation as "Personal contact, to include meetings, meals, or telecommunications, for the purpose of seeking private business or trade." While approved DFMWR or AAFES concessionaires may have access to unit personnel, this access is limited to the purpose of taking necessary actions to prepare/manufacture items for sale. Sale of these items will not occur in unit areas and are limited to the serving AAFES/DFMWR facility.

g. Off-duty employment by military personnel is permitted under certain conditions and governed by DoD 5500-7R, Joint Ethics Regulation. Off-duty military must also comply with all regulations regarding personal commercial solicitation.

h. Compliance with the provisions of this policy memorandum will be a matter of Command interest and subject to the review of the Inspector General's office.

5. RESPONSIBILITIES:

a. The DFMWR:

(1) Assume designation as Commercial Solicitation Office (CSO) with responsibility for implementing this policy memorandum. Individuals desiring to transact personal commercial solicitation on Fort Benning must apply at DFMWR's CSO.

(2) Process requests from companies or individuals desiring to conduct personal commercial solicitation on post. A sample request letter pertaining to insurance agents is at enclosure 1. The letter is valid for one year and must be signed by the firm's president or vice-president and notarized.

(3) Verify an agent's license status and complaint history with the appropriate state or federal regulators prior to issuing a permit.

(4) Review Commercial Solicitation Report of agents and companies currently barred, banned, or limited from soliciting on DoD installations prior to approving their request to solicit. This report is at http://www.militaryonesource.mil/footer?content_id=279105.

(5) Require applicant to complete an application and sign a statement regarding compliance with regulations/policies and acknowledgement of forbidden practices. The CSO will maintain a file copy. Also, have applicant complete a Commercial - Agent Data Card (FB Form 8) that includes name, date of birth, home and business address, office and home phone number and last four of social security number.

(6) Photograph the applicant for his commercial solicitation permit and for attachment to the Agent Data Card.

(7) Maintain list of companies/agents issued solicitation permits IAW AR 210-7.

(8) If warranted, prepare staff action to obtain GC disapproval of solicitation requests; providing all documentation to support DFMWR recommendation.

(9) Submit quarterly reports to IMCOM of individuals or companies placed on off-limits establishment list, barred, or suspended from soliciting on Fort Benning.

b. Unit Commanders and Training Unit Commanders:

(1) Unit Commanders:

(a) Ensure all assigned cadre personnel are aware of the solicitation information outlined in this policy memorandum and enclosed Fact Sheet (Encl 2). Provide instructions on this policy memorandum and associated material to cadre members upon arrival at a training unit and annually thereafter.

(b) The Army Community Service Financial Readiness Program has certified financial counselors to conduct classes for units regarding financial readiness, consumer practices, and complaint processing if desired (706-545-7517).

(c) Obtain a copy of the roster of authorized and unauthorized solicitors from the DFMWR and post a copy in the Battalion SDO and CQ instruction books.

(d) Appoint, on orders, a unit financial counselor, down to and including separate battalions, to accomplish counseling of members of their commands. Army Regulation 210-7, paragraph 2-15c, provides the financial counselors responsibilities. An important aspect of counseling is to ensure Soldiers in grades E-1 through E-4 fully understand the business transaction they are entering. Preferably, an officer will do the counseling. Counseling should be available for all unit personnel. The unit financial counselor is responsible to enforce a 7-day, cooling-off period prior to processing life insurance pay allotments for E-4s and below. The financial counselor must encourage Army personnel to seek legal assistance or other advice from a disinterested third party before entering into a contract for insurance or securities offered by an agent.

(e) Provide an area for insurance agent interviews of specific appointments at battalion or higher headquarters only. Do not delegate interview areas below battalion level and not in billets area or dayrooms.

(f) Report alleged violations of this policy memorandum and AR to DFMWR CSO and the DES as expeditiously as possible. Include agent's name, address, phone number, firm's name, and if possible, a description of the product/service offered. The Military Police (MP) will escort the alleged violator to the MP Station for processing and issuing an ejection order, and subsequently escort them off post.

(g) Verify with each Soldier solicited that the agent asked him to complete a DD Form 2885, Personal Commercial Solicitation Evaluation. If not, report the procedures violation to the CSO as the solicitor is required to provide the Soldier this form. The unit financial counselor will send the DD Form 2885 to the DFMWR CSO. The form may be e-mail to Tonjia.d.williams.naf@mail.mil.

(h) Require the duty officer or staff duty NCO to ensure all sales personnel have a valid Fort Benning Commercial Solicitation Permit, and that the Soldiers desire to speak with them. The duty officer/staff duty NCO will then escort the salesperson to the battalion area designated for solicitations.

(i) Enforce designated hours for solicitations, Monday – Friday, 1800-2100. Soliciting prohibited during duty hours, lunch, or weekends.

(j) Monitor activity to ensure solicitors do not possess allotment forms, direct deposit or other forms/devices the Army uses to direct personnel's pay to a third party. This includes using or assisting using a service member's "MyPay" account or other similar internet medium to establish a direct deposit for purchasing insurance or investment products.

(k) Ensure vendors delivering food, merchandise, and/or services, when ordered by a paying customer, are not allowed to solicit sales of additional food, merchandise, and/or services in direct competition with AAFES and DFMWR. Under no circumstance may vendors arrive with merchandise and intent to sell to individuals in the delivery area.

(2) Training Unit Commanders will comply with subparagraphs 5.b. (1) (a), (d), (e), (g), (h), and (k) to ensure all permanent party and cadre requirements of AR 210-7 are implemented.

c. Personal Commercial Solicitors/Agents must provide the CSO written acknowledgement they read and understand this policy memo and AR 210-7. Insurance agents must provide the CSO the following in addition to the written acknowledgement. Each insurance company will be limited to five agents. Agents may represent only two companies simultaneously.

(1) Evidence they are duly licensed under applicable federal, state, or municipal laws to include a valid Georgia State Business License/Certificate for the company and agent.

(2) A letter of request to the GC, signed by the company's president or vice president (both the agent and company must be licensed in Georgia). Sample request/application letter is at enclosure 1.

(3) Agents changing companies must provide a letter from the district manager stating termination was without prejudice. The CSO will not issue a permit without this letter. Agents must also provide a letter from their former company stating they were released and not terminated for cause.

d. Prohibited Practices by Solicitors:

(1) Solicitation during enlistment, induction processing, or training conducted in Initial Entry Training for the Armor School and the Infantry School, Airborne, Ranger, Officer Candidate School, functional courses, and all Basic Officers Leadership Courses (BOLC) A and B, Maneuver Captains' Career Course (MCCC), and

Noncommissioned Officer Academy (NCOA) courses: Warrior Leaders Course, Advanced Leaders Courses, and Maneuver Senior Leaders Course. Additionally, do not solicit members of the 75th Ranger Regiment and 3d Battalion, 75th Ranger Regiment, due to their intense training and mission requirements.

- (2) Soliciting mass groups or captive audiences.
- (3) Making appointments with or soliciting on-duty military personnel.
- (4) Soliciting without an appointment in areas used for housing or processing transient personnel, or soliciting in barracks areas used as quarters.
- (5) Using official identification cards or decals by retired or Reserve members of the Armed Forces to gain access to military installations to solicit.
- (6) Offering false, unfair, improper, or deceptive inducements to purchase or trade.
- (7) Offering rebates to promote transactions or to eliminate competition (credit union interest refunds to borrowers are not a prohibited rebate.)
- (8) Using manipulative, deceptive, or fraudulent device, scheme, or artifice, including misleading advertising and sales literature.
- (9) Any oral or written representations that suggest or give the appearance that DA sponsors or endorses the company or its agents, or the goods, services, and commodities offered for sale. Commanders and other military personnel must avoid the appearance that they endorse or support the activity.
- (10) Using titles that in any manner state or imply endorsement from the U.S. Government, the Armed Forces, or any state or federal agency or government entity.
- (11) Personal commercial solicitation by an Active Duty member of a junior member, at any time, on or off the installation (i.e., recurring sales of property, investments, and other services). This does not apply to those situations in which a Soldier is working as a sales person at a retail establishment.
- (12) Entering any unauthorized or restricted area including soliciting door-to-door or without an appointment.
- (13) Wearing nametags that include name of the company or represented product.
- (14) Assigning desk space for interviews, except for specific, prearranged appointments. During appointments, the agent must not display desk or other signs announcing the company name or product affiliation.

(15) Using a bulletin or any other notice, official or unofficial, announcing the presence of an agent and his availability.

(16) Distributing literature other than to the person interviewed.

(17) Offering a financial benefit or other valuable or desirable favors to military or civilian personnel to help or encourage sales transactions. This does not include advertising material for prospective purchasers, e.g., pens, pencils, wallets, and notebooks, normally with a value of \$1 or less.

(18) Using any portion of installation facilities, to include quarters, as a showroom or store for the sale of goods or services, except as specifically authorized by regulations governing the operation of exchanges, commissaries, non-appropriated fund instrumentalities, and private organizations. This is not intended to preclude normal home enterprises, provided they are compliant with state and local laws.

(19) Advertising addresses/phone numbers of commercial sales activities conducted on post.

(20) Contacting Army personnel by calling a government telephone, faxing to a government fax machine, or e-mailing to a government computer, unless a pre-existing relation (that is, the Army member is a current client or requested the insurance agent contact him) exists between the parties and the Army member has not asked for contact termination.

(21) Soliciting individuals without an appointment. Soliciting door-to-door without appointment.

(22) Possessing allotment forms, direct deposit, or any other form or device used by the Army to direct personnel pay to a third party. This includes using or assisting in using a service member's "MyPay" account or other similar internet medium to establish a direct deposit to purchase insurance or investment products.

(23) Failing to provide DD Form 2885, Personal Commercial Solicitation Evaluation, to Soldiers and a written reminder that free legal advice is available from the OSJA for their use.

(24) Any attempts to violate the Army's Equal Opportunity policies.

6. SUPERSESSON: This policy memorandum supersedes MCoE Policy Memorandum 210-7-1, 18 Aug 14.

IMBE-MWN

SUBJECT: Personal Commercial Solicitation on Fort Benning

7. PROPONENT: Tonjia Denise Williams, DFMWR, at e-mail Tonjia.d.williams.naf@mail.mil, or 706-545-4847.

2 Encls



ERIC J. WESLEY
Major General, USA
Commanding

DISTRIBUTION:

ADMIN L, MCoE BN CDRS, MCoE CSM/SGM, and MCoE DCO/XO Lists

Company or Organization
Letterhead Address
City, State and Zip Code

Date

Commander
Maneuver Center of Excellence
ATTN: IMBE-MWN
7370 Kilgore Street (Building 228)
Fort Benning, Georgia 31905

Dear Sir:

Request permission for the following individual or agent to transact personal commercial solicitation and/or activities on Fort Benning, Georgia.

Name:

Complete Address:

Telephone Numbers: (home, office, cell)

License Information: State Date of License Expiration Date

The agent will complete a personal history statement when he visits your office.

Our company is qualified and licensed to sell our products in the following states: (list all states)

Only the following products and/or services will be offered for purchase on Fort Benning. (List all products/services to include type policies and form numbers.)

The privilege of this individual or company conducting personal commercial solicitation is not currently suspended nor withdrawn by any military department or Armed Forces installation.

The agent/individual and company possess proper and currently valid licenses as required by Army Regulation 210-7. Our company and its agents assume full responsibility for compliance by its agents with the Army regulations/guidance and local regulations published by Fort Benning relative to the sale of goods, services, commodities, and other personal commercial activities/transactions.

Our company agrees to report all separations of agents approved to conduct personal commercial solicitation at Fort Benning.

It is understood that a knowing and willful false statement is punishable by a fine or imprisonment (18 U.S.C. 1001).

Letter must be notarized (Typed name and signature of President or VP of the Company)

(Full name of firm)

FACT SHEET

SUBJECT: Personal Commercial Solicitation, Educational Services, and Prohibited Solicitation Practices

1. **PURPOSE.** To provide commanders/commandants guidance regarding the standards for personal commercial solicitation and educational services.

2. **MAJOR POINTS:**

a. Public Law 109-290, Military Personnel Financial Services Protection Act, 29 Sep 06, required the DoD Inspector General (IG) to study and report on the impact of mandated reforms on the suitability of financial products marketed to service members.

(1) DoD IG Report No. D-2009-056, February 23, 2009 concluded:

(a) Public Law and revised DoD Instruction 1344.07 appeared to be causing a reduction in sales of inappropriate life insurance to service members.

(b) Continuation of inappropriate personal commercial solicitations and sales of life insurance products are occurring off-post.

(c) Report recommended additional consumer awareness education to junior enlisted service members.

(d) State insurance regulators oversee the companies and agents in several ways. Each state has its own insurance regulations and laws and the National Association of Insurance Commissioners (NAIC) coordinates the regulation of multi-state insurers.

(e) Public Law 109-290 mandated that the National Association of Insurance Commissioners develop a Military Sales Practices model regulation establishing standards for commercial solicitation and life insurance products on and off military installations.

(2) The NAIC has a website, http://www.naic.org/consumer_military_insurance.htm, which provides the military community with helpful information. The unit financial counselors may find much of this information useful in fulfilling their responsibilities. The site includes several links to specific topics to include "Deceptive sales practices and Red Flags." There is also a tri-fold brochure on their web site titled: "Life Insurance Information for Military Personnel" that would be helpful information for Soldiers.

b. **The DFMWR Army Community Service Financial Readiness Program** (706-545-7517) has certified financial counselors available to assist in resolving consumer issues with businesses and also offers classes covering a variety of consumer and financial issues. Classes may be scheduled for unit, FRG, or organization at least two weeks in advance.

c. **Life Insurance Solicitation Standards.**

- (1) All insurance business conducted on the installation will be by appointment.
- (2) DoD personnel are expressly prohibited from representing any insurance company or dealing either directly or indirectly with any insurance company as an agent.
- (3) No **Civilian agent** may be designated as the Battalion Insurance Advisor, Unit Insurance Counselor, SGLI Conversion Consultant, or similar titles. Commanders at all echelons, down to and including separate battalions, and organizations or activities of comparable size will designate individuals to serve as unit personal financial counselors. An important aspect of the counselor's responsibilities is to make certain that Soldiers in grades E-1 through E-4 fully understand the business transaction into which they are entering. Army Regulation 210-7, paragraph 2-15, addresses responsibilities in detail.
- (4) Solicitation of Soldiers in the grade of E-1 through E-4 who are **not attending schools for training** is restricted to specified times and locations designated by the installation commander. In accordance with AR 210-7, Chapter 2-15a, Soldiers will report their desire to purchase insurance to their chain of command. Soldiers desiring to purchase insurance will receive counseling by the unit and be required to wait a minimum of 7 days before the unit will process the allotment forms. (See AR 210-7, Chapter 2-15b (4) (g)).

d. **Educational Services.**

- (1) With appropriate disclaimers and at the express request of the installation commander, representatives of and materials provided by credit unions and banks located on military installations to provide educational programs and information may be used.
- (2) Other commercial agents, including representatives of loan, finance, insurance or investment companies, **will not** provide educational programs and information regarding personal financial affairs.

e. **Prohibited Practices by Solicitors** to conduct personal commercial solicitation on Fort Benning are listed in Personal Commercial Solicitation on Fort Benning Policy Memorandum extracted from AR 210-7.

f. **Commercial Sponsorship Program.** IAW AR 215-1, para 11-7, commercial sponsorship of various events by businesses is permitted only for DFMWR programs and events, under the Commercial Sponsorship Program. While permissible to acknowledge sponsorship, sponsorship does not void or abrogate the guidance contained herein. Special concessions or favored treatment are not provided to commercial sponsors.

(1) Commercial Sponsorship Program will be either unsolicited or solicited, but authorized only for Family and MWR programs and events and the NAF component of Army Community Service (AR 608-1), to include Army Family Team Building (AR 608-48) and Army Family Action Plan (AR 608-47), which are closely associated with MWR programs.

(2) The Commercial Sponsorship Program does not include acceptance of volunteer services. Additionally, this program does not include nor refer to those products or services considered gifts or donations. The MWR gifts policy is contained in AR 215-1, Chapter 13.

(3) Military open house programs are primarily Public Affairs Office (PAO) activities and not intended to be part of MWR events. Therefore, military open house programs are not authorized commercial sponsorship. Commercial sponsorship is authorized for MWR events held in conjunction with open house only when specifically approved by the installation PAO.

g. Commanders should coordinate all commercial solicitation and educational service programs with their SJA and DFMWR (CSO and ACS Financial Readiness Coordinator).

AUTHENTICATED BY: ADG
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