

Private Organizations: Common Pitfalls

Issues highlighted in **red**. Governing regulation/guidance below each issue.

- Soliciting monetary donations on the installation

AFI 34-223

10.19.1.3. Private Organizations and unit unofficial activities may accept gifts and donations from outside sources. Unit unofficial activities will not solicit gifts. **(T-1) Private Organizations will not solicit direct monetary gifts or donations (as distinguished from the sale of items of value) on base. (T-2) Off-base solicitations must clearly indicate that they are for a Private Organization and not for the base or any official part of the Air Force. Donor/gift recognition may not be made publicly. (T-1) Oral recognition of the gift or donation can only be made to members of the Private Organization or those present at an event benefiting from the donation/gift.**

- Advertising fundraisers in the workplace with government resources; using duty time to engage in PO business

DAFI 36-3101

5.4.1. 5 CFR 2635.808 also governs Airmen and Guardians engaged in fundraising efforts in their personal capacity, either on behalf of themselves, others, or a non-federal entity. **They may do so long as there is no use of official time, government resources or subordinate government personnel.** (T-0) They may not use their official Department of the Air Force position title, although it may be included on websites, event programs, etc. in a purely biographical context. (T-0) They may use their grade and service as a means of traditional address (e.g., Mr., Ms., Dr.).

- Failing to distinguish between the DoD and POs (e.g. promoting booster clubs at all calls); participating in PO events while on-duty or in uniform; using POs as a work-around

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1.1. Private Organizations are non-Federal entities and are to be treated as such.

10.1. **Private Organizations must prevent the appearance of an official sanction or support by the Department of Defense. (T-0)**

- Incentives for volunteering for a PO, creating fundraisers and promoting

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10.19.1.3.1. Private Organizations and unit unofficial activities are prohibited from actions which might make it appear that the installation is endorsing or giving special treatment to the donors involved. (T-0)

DAFI 36-3101

2.6.3.7. **Commanders and supervisors may not create or support incentive programs (e.g., leave/pass days, the wearing of civilian clothes in lieu of uniform days, drawings for use of**

normally reserved parking spots) that either provide a prohibited incentive or would act to advertise which unit members contributed to the fundraising campaign or event. Limited special events (e.g., Hawaiian shirt day) may be held to increase awareness of the fundraising campaign or event, but all unit members must be free to participate in the event regardless of their contribution status.

- On-installation fundraisers without JA's coordination; advertising a fundraiser before the CC decides whether the fundraiser is permissible

DAFI36-3101

2.7. Military Personnel Flight, Customer Support will review applications for ad hoc fundraising events and forward them to the installation commander for a decision through base Staff Judge Advocate.

- POs requesting DoD endorsement, and POs having supervisors and unit leadership ask for volunteers for PO events

DoD 5500.07-R 3-209.

Endorsement of a non-Federal entity, event, product, service, or enterprise may be neither stated nor implied by DoD or DoD employees in their official capacities and titles, positions, or organization names may not be used to suggest official endorsement or preferential treatment of any non-Federal entity.

DoD 5500.07-R

2-205. Limitation on Solicited Sales. See 5 C.F.R. 3601.106. A DoD employee shall not knowingly solicit or make solicited sales to DoD personnel who are junior in rank, grade or position, or to the family members of such personnel, on or off duty. In the absence of coercion or intimidation, this does not prohibit the sale or lease of a DoD employee's noncommercial personal or real property or commercial sales solicited and made in a retail establishment during off-duty employment. The posting of an advertisement in accordance with Federal building management policies does not constitute solicitation for purposes of this section.

(While this addresses sales, I would argue that having a Flight Chief, Supervisor, etc. repeatedly ask for volunteers for a PO event could create an appearance of coercion to support a non-federal entity.)

- Not listing the standard disclaimer stating that the DoD has no affiliation with the PO or its event—including PO business conducted off-installation

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10.1.2.3. Private Organizations must prominently display the following disclaimer on all print and electronic media mentioning the Private Organization's name confirming that the Private Organization is not part of the Department of Defense: "THIS IS A PRIVATE ORGANIZATION. IT IS NOT A PART OF THE DEPARTMENT OF DEFENSE OR ANY OF ITS COMPONENTS AND IT HAS NO GOVERNMENTAL STATUS."

- Understanding that the JA office must not give legal advice to POs

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Installation legal offices should not provide legal advice to prospective and currently-recognized Private Organizations.

- Listing multiple fundraising events in one request (e.g. events that span a week or more)

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10.10.2. Occasional fundraising is defined as not more than three per calendar quarter. The length of a fundraising event is fact dependent. For example, a community theatre performance might only last a single evening; whereas, cookie and candy sales might last three days over a holiday weekend.

- Fundraising during official fundraising events (i.e. CFC and AFAF)

DAFI 36-301

5.1. Requests for Other Fundraising during Campaigns. Ad hoc fundraising efforts should generally not interfere with, or detract from, the Combined Federal Campaign or Air Force Assistance Fund Campaigns. However, because of the annual timing of the campaign, ad hoc fundraising to support unit holiday parties is allowed during the Combined Federal Campaign. No workplace (desk-to-desk) fundraising or payroll deductions are authorized to support non-federal entities or private organizations other than the Air Force Assistance Fund and Combined Federal Campaigns. Limited workplace (desk-to-desk) fundraising is allowed by unit unofficial activities/social funds.
