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Installations

On-Post Commercial Solicitation

***This regulation supersedes AE Regulation 210-70, 23 November 2009;
and rescinds AE Form 210-70E.**

For the Director:

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Summary. This regulation governs companies and individuals who engage in commercial solicitation on Army installations in Europe.

Summary of Change. This revision rescinds AE Form 210-70E. AE Form 210-70F and AE Form 210-70G will be used in place of AE Form 210-70E.

Applicability. This regulation applies to—

- Companies or individuals engaged in commercial solicitation on Army installations in Europe.
- Members of the civilian component, family members of military and civilian sponsors, and other persons with authorized access to military installations in the European theater. Violations of this regulation may subject offenders to appropriate adverse administrative actions that include but are not limited to disciplinary action, loss of individual logistic support, denial of access to Army installations in Europe, or removal from housing.

Supplementation. Organizations will not supplement this regulation without IMCOM-Europe (IMEU-HMT) approval.

Forms. This regulation prescribes AE Form 210-70A, AE Form 210-70B, AE Form 210-70D, AE Form 210-70F, and AE Form 210-70G. AE and higher level forms are available through the Army in Europe Library and Publishing System at <https://aepubs.army.mil/>.

Suggested Improvements. The proponent of this regulation is IMCOM-Europe (IMEU-HMT, DSN 379-6029). Users may suggest improvements to this regulation by sending DA Form 2028 to IMCOM-Europe (IMEU-HMT), Unit 29055, APO AE 09081-9055.

Distribution. C (AEPUBS).

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Glossary

SECTION I GENERAL

1. PURPOSE

a. This regulation—

(1) Prescribes policy and procedures governing commercial solicitation and the operation of home-based businesses (HBBs) by companies and individuals on Army in Europe installations.

(2) Imposes restrictions on the activities of companies and individuals who engage in commercial solicitation or who operate an HBB on Army in Europe installations.

(3) Prescribes policy and procedures for investigating allegations of misconduct by companies and individuals and, if appropriate, for denying, suspending, or revoking commercial solicitation privileges or authority to operate an HBB on an installation.

(4) Prohibits military personnel and DOD civilian employees of appropriated fund and nonappropriated fund instrumentalities (NAFIs) or other Government agencies from representing any company or individual, or dealing directly or indirectly with any company or individual on an installation, as an agent or in any official or business capacity, with or without compensation.

b. This regulation does not apply to—

(1) Residential and in-home services, such as cleaning services, tutorial services, deliveries of food, milk, and laundry, or related services when authorized by the garrison commander (AE Reg 190-16).

(2) Companies that contract with Army and Air Force Exchange Service, Europe (AAFES-Eur); Defense Commissary Agency (DECA); family and morale, welfare, and recreation (FMWR) activities; or another NAFI to provide goods and services (for example, a contract for copiers or soda machines) (AR 215-4 and AR 215-8).

(3) Family childcare (FCC) providers. For FCC providers on Army installations, see AR 608-10, chapter 6.

(4) The infrequent, nonrecurring sale of goods created or services performed as a hobby. The frequent, recurring sale of goods or services is commercial solicitation and is governed by this regulation.

(5) Private organization (PO) fundraising activities (for example, cookie sales, bakesales, carwashes, auctions) approved by the garrison commander according to AE Regulation 210-22. However, the frequent, recurring sale of goods or services by a commercial enterprise in conjunction with a PO's fundraising activities is commercial solicitation and is governed by this regulation.

(6) The on-post delivery of goods or services where the solicitation and agreement to purchase were performed off the installation, even if the consummation (payment and delivery) of the sale takes place on post.

c. This regulation does not limit a commander's authority to request, through appropriate channels, additional background checks before granting individuals access to an installation. Nor does this regulation limit a commander's authority to deny installation access to any individual whose presence would adversely affect U.S. Forces personnel or their mission.

d. This regulation is not intended to and does not create any entitlements, causes of actions, or defenses (substantive or procedural) enforceable at law by any company or individual.

2. REFERENCES

Appendix A lists references.

3. EXPLANATION OF ABBREVIATIONS AND TERMS

The glossary defines abbreviations and terms.

4. RESPONSIBILITIES

a. The Director, IMCOM-Europe, will serve as the appeal authority on suspensions and revocations of commercial solicitation privileges issued by the IMCOM-Europe Installation Commercial Affairs Officer (ICAO).

b. The Chief of Staff, IMCOM-Europe, through the IMCOM-Europe ICAO, will—

(1) Develop and administer theater-wide policy and procedures governing commercial solicitation on Army installations. All correspondence regarding this regulation will be addressed to IMCOM-Europe (IMEU-HMT), Unit 29055, APO AE 09081-9055.

(2) Process initial and renewal applications for commercial solicitation privileges for insurance agencies and agents, real-estate agencies and agents, and securities brokerages and brokers; approve applications that comply with this regulation; and issue AE Form 210-70G to approved insurance agents or commodities brokers.

(3) Process initial and renewal applications for commercial solicitation privileges for vendors of all other goods or services, approve applications that comply with this regulation, and issue AE Form 210-70F to approved vendors.

(4) Conduct or direct inquiries, according to section VI, when necessary to determine whether a company or an individual's theater-wide commercial solicitation privileges should be suspended or revoked.

(5) Deny, suspend, or revoke a company or individual's theater-wide commercial solicitation privileges when warranted.

(6) Periodically publish a list of companies and individuals whose theater-wide or local commercial solicitation privileges have been denied, suspended or revoked; determine the length of all suspensions; and decide the basis for the denial, suspension, or revocation.

c. Garrison commanders will—

(1) Determine whether commercial solicitation will be permitted on the installation. This decision may not be delegated.

(2) Establish local policy and procedures that, as a minimum, identify when companies and individuals may solicit on the installation, and designate locations on the installation where companies and individuals may conduct interviews or sell goods and services (if commercial solicitation will be permitted). Locations need not be set aside solely for commercial solicitation. Dayrooms, barracks, dormitories, and billets may not be used for commercial solicitation.

(3) Appoint an ICAO. A copy of appointment orders or appointment letters will be sent to the IMCOM-Europe ICAO (b(1) above) each time a new ICAO is appointed.

(4) Approve requests for local commercial solicitation privileges that comply with this regulation and for which IMCOM-Europe has issued AE Form 210-70F or AE Form 210-70G. Requests by insurance agencies and agents may be approved for a period not to exceed 1 year. Requests by all other vendors may be approved for a period not to exceed 2 years.

(5) Establish local policy and procedures regarding the operation of an HBB in Government-owned or -leased quarters.

(6) Approve requests to operate an HBB that comply with this regulation. Requests may be approved for a period not to exceed 2 years.

(7) Inquire or direct an inquiry into alleged violations of commercial solicitation regulations or complaints about companies and individuals (other than AAFES-Eur, FMWR, or other NAFI vendors) engaging in commercial solicitation or operating an HBB on the installation, and inform the IMCOM-Europe ICAO of the results of all inquiries within 10 workdays after completing the inquiry. AAFES-Eur will evaluate complaints concerning AAFES-Eur vendors. The local FMWR or NAFI activity will evaluate complaints concerning FMWR or NAFI vendors.

(8) Deny, suspend, or revoke local commercial solicitation privileges or authority to operate an HBB when warranted. This decision may not be delegated.

(9) Deny installation access to vendors seeking to engage in commercial solicitation if the vendor does not possess a valid AE Form 210-70F, AE Form 210-70G, or local community letter of authorization.

(10) Ensure tenant activities do not designate or announce a Soldier or DOD civilian employee as a “battalion insurance adviser,” “unit insurance counselor,” “Servicemembers’ Group Life Insurance (SGLI) conversion consultant,” or similar quasi-official title.

(11) Ensure information and education programs are available for Soldiers on how to conduct their personal commercial affairs, including subjects such as budgeting, Government benefits, insurance, savings, and the Truth in Lending Act.

(12) Ensure disinterested, third-party counseling is available for Soldiers and DOD civilians on personal commercial affairs; and include subjects such as budgeting, consumer credit transactions, Government benefits, insurance, loans, savings, and the Truth in Lending Act. Army Community Service (ACS) financial readiness counselors may help commanders meet this requirement.

(13) Review the DOD list of agents and companies currently barred, banned, or limited from soliciting on DOD installations, before approving an insurance or financial product agent's request for permission to solicit on their installation. This list can be found at <http://www.commanderspage.dod.mil/portal/page/itc/commanderspage/>.

d. The IMCOM-Europe ICAO (for theater-wide commercial solicitation privileges) or local ICAO (for local commercial solicitation privileges and permission to operate an HBB) will—

(1) Provide or make available a copy of this regulation and any installation policy to applicants seeking commercial solicitation privileges or permission to operate an HBB in Government-owned or -leased quarters.

(2) Determine whether applicants for commercial solicitation privileges or permission to operate an HBB have had commercial solicitation privileges denied, suspended, or revoked by either IMCOM-Europe or the garrison commander. Ensure applicants are not on the theater-wide or local list of individuals barred from entering military installations.

(3) Coordinate all requests for commercial solicitation privileges or permission to operate an HBB with AAFES-Eur (for theater-wide requests) or local Army and Air Force Exchange Service (AAFES), FMWR, or NAFI managers (for installation requests). IMCOM-Europe or the garrison commander may grant commercial solicitation privileges or authorize the operation of an HBB even though the products or services are similar to those sold by AAFES, FMWR, or NAFI activities.

(4) Issue AE Form 210-70F or AE Form 210-70G (for theater-wide solicitation), or local community letter of authorization (for local installation solicitation (app B)), to companies and individuals who comply with this regulation.

(5) Coordinate all requests to operate an HBB in Government-owned or -leased quarters with the supporting housing manager and legal center (local ICAO). When delegated the authority to do so by the garrison or garrison commander, the local ICAO will grant permission to operate an HBB to individuals who comply with this regulation. Particular attention must be given to the legal provisions in the lease governing the specific Government-leased quarters in question to ensure that approving the operation of an HBB does not violate the terms of that lease and expose the Federal Government to financial liability.

(6) Recommend the garrison commander deny, suspend, or revoke commercial solicitation privileges or authority to operate an HBB (local ICAO).

(7) Promptly inform companies or individuals in writing if their commercial solicitation privilege or authority to operate an HBB has been denied, suspended, or revoked.

(8) Promptly inform the IMCOM-Europe ICAO, in writing, when a company's or individual's local commercial solicitation privileges have been denied, suspended, or revoked (local ICAO).

(9) Conduct commercial solicitation evaluations.

(a) The local ICAO will provide every solicitor who receives a local community letter of authorization a copy of DD Form 2885 (as locally modified) found at enclosure 5 of DODI 1344.07. The ICAO will instruct vendors that they must provide these evaluations to every person or family they solicit for the sale of goods or services. The ICAO will also instruct vendors to not request, accept, or offer to take the evaluations to mail them on behalf of the client.

(b) The local ICAO will modify DD Form 2885 by preparing a block on the back of the form (or an attachment to the form) that provides the base, building, room number, and mailing address where clients should send completed evaluations.

(c) Local ICAOs will review all returned forms to ensure compliance with this regulation, and will take all necessary actions if evaluations disclose that a vendor is failing to comply with this regulation or other applicable laws or regulations.

e. Unit commanders will—

(1) Counsel unit personnel (AR 210-7, para 2-15), especially Soldiers in the grades of private through specialist, to make certain they fully understand the business transactions they will enter.

(2) Commanders at all levels down to and including separate battalions and organizations and activities of comparable size and responsibility will designate individuals to serve as unit personal commercial affairs officers (PCAOs). The PCAO may be an officer, a senior noncommissioned officer, or a civilian in the grade of GS-7, C-6, or equivalent; or higher.

f. When possible, PCAOs will—

(1) Be available to counsel all unit personnel on potential purchases of life insurance. Such counseling will include, as a minimum, the points listed in AR 210-7, paragraph 2-15c.

(2) Periodically coordinate with the servicing ACS financial readiness counselor to obtain updated information on counseling materials available concerning budgeting, consumer credit transactions, Government benefits, insurance, loans, savings, and the Truth in Lending Act.

g. Unit and ACS financial readiness counselors will—

(1) Make certain that the member fully understands he or she is entering a business transaction normally intended to cover a long period and usually involving a considerable amount of money.

(2) Review the insurance policy with the member. Make certain the member understands that while his or her life will be insured after the policy becomes effective, if he or she allows the policy to lapse, he or she will not recover more than the cash value at the time the policy lapsed. Be certain the member understands the cash value available to him or her at the stated intervals, if any. Particularly emphasize the relation between the cash values and the premiums paid during the early policy years.

(3) Inform the member that—

(a) The Department of the Army does not favor, sponsor, or endorse any particular agent or company, but that the privilege of solicitation is extended to agents in good standing.

(b) The allotment system is a convenience, and its use is permitted only to provide the member with a ready means of guaranteeing that the insurance protection provided for his or her family members will continue under adverse circumstances resulting from military service.

(c) The purchase of a life insurance contract, which involves the use of the allotment system for payment of premiums on such a contract, is definitely a personal transaction between the individual and the insurance company.

(4) Prepare a memorandum on counseling of personnel in the grades of private through specialist who purchase insurance on or off post and who desire to make premium payments by allotment. A sample memorandum can be seen in AR 210-7, figure 2-1. The counselor will—

(a) Review the policy, amount being purchased, effective dates, monthly premiums, and benefits, including death and guaranteed cash values, and any exclusions or restrictive clauses with the member.

(b) Review the Soldier's insurance currently in force, including SGLI, other types of policies, amounts, and premiums. If the applicant has less than \$20,000 of SGLI, ensure that the provisions of that insurance program have been explained to him or her as stated in DOD 7000.14-R, volume 7A, chapter 47.

(c) Determine the intent of the purchase. If the insurance is replacing an existing policy, advise the Soldier that such an action may not be in his or her best interest. The Soldier should also obtain advice from the company that issued the existing policy and may want to consult with the local staff judge advocate (SJA).

(d) Determine the dependency situation, including marital status, minor children, parents as dependents, and current allotments for dependents.

(e) Verify that the applicant has had provisions of existing benefits for survivors of military personnel explained to him or her. If not, review the provisions on the United States Department of Veteran Affairs website at <http://www.vba.va.gov/survivors/index.htm> with the Soldier and refer the Soldier to an appropriate personnel office for further clarification.

(f) Encourage the Soldier to seek the counsel of the local SJA or a third-party counselor.

(g) On completion of counseling, instruct the Soldier to see the counselor again at least 7 days after the date of the initial counseling. This is a mandatory appointment. If the Soldier returns and still desires to buy the insurance, the unit financial counselor will complete and sign a memorandum jointly with the member (AR 210-7, fig 2-1) and forward it with a completed allotment form to the processing office or battalion or brigade S1 or military personnel detachment (MPD), as appropriate. If a Soldier in grades private through specialist requests an allotment for life insurance purchased and in force for 6 months or more, or purchased before entering on active duty, the 7-day waiting period will not apply. For personnel in grades sergeant and above, there is no mandatory waiting period.

(5) Support commanders in maintaining unit financial readiness by establishing personal financial management readiness training for initial-term Soldiers (specialist and below).

(6) Counsel and educate Soldiers and their Families on consumer affairs; develop a budget and spending plan; evaluate assets and liabilities; and teach financial management and self-sufficiency.

(7) Assist Soldiers and their Families with problems of financial indebtedness.

(8) Assist Soldiers and their Families in handling consumer complaints.

(9) Encourage DOD personnel to seek legal assistance or advice from a disinterested third party before entering a contract for insurance or securities.

h. Installation education officers will—

(1) Advise the ICAO on applications for commercial solicitation privileges regarding correspondence and multimedia-mode courses (for example, Internet, CD-ROM-based).

(2) Coordinate with the servicing legal center to ensure the proposed commercial solicitation does not violate the terms of any existing contracts with institutions approved to offer programs of study on military installations in USEUCOM.

(3) Maintain a list of correspondence schools approved for Department of Veterans Affairs (VA) educational benefits.

(4) Counsel Soldiers regarding the use of the G.I. Bill educational benefit for correspondence courses and certify that adequate counseling has been conducted before processing the Soldier's request to use such benefits.

i. Companies are responsible for the conduct of their agents, employees, and representatives. Companies that—

(1) Request commercial solicitation privileges for their agents, employees, and representatives must follow the procedures in this regulation and any local policy.

(2) Condone violations of this regulation or local policy, or fail to take corrective action regarding violations by company agents, employees, and representatives, may have their commercial solicitation privileges denied, suspended, or revoked.

j. Individuals, including family members, must—

(1) Adhere to this regulation.

(2) Comply with host nation (HN) and local laws regarding business licenses, work permits, and engaging in a trade or business. Individuals may be subject to HN taxes and fees.

k. Consumers will—

(1) Ensure an individual has AE Form 210-70F or AE Form 210-70G and a local letter of authorization before signing an agent or vendor onto the installation, inviting the agent or vendor into the consumer's quarters, or entering into a contract.

(2) Report companies or individuals allegedly engaging in unfair business practices to the IMCOM-Europe or local ICAO.

(3) Complete commercial solicitation evaluations provided by the salesperson or vendor and send them to the office designated by the garrison commander on the back of the evaluation form.

l. Servicing finance officers will ensure a 7-day "cooling-off" (para 9c) period is monitored and enforced by not processing allotment requests or other MyPay transactions for pay grades E4 and below within 7 days after the Soldier signs the initial life insurance application.

SECTION II POLICY

5. GENERAL PROVISIONS

a. Appendixes C and D provide sample letters and statements for commercial solicitation applications. Companies and individuals wishing to—

(1) Sell insurance, securities, or real estate on Army installations must first be approved according to section III.

(2) Sell correspondence or multimedia-mode educational courses and all other goods or services on Army installations must first be approved according to section IV.

(3) Operate an HBB on Army installations must first be approved according to section V.

b. Commercial solicitation on Army installations will be by appointment and in designated locations only. Appointments may be in Government-owned or -leased quarters or in other areas designated by the garrison commander.

c. Vendors who sell goods or services through a display may do so only in a location designated by and at the discretion of the garrison commander.

d. Vendors who sell goods or services individually must have an appointment. During the appointment, the agent will not be permitted to display desk signs or other material indicating his or her name or company affiliation.

e. When scheduling an appointment, vendors must use AE Form 210-70F or AE Form 210-70G and a local letter of authorization to identify themselves to prospective customers.

f. Solicitors and vendors must have a local letter of authorization (app B) to solicit on a specific Army installation. The letter of authorization will include the name of the installation where solicitation is permitted; limitations imposed; the signature, name, grade, and title of approving officer; the date of the authorization; and the date the authorization expires. The expiration date may not exceed 2 years or the expiration date of the AE Form 210-70F or AE Form 210-70G, whichever comes first.

g. AE Form 210-70F, AE Form 210-70G, and letters of authorization are not installation passes. If an individual is not otherwise entitled to enter the installation, the customer must sign the individual onto the installation before the appointment and is responsible for the individual's conduct while on the installation.

h. Solicitors will provide each solicited person or family DD Form 2885 during the initial appointment. Vendors will use the locally modified form that includes the location designated by the local ICAO where the forms should be delivered. Vendors will not request, accept, or offer to take the evaluations to mail or deliver them on behalf of the client. Failure to provide DD Form 2885 to a client is grounds for suspension or revocation of local commercial solicitation privileges; as is soliciting or encouraging the client to not complete or return the evaluation to the installation.

i. Before any action or signature that constitutes a financial commitment to a solicitor, the solicitor will provide the individual or family the following written reminder:

“If you have any questions or concerns about the purchase and financial commitment you are about to make, you may be entitled to free legal advice from the local legal assistance office. This advice will help you understand the terms of the contract or agreement being offered by the sales agent. If you have any questions or concerns, you should contact the local legal assistance office before you sign anything.”

j. AAFES-Eur authorizes companies and individuals to operate a concession or to make direct sales at AAFES-Eur facilities. For an application or information procedures, write to Commander, AAFES-Eur, In der Witz 14-18, 55252 Mainz-Kastel, Germany.

k. Local FMWR and NAFI activities authorize companies and individuals to operate a concession or to make direct sales at FMWR and NAFI facilities. Companies and individuals may obtain an application or information from any FMWR or NAFI activity.

l. Tour operators, travel agencies, and travel agents may operate on Army installations only by contractual agreement with the Sato Travel or Information, Tours, and Travel (ITT) office, as applicable.

m. Vendors who enter into contracts with AAFES-Eur, FMWR, and NAFI activities will not receive separate commercial solicitation privileges for the same goods, products, or services. The IMCOM-Europe or local ICAO, as appropriate, will revoke the authorization of companies and individuals who enter into concessionaire contracts selling goods, products, or services for which they have been issued a vendor's permit according to the provisions of this regulation.

n. No company or individual will imply that approval to conduct commercial solicitation constitutes DOD or DA sponsorship, or endorsement of the company, individual, or goods and services offered for sale.

o. All pertinent installation regulations must be located in a place easily accessible to those conducting and receiving personal commercial solicitation on the installation.

p. Agents or representatives of commercial loan, finance, insurance, or investment companies will not be requested or authorized to perform financial counseling pursuant to an educational program provided by the installation or unit educational office except under conditions described in (1) and (2) below.

(1) Banks and credit unions operating on DOD installations are required to provide financial counseling services as an integral part of their financial services offerings under DOD Directive 1000.11. Representatives of and materials provided by authorized banks and credit unions located on military installations may be used to provide the educational programs and information required by this regulation subject to the following conditions:

(a) If the bank or credit union operating on a DOD installation sells insurance or securities or has any affiliation with a company that sells or markets insurance or other financial products, the garrison commander will consider that company's history of complying with applicable DOD requirements before authorizing the on-base financial institution to provide financial education.

(b) Prospective educators must agree to use appropriate disclaimers in their presentations and on their educational materials. The disclaimers must clearly indicate that they do not endorse or favor any commercial supplier, product, or service, or promote the services of a specific financial institution.

(2) Use of other non-Government, noncommercial organizations to provide financial education programs is limited as follows:

(a) Tax-exempt organizations under section 501, Title 26, United States Code (USC), or any organization providing such a benefit under a contract with the Government may engage in educational programs and provide information regarding the Survivor Benefit Program or other Government benefits.

(b) Educators from non-Government, noncommercial organizations who are experts in personal financial affairs and their materials may, with appropriate disclaimers, provide financial education programs and information if approved by a Presidentially appointed, Senate-confirmed civilian official of the military department concerned. Presentations by approved organizations will be conducted only at the request of the garrison or garrison commander. The following criteria will be used when considering whether to permit a non-Government, noncommercial organization to present an educational program or provide materials on personal financial affairs:

1. The organization must qualify as a tax-exempt organization under 26 USC 501.

2. If the organization has any affiliation with a company that sells or markets insurance or other financial products, the approval authority will consider that company's history of complying with commercial solicitation regulations and requirements.

3. All prospective educators must use appropriate disclaimers in their presentations and on their other educational materials that clearly indicate that they and the DOD do not endorse or favor any commercial supplier, product, or service, or promote the services of a specific financial institution.

q. Solicitors may provide commercial sponsorship to FMWR programs or events according to AR 215-1. Sponsorship may not be used as a means to obtain personal contact information for any participant at these events without written permission from the individual participant. In addition, commercial sponsors may not use sponsorship to advertise products or services not specifically agreed to in the sponsorship agreement.

6. PERMISSIBLE GOODS AND SERVICES

a. Normally, only the sale of goods and services not available from AAFES-Eur, FMWR, or NAFI activities will be authorized. However, commercial solicitation privileges or permission to operate an HBB may be granted even though the products or services offered are similar to those sold by AAFES-Eur, FMWR, or NAFI activities. The IMCOM-Europe or local ICAO will consider, as a minimum, the following:

(1) Availability of the goods or services at AAFES-Eur, FMWR, or NAFI facilities.

(2) Any delays before AAFES-Eur, FMWR, or NAFI facilities can provide the goods or services in question.

(3) Comments received from AAFES-Eur, FMWR, or NAFI managers concerning the goods or services offered for commercial solicitation or provided by an HBB.

b. Life insurance products must comply with all requirements of DODI 1344.07, enclosure E3, paragraph E3.1. Failure of any policy issued in theater to meet those requirements may be a basis for suspension or revocation of an agent's or a company's authorization to solicit on military installations.

c. Securities products must comply with all requirements of DODI 1344.07, enclosure E3, paragraph E3.2. Failure of any security sold in theater to meet those requirements may be a basis for suspension or revocation of an agent's or a company's authorization to solicit on military installations.

7. AUTHORIZED VENDORS

Vendors may be—

a. Companies or individuals and their agents, employees, or representatives properly registered in accordance with U.S. or HN laws.

(1) Military personnel and DOD civilian employees may not directly or indirectly represent, be employed by, or act as an agent for any company on Army installations or in Government-owned or -leased housing. This restriction applies even if the Soldier or DOD civilian employee does not receive compensation. This prohibition does not preclude military personnel and DOD civilian employees from, subject to compliance with appropriate regulations, engaging in outside employment that does not involve representation.

(2) Active duty Soldiers and civilian employees will not under any circumstances solicit Soldiers or civilian employees who are junior in grade.

(3) Employees, representatives, and agents of commercial enterprises must be at least 18 years old.

b. Military personnel, DOD civilian employees, or family members who operate an HBB in Government-owned or -leased housing (sec V). Military and civilian personnel must comply with appropriate regulations governing outside employment.

8. PROHIBITED ACTIVITIES

The following practices are prohibited:

a. Door-to-door solicitation of residents of Government-owned or -leased quarters if the residents have not extended a personal invitation. Vendors are permitted in Government-owned or -leased quarters only at the personal invitation of individual residents. Door-to-door solicitation includes any solicitation without an appointment in—

(1) Areas used for processing or housing transient personnel.

(2) Barracks, dormitories, or unit areas.

(3) Family quarters areas.

(4) Areas provided by the garrison commander for interviews and appointments.

b. Unsolicited contacts made in person or by telephone. This does not prohibit contacting current (not past) customers or responding to requests for customer service.

c. Initiating contact to make appointments with or solicit military and civilian personnel who are on duty.

d. Contacting DOD personnel by calling a Government telephone, faxing to a Government fax machine, or by sending e-mail to a Government computer, unless a relationship (for example, the DOD member is a current client or requested to be contacted) already exists between the parties and the DOD member has not asked for contact to be terminated.

e. Using a title such as “battalion insurance adviser,” “unit insurance counselor,” “SGLI conversion consultant,” or similar quasi-official title.

f. Unauthorized advertising of addresses or telephone numbers used in personal commercial solicitation activities conducted on the installation, or the use of official positions, titles, or organization names for the purpose of personal commercial solicitation, except as authorized in DOD 5500.7-R.

g. Participating in any educational or orientation program or presentation that is sponsored by an Army unit or organization and discusses budgeting, estate planning, Government benefits, insurance, real estate, savings, and the protection and remedies offered to consumers under Regulation Z, Part 226, Title 12, Code of Federal Regulations (CFR), and 15 USC, Chapters 1601 through 1665. This prohibition exists even if invited to participate by a unit or garrison official.

NOTE: The only individuals allowed to give presentations on the topics in subparagraph g above (and then only at the express request of the appropriate commander) are representatives of credit unions or banks, qualified members of the military community (for example, ACS financial assistance, SJA office), and bona fide educators (for example, instructors at accredited universities or colleges).

h. Soliciting personnel in a “mass,” “group,” or “captive” audience.

i. Procuring, trying to procure, or supplying rosters of U.S. Forces personnel.

j. Offering unfair, improper, or deceptive inducements to purchase or trade.

k. Offering rebates to promote transactions or eliminate competition. (Credit union interest refunds to borrowers are not considered prohibited rebates.)

l. Using any oral or written representation to suggest or give the appearance that a DOD agency sponsors or endorses the company or its agents, commodities, goods, or services.

m. Use of official military ID cards or DOD vehicle decals by active duty, retired, or Reserve members of the military services to gain access to DOD installations for the purpose of soliciting. When entering the installation for the purpose of solicitation, solicitors with military ID cards or DOD vehicle decals must present documentation issued by the installation authorizing solicitation. In addition, an individual who has separate commercial solicitation permits (one for insurance or securities and the other as a vendor of other goods or services), must receive the explicit approval of the local garrison commander to solicit in each capacity. An individual cannot use approval to solicit pottery wares, for example, to access the installation and then solicit other products, goods, or services.

n. Procuring, attempting to procure, supplying, or attempting to supply non-public lists of DOD personnel for purposes of commercial solicitation.

- o. Offering pay or gifts of any kind to individuals who promote a particular sale. This does not include advertising material for prospective purchasers (for example, notebooks, pencils, pens, wallets) with a value of \$20 or less.
- p. Coercive or threatening personal conduct (for example, disorderly conduct, abusive language).
- q. Using misleading, manipulative, deceptive, or fraudulent devices, schemes, artifices, advertising, business cards, or sales literature.
- r. Selling goods or services not listed on AE Form 210-70F, AE Form 210-70G, or a local letter of authorization on the installation.
- s. The possession of and any attempt to obtain supplies of direct-deposit forms or any other form or device used by military departments to direct a Soldier's pay to a third party, or possession or use of facsimiles of these items. This includes using or assisting in using a Soldier's MyPay account or other Internet medium for the purpose of establishing a direct deposit for the purchase of insurance or other investment product.
- t. Reproducing, altering, or lending AE Form 210-70F, AE Form 210-70G, or a local letter of authorization.
- u. Soliciting personnel, distributing product literature, or displaying advertising materials at bazaars sponsored by AAFES, FMWR, or a PO unless the company or individual has a signed contract with the bazaar organizer and the company or individual's participation and planned activities have been specifically approved in writing by the garrison commander.
- v. Using military personnel or DOD civilian employees to directly or indirectly represent, be employed by, or act as agents for a commercial enterprise on Army installations. This restriction applies even if the military personnel or DOD civilian employees do not receive compensation.
- w. Employing individuals under the age of 18 as employees, representatives, or agents.
- x. Violating the Truth in Lending Act or failing to incorporate and abide by the Standards of Fairness in AR 210-7, appendix B.
- y. Serving as an agent, employee, or representative for a company that has approved commercial solicitation privileges while also serving as an agent, employee, or representative of a company that has not received approval for commercial solicitation.
- z. Completing a sales transaction without providing the customer DD Form 2885 or a written reminder that the customer is entitled to free legal advice.
- aa. Using an installation daily bulletin, marquee, newsletter, webpage, or other official means to announce the presence of an agent and his or her availability.
- ab. Marketing insurance products as investments.

9. ALLOTMENTS

a. Allotments may be used to pay insurance premiums for commercial life insurance on the allotter's life.

b. Insurance allotments may not be used to—

(1) Pay insurance premiums on other than the allotter's life. This rule does not apply to family group insurance, which provides life insurance (under a single premium) for the Soldier and reduced coverage for the Soldier's spouse and children.

(2) Pay health, accident, or hospitalization insurance (or other contracts or agreements) that includes life insurance on the allotter as a secondary or incidental feature.

(3) Purchase securities when an accredited insurance agency simultaneously sells life insurance and mutual funds or variable annuities. When such combined sales are made, military pay allotments to the insurer may not be used for the purchase of securities.

c. In order to obtain financial counseling for Soldiers in pay grades E4 and below, at least 7 calendar days must elapse between the signing of a life insurance application and the certification of a military pay allotment for any supplemental commercial life insurance. Servicing finance officers are responsible for ensuring this 7-day "cooling-off" period is monitored and enforced. The purchaser's commanding officer may grant a waiver to this requirement for good cause, such as the purchaser's imminent deployment or permanent change of station.

10. ADVERTISING

a. DOD-funded publications, other than commercial enterprise publications, may not carry commercial advertising. DOD-funded publications include newspapers, magazines, and all other publications (for example, unit newsletters, club bulletins) funded with appropriated funds.

b. It is prohibited to distribute, display, or leave advertising materials on installations without written authorization beforehand from the garrison commander or ICAO. Advertising materials include flyers, posters, billboards, car-top advertising boards, product literature, and all similar items.

c. Companies and individuals who advertise their goods or services on Army installations will observe the highest business ethics in describing goods, services, commodities, and the terms of sale (including guarantees, warranties, and related provisions).

(1) Any advertising of credit terms will conform to the Truth in Lending Act, as amended, and as implemented by the Federal Reserve Board, Regulation Z (12 CFR 226). If credit terms are shown in an advertisement, a clear statement of the total cash price and credit, including charges, must be listed. If time payments are shown in an advertisement, the number of payments, the amount of the payments, and the period of the loan also must be listed so the reader easily can compute the cost of the loan in terms of interest and charges.

(2) Any advertising that suggests or implies DOD or DA sponsorship or endorsement of the company, individual, or goods and services offered for sale is prohibited.

(3) Companies and individuals may not mail advertising materials through the military postal service (MPS) even if individuals are otherwise entitled to use the MPS. Soldiers, DOD civilian employees, and their family members may not mail advertising materials for their HBB or employer.

(4) Advertising for securities or investment brokerages will conform to the requirements of the National Association of Securities Dealers (NASD).

d. Distribution of competitive literature or forms by off-post banks or credit unions is prohibited on installations where an authorized on-post bank or credit union exists.

e. This paragraph does not apply to AAFES-Eur, FMWR, or NAFI promotions of their products and services.

11. BAZAARS

a. Insurance and real-estate agencies and agents, and securities brokerages and brokers must have current theater-wide commercial solicitation privileges before they participate in any manner in an installation bazaar.

b. Other vendors may solicit at an installation bazaar conducted by AAFES, FMWR activities, or PO without applying for theater-wide or local commercial solicitation privileges provided the garrison commander or ICAO gives advance, written permission for each company or individual's participation at each bazaar according to applicable Army or local policy.

SECTION III INSURANCE, SECURITIES, AND REAL ESTATE

12. MINIMUM REQUIREMENTS FOR INSURANCE AGENCIES AND SECURITIES BROKERAGES

a. Insurance agencies and securities brokerages may engage in commercial solicitation, including solicitation at a single installation, only after receiving written approval from IMCOM-Europe.

b. An insurance agency must be currently registered by DOD according to DODI 1344.07, enclosure E4, paragraph E4.1.

c. An insurance agency's general agent must agree in writing to take responsibility for all agents working for him or her.

(1) All insurance agencies represented by a general agent must be currently registered by DOD according to DODI 1344.07, enclosure E4, paragraph E4.1.

(2) If a general agent represents more than one insurance agency, the president of each insurance agency must notify IMCOM-Europe in writing that the general agent is permitted to represent the other insurance agency.

(3) When two insurance agencies appoint the same general agent, the general agent may employ only up to 50 agents, regardless of which insurance agency employs the agents.

d. Securities brokerages that wish to sell securities on Army installations may consist only of companies that are NASD member firms.

(1) Each securities brokerage may consist of no more than five NASD member firms.

(2) Each securities brokerage must appoint a registered principal (RP) before requesting commercial solicitation privileges from IMCOM-Europe. The RP must reside in Europe and agree in writing to take responsibility for all registered representatives (RRs) working for him or her.

13. MINIMUM REQUIREMENTS FOR INSURANCE AGENTS AND SECURITIES BROKERS

a. Insurance Agents. Insurance agents applying for commercial solicitation privileges must meet the following minimum requirements:

(1) Have at least 1 year of successful life-insurance underwriting in the United States or its territories no more than 5 years before the date they apply for initial commercial solicitation privileges.

(2) Possess a current U.S. State insurance license. IMCOM-Europe may waive this requirement if the insurance agent has been continuously residing overseas and forfeits eligibility for a State license only because—

(a) The insurance agent does not meet State law or regulations governing domicile requirements.

(b) The insurance agent's employing agency does not meet State law or regulations requiring the agency to be licensed in the agent's licensing State.

(3) All insurance agents, including those who have been continuously residing overseas or who are applying for renewal of commercial solicitation privileges, must meet State licensing requirements if—

(a) They do not have at least 1 year of successful life-insurance underwriting in the United States or its territories no more than 5 years before the date they apply for initial commercial solicitation privileges.

(b) Their commercial solicitation privileges are suspended or revoked.

(c) They leave an insurance agency accredited by DOD to be employed by an insurance agency that is not accredited by DOD.

(4) If any State or jurisdiction has denied, suspended, revoked, or refused to issue or renew an insurance agent's license, the insurance agent must identify that State or jurisdiction in an initial or renewal application for commercial solicitation privileges and provide all correspondence pertaining to the denial, suspension, revocation, or refusal to issue or renew the insurance agent's license with the application.

b. Securities Brokers. RPs and RRs must possess a current NASD registration.

c. Insurance and Securities, Mutual Funds, or Variable Annuities. Insurance agents who also wish to sell securities, mutual funds, or variable annuities must meet all requirements in subparagraphs a and b above.

14. APPLICATION PROCEDURES

a. Applications for Insurance Agencies and NASD Member Firms. The home office of an insurance agency or NASD member firm requesting commercial solicitation privileges on Army installations in Europe must first request that the Director, IMCOM-Europe, accept a designated individual as the European general agent (for insurance agencies) or RP (for NASD member firms) (fig C-1 or fig C-2). The insurance agency's or NASD member firm's president or vice president must sign the letter. The letter must include an address and telephone number for the general agent or RP, a statement that this individual has fiduciary responsibility for conducting the insurance agency's or NASD member firm's business in [identify specific countries], and a statement providing the address where the general agent or RP will reside throughout his or her appointment as general agent or RP.

b. Applications for Insurance Agents. Each general agent may employ up to 50 agents. Agents may not engage in commercial solicitation until they have received written approval to do so from IMCOM-Europe. At least 30 days before employing an agent, the insurance agency general agent must submit the following documentation to IMCOM-Europe:

(1) A notarized letter of responsibility (fig C-3) signed by the agency president or vice president on company letterhead. Only an original ink signature is acceptable.

(2) One copy of AE Form 210-70G. If the agent has not established a European address, the agent will provide the address as soon as possible.

(3) Two current passport-size photographs.

(4) An original and one copy of the agent's current insurance license or a request for waiver of this provision (fig C-9). If the agent submits a perpetual license, he or she must also include a statement from the jurisdiction insurance commissioner attesting to the validity of such a license in that jurisdiction.

(5) A notarized statement verifying 1 year of successful selling experience in the United States or its territories no more than 5 years before the date of the initial application for commercial solicitation privileges (fig C-4). The statement will also acknowledge agreement to provide every customer a DD Form 2558 and a written reminder of available free legal assistance.

(6) A certificate of understanding signed by the agent (fig C-5).

(7) A copy of AE Form 210-70D.

(8) A DOD addition request (fig C-6) signed by the general agent.

(9) An HN tax identification number (for example, a *Steuernummer* in Germany) or a copy of any other required HN tax documents.

(10) From family members of U.S. Forces only, a photocopy of a valid passport with Status of Forces Agreement (SOFA) identification certificate. Family members of U.S. Forces must have a valid SOFA identification certificate in their passports to process their application.

(11) From HN residents only, a current HN ID card (for example, a *Reisepass* or *Personalausweis* in Germany) or current national ID for noncitizens and in addition a copy of the residency permit (for example, an *Aufenthaltstitel* in Germany) if required.

(12) Copies of all other permits or licenses, if any, required by HN law (for example, a *Reisegewerbekarte* in Germany). If local HN authorities (for example, the *Stadtverwaltung* or *Gewerbeamt* in Germany) are required to issue statements of exemption, a copy of this document must be provided. Any permit, license, or statement of exemption must clearly identify the individual, the goods or services sold, and whether the permit, license, or statement of exemption applies only to sales made to U.S. Forces members or their family members.

(13) If provided for by HN law, a statement of good conduct (for example, a *Führungszeugnis* in Germany) dated no more than 90 days before the date of the application.

c. Applications for Securities Brokers. An RR may not engage in commercial solicitation until receiving written approval to do so from IMCOM-Europe. The NASD member firm's RP must submit the following documentation to IMCOM-Europe at least 30 days before employing an RR:

(1) A notarized letter of responsibility (fig C-10) signed by the president or vice president of the NASD member firm on company letterhead. Only an original ink signature is acceptable.

(2) One copy of AE Form 210-70G. If the RR has not established a European address, the RR will provide the address as soon as possible.

(3) Two current passport-size photographs.

(4) The RRs current NASD registration number.

(5) A certificate of understanding (fig C-5) signed by the RR.

(6) One copy of AE Form 210-70D.

(7) An HN tax identification number (for example, a *Steuernummer* in Germany) or a copy of any other required HN tax documents.

(8) From family members of the U.S. Forces only, a photocopy of a valid passport with SOFA identification certificate. Family members of U.S. Forces must have a valid SOFA identification certificate in their passports to process their application.

(9) From HN residents only, a photocopy of the HN ID card (for example, a *Reisepass* or *Personalausweis* in Germany) or of a national ID for noncitizens and in addition of the residency permit (for example, an *Aufenthaltstitel* in Germany) if required.

(10) Copies of all other permits or licenses, if any, required by HN law (for example, a *Reisegewerbekarte*, in Germany). If local HN authorities (for example, the *Stadtverwaltung* or *Gewerbeamt* in Germany) are required to issue statements of exemption, a copy of this document must be provided. Any permit, license, or statement of exemption must clearly identify the individual, the goods or services sold, and whether the permit, license, or statement of exemption applies only to sales made to U.S. Forces members or their family members.

(11) If provided for by HN law, a statement of good conduct (for example, *Führungszeugnis* in Germany) dated no more than 90 days before the date of the application.

d. Applications for Insurance Agents Who Will Also Sell Mutual Funds, Variable Annuities, or Securities, and Applications for Securities Brokers Who Will Also Sell Life Insurance. An agent may not sell both life insurance products and mutual funds, variable annuities, or securities on Army installations until he or she has received written approval from IMCOM-Europe. An insurance agency's general agent or a securities broker's RP who employs an agent to sell life insurance and mutual funds, variable annuities, or securities must submit the following documentation to IMCOM-Europe at least 30 days before employing the agent:

(1) All applicable documents listed in subparagraphs b and c above.

(2) If applicable, the notarized letter of responsibility (fig C-7) from the life-insurance agency that specifically authorizes the agent to sell securities, or the notarized letter of responsibility (fig C-8) from the broker or dealer that specifically authorizes the agent to sell life insurance.

e. Renewals. Agents and RRs may not engage in commercial solicitation after their current privileges expire. At least 20 days before the expiration of an agent's or RR's commercial solicitation privileges, general agents and RPs will submit the following documentation to IMCOM-Europe:

(1) An updated AE Form 210-70G.

(2) One current passport-size photograph.

(3) An original and one copy of an agent's current State insurance license, a copy of the agent's perpetual license, or a request for waiver of the requirement to provide a State insurance license or the RR's current NASD registration number.

f. Applications by Agents or RRs to Transfer Between Agencies and Brokerages. An agent or RR may not engage in commercial solicitation for a different agency or brokerage until receiving written approval to do so from IMCOM-Europe. An agent or RR who changes agencies or brokerages may retain current commercial solicitation privileges only if the losing agency or brokerage provides a letter of release signed by the president, vice president, general agent, or RP.

(1) The letter of release must state the reasons for the agent or RR's release, whether the agent or RR is being released for failure to comply with this regulation, and whether the agent or RR is being released for any act that calls into question his or her integrity, honesty, or business ethics.

(2) The losing agency or brokerage must provide the letter of release to IMCOM-Europe not later than 2 weeks after the date an agent or RR is released. The losing agency or brokerage must also provide a copy of the letter of release to the released agent or RR. Failure to provide the letter of release to IMCOM-Europe or the released agent or RR constitutes a basis for suspending or revoking the losing agency or brokerage's commercial solicitation privileges.

(3) A general agent or RP who wishes to employ an agent or RR currently employed by a different agency or brokerage must submit the following documentation to IMCOM-Europe at least 30 days before employing the agent or RR:

(a) All applicable documents listed in subparagraph e above.

(b) The agent's or RR's current AE Form 210-70G.

(c) A letter of release from the losing insurance agency or brokerage.

NOTE: An agent or RR who transfers to a new agency or brokerage may be required under State law or NASD regulations to obtain a new insurance license or NASD registration number. If so, the agent or RR will not be granted commercial solicitation privileges until he or she provides an original and one copy of the new insurance license or new NASD registration number, as appropriate.

g. Application Review by IMCOM-Europe ICAO. The IMCOM-Europe ICAO will ensure all application materials are in order and support approval of commercial solicitation privileges for agencies and agents. Additionally, the IMCOM-Europe ICAO will ensure the agent's license status and complaint history are checked with the appropriate State or Federal regulators before granting commercial solicitation privileges.

15. REAL-ESTATE AGENCIES AND AGENTS

a. Real-Estate Agencies. Real-estate agencies may engage in commercial solicitation, including solicitation at a single installation, only after receiving written approval from IMCOM-Europe. The home office of a real-estate agency requesting commercial solicitation privileges in the Army in Europe must first request that the Director, IMCOM-Europe, accept a designated individual as the European general agent (fig C-1 or fig C-2). The real-estate agency's president or vice president must sign the letter. The letter must include the general agent's address and telephone number, a statement that this individual has fiduciary responsibility for conducting the real-estate agency's business in [identify specific countries], and a statement providing the address where the general agent will reside throughout his or her appointment as general agent. The request must also include—

(1) A signed and notarized statement on company letterhead that all real-estate sales will comply with 24 CFR, subtitle B, chapter X.

(2) One copy of the company's retail land-sales contracts that will be used during commercial solicitation. All land-sales contracts must be in English and include—

(a) A cancellation clause placed prominently and written in bold print or with other distinctive marking. The cancellation clause must state the following:

The buyer may cancel the contract within 14 days after the date of the contract without penalty or obligation. The contract must be canceled by giving written notice to [insert name and address of the commercial enterprise or self-employed vendor] by mail, telegram, or personal delivery. Mailing the cancellation notice within 14 days meets the conditions of this term.

(b) A clause stating that the company will give the purchaser the deed to the property within 30 days after the purchaser pays the final installment.

(c) On the first page, a bold-printed statement that states the following:

Permission by the Army in Europe for this company to sell property does not constitute any official approval of this property or that the Army in Europe has determined or agrees with the merits or value of the property to be sold.

(3) A signed and notarized statement on company letterhead that neither the real-estate agency nor its agents will require or allow customers to sign waivers of any contract rights, revocation rights, or remedies provided by 24 CFR, subtitle B, chapter X. The statement will acknowledge that requiring or allowing customers to sign any waiver of the rights noted above will cause immediate suspension of commercial solicitation privileges for both the agency and its agents until such time as the agency shows cause why commercial solicitation privileges should be reinstated.

(4) A signed and notarized statement on company letterhead that all prospective customers will be provided a copy of a property report in the format prescribed in the 24 CFR, subtitle B, chapter X, not less than 48 hours before the customer is scheduled to sign the contract.

(5) A signed and notarized statement on company letterhead that neither the real-estate agency nor its agents will display, show to a prospective purchaser, or publish any advertising prohibited by 24 CFR, subtitle B, chapter X, in any media intended to reach or likely to be distributed to U.S. Forces personnel on Army installations in Europe.

b. Agents. Each general agent may employ up to 50 agents. Agents may not engage in commercial solicitation until they have received written approval to do so from IMCOM-Europe. The real-estate agency's general agent must send the documentation required in paragraphs 14c(1) through (11) to IMCOM-Europe at least 30 days before employment of an agent.

c. Renewals. Agents may not engage in commercial solicitation after their commercial solicitation privileges expire. At least 20 days before their privileges expire, general agents will submit the following documentation to IMCOM-Europe:

- (1) An updated AE Form 210-70G.
- (2) One current passport-size photograph.

d. Applications by Agents to Transfer Between Agencies. Agents may not engage in commercial solicitation for a different real-estate agency until they have received written approval to do so from IMCOM-Europe. Agents who change real-estate agencies may retain their current commercial solicitation privileges only if the losing real-estate agency provides a letter of release signed by the agency president, vice president, or general agent.

(1) The letter of release must state the reasons for the agent's release, whether the agent is being released for failure to comply with this regulation, and whether the agent is being released for any act that calls into question the agent's integrity, honesty, or business ethics.

(2) The losing agency must provide the letter of release to IMCOM-Europe within 2 weeks after the date an agent is released. The losing agency must also provide a copy of the letter of release to the released agent. Failure to provide the letter of release to IMCOM-Europe and the released agent constitutes a basis for suspending or revoking the losing agency's commercial solicitation privileges.

(3) A general agent who wishes to employ an agent currently employed by a different real-estate agency must submit the following documentation to IMCOM-Europe at least 30 days before employing the agent:

- (a) All applicable documents listed in subparagraph c above.
- (b) The agent's current AE Form 210-70G.
- (c) A letter of release from the losing real-estate agency.

SECTION IV

CORRESPONDENCE AND MULTIMEDIA-MODE COURSES AND OTHER VENDORS

16. CORRESPONDENCE AND MULTIMEDIA-MODE COURSES

a. Companies (other than educational institutions that have been approved by USEUCOM to offer programs of study on military installations within USEUCOM) and individuals who wish to sell correspondence and multimedia-mode courses on Army installations must comply with AR 210-7, paragraph 2-11.

b. All requests to sell correspondence and multimedia-mode courses will be coordinated with the servicing education services officer. However, the decision to grant or deny commercial solicitation privileges for correspondence and multimedia-mode courses may not be delegated to the education services officer.

c. Installation education centers will not be used for soliciting enrollment in correspondence or multimedia-mode courses. Catalogs or bulletins provided by companies offering correspondence or multimedia-mode courses may be maintained and displayed in installation education centers if—

(1) The school is approved for VA education benefits.

(2) A prominent disclaimer is posted that states DOD and DA do not endorse any particular company or its products.

d. When a Soldier requests the processing of VA forms for the use of education benefits to pay for a correspondence or multimedia-mode course, the education services officer must certify on the forms that the Soldier has been adequately counseled. An education counselor will determine the Soldier's aptitude for the correspondence or multimedia-mode course and the difference in cost between that and any similar courses available at or through the installation education center.

e. Special instructions in appendix E also apply.

17. APPLICATION PROCEDURES FOR VENDORS

a. Applications for Vendors. A vendor may not engage in commercial solicitation until granted written approval to do so from the IMCOM-Europe ICAO. To request this approval, vendors must submit the following:

(1) A notarized letter requesting commercial solicitation privileges (figs D-1 and D-2 for company-employed vendors and fig D-3 for self-employed vendors). The request must be signed either by the company president or vice president on company letterhead or by the self-employed vendor. Only an original ink signature is acceptable.

(2) A completed copy of AE Form 210-70F. If the vendor has not established a European address, the applicant will provide the address as soon as possible.

(3) A certificate of understanding (fig C-5) signed by the company president or vice president or by the self-employed vendor. Only an original ink signature is acceptable.

(4) One copy of any retail or installment contracts that will be used during commercial solicitation. All retail and installment contracts used on Army installations must be in English and must include a cancellation clause placed prominently and written in bold print or other distinctive marking. The cancellation clause must state the following:

The buyer may cancel the contract within 14 days after the date of the contract without penalty or obligation. The contract must be canceled by giving written notice to [insert name and address of the commercial enterprise or self-employed vendor] by mail, telegram, or personal delivery. Mailing the cancellation notice within 14 days meets the conditions of this term.

(5) A catalog or list of goods and services offered by the vendor along with a description of the goods and services, accurate photographs of goods offered for sale, and a price list for all goods and services.

(6) The company and vendor's HN tax identification number (for example, a *Steuernummer* in Germany) and a copy of any other required HN tax documents.

(7) Documentation (for example, a copy from the *Handelsregister* in Germany) to show that the company or self-employed vendor is properly registered, if required, under HN law.

(8) Two current passport-size photographs.

(9) From family members of the U.S. Forces only:

(a) A signed AE Form 210-70A. All other vendors will sign AE Form 210-70B.

(b) A photocopy of a valid passport with a SOFA identification certificate. Family members of U.S. Forces must have a valid SOFA identification certificate in their passports to process their application.

(10) From HN residents only, a photocopy of the HN ID card (for example, a *Reisepass* or *Personalausweis* in Germany) or of the national ID for noncitizens who reside and solicit in the HN and of the residency permit (for example, an *Aufenthaltstitel* in Germany) if required.

(11) Copies of all other permits or licenses, if any, required by HN law (for example, a *Reisegewerbekarte*, or permit to conduct business without a permanent local office, in Germany). If local HN authorities (for example, the *Stadverwaltung* or *Gewerbeamt* in Germany) are required by HN law to issue statements of exemption, a copy of this document must be provided. Any permit, license, or statement of exemption must clearly identify the individual, the goods or services sold, and whether the permit, license, or statement of exemption applies only to sales made to U.S. Forces members or their family members.

(12) If provided for by HN law, a statement of good conduct (for example, a *Führungszeugnis* in Germany) dated within 90 days after the date of the application.

b. Renewals. Vendors, whether employed by a company or self-employed, may not engage in commercial solicitation after their commercial solicitation privileges expire. At least 60 days before their privileges expire, vendors will submit the following documentation to the IMCOM-Europe or local ICAO, as appropriate:

(1) A current copy of all retail and installment contracts that will be used during the vendor's commercial solicitation.

(2) A current catalog or list of goods and services offered by the vendor along with a description of the goods and services, accurate photographs of goods offered for sale, and a price list for all goods and services.

(3) Verification that the company and vendor's HN tax identification number (for example, a *Steuernummer* in Germany) and all other required HN tax documents are still valid.

(4) Verification (for example, a copy from the *Handelsregister* in Germany) that the company or self-employed vendor is still properly registered, if required, under HN law.

(5) An updated AE Form 210-70F.

(6) One current passport-size photograph for each vendor.

(7) From family members of the U.S. Forces only, a photocopy of a valid passport and a photocopy of the SOFA identification certificate.

(8) From HN residents only, a photocopy of the HN ID card and for noncitizens who reside and solicit in the HN in addition a photocopy of the residency permit.

SECTION V HOME-BASED BUSINESSES

18. AUTHORIZED HOME-BASED BUSINESSES

a. Individuals properly residing in Government-owned or -leased quarters may request permission to operate an HBB. Appendix F provides sample letters for HBB application procedures. HBBs may involve the following:

(1) The sale of goods, whether these goods are created as part of the HBB (for example, wreaths, holiday decorations), provided through multilevel marketing (for example, Tupperware, Avon), or purchased and resold by the individual (for example, sports trading cards, Polish pottery).

(2) The provision of services such as accounting and tax services, singing and dancing lessons, tutoring, word processing, and similar services. This regulation does not govern FCC providers; for FCC providers on Army installations, see AR 608-10, chapter 6.

b. Individuals who create and sell goods (for example, holiday decorations) or perform services (for example, a stand-up comedian, auctioneer) on a frequent and recurring basis are operating an HBB and are governed by this regulation. Individuals who infrequently and on a nonrecurring basis sell goods (for example, scrimshaw) or perform services (for example, minor automotive repairs) as a hobby are not operating an HBB and are not governed by this regulation.

c. PO fundraising activities approved by the garrison commander according to AE Regulation 210-22 are not the operation of an HBB. The infrequent, nonrecurring donation of goods or services performed as a hobby to a PO for a fundraiser (for example, resale of goods at a thrift shop, performing at a “bachelor auction”) is not the operation of an HBB. The frequent, recurring sale of goods or services to a PO for fundraising purposes is the operation of an HBB and is governed by this regulation.

d. Individuals who wish to operate an HBB in private quarters that are not Government-leased must comply with the terms of their lease and all HN laws, including local ordinances. Although operating an HBB in private rental quarters is not governed by this regulation, an individual must apply for commercial solicitation privileges before conducting any solicitation (glossary) on Army installations. Soldiers and DOD, DA, and NAFI employees must comply with all other applicable regulations (for example, DOD 5500.7-R, DOD 4525.6-M). In operation of an HBB, any use of U.S. Forces-registered vehicles, tax- and duty-free gasoline, the MPS, or an individual’s Army post office (APO) address to import tax- and duty-free goods or using in an HBB any tax-free merchandise purchased from AAFES, FMWR activities, or commissaries may violate the customs and tax provisions of the SOFA, HN customs and tax laws, and the Uniform Code of Military Justice.

19. APPLICATIONS TO OPERATE A HOME-BASED BUSINESS

Individuals may not operate an HBB in Government-owned or -leased quarters until they have received written approval to do so from the garrison commander. An individual who wishes to operate an HBB must submit, as a minimum, the following documents to the local ICAO at least 30 days before beginning operations:

a. A signed letter requesting permission to operate an HBB in Government-owned or -leased quarters (fig F-1). The individual requesting permission to operate an HBB must be the person who will actually operate the HBB; a family member, for example, may not apply to operate an HBB that will actually be run by another individual. The request must include the proposed name of the business, address, telephone number, type of business, service or goods offered for sale, proposed methods of contacting customers and advertising, and how services will be conducted. Only an original ink signature is acceptable.

b. A signed copy of AE Form 210-70A.

c. If the HBB will offer goods or services for sale on the installation, two current passport-size photographs of the individual who will operate the HBB.

d. The individual’s HN tax identification number (for example, a *Steuernummer* in Germany) and a copy of all other required HN tax documents.

e. Documentation (for example, a copy from the *Handelsregister* in Germany) to show that the individual is properly registered, if required, in the HN.

f. One copy of any retail or installment contracts that will be used during commercial solicitation. All retail and installment contracts used on Army installations must be in English and must include a cancellation clause, placed prominently and written in bold print or other distinctive marking. The cancellation clause must state—

The buyer may cancel the contract within 14 days after the date of the contract without penalty or obligation. The contract must be canceled by giving written notice to [insert name and address of the commercial enterprise or self-employed vendor] by mail, telegram, or personal delivery. Mailing the cancellation notice within 14 days meets the conditions of this term.

g. A catalog or list of goods and services offered by the vendor along with a description of the goods and services, accurate photographs of goods offered for sale, and a price list for all goods and services.

h. From family members of the U.S. Forces only, a photocopy of a valid passport and a photocopy of the SOFA identification certificate. Family members of U.S. Forces must have a valid SOFA identification certificate in their passports to process their application.

i. From HN residents only, a current HN ID card (for example, a *Reisepass* or *Personalausweis* in Germany) and a valid national ID for noncitizens who reside and solicit in the HN and in addition a copy of the residency permit (for example, an *Aufenthaltstitel* in Germany) if required.

NOTE: Dependents of Soldiers or members of the civilian component do not need a residence permit.

j. Copies of all other permits or licenses, if any, required by HN law (for example, a *Reisegewerbekarte*, which is a permit to conduct business without a permanent local office in Germany). If local HN authorities (for example, the *Stadtverwaltung* or *Gewerbeamt* in Germany) are required by HN law to issue statements of exemption, a copy of this document must be provided. Any permit, license, or statement of exemption must clearly identify the individual, the goods or services sold, and whether the permit, license, or statement of exemption applies only to sales made to U.S. Forces members or their family members.

k. A signed statement that no modifications will be made to Government-owned or -leased quarters or an explanation of proposed modifications. If modifications are proposed, the statement must include the following:

(1) An engineering evaluation of the proposed modifications obtained at the individual's expense.

(2) Acknowledgement that the proposed modifications will be completed at the individual's expense.

(3) Acknowledgement that the individual will pay any maintenance costs resulting from the modifications.

(4) Acknowledgement that the individual is responsible for removing the modifications before vacating the quarters.

l. If provided for by HN law, a statement of good conduct (for example, a *Führungszeugnis* in Germany) dated not more than 90 days before the date of the application.

m. Soldiers and DOD, DA, and NAFI employees requesting permission to operate an HBB must include a memorandum from their commander or supervisor authorizing outside employment.

20. ADDITIONAL PROHIBITED ACTIVITIES FOR HOME-BASED BUSINESSES

Individuals may operate an HBB in Government-owned or -leased quarters provided they comply with paragraph 8 and the following additional limitations:

- a. Government-owned or -leased quarters will not be used as a business showroom, warehouse, or storage facility.
- b. No exterior parts of Government-owned or -leased quarters (for example, doors, windows, hallways, exterior walls) will be used to advertise products or services.
- c. The use of U.S. Forces-registered privately owned vehicles (POVs) for HBB activities is prohibited. U.S. Forces-registered POVs will not bear signs advertising HBB goods or services.
- d. The use of tax- and duty-free gasoline, whether purchased with AAFES gas coupons or at AAFES service stations, for HBB activities is prohibited.
- e. The MPS may not be used to send or receive any parcels or correspondence related to the HBB. (This does not preclude customers from receiving goods ordered through an HBB and properly mailed directly to individual customers by a company through either the U.S. or HN postal service.)
- f. Individuals may not purchase goods for demonstration, resale, or for operation of the HBB (for example, ledger books, computers) from AAFES, the AAFES catalog, a commissary, or any other tax- or duty-free sales facility (for example, an installation bowling alley). Individuals may not use AE Form 550-175A to import tax- and duty-free goods for demonstration, resale, or for operation of the HBB. Individuals may not use value-added tax (VAT) deduction forms (for example, the *Abwicklungsschein* in Germany) to purchase goods for demonstration, resale, or for operation of the HBB.
- g. Individuals operating an HBB are liable for all applicable HN individual and business taxes and fees. They may also be liable for U.S. income, social security, and corporate taxes. Individuals operating an HBB must obtain an HN tax number and may be required to obtain a U.S. taxpayer identification number. Individuals operating an HBB are not authorized to receive legal or tax assistance regarding their HBB from military legal offices.
- h. Before leaving Europe, individuals operating an HBB are responsible for ensuring their business activities are reported to HN tax authorities for any tax actions that may be applicable to the operation of the HBB.
- i. Individuals operating an HBB may not use any Government property (for example, computers, fax machines, telephones, supplies, cell phones) for any HBB activities.
- j. Individuals operating an HBB may not use FMWR facilities (for example, craft shops, recreation centers) in support of the HBB.
- k. Individuals operating an HBB may not employ Soldiers or Federal employees as agents, brokers, or salespersons.

21. STRUCTURAL CHANGES TO FAMILY QUARTERS

Structural changes to Government-owned quarters are not authorized to meet the needs of an HBB. The authority to make structural changes to Government- or privately leased quarters depends on the terms of the lease for those quarters. Garrison commanders may, when practical and feasible, allow residents to make minor modifications to Government-owned quarters according to local housing policy. Garrison commanders may not allow residents to make any modifications to Government-leased quarters until the property owner has granted permission in writing for the specific changes to the property. The costs of such modifications and restoration to original condition will be borne by the sponsor.

SECTION VI

DENIAL, SUSPENSION, AND REVOCATION OF PRIVILEGES

22. DENIAL, SUSPENSION, AND REVOCATION OF PRIVILEGES

a. Companies and individuals may not engage in personal commercial solicitation if their request to do so has been denied or if their privileges have been suspended or revoked. Individuals may not operate an HBB in Government-owned or -leased quarters if their request to do so has been denied or if their permission to do so has been suspended or revoked.

b. The garrison commander will deny, suspend, or withdraw the permission of a company and its agents to conduct commercial activities on the base if this action is in the best interests of the command. The grounds for taking these actions include but are not limited to the following:

(1) If it is alleged or suggested that the agent may have violated State insurance licensing requirements. In this case, the garrison commander will request that appropriate State officials determine whether a company or agent violated State law where the individual is registered. This request may be submitted through the IMCOM-Europe ICAO.

(2) If a company or its agents or representatives commit any of the prohibited practices (para 8).

(3) If there are substantiated complaints or adverse reports against a company or its agents or representatives regarding the quality of goods, services, or commodities, and the manner in which they are offered for sale.

(4) Knowing and willful violations by a company or its agents or representatives of Public Law 90-321, Truth in Lending Act (12 CFR 226).

(5) Personal misconduct by a company's agent or representative while on the installation.

(6) Failure of a company or its agents or representatives to incorporate and abide by the Standards of Fairness policy in AR 210-7, appendix B.

c. The garrison commander may determine that circumstances dictate the immediate suspension of solicitation privileges while an investigation is conducted. On suspending solicitation privileges, the commander will promptly inform the agent and the company the agent represents in writing.

d. Commercial solicitation privileges may not be suspended for more than 2 years. A company or individual may, without further action by the IMCOM-Europe or installation ICAO, engage in commercial solicitation or operate an HBB immediately after the suspension expires and up until the original expiration date of the suspension. The company or individual is responsible for verifying the date when the suspension expires with the authority that suspended the privileges.

e. A company or individual whose commercial solicitation privileges or permission to operate an HBB has been revoked must reapply to IMCOM-Europe or the installation, as appropriate.

f. Theater-wide or local commercial solicitation privileges or authorization to operate an HBB may be denied, suspended, or revoked for—

(1) Widespread, repeated, or flagrant violations of paragraph 8 or 20.

(2) Engaging in commercial solicitation or operating an HBB without authorization or while privileges are suspended or revoked.

(3) Providing false information on applications.

(4) Lending or altering solicitation permits or letters of authority.

(5) Soliciting or operating an HBB for anything other than the goods and services approved by IMCOM-Europe or the garrison commander.

(6) Using active duty Soldiers or DOD civilian employees to represent a company or individual in any capacity, officially or unofficially, with or without compensation.

(7) Submitting false, spurious, or malicious complaints regarding a company or vendor.

(8) A preponderance of sufficient and credible evidence that shows the company or individual has engaged in criminal misconduct, whether on or off an installation.

(9) Any other reason specified in DOD Instruction 1344.07, paragraph 6.5, or AR 210-7, paragraph 4-1.

g. A 2-year suspension of commercial solicitation privileges will be imposed for—

(1) Presenting speeches, even if asked to do so by military personnel, on budgeting, estate planning, Government benefits, insurance, savings, or remedies offered to consumers under 12 CFR 226.

(2) Obtaining or attempting to obtain DD Form 2558 (para 9).

(3) Serving as the general agent for an approved insurance or real-estate agency, or RP for an approved securities brokerage, while also serving as the general agent or RP for an agency or brokerage that is not approved to solicit on Army installations.

h. An immediate 30-day suspension of commercial solicitation privileges or authority to operate an HBB may be implemented when—

(1) Military or HN law-enforcement authorities are investigating an allegation of criminal misconduct by the company or individual.

(2) A preliminary investigation has been initiated (para 24) into alleged misconduct by the company or an individual. A suspension may be extended once for an additional 30 days to complete the investigation.

i. Nothing in this section precludes a commander from taking separate administrative actions, such as but not limited to placing a company, individual, or HBB off limits (AE Reg 190-24), barring an individual from all or specific military installations, terminating individual logistic support, or removing an individual from Government-owned or -leased housing.

j. The DCG, USAREUR, may suspend commercial solicitation privileges for all companies and individuals at any time if required by operational necessity.

23. COMPLAINTS

a. Individuals with complaints regarding a company or individual who engages in commercial solicitation may submit complaints to either IMCOM-Europe or the local ICAO. The IMCOM-Europe ICAO will usually forward complaints involving a single installation to the local ICAO for preliminary investigation and appropriate action. The local ICAO will—

(1) Notify the IMCOM-Europe ICAO of all complaints regarding companies and individuals who have theater-wide commercial solicitation privileges and, in coordination with the IMCOM-Europe ICAO, determine which office, if any, should conduct a preliminary investigation.

(2) Immediately forward all complaints regarding securities brokerages and brokers to the IMCOM-Europe ICAO who will forward the complaint to the Boston District of the NASD when appropriate. IMCOM-Europe or a garrison commander may take any appropriate actions while awaiting a decision by the NASD.

b. Individuals may submit complaints regarding the operation of an HBB to the local ICAO.

24. PRELIMINARY INVESTIGATIONS

a. On receiving a complaint or other notice of possible misconduct by a company or individual engaged in commercial solicitation, the IMCOM-Europe ICAO will determine whether a theater-wide preliminary investigation is warranted. If not, the IMCOM-Europe ICAO will notify the appropriate local ICAO of the complaint or misconduct and request that a preliminary investigation be conducted. Within 5 days after receiving notification from the IMCOM-Europe ICAO, the local ICAO will appoint an investigating officer (IO). The local ICAO will notify IMCOM-Europe of the name, grade, unit, and telephone number of the IO.

b. The IO will complete the preliminary investigation within 30 days after being appointed and will—

(1) Document the investigation with sworn statements, documentary evidence, and testimony.

(2) Determine whether the complaint is founded.

(3) Identify all specific violations of this regulation, DOD Instruction 1344.07, or AR 210-7.

(4) Recommend what actions, if any, should be taken to address the findings of the investigation.

c. If the IO recommends suspension or revocation of commercial solicitation privileges, a show-cause hearing must be held (para 25) before the suspension or revocation is approved.

d. After the investigation is complete the ICAO will send the IMCOM-Europe ICAO a copy of the report. The report will include—

- (1) A copy of the letter directing the investigation.
- (2) A copy of the letter appointing the IO.
- (3) DA Form 1574 with sworn statements.
- (4) Local SJA review.
- (5) A list of the garrison commander's actions.

e. On receiving a complaint or other notice of possible misconduct by an individual operating an HBB in Government-owned or -leased quarters, the garrison commander may direct an appropriate inquiry. If the garrison commander determines that suspension or revocation of authority to operate an HBB is appropriate, the individual must be notified of the complaint and afforded an opportunity to respond before the suspension or revocation is approved. An individual operating an HBB is not entitled to a show-cause hearing.

f. If the investigation determines an agent or company does not possess a valid license or the agent, company, or product has failed to meet other State or Federal regulatory requirements, the garrison commander will immediately notify the appropriate regulatory authorities and send a copy of the notification to the IMCOM-Europe ICAO.

25. SHOW-CAUSE HEARINGS

a. Before a company or individual's commercial solicitation privileges are suspended or revoked, a show-cause hearing must be held. On determining that a show-cause hearing is required, the Director, IMCOM-Europe, or garrison commander will appoint a hearing officer within 5 days. If the hearing officer is appointed locally, the ICAO will report the name, grade, unit, and telephone number of the hearing officer to IMCOM-Europe ICAO.

b. The show-cause hearing is an opportunity for the company or individual to present facts in defense, extenuation, or mitigation to show cause as to why the action should not be taken. The show-cause hearing—

- (1) Is administrative and will be conducted using informal procedures according to AR 15-6.
- (2) Will be held within 20 days after the hearing officer is appointed. If the hearing cannot be conducted within these 20 days, the hearing officer must request authority to delay the hearing from the appointing authority. The hearing officer will explain any delays on the record.
- (3) Will be held only after the hearing officer notifies the company or individual concerned of the date, time, and place of the hearing. The notification letter will state the specific allegations made and will be sent by registered mail, return receipt requested. If a company or individual fails to respond to the notification letter or the notification letter is returned unopened, the hearing will be held without the solicitor.

c. The hearing officer will—

- (1) Consult with the supporting legal center for guidance on conducting the show-cause hearing.
- (2) After consulting with the supporting legal center, provide copies or extracts of relevant documents requested by the company or individual to allow them to prepare for the hearing.
- (3) Allow a representative of the company or individual to question available witnesses; present witnesses and evidence in defense, extenuation, or mitigation; and offer a brief written or oral statement explaining why the company's or individual's commercial solicitation privileges should not be suspended or revoked.
- (4) Ensure the preliminary investigation is included in the record of the show-cause hearing.
- (5) Interview witnesses with relevant information, if reasonably available.
- (6) Ensure a summarized record of the show-cause hearing is made.
- (7) Prepare a written report of the hearing within 5 workdays after the hearing. The report will include—
 - (a) A summary of any testimony given during the hearing.
 - (b) A copy of all documents reviewed during the hearing.
 - (c) The hearing officer's findings and recommendations.
 1. The findings must address each allegation as founded or unfounded.
 2. The hearing officer will support each founded allegation with substantial evidence.
- (8) Submit the report to the supporting legal center for review.
- (9) After legal review, submit the report to the commander who appointed the hearing officer.

d. The garrison commander will—

- (1) Make the final decision regarding withdrawal based on the entire record in each case. Commanders will report concerns or complaints involving the quality or suitability of financial products or the marketing methods used to sell these products to the appropriate State and Federal regulatory authorities.
- (2) Report through IMCOM-Europe any suspension or withdrawal of insurance or securities products solicitation privileges to the appropriate State or Federal regulatory authorities.

e. The local ICAO will send a copy of the show-cause report to the IMCOM-Europe ICAO within 30 days after the report is completed and notify the IMCOM-Europe ICAO of the garrison commander's action within 10 days after the action.

f. The garrison commander will inform, through IMCOM-Europe, the Department of the Army of any denial, suspension, withdrawal, or reinstatement of an agent or company's solicitation privileges; and the Department of the Army will inform the Office of the Principal Deputy Under Secretary of Defense (Personnel and Readiness) (PDUSD (P&R)), which will maintain a list of insurance and financial product companies and agents currently barred, banned, or otherwise limited from soliciting on any or all DOD installations. This list may be viewed at <http://www.commanderspage.dod.mil/portal/page/itc/commanderspage/>.

26. APPEALS OF DENIAL, SUSPENSION, OR REVOCATION OF PRIVILEGES

a. Companies and individuals may appeal local denial, suspension, or revocation of personal commercial solicitation privileges to the installation's immediate headquarters.

b. Companies and individuals may appeal theater-wide denial, suspension, or revocation of commercial solicitation privileges to the Director, IMCOM-Europe.

c. For Army installations, individuals may appeal the denial, suspension, or revocation of authority to operate an HBB to the applicable direct-report garrison commander or the Director, IMCOM-Europe, as appropriate.

27. REPORTING COMMERCIAL SOLICITATION ACTIONS

a. The garrison commander will report, through IMCOM-Europe, any of the following actions to the Office of the PDUSD (P&R):

(1) Denial, suspension, or withdrawal of commercial solicitation privileges.

(2) Barment of an agent or company from one or more DOD installations due to misconduct in connection with commercial solicitation privileges.

(3) Reinstatement of commercial solicitation privileges.

b. If warranted, the garrison commander may recommend through IMCOM-Europe to the Department of the Army that the action taken be extended to other DOD installations. The Department of the Army may extend the action to other military installations. The PDUSD (P&R), after consulting with the Department of the Army, may order the action extended to another Service component.

APPENDIX A REFERENCES

SECTION I AGREEMENTS, LAWS, AND PUBLICATIONS

United States Code, Title 15, Sections 1601-1665, Commerce and Trade

United States Code, Title 26, Section 501, Internal Revenue Code

Code of Federal Regulations, Title 12, Part 226, Regulation Z, Truth in Lending

Code of Federal Regulations, Title 24, Subtitle B, Chapter X, Department of Housing and Urban Development (Interstate Land Sales Registration Program)

DODI 1000.11, Financial Institutions on DOD Installations

DODI 1344.07, Personal Commercial Solicitation on DOD Installations

DOD 5500.7-R, Joint Ethics Regulation (JER)

DOD 7000-14-R, Department of Defense Financial Management Regulations (FMRs)

DOD 4525.6-M, Department of Defense Postal Manual

AR 15-6, Procedures for Investigating Officers and Boards of Officers

AR 25-400-2, The Army Records Information Management System (ARIMS)

AR 210-7, Personal Commercial Solicitation on Army Installations

AR 215-1, Military Morale, Welfare, and Recreation Programs and Nonappropriated Fund Instrumentalities

AR 215-4, Nonappropriated Fund Contracting

AR 215-8/Air Force Instruction 34-211(1), Army and Air Force Exchange Service Operations

AR 608-10, Child Development Services

AE Regulation 190-16, Installation-Access Control

AE Regulation 190-24, Armed Forces Disciplinary Control Board, Europe, and Off-Limits Procedures for Firms, Establishments, Organizations, and Areas Within the United States European Command

AE Regulation 210-22, Private Organization and Fundraising Policy

AE Regulation 600-700, Identification Cards and Individual Logistic Support

SECTION II FORMS

DD Form 2558, Authorization to Start, Stop or Change an Allotment

DD Form 2885, Personal Commercial Solicitation Evaluation

DA Form 1574, Report of Proceedings by Investigating Officer/Board of Officers

DA Form 2028, Recommended Changes to Publications and Blank Forms

AE Form 210-70A, Certificate of Understanding for U.S. Forces Family Members to Engage in Commercial Activities

AE Form 210-70B, Statement of Understanding for Solicitation/*Gewerbevereinbarung*

AE Form 210-70D, Statement of Understanding for Life Insurance/Mutual Funds/Securities

AE Form 210-70F, Application for United States Forces, Europe, Commercial Activity Authorization

AE Form 210-70G, Application for U.S. Forces, Europe, Commercial Solicitation Accreditation Life Insurance/Mutual Funds/Variable Products/Securities

AE Form 550-175A, Application for Import/Export Certificate/Purchase Permit

**APPENDIX B
INSTALLATION SOLICITATION AUTHORIZATION FOR VENDORS OF
MISCELLANEOUS ITEMS**

This appendix provides a sample of a garrison commander or designated official letter of authorization.

(Garrison Letterhead)

Office symbol

Date

MEMORANDUM FOR MEMBERS OF THE (COMMUNITY NAME) MILITARY COMMUNITY

SUBJECT: Authorization for Solicitation

1. According to AE Regulation 210-70, permission to solicit on (name of kaserne, installation, room, or housing areas) has been granted to (full name of vendor or registered representative (RR)). (Vendor or RR's name) is accredited by the U.S. Forces in Europe to sell the following products or services:

(Product/service) for (company name) _____.
(Product/service) for (company name) _____.

2. (Vendor's name) is authorized to solicit only during the hours (include time) and only in the areas (list rooms or places).

3. (Vendor's name) will present a copy of his or her passport or another appropriate official picture identification on request.

4. Expiration Date: (Enter expiration date noted on AE Form 210-70F or AE Form 210-70G).

Garrison commander or designated official

Figure B-1. Sample Garrison Commander's or Designated Official's Letter of Authorization

APPENDIX C
SAMPLE LETTERS FOR INSURANCE AND SECURITIES AGENTS OR SELF-EMPLOYED VENDORS

This appendix provides samples of letters designating a European general agent and a registered principal, letters of responsibility, a statement of experience, a certificate of understanding for an agent, a request for waiver, and a format for requesting addition to the DOD accreditation list.

(Company Letterhead)

(Date)

Director
IMCOM-Europe
Zengerstrasse 1
69126 Heidelberg
Germany

SUBJECT: Appointment of a General Agent

Dear (Sir or Madam):

Effective today, I designate (person's name) as the (company name) general agent for Europe. I attest (person's name) is the sole agent with fiduciary responsibility for business conducted in (identify specific countries) by all agents of (company name) in Europe.

The local address and telephone number of the general agent are as follows: (local European address, telephone number).

Sincerely,

(Original signature in ink)
Company president or vice president

(Notary statement, signature, and seal)

CF:
Office of the Deputy Under Secretary of Defense
for Military Community and Family Policy
4000 Defense Pentagon, Room 3A119
Washington, DC 20301-4000

Figure C-1. Sample Letter Designating European General Agent

(Company Letterhead)

(Date)

Director
IMCOM-Europe
Zengerstrasse 1
69126 Heidelberg
Germany

SUBJECT: Appointment of a Registered Principal

Dear (Sir or Madam):

Effective today, I designate (person's name) as the registered principal (RP) for (company name). I attest (person's name) is the RP with fiduciary responsibility for business conducted in (identify specific countries) by all agents of (company name) in Europe.

The local address and telephone number of the RP are as follows: (local European address, telephone number).

Sincerely,

(Original signature in ink)
Company president or vice president

(Notary statement, signature, and seal)

Figure C-2. Sample Letter Designating Registered Principal

(Company Letterhead)

(Date)

Director
IMCOM-Europe
Zengerstrasse 1
69126 Heidelberg
Germany

Dear (Sir or Madam):

Application is made for Army in Europe accreditation for (name of agent) to solicit life insurance for (name of insurance company) on Army installations Europe.

This company assumes responsibility for the agent's activities while the agent conducts company transactions.

This agent will solicit the policies and products of (name of insurance company or companies) and no other company.

The policies and products offered by this company comply with DOD Instruction 1344.07, enclosure 3.

None of the insurance policies offered to Soldiers will include restrictive clauses that limit company liability with respect to war, geographic limitations, or aviation exclusion provisions. If a policy is restricted, the company will indicate applicable restrictions on the face of the policy with a rubber stamp.

Sincerely,

(Original signature in ink)
Company president or vice president

(Notary statement, signature, and seal)

Figure C-3. Sample Notarized Letter of Responsibility for Soliciting Life Insurance Only

STATEMENT OF EXPERIENCE

I, (name of agent, last four numbers of social security number)—

Have successfully sold life insurance for (name and address of company) from (month and year) until (month and year).

Have not been the subject of an investigation regarding my sales practices during the course of my life-insurance sales career, except as noted below:

Agree to provide every customer a DD Form 2558 and a written reminder of available free legal assistance.

(Original signature in ink)
Agent

(Notary statement, signature, and seal)

Figure C-4. Statement of Experience

CERTIFICATE OF UNDERSTANDING FOR AGENT/VENDOR

I have read and understand AR 210-7 and AE Regulation 210-70. I am familiar with and understand the commercial solicitation policy applicable in the Army in Europe and the directives issued by the community commander. I understand that any violation of these regulations could result in withdrawal of the privilege of solicitation for me or the company I represent.

In consideration of the privilege to solicit on military installations in Europe, I agree and pledge to be bound by DOD Instruction 1344.07, AR 210-7 (including the Standards of Fairness), AE Regulation 210-70, and U.S. and local consumer-protection laws. In the case of a conflict between these bodies of law, the one with the provisions more beneficial to the consumer will apply.

Date: _____ Signature of agent/vendor: _____

Figure C-5. Sample Notarized Certificate of Understanding From Life Insurance Agent or Self-Employed Vendor

(Company Letterhead)

(Date)

DOD ADDITION REQUEST

Name: _____
 Last name First name Middle name

Legal residence:

Citizenship:

States in which licensed:

Dates and expiration dates of licenses:

Overseas area where agent will solicit: (cite one of the following, as applicable: Europe, Middle East, North Africa)

Employment report for last 5 years:

Name of employer and inclusive dates and places of 1 year of successful life-insurance underwriting in the United States or its territories:

Request the above-named agent be added to your list of accredited life insurance agents as representing this company.

(Original signature in ink)
European general agent

Figure C-6. Format for DOD Addition Request

(Company Letterhead)

(Date)

Director
IMCOM-Europe
Zengerstrasse 1
69126 Heidelberg
Germany

Dear (Sir or Madam):

Application is made for Army in Europe accreditation for (name of agent) to solicit life-insurance contracts for (name of life-insurance company) on Army installations in Europe.

This company assumes responsibility for the agent's activities while the agent conducts company transactions.

This agent also will solicit for the policies and products of (name of broker or dealer) as well as (name of insurance company or companies) and no other broker, dealer, or insurance company.

This company's policies and products comply with DOD Instruction 1344.07, enclosure 3.

Restrictive clauses that limit company liability with respect to war, geographic limitations, or aviation exclusion provisions are prohibited; however, if a policy has one, the company will clearly indicate applicable restrictions on the face of the policy with a rubber stamp.

Sincerely,

(Original signature in ink)
Company president or vice president

(Notary statement, signature, and seal)

Figure C-7. Sample Notarized Letter of Responsibility From Life Insurance Company to Acknowledge Sale of Securities

(Company Letterhead)

(Date)

Director
IMCOM-Europe
Zengerstrasse 1
69126 Heidelberg
Germany

Dear (Sir or Madam):

Application is made for Army in Europe accreditation for (name of agent), registered representative, to solicit for (name of broker or dealer) on Army installations in Europe.

This company assumes responsibility for the agent's activities while the agent conducts company transactions.

This agent will solicit the policies and products of (name of insurance company or companies) and (name of broker or dealer) and no other company.

The products and services offered by this company comply with National Association of Securities Dealers (NASD) rules and regulations and Securities and Exchange Commission (SEC) filing requirements.

Solicited products and services are limited to items specified by NASD member firm filing status and the individual's approved NASD registration. Only the following products and services will be solicited: (list products to be solicited).

A copy of Form ADV (includes information about a registered investment adviser) filed with the Securities and Exchange Commission is enclosed to support registered investment advisory status.

Sincerely,

(Original signature in ink)
Company president or vice president

Enclosure

(Notary statement, signature, and seal)

Figure C-8. Sample Notarized Letter of Responsibility From Broker or Dealer to Acknowledge Sale of Life Insurance

(Company Letterhead)

(Date)

REQUEST FOR WAIVER

Request a waiver of the requirement that a State license be granted (agent's name) under the provisions in DOD Instruction 1344.07, enclosure 4, paragraph E4.3.

(Agent's name) has been continuously residing in and successfully soliciting life insurance for foreign areas. (Agent's name), through no fault of (his or her) own, has forfeited eligibility for a State license because of the (State's name) State law (or regulation) governing residence or domicile requirements, or the requirement that the agent's company be licensed to do business in that State.

Enclosed is a copy of the old license on file at the Personal Commercial Affairs Office, IMCOM-Europe (IMEU-HMT).

(Original signature in ink)
Company president or vice president

(Notary statement, signature, and seal)

Figure C-9. Sample Request for Waiver of State Insurance License

(Company Letterhead)

(Date)

Director
IMCOM-Europe
Zengerstrasse 1
69126 Heidelberg
Germany

Dear (Sir or Madam):

Application is made for Army in Europe accreditation for (name of agent), registered representative, to solicit for (name of broker or dealer) on Army installations in Europe.

This company assumes responsibility for the agent's activities while the agent conducts company transactions.

This agent will solicit for the policies and products of (name of broker or dealer) and no other broker or dealer.

The products and services offered by this company comply with National Association of Securities Dealers (NASD) rules and regulations and Securities and Exchange Commission filing requirements.

Solicited products and services are limited to items specified by NASD member firm filing status and the individual's approved NASD registrations. Only the following products and services will be solicited: (list products to be solicited).

Sincerely,

(Original signature in ink)
Company president or vice president

Enclosure

(Notary statement, signature, and seal)

Figure C-10. Sample Notarized Letter of Responsibility From Broker or Dealer to Solicit Securities Only

APPENDIX D
SAMPLE LETTERS FOR COMPANY AND VENDOR ACCREDITATION

(Company Letterhead)

(Date)

Director
IMCOM-Europe
Zengerstrasse 1
69126 Heidelberg
Germany

Dear (Sir or Madam):

(Name of company) currently has no vendor who possesses solicitation privileges issued by your headquarters. This letter introduces authorized vendors of this company and requests that these vendors be assisted in whatever manner necessary to obtain authorization to solicit using AE Form 210-70F. This company will notify your headquarters in writing of any change in status of the individuals listed below who may be hired or transferred to solicit in your command area. The following is a list of the names and addresses of the officers of (name of company):

President or owner:

Vice president:

(Name) is the (name of company's) European manager and is the only person authorized to act for (name of company) in all matters. The European manager has the authority to hire and dismiss employees and will immediately notify your office in writing of any change in status of vendor employees. The address and main office of (name of company) is indicated above. This company will notify your headquarters in writing of a name or address change.

I assume full financial responsibility for my representations and activities in soliciting USEUCOM military personnel, civilian personnel, and their family members. (Name of company) assumes full financial responsibility to injured parties for any loss or damage that our vendors cause USEUCOM personnel by fraud, deception, or failure to account for deposits and other monies or property received. This company is also responsible for contracts of its vendors while engaged in business for this company. All acts, representations, and contracts bind this company and its vendors.

This responsibility will be applicable until a written notice of termination of employment is filed and the vendor's AE Form 210-70F is returned to IMCOM-Europe (IMEU-HMT), Unit 29055, APO AE 09081-9055.

Figure D-1. Sample Request for Company Accreditation

The undersigned will personally ensure company vendors are properly registered with the appropriate agencies of the foreign government and are legally authorized to solicit in Europe. A copy of the contracts used by vendors of (name of company) is enclosed for your approval. Contracts used will correspond exactly to the enclosed examples.

I understand that failure to carry out the above requirements may cause (name of company) and its vendors' solicitation privileges to be permanently revoked. By signing here, I affirm these statements are true and correct to the best of my knowledge.

Sincerely,

(Original signature in ink)
Company president or owner

Enclosure

(Notary statement, signature, and seal)

Figure D-1. Sample Request for Company Accreditation (Continued)

(Company Letterhead)

(Date)

Director
IMCOM-Europe
Zengerstrasse 1
69126 Heidelberg
Germany

Dear (Sir or Madam):

Reference our letter of (date).

This is to introduce (name), who is an authorized vendor of this company but does not have solicitation privileges. I ask that you assist this agent in whatever manner necessary to obtain authorization and AE Form 210-70F to sell (indicate commodity or service) to USEUCOM personnel.

I assure you this vendor is properly registered with the appropriate agencies of the local government and is legally authorized to solicit in (country).

Sincerely,

(Original signature in ink)
Company president or owner

(Notary statement, signature, and seal)

Figure D-2. Sample Company Introduction Letter for Vendor

(Company Letterhead)

(Date)

Director
IMCOM-Europe
Zengerstrasse 1
69126 Heidelberg
Germany

Dear (Sir or Madam):

I am providing this statement of assurance and my AE Form 210-70F to sell (indicate commodity or service).

I assume full financial responsibility for my representations and activities concerning U.S. military or civilian personnel and their family members while I solicit. I assume full financial responsibility for any loss or damage that I, in my dealings with U.S. military and civilian personnel or their family members, cause them by fraud, deception, or failure to account for deposits and other moneys or property received. This responsibility will apply to such activities in which I engage during the clearance period. My responsibility will end only after I return my AE Form 210-70F to IMCOM-Europe (IMEU-HMT), Unit 29055, APO AE 09081-9055.

I will immediately notify your headquarters in writing of changes in my name, address, or the goods or services I sell. I understand that failure to notify you of these changes may cause my solicitation privileges to be permanently revoked.

By signing here, I affirm these statements are true and correct to the best of my knowledge.

Sincerely,

(Original signature in ink)
Self-employed person

(Notary statement, signature, and seal)

Figure D-3. Sample Request for Self-Employed Applicant

**APPENDIX E
SPECIAL INSTRUCTIONS REGARDING CORRESPONDENCE AND MULTIMEDIA-MODE
COURSES SOLICITATION**

E-1. PURPOSE

This appendix prescribes policy and procedures governing the sale of correspondence and multimedia-mode courses on Army installations in Europe.

E-2. POLICY

Correspondence and multimedia-mode course contracts will not be signed until a member of the local Army education center has counseled the purchaser and completed the statement below.

STATEMENT

I was counseled on this date by the below-named member of the (name of Army education center) concerning the (name of course) being offered to me by (name of solicitor), representing (name of company).

Typed name and signature of Army education center member and date

Typed name and signature of customer and date

Figure E-1. Statement for Correspondence Course Contracts

E-3. PROCEDURES

a. Representatives of accredited correspondence or multimedia-mode schools will include the statement (fig E-1) in course contracts offered to Army personnel in Europe. The prospective customer and a member of the local Army education center will sign the statement before the customer signs the proposed contract.

b. If the statement (fig E-1) is not included in a course contract negotiated after the effective date of this regulation, the contract will be considered void.

c. Correspondence and multimedia-mode course solicitors who fail to include the statement (fig E-1) in their contract may lose their solicitation privileges.

APPENDIX F
SAMPLE LETTERS FOR HOME-BASED BUSINESSES

MEMORANDUM THRU Installation Commercial Affairs Officer, USAG _____

FOR Commander, USAG _____

SUBJECT: Request to Operate a Home-Based Business (HBB)

1. I request authorization to operate an HBB in my quarters. The following information is provided:

Type of business (service or product) _____

Name of business _____

Home telephone number _____

Address and location of quarters _____

2. Enclosures:

- a. Business plan.
- b. Host-nation tax number or letter of exemption (at the time of approval).
- c. Photocopy of Status of Forces Agreement (SOFA) identification certificate.
- d. AE Form 210-70A.

4 Encls

Signature block and signature

Figure F-1. Sample Letter to Request to Operate a Home-Based Business

(Installation Letterhead)

Office symbol

Date

MEMORANDUM FOR Manager, Army and Air Force Exchange Service (AAFES),
_____.

SUBJECT: Coordination Request for a Home-Based Business (HBB)

1. Mr./Mrs. _____ is requesting to operate an HBB in his or her quarters at _____ to provide (list the service or product).
2. AE Regulation 210-70 requires prior coordination with AAFES.
3. Enclosed is the application, business plan, catalogs, and brochures or pictures with prices or estimated prices.
4. Please return the enclosures with your answer.
5. The POC is _____ at telephone _____.

4 Encls

Installation Commercial Affairs Officer signature

Figure F-2. Sample Letter for Local AAFES Coordination for a Home-Based Business

(Installation Letterhead)

Office symbol

Date

MEMORANDUM FOR Manager, Director, Community Activities (FMWR),

SUBJECT: Coordination Request for a Home-Based Business (HBB)

1. Mr./Mrs. _____ is requesting to operate an HBB in his or her quarters at _____ to provide (list the service or product).
2. AE Regulation 210-70 requires prior coordination with FMWR activities.
3. Enclosed is the application, business plan, catalogs, and brochures or pictures with prices or estimated prices.
4. Please return the enclosures with your answer.
5. The POC is _____ at telephone _____.

4 Encls

Installation Commercial Affairs Officer signature

Figure F-3. Sample Letter for Director of Community Activities/FMWR Coordination for a Home-Based Business

(Installation Letterhead)

Office symbol

Date

MEMORANDUM FOR Manager, Housing Office, _____

SUBJECT: Home-Based Business (HBB)

1. Reference AE Supplement 1 to AR 420-1, Army Facilities Management, paragraph 3-17a.
2. Mr./Mrs. _____ is requesting to operate an HBB in his/her quarters at _____ to provide (list service or product).
3. Enclosed is the application and business plan.
4. In considering approval of the above HBB, please verify that the following conditions are met:
 - a. The business will not create noise, parking, or other neighborhood problems.
 - b. The business will not infringe on other tenants' rights.
 - c. There will not be excessive use of Government resources (for example, electricity, water).
5. Please return the enclosures with your answer.
6. The POC is _____ at telephone _____.

2 Encls

Installation Commercial Affairs Officer signature

Figure F-4. Sample Letter for Housing Manager Concurrence for a Home-Based Business

(Installation Letterhead)

Office symbol

Date

MEMORANDUM FOR Staff Judge Advocate, _____

SUBJECT: Request Opinion for a Home-Based Business (HBB)

1. Reference AE Regulation 210-70, On-Post Commercial Solicitation.
2. Mr./Mrs. _____ is requesting to operate an HBB in his/her quarters at _____
_____ to provide (list service or product).
3. Enclosed is the application, business plan, catalogs and brochures, or pictures with prices or estimated prices.
4. In considering approval of the enclosed HBB application, please provide an opinion as to whether or not the business will comply with current regulations, Status of Forces Agreement (SOFA), and host-nation laws.
5. Please return the enclosures with your answer.
6. The POC is _____ at telephone _____.

Encl

Installation Commercial Affairs Officer signature

Figure F-5. Sample Letter for SJA Opinion Request for a Home-Based Business

(Garrison Letterhead)

Office symbol

Date

MEMORANDUM FOR Mr./Mrs. (Name and civilian address)

SUBJECT: Approval of Home-Based Business (HBB) Application

1. Reference AE Regulation 210-70, On-Post Commercial Solicitation.
2. Approval is granted to Mr./Mrs. _____, a valid ID cardholder, to operate an HBB to (list service or product) in his/her quarters located at _____.
3. The enclosed copy of AE Form 210-70A bearing your signature certifies you understand all the requirements necessary to engage in commercial activities. Failure to comply with any of the directives will result in a loss of your privileges to conduct business on this installation. In addition, you are advised that you may not use your U.S. Forces-registered privately owned vehicle, tax-free fuel, any items purchased from Army and Air Force Exchange Service (AAFES) stores, AAFES catalog, the commissary, or products purchased tax free or imported duty free through the Army post office (APO) or by any other means in support of this business. The use of such tax-exempt facilities, products, or conveniences constitutes a violation of German customs and tax laws.
4. The posting or distribution of flyers must be coordinated with the United States Army garrison commander or a designated official. Posting or distributing flyers in Government housing must be approved by each building and stairwell coordinator. You may advertise your enterprise in the Stars and Stripes and local military community papers and magazines.
5. This authorization expires 1 year after the date of this memorandum.
6. The POC is _____.

Encl

Garrison commander
or designated official's signature

Figure F-6. Garrison Commander's or Designated Official's Approval Letter for a Home-Based Business

(Garrison Letterhead)

Office symbol

Date

MEMORANDUM FOR Mr./Mrs. (Name and civilian address)

SUBJECT: Disapproval of a Home-Based Business (HBB) Application

1. Reference AE Regulation 210-70, On-Post Commercial Solicitation.
2. Your application to operate an HBB (list service or product) is not approved for the following reasons:
 - a.
 - b.
3. The POC is _____, telephone _____.

Garrison commander or
designated official's signature

Figure F-7. Garrison Commander's or Designated Official's Disapproval Letter for a Home-Based Business

GLOSSARY

SECTION I ABBREVIATIONS

AAFES	Army and Air Force Exchange Service
AAFES-Eur	Army and Air Force Exchange Service, Europe
ACS	Army Community Service
AE	Army in Europe
APO	Army post office
AR	Army regulation
CD-ROM	compact disk, read-only memory
CF	copy furnished
CFR	(U.S.) Code of Federal Regulations
DA	Department of the Army
DCG, USAREUR	Deputy Commanding General, United States Army Europe
DD	Department of Defense
DECA	Defense Commissary Agency
DOD	Department of Defense
DODI	Department of Defense instruction
FCC	family childcare
FMWR	family and morale, welfare, and recreation
HBB	home-based business
HN	host nation
ICAO	installation commercial affairs officer
ID	identification
IMCOM-Europe	United States Army Installation Management Command, Europe Region
IO	investigating officer
ITT	Information, Tours, and Travel
MPD	military personnel detachment
MPS	Military Postal Service
NAFI	nonappropriated fund instrumentality
NASD	National Association of Securities Dealers
NATO	North Atlantic Treaty Organization
PCAO	personal commercial affairs officer
PDUSD (P&R)	Principal Deputy Under Secretary of Defense (Personnel and Readiness)
PO	private organization
POC	point of contact
POV	privately owned vehicle
RP	registered principal
RR	registered representative
SEC	Securities and Exchange Commission
SGLI	Servicemembers' Group Life Insurance
SJA	staff judge advocate
SOFA	Status of Forces Agreement
U.S.	United States
USAFE	United States Air Forces in Europe
USAREUR	United States Army Europe
USC	United States Code

USEUCOM	United States European Command
VA	Department of Veterans Affairs
VAT	value-added tax

SECTION II TERMS

Abwicklungsschein

The form required for requesting value-added tax (VAT) relief in Germany.

agent

Anyone who solicits the ordering or purchasing of goods, services, or commodities in exchange for money. In this regulation, “agent” primarily refers to an individual who sells insurance or real estate, but it may include any individual who is appointed, in accordance with applicable law, as an agent of a company or individual.

Army and Air Force Exchange Service (AAFES) vendor

A person who contracts directly with AAFES to sell goods or services.

Aufenthaltstitel

Residence permit for foreigners in Germany.

commercial enterprise publications

A publication (for example, guide, installation map, newspaper) authorized by a DOD component or subordinate command but prepared and published under a contract with a commercial publisher. These publications may include advertising sold by the commercial publisher, because this right to sell advertising constitutes the contractual consideration paid by the authorizing DOD component. Commercial enterprise publications become the property of the command, installation, or intended recipient on delivery.

commercial solicitation

Conducting any private business, including the offering and sale of insurance, goods, services, and commodities, on a military installation. Solicitation includes all transactions, whether initiated by the seller or the buyer, as well as the mere attempt to conduct business. This includes but is not limited to advertising, telephoning, or initiating a conversation to arrange an appointment; distributing business cards; asking personnel whether they are interested in reviewing their personal finances or their military benefits; explaining investments or insurance in general terms with the intent of generating a request for an appointment; or delivering a contract or investment documents.

NOTE 1: Infrequent, nonrecurring sales of personal goods (for example, a spring sale, a permanent change of station sale, the sale of one’s privately owned vehicle) are not commercial solicitation. However, frequent and recurring activities (for example, making monthly trips to an outlet store and reselling that property at a purported “yard sale,” purchasing and reselling automobiles) constitute commercial solicitation.

NOTE 2: Services normally performed by minors (for example, babysitting, pet-sitting) are not commercial solicitation; however, when an adult routinely and frequently performs these services (for example, serving as a nanny or tutor), the service constitutes commercial solicitation.

NOTE 3: Companies or individuals who contract with private organizations (for example, parent-teacher-student associations) to provide goods and services (for example, high-school rings, prom photographs, yearbooks) are governed by this regulation. For the Army in Europe, companies or individuals who provide goods or services as part of fundraising by a private organization (for example, art auctioneers) are governed by AE Regulation 210-22 and related Army regulations.

company

A commercial enterprise, agency, brokerage, firm, partnership, sole proprietorship, association, corporation, or any other commercial organization operating for profit.

Einkommensteuer

German income tax.

family and morale, welfare, and recreation (FMWR) vendor

A company or individual who contracts directly with a family and morale, welfare, and recreation (FMWR) activity to sell goods or services.

family members

A military or civilian sponsor's lawful spouse, legitimate children, legitimate stepchildren, illegitimate children, illegitimate stepchildren, adopted children, parents, parents-in-law, adoptive parents, adoptive parents-in-law, children over 21 years old who are mentally or physically incapacitated and whose incapacitation began before their 21st birthday, and unmarried children who are attending an accredited institution of higher learning on a full-time basis until they are 23 years old.

Finanzamt

Local German finance office.

Führungszeugnis

Police Good Conduct Certificate.

general agent

A person who has a legal contract to represent a company solely and exclusively and who is specifically designated by a company as solely responsible for managing the business of that company in an overseas area.

Gewerbeamt

Local German trade office.

Gewerbesteuer

German business or trade tax.

Handelsregister

German Trade Register.

Handwerkskammer

Local German chamber of handicrafts.

hobby

A pursuit outside of one's regular occupation engaged in especially for relaxation.

home-based business (HBB)

Any private business conducted out of the home for profit. An HBB includes businesses where the services are performed or goods are sold outside of the home (for example, an artist who paints at home but sells paintings, by appointment, at the customer's home; a tutor who operates at the customer's home but maintains business records at home). An HBB also includes any business that arranges personal demonstrations of goods (for example, lingerie, cookware), advises potential customers on the use of those goods, and solicits individual orders at social gatherings, even if orders are mailed directly from a wholesaler to the customers. An HBB also includes activities normally performed as a hobby if an individual, on a frequent and recurring basis, sells the goods produced or performs services for profit.

installation

Any post, base, station, depot, hospital, kaserne, Government-owned or -leased housing facility, troop billet, nonappropriated fund facility, United States Army Reserve training school, Department of Defense Dependents School, or other facility allotted to exclusive Army in Europe use or control.

garrison commander

For the purposes of this regulation, the commander with responsibility for the post, base, station, depot, hospital, kaserne, Government-owned or -leased housing, troop billets, nonappropriated fund facilities, United States Army Reserve training schools, Department of Defense Dependents Schools, or other facilities in question.

National Association of Securities Dealers

A voluntary association of "over-the-counter" securities brokers and dealers.

National Association of Securities Dealers (NASD) member

A securities broker or dealer with membership in the NASD or any officer, partner, or executive representative as defined by NASD bylaws.

nonappropriated fund instrumentality (NAFI) vendor

A vendor who contracts directly with a NAFI to sell goods or services.

Personalausweis

German ID card.

personal commercial solicitation

Personal contact, including meetings, meals, and telecommunications contact, for the purpose of seeking private business or trade.

registered principal

A person who is associated with a member of the National Association of Securities Dealers (NASD) and who manages the NASD member's business. Management includes supervising, soliciting, conducting business, or training persons associated with the NASD member for any of these functions. Registered principals may include sole proprietors, partners, managers, directors, and officers of corporations.

registered representative

Any person who is associated with a member of the National Association of Securities Dealers and who is qualified to engage in the securities business, either as a principal or as a representative.

Reisegewerbekarte

Itinerant trade license.

Reisepass

German passport.

Stadtverwaltung

Local German municipality or city government, or town administration.

Steuerberater

German tax accountant or tax adviser.

Steuernummer

Tax number in Germany.

Steuerkarte

Tax card in Germany showing taxes and social security contributions paid by an employee in a particular year.

successful life-insurance underwriting

One continuous year in which an individual earns at least 50 percent of his or her annual income through the sale of life insurance.

Umsatzsteuer or Mehrwertsteuer

Turnover or sales tax or valued-added tax in Germany.

unfavorable information

Any credible information that may, to a reasonable person, give an unfavorable impression of a company's or individual's character, integrity, trustworthiness, reliability, professionalism, or compliance with ethical business practices. This includes but is not limited to reports on prior sanctions, warnings, suspensions, reprimands, or other actions administered by a Government agency or Better Business Bureau as a result of an inquiry into alleged illegal, improper, or unprofessional business practices by the company or individual.

U.S. Forces personnel

- U.S. Army commissioned officers, warrant officers, enlisted personnel on active duty, and their family members.
- Appropriated and nonappropriated-fund civilian employees employed by DOD or the Army in Europe, contractor personnel authorized individual logistic support (AE Reg 600-700), and their family members.

NOTE: Employees who are stateless persons (not citizens of any country), nationals of any state that is not a party to NATO, German nationals, and persons ordinarily resident in Germany are not considered to be U.S. Forces personnel.

vendor

An individual, whether an employee or self-employed, who offers goods or services for sale, whether at a designated location (for example, a massage therapist offering services at a gym, an insurance agent offering information at a location designated by the garrison commander) or by appointment (for example, an encyclopedia sales representative, securities broker). "Vendor" should be construed broadly throughout this regulation and, unless otherwise noted, includes the terms "solicitor" (a term used in previous versions of this regulation), "securities broker" (vendor who sells only securities), and "agent" (vendor who sells insurance or real estate).