



UNITED STATES MARINE CORPS
MARINE CORPS BASE
QUANTICO, VIRGINIA 22134-5001

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MARINE CORPS BASE ORDER 5760.1A

From: Commander

To: Distribution List

Subj: SOLICITATION AND CONDUCT OF PERSONAL COMMERCIAL AFFAIRS

Ref: (a) SECNAVINST 1740.2E

(b) DoDI 1344.07

- Encl: (1) Additional Guidelines for Salesmen of Life Insurance, Mutual Funds, or Securities
(2) Additional Guidelines for Salesmen of Services or Goods to Private Organizations, Private Groups, or Individuals
(3) Authorization to Conduct Private Home Enterprises by Military Personnel and Their Dependents

1. Purpose. To update policies and procedures on personal commercial solicitation and the conduct of commercial enterprises aboard the Command. This Order supplements reference (a) and reference (b).

2. Cancellation. MCBO 5760.1.

3. Information

a. Policy. Solicitation, whether by service members or private organizations, invades individual privacy and interferes with the normal operation of official business. Because essential merchandise and services are available within the local economy, unauthorized solicitations by individuals or organizations aboard Marine Corps Base, Quantico (MCBQ) are prohibited.

b. Solicitation by Private Organizations. Solicitation and operation of commercial enterprises by private organizations are governed by this Order as well as the general provisions of reference (a). Department of Defense (DoD) civilian and military personnel or their dependents contemplating either the operation of a private enterprise, or who plan to solicit products on behalf of a private organization, must follow the dictates of this paragraph as well as the guidelines established in subparagraphs 3c and 3d below.

(1) Qualifications for Solicitation. Only the Base Commander may authorize a person or organization to solicit for potential customers aboard MCBQ. Procedures and requirements necessary to obtain authorization are provided in enclosure (1) for salesmen dealing in life insurance, mutual funds, or securities; and in enclosure (2) for salesmen dealing in goods and services. All solicitations must be conducted on an individual basis, by specific prior appointment, and in locations and hours that will not interfere with the accomplishment of the service member's mission or unit. Authorizations by the Base Commander will not exceed one year and, if applicable, shall not extend beyond the termination date of the solicitor's business license. Authorizations to conduct business aboard MCBQ do not constitute an endorsement of the authorized salesman or the product.

(2) Prohibited Solicitation Practices

(a) Soliciting of recruits, trainees, or other military or civilian personnel while in a "mass" or "captive" audience.

(b) Scheduling appointments with, or soliciting, telephonically or personally, DoD personnel.

(c) Soliciting without appointment in family housing areas, barracks, unit areas, or areas utilized for the housing or processing of transient personnel.

(d) Procuring or supplying, or attempting to procure or supply, roster listings of military or civilian personnel assigned to MCBQ for the purpose of commercial solicitation, except pursuant to procedures provided under the Freedom of Information Act.

(e) Offering unfair, improper, or deceptive inducements.

(f) Using any manipulative, deceptive, or fraudulent device, scheme, or artifice.

(g) Using oral or written representations to suggest or give the appearance that MCBQ, the Marine Corps, the Base Commander or DoD sponsors or endorses any particular company, service, or good.

(h) Entering into any unauthorized or restricted area.

(i) Using any portion of any non-residential facility aboard MCBQ as a showroom or store for the sale of goods or services, except as authorized by regulations governing the operation of exchanges, commissaries, or nonappropriated fund activities.

(j) Soliciting door-to-door, except as authorized by subparagraph 3b(3) below.

(k) Soliciting of goods or services by military members to those junior or equal in rank in violation of reference (b).

(3) Door-to-Door Solicitations. Requests for authorization to solicit goods or services door-to-door by private organizations or individuals will normally be denied. Organizations or individuals denied the opportunity to solicit door-to-door may be encouraged to advertise their products or services in the Quantico Sentry. Exceptions to this policy may be granted to private groups upon written application to the Base Commander where a major portion of the membership of that group resides within the Command. Such groups include, but are not limited to, the Boy Scouts, Girl Scouts, Brownies, explorers, and approved fund-raising drives affiliated with the Quantico Dependents' Schools System. Authorization to solicit door-to-door is in addition to the authorization required to solicit aboard MCBQ.

(4) Solicitation Requirements. The solicitor agrees to provide each person solicited with the personal commercial solicitation evaluation included in enclosure (5) of reference (b) during the initial appointment. The person being solicited is not required to complete the evaluation. However, completed evaluations should be sent by the person who was solicited to the office designated by the installation commander on the back of the evaluation form. The solicitor also agrees to provide DoD personnel with a written reminder, prior to their making a financial commitment, that free legal advice is available from the Office of the Staff Judge Advocate.

(5) Denial or Withdrawal of Solicitation Privileges. The Base Commander has the authority to deny or withdraw solicitation privileges where such action is in the best interest of the Command. Denial and withdrawal procedures are detailed in reference (a). Grounds for denying such privileges include, but are not limited to:

(a) Failure to meet the licensing or other regulatory requirements identified in the Order.

(b) Commission of any of the prohibited practices described in the Order.

(c) Substantiated complaints or adverse reports regarding quality of goods or services, or the manner in which they were offered for sale.

(d) Knowledge of and willful violations of the Truth-in-Lending Act, 15 U.S.C. 1601.

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

(6) Solicitation Practices That Do Not Require Authorization. Salesmen, dealers, or tradesmen who are invited to quarters by military service members or their dependents to demonstrate their goods or services, are authorized to visit military housing to transact their private business without prior authorization as long as they have not been previously barred from MCBQ for cause.

(7) Service Organizations. The provisions of this Order should not be interpreted to preclude representatives of those nonprofit, independent, self-insured military associations which are not commercially underwritten or affiliated, and who are recognized as tax-exempt associations under Section 501(c) of the Internal Revenue Code, to offer lifetime services and benefits to their members or survivors, as long as they comply with the applicable certification requirements specified in enclosures (1) or (2).

c. Solicitation by Service Members. Commercial solicitations by naval personnel are governed by reference (b). To eliminate the appearance of coercion, intimidation, or pressure from rank, grade, or position, all naval personnel and their dependents are prohibited from making commercial solicitation or sales to DoD personnel who are junior or equal in grade or position. Commercial sales, whether or not solicited, are prohibited between officer and enlisted military personnel, except as defined in subparagraph 3c(2) below.

(1) The prohibition against solicitation to personnel who are junior or equal in grade or position includes, but is not limited to, the solicitation and sale of insurance, stocks, mutual funds, real estate, and other commodities or goods. DoD personnel may not, under any circumstances, represent an insurance company for the purpose of soliciting insurance to military personnel or their dependents aboard MCBQ.

(2) The prohibition against general solicitation practices by service members is not applicable to a one-time sale, lease, or sublease by an individual of their own personal property or of a privately owned or leased dwelling. In addition, the prohibition does not apply to the off-duty employment of naval personnel as employees in retail stores or other situations not involving solicited sales.

d. Normal Home Based Enterprises. Reference (a) permits installation commanders to authorize military family members residing in family housing to conduct limited commercial activities in their assigned quarters under the following guidelines:

(1) The objective of reference (a) is to permit traditional in-home enterprises such as the making or selling of handicrafts, babysitting services, tailoring, tax returns, retail sale of products like "Tupperware" or "Avon," and similar activities when those activities are conducted by a military family member occupying the housing unit. Commercial retail and service activities customarily conducted out of commercial premises are not within the intent of the Command's policy, and are prohibited. Home enterprises must be in good taste and conducive to the atmosphere of the community. Internal modifications to family housing, as well as external alterations, signs, and displays are prohibited. Activities that would tend to bring individuals or MCBQ into disrepute are not authorized.

(2) Enclosure (3) outlines the requirements necessary to obtain an authorization to conduct a private enterprise out of government quarters.

4. Action

a. Activity Heads. Ensure widest dissemination of the contents of this Order.

b. Command Personnel

(1) Notify the Provost Marshal's Office when any violation of this Order is noted or suspected.

(2) Forward any complaints concerning salesmen or private organizations that are of the type that would normally be referred to the Better Business Bureau or Chamber of Commerce for action in the civilian community, in writing to the Base Commander.

c. Civil Law Office. Review the licenses and financial documents of commercial applicants where applicable, and prepare certification letters for those individuals and organizations that meet the requirements of this Order and reference (a).

d. Organizational Commanders and Commanding Officers

(1) Appoint organizational and/or unit insurance, mutual funds, and securities officers.

(2) If necessary, designate specific locations and times for the conduct of private prearranged solicitations with military personnel. Such locations and times should be after normal working hours, and should not interfere with the operation and mission of the service member or unit.

/s/
D. J. CHOIKE

ADDITIONAL GUIDELINES FOR SALESMEN OF
LIFE INSURANCE, MUTUAL FUNDS, OR SECURITIES

1. Applicability. This enclosure applies to salesmen/agents of life insurance companies, brokerage houses, mutual fund distributors, securities companies, and/or any private organization involved in estate planning activities that, as a part of their services, sell or broker insurance or investment securities.

2. Authorization Procedures. The guidelines established in SECNAVINST 1740.2E provide general instructions for Command control of commercial solicitation, and detail the procedures for the discipline or suspension of solicitation privileges by the Command. Salesmen/agents seeking certification to solicit aboard MCBQ must meet all of the requirements established by enclosure (3) of SECNAVINST 1740.2E; with particular emphasis on prohibited practices, life insurance policy prerequisites, sales of securities, and the use of allotments by service members to purchase insurance or securities. In addition, salesmen/agents for companies described in paragraph 1 above must meet the following MCBQ guidelines:

a. All commercial life insurance, mutual funds, and securities salesmen/agents seeking to conduct business at this Command must apply to the Civil Law Office for initial certification.

b. The Civil Law Office will personally view the salesman's/agent's Virginia State Sales License to ensure that it is current.

c. Each salesman/agent will be provided a copy of SECNAVINST 1740.2E as well as this Order, and must certify that they will comply with the provisions contained therein.

d. Once the salesman/agent has provided their license to solicit in the Commonwealth of Virginia, and has stated that they will comply with the provisions of SECNAVINST 1740.2E and this Order, the Civil Law Office will forward the request to solicit business aboard MCBQ to the Staff Judge Advocate, Marine Corps Community Services and the Base Commander for approval.

3. Insurance Sales by Associations. SECNAVINST 1740.2E recognizes the recent growth and acceptability of quasi-military associations offering various insurance plans to military personnel. While some of these organizations are organized for profit, others function as profit associations under Internal Revenue Service regulations. Regardless of the manner in which insurance plans are offered to members, the managers of these associations are responsible for complying fully with the instructions contained in this Order as well as SECNAVINST 1740.2E.

ADDITIONAL GUIDELINES FOR SALESMEN
OF SERVICES OR GOODS TO PRIVATE
ORGANIZATIONS, PRIVATE GROUPS, OR INDIVIDUALS

1. Applicability. This enclosure is applicable to salesmen, dealers, merchants, or tradesmen dealing in services or goods to MCBQ private organizations, private groups and individuals. The provisions contained in this enclosure are not applicable to the sale of life insurance, mutual funds, or securities.

2. Authorization Procedures. The procedures established in SECNAVINST 1740.2E provide general instructions for Command control of private commercial solicitation, as well as detailed guidelines for the discipline or suspension of solicitation privileges by the Command. Salesmen/agents seeking certification to solicit aboard MCBQ must meet all of the requirements established by enclosure (2) of SECNAVINST 1740.2E; with particular emphasis on prohibited solicitation practices. In addition, salesmen/agents for companies described in paragraph 1 above must meet the following MCBQ guidelines:

a. All salesmen, dealers, merchants, or tradesmen, seeking to deal in services or goods aboard this Command will apply to the Civil Law Office for initial certification.

b. If applicable, the Civil Law Office will personally view the salesman's Virginia State Sales License to ensure that it is current. Where a license is not required by state law, the salesman must provide a certificate to that effect.

c. Each salesman must provide evidence of the financial stability and responsibility of their firm. A notarized financial statement or published financial report is adequate for this purpose.

d. Each salesman must provide evidence that they are a duly accredited representative of their firm.

e. Each salesman will be provided a copy of SECNAVINST 1740.2E as well as this Order, and must certify that they will comply with the provisions contained therein.

f. Once the salesman has provided their license to solicit in the Commonwealth of Virginia (or has provided the necessary certificate indicating that a license is not required), and has stated that they

will comply with the provisions of SECNAVINST 1740.2E and this Order, the Civil Law Office will forward the request to solicit business aboard MCBQ to the Staff Judge Advocate, Marine Corps Community Services and the Base Commander for approval.

3. Solicitors Not Requiring Authorization. If requested by private individuals residing within the Command, salesmen, dealers, merchants, or tradesmen dealing in services or goods, are authorized to visit family housing to transact private business so long as they have not been previously barred from the installation for cause.

AUTHORIZATION TO CONDUCT PRIVATE HOME ENTERPRISES
BY MILITARY PERSONNEL AND THEIR DEPENDENTS

1. Applicability. This enclosure is applicable to military service members and their dependents residing in family housing.

2. Authorization Procedures. The procedures established in this Order and SECNAVINST 1740.2E provide general instructions for Command control of private home enterprises in family housing units. Service members or their dependents who desire to conduct a private home enterprise must meet all of the requirements established by these directives; with particular emphasis on the standards of conduct concerning the solicitation to those equal or junior in rank. Service members are reminded that they are not permitted to represent or solicit sales for a life insurance company anywhere aboard MCBQ, to include family housing. Those members/dependents who want to conduct a private home enterprise must additionally meet the following MCBQ guidelines:
 - a. All service members and/or their dependents who seek to conduct a private home enterprise must apply to the Civil Law Office for initial certification. Dependents who want to receive a certificate for the operation of a private home enterprise must be accompanied by the service member.

 - b. The applicant will be provided a copy of SECNAVINST 1740.2E as well as this Order, and must certify that they will comply with the provisions contained therein. Service members accompanying dependents who seek to operate a private in-home enterprise must additionally certify that they too have read and understand the guidelines and proscriptions of this Order, as well as SECNAVINST 1740.2E and SECNAVINST 5370.2.

 - c. Once the applicant has verified that they understand the directives and that they will comply with the provisions contained therein and applicable state law, the Civil Law Office will forward the request to solicit business aboard MCBQ to the Staff Judge Advocate, Marine Corps Community Services and the Base Commander for approval.