



DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON JAPAN
UNIT 45006
APO AP 96343-5006

COMMAND POLICY
210-20-07

IMJN-ZA

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: All Personal Commercial Solicitation Operating on United States Army Garrison Japan (USAG Japan) Installations

1. REFERENCES:

- a. Army Directive (AD) 2018-29 (Non-Federal Entity Competition With Appropriated and Non-Appropriated Fund Activities on Army Installations), 17 December 2018.
- b. Army Regulation (AR) 210-7, Personal Commercial Solicitation on Army Installations, 18 October 2007.
- c. AR 210-22, Private Organizations on Department of the Army Installations, 22 October 2001.
- d. AR 215-8, Army and Air Force exchange Service Operations (Air Force Instruction (AFI) 34-211(I)), 5 October 2012.
- e. AR 420-1, Army Facilities Management, 12 February 2008.
- f. AR 600-20, Army Command Policy, 24 July 2020.
- g. AR 600-29, Fund Raising Within the Department of the Army, 7 June 2010.
- h. Department of Defense (DoD) 5500.07-R, Joint Ethics Regulation (JER), 6 August 1998.
- i. DoD Instruction (DoDI) 1344.07, Personal Commercial Solicitation on DoD Installations, 30 March 2006.
- j. U.S. Army Installation Management Command (IMCOM) Policy Memorandum 215-1-14, IMCOM Garrison Home-Base Business (HBB) Implementation Guidance, 8 January 2020.

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k. Operations Order 20-045, Installation Home Based Business (HBB) Program Application and Process Enhancement and Quarterly Reporting Requirement, 11 May 2020.

l. U.S. Forces, Japan (USFJ) Instruction (USFJI) 36-1001, Commercial Activities and Private Employment in Japan, 7 August 2015.

m. U.S. Army Japan (USARJ) Regulation 600-50, Commercial Activities and Private Employment, 5 January 1994.

n. Technical Bulletin Medical (TB MED) 530, Tri-Service Food Code, 1 March 2019.

2. PURPOSE. This policy establishes procedures for the conduct of commercial solicitation and private business transactions to include sale of goods, products, and services, on USAG Japan Installations.

3. APPLICABILITY. This policy applies to all DoD personnel, Family members, agencies, and other individuals, on- or off-post, seeking to conduct commercial activity or solicit the sale of products, goods, or services, on USAG Japan. This does not apply to--

a. Commercial companies providing services under contract on USAG Japan when authorized by the Commander, USAG Japan.

b. An individual who sells his/her own personal property or privately owned dwelling (e.g., home appliances or goods) on an occasional basis.

c. Approved Private Organizations (PO) may only participate in approved fundraising, which is governed by USAG Japan Directorate of Family and Morale, Welfare and Recreation (DFMWR) Fund-Raising Policy Standing Operating Procedure (SOP). No other forms of commercial solicitation is authorized.

d. Jobs performed by school age children on an occasional or part-time basis such as lawn mowing, snow shoveling, or similar activities.

e. English as a second language performed in homes as governed by USFJI 36-1001.

f. Private Employment for those individuals seeking employment on the local economy.

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g. Individuals providing authorized Family Child Care (FCC).

h. Individuals who reside on the installation and work remotely out of their home (such as a consultant, freelance artist, or teleworker) or who operate their own business exclusively through online means (for example, eBay and Etsy). Other examples include but are not limited to--tax preparation, personal training (as long as the training is not conducted in the home), photography, and tutoring, etc.

4. COMMERCIAL SOLICITATION (PRIVATE BUSINESS). Individuals or agencies seeking to conduct commercial solicitation on USAG Japan to include government housing areas, must obtain approval from the Commander, USAG Japan or Senior Commander. The package must include the following:

a. Application for Home-Based Business Permit (USAGJ Form 1931).

b. Statement of Understanding.

c. Checklist for Home-Based Business.

d. Documentation of certificates, registration, licenses or permits, if applicable.

e. General description of fees or charges for goods or services to be rendered.

f. Business Information (flyers, brochures, pamphlets, handouts, catalogs, pictures, etc.).

5. PERSONAL SOLICITATION OF GOODS OR SERVICES INCLUDES, BUT IS NOT LIMITED TO--

a. Independent consultants.

b. Individuals offering private lessons (e.g., guitar, sewing, dance, etc.).

c. Individuals selling goods or services (e.g., car repair service, hair salon services, food services, pet grooming, custom-made items, quilts, etc.)

6. RESPONSIBILITIES.

a. The Commander, USAG Japan or Senior Commander will approve or deny commercial solicitation permits and commercial advertising.

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b. The USAG Japan Solicitation Officer Coordinator (SOC), DFMWR will oversee control of commercial solicitation and selling practices on USAG Japan Installations on behalf of the Commander, USAG Japan and perform the following:

(1) Examine credentials and applications of individuals desiring to conduct commercial solicitation and sales activities, and determine the eligibility for permits.

(2) Coordinate permit requests (with recommendations) to the Commander, USAG Japan (or Senior Commander). Permits will be valid for 3 years. It is the responsibility of permit holders to renew their permits 30 days before the expiration date.

(3) Maintain a file of sellers/agents/companies with approved permits.

(4) Issue approved Home-Based Business Permits.

c. The approved Home-Based Business Operator will provide clients with DoD (DD) Form 2885 (Personal Commercial Solicitation Evaluation) and provide a copy to Morale, Welfare and Recreation (MWR) Solicitation Office Representative (SOR).

7. SOLICITATION PRACTICES. Prohibited solicitation practices include, but are not limited to--

a. Door-to-door solicitation or selling, solicitation in restricted area or entry into any unauthorized area.

b. Solicitation of "mass," "group," or "captive" audiences, i.e., where attendance is not voluntary.

c. Making appointments with or soliciting military or DoD Civilian personnel during their normally scheduled duty hours in office locations.

d. Use of official military identification cards or vehicle decals by active duty, retired or reserve members of the military services to gain access to Army installations for the purpose of soliciting.

e. Offering false, unfair, improper, or deceptive inducements to purchase or trade and offering rebates to promote transactions or to eliminate competition (credit union interest funds to borrowers are not considered a prohibited rebate).

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f. Use of any manipulative, deceptive, or fraudulent device, scheme, or artifice, including misleading advertising and sales literature.

g. Any oral or written representations which suggest or appear that the Department of the Army (DA) or the DoD sponsors or endorses the company or its agents, or the goods, services, and commodities offered for sale.

h. Solicitation by a DoD employee of another DoD employee who is junior in rank, grade, or position, or to the Family members of such junior personnel within their chain of command, at any time, on or off the military installation.

i. Assignment of desk space for interviews, except for specific, prearranged appointments. During appointments, the agent must not display signs announcing the name of the company or product affiliation.

j. Unapproved uses of the bulletins, marquees, newsletter, Web page, or any other notice, official or unofficial, announcing the presence of an agent and his/her availability.

k. Wearing of nametags that include the name of the company or product that the agent represents to include uniforms, shirts or hats that include the name of the company or product.

l. Offering financial benefits, valuables, or desirable favors to military or Civilian personnel to help or encourage sales transactions. This does not include advertising material for prospective purchasers (e.g., pens, pencils, wallets, notebooks, or items normally with a value of \$1 or less).

m. Use of any portion of installation facilities to include quarters, as a showroom or store for the sale of goods or services, except as specifically authorized by regulations governing the operations of exchanges, commissaries, nonappropriated fund instrumentalities, and private organizations. This prohibition does not apply to normal home enterprises that are properly authorized by USAG Japan.

n. Unauthorized advertisements citing addresses or telephone numbers of commercial sales activities conducted on the installation.

o. Soliciting without an appointment in areas used for housing or processing transient personnel, or soliciting in barracks areas used as quarters.

p. Distribution of literature other than to the person being interviewed.

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q. The sale, distribution, or vending of food or drink for human consumption that has been prepared in the kitchen of a private home or other unlicensed facility will only be approved pending meeting all inspection and training requirements in accordance with TB MED 530. To establish a home-based business soliciting food or drink the requestor must contact U.S. Army Medical Department Activity-Japan (USA MEDDAC-J) for proper guidelines and instruction. Home-based businesses soliciting food or drink will only be approved with the additional approval of USA MEDDAC-J.

r. Complementary and Alternative Medicines (interventions) are prohibited unless otherwise approved by USA MEDDAC-J. Services may include physical therapy, occupational therapy, chiropractic medicine, massage therapy, lactation services, homeopathy and naturopathy. Services such as music therapy, art therapy, and aromatherapy are not prohibited as long as they meet the criteria of this policy.

s. Engage in commercial activity or private employment--on- or off-base--that is offensive to the Japanese public, lewd, or which appeals to the prurient interests of the audience.

t. Engage in commercial activity or private employment--on- or off-base--directly or indirectly involving the distribution, sale, production, or promotion of adult, pornographic, or obscene sexual use items (e.g., toys, videos, magazines, or other media depicting sexual activity or erotic behavior in a way that is designed to arouse sexual excitement).

u. Engage in commercial activity or private employment in government quarters, bachelor officer quarters, or while in places of government work.

8. BUSINESS ENTERPRISES IN U.S. GOVERNMENT QUARTERS. Private businesses in government quarters are authorized under limited circumstances. Government housing will not be altered to accommodate private business endeavors unless authorized by the Commander, USAG Japan. The following practices are prohibited:

a. Use of any portion of quarters as a showroom or store for the sale of goods.

b. Operating a home-based business without the Commander, USAG Japan approval could result in adverse action, but is not limited to--termination of government quarters.

c. Sale of commercial items:

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(1) Purchasing of goods at Army and Air Force Exchange Service (AAFES) retail operations or the Commissary in connection with private business: If handicrafts were to be sold in home-based businesses, materials to be used for the handicrafts must not be obtained from AAFES retail operations or the Commissary. Using materials obtained from the local economy for this purpose is not prohibited.

(2) Use of the Military Postal System (MPS) for the transportation of goods for sale or resale:

(a) Materials to be used or sold in home-based businesses may not be obtained through the MPS nor redistributed or re-emailed through the MPS. Obtaining such materials from other than MPS (e.g., through commercial, Japan mail systems, purchased in the local economy), is not prohibited.

(b) For sales or services that are customarily conducted in a domestic setting e.g., a “party” hosted by an authorized home-based business representative, customers must place orders personally and directly with Internet commercial retailers. Home-based business representatives are prohibited from placing orders on behalf of customer through MPS or have items sent to the representatives themselves for resale or transfer to customers.

9. COMMERCIAL ADVERTISEMENT. Only commercial speech and advertisements approved by the Commander, USAG Japan or Senior Commander, are permitted on USAG Japan. This prohibition includes, but is not limited to--flyers, posters, banners, product literature, vehicle wraps, and similar advertisements, for the purpose of solicitation. Advertisements placed on or in vehicles on USAG Japan are regulated by, and must be approved to the same extent as all other commercial speech and advertisements on USAG Japan. The DFMWR can provide information on locations approved to advertise the occasional sale of personal property, and how to obtain approval for other commercial advertisements.

10. PROCEDURES.

a. Requestor: The home-based business owner remains responsible for completing the application process, obtaining the necessary permissions, licenses and permits (if applicable), and liability insurance. The home-based business owner is also responsible for any damages to third parties arising from the conduct of the business.

(1) Obtain a copy of the Application for Home-based Business Permit (USAGJ Form 1931 from <https://zama.armymwr.com/programs/commercial-solicitation-and-home-based-business>.

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(2) For food and drink related businesses, requestors must gain approval from USA MEDDAC-J per paragraph 7 of this command policy.

(3) Submit the Application for Home-Based Business Permit (USAGJ Form 1931) to the Solicitation Officer Coordinator 30 days prior to start date.

(4) Coordinate with local officials for approval to operate a home-based business in your home; ensure coordination with city council, landlord, and so forth for off post housing.

b. Solicitation Officer Coordinator:

(1) Route through Staff Judge Advocate (SJA) for Legal Review.

(2) Route to DFMWR for approval.

(3) Route to the Commander, USAG Japan for final approval.

(4) Issue a Home-Based Business Permit for 3 years.

(5) Maintain files on home-based businesses.

11. This Command Policy supersedes USAG Japan Command Policy 210-19-10, 30 August 2019 and will remain in effect until superseded or rescinded.

12. The proponent for this policy is Nonappropriated Fund (NAF) Support Management Division, DFMWR, USAG Japan, at Defense Switched Network 263-4273.

Encl
Sample Home-Based Business Permit

THOMAS R. MATELSKI
COL, CA
Commanding

DISTRIBUTION:

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