

Headquarters  
1<sup>st</sup> Infantry Division and Fort Riley  
Fort Riley, Kansas 66442-6400

FR Reg 210-22

Date: JUL 06 2010

## Installations

### PRIVATE ORGANIZATIONS ON FORT RILEY

**1. PURPOSE.** This regulation provides guidance and requirements that Private Organizations (POs) must meet in order to receive permission to operate on Fort Riley. It includes the process of revalidating, continuous operation, fund management, and fund-raising procedures.

**2. REFERENCES.** Required and related publications and prescribed and referenced forms are listed in appendix A.

**3. SUGGESTED IMPROVEMENTS.** The proponent of this regulation is the Directorate of Family, Morale, Welfare and Recreation (DFMWR). Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to DFMWR (IMWE-RLY-MW), 253 Cameron Avenue, Fort Riley, Kansas 66442-6400.

**4. APPLICABILITY.** This regulation is applicable to all Private Organizations as defined within FR Reg 210-22. This regulation does not apply to Family Readiness Group's Informal Funds and other groups maintaining informal funds operating on Fort Riley, which are governed by Fort Riley Reg 608-1.

#### **5. DEFINITIONS.**

a. A Private Organization (PO) is a self-sustaining non-federal entity, incorporated or unincorporated, which operates on the installation with the written consent of the installation commander or his/her delegated designee. A Private Organization is operated by individuals acting exclusively outside the scope of any official capacity as officers, employees, or agents of the federal government. In addition, a Family Readiness Group whose gross annual receipts exceed \$10,000 and other groups that maintain funds whose gross annual receipts exceed \$1,000 are POs subject to the requirements of this regulation.

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\*This regulation supersedes FR Reg 600-1, 1 Apr 03, and FR Reg 600-2, 1 Apr 03.

b. A Family Readiness Group Informal Fund is a fund whose gross annual receipts do not exceed \$10,000 and that meets the requirements and rules governing Family Readiness Group Informal Funds located in Fort Riley Reg 608-1.

c. Other groups maintaining Informal Funds are defined as those funds whose gross annual receipts do not exceed \$1,000 and are not a Family Readiness Group Informal Fund. Other groups maintaining Informal Funds are governed by Fort Riley Reg 608-1.

## **6. RESPONSIBILITIES.**

a. Directorate of Family, Morale, Welfare and Recreation, Administration and Operations Division, is the designated agency monitoring Private Organizations on Fort Riley. Questions may be directed to DFMWR, located at 253 Cameron Avenue, or by calling 239-3467.

b. Key rules.

(1) Membership in POs must be voluntary.

(2) Private Organizations are prohibited from receiving preferential treatment from Department of Defense (DoD) organizations or employees.

(3) Private Organizations receive no official endorsement by the U.S. Government, its agents, or personnel. Private Organizations will not be approved for the sole purpose of fund-raising.

(4) Private Organizations must maintain records to account for receipt and expenditure of funds. The records and receipts should be sufficient to support all expenditures. Receipts will not have a mixture of personal purchases along with purchases for the Private Organizations. Supporting documentation is required for all expenditures. Financial records must be maintained at a minimum of six years (fiscal year) and three months.

(5) Army Regulation 210-22, para 1-4c(3) requires POs to be inspected at least once every 5 years by the Management Control Program. Because of this requirement, a copy of the Management Control Evaluation Checklist is provided as appendix B to this regulation. The Directorate of Family, Morale, Welfare and Recreation conducts the inspections.

(6) To prevent the appearance of official sanction or support by the DoD or Fort Riley, a Private Organization shall not utilize any seal, logo, insignia, name, symbol, or abbreviation that might link the organization to the DoD or the Fort Riley Installation.

(7) Private Organizations will obtain adequate insurance as protection against liability, claims, property damage, or other legal actions arising from PO activities, one or more of the PO's members acting on its behalf, or the operation of any equipment, apparatus, or device under the control and responsibility of the PO.

(8) Fidelity bonding will be purchased by the PO for members or employees handling monthly cash flow exceeding \$500. Bonding will be equal to the normal maximum amount of cash handled.

(9) Private Organizations shall comply with Federal, Kansas, and local law. Private Organizations will obtain licensing, certification, or registration of PO activities as required by Kansas and local authorities.

(10) Private Organizations will comply with all Federal, Kansas, and local tax laws and codes. (The Private Organization will contact the proper tax officials to ensure compliance with all tax laws and will obtain private counsel when such assistance is needed.)

(11) Private Organizations seeking to operate on Fort Riley must submit an application to DFMWR, Administration and Operations Division, 253 Cameron Avenue. The application procedures provided below are in accordance with AR 210-22. Permission to operate as a PO is granted after all documentation has been submitted and reviews (including a legal review) are completed. Validation expires automatically 2 years from date of last approval unless revalidated. Revalidation requests will be submitted 90 days prior to current validation expiration date. Revalidation requests will include documentation of any changes in PO's activities, objectives, organization, constitution, and so forth. Private Organizations seeking permission to operate on Fort Riley will furnish the following required documentation:

(a) A letter requesting permission to operate on Fort Riley as a Private Organization.

(b) A charter, articles of agreement, constitution, and/or bylaws approved by membership, signed by the president and secretary, and dated (date of membership approval). Private Organizations must be self-sufficient. If affiliated with a national, regional, or State organization, the PO will include documentation of the parent organization. A sample outline of bylaws is provided at appendix C.

(c) Any other documentation that states the PO's nature, functions, objectives (including planned use of funds), and activities.

(d) An explanation of membership eligibility and responsibilities for all management functions (including accountability of assets, coverage and limitation of insurance, and disposition of remaining assets on breakup of the PO).

(e) A statement of the PO's liability if assets are not enough to cover all liabilities. The statement of liability will include a provision that all State and jurisdictional laws are met. It will also address the extent of the PO members' personal liability for debts or claims against the PO.

(f) Agreement to reimburse the Army for utility expenses, unless use is incidental (would cost more to bill and collect than it costs to provide the utility).

(g) A statement that the PO neither propagate extremist activities nor advocate violence against others or the violent overthrow of the Government.

(h) A statement that PO activities will not seek to deprive individuals of their civil rights.

(12) Once validated, POs will supply the following documents to DFMWR:

(a) Minutes or summaries of meetings (to be provided within 2 weeks of each meeting).

(b) Financial statements (to be provided within 2 weeks of each meeting).

(c) Any major changes in PO activities, membership requirements, officers, objectives, organization, constitution, bylaws, use of funds, and management functions (provided whenever such major changes occur).

(d) Names, addresses, and phone numbers of officers (to be provided with original application and updated at least once annually).

(13) All Private Organizations are required to conduct an audit at least once every 2 years at their own expense and submit a copy to DFMWR, Administration and Operations Office. Upon change of the PO treasurer, an audit will be conducted; regardless of the time elapsed since the last audit. Organizations with financial statements audited annually by their national headquarters may submit a copy of such an audit rather than applying the following provisions:

(a) Private Organizations using a double-entry accounting system will have audits done by a qualified auditor (a public accountant or certified accountant licensed by the State or other recognized licensing jurisdiction).

(b) Private Organizations using a single-entry accounting system with income only from contributions, dues, and assessments may have their audit conducted by either a member of their organization who holds no office and is at least 18 years of age or by a qualified auditor.

(c) Private Organizations using a single-entry accounting system that engages in resale or other fund-raising activities must have their audit conducted by an appointed committee of three members who hold no office or by a qualified auditor.

c. Fund-raising.

(1) All fund-raising activities must be conducted off duty and not in uniform.

(2) Requests for fund-raising:

(a) Private Organizations receive no official endorsement by the U.S. Government, its agents, or personnel.

(b) All money from fund-raisers must be deposited in the PO's bank account.

(c) Private Organizations must spend money received from fund-raisers in accordance with the PO's constitution, bylaws, SOP, or by the majority vote of its members present at a scheduled meeting.

(d) Fund-raising requests must be submitted to DFMWR at least 14 days prior to the date the fund-raiser is scheduled. The fund-raiser may not be conducted until approval is received.

(e) Prior written approval must be granted by the facility (location) where fund-raisers will be held (i.e., car washes at the Post Exchange, bake sales at the Commissary, etc.) and must be submitted with the fund-raising request to DFMWR. A sample request is provided in appendix D.

(f) Private Organizations desiring to conduct a fund-raiser (e.g., 10K run, Homes Tour, Arts & Crafts Fair) requiring use of installation personnel, facilities, and/or equipment must make the request at least 90 days in advance of the scheduled date of the event. The long lead-time is necessary to prepare and staff a Memorandum of Instruction (MOI) with all the affected post activities. The organization must identify all support required for the event since reimbursement or rental fees may be assessed. If installation equipment is authorized to be used, personnel necessary to make proper use of the equipment may be utilized. Soldiers cannot be tasked to run events.

(g) The Directorate of Family, Morale, Welfare and Recreation will submit fund-raising requests for unusual events to the Administrative Law Office, Staff Judge Advocate, to ensure compliance with State and Federal laws.

(3) Private Organizations engaging in fund-raising events on federal installations must comply with state laws pertaining to raffles and games of chance. In Kansas,

raffles and games of chance are illegal IAW Kansas Statutes, Annotated (K.S.A.), Section 21-4302.

(4) Private Organizations desiring to conduct an event similar to a raffle, without violating state law, must comply with the following:

(a) The event cannot be called a lottery; and

(b) All promotional materials, including but not limited to tickets, signs and advertisements must bear the following statement:

“There is no fee or charge to participate in this drawing. The drawing is FREE. You are under no obligation to make a contribution and you may not be barred from participation in this drawing and winning a prize if you choose not to make a contribution.”

(c) The individual must be informed he/she is not required to make a donation to obtain a ticket and will not be barred or denied participation if he/she chose not to donate.

(d) It is also recommended that ticket distribution be limited to one per individual. Therefore, an individual opting to donate \$50 for a ticket and an individual opting to donate nothing are both entitled to one ticket.

(5) Private Organizations should note that fund-raising events conducted off the installation do not require permission, but that care should be taken to ensure that there will be no indication of Army endorsement or approval of the event.

## **APPENDIX A**

### **Section I Required Publications**

AR 405-80  
Management of Title and Granting Use of Real Property

FR Reg 608-1  
Operational and Fund Management Requirements for Family Readiness Groups at Fort Riley

### **Section II Related Publications**

AR 210-22  
Private Organizations on Department of the Army Installations

AR 215-1  
Morale, Welfare and Recreation Programs and Non-appropriated Fund Instrumentalities

AR 600-20  
Army Command Policy

AR 600-29  
Fund-Raising Within the Department of The Army

DoD 5500.7R  
Joint Ethics Regulation

DoDI 1000.15  
Private Organizations on DoD Installations

Kansas Statutes Annotated, Section 21-4302

### **Section III Prescribed Forms**

This section contains no entries

**Section IV**  
**Referenced Forms**

DA Form 2028  
Recommended Changes to Publications and Blank Forms

## APPENDIX B

### PRIVATE ORGANIZATION MANAGEMENT CONTROL CHECKLIST

(Answers must be based on the actual testing of management controls, such as document analysis, direct observation, sampling, simulation. Answers that indicate deficiencies must be explained and corrective action indicated in supporting documentation.)

#### Test Questions

Do Private Organizations (POs) operating on the installation have permission to do so from the Installation Commander (DFMWR)?

Does the command maintain documents needed for oversight and necessary to attest that PO operations are in good standing?

Does the installation adhere to restriction on use of Army personnel, military and civilian?

Are there instances that could be construed as Soldiers or civilian personnel working for POs as part of their official duties?

Are instances of inappropriate or questionable PO activities or government employee behavior corrected when detected?

Does PO use of government real estate conform to AR 405-80 requirements?

Is there a license or lease agreement for property rights granted to PO?

Does the Army receive income due for private use of Federal property?

When POs conduct fund-raisers and are given logistical support for activities, is there a process for approving fund-raising and PO support requests, including SJA reviews, to ensure compliance with DOD 5500.7-R?

Do POs comply with audit and other oversight requirements?

Is there command and personnel compliance with rules governing Government employees' participation in PO activities?

Do local ethics classes for Army personnel include discussions about proper relationships with POs?

Are there periodic inspections of PO documentation maintained by the command to determine accuracy and compliance?

Are there periodic inspections to determine military and civilian personnel compliance with rules of ethics?

Is there comprehensive enforcement of recommendations resulting from management control evaluations, Inspector General inspections, and the like?

**APPENDIX C**

**SAMPLE FORMAT OF AN ORGANIZATION'S CONSITUTION/BYLAWS**

**BYLAWS**

**ARTICLE I**

Organization Name and Purpose

**ARTICLE II**

General Provisions

(Include all statements required by this regulation such as the statement of personal liability. Any documentation, such as license or certificate of registration, should be attached and noted in this section.)

**ARTICLE III**

Functions/Activities, Policy, and Operating Procedures

**ARTICLE IV**

Membership

**ARTICLE V**

Officers and Governing Body  
(attach names, with addresses and phone numbers)

**ARTICLE VI**

Duties of Officers

**ARTICLE VII**

Elections and Voting

ARTICLE VIII

Standing Committees

ARTICLE IX

Funding Sources

ARTICLE X

Taxes

ARTICLE XI

Insurance Coverage

ARTICLE XII

Meetings and Quorums

ARTICLE XIII

Awards and gifts

ARTICLE XIV

Dissolution

[Include the following paragraph: "If the organization is dissolved, all funds in the treasury at the time will be used to meet any outstanding debts, liabilities or obligations. The balance of these assets will be disposed of as determined by the membership.

APPROVED BY MAJORITY VOTE ON .....(date)"]

\_\_\_\_\_  
President (signature/date)

\_\_\_\_\_  
Secretary (signature/date)

**APPENDIX D**

**FUND-RAISING REQUEST**

Date

Directorate of Family, Morale, Welfare and Recreation  
Administration & Operations Division  
253 Cameron Avenue  
Fort Riley, Kansas 66442

Dear Sir or Madam:

1. Request approval of a car wash for the Private Organization (*Name of the PO*) at the Main PX on June 16, 2009. Permission to conduct the car wash has been obtained from the Post Exchange as noted at the bottom of this page. (*Note: If the fund-raiser requires the use of installation personnel, facilities, and/or equipment, the request has to be submitted 90 days in advance.*)
2. Proceeds from this fundraiser will be placed in the Private Organizations (*Name of the PO*) fund.
3. Point of contact for this action is the undersigned at XXX-XXXX. Written approval or disapproval of this request may be sent to my home address as follows: XXXX Houston Drive, Fort Riley, Kansas 66442.

Sincerely,

MARY E. DOE  
Secretary

The Post Exchange approves the car wash by Private Organization (*Name of PO*) on 16 Jun 09.

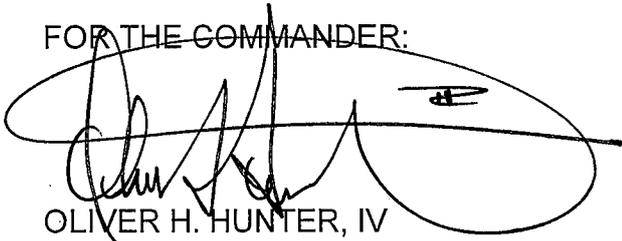
\_\_\_\_\_  
Signature of Facility Approving Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title of Facility Approving Official

\_\_\_\_\_  
Phone number

FOR THE COMMANDER:

A large, stylized handwritten signature in black ink, appearing to read 'O. H. Hunter, IV', written over the text 'FOR THE COMMANDER:'.

OLIVER H. HUNTER, IV  
Director, Mission Support Element

OFFICIAL:

A handwritten signature in black ink, appearing to read 'K. F. Steggeman', written over the text 'OFFICIAL:'.

KENNETH F. STEGGEMAN  
Director, Directorate of Human Resources

APPENDIXES:

- A - References
- B – Private Organization Management Control Checklist
- C – Sample of Bylaws
- D – Fund-raising Request

Distribution:  
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