



UNITED STATES MARINE CORPS
MARINE CORPS BASE HAWAI'I
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MCBHO 5760.5C
SJA
23 Apr 2025

MARINE CORPS BASE HAWAI'I ORDER 5760.5C

From: Commanding Officer
To: Distribution List

Subj: FUNDRAISING ACTIVITIES, INFORMAL ACTIVITIES AND FUNDS,
AND SERVICE BIRTHDAY BALL FUNDS

Ref: (a) DoDI 5410.19, Vols 1-4 1 "Community Outreach
Activities," September 29, 2021
(b) DoD Joint Ethics Regulation, May 15, 2024
(c) DoDI 1000.15 "Procedures and Support for Non-Federal
Entities Authorized to Operate on DoD Installations,"
October 24, 2008
(d) MCO 5760.4C
(e) MCO P1700.27B W CH 5
(f) MCO 7040.11A
(g) BaseO 5760.3C
(h) DoDD 1000.26E "Support for Non-Federal Entities
Authorized to Operate on DoD Installations," February
2, 2007
(i) 5 C.F.R. § 2635.808
(j) SECNAVINST 5430.25F

Encl: (1) Fundraising Activities List
(2) Fundraising Event Request

1. Situation. Reference (a), Volume 1, defines fundraising events. Reference (b) is the Joint Ethics Regulations and addresses personal participation in Non-Federal Entity (NFE) fundraising events. Reference (c) regulates small activities and funds. Reference (d) directs commanding generals and commanding officers to take action to implement policies and instruction for operation of small informal funds and activities aboard their installations. Reference (e) describes the limits of fundraising activities aboard Marine Corps installations. Reference (f) identifies authorities to approve fundraising events aboard Marine Corps installations. Reference (g) governs the operation of private organizations and their activities aboard Marine Corps Base Hawai'i (MCBH). Reference (h) defines "Non-Federal Entities." Reference (i) describes and defines employee regulations in fundraising activities. Reference (j)

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distribution is unlimited.

defines responsibilities for the General Counsel of the Navy.

2. Cancellation. MCBHO 5760.5B and BaseO 5532, section 2004.

3. Mission. To establish policy and guidance on fundraising activities, informal activities and funds, and Service birthday ball fund administration aboard MCBH. As a guiding principle, Department of Defense (DoD) employees shall act impartially and not give preferential treatment to any private organization or individual.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Applicability. This Order applies to all fundraising, informal funds and activities, and Service birthday ball fund management aboard MCBH. This Order extends to units and organizations engaged in Marine Corps Community Services (MCCS)-sponsored fundraising activities but does not authorize or regulate off-base fundraising or chaplaincy collections conducted during religious services.

(2) Fundraisers and Approval Authorities. Reference (a) defines fundraising as an "event or activity with the purpose of soliciting money or material for charitable, civic, or educational organizations, organizational operations, or similar purposes, by any means, beyond that necessary to cover the reasonable costs of events." Fundraising activities are distinct from commercial activities that involve conducting business to make a profit. Fundraising is governed by independent, overlapping, and unrelated regulations, so personnel are encouraged to engage with their Staff Judge Advocate (SJA) or ethics counselor at the outset of any fundraise planning to ensure compliance with law and policy.

(a) Subject to the reservations and conditions in paragraphs 4a(5) through 5 below, O-5 and O-6 commanders are delegated authority to approve the following fundraisers falling exclusively within their unit area, unless otherwise noted. A unit's area is defined as the real estate and facilities permanently occupied by a battalion, squadron or similarly situated unit, and includes a unit's buildings, common areas, barracks, motor pool, and hangar, as applicable:

1. Participation in non-profit, private organizations composed primarily of DoD personnel or their immediate family members, raising funds among their own members for organizational support.

2. Fundraising within a command or organization to support an event held to benefit that organization's DoD personnel (e.g., unit picnic, holiday gathering, birthday ball).

3. Pre-approved, single-cause fundraising events for charities. Fundraising events for the united charity campaigns (i.e., Combined Federal Campaign) authorized by the Secretary of Defense, emergency and disaster appeals approved by the Office of Personnel Management, and military aid societies (e.g., Navy/Marine Corps Relief Society) generally fall within this category.

4. Participation within a multi-unit MCCS-sponsored fundraising event when the unit's activity exclusively supports an MCCS-sponsored event.

(b) The Commanding Officer, MCBH reserves fundraiser approval authority for the following:

1. NFE not authorized to operate aboard MCBH that requests to conduct fundraising activities aboard MCBH.

2. Fundraising activities that create a foreseeable and high risk of physical harm even when all actors exercise reasonable care (i.e., inherently, or abnormally dangerous activities such as skydiving, acrobatics, using heavy equipment, etc.). Such requests will generally not receive favorable treatment.

3. Fundraising activities that involve known or foreseeable impacts to the environment or public safety (i.e., large crowds near an endangered species nesting site; road closures; etc.).

4. Fundraisers not subject to O-5 or O-6 commander approval that present novel legal or policy questions or are determined to be appropriate for CO approval by the MCBH SJA.

(c) MCBH Office of the SJA is delegated approval

authority for all fundraising requests not delegated to O-5 and O-6 commanders under sub-paragraph 4a(2) (a) or reserved by the CO, MCBH under sub-paragraph 4a(2) (b) .

(3) Informal Activities and Funds and Approval Authorities

(a) Reference (a) defines an informal activity as a self-sustaining NFE comprised of individuals acting exclusively outside the scope of any official capacity as military personnel, civilian employees, or agents of the Federal Government. As such, informal activities are personal activities and not associated with an MCCS-operated non-appropriated fund instrumentality (NAFI). Examples of informal activities include an office coffee mess or unit flower and plaque fundraising. The money raised by these activities are often improperly referred to as 'unit funds'; however, it is not Government money and does not belong to a unit. Informal funds belong to the activity members in their personal capacity. These activities may operate only when conforming to applicable laws, orders, and regulations (references (c) through (h)).

(b) Per references (c) and (d), and subject to paragraph 4c below, O-5 and O-6 commanders may establish informal activities that generate less than \$350 per month or consistently hold less than \$1,000 within the fund when averaging the month-to-month account balance over the course of a single year. Per reference (d), written authorization from the installation commander to operate on base is only required if the informal fund generates more than \$350 per month or has more than \$1000 in the fund when averaging the month-to-month account balance over the course of a single year.

(4) Authorities and Responsibilities for Service Birthday Ball Funds. O-5 and O-6 commanders are responsible for ensuring that funds raised for the Navy and/or Marine Corps balls are collected and spent for that purpose. Service birthday ball funds are not associated with small informal funds and must remain separate.

(a) Authorized birthday ball income sources:

1. Admission money collected from authorized birthday ball patrons and their invited guests.

2. NAF discretionary funds allocated to the unit for participation in morale, welfare, and recreation (MWR) events (Commander's Cup races, BBQ Bash, etc.).

3. Periodic unit fundraiser events held to reduce the birthday ball cost for junior enlisted Marines and Sailors. Units may conduct these events aboard MCBH only with proper approval authority.

4. Proper accounting for birthday ball funds requires O-5 and O-6 commands to keep financial records for four years. Commands are required to produce those records if requested during NAFI audits of command MWR funds.

5. Commands should deposit money collected for birthday balls with MCCS into their unit Discretionary Fund account via the MCCS cash office and withdraw only when necessary to pay for costs associated with the event.

6. Unit commanders will establish adequate local control procedures to ensure birthday ball funds are properly managed and maintained.

(5) Commanders and NFEs Authorized to Operate on MCBH Under Reference (g) may not:

(a) Replicate sales or services offered by MCCS without prior approval from the Director, MCCS, MCBH. For example, resale of packaged food or selling MCBH "swag" already being sold at MCCS facilities is not authorized without prior approval from the Director, MCCS. Problematic fundraisers often involve retail food service sales or resale, fitness event fundraisers, or using a money-making business to support unit informal activities and small informal fund accounts. These business operations are reserved for non-appropriated fund (NAF) activities that generate income to enhance the quality of life for the MCBH military community and to support commanders' efforts in the prevention and resolution of problems that detract from readiness. See enclosure (1) for additional activities that compete with MCCS. Exception: Per reference (d), office coffee/soda messes are authorized to be established to generate money for an informal fund. Office coffee/soda messes may sell only soda, coffee, and other non-alcoholic beverages. Coffee/soda messes, or other similar activities no matter what they are called, shall not engage in the sale of

food or other items.

(b) Advertise their fundraisers in MCCA facilities or in other units' facilities without written permission from MCCA or the occupying unit.

(c) Solicit or obtain commercial sponsors to operate in MCBH facilities or areas. Only MCCA may enter into commercial sponsorship agreements through the MCCA Commercial Sponsorship Program.

(d) Authorize Service Members to fundraise in an official capacity without written limitations on the official time and resources allocated to support such activities.

(e) Solicit businesses, organizations, or persons outside the unit for donations of funds or goods.

(f) Use any gambling activity, including a lottery, pool, raffle, or game of chance for money or property.

(g) Authorize DoD Service Members to officially endorse or ask others to endorse a fundraising effort, either expressly or impliedly.

(h) Allow units or personnel to officially support, endorse, or participate in partisan political fundraising efforts on behalf of candidates or parties.

(i) Track or authorize other personnel to track contributions made by DoD personnel, other than on an informal and temporary basis as necessary for accountability of funds (e.g., change due back to the individual, etc.).

(j) Allow door-to-door solicitation in the MCBH housing areas.

(k) Sell alcohol or reimburse alcohol purchases as part of fundraising activities. This does not preclude lawful alcohol consumption incidental to fundraising activities (i.e., a 21-year-old Marine purchasing a beer from Klipper Grill during a golf tournament fundraiser).

(l) Allow DoD Service Members to solicit from or allow contractors to participate or contribute to fundraising

activities or membership drives, unless otherwise authorized by statute or regulation. Contractors should not be included on electronic or other distribution lists requesting donations. Contractors are not prohibited from making unsolicited purchases of items being offered to raise funds. Additionally, contractors may participate in cost-sharing arrangements such as office coffee and water funds or potluck meals, if amounts requested only include actual costs or in-kind contributions of food or refreshments and those costs are equitably divided amongst participants.

(m) Authorize DoD Service Members to engage in fundraising, official participation in fundraising, or unit informal activities off DoD property without their chain of command and SJA or ethics counselor concurrence.

b. Tasks

(1) Command Inspector General. Provide oversight of unit informal funds and activities through informal staff assist visits, the formal Commanding General's Inspection Program, and periodic financial audits to ensure compliance with applicable regulations.

(2) Base Comptroller-Resource Evaluation and Analysis Section. Assist the Base Commander or staff in adjudicating any financial conflict of interest or inappropriate fundraising informal fund or informal activity cases.

(3) Commanding Officers, Officers-In-Charge, Department Heads, and NFEs Authorized to Operate on MCBH

(a) Ensure informal activities currently operating or pending establishment are informed and conform to this Order.

(b) Designate a responsible individual to review the fund's purpose and how they are secured, deposited, and accounted for by each informal activity at least quarterly.

(c) Ensure your units obtain law and policy reviews from the servicing SJA or ethics counselor.

(4) MCBH SJA

(a) Approve or disapprove fundraising requests

requiring SJA approval under this Order. Provide concurrence or objections for any fundraiser subject to O-5/O-6 tenant command approval.

(b) Elevate approval decisions to the Commanding Officer, as necessary.

(c) Coordinate with tenant command SJAs, MCBH Counsel, MCCS, and MCCS Counsel as necessary to support decision-making on ethics matters.

(d) In coordination with MCBH counsel, provide legal guidance on fundraising activities to the installation commands and staff.

(5) MCBH Counsel (Pacific Area Counsel)

(a) In coordination with the SJA, provide federal ethics advice to the installation commander and staff, per reference (j).

(b) Coordinate with MCCS and other stakeholders as necessary to support decision-making on federal ethics matters.

(6) MCCS

(a) Review fundraising requests to prevent competition with MCCS activities and advise on prohibited competition areas.

(b) Assist in deconflicting base resources commonly used for fundraising.

(c) Review requests to advertise fundraisers in MCCS facilities.

(d) Support units with managing fundraising revenue.

(7) MCBH Safety Department. Provide operational risk management reviews for fundraisers that involve risks to public safety or inherently/abnormally dangerous activities.

(8) S-4. Provide risk management reviews of any fundraisers that involve risks to the environment.

c. Coordinating Instructions

(1) Regardless of approval authority, unit personnel must receive a legal review for proposed fundraising activities from their servicing ethics counselor or SJA prior to approval by their O-5/O-6 commander, Base SJA, or Base Commanding Officer, as appropriate.

(2) Regardless of approval authority, enclosure (2) must be completed and utilized as the descriptive basis of the proposed fundraising activity aboard MCBH. Requestors may supplement that form as necessary.

(3) Any unit executing a fundraiser under O-5/O-6 tenant command approval authority (see paragraph 4a(2)(a)) is not subject to the approval process described in paragraph 5, but must provide the following to the MCBH Office of the SJA (OSJA) no sooner than five working days prior to execution: legal concurrence from their servicing SJA or ethics counselor (tenant commands only); a completed fundraiser request form (enclosure (2)); and MCCS endorsement. The MCBH OSJA will notify the approval authority of any legal or policy objections within five business days. Submissions should be sent to MCBH_SJA@usmc.mil. Failure to properly coordinate under this paragraph may result in the withdrawal of delegated fundraiser approval authority for the approving tenant commander.

(4) Legal reviews for fundraising activities by private organizations and other NFEs authorized to operate on MCBH under reference (d) will be coordinated between MCBH OSJA and MCBH Counsel, as necessary.

(5) Regardless of approval authority, units and NFEs must obtain a positive endorsement or a limited waiver of exclusive authority for competing activities from MCCS for all fundraising activities prior to approval by their O-5/O-6 commander, Base SJA, or Base Commanding Officer, as appropriate.

(6) Units or other NFEs selling prepared food must obtain and maintain certificates for personnel preparing food demonstrating that they have successfully completed a food service sanitation training course. Certifications should be on-hand during the fundraising activity.

(7) Units and NFEs selling "swag" (i.e., unit t-shirts,

coins, etc.) should purchase merchandise through an official licensee. A list of authorized vendors and application form for vendor approval can be found at <https://www.trademark.marines.mil/>.

(8) Units and NFEs seeking to conduct abnormally or inherently dangerous activities or activities with known or foreseeable impacts to the environment or public safety, shall obtain endorsements by the MCBH Installation Safety Office and/or S-4 (Environmental Compliance) prior to submitting for installation-level approval.

(9) Generally acceptable and problematic fundraising activities are provided in enclosure (1).

5. Administration and Logistics

a. General Restrictions. Fundraising, informal funds, and informal activities aboard MCBH are subject to the following overarching restrictions:

(1) Activities that prejudice or discredit the military services or any other agency of the Federal government are prohibited.

(2) Activities shall not be conducted in the name of "Marine Corps Base Hawai'i." The title of informal activities shall not include the term "Base."

(3) No authorized activity shall permit discrimination by participants based on race, sex, religion, age, national origin, or sexual orientation.

b. Approval Process for Fundraisers Requiring Installation-level Approval

(1) Commands and NFEs authorized to operate aboard MCBH under reference (d) are subject to the following process:

1. Any completed fundraiser request requiring MCBH CO or MCBH SJA approval must be received at least 10 business days prior to the fundraiser execution date.

2. Completed requests to conduct a fundraiser requires: legal concurrence from their servicing SJA or ethics

counselor (tenant commands only); a completed fundraiser request form (enclosure (2)); MCCS endorsement; food handling certification(s) (if applicable); base safety endorsement (if applicable); and S-4 (environmental compliance) endorsement (if applicable). Submissions should be sent to MCBH_SJA@usmc.mil.

3. If not already complete, the MCBH SJA will coordinate the submitted request with other staff stakeholders, as necessary, for deconfliction and concurrence. Units are advised that incomplete requests will create processing delays to account for deficiencies.

4. The MCBH SJA will review the request and associated documents and (1) issue a denial/approval letter that may impose additional conditions depending on the nature of the fundraiser or (2) elevate the request for CO, MCBH approval per paragraph 4a(2)(b). Generally acceptable and unacceptable fundraising activities are outlined in enclosure (1) and approval authorities are discussed in paragraph 4 of this Order.

5. Priority will generally be based on a "first come, first served" non-preferential basis.

(2) NFE without authorization to operate aboard MCBH:

1. If an NFE that is not authorized to operate on base under reference (g) requests to fundraise aboard MCBH, it must coordinate with the S-5, Community Relations office and submit a request for limited logistical support to operate on DoD property and receive legal review per reference (a). As part of the logistical support legal review, the MCBH OSJA will conduct a legal review of the fundraiser, which must otherwise comply with this Order and applicable law and policy. Following the legal review, the MCBH SJA will forward the endorsed request via the S-5 to the MCBH CO for final decision.

2. NFE seeking authorization to operate on base on a regular basis (i.e., beyond a single or infrequent fundraising event) must obtain installation approval under reference (g).

c. Petty Cash Management and Maintenance Procedures. Informal activities shall be responsible for their own financial accountability to the participants. Monies accumulated from informal and fundraising activities must be carefully accounted for, properly maintained, and safeguarded. Unit commanders will

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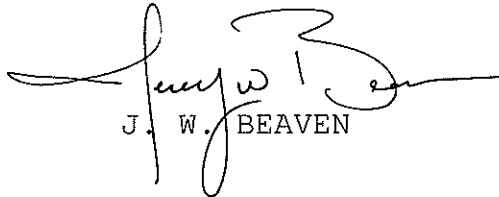
ensure an adequate accounting method is used for a unit's informal funds, but units should deposit monies in their discretionary fund account that MCCS holds in order to provide increased accountability and safeguarding. References (d) and (g) provide additional guidance on accounting practices for private organizations authorized to operate aboard MCBH.

d. Records Management. Records created resulting from this directive shall be managed according to National Archives and Records Administration (NARA)-approved dispositions per SECNAV M-5210.1 CH-1 to ensure proper maintenance, use, accessibility and preservation, regardless of format or medium. Refer to MCO 5210.11F for Marine Corps records management policy and procedures.

6. Command and Signal

a. Command. This Order is applicable to all organizations, activities, and subordinate/tenant commands aboard MCBH.

b. Signal. This Order is effective the date signed.



J. W. BEAVEN

DISTRIBUTION: A

Fundraising Activities List

Commonly Approved Fundraising Activities:

Car washes. Note: Carwashes aboard MCBH are permitted at "Kahuna's" only due to environmental restrictions. Car washes may not be conducted within unit areas.

Homemade baked goods sales (pastry/dessert type items). Note: this requires Commissary permission as to the specific activity and location. Units must comply with the applicable regulations on food handling, obtain safe food handling certifications, and may not sell alcohol.

Girl Scout cookie sales. Note: these sales are only permitted for those troops chartered by organizations aboard MCBH.

Boy Scout popcorn sales. Note: these sales are only permitted for those troops chartered by organizations aboard MCBH.

Auctions (household items, clothes, art, services, and goods).

Unit-level sports tournaments.

Unit-level/group garage sales at a central location aboard MCBH.

MCCS MWR sponsored events (Commander's Cup races, BBQ cook-offs, etc.).

Use of MCCS facilities/programs as fundraising opportunities (golf tournaments, bowling tournaments, boat outings, dances at MCCS clubs, etc.).

Commonly Disapproved Fundraising Activities aboard MCBH:

Resale of packaged or prepared food normally found at the commissary or other MCCS food service activities within the same Camp or facility where the fundraising will occur. For example, sales of pizza, burgers, hotdogs, plate lunches, etc. directly compete with MCCS food sales aboard MCBH, Kaneohe Bay and therefore are prohibited without MCCS approval.

Lotteries.

Raffles.

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Magazine sales.

Assignment of parking privileges/spaces.

Military personnel wearing civilian/aloha attire.

Special liberty passes or leave privileges.

Exemption from field days, physical fitness training, or other types of duty.

Fundraising Event Request

Name of organization: _____

Fundraising chairperson: _____

Telephone number: _____

Type of fundraising activity: _____

Date/Time/Duration: _____

Alternate Date/Time/Duration: _____

Requested Location: _____

Purpose of fundraising activity: _____

The funds will be used for: _____

Does the fundraising involve any of the restricted or prohibited activities or attributes identified in this Order (see paragraphs 4-5)? If so, describe.

Other important information that may be helpful in determining approval for the fundraising activity:

Person responsible/supervising the fundraising activity and signature:

Print: _____ **Signature:** _____

Date Form Submitted to MCBH SJA (Must be submitted at least 10 days business prior to proposed fundraiser date): _____

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****Attach MCCS and any other required endorsements****
