



# Eye on Ethics

August 2013

## ***This Month's Topic: Should I Serve as an Officer, Employee, Board Member, or Active Participant of a Military Association?***

Because military associations provide support for the military community, their legal status as privately-chartered, non-federal entities (NFE) is often not realized by members of these associations. While the association may be a key component of the particular military community it supports, an individual's membership in the association is a personal and private interest and not part of one's official responsibilities. These associations may receive only limited logistical support from DON.

Individuals who serve as officers, directors, trustees, general partners, employees, or who are active participants in an association must exercise great caution because, by law, *the interests of the association are deemed to be their own personal interests*. Taking any action in their *official capacity* that may benefit the association may violate DoD and federal ethics regulations and a criminal statute. Government officials have been disciplined and even prosecuted for using their official authority to benefit an NFE.

Associations are Private NFEs. A military association is a private organization established to serve the professional, educational and even social interests of its members and their families. These organizations may provide training opportunities such as seminars and lectures; offer networking and career opportunities at meetings and events; offer scholarships to facilitate the higher education of the children of members; host social events such as dances and balls; and sponsor sporting events such as golfing tournaments. Because these organizations are predominantly military in nature, it is easy to lose sight of the fact they are *private organizations*.

### General Restrictions on support of NFEs.

- a. DoD personnel may **not** serve in an NFE position, if the NFE position is offered because of the individual's DoD assignment or position.
- b. DoD Personnel who are also officers, directors, trustees, partners, employees, or active participants of an NFE may NOT ACT, IN AN OFFICIAL CAPACITY, ON ANY MATTER that affects the interests of the NFE.
- c. DoD personnel shall act impartially and not give preferential treatment to any private organization or individual. Employees may not use or permit use of their Government position, title, or authority to endorse any product, service, or enterprise.
- d. Government resources, time, and equipment may not be used for unauthorized purposes. Performance of services by Government personnel for private entities constitutes an improper use of appropriated funds, even if the Government is compensated or reimbursed in kind.
- e. DoD personnel may not solicit funds for an NFE from subordinate or prohibited sources.

### ***Key Examples:***

- \*\* A Commanding Officer who is also a Chapter President of an Association may not act on any request for support from the Association; the Commanding Officer must recuse himself and refer the request to a superior in the Chain of Command that is not an officer, director, partner, employee, or active participant of the Association.
- \*\* Permissive (no-cost) travel orders may not be used for travel to Supply Corps Foundation meetings. These trips are personal for the Officer and cannot be undertaken on Government time.
- \*\* Officers who hold Supply Corps Foundation positions (such as President of the local chapter) may not be able to accept gifts of travel from the Foundation.
- \*\* A Commanding Officer may not be appointed as President of a local chapter of the Supply Corps Foundation because of the officer's Navy position or rank.

Conclusion. A military officer or government official who assumes a position of trust with a military association may be putting himself or herself at risk if that association has substantial interaction with the government. If the association seeks logistical support or favorable treatment from the individual's own command, the individual must carefully assess whether he or she is at risk of violating the conflict of interest and other ethics laws.

### **QUESTIONS**

As always, if you have questions, please contact your local NAVSUP Office of General Counsel.