

# Keeping It Legal

2021  
VOLUME 4  
ISSUE 5

*Any opinions expressed are those of the author only, and not those of the U.S. Air Force or DoD. For internal use only. Published by the Office of the Staff Judge Advocate,  
43 AMOG/JA.*

## HOLIDAY PARTIES!

**Q: My unit would like to hold a fundraiser for our holiday party, what do we need to do?**

**A: Get permission.**  
43 AMOG personnel must seek legal review and 43 AMOG/CC approval of all fundraising activities.

**Q: What information do we need to forward for review?**

**A: Who, what, when, where and why.** Who-- who is doing the fundraiser and who will it benefit; what-- brief description of the event; when-- date and time; where-- location, location, location; why-- what are you going to use the money for; and POC for additional questions.

REMEMBER, No Raffles, or games of chance!

**Q: Can we fundraise in the work center/workspace?**

**A: Not usually.** Fundraising events should usually take place in common areas and/or community areas.

**Q: Can we fundraise in uniform?**

**A: Yes,** Unit commanders may allow military unit members to set up, execute and clean up from such events during the duty day and while in uniform.

**Q: Can we use official email to advertise the fundraising event?**

**A: Yes.** Unit commanders may authorize official email to advertise unit fundraising. There should be no appearance that participation in a fundraising event is not voluntary.

**Q: How long can the fundraising event take place?**

**A: Limited.** Fundraising events should be of a very limited duration and a time of day and location where there is acceptable impacts on mission and unit routine.

**Q: What other major “no-no’s” are there?**

**A:** \* No alcohol sales;  
\* No support or endorsement of commercial business concerns;  
\* No soliciting commercial organizations for support (money, prizes, etc.);  
\* The event cannot detract from CFC or AFAP campaigns in progress; and  
\* The event must be appropriate and not prejudice or discredit DoD.

## HOLIDAY SEASON COMING UP! Don't Forget the Designated Driver!!!

Heard this before? Time to hear it again...listen carefully! If you have had any amount of alcohol, do not get behind the wheel. In North Carolina, a motorist may be convicted of DWI if he operates a vehicle while under the influence of an impairing substance. This will be presumed if the driver is found to have a blood-alcohol concentration (BAC) of .08 or more. But is not a bright line rule.

If you are pulled over for DWI, the officer will probably have you perform several field sobriety tests. He may then decide to ask you to consent to a blood or breath test. You can refuse to be tested but based on your refusal you will lose your driving privileges in North Carolina and on base for a period of one year based solely on the refusal.

If the officer has probable cause to believe you have operated a vehicle while under the influence, he may arrest you and formally charge you with DWI. This can be based solely upon your driving and performance on field sobriety tests. This may be further demonstrated by your physical appear-

ance: smell of alcohol, slurred speech, glassy eyes, etc...with or without a BAC.

On-post cases are usually heard in federal court. Off-post cases are usually heard in state court. However, a military member is also subject to prosecution under the Uniform Code of Military Justice (UCMJ) Article 111.

Be aware, the unit does not have to wait for a court or court-martial to dispose of your case before taking action. Your driving privileges can be suspended immediately upon arrest and you may receive a letter of reprimand before you are convicted. Further, you will be referred to evaluation for dependency or a similar alcohol/drug abuse education program. Lastly, your commander may start separation proceedings against you. PLEASE, think before you drink and drive.

*See North Carolina State Bar's Legal Assistance for Military Personnel for more information at <https://www.nclamp.gov>*

### HAPPY HOLIDAYS!

Your local JA Office is here to help.

To request an appointment:

1. Call 910-394-2341;
2. Send an email to: [43AMOG.JA.LegalAssistance.us.af.mil](mailto:43AMOG.JA.LegalAssistance.us.af.mil); or
3. Visit: <https://www.pope.af.mil/ab-out-us/Legal-appointment>

We provide notaries, powers of attorneys, and attorney consultations by appointment.

*For after-hours emergencies, call the Command Post (394-9000) to reach the on-call JAG.*

### ETHICS CORNER

#### HOLIDAY GIFTS:

Time for the Annual Reminder!

In general, you may not give a gift to an official who is in a position superior to yours. And, you may not accept a gift from a lower paid employee, but there are exceptions to the rule!

The most common exception is the special infrequent occasion gift. For example: marriage, the birth of a child, retirement, and permanent change of station.

For the Holiday Party/ traditional gift giving situations, the following is allowable:

- \* Items with value of \$10.00 or less;
- \* Food/drinks shared in the office;
- \* Personal hospitality of a type and value customarily provided to personal friends; and
- \* Host/hostess gifts.

This paper is for general legal education, and should not be substituted for legal advice.