



DEPARTMENT OF THE NAVY
COMMANDING OFFICER
U.S. NAVAL STATION GUANTANAMO BAY CUBA
PSC 1005 BOX 25 FPO AE 09593-0100

NSGBINST 4060.1B
N00
20 Jul 2022

U.S. NAVAL STATION GUANTANAMO BAY, CUBA INSTRUCTION 4060.1B

From: Commanding Officer, U.S. Naval Station, Guantanamo Bay, Cuba

Subj: GUIDELINES FOR THE OPERATION OF PRIVATE HOME BUSINESSES AND PUBLIC KITCHENS

Ref: (a) DoD Instruction 5500.07-R, Joint Ethics Regulations
(b) U.S. Navy Regulations, September 1990
(c) SECNAVINST 1740.2F
(d) NSGBINST 5760.1G
(e) NSGBINST 1700.1A CH-1

Encl: (1) Notice of Operation of a Private Home Business Form
(2) Acknowledgement of Terms

1. Purpose. To provide guidelines concerning the operation of private home businesses and public kitchens onboard U.S. Naval Station, Guantanamo Bay, Cuba (NSGB) in compliance with references (a) through (e).

2. Cancellation. NSGBINST 4060.1A. This is a complete revision and should be read in its entirety.

3. Background. As an isolated installation without off-base access, the operation of private home businesses and public kitchens are integral to the daily life and morale of base residents. Private home businesses and public kitchens are self-sustaining, non-federal entities that are not an official component of the Federal government. Private home businesses and public kitchens are established, operated, and controlled by an individual(s) acting outside the scope of any official capacity as officers, employees, or agents of the Federal government. Private home businesses and public kitchens should make a positive contribution in terms of morale or service to personnel onboard the installation. These entities may operate onboard NSGB with permission of the Commanding Officer (CO). The NSGB Staff Judge Advocate (SJA) is charged with oversight authority to ensure that private businesses and public kitchens comply with references (a) through (e) and this instruction.

a. A private home business is an individual providing a service or product and operating out of his or her residence. Examples of private home businesses include: individuals cooking and selling food out of his or her residence, creating and selling crafts, and providing services from his or her residence.

b. A public kitchen is a publically accessible facility, structure, or space where individuals prepare, cook, serve, and consume food. Examples of public kitchens include Rasta Hill, Gold Hill, Sunken Garden, and the cooking areas at and around foreign national housing areas.

c. Alcohol may not be imported for resale. The Navy Exchange (NEX) and Morale, Welfare, and Recreation (MWR) are the only authorized importers of alcohol for resale. For example, only MWR is authorized to sell kegs.

4. Scope. This instruction applies to all private home businesses onboard NSGB unless pertinent statutes, regulations, or higher directives specify otherwise. Public kitchens are not considered to be private home businesses, and consequently are not required to follow private home business procedures.

5. Policy

a. Public kitchens are not Federal entities and are not entitled to the sovereign immunity and/or privileges afforded to Federal entities and instrumentalities.

(1) Individuals cooking in public kitchens may share costs. Sharing costs means individuals can charge others for the fair market value of preparing, cooking, and consuming food made and pre-packaged alcohol consumed at the public kitchen (e.g. a single serving bottle of beer).

(2) U.S. Navy Hospital, Guantanamo Bay, Preventative Medicine (USNH GTMO) and U.S. Army Veterinarian may inspect public kitchens at the direction of the CO, or as they see fit. While not regulatory, these findings may be publicly posted at the public kitchen.

b. Private home businesses are not Federal entities. NSGB's support of private home businesses is limited by reference (b), Article 0811.

(1) Private home businesses are responsible for complying with all applicable federal laws, to include fire and safety regulations, environmental laws, tax laws, and labor standards.

(2) Private home businesses must not operate onboard NSGB without first submitting a notice of operation to the CO via the SJA. Notice to operate onboard NSGB does not constitute a request or approval of logistical support, nor does it bestow any official sanction, endorsement, or guarantee of support by the U.S. Government. The CO is authorized to bar a private home business from operating onboard the installation when the private home business fails to comply with this instruction.

(3) There must be no official endorsement of private home businesses, and private home businesses may not imply or create the appearance that the entity is an official part of NSGB, Department of the Navy (DON), or the Department of Defense (DoD).

(4) To prevent the appearance of official sanction or support by the DoD or the DON, a private home business must not use the following in its title, products, or services unless granted permission in accordance with paragraph 5(d)(2) of this instruction:

(a) The name or seal of the DoD, or the acronym "DoD."

(b) The name or seal of the DON, or the acronym "DON."

- (c) The seal, logo, or insignia of any other DoD component or instrumentality.
- (d) The seal, logo, insignia, or other identifying device of NSGB.
- (e) Any other seal, logo, insignia, or the like, used by any DoD component to identify any of its programs, locations, or activities.

(5) Per reference (d), private home businesses must not use the name or abbreviation of any DON or DoD component in the business's name (e.g., "Naval Station Guantanamo Bay Apparel Company or NSGB Cupcakes), without first securing consent from the DON or DoD component whose name is used. Any such use must not create the perception that the private home business is an organizational unit of the DON or DoD.

(6) Private home businesses are responsible for complying with references (a) through (e). In particular, owners or employees of private home businesses who are government employees are reminded that the official or apparently official endorsement of events, the use of one's official title with respect to private home businesses, the use of official channels to distribute information regarding events, absences to participate in events, and the use of government resources, including e-mail, in support of events, are all restricted by reference (b), Article 0811.

(7) Private home businesses must be financially self-sustaining. Neither DoD components nor Non-Appropriated Fund instrumentalities may provide financial assistance or logistical support to private home businesses.

(8) Activities of private home businesses onboard NSGB must not in any way prejudice or discredit the DoD, the DON, other DoD Components, or other Agencies of the Federal government.

(9) Private home businesses must not compete with the NEX, any MWR activities, or any other appropriated or non-appropriated fund activity on the installation. A determination of what is considered "competitive" and therefore unauthorized is solely within the discretion of the CO. In general, private home businesses with an annual net revenue of less than \$15,000 do not constitute competition.

(10) Private home business fundraising activities must not occur in the workplace. The CO has the authority to determine which areas of the base are considered "outside the workplace" for fundraising purposes.

(11) Private home businesses must not make or sell alcohol, per reference (e).

6. Establishing a private home business

a. Individuals seeking to operate a private home business must notify the installation in writing by submitting enclosure (1) of this instruction via the SJA to the CO. The SJA is designated by the CO to maintain a record of private home businesses. The extent of SJA management is always subject to the discretion of the CO. Notification of operation of a private home business on NSGB must include at a minimum:

- (1) Business name.
- (2) Location of business.
- (3) Name and contact information of the business owner.
- (4) Nature of the business (type of item or service sold).

b. In order to operate a private home business onboard NSGB, the following items must be submitted for approval:

- (1) Notification of Operation of a Private Home Business (Enclosure 1).
- (2) Acknowledgement of Terms. (Enclosure 2).

c. Private home businesses that prepare and/or handle food must obtain Food Handler's Certification from USNH GTMO.

d. Private home businesses that provide services typically requiring certification (e.g. cosmetology, child care, massage therapy, etc.) will submit proof of certification upon application to operate a home business. If at any time, certification to perform services lapses, private home businesses will immediately cease operations until proof of certification is provided to SJA.

e. All private home businesses understand that food and supplies available at the NEX and Commissary are provided to support the continuous operation of NSGB. Private home businesses are extraneous to NSGB's core mission, and are permitted as a matter of morale for base residents. Therefore, any food or supplies needed by a private home business purchased from the NEX or Commissary must not interfere with base residents' access to those food or supplies. Private home businesses are encouraged to coordinate special purchases with the NEX and Commissary for their needs.

f. Private home businesses must submit prompt notification of any material changes in the businesses' name, ownership, location, or nature of sales/services to the SJA.

7. Audits

a. Private home businesses are subject to audit and must make available financial records for inspection when required by CO. The financial records requirements are as follows:

(1) Private home businesses with a gross annual revenue not exceeding \$5,000 must maintain an annual financial statement.

(2) Private home businesses with a gross annual revenue exceeding \$10,000 must maintain a biannual financial statement.

(3) Private home businesses with a gross annual revenue exceeding \$15,000 must hire an auditor to conduct an annual audit.

b. At any time, The CO may require a private home business to conduct an official audit. These audits must be conducted by an audit board appointed by the CO. The signed audit must be reviewed by the owner of the private home business, submitted to the SJA's office by the given deadline, and routed to the CO.

8. Dissolution

a. Upon dissolution of a private home business, the private home business must submit written notice of the closure to the SJA to include the following information:

- (1) Business name.
- (2) Type of business.
- (3) Owner with contact information.
- (4) Reason for dissolution.
- (5) Date of dissolution.

9. Authority to Revoke Authorization to Operate. The CO may, at any time, without notice, prohibit the operation of a private home business when such action is considered to be in the best interests of the service, or when a private home business fails to adhere to the requirements contained in or incorporated by reference into this instruction.

10. Records Management. Records created as a result of this instruction, regardless of media and format, must be managed per SECNAVINST 5210.8F of March 2019.

11. Review Responsibility. Per OPNAVINST 5215.17A, the SJA will review this instruction annually on the anniversary of its effective date to ensure applicability, currency, and consistency with Federal, DoD, SECNAV and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will automatically expire 10 years after effective date unless reissued or canceled prior to the 10-year anniversary date, or an extension has been granted.



S. S. WHITE

Releasability and Distribution:

This instruction is cleared for public release and is available electronically via NSGB Website or Portal <https://www.webaccess.usnbgmtmo.navy.mil>.

Notice of Operation of a Private Home Business Form

MEMORANDUM

From: _____
To: Commanding Officer, U.S. Naval Station Guantanamo Bay, Cuba
Via: Staff Judge Advocate, U.S. Naval Station Guantanamo Bay, Cuba

Subj: REQUEST TO ESTABLISH A NON-FEDERAL ENTITY ONBOARD
U.S. NAVAL STATION GUANTANAMO BAY CUBA

Encl: (1) Food Handler's Permit (if business deals with food)
(2) Acknowledgement of Terms

1. In accordance with NSGBINST 4060.1B, enclosures (1) and (2) are submitted to notify NSGB of the operation of a private home business.

2. Business information

a. Name of business: _____

b. Type of business: _____

c. Business location: _____

d. Business owner: _____

e. Business contact information: _____

3. Point of contact for this notification is _____
(Name and contact information).

Business Owner's Signature/Date

RECOMMENDED

NOT RECOMMENDED

Staff Judge Advocate

APPROVED

DISAPPROVED

Commanding Officer

Enclosure (1)

Acknowledgement of Terms

(Please read and initial each statement)

___ I have reviewed NSGBINST 4060.1B (Guidelines for Non-Federal Entities).

___ I understand that my Non-Federal Entity (NFE) may not discriminate or deny membership because of race, color, creed, sex, age, disability, or national origin.

___ I understand that my private home business must be financially self-sustaining and can receive no financial or logistical support from any DON or DoD entity.

___ I understand that my private home business is prohibited from hindering any DON or DoD command's military mission and may in no way detract from readiness.

___ I understand that private home business may at no time bring any discredit to the DON or the DoD.

___ I understand that the CO is authorized to bar a private home business from operating on base if the private home business fails to comply with applicable instructions.

___ I understand that I cannot use the name or abbreviation of any DON or DoD component in the title of my NFE without first securing consent from the command via the CO.

___ My private home business will not compete with the NEX or MWR.

___ My private home business will not sell or furnish alcohol to persons on DON installations as part of any fundraising activity.

___ **If my private home business prepares/handles food, I certify that I have received food handler's training from USNH GTMO. This certification must be attached to this document.**

Business Name: _____

Name: _____

Signed: _____ Date: _____