

2013

Financial Fraud
Enforcement
Task Force
Consumer
Protection
Working Group

Servicemember
Subgroup



State Attorneys General Toolkit on Consumer Protection for the Military

State Attorneys General Toolkit on Consumer Protection for the Military



Office of the Attorney General

Washington, D.C. 20530

March 7, 2013

Dear Law Enforcement Partner:

Even as our economy shows signs of improvement, financial fraud remains a growing threat to so many. And it can affect even the strongest and bravest among us -- our servicemembers and veterans.

This type of financial fraud is unacceptable. Financial crimes can be just as devastating as violent ones, and can wreak havoc not just on an individual, but on whole families. We as a Nation owe an incredible debt to our servicemembers and veterans and need to work together to protect them -- just as they do us. Because of that debt, it is our responsibility to use all available tools to deter and hold accountable those who would prey upon our servicemembers and veterans for financial gain.

That is why the Department of Justice, along with State Attorneys General, have come together in an historic fashion to express our commitment to greater enforcement against these pernicious forms of financial fraud. One product of that collaboration has been a set of enforcement toolkits containing the information that United States Attorneys, JAG Legal Assistance Attorneys, and State Attorneys General need to take effective enforcement action in this area. We believe that these enforcement toolkits will increase (1) dialogue amongst law enforcement about financial scams affecting the military; (2) referrals between military, state, and federal partners of potential investigative leads; and, most importantly (3) the number of civil and criminal cases brought against those who would defraud our servicemembers and veterans.

We implore you not just to review the materials herein, but keep them handy. Use them. Talk about consumer frauds that affect the military. Encourage those affected by fraud and other deceptive practices to report. Refer matters. Bring cases. And together, we may be able to prevent and stop this insidious financial fraud.

Thank you for all you do.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric H. Holder, Jr.", with a stylized flourish at the end.

Eric H. Holder, Jr.
Attorney General

A Message from Co-Chairs of the FFETF Consumer Protection Working Group

Effective consumer protection requires that all levels and branches of government work together to deliver more targeted prevention and enforcement. Communication, collaboration, and responsiveness are three key components in this effort. The educated consumer is, and always will be, the very best protection against fraud and deceit.

With that collaboration in mind, President Obama established the interagency Financial Fraud Enforcement Task Force (the “FFTEF”) in 2009. We co-chair the Consumer Protection Working Group of that Task Force, focused on identifying threats to consumers, and working together to prevent and stop them.

The public that we protect is also safeguarded by those who defend us all – our active duty and reserve military servicemembers. Many of us know someone who has served in our Armed Forces. We all share an appreciation of the sacrifices made by those who protect us. Our service members don’t ask for glory or to be described as heroes. They simply want to do their jobs, come home to their families, and enjoy the same freedoms and protections as others in America.

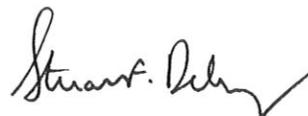
That is why financial scams directed at servicemembers, veterans and their families are so insidious – and why we have made stopping them a priority of the Consumer Protection Working Group. One way to demonstrate our thanks to those who give so much is to raise awareness, within the military and among those in law enforcement, about the specific consumer threats facing servicemembers and also to help build comprehensive strategy to target those threats.

This toolkit is designed to provide an overview of common consumer scams affecting the military, applicable federal and state laws, available federal and state partners, models for outreach to the military community, and sample legal materials to assist United States Attorneys and their AUSAs in bringing more enforcement in this area. We know that United States Attorney’s Offices around the country are engaged in the same effort – conducting fraud prevention training in Bridgeport Connecticut, and base visits in Pensacola, Florida and in the District of Kentucky, for example. Our hope is that this toolkit offers an enforcement and outreach model for others to draw from, and a guide to better understanding some of the challenges faced by our servicemembers and their families.

To those reading this toolkit who have served in our military, we thank you for your sacrifice. To those US Attorneys seeking to bring more actions addressing fraud on servicemembers and their families, we hope that this toolkit provides a useful template for you and we look forward to working with you in the days to come.



André Birotte Jr.
United States Attorney
Central District of California



Stuart F. Delery
Principal Deputy Assistant
Attorney General
Civil Division
Department of Justice

March 7, 2013

Dear Generals:

The incredible sacrifices made by the men and women of the United States Armed Forces cannot be overstated. Servicemembers past and present have dedicated their lives and careers to the collective good, so that we can live as a free and prosperous nation.

Unfortunately, a growing number of scam artists and fraudsters are targeting the military population, using deceptive and criminal schemes to defraud servicemembers and their families as they make important financial decisions. From abusive lending practices to concerns about paying for education to identity theft and V.A.-related scams, all servicemembers – active, reserve, retired, and separated – remain vulnerable to myriad consumer challenges at nearly every turn. It is therefore critical that law enforcement agencies work together to ensure our servicemembers are protected from such scams both at home and abroad.

The Servicemember subgroup of the U.S. Department of Justice Financial Fraud Enforcement Task Force designed this Toolkit specifically to assist our fellow State Attorneys General in identifying and addressing common consumer protection issues that servicemembers face. This document is also intended to serve as a guide for relevant statutes and regulations, as well as being a resource with contact information for state and federal partners in this fight. With these tools in hand, our colleagues in offices of State Attorneys General nationwide should be better equipped to navigate the diverse issues and complex jurisprudence in this field.

We hope that this document will be the start of an ongoing dialogue among State Attorneys General about how best to ensure that our servicemembers and their families can protect themselves against fraud and make sound financial decisions. The greater our collaboration, the better our ability to protect this vitally important population.

Very truly yours,



Jack Conway
Attorney General, Kentucky



Roy Cooper
Attorney General, North Carolina



Lisa Madigan
Attorney General, Illinois



Greg Zoeller
Attorney General, Indiana

PREFACE

This edition of the State Attorneys General Toolkit (available in electronic format) is the first of its kind. This version contains hyperlinks to Internet sites and to other topics within the book. Those reading a printed version of this Toolkit will note that there may be words and phrases that are underlined. Some of these underlined words and phrases will appear in blue when viewing the online version, which means that the word or phrase is hyperlinked. We have done this because more and more users view this material using a computer with Internet access. Hyperlinking to Internet sites and within the book makes it much easier for the reader to research the various topics discussed.

The reader will also note that the word “veteran” is used throughout the book. This should be taken by the reader to mean veterans as well as veterans’ dependents. Likewise, the use of the term “servicemember” is used to mean both a servicemember, male or female, of the Armed Forces of the United States and the servicemember’s dependents. (Additionally, this Toolkit uses “servicemember” as the default term, but adopts “servicemember” where otherwise employed in a title or by another agency, and recognizes that both are in public usage.) Although the definition of veteran varies depending on the context of its usage, as a general rule, “servicemember” refers to those currently in the military while “veteran” refers, depending on the circumstances, to those either (1) still in the military who have met certain criteria to merit being called “veterans” or (2) to those who have completed their military service (and, typically, also have met certain criteria). The second category of veteran (those who are no longer in service) should also be distinguished from those who have retired from the military. Retirees from the military are those who have, independent of whether they qualify as a veteran, qualified for a federal retirement pension due to length of service (i.e., retirement for career members of the military).

The contents of this book are not provided for purposes of giving legal advice to the reader. The contents are for informational purposes only, and the authors of this work do not assume responsibility for the accuracy or veracity of the reports or studies summarized herein, nor does this publication represent a legal opinion of the contributors or their respective Offices. The purpose of this publication is to provoke thoughtful consideration, analysis, and action by the various State Attorneys General in the fight against scams and frauds targeted at current servicemembers, veterans, and military family. Cautionary messages, questions, legal cases, and pitfalls presented in this book are not the only legal issues to be considered. Reading this book is a good beginning, but independent legal research under the laws of the state or states concerned, as well as consultation and collaboration with the various state and federal subject matter experts, is highly recommended.

For a digital copy of the *State Attorneys General Toolkit*, please contact Dennis Cuevas, Staff Attorney, National Association of Attorneys General, at dcuevas@naag.org. Should you have suggestions or comments on this publication, please do not hesitate to contact him for submission to the current editorial group. This work is distributed free of charge to the various State Attorneys General of our nation. It is designed for internal use only and is not intended for general public distribution.

TABLE OF CONTENTS

SECTION ONE: INTRODUCTION/OVERVIEW.....	1
INTRODUCTION.....	2
OVERVIEW.....	2
Orientation Regarding the Military.....	2
What Distinguishes the Military Community from Other Constituencies?.....	3
PURPOSE.....	5
Goal of this Toolkit.....	5
Future of Such Efforts.....	5
SECTION TWO: SUMMARY OF COMMON SCAMS/FRAUD AFFECTING SERVICEMEMBERS AND VETERANS.....	6
LENDING.....	7
Introduction: Lending Issues Facing Servicemembers.....	7
Military Lending Act.....	7
States and the MLA.....	9
Payday Loans.....	9
Refund Anticipations Loans.....	11
Consumer Finance Loans.....	11
Installment Loans.....	12
Retail Installment/Rent-to-Own.....	12
Auto.....	13
Car Title Loan.....	14
Yo-Yo Scams/ Spot Delivery.....	14
Loan Packing.....	14
Buy Here/Pay Here Dealerships.....	15
Debt Collection.....	15
Mortgage Rescue Scams.....	15
Servicemembers Civil Relief Act in Mortgage Cases.....	16
Enhanced Mortgage Protections Pursuant to the Mortgage Servicing Agreement.....	17
EDUCATION.....	18
Quick Overview of Benefits Available.....	18
For-Profit Schools.....	20
Deceptive Business Practices by Certain Educational Institutions.....	23
Student Loans.....	25
Before the Veteran Applies.....	27
Applying for a Loan.....	27
Receiving A Loan.....	27
Repaying A Student Loan.....	28
Cancelling A Loan.....	29
What if the Veteran Defaults?.....	30
CHARITIES.....	30
IDENTITY THEFT.....	31
VA-RELATED SCAMS.....	33
“Bait and Switch” Annuities and Trust Marketing.....	33

Deferred Rent Arrangements (Residential Care Facilities)	37
Questionable Medical Expenses (Residential Care Facilities)	37
SECTION THREE: THE LAW	38
Overview	39
FEDERAL LAW	39
<i>Servicemembers Civil Relief Act</i> [SCRA] (50 U.S.C. App. § 501 et seq.)	39
<i>Military Lending Act</i> [MLA](10 U.S.C. § 987)	41
<i>Federal Trade Commission Act</i> [FTCA](15 U.S.C. §§ 41-58).....	41
<i>Fair Debt Collection Practices Act</i> [FDCPA](15 U.S.C. § 1692-1692p).....	42
<i>Telemarketing and Consumer Fraud and Abuse Prevention Act</i> (15 U.S.C. §§ 6101 et seq.)	43
Credit	45
<i>Credit Repair Organizations Act</i> [CROA](15 U.S.C. § 1679 – 1679j)	46
Military Legal Assistance	46
STATE LAW	48
Lemon Laws and Unfair & Deceptive Acts and Practices Statutes	49
Lemon Buyback Laws and Salvage Vehicle Laws	52
Telemarketing and Debt Collection Statutes	55
States Statutes that Address Military Lending Act (10 U.S.C. § 987).....	58
SECTION FOUR: PARTNERS	61
STATE ATTORNEYS GENERAL	62
JUDGE ADVOCATES	73
U.S. Department of Justice/U.S. ATTORNEYS	85
POCs at DOJ Consumer Protection Branch	87
CONSUMER FINANCIAL PROTECTION BUREAU	95
FEDERAL TRADE COMMISSION	95
Bureau of Consumer Protection	95
Instructions for the Public-Filing a Complaint Online	96
Consumer Sentinel	102
Consumer Sentinel-Military.....	102
Points of Contact (POC) List for FTC Regional Offices Regarding Servicemember Issues	103
VETERAN SERVICE ORGANIZATIONS	104
General Description of Organizations and Some Examples.....	104
Master POC List.....	104
SECTION FIVE: ADDITIONAL INFORMATION	105
BRIEF LIST OF COMMON MILITARY ACRONYMS.....	106
LIST OF USEFUL WEBSITES	111
SAMPLE MILITARY/CONSUMER LETTERS.....	113
SCRA, 50 U.S.C. app. 501, Sample Letters	113
State Law Consumer Sample Letters [Illinois Patriot Plan, Public Act 94-635].....	119

**SECTION ONE:
INTRODUCTION/OVERVIEW**

INTRODUCTION

In response to the financial crisis, President Obama created the U.S. Department of Justice (DOJ) Financial Fraud Enforcement Task Force (FFETF) in 2009. A functional component of the FFETF is a Consumer Protection Working Group, with an affiliated subgroup on Servicemember issues. The Servicemember subgroup recognized a need to promote awareness and enforcement of the rising number of scams and frauds perpetrated against current and past members of the military. To meet this need, members of the subgroup decided to draft a set of educational guides on servicemember fraud: each designed to assist various law enforcement agencies, to help to increase interagency cooperation, and to facilitate enforcement actions against fraudulent enterprises. This toolkit is the State Attorney General portion of that broader effort.

OVERVIEW

Orientation Regarding the Military

The Armed Forces of the United States are made up of five branches: the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard.¹ Each branch consists of an active duty (full-time) component and a reserve (part-time) component. Despite some members being a part of the service reserve (“reservists”), over the course of their careers, many of them have spent months or years called up (“activated”) to full-time, active duty for specific tours of duty. The simplest case is those who have served in the active component. These servicemembers have all served on “active duty.” Today, service in a reserve component² often, but not always, includes “active duty” service.

Basic, minimal service in the reserve components consists of Inactive Duty for Training [IDT], annual training, and other periods of “Active Duty for Training” [ADT]. Such status does not meet the requirement for “active duty” when seeking federal veterans benefits. However, those who serve on active duty under federal command with the National Guard or Reserves are considered to be on “active duty.” In recent years, various units and individual servicemembers of the Reserve Component have been called up to active duty with increased frequency, typically for overseas deployments, particularly in light of the Global War On Terror [GWOT]. These activations are considered active duty service.

An important distinction must be drawn between the federal reserves and those who serve in the National Guard. Servicemembers of the National Guard are members both of their own state’s organized militia and the federally recognized National Guard. Thus, when talking about a member of the Guard, one often must ask: “in what status is that member currently serving?” In the context of this toolkit, the status of a servicemember in the Guard may have a bearing on which military consumer protection law applies.

¹ 101 U.S.C. §101(a)(4) (2011).

² The reserve components are the Army National Guard of the United States [ARNGUS], the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, and the Coast Guard Reserve. 10 U.S.C. §10101 (2011)

The status of a guardsman can be broken down largely using two broad sets of categories: (1) who commands the guardsman in a given status; and (2) what source of money is being used to fund the servicemember’s current activity and status. In answering these questions it is important to note that at any given period of duty, a member of the Guard is either under the command of a state Governor or the President of the United States. Likewise, the source of money being used to fund the guardsman’s current duty status can bear on the scope of certain rights and duties.

Service under U.S.C. Title 10: This is *federal active service*. This federal authority is used to mobilize and deploy the federal reserves and to use the state-based National Guard for federal purpose.³ The command and control in this federal active service belongs to the President and the federal government. This status is what one usually thinks of as regular active military duty.

Service under U.S.C. Title 32: This is *federally-funded* state active service. Typically, this status is used for training purposes:

- Weekend drills and annual training;
- Airport security duty;
- Certain full-time voluntary employment in the Guard or Reserves (AGR);
- State emergencies (e.g., floods, wild fires, tornados, lost-person searches, riot control, etc.).

State Active Service: Activation by the governor entirely at state cost.

	Title 10 Service	Title 32 Service	State Active Service
Command & Control	President	Governor	Governor
Where	Worldwide	CONUS	State law controls
Pay	Federal	Federal	State
Types of Mission	Training overseas, federal deployments/missions abroad after mobilization	Training and other federally authorized activities	State law authorized: e.g., riot control, emergency response, etc.
Disciplinary Authority	UCMJ	State law	State law
Support local Law Enforcement	No: Except with specific authority	Yes	Yes

What Distinguishes the Military Community from Other Constituencies?

One might reasonably ask why the military community (current servicemembers, veterans, and their families) should be singled out for special treatment when it comes to the regular work of State Attorneys General. The contributors to this first edition of the toolkit offer four reasons for the special focus on the military community:

³ See, e.g., 10 U.S.C. §10106 (2011) (“The Army National Guard while in the service of the United States is a component of the Army.”)

1. **Laws.** There are particular laws that apply specifically to the military community that do not apply to the general public in certain instances of consumer protection.
2. **Military Culture.** Just as reaching out to certain civilian constituents may require some understanding of another language or culture, the military community itself is distinct from civilian society, with its own set of laws (e.g., the UCMJ), customs, practices, and even language. The ability to connect to the military community is vital in discharging our collective obligation, as State Attorneys general, to serve military members that live and work within our individual jurisdictions.
3. **Individual Vulnerability.** The Armed Forces of the United States are renowned for their prowess, representing the pinnacle of military capability in human history. However, that image can sometimes obscure the reality that many – who are learned in military matters, and who have and do serve with such distinction – may not be equipped with the same level of sophistication when it comes to fraud and consumer matters. Such servicemembers may find themselves targeted by the unscrupulous who know these individuals have limited time and access to consumer products, but must, nonetheless, secure basic services and engage in financial transactions. Servicemembers may also be prey to those who use the false threat of military discipline for disregarded debts (a real concern), even if the basis of the debt in question is shaky – if not downright fraudulent. Such vulnerabilities are only exacerbated by the inherent demands of military service itself, in which an individual may be whisked away to his or her next duty station with limited means to outside lines of communication where they might ask questions or get assistance.
4. **National Security.** Protecting our servicemembers from scams and fraud supports national security. During and before the Cold War, the concept of supporting our servicemembers was largely influenced by the thought that the major (if not only) use of the military would be in the service of global conflicts (nation-state versus nation-state conflicts). The reserve components, in particular, were predominantly a strategic force available for large-scale activation in the event of war. Today, one need not be a policy insider or military strategist to understand that the focus has necessarily shifted: while the military continues to be ready to fight and defend against large-scale threats to the nation, the activity of the military has been drawn to a wider variety of potential and actual conflicts. These conflicts are not always against other nation-states and often involve a more complex range of military and non-military threats to confront. The reserve components have been called with increasing frequency to meet these large demands and fight side-by-side with active component servicemembers. Entanglements at home due to fraud and scams interfere with mission completion, and sap our nation's strength.

PURPOSE

Goal of this Toolkit

In promoting awareness of the particular impact of scams and frauds against servicemembers and veterans, the authors of this Toolkit, wish to (1) increase awareness of our federal partners' role in this field; and (2) invite the various State Attorneys General to recognize a paradigm shift: today, the need to support the military in its national defense mission is no longer a solely "a federal concern" that does not involve state interests. Many of our servicemembers directly participating in international operations are those that transition back and forth between civilian and military life. State enforcement action on behalf of members of the military is needed to guarantee that those who serve have the same opportunity to succeed as the rest of us. In addition, many of scams and frauds targeting the military are violations of state law, and thus the State Attorney General is well-positioned to bring the necessary enforcement actions.

Future of Such Efforts

The authors of this Toolkit would also like to emphasize that this document is a first of its kind. We are not aware of any prior attempt to provide a basic reference on consumer fraud against military personnel directed to State Attorneys General. We hope this undertaking is not viewed as an end result, but as the beginning of a new platform for discussion among the states; for sharing best practices and alerting sister states of troubling trends. We hope that, with the input of State Attorneys General across the nation, this Toolkit will be considered a work-in-progress that can be continually revised and that might serve as foundational reference on the subject of servicemember consumer protection efforts.

**SECTION TWO: SUMMARY OF
COMMON SCAMS/FRAUD AFFECTING
SERVICEMEMBERS AND VETERANS**

LENDING

Introduction: Lending Issues Facing Servicemembers

Servicemembers often become targets for abusive lending practices because they have steady paychecks and because of the demographics of the military: the vast majority of servicemembers are young enlisted men and women, who are more likely to be inexperienced in financial matters. Servicemembers are required to receive their paychecks via direct deposit, which in turn requires they maintain a bank account, making them prime subjects for lending scams that make use of those types of accounts.⁴ Lending issues are especially critical for servicemembers because they may lose their security clearances if they do not maintain their finances properly.⁵ Some of the lenders who take advantage of a servicemember's need for quick cash set up shop in close proximity to military installations or specifically target servicemembers via the Internet. Many of these scams involve short-term loans that include high interest rates and hidden fees. Abusive lending can arise in a vast array of credit transactions, ranging from payday and installment loans to car title loans to rent-to-own products. Debt collection related to these loans can sometimes lead to threats and harassment that defraud servicemembers and their families out of their hard-earned money.

Military Lending Act

After an extensive study of the ways in which predatory lending affects American servicemembers, Congress enacted the John Warner National Defense Authorization Act of 2007. The Military Lending Act is a portion of that bill. Its provisions and regulations went into effect October 1, 2007.⁶ This Act and corresponding regulations seek to protect active servicemembers from predatory lending by setting a strict 36% inclusive rate limit (which includes fees and charges) for certain closed-end consumer credit transactions, including payday, car title, and tax refund anticipation loans.⁷ The statute expressly excludes from its protections residential mortgages and loans procured in purchasing a car or other personal property when the loan is offered for financing that purchase and is secured by the car or property.⁸ However, for covered consumer credit transactions involving servicemembers, these provisions prohibit:

- Roll-overs, renewals, refinancing, and consolidation, unless the new terms benefit the servicemember;
- Mandatory arbitration clauses and waivers of legal rights;
- Securing a loan with a personal check or access to a bank account;
- Requiring repayment through military allotment; and

⁴ Jean Ann Fox, Consumer Federation of America, "The Military Lending Act Five Years Later: Impact on Servicemembers, the High Cost Small Dollar Loan Market, and the Campaign against Predatory Lending" 15 (May 29, 2012), available at <http://www.consumerfed.org/pdfs/Studies.MilitaryLendingAct.5.29.12.pdf>.

⁵ *Id.* at 16.

⁶ Military Lending Act, 10 U.S.C. § 987 (2013); Department of Defense Military Lending Act Regulations, 32 C.F.R. pt. 232 (2013).

⁷ FOX, *supra* note 1, at 4.

⁸ 10 U.S.C. 987(i)(6) (2013).

- Prepayment penalties.⁹

In these consumer credit transactions, creditors must also disclose the military annual percentage rate, as well as provide a clear description of the payment obligations and any other disclosures required by the Truth in Lending Act (TILA).¹⁰

The National Defense Authorization Act for Fiscal Year 2013, the President Obama signed into law on January 2, 2013, made changes to the MLA, adding provisions that allow for civil penalties and granting MLA enforcement authority to agencies listed in section 108 of TILA.¹¹ The amendments also require the Department of Defense to consult with the Consumer Financial Protection Bureau (CFPB) and other agencies at least once every two years in prescribing regulations under the MLA.¹²

Creditors who knowingly violate the MLA can be found guilty of a misdemeanor and, accordingly, fined or imprisoned for up to one year.¹³ Recent amendments to the law also provide for civil penalties for violation of the Act.¹⁴ Individuals who have been harmed can seek actual damages, punitive damages, equitable or declaratory relief, or “any other relief provided by law.”¹⁵ The Act, under the recent amendment, can be enforced by agencies such as the CFPB, the US Department of Agriculture, the FDIC, and the SEC as to entities over which they have authority.¹⁶

A 2012 study conducted by the Consumer Federation of America found that in the Act’s five years of existence, it has helped to root out some of the harmful consumer credit practices covered by the MLA, especially in the realm of storefront payday lending.¹⁷ It has, however, been more difficult to curb lending that takes place over the Internet. The study determined that, due to the MLA rate cap, refund anticipation loans to servicemembers have been effectively eliminated as banks have largely abandoned that market altogether.¹⁸

In spite of these gains, the Consumer Federation study acknowledged that improvements must be made to the law and its implementing regulations. First, the protections apply only to active-duty servicemembers, reservists, and their dependents, but not to inactive personnel, retirees, or veterans who also are often victims of abusive lending practices.¹⁹ Second, lenders have adapted to the regulations’ parameters by manipulating their credit products in order to evade the definition of consumer credit; this is commonly accomplished by altering the length of a loan

⁹ 32 C.F.R. § 232.8 (2013).

¹⁰ § 232.6.

¹¹ National Defense Authorization Act for Fiscal Year 2013, 2012 H.R. 4310 §§ 661-663 (2012); entities listed in section 108 of TILA (15 U.S.C. § 1607) are: Office of the Comptroller of the Currency, the FDIC, the Board of Governors of the Federal Reserve System, the National Credit Union Administration, the Secretary of Transportation, the Secretary of Agriculture, the Farm Credit Administration, the CFPB, and the SEC.

¹² *Id.*

¹³ 10 U.S.C. 987(f)(1) (2013).

¹⁴ 2012 H.R. 4310 § 662(a) (to be codified at 10 U.S.C. § 987(f)(5)).

¹⁵ *Id.*

¹⁶ 2012 H.R. 4310 § 662(b) (to be codified at 10 U.S.C. § 987(f)(6)).

¹⁷ FOX, *supra* note 1, at 9.

¹⁸ *Id.*

¹⁹ FOX, *supra* note 1, at 9-10.

term or by offering a loan whose total amount exceeds the regulatory limit.²⁰ Finally, installment loans and rent-to-own financing are not included under the terms of the statute or regulations, frequently leaving servicemembers vulnerable to high rates and unfair practices for those credit products.²¹

States and the MLA

State laws that are more protective of servicemembers for covered credit products are not preempted by the federal MLA.²² Thus, if a state has rate caps that are lower than the 36% bar for such products, then the state can enforce those lower rates. The regulations also require states to enforce their laws to protect non-resident servicemembers who are stationed in their states.²³ It had been unclear whether this requirement applied to all credit products offered to servicemembers or just to those included in the MLA regulations; recent amendments to the MLA inserted “consumer credit” into the law to replace “loans,” implying that Congress intends these protections to apply only to the enumerated consumer credit products in the regulations (payday, car title, and tax refund anticipation loans).²⁴

While the recent Congressional enactment expands the federal agencies that can enforce the MLA, several states have passed their own laws that expressly allow them to enforce the provisions of the Act.²⁵ However, many states have protections greater than those afforded by MLA and thus would have little use for it.

Payday Loans

Payday loans are short-term, high-interest loans for which a borrower typically gives the lender a postdated check for the loan amount plus any additional fees. If the loan is not paid back by a certain deadline (often the borrower’s next payday), the lender is authorized to redeem the check. Because of the short payback period for these loans, rates and fees are often extremely high. Under MLA regulations, a payday loan is defined as closed-end credit with a term of 91 days or less in which the amount financed does not exceed \$2,000.²⁶ In addition, the borrower must receive funds and incur interest or fees and at the same time either provide a check or other payment instrument to the creditor who promises not to deposit the check for more than one day, or authorize the creditor to initiate a debit to the borrower’s deposit account after one or more days.²⁷ Loans for amounts greater than \$2,000 or for terms longer than 91 days are not considered payday loans under the regulations and are thus not subject to the 36% rate cap or the other protections included in the MLA.

Because the regulations prohibit creditors from making a loan that uses a check or other method of access to a servicemember’s deposit, savings, or other account, most traditional forms of

²⁰ *Id.* at 10.

²¹ *Id.*

²² 10 U.S.C. § 987(d)(1) (2013).

²³ 32 C.F.R. § 232.7(b) (2013).

²⁴ 2012 H.R. § 661(a).

²⁵ FOX, *supra* note 1, at 12. *See infra* State Statutes that Address Military Lending Act (10 U.S.C. § 987).

²⁶ Definitions, 32 C.F.R. § 232.3 (b)(1)(i) (2013).

²⁷ *Id.*

payday lending are technically off-limits to servicemembers.²⁸ However, lenders can make loans that require an electronic fund transfer, a direct deposit of salary as a condition of eligibility, or take a security interest in funds deposited in an account created in connection with the transaction so long as the 36% rate limit is followed.²⁹

While payday loans can provide servicemembers with quick access to cash, the high rates and fees can force servicemembers onto a “payday treadmill,” in which they must repeatedly take out additional loans in order to pay off their initial debt obligation. Businesses in the payday loan industry frequently exist in the form of actual brick-and-mortar establishments which are located near military installations and actively seek the patronage of servicemembers and their families. In recent years, payday lenders have also proliferated on Internet sites that directly market and cater to servicemembers. Because of the strict restrictions emanating from the MLA, the Consumer Federation of America study found that while many physical payday storefronts near military bases have been eliminated, efforts to reduce the availability of these loans online have been less successful.³⁰

Despite the broad prohibitions on payday loans in the MLA and regulations, there is evidence that servicemembers and their dependents continue to obtain such loans, either by falsifying application information or because lenders simply fail to follow MLA protocol when a servicemember is involved in a transaction.³¹ The rise of Internet loans has drawn special concern, even though the MLA regulations expressly prohibit securing a payday loan through electronic access to a servicemember’s bank account.³² These Internet sites, which require borrowers to fill out applications online, often structure loans with longer terms or as “open-end” credit in order to avoid the requirements of the MLA.³³ Enforcement of the MLA and state laws has proven challenging due to claims of tribal sovereign immunity by some lenders and inconsistencies in state licensing requirements.³⁴

Direct deposit advances, which are similar to payday loans, are a more recent development and are usually conducted by banks. When a consumer authorizes one of these advances, funds are deposited into the borrower’s account and get repaid at the time of the next deposit regardless of whether there are sufficient funds in the account or not (which can lead to overdraft fees).³⁵ These advances typically have APRs in excess of 300 percent.³⁶ Banks such as Regions Bank, Fifth Third, and Wells Fargo have been identified as entities that provide this type of advance, even in states in which payday lending is restricted.³⁷ This advance system represents a growing form of lending that could substantially impact the finances of servicemembers.

²⁸ 32 C.F.R. § 232.8(5).

²⁹ *Id.*

³⁰ FOX, *supra* note 1, at 23.

³¹ *Id.* at 24.

³² *Id.* at 25.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* at 58.

³⁶ *Id.*

³⁷ *Id.* at 59.

Several states have already banned, either expressly or effectively, payday lending in any form, rendering moot the payday protections of the MLA.³⁸ Thirty-three states do authorize high-cost payday lending, several of which possess statutes allowing the state to enforce the MLA and its regulations.³⁹ At least 21 states have the authority to revoke lending licenses generally for violations of either “any law” or a “federal law,” though the procedures for doing so vary widely.⁴⁰ Some states also require a showing of financial misconduct before licenses are revoked.⁴¹ Because there is such a diversity of state law in this area, you should check your state statutes and regulations to determine if usury laws or small-loan interest caps are more stringent than those under the MLA.

Refund Anticipations Loans

Lenders in the refund anticipation loan market are financed by depository institutions and are thus regulated by federal agencies.⁴² The MLA regulations promulgated by the Department of Defense have defined these loans as closed-end credit in which a borrower gives the lender the right to receive the borrower’s income tax refund, or in which a borrower promises to pay the loan back out of tax refund proceeds.⁴³ If a credit transaction to a servicemember meets this definition, then the rate cap and additional MLA protections will apply. While a handful of states require refund anticipation loan originators to register with the state, national banks are generally exempted from this requirement.⁴⁴ However, action taken by the IRS, FDIC, and the Office of the Comptroller of the Currency have effectively eliminated this market by determining that it is not a viable practice for banks.⁴⁵ Thus, the Consumer Federation has concluded that these types of loans are no longer a pressing concern to servicemembers.

Consumer Finance Loans

Consumer finance loans are often sought by servicemembers with little or no credit to cover purchases and other costs. These loans can take a number of forms, though they generally include high APRs and costly add-ons, but are spread over a longer term than payday loans. They also occasionally involve principal that exceeds the \$2,000 payday limit in the MLA regulations. As such, most of these loans are not covered by that Act—meaning they are not subject to the 36% rate limit and the protections regarding disclosures, prepayment penalties, and allotments. Nevertheless, some states have enacted laws that impose rate caps and other restrictions for consumer finance loans.⁴⁶ Under the provisions of the Servicemembers Civil Relief Act (SCRA), servicemembers on active duty may cap the interest rate on most outstanding

³⁸ According to the 2012 Consumer Federation of America report, these states include: Georgia, New York, New Jersey, Arkansas, Arizona, Connecticut, Maryland, Massachusetts, North Carolina, Pennsylvania, Vermont, West Virginia, New Hampshire, Montana, Ohio, and Washington, D.C.; *Id.* at 86.

³⁹ FOX, *supra* note 1, at 86-87; *see* State Statutes that Address Military Lending Act (10 U.S.C. § 987) *infra* p. 54-56

⁴⁰ *Id.* at 87.

⁴¹ *Id.*

⁴² *Id.* at 91.

⁴³ 32 C.F.R. § 232.3(b)(1)(iii) (2013).

⁴⁴ FOX, *supra* note 1, at 90-91.

⁴⁵ *Id.* at 91.

⁴⁶ *Id.* at 71.

loans at 6 percent. To do so, the servicemember should write a letter to each creditor letting them know about their order and intent to invoke the 6 percent cap.

Installment Loans

Because the MLA and its regulations do not include installment loans and rent-to-own financing in their terms, servicemembers still receive these types of loan, which can lead to “extremely high rates and risky forms of security, inconsistent supervision at the state level, and [having] pay drained by military allotments when borrowing or financing purchases with these creditors.”⁴⁷ Many of these products are marketed directly toward servicemembers and their families. Installment loans can have APRs well above 36 percent, occasionally reaching a level of 100 percent or more. These loans are usually paid off over a period of one to three years by using military pay allotments.⁴⁸ The loans typically range from \$500 to \$10,000.⁴⁹ They are offered both in physical branch locations as well as over the Internet.⁵⁰

As installment loans are not included in protections of the MLA, if lenders structure loans with terms longer than 91 days, they will be able to impose higher rates and fees. Your state may have provisions that limit these rates or require specific disclosures. The Consumer Federation of America has identified several specialty military lenders, including Omni Financial (based in Nevada), Patriot Loan Co. (based in South Carolina), and Pioneer Financial Services, Inc. (based in Georgia), as being prominent actors in this field.⁵¹ These companies extend credit to servicemembers and encourage repayment by military allotment, though most are not licensed in the all states in which they make loans.⁵² Some states have brought actions against these companies, as in 2008, when regulators in Nevada filed a consent order against American Military Funding, Inc. for unlicensed lending.⁵³

Retail Installment/Rent-to-Own

Many complaints from servicemembers regarding retail installment sales and rent-to-own products have been documented. These businesses—which often sell products through credit paid by military allotment—offer electronics, furniture, and jewelry to servicemembers in stores located near military installations.⁵⁴ Because these installment agreements are usually structured with longer repayment terms, they do not fall under the protections of the MLA. Thus, servicemembers often buy products with high interest and fees, or alternatively with lower interest over such long terms that the products end up being several times more expensive than the actual retail price at other stores.⁵⁵

⁴⁷ *Id.* at 10.

⁴⁸ *Id.* at 63.

⁴⁹ *Id.* at 70.

⁵⁰ *Id.* at 63-64.

⁵¹ *Id.* at 65.

⁵² *Id.* at 67.

⁵³ *Id.* at 71.

⁵⁴ *Id.* at 76.

⁵⁵ *Id.* at 76-77.

State Attorneys General from New York and Tennessee have taken action against Brittle, Inc. (who did business as SmartBuy, The Military Zone, and Laptoyz Computers and Electronics near several military bases), for excessive fees and for requiring payment by military allotment.⁵⁶ The Consumer Federation of America also identified USA Discounters, Harris Jewelry, and Freedom Furniture and Electronics as companies in this industry that promote their products directly to servicemembers.⁵⁷ These businesses frequently include in fine print that the total cost of the items must be arrived at by multiplying the normal payment by 48, since payment plans often are often scheduled for two years of twice-monthly payments.⁵⁸ Many servicemembers are thus deceived as to the true cost of the item they are purchasing.

Many rent-to-own establishments such as Rent-A-Center are also located near military bases.⁵⁹ Complaints over these businesses have stemmed from high rates, total costs greatly exceeding typical retail, and requirements that servicemembers pay via military allotment.⁶⁰ The MLA does not cover these rent-to-own businesses, though your state may have specific restrictions on the types of rates and fees that may be charged.

Auto

Automobile-related lending scams are some of the most prevalent sources of complaints from servicemembers each year.⁶¹ Some of the most common scams upon servicemembers involve “yo-yo” financing, buy here/pay here lots, loan packing with expensive add-ons, and falsifying applications to put servicemembers into unaffordable loans.⁶² Some of these actions occur at dealerships that are located near military bases or at businesses that advertise specifically to servicemembers and their families.

The Dodd-Frank Wall Street Reform and Consumer Protection Act, enacted in 2010, exempts franchise and large independent dealers from the oversight of the newly created Consumer Financial Protection Bureau (CFPB).⁶³ Nevertheless, the FTC does regulate those entities, while the CFPB possesses oversight authority over small independent dealers and buy here/pay here dealerships.⁶⁴ The FTC has taken action against several car dealers in recent years, mostly for deceptive advertising practices.⁶⁵ Your state may provide for certain disclosures in automobile transactions or may allow for actions against these auto dealers under unfair and deceptive acts and practices law.

⁵⁶ *Id.*

⁵⁷ *Id.* at 77.

⁵⁸ *Id.* at 78.

⁵⁹ *Id.* at 79-80.

⁶⁰ *Id.*

⁶¹ National Association of Consumer Advocates, *Auto Dealers' Predatory Practices Target Our Troops* (2010), available at http://www.nclc.org/images/pdf/special_projects/military/fact-sheet-auto-dealers-targeting-troops.pdf.

⁶² *Id.*

⁶³ DEBBIE BOCIAN, ET AL., CENTER FOR RESPONSIBLE LENDING, *THE STATE OF LENDING IN AMERICA & ITS IMPACT ON U.S. HOUSEHOLDS 80* (2012), available at <http://www.responsiblelending.org/state-of-lending/state-of-lending.html>.

⁶⁴ *Id.*

⁶⁵ *Id.*

Soldiers on deployment are able to legally terminate some leases. Servicemembers wishing to do so should contact the leaseholder and inform them of their deployment.

Car Title Loan

A majority of states already prohibit car title lending, either by explicitly banning the practice or effectively banning it through rate caps.⁶⁶ A vehicle title loan is defined by the MLA as closed-end credit with a term of 181 days or less that is secured by title to a registered vehicle.⁶⁷ If a car title loan falls under this definition, then the 36% rate cap and the other MLA protections will apply when being extended to a servicemember or a dependent. Most of these loans have an APR of around 300 percent and can result in repossession if not repaid.⁶⁸ The Consumer Federation of America found that servicemembers are still being offered these car title loans, which are occasionally crafted with longer term limits or as open-credit transactions to evade MLA requirements. Some states such as California do have laws that address these abusive practices.⁶⁹ You should check your state statutes to find if there are any applicable provisions.

Yo-Yo Scams/ Spot Delivery

In a “yo-yo” scam, after a consumer leaves the car dealership believing that financing has been finalized on the purchase of an automobile, the individual will later be contacted by the dealer who then states that the deal has been cancelled and the car must be returned.⁷⁰ Dealers effectively claim that they can cancel the contract, thereby allowing them to charge higher interest rates and fees to the purchaser.⁷¹ The dealer may also attempt to physically repossess the car. Some dealers may also refuse to return the consumer’s down payment or trade-in vehicle to pressure the consumer into agreeing to an unfavorable loan. Such practices are prohibited in some states so check your state’s consumer unfair and deceptive acts and practices laws for applicable provisions.⁷²

Loan Packing

Car dealerships will often try to market add-on products to consumers, including vehicle service contracts, insurance, and assorted upgrades.⁷³ These products are often not included in the sale price and are frequently sold to the purchaser based on the monthly payment amount, making it difficult for the purchaser to determine the total cost of the transaction.⁷⁴

⁶⁶ FOX, *supra* note 1, at 88.

⁶⁷ Definitions, 32 C.F.R. § 232.3 (b)(1)(ii) (2013).

⁶⁸ FOX, *supra* note 1, at 27.

⁶⁹ BOCIAN, *supra* note 62, at 80-81.

⁷⁰ *Id.* at 71.

⁷¹ *Id.* at 72.

⁷² *See, e.g.*, Illinois Consumer Fraud and Deceptive Practices Act, 815 ILCS 505/2C.

⁷³ *Id.*

⁷⁴ *Id.*

Buy Here/Pay Here Dealerships

“Buy here/pay here” establishments usually target individuals with bad credit or no credit, and can be located near military installations. Prices are often not listed on the cars on the lot.⁷⁵ Financing is typically done in-house and the automobile financing plan usually has an APR around 25%.⁷⁶ There are often large down payments as well as payment required on a weekly basis. Buy here/pay here dealerships are also infamous for repossessing an automobile as soon as it appears the consumer will be delinquent on a payment.⁷⁷

Debt Collection

Charges of abusive debt collection practices against servicemembers are one of the largest complaint categories in the FTC’s Military Sentinel database, ranking just behind identity theft.⁷⁸ Those engaged in the payday loan business will occasionally sell information that a servicemember has entered into a loan application which can then be used for collecting a debt that may not be legitimate, even if the individual decides not to go through with the loan.⁷⁹ These debt collectors often target servicemembers by calling their homes and demanding that they or their families send funds through a transmittal service in order to settle an outstanding debt, even if one does not exist.⁸⁰ A variety of threats, including reporting the servicemember to his or her commanding officer, may be used in order to extort money from the individual.⁸¹

An important tool in the fight against abusive debt collectors is the Fair Debt Collection Practices Act (15 U.S.C. § 1692-1692p). For a summary of the FDCPA, see Section Three (below).

Mortgage Rescue Scams

Mortgage rescue advertisements often promise to save homes from foreclosure, but only a lender can determine whether or not an individual qualifies for assistance. The Federal Trade Commission’s Mortgage Assistance Relief Services (MARS) rule makes it illegal for companies to collect a fee until a consumer has actually received an offer from his or her lender and accepted it. That means even if a servicemember agrees to have a company help them apply for assistance, the servicemember doesn’t have to pay until he or she receives results. The MARS rule also requires mortgage rescue companies to provide consumers with information about mortgage rescue services, including that a lender might refuse to modify a mortgage loan, and that consumers have the right to keep communicating with their lender directly. More information about the MARS rule, including how to file a complaint with the FTC is available at <http://www.consumer.ftc.gov/>.

⁷⁵ *Id.* at 73.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ FOX, *supra* note 1, at 16.

⁷⁹ *Id.* at 26.

⁸⁰ Office of the Colorado Attorney General, Consumer Guide for Military Personnel and Their Families 7 (2012), available at <https://www.coloradoattorneygeneral.gov/sites/default/files/uploads/CP/Military%20Guide%20-%20Print%20Version%20%28Final%29%208-14-12%29.pdf>.

⁸¹ *Id.*

Many states also have laws that require mortgage rescue companies to obtain a surety bond or register with the state. For example, Indiana law requires mortgage rescue companies to have a written contract with consumers describing in detail the services to be performed, provide consumers with a seven-day right to cancel the contract, and maintain a \$25,000 bond to be used to satisfy consumer claims. Companies that promise to repair credit or reduce debt must also file a surety bond and provide similar protections.

Servicemembers seeking mortgage assistance should also contact their respective state about free foreclosure prevention resources that are available in that state. You should check to see what kinds of foreclosure prevention resources are available to servicemembers in your state.

Servicemembers Civil Relief Act in Mortgage Cases

Although discussed more generally below under the subsection on federal law, one should note the potential applicability of the Servicemembers Civil Relief Act (SCRA), a federal law that provides debt-related protections for servicemembers called to active duty or deployed, to mortgage issues. The SCRA covers all active duty servicemembers, reservists and members of the National Guard while on active duty. The law's protection begins on the date that a servicemember enters active duty and generally terminates within 30 to 90 days after the servicemember is discharged from active duty. Some of the law's protections are described below.

Servicemembers on active duty may request a cap on the interest rate on most outstanding loans (including mortgages) at 6 percent. The interest above 6 percent is forgiven. To have the interest rate reduced to 6 percent, the debt must have been incurred prior to active duty and the servicemember must send a letter to each creditor, along with a copy of current military orders, requesting relief under the SCRA. For most loans, this protection lasts only for the period of active duty. For mortgages, the protection lasts an additional year following active duty.

Soldiers who are on deployment for certain lengths of time (varying by lease/situation) or who have received permanent change of station orders are legally able to terminate some leases. A servicemember who is currently leasing a vehicle or home/apartment and wishes to terminate a lease should contact the leaseholder, inform them of the deployment status, and provide them with a copy of military orders.

In limited situations, a servicemember may be able to obtain a "stay" (a temporarily delay) in a foreclosure or other civil court proceeding if he or she is called up to active duty after the case has been filed. The servicemember's absence must be explained to the court and evidence must be presented as to why the absence would materially affect the ability for his or her interests to be represented in the case. Similarly, servicemembers and their families may obtain a temporary stay of eviction proceedings while the servicemember is on active duty. If rent payments are below a certain amount (adjusted annually), the SCRA can protect a servicemember from being evicted for a period of time (generally three months). The apartment or home must be the residence of either the active duty servicemember or his or her dependents, the stay must be specifically requested, and the servicemember must show material effect.

Servicemembers should contact their nearest Armed Forces Legal Assistance Program office to see if the SCRA applies to their situation. Servicemembers' dependents may also contact local military legal assistance offices where they live. AFLA Office locations may be found at <http://legalassistance.law.af.mil/content/locator.php>.

Enhanced Mortgage Protections Pursuant to the Mortgage Servicing Agreement

On April 4, 2012 the U.S. Department of Justice (DOJ), the Department of Housing and Urban Development (HUD) and 49 state attorneys general (including Illinois) filed a consent judgment with **Bank of America Corporation, J.P. Morgan Chase & Co., Wells Fargo & Company, Citigroup Inc. and Ally Financial Inc.**, (“Servicers”) to resolve the banks’ violations of state and federal consumer protection laws, including past mortgage loan servicing and foreclosure abuses. The settlement also provides financial relief to borrowers harmed by bank fraud, establishes new protections for homeowners, and enhances protections for servicemembers that go beyond those required by the SCRA. The enhanced protections are listed as follows:

- (1) Servicers must comply with the SCRA. Servicers must have a consultant review all known military foreclosures from January 1, 2009 to December 31, 2010, and provide monetary damages in compliance with the DOJ consent agreements with Countrywide⁸² and Saxon Mortgage Services.⁸³
- (2) Servicers must determine whether their servicemember borrowers are eligible for SCRA protections.
- (3) Servicers must check the DMDC to determine whether their borrowers are serving on active military duty at the following times:
 - Before referring a loan for foreclosure;
 - Within seven days before a foreclosure sale; and
 - Before the last point before a foreclosure becomes irreversible.
- (4) When invoking their rights under the SCRA, servicemembers may provide their servicer with either military orders or a letter on official letterhead from the servicemember’s commanding officer to demonstrate proof of active duty service.
- (5) Servicers must notify servicemember borrowers who are 45 days delinquent the following:
 - They may be entitled to certain SCRA protections regarding the servicemember’s interest rate and the risk of foreclosure; and
 - Counseling for covered servicemembers is available at agencies such as Military OneSource, Armed Forces Legal Assistance (AFLA), and a HUD-certified housing counselor.
- (6) Servicers may not sell, foreclose, or seize the property of a servicemember borrower for defaulting on a mortgage obligation during or within nine months after, the period in which the servicemember is serving at a location more than 750 miles from the location of the secured property or outside of the United States and is eligible for Hostile Fire/ Imminent Danger Pay.

⁸² See BAC/Countrywide Consent Order.

⁸³ See Saxon Consent Order, 3:11-cv-111-F (USDC TX-ND), filed May 26, 2011.

- Servicemembers are protected under this provision regardless of whether the mortgage obligation was originated before or during the period of military service.
- (7) Servicers may not require servicemember borrowers to be delinquent to qualify for a short sale, loan modification, or other loss mitigation relief if the servicemember is experiencing financial hardship and is otherwise eligible for such loss mitigation due to a Permanent Change of Service (PCS).
- (8) Servicers may not make inaccurate reports to credit reporting agencies when a servicemember, who has not defaulted before relocating pursuant to a PCS, obtains a short sale, loan modification, or other loss mitigation relief.

EDUCATION

Quick Overview of Benefits Available

Department of Defense benefits

Tuition Assistance (TA)

Armed Forces TA is a benefit paid to eligible members of the Army, Navy, Marines, Air Force, and Coast Guard. Each service branch has authorization to pay up to 100% for the tuition expenses of its members. Each service has its own criteria for eligibility, obligated service, application process and restrictions. This money is usually paid directly to the institution by the individual service branch.

For two branches of the Armed Forces, you can apply online. For the Air Force, apply online at the Air Force Virtual Education Center at <https://www.my.af.mil/>. For the Army, apply online at <http://www.GoArmyEd.com> prior to the course start date or before the school's late registration period.

In the case of the Navy, sailors must complete a TA application form NETPDTC 1560/3 and submit it to the nearest Navy College Office. For the Marine Corps, marines must complete a TA application form NETPDTC 1560 and submit it to the appropriate education office PRIOR to enrollment.

Military Spouse Advancement Accounts (MyCAA)/ Spouse Tuition Assistance

The MyCAA program is a benefit paid to spouses of active duty servicemembers in pay grades E1-E5, W1-W2, and O1-O2. Spouses of activated reserve component members are also eligible for the program but must be able to start and complete their courses while their sponsor is on Title 10 orders. MyCAA provides up to \$4,000 (over 2 years) of financial assistance for eligible military spouses who are pursuing degree programs, licenses, or credentials leading to employment in portable career fields.

Spouses can apply at the MyCAA Spouse Portal online at <https://aiportal.acc.af.mil/mycaa>. Once on the Spouse Portal site, the spouse must provide the required Spouse Profile information.

MyCAA then verifies the spouse's DEERS (Defense Enrollment Eligibility Reporting System) benefit eligibility and confirms if the spouse meets MyCAA eligibility requirements in order to establish a MyCAA Account.

VA Benefits

Montgomery GI Bill (MGIB)

To qualify for MGIB (Chapter 30) benefits, individuals must sign up while on active duty and pay a \$1,200 contribution fee, either in a lump sum or as a \$100 per month pay reduction for 12 months.

To be eligible for the MGIB, individuals must meet the following requirements:

- Have at least two years of continuous active duty service
- Have received an honorable discharge
- Possess a high school diploma or GED

Individuals are eligible for benefits for **10 years** from their last period of active duty.

Post 9/11 GI Bill

The Post 9/11 GI Bill (Chapter 33) provides educational benefits to veterans and servicemembers who have served on active duty on or after September 10, 2001. Individuals may be paid benefits for educational or vocational training pursued on or after August 1, 2009

Individuals who have served at least 90 aggregate days on active duty after September 10, 2001, and are still on active duty or were honorably discharged or released from active duty are eligible for this benefit. To qualify for 100% of the benefit, the individual must have served for 36 months of active duty service. For those who served fewer than 36 months, the percentage ranges from 40% to 90%.

Individuals are eligible for benefits for **15 years** from their last period of active duty of at least 90 consecutive days, or their last period of active duty of at least 30 consecutive days if released for a service-connected disability.

Veteran's Educational Assistance Program (VEAP)

VEAP is available to veterans who elected to make contributions from their military pay to participate in this education benefit program. Veteran contributions are matched on a \$2 for \$1 basis by the government. Generally, participation in VEAP ended with the MGIB. Benefit entitlement is 1 to 36 months depending on the number of monthly contributions. Veterans who participated in VEAP may still be eligible for benefits provided the following requirements are met:

- The veteran was discharged under conditions other than dishonorable.
- The veteran completed his or her first period of service.

- The veteran completed his or her first period of service between January 1, 1977, and June 30, 1985.
- The veteran opened a contribution account before April 1, 1987.
- The veteran voluntarily contributed \$25 to \$2,700.

If the servicemember is still on active duty and has a VEAP account, there must be at least 3 months of contributions available to use the VEAP benefits, and the servicemember must have enlisted for the first time after September 7, 1980, and completed 24 months of his or her first period of active duty.

The servicemember has 10 years from release from active duty to use VEAP benefits. If there is entitlement not used after the 10-year period, the remaining money will be automatically refunded.

Survivor and Dependent Educational Assistance (DEA)

The DEA program provides education and training opportunities to eligible dependents of certain veterans. DEA benefits may be used for degree and certificate programs, apprenticeship, and on-the-job training.

To be eligible for DEA, an individual must be the son, daughter, or spouse of:

- A veteran who died, or is permanently and totally disabled, as the result of a service-connected disability. The disability must arise out of or be aggravated by active service in the Armed Forces;
- A veteran who died from any cause while such service-connected disability was in existence;
- A servicemember missing in action or captured in the line of duty by a hostile force;
- A servicemember forcibly detained or interned in the line of duty by a foreign government or power; or
- A servicemember hospitalized or receiving outpatient care for a VA-determined service-connected permanent and total disability for which the servicemember may be discharged from military service.

Spouses and surviving spouses have 10 years from the date the VA establishes eligibility to use the DEA benefit. Surviving spouses of veterans who died while on active duty have 20 years from the date of the veteran's death to use the benefit. If the VA rated the veteran permanently and totally disabled with an effective date of 3 years from discharge, a spouse will remain eligible for 20 years from the effective date of the rating. Children may use the benefit while they are between the ages of 18 and 26.

For-Profit Schools

Under the GI Bill, servicemembers, veterans and their families are provided generous education benefits. These benefits are in addition to those available under Title IV of the Higher Education Act (HEA). A study by the Senate Committee for Health, Education, Labor and Pensions

(“HELP” Committee) determined that a large percentage of the benefits set aside for veterans’ education is spent for programs at for-profit colleges.⁸⁴ The for-profit education industry has come under increasing scrutiny by Congress and the Attorneys General during recent years. In Congress, the Senate Committee for Health, Education, Labor and Pensions (the “HELP” Committee) subpoenaed information from the leading for-profit education companies and documented several troubling matters including deceptive and aggressive recruiting practices, high student debt loads and default rates, and poor student outcomes including high withdrawal rates.⁸⁵ The Committee also determined that eight of the ten largest recipients of GI Bill benefits after 9/11 are for-profit education institutions.⁸⁶ Several state Attorneys General have also launched investigations and in some states have filed suits against various for-profit entities alleging violations of various consumer protection laws.

A multistate working group consisting of thirty-two (32) state Attorneys General was formed in late 2011. In June of 2012, twenty (20) state Attorneys General entered into an Assurance of Voluntary Compliance (AVC) with QuinStreet, Inc., a marketing firm that generated leads for for-profit education companies. QuinStreet was alleged to have used deceptive websites including GIBill.com, which were designed to appear to be official government websites. Though they appeared to be neutral websites providing unbiased and complete information about GI Bill education benefits, these websites in fact included links only to sponsored, mostly for-profit schools (which paid for the listing) and further funneled servicemember inquiries only to their clients’ schools. As a result of the AVC, QuinStreet agreed to change all of its websites to eliminate misleading content and improve disclosures, and, as part of the settlement, ownership of the website GIBill.com was transferred to the U.S. Department of Veterans Affairs.⁸⁷

Several state Attorneys General have filed lawsuits against for-profit colleges that operate inside their respective states including the following:

- Education Management Corporation⁸⁸ which operates:
 - Argosy University;
 - Art Institute;
 - Brown Mackie College; and
 - South University
- Corinthian College⁸⁹
- Daymar College;⁹⁰

⁸⁴ The HELP committee found that “37 percent of post-9/11 GI bill benefits and 50 percent of Department of Defense Tuition Assistance benefits flowed to for-profit colleges.”

⁸⁵ http://www.help.senate.gov/imo/media/for_profit_report/Contents.pdf

⁸⁶ http://www.help.senate.gov/imo/media/for_profit_report/ExecutiveSummary.pdf

⁸⁷ <http://chronicle.com/article/For-Profit-College-Marketer/132653/>

⁸⁸ EDMC was sued by the U.S. Department of Justice in a false claims act case alleging that EDMC violated a federal rule restricting schools’ payment of commissions for recruiting students. Five states (California, Florida, Illinois, Indiana and Minnesota) and the District of Columbia intervened in the lawsuit, represented by their respective Attorneys General.

⁸⁹ Corinthian College operates nationally. In 2007, the California Attorney General entered into a \$6.5 million settlement with Corinthian, resolving allegations that Corinthian falsely advertised the number of graduates obtaining employment and the starting salaries of its graduates. <http://oag.ca.gov/news/press-releases/brown-reaches-multi-million-settlement-corinthian-vocational-school>

- Everglades University;⁹¹
- Keiser University;
- Keiser Career College;
- MedVance⁹²
- National College of Kentucky;⁹³
- Spencerian College⁹⁴
- Westwood College⁹⁵

It appears that under the current application of the federal government’s “90/10 Rule” for federal student loan and grant money, for-profit education companies are highly motivated to target servicemembers for recruitment. The Higher Education Act’s 90/10 Rule provides that for-profit schools may not derive more than ninety percent (90%) of their revenue from federal student aid sources that are provided under Title IV. The other 10% must come from other sources including private or institutional loans. The large for-profit schools investigated by the HELP Committee collectively operated very near the 90/10 limit. However, importantly, the 90% limit in this rule does not apply to GI Bill benefits because GI Bill benefits are separate and apart from Title IV funds. Thus, GI bill education benefits received by the institution are counted in the 10% portion of the 90/10 calculation even though they are federal benefits much like Pell Grants and Stafford loans. As a result of this loophole, the HELP Committee determined – and the QuinStreet investigation affirmed – that servicemembers are aggressively targeted by for-profit

⁹⁰Daymar College operates in Kentucky, Indiana, Ohio and Tennessee. The Kentucky Attorney General alleged that Daymar committed multiple violations of the Kentucky Consumer Protection Act, including coercing students to purchase textbooks at inflated prices from the school bookstore, manipulating students’ financial aid to benefit the school at the expense of students, failing to adhere to accreditation standards, making false representations concerning transferability of credits and admitting students who did not meet the school’s admissions standards, including mentally challenged individuals. <http://migration.kentucky.gov/newsroom/ag/daymarsuit.htm>

⁹¹ Keiser University, Keiser Career College and Everglades University operate in Florida and entered into an AVC with the Florida Attorney General in 2012 resolving the state’s investigation of the schools’ enrollment and marketing practices.

<http://myfloridalegal.com/852562220065EE67.nsf/0/1855DD51DF133CC285257AA800670A10?Open&Highlight=0,keiser>

⁹² MedVance operates in Florida. In 2012, the Florida Attorney General entered into a \$600,000 settlement with MedVance resolving false advertising claims.

<http://myfloridalegal.com/852562220065EE67.nsf/0/F3599CFFCC64359A85257A1C006A3B0C?Open&Highlight=0,medvance>

⁹³ National College operates in Kentucky, Virginia, Ohio and Tennessee. The Attorney General of Kentucky alleged that National violated the Kentucky Consumer Protection Act by misrepresenting the placement rates of its graduates in the careers in which they studied. <http://migration.kentucky.gov/Newsroom/ag/nationalcollegesuit.htm>

⁹⁴ Spencerian College operates in Kentucky. In 2012, the Kentucky Attorney General filed a consumer protection suit which alleged that Spencerian violated the Kentucky Consumer Protection Act by misrepresenting the placement rates of its graduates in the careers in which they studied.

<http://migration.kentucky.gov/Newsroom/ag/spenceriansuit.htm>

⁹⁵ Westwood College operates nationally. In 2012, the Illinois Attorney General sued Westwood, alleging multiple violations of the Illinois Consumer Fraud laws.

http://illinoisattorneygeneral.gov/pressroom/2012_01/20120118.html. In 2012, Colorado’s Attorney General settled a consumer protection lawsuit against Westwood College for \$4.5 million. The Attorney General had alleged that Westwood misrepresented the placement rates of its graduates in the careers in which they studied and that Westwood’s student loan practices violated Colorado law.

http://www.coloradoattorneygeneral.gov/departments/consumer_protection/consumer_protection_cases/westwood_college_inc

education companies in order to help those companies comply with the 90/10 rule, because for every dollar in GI Bill benefits it captures, a for-profit school can take in 9 more dollars in Title IV federal funding. Attorneys General have written to Congress in support of legislation that would close this apparent loophole and reduce the incentive to aggressively recruit servicemembers. However, until such time as Congress removes the incentive enticing for-profit schools to target servicemembers, Attorneys General should continue to be vigilant in trying to protect the military community from misleading and deceptive business practices.

Below is an outline of deceptive acts or practices that education companies may use to victimize servicemembers, and may also be used to take advantage of the public at large.

Deceptive Business Practices by Certain Educational Institutions

1. Representations about the Transferability of School Credits

In order to be eligible to receive federal student financial aid under either Title IV or GI Bill, institutions of higher learning must be accredited. There are two types of accreditation: regional and national accreditation. Traditional public, community, and private non-profit institutions of higher learning are regionally accredited. Typically, for-profit educational institutions and trade schools are nationally accredited. The standards for regional and national accreditation differ significantly; as a result, credits earned at nationally accredited institutions are typically not accepted by regionally accredited institutions.

Attorneys General have received complaints from many students that they were misled by recruiters that credits earned at a for-profit institution would transfer to another institution. Under federal law, schools are required to provide a statement about the transferability of credits to other schools. Student handbooks that are distributed by for-profit colleges to prospective students often include a written explanation of the “transferability” of that particular college’s credits that simply states it is up to the “receiving” institution to determine whether it will accept another college’s credits. This written explanation is sometimes contradicted, however, by other representations. Training manuals and recruitment scripts may contain information about a school’s representations to prospective students regarding transferability.

2. Violation of Accreditor Standards

The purpose of accreditors is to keep institutions accountable and push them to provide a quality education for each student. This perpetual effort to improve institutions makes it difficult for accreditors to set and enforce bright line standards. The Senate HELP Committee has warned that the accreditation process is subject to manipulation by institutions that value earnings over academics.

Accreditors of technical schools typically require institutions to meet certain minimum requirements with respect to retention rates, job placement rates, and maintenance of individual program accreditation. In some cases, the accreditor will place the institution on notice of continuing problems that may jeopardize accreditation. There are numerous national accreditors that typically accredit for-profit colleges, as listed below. In addition to these sources, other

information that may be helpful to an Attorney General’s investigation can also be sought from the United States Department of Education and the state’s educational licensing organization.

The national career-related accrediting organizations include:

Accrediting Bureau of Health Education Schools

Website: www.abhes.org

Phone: (703) 917-9503

Email: info@abhes.org

Accrediting Council for Continuing Education & Training

Website: www.accet.org

Phone: (202) 955-1113

Email: info@accet.org

Accrediting Commission for Career Schools & Colleges

Website: www.accsc.org

Phone: (703) 247-4212

Accrediting Council for Independent Colleges and Schools –

Website: www.acics.org

Phone: (202) 336-6780

Email: info@acics.org

Council on Occupational Education

Website: www.council.org

Phone: (770) 396-3898

Distance Education Training Council

Website: www.detc.org

Phone: (202) 234-5100

National Accrediting Commission of Career Arts & Sciences

Website: www.naccas.org

Phone: (703) 600-7600

3. **Representations about Job Placement Rates**

An institution’s job-placement rate reflects the percentage of students who find work related to their area of study after graduation. Many students who enroll at for-profit colleges are seeking to obtain the training required to qualify for a higher-paying, higher-skill job and career. Because of the higher tuition rates often charged by for-profit colleges, it is important that the graduate be able to obtain employment at a pay rate that allows for repayment of student loans.

Attorneys General have heard a number of complaints about the advertisement of inflated “placement rates.” The Senate HELP Committee discovered that many for-profit colleges use tactics that mislead prospective students about the job placement rate for graduates in specific programs. In some cases brought by state Attorneys General, it appears that the for-profit college publicly advertises job placement rates that significantly exceed the placement rates the college reports to its own accreditor. The Committee also concluded that “[s]tudents who attend for profit schools are more likely to experience unemployment after leaving school.” According to a study by the National Center for Education Statistics, 23% of individuals who completed a for-profit college education between 2008 and 2009 were unemployed.

4. Representations about Student Financial Aid

Significant amounts of federal financial aid are available to servicemembers who desire an education. Even so, that aid may not cover the entire cost of tuition. The Senate HELP Committee’s investigation showed that some recruiters misled or lied to veterans about the amount of tuition that would be covered by military benefits. If tuition is not completely covered by a veteran’s military benefits, then he/she must either borrow money or pay for it out of pocket. These loans often come with very high interest rates.

An institution must be approved with the Department of Veterans Affairs before financial disbursements will be sent by the VA to the institution. Institutions may be researched on the VA website (<http://inquiry.vba.va.gov/weamspub/buildSearchInstitutionCriteria.do>).

5. Representations about Programmatic Accreditation and Licensure

Certain programs require an institution to have specific programmatic accreditation in order for students to qualify for jobs related to that program after graduation. Programmatic accreditation is required in addition to institutional accreditation. The HELP Committee discovered that some for-profit institutions do not adequately inform students of the institution’s programmatic accreditation. Lack of programmatic accreditation can act as a bar to employment in certain fields. The VA website identifies those programs to which veteran benefits may be applied. (http://gibill.va.gov/gi_bill_info/ch33/yrp/yrp_list_2012.htm).

Student Loans⁹⁶

The cost of college continues to grow tremendously. Once a veteran decides to attend college, he or she must determine how to pay for it. While there are several sources of financial aid, including scholarships and grants that do not need to be paid back, one of the most popular and available options to finance a college education is a student loan. The largest provider of student loans is the U.S. Government. When anyone, including a veteran, obtains a federal student loan, the veteran will deal with the loan servicer, which could be a private company. Nevertheless, the lender is still the U.S. Government.

⁹⁶ This section of the Toolkit on student financial aid were provided by the Minnesota Office of Attorney General and available at: <http://www.ag.state.mn.us/Consumer/Publications/StudentLoans.asp> and <http://www.ag.state.mn.us/Brochures/pubVeteranAndServiceMemberAssistance.pdf>.

1. **Federal Loans**

With the passage of the Student Aid and Fiscal Responsibility Act of 2010, all federal loans are now offered through the U.S. Department of Education and not through private institutions. Four major kinds of student loans are now being offered as part of the Federal Direct Loan Program:

a. Stafford Loan

Subsidized - This is a low interest loan for which the government pays interest while the veteran is in school, during grace periods and during periods of deferment. To qualify, the veteran must demonstrate financial need.

Unsubsidized - This is a low interest loan for which the veteran pays all the interest, even during the grace period and periods of deferment but the veteran can defer these costs while in school. There is no financial need requirement.

b. PLUS Loan

This is a low interest loan available to parents of undergraduate and graduate students and to graduate students. Interest is charged during all periods and loans require a credit check. Candidates should check availability criteria on these loans.

c. Direct Consolidation Loan

Through this type of loan, all eligible federal loans can be consolidated into one loan after the borrower leaves school. Loans made to parents and those made directly to students cannot be consolidated.

2. **Other Student Loans**

a. Perkins Loan

This low interest loan is available to students who demonstrate financial need. The federal government provides funds to individual colleges, which in turn act as the lender to the students.

b. Private or Alternative Loans

Private loans are offered by private lenders such as banks and other financial institutions and eligibility often depends on the veteran's credit score. Private loans are generally more expensive than loans offered by the federal government and may have fewer repayment options. These loans should be sought last by veterans after they have exhausted other avenues of

financial aid especially veterans' benefits, scholarships, and low interest or interest-deferred loans.

c. State Loans

Many states have long-term, low interest educational loans available from the Higher Education Assistance organizations in individual states. Students may need to demonstrate financial need. A student should consult the educational authority in their state after they have exhausted all veterans' educational benefits.

Before the Veteran Applies

Before the veteran applies for a loan, he or she needs to know how much the total cost will be (tuition, room, board, and fees, etc.). "Total cost of attendance" is the term of art used by higher educational institutions. Veterans can obtain this information from the educational institution that they plan to attend. They can also get information from the school's website, the financial aid office, or the admissions office. Information may also be available on the internet at college search websites.

Once a veteran determines the total costs, he/she should determine what financial resources are available. These may include scholarships, prepaid college savings plans, grants, personal savings and money from grants. Information on scholarships and grants can also be obtained from the internet, the school's financial aid office or the admissions office of the school. In addition, there may be local community organizations offering scholarships. All grants, scholarships and veterans' benefits should be exhausted before taking out a loan.

Applying for a Loan

The first step in applying for a federal Stafford loan is filling out the Free Application for Federal Student Aid (FAFSA). The FAFSA is used by most two- and four-year colleges and universities and career schools to award federal student aid. It is also used to determine eligibility for federal work study programs and grants, as well as by many state agencies.

The veteran may complete the FAFSA online or download a PDF version at www.fafsa.gov. Paper copies of the FAFSA can be obtained by calling the Federal Student Aid Information Center at 800-433-3243, or from the veteran's school financial aid office. Parents applying for a PLUS loan need to fill out a separate application which is available from the veteran's school financial aid office.

Receiving A Loan

After the veteran's school has completed its evaluation of the FAFSA, the financial aid office will put together a financial aid package and send the veteran an award letter. The package may include work study, grants, scholarships, and loans. The veteran should carefully review the award letter to determine what type of loan he or she is getting. Make sure the veteran understand the terms and conditions of the loan such as the interest rate and repayment amounts.

The veteran doesn't have to accept the full amount of the financial aid award. In fact, the veteran should try to borrow the lowest amount that will cover the veteran's costs and still allow the veteran to be able to repay the loan. The final step is to sign a promissory note, after which the veteran is legally obligated to repay the loan.

Repaying A Student Loan

When the veteran signs the legally binding promissory note, the veteran agrees to repay the loan according to its terms. The veteran will be responsible for repaying the loan even if he or she quits school, can't find a job, or is dissatisfied with the education received. Repayment should begin immediately after graduation or within the six month grace period, as applicable to the individual situation.

The Consumer Financial Protection Bureau has created a website that helps explain repayment options for a student loan: <http://www.consumerfinance.gov/students/repay/>.

Some veterans may find it difficult to keep up with the payments. If there is a problem with ability to pay, the veteran should contact the loan servicer immediately because missed payments could send the loan into default. There are several options that may be available to the veteran, including:

1. Changing the Repayment Plan

The veteran may be able to extend the payments or make graduated payments. Extending the payments will result in lower monthly payments but the veteran may pay more in the long run because of the longer repayment period. Graduated repayment plans start out low and increase every two years. This option may be helpful if income is expected to increase.

2. Income Based Repayment Plan

Income Based Repayment (IBR) is a new payment option for federal student loans. It helps borrowers keep their loan payments affordable with payment caps based on income and family size. For most eligible borrowers, IBR loan payments will be less than 10% of their income and sometimes smaller. IBR will also forgive the remaining debt after 25 years of qualifying payments. IBR is available to federal student loan borrowers and covers most types of federal loans made to students, but not those made to parents. To determine whether the veteran is eligible for IBR, visit www.IBRinfo.org.

3. Consolidating A Loan

If the veteran has multiple loans, the veteran may consider a consolidation loan where the interest is the weighted average of all the loans being consolidated. While the payments may not be less, getting all of the veteran's loans into one payment can make it easier to keep track of the veteran's payments and where the veteran is in the payment cycle.

4. Ask For A Deferment Or Forbearance

If the veteran is having trouble paying a student loan, work with the veteran's loan servicer or lender before the veteran defaults. Two other options include deferment and forbearance. Deferment is a legal right: the lender has to postpone payment if the veteran meets the criteria for deferment. Reasons for deferment might include going back to school, or the birth of a child. Forbearance is when the veteran asks the lender for a temporary break in payments, or a reduction in payments. The lender may grant the veteran's request for forbearance, but the lender is not obligated to do so. Either of these options may buy the veteran a little time to get his or her finances in better order. However, the veteran still owes the money that was borrowed and when the deferment or forbearance ends, the veteran will need to resume payments.

Cancelling A Loan

Under certain specific circumstances, the veteran may be able to have all or part of the student loan cancelled. Contact the veteran's loan servicer to determine the veteran's eligibility. Examples include:

1. Total and Permanent Disability

The student loan may be cancelled for total and permanent disability if the veteran is unable to work and the condition has lasted or is expected to last for a continuous period of six months.

2. Loan Forgiveness for Teachers

If the veteran is a teacher and also a new borrower and has been teaching full-time for five years in a low-income elementary or secondary school or educational service agency, the veteran may be able to have as much as \$17,500 of the veteran's subsidized or unsubsidized loan cancelled.

3. Public Service Loan Forgiveness

Public Service Loan Service Forgiveness is a new program for federal student loan borrowers who work in certain kinds of jobs. It will forgive remaining debt after 10 years of eligible employment and qualifying loan payments. The program is available to people who work in a wide range of public service jobs, including jobs in government and nonprofit 501(c) organizations. Eligible jobs include employment by federal, state, local or tribal government, nonprofit tax exempt organizations, full-time service in AmeriCorps or Peace Corp positions. Other loan forgiveness options may be considered on a case by case basis. Only direct loans or other loans consolidated into a direct loan are eligible for this program.

4. Bankruptcy

Student loans are generally not dischargeable in bankruptcy.

What if the Veteran Defaults?

If the veteran defaults on the student loan, the lender may take action to recover the money. The lender may garnish the veteran's wages, seize the veteran's tax refunds, and deny future requests for federal student aid. In addition, a default will generally be reported to credit bureaus, and remain on the veteran's credit report for seven years. This will hurt the veteran's chances to obtain other credit.

If the veteran has defaulted on a student loan, two options may be available. First, the veteran may try to rehabilitate the student loan. If the veteran successfully rehabilitates the loan, the default notation will be removed from the veteran's credit report. To rehabilitate a Direct Loan, the veteran must make 12 consecutive monthly payments. To rehabilitate a Federal Family Education Loan (FFEL), the veteran must make 12 payments.

Second, the veteran may consider consolidating a defaulted loan. Consolidation helps the veteran combine one or more loans into a new loan. To do this, the veteran must make a "satisfactory repayment agreement" – which usually consists of three consecutive monthly payments – with the prior lender.

For help and more information, contact these agencies:

United States Department of Education
Federal Student Aid Information Center
P.O. Box 84
Washington, DC 20044
1-800-433-3243
www.ed.gov

Federal Student Aid Information Center
800-433-3243
800-730-8913 (TTY)
319-337-5665 (Please note: this is not a toll free number)

CHARITIES

Scammers may try to use the popularity of military servicemembers or the significance of Memorial Day or Veterans Day to ramp up efforts to prey on members of the military, veterans and their supporters. While many Americans take time to remember the men and women who gave the ultimate sacrifice, fraudsters can prey on that sentiment in an effort to defraud servicemembers or the general public who support them.

It is important to remind your constituents who wish to donate to a charity benefiting veterans or their families that they should try to make sure their money will be used for legitimately charitable purpose. Consumers should be encouraged to research reputable charities and directly contact any organization they are interested in before making a donation.

The Internal Revenue Service's [website](#) – which maintains a list of organizations eligible to receive tax-deductible charitable contributions – can be a great resource for your constituents and your office. Several independent organizations have compiled financial information on charities, especially those that conduct nationwide solicitation campaigns, which can provide information on how much the charity spends on administrative expenses, fundraising, programs, and services. For a list of these organizations, visit the “Charities and Donors” pages available at various Attorneys General’s websites.

There are some helpful guidelines that you can share with your constituents if they are contacted or visited by a charity solicitor:

- Ask the person for written information on the charitable organization, including the charity’s name, address, telephone number, mission, and details on how the donation will be used;
- Watch out for charities with similar sounding names. To scam consumers, some unscrupulous charities deliberately use names that are very similar to those of respected organizations;
- Be suspicious if the solicitor or an invoice in the mail thanks the individual for making a pledge that was not made. If there is any doubt about whether a consumer has made a pledge to a charity, they should be encouraged to verify their records;
- Check to see if there is a right to cancel a pledge prior to making a contribution under state law; and
- Consumers should always make contributions by check and payable to the charitable organization, not to the individual solicitor.

IDENTITY THEFT

Servicemembers can also be the victims of identity theft. Fortunately, a credit report can be a great tool for spotting this kind of scam. A free credit report is available to consumers annually at <http://www.annualcreditreport.com>. Information on a credit report that a consumer is not familiar with could be a sign that identity theft has occurred. Servicemembers should be informed that if they believe they have been a victim of identity theft, they should contact the Federal Trade Commission (FTC) at <http://www.consumer.ftc.gov>, or the State Attorney General’s Office

Another tool available to servicemembers who have been victims of identity theft is a credit freeze. Placing a freeze on credit reports can block an identity thief from opening a new account or obtaining credit in a victim’s name. A credit freeze keeps new creditors from accessing a credit report without permission. If a credit freeze is activated, an identity thief cannot take out new credit in someone else’s name, even if the thief has a Social Security number or other

personal information. Credit bureaus charge between \$5 and \$12 fee to place a security freeze depending on the state. You should check your state's security freeze law for payment guidelines.

To place a freeze, an individual should either use each credit agency's online process or send a letter by certified mail to each of the three credit agencies:

Equifax Security Freeze
P.O. Box 105788
Atlanta, GA 30348
www.Equifax.com

Experian Security Freeze
P.O. Box 9554
Allen, TX 75013
www.Experian.com

Trans Union Security Freeze
P.O. Box 6790
Fullerton, CA 92834-6790
www.TransUnion.com

Active-Duty Alert

An Active-Duty Alert is another way a servicemember can help protect his/her identity without cost. An Active-Duty Alert is placed on an individual's credit report to inform a business it is obtaining information from a servicemember away on active duty, and requires the business to first obtain permission from an authorized third party before proceeding. In this case, the third party may be a trusted family member, spouse, or friend.

An Active Duty Alert can be placed on a credit report by contacting one of the major credit reporting agencies: Experian, Equifax, and Trans Union. Once notified, that agency will contact the other two agencies to inform them of the alert.

Alerts are effective for one year, and must be renewed annually. Once initiated, an Active-Duty alert can be canceled at any time.

Contact Information

1 (800) 680-7289 Trans Union
1 (800) 525-6285 Equifax
1 (888) 397-3742 Experian

VA-RELATED SCAMS

“Bait and Switch” Annuities and Trust Marketing

A continuing national disgrace is playing out in the various states of the union: the targeting of elderly veterans in what often amounts to a basic “bait and switch.” Under deceptive claims of free help, unqualified individuals spread out across the country offering to make presentations to senior citizen veterans about how they may qualify for certain benefits administered by the VA. More specifically, the presentations generally focus on the VA pension program, a legitimate VA program that provides monthly benefit payments to certain wartime veterans with financial need, and their survivors.

Such presenters will make use of techniques of affinity marketing by expressing their love of country and the military and claiming connections to organizations with names that might include words like “veterans” or “American.” They will claim that nobody hears from the VA about the pension program, and that there is nobody available to assist. At such events, such presenters particularly zero in on the issue of a supplement pension benefit which is known commonly (and mistakenly) as the “Aid and Attendance Benefit” with over-simplified picture of eligibility. This is the bait.

The goal of this scam artists is not to help veterans, but to identify those veterans in a given audience whose total net estates are in excess of what federal regulations allow for entitlement to “the Non-Service Connected Pension.”⁹⁷ The switch is that the presenters are not accredited (a fact they likely never discuss), as required by federal regulation, to assist with making claims, but are financial planners and insurance agents. They are looking to entice veterans with certain assets to believe they, too, are entitled to the benefit, only to turn around and focus on selling them insurance annuities and, occasionally, related irrevocable trust agreements. By all reports, they work on substantial commissions that may easily be in the five digits on a given sale.

Below are some basic questions and answers about VA pension benefits and “bait and switch” annuity marketing.

Q: How does the VA administer Pension Benefits?

The Department of Veterans Affairs is really an agency made up of multiple agencies including the Veterans Health Administration (VHA), the Veterans Benefits Administration, and the National Cemetery Administration. In this discussion, when we refer to the VA, we are really referring to the Veterans Benefits Administration (VBA). The VBA administers the payment of two broad categories of benefits to eligible veterans: disability compensation and pension benefits.⁹⁸ Service-connected disability compensation is a monthly payment made to a veteran the VA has determined has a disability that occurred as a direct consequence of their active duty

⁹⁷ See, generally, U.S. Senate Special Committee on Aging, June 2012 hearings. Video available at www.senate.gov/fplayers/jw57/commMP4Player.cfm?fn=aging060612&st=1194&dur=0.

⁹⁸ Service-Connected Disability Compensation is governed by 38 U.S.C., Part II, Chapter 11; Non-service-connected disability pensions are governed by 38 U.S.C., Part II, Chapter 15.

federal service or has a pre-existing condition aggravated by active duty service.⁹⁹ For those claims deemed substantiated, the VA determines a disability rating (0-100%) which in turn sets the level of compensation.

Q: What Are Pension Benefits?

Pensions, on the other hand, do not involve proof of a service-connected disability. The pension benefit is a need-based benefit paid to a wartime veteran and his/her survivors.¹⁰⁰ Generally, eligibility is based on the following:

- **No Dishonorable Discharges.** Discharged from service under other than dishonorable conditions;
- **Minimal Active, Wartime Service.** Service 90 days or more in the active military with at least one day during a period of war;
- **Qualifying Income Below Maximum Pay-out Amount:** His/her countable income is below the maximum annual pension rate;
- **Net Worth Limitations:** He/she meets the net worth limitation;
- **Senior in age or effectively disabled in one of three ways:**

He/she is 65 or older

OR

He/she is

- **Has a permanent and total non-service-connected disability, OR**
- **Is a patient in a nursing home, OR**
- **Is receiving Social Security Disability Benefits**

- Veterans who entered active duty after September 7, 1980, must also have served at least 24 months of active duty service. If the total length of service is less than 24 months, the Veteran must have completed his/her entire tour of active duty.

Q: Can One Qualify for More Money Than the Basic Pension Benefit? (Enhanced pension benefits)

⁹⁹ 38 CFR 3.4

¹⁰⁰ Technically, the VA administers three pension programs. Practically, we generally speak of only one, the only one for which current applicants may apply. The majority of the nearly 516,000 beneficiaries of a VA pension belong to the program known as Improved Pension, which was established by Congress back in 1979. The VA's other pension programs, Old-Law and Section 306 Pension, have less than 26,000 beneficiaries combined and are closed to new applicants. From the start, the VA's Improved Pension program has been designed to provide economic security to financially disadvantaged wartime Veterans and their survivors by paying pension benefits quickly and without the extensive development often required with VA's disability compensation program.

A veteran, who qualifies for a VA pension, may additionally qualify under one of two programs for an increased monthly pension payment. The first enhanced pension payment is known as Aid and Attendance (A&A). A person already eligible for a VA pension may qualify for A&A if he or she meets one of the following criteria:

Need help with basic living tasks: You require the aid of another person in order to perform activities of daily living, such as bathing, feeding, dressing, toileting, adjusting prosthetic devices, or protecting yourself from the hazards of your daily environment, OR

You are bedridden: Your disability or disabilities require that you remain in bed apart from any prescribed course of convalescence or treatment, OR

Incapacitated Nursing Home Resident: You are a patient in a nursing home due to mental or physical incapacity, OR

Substantially Impaired Vision: You have corrected visual acuity of 5/200 or less in both eyes, or concentric contraction of the visual field to 5 degrees or less.¹⁰¹

The second enhanced pension payment is known as Housebound. A person already eligible for a VA pension may qualify for the Housebound increased monthly payment if he or she meets one of the following criteria:

You have a single permanent disability evaluated as 100-percent disabling AND, due to a disability or disabilities, you are permanently and substantially confined to your immediate premises, OR

You have a single permanent disability evaluated as 100-percent disabling AND another disability or disabilities, independently evaluated as 60-percent or more disabling.¹⁰²

Q: Why do the Fraudulent Presenters Limit Themselves to Pension Benefit Claims?

The fraudulent presenters of these “seminars” are only interested in assisting veterans who may be pension eligible. They are not interested in helping veterans with service-connected disability claims for one simple reason: eligibility for compensation benefits has nothing to do with the veteran’s financial position.

¹⁰¹ Department of Veterans Affairs, “What Veterans and Their Families Should Know When Applying for Department of Veterans Affairs (VA) Pension Benefits.”

¹⁰² *Id.*

This targeting decision means that from the outset the presenters are only interested in a small subset of any given audience. Consider that there are 350,000 veterans receiving pensions, but over 3.5 million receiving compensation. Thus, the presenters are interested in only approximately 10% of the veterans out there.

Q: What Harm Can These Pitches Do?

Some of the harm that may be caused by the over-200 organizations that sponsor such pitches is¹⁰³:

- Effectively charging high fees for the service (directly or indirectly) of filing a pension claim that is commonly offered for free by various accredited governmental employees or veterans service officers;
- Enticing elderly veterans to invest in annuities that may not be suitable for the elderly who might not be able to access their money within their expected lifetime (or face high early withdrawal penalties);
- Potentially rendering veterans ineligible for Medicaid for a period of time;
- Charging of fees for establishment of trusts (the creation of which may be performed under dubious ethical and legal circumstances);
- Failing to provide advice and guidance in maintaining proper eligibility status by failing to inform a veteran of the annual reporting requirement;
- Damaging other viable options under VA regulations. A white paper by The Center for Elder Veterans Rights, PC, provides the following example: Assume a veteran receives disability compensation for a 60% disability rating. However, due to increasing disability for the service-connected health issue, the veteran is no longer able to work (age does not matter). In the case this veteran had any assets, the pitchmen would likely try to steer him or her into a VA pension. However, instead of applying for a pension and being enticed to disgorge assets, the veteran might qualify to establish individual un-employability which could raise his or her disability rating to 100%. This, in turn, could allow the veteran access to additional special benefits, possibly double the amount.¹⁰⁴
- Unnecessarily advising disgorging of assets where other routes to qualification exist: Again, in the above-cited white paper, the example is given of a veteran who has over \$112,000 in a money market account. This exceeds the federal regulation concerning “limited net worth.”¹⁰⁵ A scammer may recommend establishing a trust or purchasing an annuity even though there may be another answer: add two other names to the money market account and thereby dilute ownership. Only a third of the balance in such a case would be attributed to the veteran.¹⁰⁶

¹⁰³ U.S. Government Accountability Office, Veterans’ Pension Benefits: Improvements Needed to Ensure Only Qualified Veterans and Survivors Receive Benefits, GAO-12-540, May 2012.

¹⁰⁴ The Center for Elder Veterans Rights, P.C., “Recognizing and Defeating VA Disability Benefit Scams.” August 30, 2010 (Revised January 10, 2011).

¹⁰⁵ 38 C.F.R. 3.3.

¹⁰⁶ VA Disability Benefit Scams, supra.

Deferred Rent Arrangements (Residential Care Facilities)

Another VA pension issue that has arisen nationwide relates to the interaction of assisted-living facilities (ALFs) with potential residents and the application for pension benefits. One scenario is an ALF will offer an individual applying to live at the ALF to defer rent on the residential contract while the resident, a veteran or survivor of a veteran, waits on the award of that pension from the VA. A contract might state, for example, that as long as the resident provides the facility with current status information about his or her pending VA pension claim, the ALF will continue to defer monthly rent payments.¹⁰⁷

The practice, by itself, is not necessarily illegal, but may quickly become an opportunity for shady business practices in two ways: the first way is by getting a potential resident to sign a contract under the assurance that the VA will award a pension; the second unfair practice is assuring the potential resident that the ALF can get the pension claim processed quickly. However troubling these scenarios are, the VA views this type of problem as a consumer enforcement action outside the VA's jurisdiction.¹⁰⁸

Questionable Medical Expenses (Residential Care Facilities)

Not far removed from the issue of deferred rent, is the issue of what costs of living at a facility qualify as medical expenses that may serve as valid deductions against income in order to establishing eligibility (i.e., to establish need) for a VA pension. A veteran or survivor demonstrates a need to be in a protected residential environment either through certification by a physician or by a VA award of pension (determination of financial need) at the enhanced benefit Aid and Attendance or Housebound rate.

There have been questionable cases of trying to push the envelope on what is an unreimbursed medical expense (UME) that would qualify as a deduction against income for pension eligibility purposes.¹⁰⁹ In particular, there have been attempts to push through the cost of room and board at a facility as deductible medical expenses. Attempts have successfully been made to claim merely the room and board at senior living facilities, not assisted living facilities, as a UME. The VA has now attempted to clarify its position on this matter and limit perceived past inconsistencies in awards (if not abuses).

¹⁰⁷ Statement of David R. McLenachen, Director, Pension and Fiduciary Service Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), Before the Senate Special Committee on Aging, June 6, 2012.

¹⁰⁸ An attorney or agent with VA accreditation who were to make such promises might be subject to the suspension or cancellation of accreditation by the VA.

¹⁰⁹ 38 C.F.R. §3.272(g). The VA (VBA) interprets this deduction in its Adjudication Procedures Manual, M21-1MR, as the unreimbursed cost of medical and nursing services. See VA Fast Letter, 12-23, October 26, 2012.

SECTION THREE: THE LAW

Overview

State law and federal law – and sometimes both – have provisions designed to combat the fraudulent practices of those that prey on servicemembers and their families. This section summarizes several provisions of law that may be applicable.

FEDERAL LAW

There are several provisions of federal law of which to be aware when dealing with a complaint from a servicemember. In section X below, points of contact are listed for federal agencies that have authority for enforcing these areas of law.

Servicemembers Civil Relief Act [SCRA] (50 U.S.C. App. § 501 et seq.)

What is the SCRA? The SCRA is a federal law designed to promote and protect those who volunteer to serve our country during times of active duty service by providing a list of legal consumer protections that shield servicemembers from undue legal and financial hardships. Protections of the Act that benefit reserve component servicemembers are summarized further below.

In what types of proceedings is the SCRA enforceable? The SCRA is enforceable in federal and state court (including all political subdivisions and in all U.S. territories) and it applies to civil and administrative actions, but not to criminal cases.

Who is covered under the SCRA? The SCRA applies to members of the Uniformed Services when on active duty, including the reserves of all five branches of the Armed Forces when on active duty (the SCRA is not applicable to inactive duty status, such as weekend drills). This coverage of the reserve component includes National Guard members only when on federal active duty status or when active under Title 32 for more than 30 days in response to a presidential declaration of national emergency. Reserve component servicemembers are entitled to most of the Act's "rights and protections" on the date they receive active duty orders. (Thus, the sooner servicemembers receive their orders in advance of actual mobilization, the better.) Coverage normally ends at Release from Active Duty (REFRAD).

"Material effect" and "waiver" under the SCRA. Many of the provisions of the SCRA require that the servicemember show there is a "material effect" on his/her ability to respond or act as normally required due to the active duty service. The rights of the SCRA can be individually waived if done so in a separate writing. A servicemember should always be counseled to seek legal advice before any such waiver.

What are the Enforcement Provisions under the SCRA? The U.S. Attorney General has (1) civil enforcement authority under the Act where there is a pattern or practice of violations or where there is a significant public interest, and (2) criminal enforcement authority in certain instances. The SCRA also provides for a private right of action generally allowing for all legal remedies available in any civil lawsuit and the right to seek attorneys' fees.

Provisions of the SCRA that commonly apply to mobilizing reserve component servicemembers:

- **Default judgment protection.** A servicemember has the right (up to 90 days after REFRAD) to reopen a default judgment taken against him or her during active duty or within 60 days after active duty.
- **Stays of civil and administrative proceedings.** A servicemember may ask for a postponement of any court action (lawsuit) or administrative proceeding for not less than 90 days if he/she is on active duty or within 90 days after REFRAD. To exercise the right, the servicemember must send a 'letter or other communication' to the court/hearing officer asserting his/her military service materially affects his/her ability to appear. The servicemember must state when he/she would be available and must include a letter from his/her commander that confirms the servicemember's current military duty prevents making an appearance and that leave is not authorized.
- **Extensions on time limits for filing lawsuits (i.e., tolling of given statutes of limitations).** A servicemember may obtain extensions, without showing material effect, for everything except federal revenue matters.
- **Eviction proceeding stays.** The SCRA does not prohibit the eviction of a servicemember, but requires the landlord to obtain a court order (for rentals not exceeding \$2,975.54 monthly in January 2011, adjusted annually thereafter for inflation). The servicemember or servicemember's family member may seek a stay up to 90 days upon a showing of material effect.
- **Mortgage protections.** If a servicemember breaks his/her mortgage agreement on real property purchased before entry on active duty, the SCRA protects the servicemember by allowing foreclosure only by court order or waiver. This protection lasts during the time on active duty plus 9 months. (The additional 9 months of protections sunset on December 31, 2012.) Alternatively, upon showing of material effect, a servicemember may seek a stay of foreclosure and/or equitable adjustment.
- **Residential lease termination rights.** A servicemember may terminate real property leases (residential, professional, business, agricultural, etc.) if the given lease was executed before entry on active duty, or if executed on active duty, the servicemember then receives PCS orders or orders to deploy for 90 days or more. The servicemember must provide written notice of termination and a copy of his/her orders.
- **Automobile lease termination rights.** A servicemember may terminate an automobile lease if the given lease was executed before entry on active duty and he/she then receives orders to active duty for 180 days or more, or if executed on active duty, the servicemember then receives PCS orders from inside to outside CONUS or from Alaska or Hawaii to anywhere else. He/she may also end the lease executed on active duty if he/she subsequently receives orders to deploy for 180 days or more. The servicemember must return the vehicle within 15 days of giving notice.

- **Cellular telephone contract termination rights.** A servicemember may terminate or suspend a cellular telephone contract if the servicemember receives orders to relocate for 90 days or more to a place where there is no cell phone coverage under the contract. The servicemember must give written or electronic notice of termination with a copy of the servicemember's orders. Family plans may be cancelled if the family moves with the servicemember.
- **Six Percent Interest Cap on Consumer Debt during Active Duty.** A servicemember may reduce interest on pre-active duty debts to 6%. For mortgages, the protection lasts one year beyond REFRAD. The protection lasts only during active duty itself for all other obligations (including, since August 15, 2008, student loans). The interest above 6% is forgiven, not deferred, and periodic payments must be lowered to account for such forgiven interest. To exercise the right, the servicemember must provide written notice and a copy of his orders no later than 180 days after REFRAD.

Military Lending Act [MLA](10 U.S.C. § 987)

The Military Lending Act (MLA)¹¹⁰ was enacted as part of the John Warner National Defense Authorization Act of 2007. This Act seeks to protect active-duty servicemembers, reservists, and their dependents from excessive rates and fees for certain lending products. Specifically, the MLA's implementing regulations single out payday loans, car title loans, and refund anticipation loans for extra restrictions when they are extended to servicemembers. These credit products are subject to an inclusive 36% rate cap, which includes some fees and charges. Additionally, the MLA provides several prohibitions for these loans, including bans on refinancing, mandatory arbitration clauses, securing a loan with a personal check or bank account access, requiring repayment through military allotment, and prepayment penalties.

Recent amendments to the MLA grant additional enforcement authority to several federal agencies, including the CFPB, the SEC, and the FDIC. The amendments also provide for civil penalties, in addition to criminal liability, for those who violate the provisions of the Act. The MLA does not preempt state laws that provide greater protection to servicemembers for these types of loans. Some states have passed legislation that expressly authorizes state agencies to enforce the terms of this Act.¹¹¹

Federal Trade Commission Act [FTCA](15 U.S.C. §§ 41-58)

15 U.S.C. § 45(a)(1): "Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful."

Under this Act, the FTC is empowered, among other things, to (a) prevent unfair methods of competition, and unfair or deceptive acts or practices in or affecting commerce; (b) seek monetary redress and other relief for conduct injurious to consumers; (c) prescribe trade regulation rules defining with specificity acts or practices that are unfair or deceptive, and establishing requirements designed to prevent such acts or practices; (d) conduct investigations

¹¹⁰ 10 U.S.C. § 987 (2013); for more information on the MLA and its application, *see* Lending section, *supra* p. 7-9.

¹¹¹ *See* State Statutes that Address Military Lending Act, *infra* p. 54-56.

relating to the organization, business, practices, and management of entities engaged in commerce; and (e) make reports and legislative recommendations to Congress.

CPB is responsible for civil and criminal actions brought under the FTC Act. These cases generally fall into three categories: (1) enforcement actions for civil penalties and injunctive relief based on violations of final orders issued by the FTC; (2) enforcement actions for civil penalties and injunctive relief based on violations of FTC trade regulation rules; and (3) prosecutions for criminal violations of the FTC Act, and for violations of district court orders obtained under the FTC Act.

Fair Debt Collection Practices Act [FDCPA](15 U.S.C. § 1692-1692p).

The Fair Debt Collection Practices Act (“FDCPA”) prohibits third-party debt collectors from employing deceptive or abusive conduct in the collection of consumer debts incurred for personal, family, or household purposes. (The term “debt collector” generally does not cover creditors collecting their own debts). Such collectors may not, for example, contact debtors at odd hours, subject them to repeated telephone calls, threaten legal action that is not actually contemplated, or reveal to other persons the existence of debts. The Civil Division’s Consumer Protection Branch enforces violations of the FDCPA, which are treated as unfair or deceptive acts or practices in violation of the FTC Act.

Among the Act’s provisions:

- A debt collector may not contact a consumer at inconvenient times or places, such as before 8 am or after 9 pm, unless the consumer agrees to it. And collectors may not contact consumers at work if they’re told (orally or in writing) that the consumer is not allowed to get calls there.
- Once a collector receives written notice, they may not contact the consumer again except to tell the consumer there will be no further contact or to let the consumer know that they or the creditor intend to take a specific action, like filing a lawsuit.
- If an attorney represents a consumer with respect to a debt, the debt collector must contact the attorney, rather than the consumer. If the consumer does not have an attorney, a collector may contact other people – but only to find out the consumer’s address, home phone number, and place of employment. Collectors usually are prohibited from contacting third parties more than once. Other than to obtain location information, a debt collector generally is not permitted to discuss a consumer’s debt with anyone other than the consumer, their spouse, or their attorney.

Debt collectors may not:

- Use threats of violence or harm;
- Publish a list of names of people who refuse to pay their debts;
- Use obscene or profane language;
- Repeatedly use the phone to annoy someone;
- Falsely claim that they are attorneys or government representatives;

- Falsely claim that a consumer has committed a crime;
- Falsely represent that they operate or work for a credit reporting company;
- Misrepresent the amount owed;
- Indicate that papers they send are legal forms if they aren't;
- Indicate that papers they send are not legal forms if they are;
- Threaten a consumer with be arrest if he or she doesn't pay the debt;
- Threaten to seize, garnish, attach, or sell a consumer's property or wages unless they are permitted by law to take the action and intend to do so;
- Threaten legal action against the consumer, if doing so would be illegal or if they do not intend to take the action;
- Give false credit information about the consumer to anyone, including a credit reporting company;
- Send anything that looks like an official document from a court or government agency if it isn't;
- Use a false company name;
- Try to collect any interest, fee, or other charge on top of the amount owed unless the contract that created the debt – or state law – allows the charge.

Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. §§ 6101 et seq.)

The Telemarketing and Consumer Fraud and Abuse Prevention Act directed the FTC to prescribe rules to prohibit abusive telemarketing practices. Violations of the resulting Telemarketing Sales Rule (“TSR”), 16 C.F.R. Part 310, are treated as violations of the FTC Act.

The Civil Division’s Consumer Protection Branch enforces the TSR, which contains an extensive array of consumer protection provisions, including the following:

- The TSR established the National Do Not Call Registry, which telemarketers are required to search every 31 days and avoid calling any phone numbers that are on the registry. Calls from or on behalf of political organizations, charities and telephone surveyors are still permitted, as are calls from organizations with which a consumer has an established business relationship, or to which a consumer has made an inquiry or submitted an application. A telemarketer who disregards the National Do Not Call Registry could be fined up to \$16,000 for each call.
- Calling times are restricted to the hours between 8 a.m. and 9 p.m.
- Telemarketers must promptly disclose the identity of the seller or charitable organization and that the call is a sales call or a charitable solicitation.
- Telemarketers must disclose all material information about the goods or services they are offering and the terms of the sale and are prohibited from lying about any terms of their offer.
- Before submitting a consumer’s billing information for payment, telemarketers must get their express informed consent to be charged — and to charge to a specific account.

- Telemarketers must connect their call to a sales representative within two seconds of the consumer's greeting and may not hang up on an unanswered call before 15 seconds or four rings. When the telemarketer doesn't have a representative standing by, a recorded message must play to let the consumer know who is calling and the number they are calling from.
- Telemarketers must transmit their telephone number and if possible, their name, to the consumer's caller ID service.
- Most businesses need written permission before they can call with prerecorded telemarketing messages, or robocalls. Businesses using robocalls have to disclose at the beginning of the message how consumers can stop future calls, and must provide an automated opt-out that can be activated by voice or keypress.

Credit

The ***Truth in Lending Act*** (15 U.S.C. §§ 1601-1667f) requires all creditors who deal with consumers to make certain written disclosures concerning finance charges and related aspects of credit transactions (including disclosing an annual percentage rate). The Act also establishes a three-day right of rescission in certain transactions involving the establishment of a security interest in the consumer's residence (with certain exclusions, such as interests taken in connection with the purchase or initial construction of a dwelling) and establishes certain requirements for advertisers of credit terms.

The ***Fair Credit Billing Act*** (15 U.S.C. §§ 1666-1666j) amends the Truth in Lending Act to require prompt written acknowledgment of consumer billing complaints and investigation of billing errors by creditors. The amendment prohibits creditors from taking actions that adversely affect the consumer's credit standing until an investigation is completed, and affords other protection during disputes. The amendment also requires that creditors promptly post payments to the consumer's account, and either refund overpayments or credit them to the consumer's account.

The ***Equal Credit Opportunity Act*** (15 USC §§ 1691-1691f) requires that financial institutions and other firms engaged in the extension of credit make that credit equally available to all credit-worthy customers, and prohibits discrimination on the basis of race, color, religion, national origin, sex, marital status, age, receipt of public assistance, or good faith exercise of any rights under pertinent consumer credit statutes. The Act also requires creditors to provide applicants, upon request, with the reasons underlying decisions to deny credit. A violation of any requirement of the ECOA is treated as a violation of the FTC Act, and enforced in the same manner as if the violation had been a violation of an FTC trade regulation rule.

The ***Fair Credit Reporting Act*** (15 U.S.C. §§ 1681-1681x) requires consumer reporting agencies to adopt certain procedures relating to consumer credit, personnel, insurance, and other information to ensure the confidentiality, accuracy, reliability and proper verification of the information. Information in a consumer report cannot be provided to anyone who does not have a purpose specified in the Act, and companies that provide information to consumer reporting agencies also have specific legal obligations, including the duty to investigate disputed information. In addition, users of the information for credit, insurance, or employment purposes must notify the consumer when an adverse action is taken on the basis of such reports and must identify the company that provided the report, so that the accuracy and completeness of the report may be verified or contested by the consumer. Subsequent amendments to the Act give consumers the right to one free credit report a year from the credit reporting agencies, the ability to purchase for a reasonable fee a credit score along with information about how the credit score is calculated, and the ability to place fraud alerts in their credit files. A violation of any requirement or prohibition imposed under the FCRA is treated as a violation of the FTC Act.

Credit Repair Organizations Act [CROA](15 U.S.C. § 1679 – 1679j)

The Credit Repair Organizations Act (“CROA”) prohibits untrue or misleading representations and requires certain affirmative disclosures in the offering or sale of “credit repair” services. The Act bars “credit repair” companies from demanding advance payment, requires that “credit repair” contracts be in writing, and gives consumers certain contract cancellation rights.

The statute is aimed at schemes that promise to “repair” the credit of consumers by employing the verification provisions of the Fair Credit Reporting Act (FCRA) and that misrepresent the services a credit repair organization can provide. Common misrepresentations include claims that such organizations can remove negative items from credit reports due to alleged difficulties in the verification process. However, verification is usually automated, and most debts may remain on a consumer’s report for seven years, and bankruptcies for ten years. Thus, claims that most consumers can get such items removed from credit reports frequently violate CROA.

CROA also prohibits “file segregation” schemes, which are advertised as a way of creating a new credit identity. File segregation operators advise the consumer to apply to the IRS for an Employer Identification Number (“EIN”), and to use the EIN in lieu of their Social Security Number when applying for credit in order to create a completely new credit file in which the old debts will not appear. The scheme essentially involves an attempt to hide one’s identity from creditors and both the person selling such a scheme and consumers who follow the scheme are violating the law. CROA bars any person from making or counseling any consumer to make any untrue or misleading statement whose intended effect is to alter the consumer’s identification to hide accurate credit information.

A credit repair offer is likely a scam if those offering the services:

- Insist on payment before they do any work on the consumer’s behalf;
- Tell the consumer not to contact the credit reporting companies directly;
- Tell the consumer to dispute accurate information in their credit report;
- Tell the consumer to give false information on an applications for credit or a loan;
- Don’t explain the consumer’s legal rights when they tout their services.

Military Legal Assistance

In each branch of the Armed Forces, legal assistance offices provide free legal consultation to eligible beneficiaries: typically active duty servicemembers, their spouses and dependent family members, and retirees. Military legal assistance offices are typically manned by service judge advocates, service-employed civilian attorneys, and paralegals. While the types of legal services provided vary from place to place and from service to service, they typically include wills, powers of attorney, landlord and tenant matters, other property law matters, divorce and separation, other domestic relations issues (custody, adoption, visitation, child welfare), and consumer law issues (fraud, sales contracts, credit agreements). Availability of services will be determined by availability of resources and other mission requirements that take priority over general legal assistance, like legal readiness of deploying Servicemembers.

The general authority for the provision of such legal services is based on federal statutory authority:

§ 1044. Legal assistance¹¹²

(a) Subject to the availability of legal staff resources, the Secretary concerned may provide legal assistance in connection with their personal civil legal affairs to the following persons:

(1) Members of the armed forces who are on active duty.

(2) Members and former members entitled to retired or retainer pay or equivalent pay.

(3) Officers of the commissioned corps of the Public Health Service who are on active duty or entitled to retired or equivalent pay.

(4) Members of reserve components not covered by paragraph (1) or (2) following release from active duty under a call or order to active duty for more than 30 days issued under a mobilization authority (as determined by the Secretary), for a period of time (prescribed by the Secretary) that begins on the date of the release and is not less than twice the length of the period served on active duty under that call or order to active duty.

(5) Dependents of members and former members described in paragraphs (1), (2), (3), and (4).

(6) Survivors of a deceased member or former member described in paragraphs (1), (2), (3), and (4) who were dependents of the member or former member at the time of the death of the member or former member, except that the eligibility of such survivors shall be determined pursuant to regulations prescribed by the Secretary concerned.

(7) Civilian employees of the Federal Government serving in locations where legal assistance from non-military legal assistance providers is not reasonably available, except that the eligibility of civilian employees shall be determined pursuant to regulations prescribed by the Secretary concerned.

(b) Under such regulations as may be prescribed by the Secretary concerned, the Judge Advocate General (as defined in section 801(1) of this title) under the jurisdiction of the Secretary is responsible for the establishment and supervision of legal assistance programs under this section.

(c) This section does not authorize legal counsel to be provided to represent a member or former member of the uniformed services described in subsection (a), or the dependent of such a member or former member, in a legal proceeding if the member or former member can afford legal fees for such representation without undue hardship.

¹¹² 10 U.S.C. 1044 (2011).

(d)(1) Notwithstanding any law regarding the licensure of attorneys, a judge advocate or civilian attorney who is authorized to provide military legal assistance is authorized to provide that assistance in any jurisdiction, subject to such regulations as may be prescribed by the Secretary concerned.

(2) Military legal assistance may be provided only by a judge advocate or a civilian attorney who is a member of the bar of a Federal court or of the highest court of a State.

(3) In this subsection, the term “military legal assistance” includes—

(A) legal assistance provided under this section;
And

(B) legal assistance contemplated by sections 1044a, 1044b, 1044c, and 1044d of this title.

(e) The Secretary concerned shall define “dependent” for the purposes of this section.

The various branches then have their own implementing regulations/directives as authorized by the above. In the Army, Army Regulation 27-3 governs legal assistance. In the Navy and Marine Corps, JAGMAN, Chapter VII controls. In the Air Force, legal assistance is provided in accordance with AFI 51-504. In the Coast Guard, the applicable authority is COMMADANT INSTRUCTION 5801.4E.

STATE LAW

TABLES OF STATE STATUTES

Appended below are reference guides to various state consumer protection laws that will be useful in assistant servicemembers who are victims of fraud or other deceptive practices.

1. Lemon Laws and Unfair & Deceptive Acts and Practices Statutes.
2. Lemon Buyback Laws and Salvage Vehicle Laws.
3. Telemarketing and Debt Collection Statutes.

Lemon Laws and Unfair & Deceptive Acts and Practices Statutes.

<i>State Consumer Protection Laws Quick Reference I</i>		
STATE	LEMON LAW	UDAP STATUTE
Alabama	Ala. Code §§ 8-20A-1 to 8-20A-6	Ala. Code § 8-19-1 to 8-19-15
Alaska	Alaska Stat. §§ 45.45.300 to 45.45.360	Alaska Stat. § 45.50.471 to 45.50.561
Arizona	Ariz. Rev. Stat. Ann § 44-1261 to 44-1267	Ariz. Rev. Stat. Ann. § 44-1521 to 44-1534
Arkansas	Ark. Code Ann. §§ 4-90-401 to 4-90-417	Ark. Code Ann. § 4-88-101 to 4-88-207
California	Cal. Civ. Code §§ 1793.1 to 1795.7, 1793.22 to 1793.26	Cal. Civ. Code § 1750 to 1785 Cal. Bus. & Prof. Code §§17200 to 17594
Colorado	Colo. Rev. Stat. §§ 42-10-101 to §§42-10-107, 12-6-120(1)(a), 12-6-122(2)	Colo. Rev. Stat. § 6-1-101 to 6-1-115
Connecticut	Conn. Gen. Stat. Ann. §§ 42-179 to 42-184	Conn. Gen. Stat. § 42-110a to 42-110q
Delaware	Del. Code Ann. tit. 6 §§ 5001 to 5009	Del. Code Ann. tit. 6 § 2511 to 2527, 2580 to 2584, & 2531 to 2536
District of Columbia	D.C. Code Ann. §§ 50-501 to 50-510	D.C. Code Ann. § 28-3901 to §§ 28-3913
Florida	Fla. Stat. Ann. § 681.10 to 681.118	Fla. Stat. Ann. § 501.201 to 501.213
Georgia	Ga. Code Ann. §§ 10-1-780 to 10-1-794	Ga. Code Ann. § 10-1-370 to 10-1-375, 10-1-390 to 10-1-407
Guam		5 Guam Code Ann. §§ 32101 to 32603
Hawaii	Haw. Rev. Stat. § 481I-1 to 481I-4	Haw. Rev. Stat. § 480-1 to 480-24 & 481A-1 to 481A-5
Idaho	Idaho Code §§ 48-901 to 48-913	Idaho Code § 48-601 to 48-619
Illinois	815 Ill. Comp. Stat. §§ 380/1 to 380/8	815 Ill. Comp. Stat. 505/1 to 505/12 & 510/1 to 510/7
Indiana	Ind. Code §§ 24-5-13-1 to 24-5-13-24	Ind. Code Ann. § 24-5-0.5-1 to 24-5-0.5-12
Iowa	Iowa Code Ann. §§ 322G.1 to 322G.15	Iowa Code Ann. § 714.16 to 714.16A
Kansas	Kan. Code Ann. §§ 50-645 to 50-646	Kan. Stat. Ann. § 50-623 to 50-640 & 50-675a to 50-679a

State Consumer Protection Laws Quick Reference I

STATE	LEMON LAW	UDAP STATUTE
Kentucky	Ky. Rev. Stat. Ann. §§ 367.840 to 367.845; 367.860 to 387.870	Ky. Rev. Stat. § 367.110 to 367.990
Louisiana	La. Rev. Stat. Ann. §§ 51:1941 to 51:1948	La. Rev. Stat. Ann. § 51:1401 to 51:1420
Maine	Me. Rev. Stat. Ann. tit. 10 §§ 1161 to 1169	Me. Rev. Stat. Ann. tit. 5 § 205A to 214 & tit. 10 § 1211 to 1216
Maryland	Md. Code Ann. Com. Law §§ 14-1501 to 14-1504	Md. Code Ann. Com. Law §§ 13-101 to 13-501 & 14-101 to 14-3202
Massachusetts	Mass. Gen. Laws Ann. ch. 90 §7N½	Mass. Gen. Laws Ann. ch. 93A §§1-11
Michigan	Mich. Comp. Laws §§ 257.1401 to 257.1410	Mich. Comp. Laws § 445.901 to 445.922
Minnesota	Minn. Stat. Ann. § 325F.665	Minn. Stat. Ann. §§ 8.31, 325D.43 to 325D.48, 325F.67, & 325F.68 to 325F.70 and others
Mississippi	Miss. Code Ann. §§ 63-17-151 to 63-17-165	Miss. Code Ann. § 75-24-1 to 75-24-27
Missouri	Mo. Stat. Ann. §§ 407.560 to 407.579	Mo. Rev. Stat. § 407.010 to 407.307
Montana	Mont. Code Ann. §§ 61-4-501 to 61-4-533	Mont. Code Ann. § 30-14-101 to 30-14-142
Nebraska	Neb. Rev. Stat. §§ 60-2701 to 60-2709	Neb. Rev. Stat. § 59-1601 to 59-1623 & 87-301 to 87-306
Nevada	Nev. Rev. Stat. § 597.600 to 597.680	Nev. Rev. Stat. §§ 41.600 & 598.0903 to 598.0999
New Hampshire	N.H. Rev. Stat. Ann. §§ 357-D:1 to 357-D:12	N.H. Rev. Stat. Ann. § 358-A:1 to 358-A:13
New Jersey	N.J. Stat. Ann. §§ 56:12-29 to 56:12-49	N.J. Stat. Ann. § 56:8-1 to 56:8-91
New Mexico	N.M. Stat. Ann. §§ 57-16A-1 to 57-16A-9, 56-16-4, 56-16-13	N.M. Stat. Ann. § 57-12-1 to 57-12-22
New York	N.Y. Gen. Bus. Law § 198-a; N.Y. Veh. & Traf. Law § 417-a	N.Y. Exec. Law § 63(12); N.Y. Gen. Bus. Law §§ 349 & 350
North Carolina	N.C. Gen. Stat. §§ 20-351 to 20-351.10	N.C. Gen. Stat. § 75-1.1 to 75-35

State Consumer Protection Laws Quick Reference I

STATE	LEMON LAW	UDAP STATUTE
North Dakota	N.D. Cent. Code §§ 51-07-16 to 51-07-22	N.D. Cent. Code §§ 51-15-01 to 51-15-11
Ohio	Ohio Rev. Code Ann. §§ 1345.71 to 1345.78	Ohio Rev. Code Ann. §§ 1345.01 to 1345.13 & 4165.01 to 4165.04
Oklahoma	Okla. Stat. Ann. tit. 15, § 901	Okla. Stat. Ann. tit. 15 § 751 to 763 & tit. 78 §§ 51 to 55
Oregon	Or. Rev. Stat. §§ 646.315 to 646.375	Or. Rev. Stat. § 646.605 to 646.656
Pennsylvania	73 Pa. Stat. Ann. § 1951 to 1963	Pa. Stat. Ann. Tit. 73 §§ 201-1 to 201-9.3
Puerto Rico		P.R. Laws Ann. tit.3 §§ 341 to 341w & tit. 10 §§ 257 to 273
Rhode Island	R.I. Gen. Laws §§ 31-5.2-1 to 31-5.2-12	R.I. Gen. Laws § 6-13.1-1 to 6-13.1-27
South Carolina	S.C. Code Ann. §§ 56-28-10 to 56-28-110, 56-15-40(1), 56-15-110	S.C. Code Ann. § 39-5-10 to 39-5-160
South Dakota	S.D. Codified Laws Ann §§ 32-6D-1 to 32-6D-11	S.D. Codified Laws Ann. § 37-24-1 to 37-24-35
Tennessee	Tenn. Code Ann. §§ 55-24-201 to 55-24-212	Tenn. Code Ann. § 47-18-101 to 47-18-125
Texas	Tex. Occ. Code Ann. §§ 2301.601 to 2301.613	Tex. Bus. & Com. Code Ann. §§17.41 to 17.63
Utah	Utah Code Ann. §§ 13-20-1 to 13-20-7, 41-3-406 to 41-3-414	Utah Code Ann. §§ 13-2-1 to 13-2-8, 13-5-1 to 13-5-18, & 13-11-1 to 13-11-23, & 13.11a-1 to 13.11a-5
Vermont	Vt. Stat. Ann. tit. 9 §§ 4170 to 4181	Vt. Stat. Ann. tit. 9 § 2451 to 2480g
Virginia	Va. Code §§ 59.1-207.9 to 207.16	Va. Code Ann. § 59.1-196 to 59.1-207
Virgin Islands		V.I. Code Ann. Tit. 12A §§ 101-123 & 180-185
Washington	Wash. Rev. Code §§ 19.118.005 to 19.118.904	Wash. Rev. Code Ann. §§19.86.010 to 19.86.920
West Virginia	W. Va. Code §§ 46A-6A-1 to 46-6A-9	W.Va. Code §§ 46A-6-101 to 46A-6-110
Wisconsin	Wis. Stat. Ann. § 218.0171. 218.0163(2)	Wis. Stat. Ann. §§ 100.18 & 100.20 to 100.264
Wyoming	Wyo. Stat. Ann. § 40-17-101	Wyo Stat. Ann. §§ 40-12-101

		to 40-12-114
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Lemon Buyback Laws and Salvage Vehicle Laws.

<i>State Consumer Protection Laws Quick Reference II</i>		
STATE	LEMON LAW BUYBACK	SALVAGE VEHICLE STATUTES
Alabama	Ala. Code §§ 8-20A-3, 8-20A-4, 8-20A-5	Ala. Code § 32-8-87
Alaska	Alaska Stat. § 45.45.335	Alaska Stat. § 28-10-211
Arizona	Ariz. Rev. Stat. § 44-1266	Ariz. Rev. Stat. Ann. §§ 28-2091,5
Arkansas	Ark. Code Ann. § 4-90-412	Ark. Code Ann. § 27-14-2301 to
California	Cal. Civ. Code §§ 1793.23, .24, .26, 11713.1212	Cal. Veh. Code §§ 544, 5505, 6050, 1515-11515.2
Colorado	Colo. Rev. Stat. § 6-1-708(1)(b), 6-	Col. Rev. Stat. §§ 42-6-102, 42-6-136, 42-2 206
Connecticut	Conn. Gen. Stat. Ann. § 42-179(g), 42-179(i)	Conn. Gen. Stat. § 14-16c, 14-103a
Delaware	NA	Del. Code Ann. tit. 21 §§ 2512, 6716
District of Columbia	D.C. Code § 50-502(g)	D.C. Code Ann. § 50-505
Florida	Fla. Stat. Ann. §§ 681.111; 681.112; 681.114(2), 319.14 (West)	Fla. Stat. Ann. §§ 319.14, 319.30 (West)
Georgia	Ga. Code Ann. §§ 10-1-790	Ga. Code Ann. §§ 40-3-2, 40-3-36, 40-3-37
Hawaii	Haw. Rev. Stat. §§ 481I-3(I) , 481I-3(k), 481J	Haw. Rev. Stat. § 286-48
Idaho	Idaho Code § 48-905	Idaho Code § 49-524 & 525
Illinois	625 Ill. Comp. Stat. §§ 5/5-104.2, 5/5-104.3 (West)	625 Ill. Comp. Stat. §§ 5/3-117.1, -118.1, 5/3-301 <i>et. seq.</i>
Indiana	Ind. Code Ann. §§ 24-5-13.5-1 to -24-5-13.5-14	Ind. Code Ann. §§ 9-22-3-3 to 9-22-3-5, 9-22-3-30
Iowa	Iowa Code Ann. § 322G.11 & .12	Iowa Code Ann. §§ 321.52, 321-69
Kansas	Kan. Stat. Ann. § 50-645, 50-659	Kan. Stat. Ann. §§ 8-135; 8-197 199
Kentucky	No specific lemon resale statute	Ky. Rev. Stat. § 186A.520, 186A.530
Louisiana	La. Rev. Stat. Ann. § 51:1945.1 & 1946	La. Rev. Stat. Ann. §§ 32:702, 32:707, 32.707.3
Maine	Me. Rev. Stat. Ann. tit. 10 §§ 1163(7) & (8), 1167, 1168, 1174	Me. Rev. Stat. Ann. tit. 29-A, §§ 602, 654, 667

	1475(4), tit. 29-A, § 670	
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<i>State Consumer Protection Laws Quick Reference II</i>		
STATE	LEMON LAW BUYBACK	SALVAGE VEHICLE STATUTES
Maryland	Md. Code Ann. Com. Law. § 14-1502	Md. Code Ann. Com. Law §§ 13-152, 13-506, 13-507
Massachusetts	Mass. Gen. Laws ch. 90 § 7N 1/2(5)	Mass. Gen. Laws ch. 90D, §§ 120B - 20F
Michigan	Mich. Comp. Laws §§ 257.4c, 257.235(5)	Mich. Comp. Laws Ann. § 257.217c
Minnesota	Minn. Stat. Ann. §§ 325F.655(13), 325F.665(5); 325F.665(9)	Minn. Stat. Ann. §§ 168A.01, 168A.151, 325F.664 to 325F.6644
Mississippi	No specific lemon resale statute	Miss. Code Ann. §§ 63-21-33, 63-21-39
Missouri	No specific lemon resale statute	Mo. Rev. Stat. §§ 301.010, 301.190, 301.227, 301.573
Montana	Mont. Code Ann. § 61-4-525	Mont. Code Ann. §§ 61-3-210 to 61-3-212
Nebraska	Neb. Rev. Stat. §§ 60-129, 60-130, 60-174	Neb. Rev. Stat. § 60-129, 60-130, 60-171 to 177
Nevada	Nev. Rev. Stat. §§ 597.620, 597.682 to .688	Nev. Rev. Stat. §§ 482.098, 482.245, 487.160, 487.710 to 487.890
New Hampshire	N.H. Rev. Stat. Ann. § 357-D:12	N.H. Rev. Stat. Ann. § 261.22
New Jersey	N.J. Stat. Ann. §§ 56:8-2, 56:12-39:10-9.3	N.J. Stat. Ann. § 39-10-32 N.J. Admin Code 13:21-22.7
New Mexico	N.M. Stat. Ann. § 57-16A-7	N.M. Stat. Ann. § 66-1-4.12, 66-4.16, 66-3-4, 66-3-10.1
New York	N.Y. Veh. & Traf. Law § 417-a(4) 417-2(4)	N.Y. Veh. & Traf. Law §§ 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000
North Carolina	N.C. Gen. Stat. § 20-351.3(d)	N.C. Gen. Stat. §§ 20-4.01, 20-4.02, 20-71.4, 20-109.1
North Dakota	N.D. Cent. Code § 51-07-22	N.D. Gen. Stat. § 39-05-20.1, 39-05-20.2
Ohio	Ohio Rev. Code Ann. § 1345.76(B)(C)	Ohio Rev. Code Ann. §§ 4505.10, 4505.181
Oklahoma	No specific lemon resale statute	Okla. Stat. Ann. tit. 47 § 591.8, 591.111
Oregon	Or. Rev. Stat. § 646A.325, 646A.405	Or. Rev. Stat. §§ 803.015, 803.016, 803.527, 810.012, 819.014 to 819.016

State Consumer Protection Laws Quick Reference II

STATE	LEMON LAW BUYBACK	SALVAGE VEHICLE STATUTES
Pennsylvania	Pa. Stat. Ann. tit. 73 §§ 1960(a) (b), 1961, 1962	Pa. Stat. Ann. tit. 75 §§ 102, 110, 1161, 1165
Rhode Island	R.I. Gen. Laws § 31-5.2-9; -10, & -11	R.I. Gen. Laws § 31-46-4
South Carolina	S.C. Code Ann. § 56-28-100, 56-28-110	S.C. Code Ann. § 56-19-480 (Law. Co-op)
South Dakota	S.D. Codified Laws Ann § 32-6D-9, 32-6D-10	S.D. Codified Laws Ann. §§ 32-3-12, 32-3-51.5, 32-3-51.6, 32-3-53, 32-3-53.2 (as amended by 2005 S.D. Sess. Laws 155)
Tennessee	No specific lemon resale statute	Tenn. Code Ann. §§ 55-3-120, 208, 55-3-211, 55-3-212
Texas	Tex. Occ. Code Ann. §2301.610	Tex. Transp. Code Ann. §§ 501.091 to 501.095, 501.097, 501.098, 501.100 to 501.103
Utah	Utah Code Ann. §§ 41-3-406 to -414, 41-1a-522	Utah Code Ann. §§ 41-1a-1001, 1008
Vermont	Vt. Stat. Ann. tit. 9 §§ 4179, 4180	Vt. Stat. Ann. tit. 23 §§ 2001, 2091, 2093
Virginia	Va. Code §§ 59.1-207.15, 59.1-207.16:1, 18.2-11	Va. Code §§ 46.2-1600 to 1608
Washington	Wash. Rev. Code § 19.118.061	Wash. Rev. Code Ann. § 42.04.524, 46.12.560, 46.55.230
West Virginia	W. Va. Code § 46A-6A-7 & -9	W.Va. Code Ann. § 17A-4-10
Wisconsin	Wis. Stat. Ann. § 218.015(2)(d), 218.0170(2)(d), 342.10, 342.15.1	Wis. Stat. Ann. §§ 342.01, 342.07, 342.10, 342.065 (see also Wis. Admin. Code Trans. 139.04)
Wyoming	No specific lemon law resale statute	Wyo Stat. §§ 31-2-103 to 109

Telemarketing and Debt Collection Statutes.

<i>State Consumer Protection Laws Quick Reference III</i>		
STATE	TELEMARKETING	DEBT COLLECTION STATUTES
Alabama	Ala. Code §§ 8-19A-1 to 8-19A-24 (Telemarketing); §§ 8-19C-1 to 8-19C-12 (Do-Not Call List)	Ala. Code § 40-12-80
Alaska	Alaska Stat. §§ 45.63.010 to 45.63.100, 45.50.475	Alaska Stat. §§ 8.24.041 to 8.24.380, 45.50.471 to 45.50.561
Arizona	Ariz. Rev. Stat. Ann. §§ 44-1271 to 44-1282	Ariz. Rev. Stat. Ann. §§ 32-1001 to 32-1057
Arkansas	Ark. Stat. Ann. §§ 4-99-10 to 4-99-408	Ark. Stat. Ann. §§ 17-24-101 to 17-24-512
California	Cal. Bus. & Prof. Code §§ 17511 to 17513, 17591 to 17595	Cal. Civ. Code §§ 1788 to 1788.33, 1812.700 to 1812.702, Cal Family
Colorado	Colo. Rev. Stat. §§ 6-1-301 to 6-1-304, 6-1-901 to 6-1-908, 4 Colo. Code Regs § 723-22	Colo. Rev. Stat. §§ 5-1-101 to 5-12-1812.700 to 1812.702, Cal Family Code 5610-5616
Connecticut	Conn. Gen. Stat. §§ 42-284 to 42-289	Conn. Gen. Stat. §§ 36a-645 to 647, 36a-800 to 36a-810 ,
Delaware	Del Code Ann. tit. 6 § 2501A-2509A	Del. Code Ann. tit. 30 §2301(a)(12)
District of Columbia	D.C. Code § 22-3226.01 to 22-3226.15	D.C. Code Ann. §§ 22-3401 to 22-3403, 28-3814 to 28-3816, 28-3901 to 28-3909
Florida	Fla. Stat. Ann. §§ 501.059, 501.601 to 501.626	Fla. Stat. Ann. §§ 559.55 to 559.785
Georgia	Ga. Code Ann. §§ 10-5B-1 to 105B-8	Ga. Code Ann. §§ 7-3-1 to 7-3-29
Hawaii	Haw. Rev. Stat. §§ 481P-1 to 481P-8	Haw. Rev. Stat. §§ 443B-1 to 443B-21, 480D-1 to 480D-5
Idaho	Idaho Code §§ 48-1001 to 48-1108	Idaho Code §§ 26-2222 to 26-2251
Illinois	815 Ill. Comp. Stat. Ann. §§ 413/1 to 413/27, 402/1 to 402/99, (Do-Not Call List), 505/2P.1	225 Ill. Comp. Stat. 425/1 to 425/9.7
Indiana	Ind. Code Ann. §§ 24-5-12-1 to 24-5-12-25, 24-4.7-1-1 to 24.4.7-5-6	Ind. Code Ann. §§ 25-11-1-1 to 25-11-13, 24-4.5-5-107

Iowa	Iowa Code §714.8(15)	Iowa Code Ann. §§ 537.7101 to 537.7103
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<i>State Consumer Protection Laws Quick Reference III</i>		
STATE	TELEMARKETING	DEBT COLLECTION STATUTES
Kansas	Kan. Stat. Ann. §§ 50-670 to 50.679a	Kan. Stat. Ann. § 16a-5-107
Kentucky	Ky. Rev. Stat. §§ 367.461 to 367.46999	None, <i>but see</i> Ky. Rev. Stat. Ann. §24A-240 (restrictions on servicemember all claims court suits by creditors and debt collectors)
Louisiana	La. Rev. Stat. Ann. §§ 45:821 to 45.833, 45:844.11 to 45:844.15	La. Rev. Stat. Ann. §§ 9:3552 and 9:3562, <i>see also</i> 9:3534
Maine	Me. Rev. Stat. Ann. tit. 10 §§ 1498, 1499, 1499A	Me. Rev. Stat. Ann. tit. 32 §§11,001 to 11054, 9A §§ 5-107, 5-116, 5-117, 5-201, 19A § 2109
Maryland	Md. Comm. Law Code § 14-2201 to 14-2205, 14-3201 to 14-3202, 8-204 to 8-205	Md. Ann. Code Bus. Reg. §§ 7-101 to 7-502, Md. Comm. Law Code §§14-201 to 14-204
Massachusetts	Mass. Gen. Laws Ann. ch. 159, 19E	Mass. Gen. Laws Ann. ch. 93 §§ 24 to 28, 49
Michigan	Mich. Comp. Laws §§ 445.111 to 445.111e, 445.113, 445.116	Mich. Comp. Laws Ann. §§339.901 to 339.920 & 445.251 to 445.258
Minnesota	Minn. Stat. 325E.26 to 325E.31, 325E.395, 325E.311 to 325E.316 (Telephone Solicitation, expires on December 31, 2012), 325G.12 to 325G.14	Minn. Stat. Ann. §§ 332.31 to 332.45 and Minn. Stat. §§ 325F.91 – 325F.92 (restricting debt collection activities of rent-to-own companies)
Mississippi	Miss. Code Ann. §§ 77-3-601 to 77-3-619, (77-3-701 to 77-3-737 was scheduled for sunset on July 1, 2006)	None, <i>but see</i> Miss. Code Ann. §97-9-1 (criminal offense to simulate legal process to obtain collection of a debt)
Missouri	Mo. Rev. Stat. §§407.1070 to 407.1090 (Telemarketing), §§ 407.1095 to 407.1110 (Do-Not Call List)	Mo. Rev. Stat. §§ 425.300 and 287.140(13)
Montana	Mont. Code Ann. §§ 30-14-1401 to 30-14-1406, § 30-14-501 to 30-14-508	None, <i>but see</i> Mont. Code Ann. §§3-1-602, 30-19-102 to 30-19-116 (rent-to-own

		regulations), 31-1-704 (payday lending regulations)
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<i>State Consumer Protection Laws Quick Reference III</i>		
STATE	TELEMARKETING	DEBT COLLECTION STATUTES
Nebraska	Neb. Rev. Stat. §§ 86-212 to 86-235, 86-236 to 86-257	Neb. Rev. Stat. §§ 45-601 to 45-623, 45-1043 to 45-1058
Nevada	Nev. Rev. Stat. §§ 597.814, 598.0918, 228.500 to 228.640, 599B005-599B.300	Nev. Rev. Stat. §§ 649.005 to 649.435
New Hampshire	N.H. Rev. Stat. Ann. §§ 359-E:1 to 359-E:11	N.H. Rev. Stat. Ann. §§ 358-C:1 to 358-C:4
New Jersey	N.J. Stat. Ann. §§ 56:8.119 to 56:8-135, 48:17-25; N.J. Admin. Code §13:45A-1.1	N.J. Stat. Ann. §§ 45:18-1 to 45:18-6.1
New Mexico	N.M. Stat. Ann. §§ 57-12-22 to 57-12-24	N.M. Stat. Ann. §§ 61-18A-1 to 61-18A-33
New York	N.Y. Gen. Bus. Law § 399-p, 399- pp, 399-z; N.Y. Pers. Prop. Law §§440 to 448, N.Y. Pub. Serv. Law §92-d	N.Y. Gen. Bus. Law §§ 600 to 604- b
North Carolina	N.C. Gen. Stat. §§ 66-260 to 66-266, 75-100 to 75-105	N.C. Gen. Stat. §§ 58-70-15, 58-70-90 to 58-70-155, 75-50 to 75-56 (Prohibited Acts by Debt Collectors)
North Dakota	N.D. Cent. Code §§ 51-18-01 to 51-18-22	N.D. Cent. Code §§ 13-05-01 to 13-05-10
Ohio	Ohio Rev. Code Ann. 4719.01 to 4719.99	None, <i>but see</i> ORC Ann. § 1319.12
Oklahoma	Okla. Stat. Ann. Tit. 15 §§ 775A.1 to 775A.5	Okla. Stat. tit. 14A, § 5-107, <i>see also</i> tit. 12, § 1751 (prohibiting collection agency from bringing action in servicemember all claims court)
Oregon	Or. Rev. Stat. §§ 646.551 to 646.578	Or. Rev. Stat. §§ 646.639 to 646.643, 697.005 to 697.105
Pennsylvania	Pa. Stat. §§ 2241 to 2249	Pa. Cons. Stat. Ann. 18 § 7311 & 73 § 2270.1 to 2270.6
Rhode Island	R.I. Gen. Laws §§ 5-61-1 to 5-61-6	R.I. Gen. Laws §§ 19-14.9-1 to 19-4.9-14
South Carolina	S.C. Code Ann. §§ 16-17-445 to 16-17-446	S.C. Code Ann. § 37-5-108
South Dakota	S.D. Codified Laws Ann §§ 37-30A-1 <i>et. seq.</i> , 49-31-101	None

	to 49-31-108 (Do-Not Call Register)	
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<i>State Consumer Protection Laws Quick Reference III</i>		
STATE	TELEMARKETING	DEBT COLLECTION STATUTES
Tennessee	Tenn. Code Ann. §§ 47-18-1501 to 47-18-1527, 65-4-401 to 65-4-408 (Telephone Solicitation)	Tenn. Code Ann. §§ 62-20-101 to 62-20-127
Texas	Tex. Bus. & Com. Code Ann. §§44.001 to 44.253 <i>et seq.</i> , 38.001 to 38.305, 55.121 to 55.138, 16 Tex. Admin. Code § 26.125	Tex. Fin. Code Ann. §§ 392.001 to 392.404, 396.001 to 396.353
Utah	Utah Code Ann. §§ 13-26-1 to 13-26-11, 13-25a-101 to 13-25-111	Utah Code Ann. §§12-1-1 to 12-1-11, 70C-&-105 to 106
Vermont	9 Vt Stat. Ann. § 2464 to 2464d	Vt. Stat. Ann. tit. 9 §§ 2451a to 2461
Virginia	Va. Code §§ 59.1-21.1 to 59.1-21.7, 59.1-510 to 59.1-518	Va. Code § 18.2-213
Washington	Wash. Rev. Code §§ 19.158.010 to 19.158.901	Wash. Rev. Code Ann. §§19.16.100 to 19.16.950
West Virginia	W. Va. Code § 46A-6F-101 to 46A-6F-703	W.Va. Code Ann. §§ 47-16-1 to 47-16-5, 46a-2-122 to 46a-2-129a, 48-1-307
Wisconsin	Wisc. Stat. §§ 423.201 to 423.205, 100-52	Wis. Stat. Ann. §§ 218.04
Wyoming	Wyo. Stat. Ann. §§ 40-12-301 to 40-12-305	Wyo. Stat. §§ 33-11-101 to 33-11-116, 40-14-507

States Statutes that Address Military Lending Act (10 U.S.C. § 987)

Statute Expressly Grants Enforcement Authority

Hawaii

H.R.S. § 481B-16(a): The director of commerce and consumer affairs may enforce Title 10 United States Code section 987, (section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law No. 109-364), and federal regulations promulgated thereunder, including but not limited to Title 32 Code of Federal Regulations Part 232. Became effective July 6, 2012

Iowa

IOWA CODE § 535.18: The superintendent of banking and the superintendent of credit unions, as applicable, shall have the authority to enforce the consumer protection provisions of 10 U.S.C. §

987 concerning limitations on terms of consumer credit extended to servicemembers and their dependents.

Violation of MLA is a Violation of State Law

California

CAL. FIN. CODE § 23038(a) [California Deferred Deposit Transaction Law]: Any person who violates any provision of Section 670 of the John Warner National Defense Authorization Act of Fiscal Year 2007 (Public Law 109-364) or any provision of Section 232 of Title 32 of the Code of Federal Regulations, as published on August 31, 2007, in Volume 72 of the Federal Register, violates this division.

CAL. FIN. CODE § 22345(a) [California Finance Lenders Law]: Any person who violates any provision of Section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) or any provision of Section 232 of Title 32 of the Code of Federal Regulations, as published on August 31, 2007, in Volume 72 of the Federal Register, violates this chapter.

Nevada

NEV. REV. STAT. § 604A.442; § 675.292: Notwithstanding any other provision of law, a violation of any provision of section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, or any regulation adopted pursuant thereto shall be deemed to be a violation of this chapter.

Illinois

815 ILL. COMP. STAT. 122/2-51: Violation of Federal law constitutes a violation of this Act with respect to practices concerning members of the military and their dependents. Notwithstanding any other provision of law, a violation of any provision of Section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, or any regulation adopted pursuant thereto shall be deemed to be a violation of this Act.

Montana

MONT. CODE ANNO., § 31-1-829(1); § 31-1-729(1) [Title Loan Act & Montana Deferred Deposit Loan Act]: A violation of any applicable provision of the [] John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, or any regulation promulgated under those acts is also a violation of this part.

Entities/Transactions Must Comply with MLA

Connecticut

CONN. GEN. STAT. § 36a-759a: Each financial institution shall comply with the applicable provisions of Section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, and 32 CFR 232, as amended from time to time, that limit the interest rate that may be charged on consumer credit to members of the armed services and their dependents. Whenever it appears that any financial institution has violated, is violating or is about to violate any of such applicable provisions, the commissioner may take action against such financial institution in accordance with sections 36a-50 and 36a-52. (For purposes of this section “financial institution” means any Connecticut bank, Connecticut credit union or other

person whose lending activities in this state are subject to 32 CFR 232, as amended from time to time.)

Texas

TEX. FINANCE CODE § 393.625: An extension of consumer credit described by Section 393.602(a) that is obtained by a credit access business for a member of the United States military or a dependent of the United States military or that the business assisted that person in obtaining must comply with 10 U.S.C. Section 987 and any regulations adopted under that law, to the extent applicable.

TEX. FINANCE CODE § 393.201(c): Form and Terms of Contract—A contract with a credit access business for performances of services [deferred presentment transaction or a motor vehicle title loan] must: (4) contain a statement that a credit access business must comply, to the extent applicable, with 10 U.S.C. Section 987 and any regulations adopted under that law with respect to an extension of consumer credit described by Section 393.602(a).

State Law/Regulations Preempted by MLA

Kansas

K.S.A. § 16a-2-405: Payday loans to military borrowers; restrictions—Kansas Comment 2010: The federal law and implementing regulations preempt state law. See, for example, Section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Talent Amendment), 10 U.S.C.A. § 987, regulations that implement section 670 from the Department of Defense, found at 32 C.F.R. Part 232, and the Servicemembers Civil Relief Act, 50 U.S.C.A. § 501 et seq.

K.S.A. § 16a-6-117. Rules and regulations; truth in lending: The administrator shall adopt rules and regulations necessary to carry out the provisions and terms of the uniform consumer credit code which are consistent with or no less restrictive than...section 670 of the John Warner national defense authorization act for fiscal year 2007, 10 U.S.C. § 987 et seq. and 32 C.F.R. § 232 et seq.

SECTION FOUR: PARTNERS

JUDGE ADVOCATES

Non-Exhaustive State-by-State Listing of Points of Contact

This directory is designed to be a quick reference for Service Legal Assistance Offices in the United States. There are several links used by the Services that will help identify Legal Assistance Offices in various locations throughout the country. The following link takes you to a consolidated list of Legal Assistance Offices throughout the Department of Defense and is a good resource regardless of your service: <http://legalassistance.law.af.mil/content/locator.php>

The Air Force uses this link:

<https://aflegalassistance.law.af.mil/>

The Navy uses this link:

http://www.jag.navy.mil/legal_services/legal_services_locator_rlso.htm

The Coast Guard uses this link:

http://www.uscg.mil/legal/la/Legal_Assistance_Find_Lawyer.asp

Directory of Military Legal Assistance Offices

ALABAMA

ARMY

Office of the Staff Judge Advocate,
U.S. Army Aviation Center of Excellence and Fort Rucker
Fort Rucker, Alabama 36362
Commercial: (334) 255-3482
Location: Enterprise

Redstone Arsenal Legal Assistance Office
Redstone Arsenal, Alabama 35898
Commercial: (256) 876-9005
Location: Huntsville

AIR FORCE

42 ABW Legal Office
Gunter-Maxwell AFB, Alabama 36112
Commercial: (334) 953-2786
Location: Montgomery

ALASKA

ARMY

Office of the Staff Judge Advocate
U.S. Army Alaska
Joint Base Elmendorf-Richardson, Alaska 99505
Commercial: (907) 384-0371
Location: Anchorage

Fort Wainwright Law Center
Fort Wainwright, Alaska 99703
Commercial: (907) 353-6534
Location: Fairbanks

AIR FORCE

Joint Base Legal Office
Joint Base Elmendorf-Richardson, Alaska 99506
Commercial: (907) 384-0371
Location: Anchorage

354 FW/JA
Eielson AFB, Alaska 99702
Commercial: (907) 377-4114
Location: Fairbanks

673 ABW/JA
Joint Base Elmendorf-Richardson, Alaska 99506
Commercial: (907) 552-3048
Location: Anchorage

COAST GUARD

17th Coast Guard District
Juneau, Alaska 99802
Commercial: (907) 463-2051
Location: Juneau

U.S. Coast Guard ISC-Kodiak
Kodiak, Alaska 99619
Commercial: (907) 487-5474
Location: Kodiak

ARIZONA

ARMY

Office of the Staff Judge Advocate
U.S. Army Intelligence Center of Excellence and Fort Huachuca
Fort Huachuca, Arizona 85613
Commercial: (520) 533-2009
Location: Sierra Vista

AIR FORCE

56 FW/JA
Luke AFB, Arizona 85309
Commercial: (623) 856-6901/6902
Location: Glendale

355 FW/JA
Davis-Monthan AFB, Arizona 85707
Commercial: (520) 228-5242
Location: Tucson

MARINE CORPS

The Law Center
MCAS, Yuma, Arizona 85369
Commercial: (928) 269-2481
Location: Yuma

ARKANSAS

AIR FORCE

19 AW/JA
Little Rock AFB, Arkansas 72099
Commercial: (501) 987-7886
Location: Jacksonville

CALIFORNIA

ARMY

Office of the Staff Judge Advocate
National Training Center and Fort Irwin
Fort Irwin, California 92310
Commercial: (760) 380-5321/3257
Location: Fort Irwin

Directory of Military Legal Assistance Offices

Office of the Staff Judge Advocate
 Defense Language Institute - Foreign Language Center
 Presidio of Monterey, California 93944
 Commercial: (831) 242-5083/5084
 Location: Monterey

AIR FORCE

60 AMW/JA
 Travis AFB, California 94535
 Commercial: (707) 424-3251/3202/3203
 Location: Fairfield

AFFTC/JA
 Edwards AFB, California 93524
 Commercial: (661)277-4310
 Location: Lancaster

30 SW/JA
 Vandenberg AFB, California 93437
 Commercial: (805) 605-6207
 Location: Lompoc

9th Reconnaissance Wing/JA
 Beale AFB, California 92903
 Commercial: (530) 634-2928
 Location: Yuba City

SMC/JA
 Los Angeles AFB, California 90245
 Commercial: (310) 653-3084
 Location: El Segundo

MARINE CORPS

Marine Corps Logistics Base

Barstow, California 92311
 Commercial: (760) 577-6874
 Location: Barstow

Joint Legal Assistance Office
 Camp Pendleton, California 92055
 Commercial: (760) 725-6558
 Location: Oceanside

Marine Corps Recruit Depot
 San Diego, California 92140
 Commercial: (619) 524-4111
 Location: San Diego

Joint Law Center
 MCAS MIRAMAR
 San Diego, California 92145
 Commercial: (858) 577-1656

Office of the Staff Judge Advocate
 Marine Corps Air/Ground Combat Center
 Twentynine Palms, California 92278
 Commercial: (760) 830-6111/5272

NAVY

NSLO Southwest San Diego
 San Diego, California 92136
 Commercial: (619) 545-2211
 Location: San Diego

NSLO Southwest Detachment North Island
 NAS North Island
 San Diego, California 92135
 Commercial: (619) 545-6437
 Location: San Diego

NLSO Southwest Branch
 Office

Port Hueneme, California 93043
 Commercial: (805) 982-3124
 Location: Port Hueneme

NLSO Southwest Branch
 Office Lemoore
 Lemoore, California 93246
 Commercial: (559) 998-2800
 Location: Lemoore

COAST GUARD

Legal Services Command,
 Legal Assistance Branch
 Alameda, California 94501
 Phone: (510) 437-5891
 Location: San Francisco

COLORADO

ARMY

Office of the Staff Judge Advocate
 4th Infantry Division and
 Fort Carson
 Fort Carson, Colorado 80913
 Commercial: (719) 526-1468
 Location: Colorado Springs

AIR FORCE

21 SW/JA
 Peterson AFB, Colorado 80914
 Commercial: (719) 556-4871
 Location: Colorado Springs

USAFA/JA
 USAF Academy, Colorado 80840
 Commercial: (719) 333-3642

Directory of Military Legal Assistance Offices

Location: Colorado Springs

50 FW/JA
Schriever AFB, Colorado
80912
Commercial: (719) 567-5050
Location:

460 SW/JA
Buckley AFB, Colorado
80011
Commercial: (720) 847-6444
Location:

CONNECTICUT

NAVY

NSLO North Central De-
tachment Groton
Groton, Connecticut 06349
Commercial: (860) 694-3741
Location: Groton

COAST GUARD

U.S. Coast Guard Academy
New London, Connecticut
06320
Commercial: (860) 701-6795
Location: New London

DELAWARE

AIR FORCE

436 AW/JA
Dover AFB, Delaware
19902
Commercial: (302) 677-3300
Location: Dover

DISTRICT OF COLUM- BIA

ARMY

Pentagon Army and Air
Force Legal Assistance Of-
fice
Washington, DC 20310
Commercial: (703) 571-3114
Location: Arlington, Vir-
ginia

AIR FORCE

Joint Base Legal Assistance
Office
Joint Base Anacostia-
Bolling, DC 20332
Commercial: (202) 767-5297
Location: Washington, DC

COAST GUARD

Headquarters, U.S. Coast
Guard Legal Assistance Of-
fice
Washington, DC 20593
Commercial: (202) 372-3783
Location: Washington, DC

NAVY

NLSO North Central Branch
Office
Washington Navy Yard, DC
20374
Commercial: (202) 685-5525
Location: Washington, DC

FLORIDA

AIR FORCE

6 ARW/JA
MacDill AFB, Florida 33621
Commercial: (813) 828-4422
Location: Tampa

45 SW/JA

Patrick AFB, Florida 32925
Commercial: (321) 494-7357
Location: Cocoa Beach

AAC/JA
Eglin AFB, Florida 32542
Commercial: (850) 882-4613
Location: Fort Walton Beach

1 SOW/JA
Hurlburt Field, Florida
32544
Commercial: (850) 884-7821
Location: Mary Ester

325 FW/JA
Tyndall AFB, Florida 32403
Commercial: (850) 283-4681
Location: Panama City

NAVY

NLSO Southeast Jackson-
ville
Jacksonville, Florida 32212
Commercial: (904) 542-
2565, EXT 3006
Location: Jacksonville

NLSO SE Det. Mayport
Mayport, Florida 32228
Commercial: (904) 270-
5445, EXT 3017
Location: Mayport

NLSO Central Pensacola
Pensacola, Florida 32508
Commercial: (850) 452-3734
Location: Pensacola

COAST GUARD

7th Coast Guard District
Miami, Florida 33131
Commercial: (305) 415-6950
Location: Miami

Directory of Military Legal Assistance Offices

GEORGIA

ARMY

Office of the Staff Judge Advocate

U.S. Army Signal Center of Excellence and Fort Gordon
Fort Gordon, Georgia 30905
Commercial: (706) 791-7812/7813

Location: Augusta

Office of the Staff Judge Advocate

U.S. Army Maneuver Center of Excellence and Fort Benning

Fort Benning, Georgia
31905

Commercial: (706) 545-3281/3282

Location: Columbus

Office of the Staff Judge Advocate

3d Infantry Division and Fort Stewart
Fort Stewart, Georgia 31314
Commercial: (912) 767-8809/8819

Location: Hinesville

AIR FORCE

23 WG/JA

Moody AFB, Georgia 31699
Commercial: (229) 257-3414
Location: Valdosta

116 ACW/JA

Robins AFB, Georgia 31098
Commercial: (478) 222-0576
Location: Warner Robins

MARINE CORPS

Legal Assistance Office
Marine Corps Logistics Base
Albany, Georgia 31704
Commercial: (912) 439-5212
Location: Albany

NAVY

NLSO Southeast Branch Office
Kings Bay
Kings Bay, Georgia 31547
Commercial: (912) 573-3963
Location: Kings Bay

HAWAII

ARMY

Office of the Staff Judge Advocate
25th Infantry Division (Light) and U.S. Army, Hawaii

Schofield Barracks, Hawaii
96857

Commercial: (808) 655-8608/8607

Location: Honolulu

MARINE CORPS

Office of the Staff Judge Advocate
Marine Corps Base, Hawaii
Kaneohe Bay, Hawaii 96863
Commercial: (808) 257-6738

NAVY

NLSO Pacific Detachment
Pearl Harbor
Joint Base Pearl Harbor-Hickam, Hawaii 96860
Commercial: (808) 473-4717

Location: Pearl Harbor

COAST GUARD

U.S. Coast Guard Honolulu
Legal Assistance Office
Honolulu, Hawaii 96850
Commercial: (808) 535-3246
Location: Honolulu

IDAHO

AIR FORCE

366 WG/JA
Mountain Home, Idaho
83648
Commercial: (208) 828-2238
Location: Mountain Home

ILLINOIS

Active Duty

AIR FORCE

375 AW/JA
Scott AFB, Illinois 62225
Commercial: (618) 256-2358/3542
Location: Belleville

ARMY

Office of the Staff Judge Advocate and Chief Counsel
U.S. Army Sustainment Command
Rock Island, Illinois 61299
Commercial: (309) 782-1443
Location: Rock Island

NAVY:

Legal Assistance Attorney
Naval Legal Service Office,

Directory of Military Legal Assistance Offices

North Central,
Detachment Great Lakes
2540 Paul Jones St.
Great Lakes, IL 60088
(847) 688-4753 ext. 112;
FAX (847) 688-2564

Federal Reserves

ARMY RESERVES

91st Legal Operations De-
tachment
United States Army Re-
serves
7402 W. Roosevelt Rd.
Forest Park IL 60130-2524
(708) 209-2601, x229, x230

National Guard

Illinois National Guard
[Illinois Department of Mili-
tary Affairs]
Camp Lincoln
Legal Office
Springfield IL
(217) 761-3510

INDIANA

IOWA

KANSAS

ARMY

Office of the Staff Judge Ad-
vocate
1st Infantry Division and Fort
Riley
Fort Riley, Kansas 66442
Commercial: (787) 239-
2935/6291/2217
Location: Junction City

Office of the Staff Judge Ad-
vocate
U.S. Army Combined Arms
Center and Fort Leaven-
worth
Fort Leavenworth, Kansas
66027
Commercial: (913) 684-4944
Location: Leavenworth

AIR FORCE

22 ARW/JA
McConnell AFB, Kansas
67211
Commercial: (316) 759-3590
Location: Wichita

KENTUCKY

ARMY

Office of the Staff Judge Ad-
vocate
101st Airborne Division
(AASLT) and Fort Campbell
Fort Campbell, Kentucky
42223
Commercial: (270) 798-
0918/0910
Location: Hopkinsville

Office of the Staff Judge Ad-
vocate
U.S. Army Cadet Command
and Fort Knox
Fort Knox, Kentucky 40121
Commercial: (502) 624-2771
Location: Radcliffe

LOUISIANA

ARMY

Office of the Staff Judge Ad-
vocate

Joint Readiness Training
Center and Fort Polk
Fort Polk, Louisiana 71459
Commercial: (318) 531-
2112/2580
Location: Leesville

AIR FORCE

2 BW/JA
Barksdale AFB, Louisiana
71110
Commercial: (318) 456-2562
Location: Bossier City

NAVY

NLSO Central Branch Of-
fice New Orleans
New Orleans, Louisiana
70143
Commercial: (504) 678-4692
Location: New Orleans

COAST GUARD

8th Coast Guard District
New Orleans, Louisiana
70130
Commercial: (504) 671-2331
Location: New Orleans

MAINE

MARYLAND

ARMY

Office of the Staff Judge Ad-
vocate
U.S. Army Garrison
Fort Meade, Maryland
20755
Commercial: (301) 677-
9504/9536
Location: Laurel

Directory of Military Legal Assistance Offices

<p>Office of the Staff Judge Advocate U.S. Army Research, Development and Engineering Command Aberdeen Proving Ground, Maryland 21005 Commercial: (410) 278-1583/1584 Location: Aberdeen</p>	MICHIGAN	65305
<p>Office of the Post Judge Advocate Fort Detrick, Maryland 21702 Commercial: (301) 619-2643/2221 Location: Frederick</p>	MINNESOTA	Commercial: (660) 687-6809 Location: Knob Noster
<p>AIR FORCE</p> <p>11 WG/JA Joint Base Andrews, Maryland 20331 Commercial: (240) 612-5750 Location: Camp Springs</p>	MISSISSIPPI	MONTANA
MASSACHUSETTS	AIR FORCE	AIR FORCE
<p>AIR FORCE</p> <p>66ABW/JA Hanscom AFB, Massachusetts 01731 Commercial: (781) 225-1410 Location: Bedford</p>	<p>81 TRW/JA Keesler AFB, Mississippi 39534 Commercial: (228) 376-8601 Location: Biloxi</p>	<p>341 MW/JA Malstrom AFB, Montana 59402 Commercial: (406) 731-2878 Location: Great Falls</p>
<p>COAST GUARD</p> <p>1st Coast Guard District Boston, Massachusetts 02110-3350 Commercial: (617) 223-8500 Location: Boston</p>	<p>14 FTW/JA Columbus AFB, Mississippi 39710 Commercial: (662) 434-7030 Location: Columbus</p>	NEBRASKA
MISSOURI	NAVY	<p>55 WG/JA Offutt AFB, Nebraska 68113 Commercial: (402) 294-3732/3733/2348 Location: Omaha</p>
ARMY	<p>NLSO Central Branch Office, Gulfport Gulf Port, Mississippi 39501 Commercial: (228) 871-2620 Location: Gulf Port</p>	NEVADA
MISSOURI	ARMY	<p>AIR FORCE</p> <p>HQ AWFC/JA Nellis AFB, Nevada 89191 Commercial: (702) 652-5407 Location: Las Vegas</p>
<p>AIR FORCE</p> <p>Office of the Staff Judge Advocate U.S. Army Maneuver Support Center of Excellence and Fort Leonard Wood Fort Leonard Wood, Missouri 65473 Commercial: (573) 596-0629 Location: Waynesville</p>	<p>ARMY</p> <p>Office of the Staff Judge Advocate U.S. Army Maneuver Support Center of Excellence and Fort Leonard Wood Fort Leonard Wood, Missouri 65473 Commercial: (573) 596-0629 Location: Waynesville</p>	NEW HAMPSHIRE
<p>COAST GUARD</p> <p>1st Coast Guard District Boston, Massachusetts 02110-3350 Commercial: (617) 223-8500 Location: Boston</p>	AIR FORCE	NEW JERSEY
ARMY	<p>509 BW/JA Whiteman AFB, Missouri</p>	<p>ARMY</p> <p>Office of the Staff Judge Advocate U.S. Army Support Activity Joint Base McGuire-Dix-Lakehurst, New Jersey 08640 Commercial: (609) 562-6578</p>

Directory of Military Legal Assistance Offices

Location: Wrightstown
AIR FORCE

87 ABW/JA
Joint Base Dix-McGuire-
Lakehurst, New Jersey
08641
Commercial: (609) 754-2778
Location: Wrightstown

COAST GUARD

U.S. Coast Guard Training
Center
Cape May, New Jersey
08204
Commercial: (609) 898-6902
Location: Cape May

NAVY

NLSO North Central Branch
Office Earle
Colts Neck, New Jersey
07722
Commercial: (732) 866-2066
Location: Colts Neck

NEW MEXICO

ARMY

Office of the Staff Judge Ad-
vocate
U.S. Army White Sands
Missile Range
White Sands Missile Range,
New Mexico
88002
Commercial: (505) 678-
1263/1264
Location: White Sands

AIR FORCE

49 FW/JA
Holloman AFB, New Mex-
ico 88330
Commercial: (575) 572-7217
Location: Alamogordo

377 ABW/JA
Kirtland AFB, New Mexico
87117
Commercial: (505) 846-4217
Location: Albuquerque

27 SOW/JA
Cannon AFB, New Mexico
88103
Commercial: (505) 784-2211
Location: Clovis

NEW YORK

ARMY

Office of the Staff Judge Ad-
vocate
U.S. Military Academy
West Point, New York
10996
Commercial: (845) 938-
4541/5104
Location: Highland Falls

Office of the Staff Judge Ad-
vocate
10th Mountain Division
(Light Infantry) and Fort
Drum
Fort Drum, New York 13602
Commercial: (315) 772-5261
Location: Watertown

NORTH CAROLINA

Active Duty

ARMY

Office of the Staff Judge Ad-
vocate
XVIII Airborne Corps and
Fort Bragg
Fort Bragg, North Carolina
28307
Commercial: (910) 396-0396
Location: Fayetteville

Office of the Staff Judge Ad-
vocate
82d Airborne Division
Fort Bragg, North Carolina
28307
Commercial: (910) 908-0195
Location: Fayetteville

AIR FORCE

4 FW/JA
Seymour Johnson AFB,
North Carolina 27531
Commercial: (919) 722-5322
Location:

MARINE CORPS

Joint Law Center
Marine Corps Air Station
Cherry Point, North Carolina
28533
Commercial: (252) 466-
2311/2361
Location: Cherry Point

Joint Law Center
2nd MAW/Marine Corps Air
Station New River
Jacksonville, North Carolina
28545
Commercial: (910) 449-6169
Location: Jacksonville

Consolidated Legal Assis-
tance Office Marine Corps
Base

Directory of Military Legal Assistance Offices

Camp Lejeune, North Carolina 28542
Commercial: (910) 451-1903
Location: Jacksonville

National Guard

N.C. National Guard Legal Assistance Program
1636 Gold Star Dr.
Raleigh, NC 27607
919-664-6220
800-621-4136, ext. 46220
www.nc.ngb.army.mil
laura.m.forrest@us.army.mil
shane.judd@us.army.mil

NORTH DAKOTA

AIR FORCE

319 ARW/JA
Grand Forks AFB, North Dakota 58205
Commercial: (701) 747-3605/3606
Location: Grand Forks

5 BW/JA
Minot AFB, North Dakota 58705
Commercial: (701) 723-3026
Location: Minot

OHIO

AIR FORCE

ASC?JA
Wright-Patterson AFB, Ohio 45433
Commercial: (937) 257-6141/6142
Location: Dayton

COAST GUARD

9th Coast Guard District
Cleveland, Ohio 44199
Commercial: (216) 902-6010
Location: Cleveland

OKLAHOMA

ARMY

Office of the Staff Judge Advocate
Fires Center of Excellence and Fort Sill
Fort Sill, Oklahoma 73503
Commercial: (580) 442-5058/5059
Location: Lawton

AIR FORCE

97 AMW/JA
Altus AFB, Oklahoma 73523
Commercial: (580) 481-7294
Location: Altus

71 FTW/JA
Vance AFB, Oklahoma 73705
Commercial: (580) 213-7404
Location: Enid

OC-ALC/JA
Tinker AFB, Oklahoma 73145
Commercial: (405) 739-5811
Location: Oklahoma City

PENNSYLVANIA

ARMY

Office of the Post Judge Advocate
Carlisle Barracks

Carlisle Barracks, Pennsylvania 17013
Commercial: (717) 245-4940
Location: Carlisle Barracks

PUERTO RICO

ARMY

Installation Legal Office
U.S. Army Garrison
Fort Buchanan, PR
Commercial: (787) 707-5138/5742
Location:

COAST GUARD

Legal Officer
U.S. Coast Guard
San Juan, PR 00901
Commercial: (787) 729-2370
Location: San Juan

RHODE ISLAND

NAVY

NLSO North Central Branch
Office Newport
Newport, Rhode Island 02841
Commercial: (401) 841-3766
Location: Newport

SOUTH CAROLINA

ARMY

Office of the Staff Judge Advocate
U.S. Army Basic Combat Training Center of Excellence and Fort Jackson
Fort Jackson, South Carolina 29207

Directory of Military Legal Assistance Offices

Commercial: (803) 751-1734
Location: Columbia

AIR FORCE

628 ABW/JA
Joint Base Charleston, South
Carolina 29404
Commercial: (843) 963-5502
Location: Charleston

20 FW/JA
Shaw AFB, South Carolina
29152
Commercial: (803) 895-1560
Location: Sumter

MARINE CORPS

Marine Corps Air Station
Beaufort, South Carolina
29904
Commercial: (843) 228-7330
Location: Beaufort

Marine Corps Recruit Depot
Parris Island, South Carolina
29905
Commercial: (843) 228-2925
Location: Beaufort

SOUTH DAKOTA

AIR FORCE

28 BW/JA
Ellsworth AFB, South Da-
kota 57706
Commercial: (605) 385-
2329/2328
Location: Rapid City

TENNESSEE

ARMY

See Fort Campbell, Ken-
tucky

AIR FORCE

AEDC/JA
Arnold AFB, Tennessee
37389
Commercial: (931) 454-7814
Location: Tullahoma

NAVY

NLSO Central Branch Of-
fice Millington
Millington, Tennessee 38054
Commercial: (901) 874-7379
Location: Millington

TEXAS

ARMY

Office of the Staff Judge Ad-
vocate
1st Armored Division and
Fort Bliss
Fort Bliss, Texas 79916
Commercial: (915) 568-7141
Location: El Paso

Office of the Staff Judge Ad-
vocate
III Corps and Fort Hood
Fort Hood, Texas 76544
Commercial: (254) 287-
7901/3199
Location: Killeen

Office of the Staff Judge Ad-
vocate
1st Cavalry Division
Fort Hood, Texas 76545
Commercial: (254) 287-6060
Location: Killeen

Office of the Staff Judge Ad-
vocate
U.S. Army Garrison, Fort
Sam Houston
Fort Sam Houston, Texas
78234
Commercial: (210) 221-
2282/2353
Location: San Antonio

Office of the Staff Judge Ad-
vocate
U.S. Army North (5th Army)
Fort Sam Houston, Texas
78234
Commercial: (210) 221-1737
Location: San Antonio

Office of the Staff Judge Ad-
vocate
U.S. Army South
Fort Sam Houston, Texas
78234
Commercial: (210) 295-6967
Location: San Antonio

AIR FORCE

311 ABG/JA
Brooks AFB, Texas 78235
Commercial: (210) 536-3301
Location:

7 BW/JA
Dyess AFB, Texas 79607
Commercial: (325) 696-2232
Location: Abilene

47 FTW/JA
Laughlin AFB, Texas 78843
Commercial: (830) 298-5172
Location: Del Rio

17 TRW/JA
Goodfellow AFB, Texas

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76908
Commercial: (325) 654-3203
Location: San Angelo

902 MSG/JA
Randolph AFB, Texas
78150
Commercial: (210) 652-6781
Location: San Antonio

802 MSG/JA
Lackland AFB, Texas 78236
Commercial: (210) 671-3363
Location: San Antonio

82 TW/JA
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Commercial: (940) 676-2312
Location: Wichita Falls

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The Judge Advocate General's Legal Center and School
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U.S. Department of Justice/U.S. ATTORNEYS

The Consumer Protection Branch of the Department of Justice

The Consumer Protection Branch (“CPB”) of the Civil Division of the United States Department of Justice is a litigating office that brings civil and criminal enforcement actions in consumer-protection related areas.

CPB is responsible for litigation arising under a variety of federal statutes administered by federal regulatory agencies that protect public health and safety, and under general federal statutes that set forth penalties for activity that may harm consumers. The Branch’s broad mission is to safeguard consumers and to represent government agencies that serve consumers. CPB’s affirmative litigation involves areas such as adulterated and misbranded food, drugs, and devices; hazardous and unsafe consumer products; unfair and deceptive advertising and franchising practices; unfair consumer credit and debt collection practices; deceptive and fraudulent internet and mail order sales; all types of financial fraud; and unlawful practices that target vulnerable consumer populations.

The Branch receives case referrals from a number of agencies, including the Federal Trade Commission (“FTC”), the Food and Drug Administration (“FDA”), and the Consumer Product Safety Commission (“CPSC”). CPB also generates its own cases and becomes involved in consumer-related cases in which United States Attorneys’ Offices seek assistance, often acting as co-counsel with Assistant United States Attorneys. The Branch consists of approximately 40 attorneys litigating criminal and civil cases nationwide. Its work is aided by substantial litigation support resources, including a cadre of experienced paralegals and data management specialists.

CPB attorneys are experienced in litigating complex criminal and civil cases and have done so in federal judicial districts throughout the United States. Our attorneys have expertise in a wide variety of substantive areas, including the laws governing food, drugs and devices, consumer protection, and product safety. The Branch is responsible for enforcing such landmark public interest statutes as the Food, Drug, and Cosmetic Act, the Federal Trade Commission Act, and the Consumer Product Safety Act. And CPB attorneys also regularly prosecute criminal violations of the mail and wire fraud statutes and other provisions of the criminal code.

The Consumer Protection Branch’s criminal enforcement efforts have made impacts in reducing the vulnerability of consumers to fraud and abuse. Notable areas of success have included prosecutions of:

- Fraudulent foreclosure rescue schemes
- The diversion and counterfeiting of prescription drugs;
- Off-label promotion of prescription drugs;
- Fraudulent and deceptive marketing and sale of dietary supplements;
- Odometer tampering; and
- Illegal distribution of fireworks and explosives.

Another realm in which CPB has been particularly successful in protecting consumers is in the area of business opportunities. The field of business opportunities, which offer consumers purported opportunities to run their own businesses and make substantial amounts of money, has been rife with fraud. Working with the FTC, Branch attorneys have brought countless civil actions against purveyors of fraudulent business opportunities, obtaining civil penalties and injunctive relief.

In recent years, CPB has increased the pressure on fraudsters, bringing numerous criminal prosecutions against individuals engaged in business opportunity (“bizopp”) fraud; working with the Postal Inspection Service, the Branch has devoted substantial resources to prosecuting this type of fraud, particularly in southern Florida, where it has been concentrated. Prosecutions in this area have included charges involving mail and wire fraud, conspiracy, and, where a previous enforcement effort resulted in a judicial or administrative order governing a target’s conduct, criminal contempt. The prosecutions involved dozens of different business opportunities that, when combined, victimized thousands of consumers at a cost in the millions of dollars.

In addition to business opportunity fraud, the Consumer Protection Branch has brought a number of civil and criminal enforcement actions related to consumer credit and debt matters as well as unlawful telemarketing practices. CPB attorneys are well-versed and highly experienced in the various consumer protection statutes and regulations that govern consumer credit and loans, debt collection, privacy, and identity. The enforcement of these laws, which largely fall under the FTC regulatory umbrella, make up a substantial portion of the Branch’s work and have a significant impact on the lives and livelihoods of consumers – including civilians and military alike.

Among the various statutes the Consumer Protection Branch enforces are:

- The *Telemarketing and Consumer Fraud and Abuse Prevention Act*;
- The *Telemarketing Sales Rule*;
- The *Truth in Lending Act*;
- The *Fair Credit Billing Act*;
- The *Equal Credit Opportunity Act*;
- The *Fair Credit Reporting Act*;
- The *Credit Repair Organizations Act*; and
- The *Fair Debt Collection Practices Act*

These statutes are summarized in Section Three above. The Consumer Protection Branch stands ready, willing, and able to bring its expertise and resources to bear in the protection of servicemembers from fraudulent and abusive practices – particularly in the areas of credit, debt, privacy, and identity. Consumer Protection attorneys have the experience, resources, and know-how to spearhead enforcement in these areas and, together with the FTC, the United States Attorneys’ Offices, and law enforcement partners throughout the nation, help ensure that members of our military are not victimized by unscrupulous or unlawful practices in their financial affairs and home lives.

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304 Federal Building
15 Henry Street
Binghamton, NY 13901
(607)773-2887
(607)773-2901

Plattsburgh Office
14 Durkee Street Suite 340
Plattsburgh, NY 12901
(518) 314-7800
(518) 314-7811

Southern District

One St. Andrews Plaza
New York, NY 10007
(212) 637-2200
(212) 637-2685

300 Quarropas Street,
Third Floor
White Plains, NY 10601
(914) 993-1900
(914) 993-1980

Western District

138 Delaware Ave.
Buffalo, NY 14202
(716) 843-5700
(716) 551-3052

620 Federal Building
100 State Street
Rochester, NY 14614
(585) 263-6760
(585) 263-6226

NORTH CARO- LINA

Eastern District

310 New Bern Avenue,
Suite 800
Terry Sanford Federal
Building & US Courthouse

United States Attorneys' Offices Contact Information

Raleigh, NC 27601-1461
(919) 856-4530
(919) 856-4487

Middle District

P.O. Box 1858
Greensboro, NC 27402
(336) 333-5351
(336) 333-5438

251 North Main Street,
Suite 726
Winston-Salem, NC 27101
(336) 631-5268
(336) 631-5049

Western District

227 West Trade Street,
Suite 1650
Charlotte, NC 28202
(704) 344-6222
(704) 344-6629

Room 233, U.S. Court-
house
100 Otis Street
Asheville, NC 28801
(828) 271-4661
(828) 271-4670

NORTH DAKOTA

655 First Ave. North , Suite
250
Fargo, ND 58102-4932
(701) 297-7400
(701) 297-7405

William L. Guy Federal
Building
220 East Rosser Avenue,
Room 372
Bismarck, ND 58501
(701) 530-2420
(701) 530-2421

OHIO

Northern District

801 West Superior Avenue,
Suite 400
Cleveland, OH 44113-1852
(216) 622-3600
(216) 522-3370

2 South Main Street
Akron, OH 44308
(330) 375-5716

(330) 375-5492
Suite 308, Four Seagate
Third Floor
Toledo, OH 43604
(419) 259-6376
(419) 259-6360

City Centre One
100 E. Federal Plaza, Suite
325
Youngstown, OH 44503
(330) 746-7974
(330) 746-0239

Southern District

303 Marconi Boulevard
Suite 200,
Columbus, OH 43215
(614) 469-5715

(614) 469-2200
Federal Building
200 W. Second Street #600
Dayton, OH 45402
(937) 225-2910
(937) 225-2564

221 East 4th Street, Suite
400
Cincinnati, OH 45202
(513) 684-3711
(513) 684-6710

OKLAHOMA

Eastern District

1200 West Okmulgee
Muskogee, OK 74401
(918) 684-5100
(918) 684-5130

Northern District

110 West 7th Street, Suite
300
Tulsa, OK 74119
(918) 382-2700
(918) 560-7938

Western District

Sanford Coats, USA*
Suite 400, 210 West Park
Avenue
Oklahoma City, OK 73102
(405) 553-8700
(405) 553-8888

OREGON

Mark O. Hatfield U.S.
Courthouse
1000 SW Third Avenue,
Suite 600
Portland, OR 97204-2902
(503) 727-1000
(503) 727-1117

405 E. 8th Avenue
Suite 2400
Eugene, OR 97401-2708
(541) 465-6771
(541) 465-6917

310 West 6th St
Medford, OR 97501
(541) 776-3564
(541) 776-3583

PENNSYLVANIA

Eastern District

615 Chestnut Street, Ste.
1250
Philadelphia, PA 19106
(215) 861-8200
(215) 861-8618

Middle District

Suite 220, Federal Building
228 Walnut Street
Harrisburg, PA 17108-
1754
(717) 221-4482
(717) 221-4582

P.O. Box 309
Scranton, PA 18501-0309
(570) 348-2800
(570) 348-2816

Herman T. Schneebeli
Federal Building
240 West Third Street,
Suite 316
Williamsport, PA 17701-
6465
(570) 326-1935
(570) 326-7916

Western District

U. S. Post Office & Court-
house
700 Grant Street
Suite 4000
Pittsburgh, PA 15219
(412) 644-3500
(412) 644-4549
Federal Courthouse
Room A330

17 South Park Row
Erie, PA 16501-1158
(814) 452-2906
(814) 455-6951

Suite 200, Penn Traffic
Building
319 Washington Street
Johnstown, PA 15901
(814) 533-4547
(814) 533-4545

PUERTO RICO

Torre Chardon , Suite 1201
350 Carlos Chardon Ave-
nue
San Juan, PR 00918
(787) 766-5656
(787) 766-6219

RHODE ISLAND

Fleet Center
50 Kennedy Plaza, 8th
Floor
Providence, RI 02903
(401) 709-5000
(401) 709-5001

SOUTH CAROLINA

First Union Building
1441 Main Street, Suite
500
Columbia, SC 29201
(803) 929-3000
(803) 254-2912

PO Box 978
Charleston, SC 29402
(843) 727-4381
(843) 727-4443

PO Box 1567
Florence, SC 29503
(843) 665-6688
(843) 678-8809

One Liberty Square Build-
ing
55 Beattie Place Suite 700
Greenville, SC 29601
(864) 282-2100
(864) 233-3158

United States Attorneys' Offices Contact Information

SOUTH DAKOTA

Post Office Box 2638
Sioux Falls, SD 57101-2638
(605) 330-4400
(605) 330-4410

337 Federal Bldg & US Courthouse
225 S. Pierre St.
Pierre, SD 57501
(605) 224-5402
(605) 224-8305

201 Federal Bldg & US Courthouse
515 Ninth Street
Rapid City, SD 57701
(605) 342-7822
(605) 342-1108

303 Post Office and, U.S. Courthouse
Aberdeen, SD 57401
(605) 226-7264
(605) 226-7266

TENNESSEE

Eastern District
800 Market Street, Suite 211
Knoxville, TN 37902
(865) 545-4167
(865) 545-4176

1110 Market Street, Suite 301
Chattanooga, TN 37402
(423) 752-5140
(423) 752-5150

220 West Depot Street
Greeneville, TN 37743
(423) 639-6759
(423) 639-6451

208 Sunset Drive, Suite 509
Johnson City, TN 37604
(423) 282-1889
(423) 282-0849

Middle District
Jerry E. Martin, USA*
110 Ninth Avenue,

South, Suite A961
Nashville, TN 37203
(615) 736-5151
(615) 736-5323

817 S. Garden Street,
Room 205
Columbia, TN 37083
(931) 388-6030

Post Office & Courthouse
9 East Broad St.
Cookeville, TN 38503
(931) 528-2709

Western District
800 Clifford Davis Federal Office Building
Memphis, TN 38103
(901) 544-4231
(901) 544-4230

109 S. Highland, Suite 300
Jackson, TN 38301
(731) 422-6220
(731) 422-6668

TEXAS

Eastern District
350 Magnolia Avenue,
Suite 150
Beaumont, TX 77701-2237
(409) 839-2538
(409) 839-2550

Bank of America Bldg
415 S. 1st Street
Lufkin, TX 75901
(936) 639-4003
(936) 639-4033

One Grand Centre
1800 Teague Drive, Suite 500
Sherman, TX 75090
(903) 868-9454
(903) 892-2792

110 North College, Suite 700
Tyler, TX 75702
(903) 590-1400
(903) 590-1439

101 East Park Boulevard,
Suite 500
Plano, TX 75704
(972) 509-1201
(972) 509-1209

500 State Line Ave. N.,
Suite 402
Texarkana, TX 75501
(903) 794-9481
(903) 792-5164

Northern District
1100 Commerce Street,
Third Floor
Dallas, TX 75242-1699
(214) 659-8600
(214) 659-8806

Amarillo Nat'l Plaza Two
500 South Taylor St.
Amarillo, TX 79101-2446
(806) 324-2356
(806) 324-2399

801 Cherry Street, Unit 4
Burnett Plaza, Ste. 1700
Ft. Worth, TX 76102-6897
(817) 252-5200
(817) 252-5455

1205 Texas Ave., Ste. 700
U.S. Federal Building
Lubbock, TX 79401-4002
(806) 472-7351
(806) 472-7394

Southern District

P.O. Box 61129
Houston, TX 77208
(713) 567-9000
(713) 718-3300

U.S. Courthouse
600 East Harrison, Suite 201
Brownsville, TX 71406
(956) 548-2554
(956) 548-2711

One Shoreline Plaza South Tower,
800 N Shoreline Blvd.,
Suite 500
Corpus Christi, TX 78401
(361) 888-3111
(361) 888-3200

P.O. Box 1179
1100 Matamoros, Suite 200
Laredo, TX 78042
(956) 723-6523
(956) 726-2266

Bentsen Tower
1701 West Hwy 83, Suite

600
McAllen, TX 73341
(956) 618-8010
(956) 618-8009

P.O. Box 2685
312 South Main, 3rd Floor
Victoria, TX 77902-2685
(361) 576-9988
(361) 579-6820

Western District
601 N.W. Loop 410, Suite 600
San Antonio, TX 78216
(210) 384-7100
(210) 384-7105

2500 N. Highway 118
Suite A200
Alpine, TX 79830
(432) 837-7332
(432) 837-7485

816 Congress Avenue
Suite #1000
Austin, TX 78701
(512) 916-5858
(512) 916-5854

111 East Broadway
Room A300
U.S. Courthouse
Del Rio, TX 78840
(830) 703-2025
(830) 703-2030

700 East San Antonio Ave., Suite 200
El Paso, TX 79901
(915) 534-6884
(915) 534-6024

400 W. Illinois Street,
Suite 1200
Midland, TX 79702
(432) 686-4110
(432) 686-4131

410 S. Cedar
Room 255
U. S. Courthouse
Pecos, TX 79772
(Unstaffed)
(432) 445-4343
(432) 445-2225

800 Franklin, Suite 280
Waco, TX 76701
(254) 750-1580
(254) 750-1599

United States Attorneys' Offices Contact Information

UTAH

185 South State Street,
Suite 300
Salt Lake City, UT 84111
(801) 524-5682
(801) 524-6924

VERMONT

P.O. Box 570
Burlington, VT 05402
(802) 951-6725
(802) 951-6540
P.O. Box 10
Rutland, VT 05702
(802) 773-0231
(802) 773-0214

VIRGIN ISLANDS

Federal Building and, U. S.
Courthouse, Room 260
5500 Veterans Drive
St. Thomas, VI 00802-
6424
(340) 774-5757
(340) 776-3474
1108 King Street, Suite
201, Christiansted
St. Croix, VI 00820-4951
(340) 773-3920
(340) 773-1407

VIRGINIA

Eastern District
2100 Jamieson Ave
Alexandria, VA 22314
(703) 299-3700
(703) 299-2584

World Trade Center
101 W. Main Street, Suite
8000
Norfolk, VA 23510
(757) 441-6331
(757) 441-6689

Main Street Centre
600 E. Main Street, Suite
1800
Richmond, VA 23219
(804) 819-5400

(804) 771-2316
Fountain Plaza Three
Suite 300
721 Lakefront Commons
Newport News, VA 23606
(757) 591-4000
(757) 591-0866

Western District
310 First Street, S.W.
Room 906
Roanoke, VA 24011
Post Office Box 1709
Roanoke, VA 24008
(540) 857-2250
(540) 857-2614

180 W. Main Street
Abingdon, VA 24210
(276) 628-4161
(276) 628-7399

255 West Main Street,
Room 104
Charlottesville, VA 22901
(434) 293-4283
(434) 293-4910

WASHINGTON

Eastern District
P.O. Box 1494
Spokane, WA 99210-1494
(509) 353-2767
(509) 353-2766

Post Office Box 4065
Yakima, WA 98901
(509) 454-4425
(509) 454-4435

Western District
700 Stewart Street Suite
5220
Seattle, WA 98101-1271
(206) 553-7970
(206) 553-0882

1201 Pacific Avenue, Suite
700
Tacoma, WA 98402
(253) 428-3800
(253) 428-3826

WEST VIRGINIA

Northern District

P.O. Box 591
Wheeling, WV 26003-0011
(304) 234-0100
(304) 234-0110

Federal Center
320 West Pike Street, Suite
300
Clarksburg, WV 26301-
2710
(304) 623-7030
(304) 623-7031

Post Office Box 190
Elkins, WV 26241-0190
(304) 636-1739
(304) 636-1967

U. S. Courthouse and Post
Office Building
217 West King Street,
Suite 400
Martinsburg, WV 25401-
3286
(304) 262-0590
(304) 262-0591

Southern District
Post Office Box 1713
Charleston, WV 25326
(304) 345-2200
(304) 347-7074

Post Office Box 1239
Huntington, WV 25714
(304) 529-5799
(304) 529-5545

WISCONSIN

Eastern District
530 Federal Building
517 East Wisconsin Ave-
nue
Milwaukee, WI 53202
(414) 297-1700
(414) 297-1738

Western District
660 West Washington Ave-
nue, Suite 303
Madison, WI 53703
(608) 264-5158
(608) 264-5172

WYOMING

P. O. Box 668

Cheyenne, WY 82003-
0668
(307) 772-2124
(307) 772-2123

Dick Cheney Federal
Building
P.O. Box 22211
Casper, WY 82602-5010
(307) 261-5434
(307) 261-5471

P.O. Box 449
Lander, WY 82520-0449
(307) 332-8195
(307) 332-7104

P.O. Box 703
Yellowstone National Park,
WY 82190-0703
(307) 344-2119
(307) 344-9266

CONSUMER FINANCIAL PROTECTION BUREAU

In July, 2010, Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act, which created the Consumer Financial Protection Bureau (the CFPB). The CFPB supervises financial institutions for compliance with over 19 federal consumer protection statutes as they pertain to financial products and services. The statutes range from the Fair Debt Collection Practices Act, to the Real Estate Settlement Procedures Act, to the Equal Credit Opportunity Act. In addition, the CFPB recently received authority to enforce the Military Lending Act.

- [Click here](#) for a list of regulations administered and enforced by the CFPB, including a link to the electronic code of each regulation. (*Imbed this link: <http://www.consumerfinance.gov/regulations/> into “click here.”*)

- If you have questions about the enforcement of one of these statutes, contact: Khalid Hargrove, Enforcement Attorney: Khalid.hargrove@cfpb.gov at 202-435-7817.

In addition to supervising and enforcing a wide-range of consumer protection statutes, the CFPB also accepts complaints on a variety of financial products, including: credit cards, mortgages, bank accounts, consumer loans, student loans, and credit reporting.

- Click here to submit a complaint to the CFPB about a consumer financial product. (*Imbed this link: <http://www.consumerfinance.gov/complaint/> into “click here”*)

Finally, the Dodd-Frank Act created a special office to address the financial concerns of Servicemembers, veterans, and their families. The Office of Servicemember Affairs is tasked with monitoring complaints and coordinating with other federal and state agencies in order to address the unique challenges faced by our community.

- If you have questions or concerns you’d like to discuss with members of the Office of Servicemember Affairs, please email us at: military@cfpb.gov

FEDERAL TRADE COMMISSION

Bureau of Consumer Protection

The FTC’s Bureau of Consumer Protection stops unfair, deceptive or fraudulent practices in the marketplace. BCP conducts investigations, sues companies and people that violate the law, develops rules to ensure a vibrant marketplace, and educates consumers and businesses about their rights and responsibilities. They collect complaints about hundreds of issues from data security and deceptive advertising to identity theft and Do Not Call violations, and make them available to law enforcement agencies worldwide for follow-up.

BCP’s experienced and motivated staff is nimble, using 21st century tools to anticipate – and respond to – changes in the marketplace. As we approach our 100th anniversary, BCP is proud

to be the nation's cop on the consumer beat, prepared to meet current challenges – and those around the corner -- with expertise and excitement.

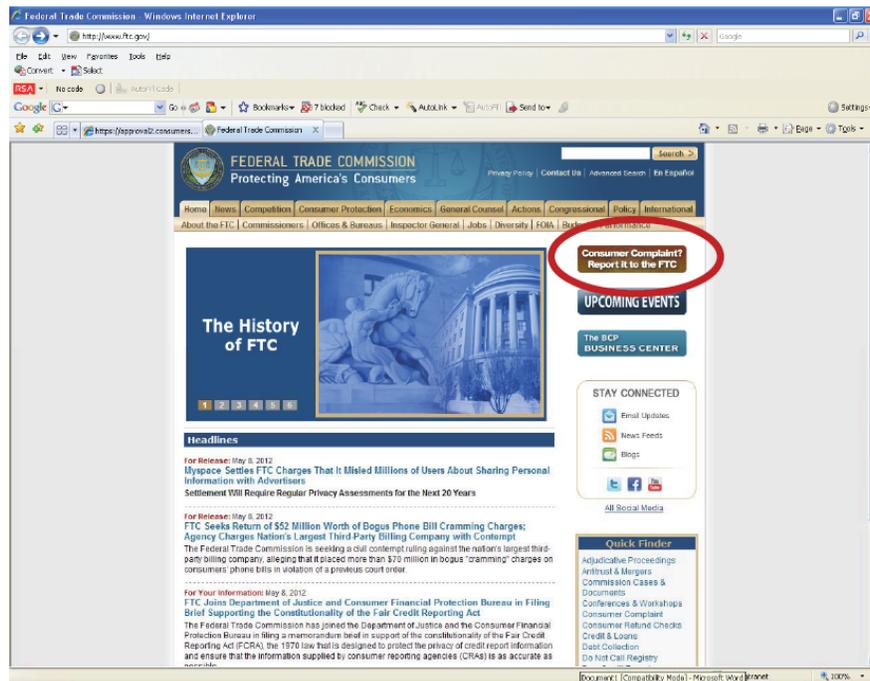
BCP has seven divisions:

1. Advertising Practices protects consumers by enforcing the nation's truth-in-advertising laws, with particular emphasis on claims for food, over-the-counter drugs, dietary supplements, alcohol and tobacco, and on conduct related to high-tech products and the Internet; and by enforcing the Children's Online Privacy Protection Act.
2. Consumer and Business Education plans, develops, and implements creative national campaigns in plain English and Spanish to alert consumers to their rights and to explain the science of compliance to industry.
3. Enforcement litigates civil contempt and civil penalty actions to enforce all FTC federal court injunctions and administrative orders that address consumer protection issues, including advertising and financial practices, data security, high-tech fraud, and telemarketing and other scams. The Division also coordinates FTC actions with criminal law enforcement agencies through its Criminal Liaison Unit; develops, reviews, and enforces a variety of consumer protection rules; and runs the Bureau's Hispanic initiative, bankruptcy program, and collections shop.
4. Financial Practices protects consumers from deceptive and unfair practices in the financial services industry, including protecting consumers from predatory or discriminatory lending practices, as well as deceptive or unfair loan servicing, debt collection, and credit counseling or other debt assistance practices.
5. Marketing Practices leads the Commission's response to Internet, telecommunications, and direct-mail fraud; deceptive spam; fraudulent business, investment, and work-at-home schemes; and violations of the Do Not Call provisions of the Telemarketing Sales Rule.
6. Planning & Information collects and analyzes complaints about consumer fraud, identity theft, and the National Do Not Call Registry, and makes them available to law enforcement; helps distribute redress to consumers; and provides cutting-edge technological investigative and litigation support.
7. Privacy and Identity Protection protects consumers' privacy; works to prevent identity theft and aids consumers whose identities have been stolen; and implements laws and regulations for the credit reporting industry, including the Fair Credit Reporting Act.

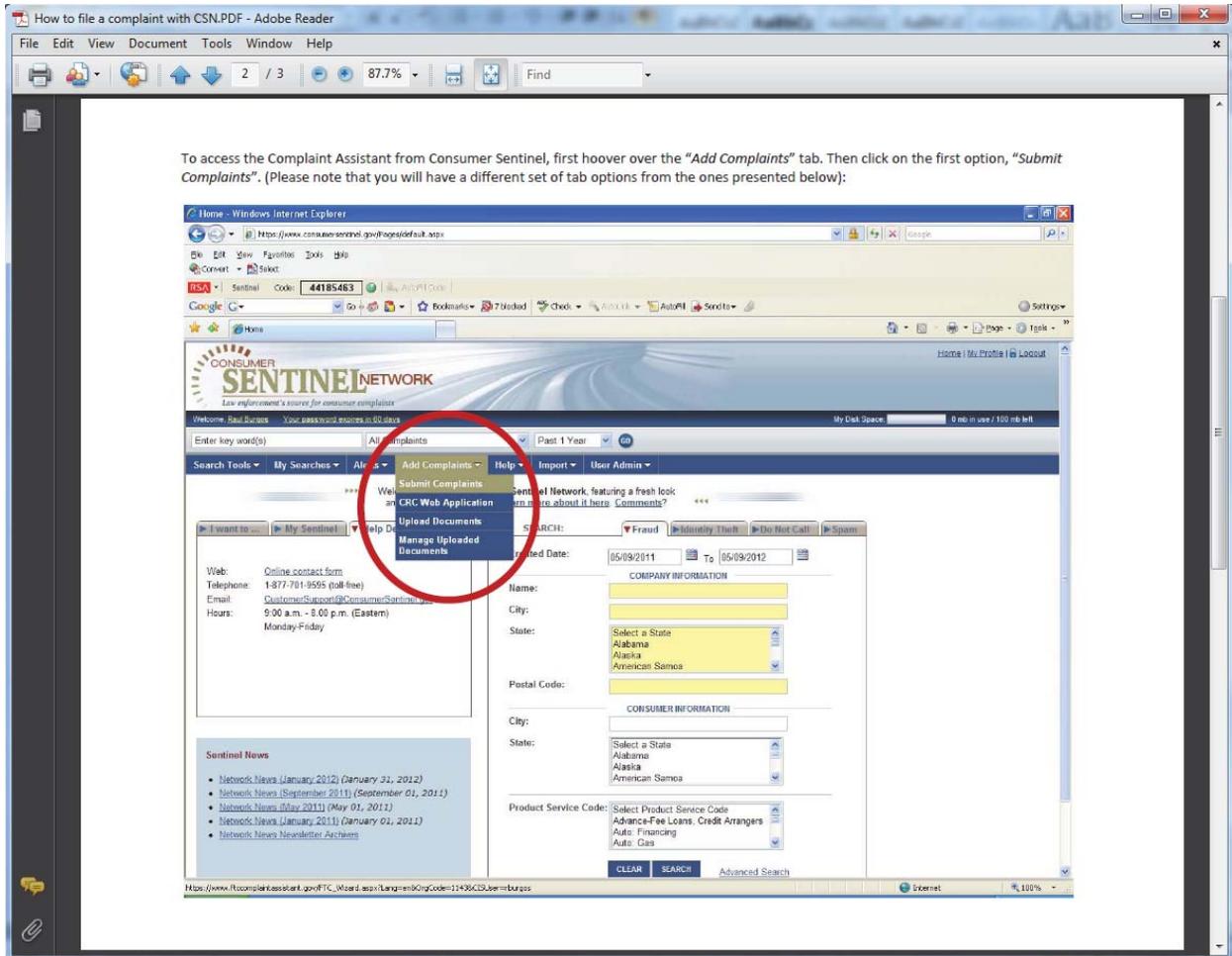
Instructions for the Public-Filing a Complaint Online

To help a consumer file a complaint, you need to access the FTC's Complaint Assistant. There are two ways this can be done. The first is by going to www.ftc.gov and clicking on the

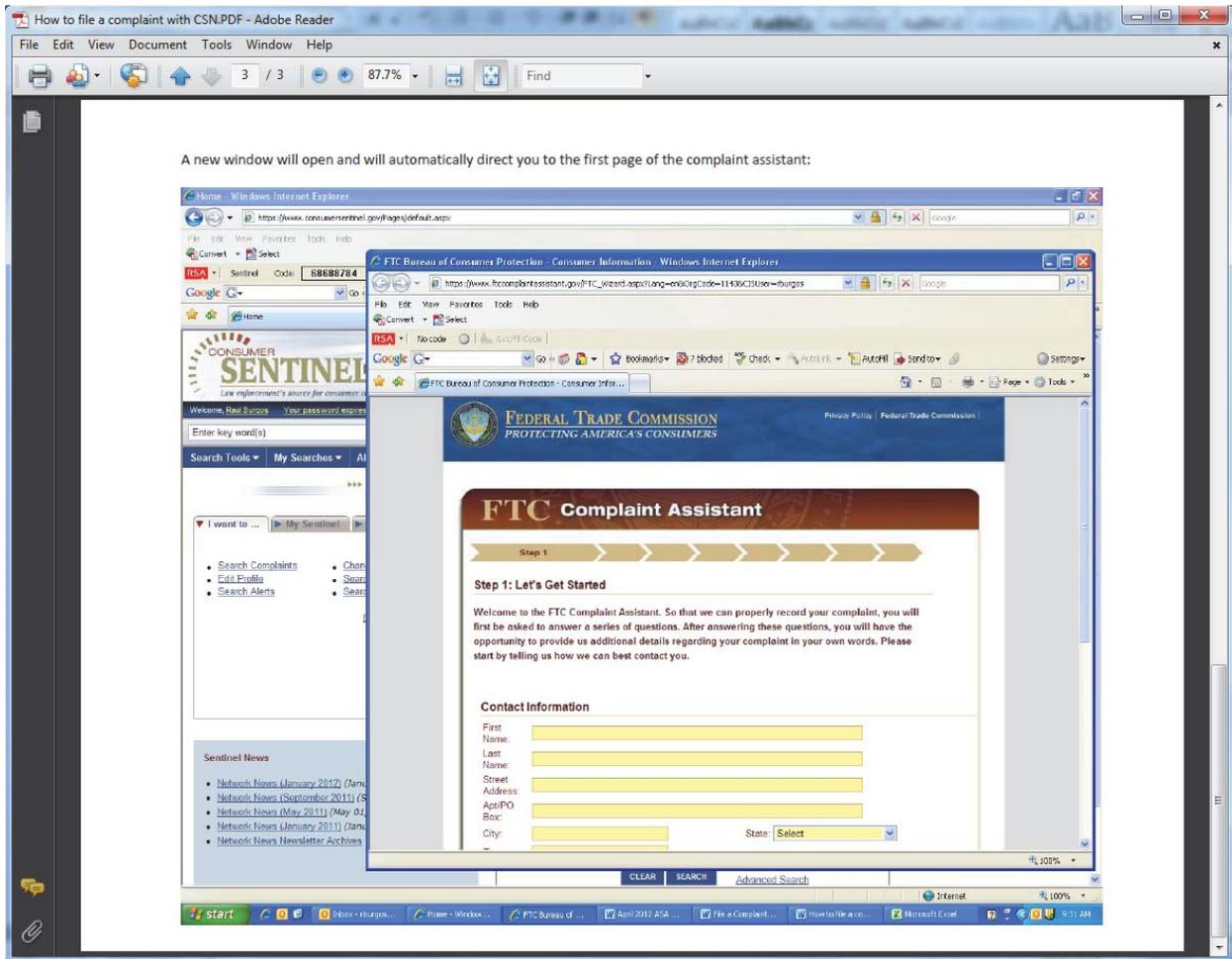
“Consumer Complaint? Report it to the FTC” button. The prompts will guide you through the process.



To access the Complaint Assistant from Consumer Sentinel, first hover over the “Add Complaints” tab, then click on the first option, “Submit Complaints”. (Please note that you will have a different set of tab options from the ones presented below):



A new window will open and will automatically direct you to the first page of the complaint assistant:



To file an FTC complaint, you can call 1-877-FTC-HELP or file online at FTC.gov by clicking on the FTC Complaint Assistant.

Scammers have sent thousands of emails that appear to be from the FTC, but are not. These emails to business people claim that complaints have been filed against their companies. If you get an unexpected email that claims to be from the FTC and asks you to click on a link or attachment for information about consumer complaints, delete it. Don't open it. Don't click on the links. If you do, it may install malware on your computer.

If you think you may have downloaded malware, see www.OnGuardOnline.gov/malware.

Before You Submit a Complaint

The Federal Trade Commission, the nation's consumer protection agency, collects complaints about companies, business practices, and identity theft under the FTC Act and other laws we enforce or administer.

Why: Your complaints can help us detect patterns of wrong-doing, and lead to investigations and prosecutions. The FTC enters all complaints it receives into Consumer Sentinel, a secure online database that is used by thousands of civil and criminal law enforcement authorities worldwide.

The FTC does not resolve individual consumer complaints.

Your Privacy: How much personal information you provide is up to you. If you don't provide your name and certain other information, it may be impossible for us to refer, respond to, or investigate your complaint. To learn more about this information collection and its purpose, authority and use, read our [Privacy Act Statement](#).



Click [here](#) for the Complaint Assistant form
Click [here](#) to file a complaint with the FTC.

Haga clic [aquí](#) para acceder el Asistente de Quejas de la FTC en Español.

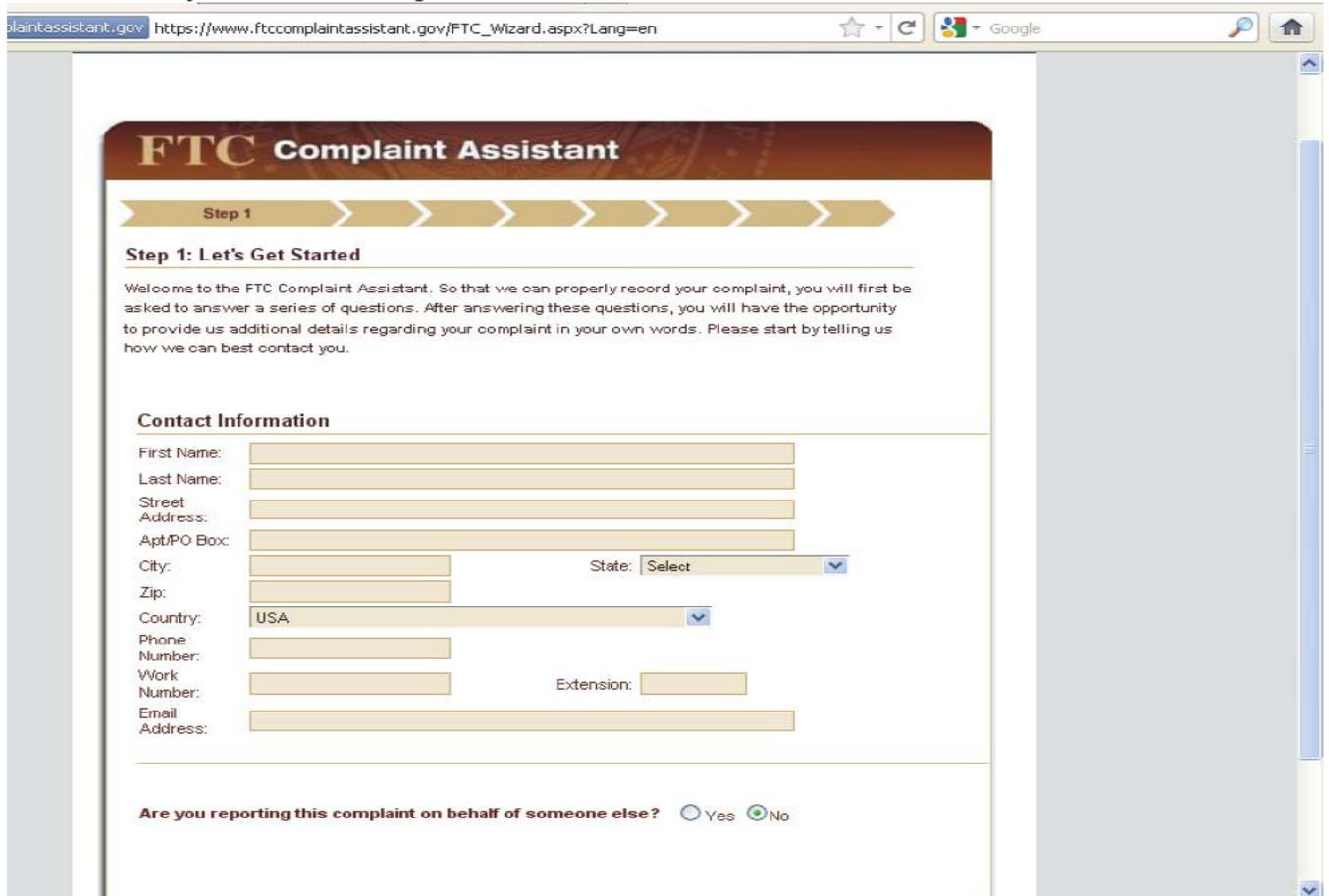


National Do Not Call Registry

The National Do Not Call Registry gives you a choice about whether to receive telemarketing calls at home. Most telemarketers should not call your number once it has been on the registry for 31 days. If they do, you can file a complaint

This is the first screen of the Complaint Assistant. You can file a complaint anonymously if you wish. The FTC enters all complaints it receives into Consumer Sentinel, a secure online database that is used by thousands of civil and criminal law enforcement authorities worldwide. Although one complaint might not make a difference, several will when pooled together.

Also note that you can file a complaint on behalf of someone else.



The screenshot shows a web browser window displaying the "FTC Complaint Assistant" website. The page title is "FTC Complaint Assistant" and the URL is "https://www.ftccomplaintassistant.gov/FTC_Wizard.aspx?Lang=en". The page is titled "Step 1: Let's Get Started" and contains a "Contact Information" section with the following fields:

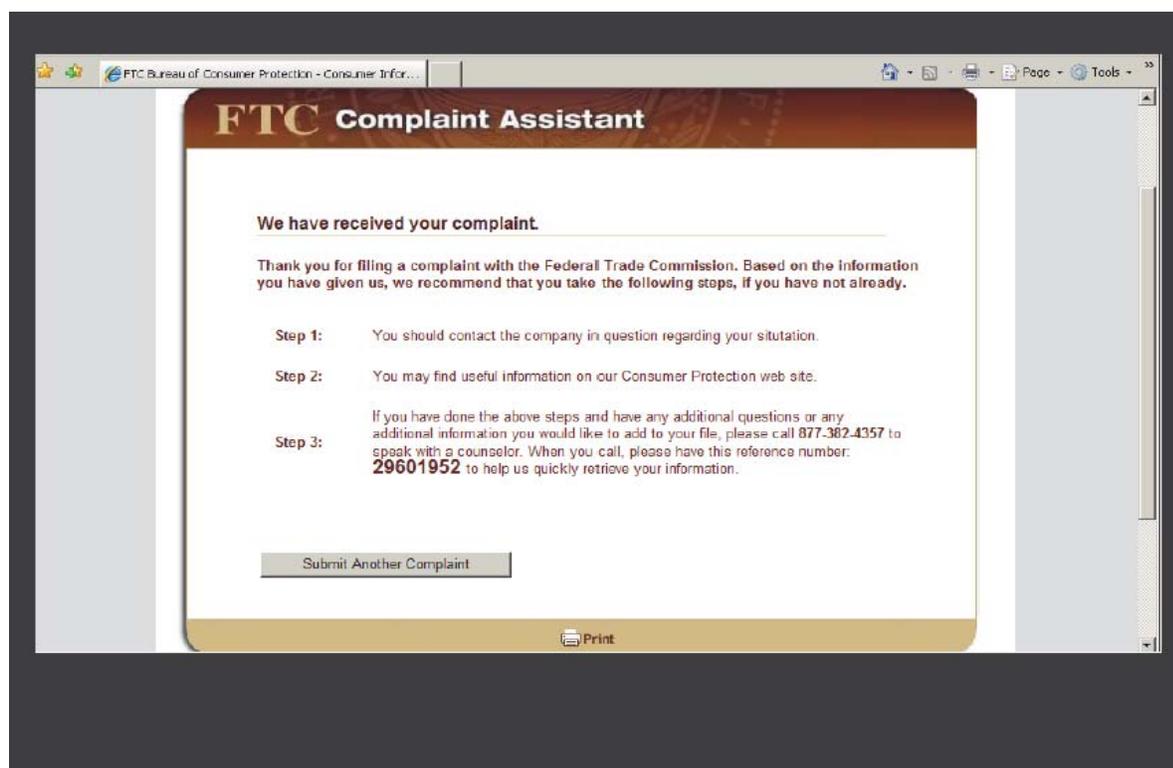
- First Name:
- Last Name:
- Street Address:
- Apt/PO Box:
- City: State:
- Zip:
- Country:
- Phone Number:
- Work Number: Extension:
- Email Address:

At the bottom of the form, there is a question: "Are you reporting this complaint on behalf of someone else?" with radio buttons for "Yes" and "No". The "No" option is selected.



Here you can select which type of fraud your complaint involves.

When you've successfully submitted your complaint, you'll receive a confirmation screen like this with a reference number. This number is the individual number the FTC places on each complaint. Your complaints can help us detect patterns of wrong-doing, and lead to investigations and prosecutions. The FTC does not resolve individual consumer complaints.



Consumer Sentinel

Consumer Sentinel Network is the FTC's free online database of millions of consumer complaints made to it. It provides federal, state, and local law enforcement members with access to these complaints as well as access to complaints shared by other [data contributors](#). Consumer Sentinel includes complaints in following categories: identity theft; do-not-call registry violations; computers, the internet, and online auctions; telemarketing scams; advance-fee loans and credit scams; immigration services; sweepstakes, lotteries, and prizes; business opportunities and work-at-home schemes; health and weight loss products; and debt collection, credit reports, and financial matters. See www.ftc.gov/sentinel for further information on becoming a member.

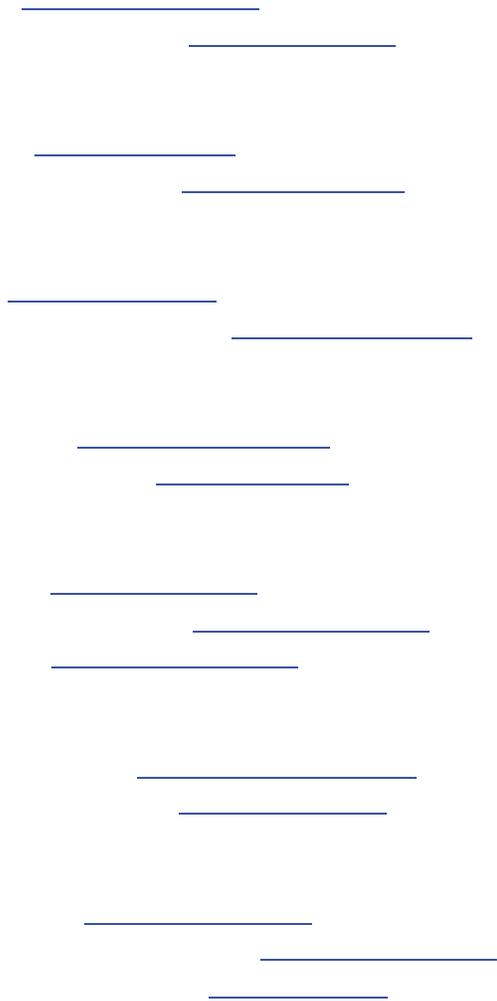
Consumer Sentinel-Military

Consumer Sentinel-Military is merely a portal to Consumer Sentinel that is advertised to the military community. Inviting complaints from that community help the FTC and the Department of Defense spot trends and assist in the targeting of cases for prosecution and alerting the

military community. Just with Consumer Sentinel, one can make complaints as well as, for military law enforcement, gain approved access to search through them.

<http://www.ftc.gov/sentinel/military/>

<http://www.ftc.gov/sentinel/reports/sentinel-annual-reports/sentinel-cy2011.pdf>



VETERAN SERVICE ORGANIZATIONS

General Description of Organizations and Some Examples

Important in any effort to increase awareness of trends in consumer frauds perpetrated against military servicemembers, veterans, and their families is the effort to maintain contact with veteran service organizations (VSOs).¹¹³ For purposes of this Toolkit, only a brief overview of the topic is provided, but such treatment should not undercut the potential importance these organizations may serve in obtaining information about the targeting of veterans. Just as Family Readiness Groups (FRGs) serve as a valuable point for outreach for those who currently serve, VSOs serve as one such point of outreach particularly for our Nation's veterans.

There is no formal definition of a veterans service organization. Although one might not readily know how to define them, certain examples are readily identified. Two names that are well-known, for example, are the American Legion and the Veterans of Foreign Wars (V.F.W.). Using such top national organizations as those, one can identify a number of common features. These entities are private, nonprofit organizations, granted a tax-exempt status under Section 501(c)19 of the Internal Revenue Code, whose membership derives from members of the U. S. Armed Forces (past or present), military cadets, and family. Also, as with a number of these larger national organizations, they may possess a Congressional charter under Title 36 of the U.S. Code.¹¹⁴

For a detailed explanation of some of the legal aspects of a veteran (service) organization, see IRS Publication 3386, *Veterans' Organizations*, or the following link: <http://www.irs.gov/pub/irs-tege/eotopicj99.pdf>.

Master POC List

For a listing of the national headquarters of a number of established veterans service organizations, see the VA's directory located online at the following link: http://www1.va.gov/vso/VSO-Directory_2012-2013.pdf. You should also consult the VA's website and their process according to VA regulations about accrediting certain veteran organizations: <http://www.va.gov/ogc/recognizedvsos.asp>.

Usually, through contact with the national headquarters of a given organization and any associated websites, one can locate any existing state headquarters or local posts, chapters, etc.

¹¹³ The abbreviation VSO commonly is used both in regard to "veteran service organization" as well as "veteran service officers." Like veteran service organizations, there is no precise definition of a veterans service officer, but such individuals typically are either VA accredited members of a national veteran service organization or a local or state public employee who is so accredited.

¹¹⁴ See, e.g., 36 U.S.C. §21701-21708 (2011) (American Legion).

SECTION FIVE: ADDITIONAL INFORMATION

BRIEF LIST OF COMMON MILITARY ACRONYMS

ADSW	Active Duty for Special Work
AO	Area of Operation
AOR	Area of Responsibility
ARNGUS	Army National Guard of the United States
BAH	Basic Allowance for Housing
BASD	Basic Active Service Date. The actual or constructive date from which a member accrues active Federal service for retirement. DA Pamphlet 600-8 . To be compared to PEBD (The actual or constructive date creditable service for pay purposes begins.). Also, the term is used but not defined in AR 601-210.
DFAS	Defense Finance and Accounting Service
C2	Command & Control
CAC	Common Access Card
COB	Close of Business
COLA	Cost of Living Allowance
CONUS	Continental United States. Compare with OCONUS
CTR	Contractor
CUI	<p>Controlled Unclassified Information is a categorical designation that refers to unclassified information that does not meet the standards for National Security Classification under Executive Order 12958, as amended, but is (i) pertinent to the national interests of the United States or to the important interests of entities outside the Federal Government, and (ii) under law or policy requires protection from unauthorized disclosure, special handling safeguards, or prescribed limits on exchange or dissemination. Henceforth, the designation CUI replaces Sensitive But Unclassified (SBU). White House Memorandum: Designation and Sharing of Controlled Unclassified Information (CUI), May 2008.</p> <p>Examples of CUI:</p> <ul style="list-style-type: none"> • Information potentially exempt from disclosure under FOIA that is marked FOUO. • PII that is protected by the Privacy Act • Individuals' health information that is protected under HIPAA. • Other categories of sensitive information: <ul style="list-style-type: none"> ○ DoD Unclassified Controlled Nuclear Information ○ Unclassified Technical Data ○ Sensitive Acquisition Information ○ Proprietary Information ○ Foreign Government Information ○ Drug Enforcement Agency (DEA) Sensitive Information •

DEROS	<u>Date Eligible to Return from Overseas</u>
DIEMS	Date of Initial Entry into Military Service
DOD	Department of Defense
DOR	Date of Rank
EM	Enlisted Servicemember
ETS	Expiration of Term of Service
FOUO	<p>For Official Use Only is a designation that is applied to unclassified information that may be exempt from mandatory release to the public under the Freedom of Information Act (FOIA). FOIA specifies nine (9) exemptions that may qualify certain information to be withheld from release to the public, if by its disclosure, a foreseeable harm would occur. DoD 5200.1-R, January 1997, Appendix 3.</p> <p>Privacy Act information qualifies for this exclusion and should be marked as FOUO. Place the FOUO marking at the bottom of each page or screen for unclassified sensitive material. For FOUO material to be included in a classified document, place the FOUO handling caveat at the top and bottom of each page or screen. When you create or receive documents with personal data, ensure there is a handling notice to accompany the data. Use the coversheet DD Form 2923 to safeguard records containing sensitive information from unauthorized disclosure before disseminating Privacy Act data.</p> <p>See also: CUI</p>
GCM	General Court-Martial
GCMCA	General Courts-Martial Convening Authority
GWOT	Global War On Terror
HHB	Headquarters and Headquarters Battery (Field Artillery Unit)
HHC	Headquarters and Headquarters Company
HMMWV	High Mobility Multipurpose Wheeled Vehicle
HOR	Home of Record or legal domicile
IAW	In accordance with
IADT	Initial Active Duty for Training
IDT	Inactive Duty Training
IOT	In order to
IRR	Individual Ready Reserves
LAD	Latest Arrive Date
MCM	Manual for Courts-Martial
MOS	Military Occupational Specialty for Enlisted
MRE	Military Rules of Evidence
MRPJ	Military Records Personnel Jacket. Compare to the OMPF.
MSO	Military Service Obligation
MUTA	Multiple Unit Training Assembly
NJP	Nonjudicial Punishment [Procedure]
NLT	No Later Than

NST	No Sooner Than
NSTR	Nothing Significant to Report
OCO	Overseas Contingency Operations
OCONUS	Outside the Continental United States
OEF	Operation Enduring Freedom
OER	Officer Evaluation Report
OIF	Operation Iraqi Freedom
OMPF	Official Military Personnel File. A servicemember's "permanent record" that follows him or her everywhere in the Service. Compare to the Military Records Personnel Jacket.
OND	Operation New Dawn
ORB	Officer Record Brief
OSD	Office of the Secretary of Defense
PAX	Personnel
PEBD	Pay Entry Basic Date: "The military pay and personnel systems use a variety of dates to determine various entitlements. Among them is the date which denotes how much service a member has for the purpose of determining longevity pay rates. The Army refers to this as the pay entry basic date , the Navy and Marine Corps refer to this as the pay entry base date, while the Air Force calls it simply the pay date." DoD Financial Management Regulation, Volume 7A, Chapter 01 [010101 General, para. A, p. 1]
PII	<p>Personally Identifiable Information. "Personal Information. Information about an individual that identifies, links, relates, or is unique to, or describes him or her (e.g., a Social Security number; age; military rank; civilian grade; marital status; race; salary; home or office phone numbers; other demographic, biometric, personnel, medical, and financial information, etc.). Such information also is known as personally identifiable information (e.g., information which can be used to distinguish or trace an individual's identity, such as his or her name; Social Security number; date and place of birth; mother's maiden name; and biometric records, including any other personal information which is linked or linkable to a specified individual). DoDD 5400.11, 8 May 2007)</p> <p>The basic duty to protect PII derive from the Privacy Act of 1974, signed into law in 1975. Also, the e-Government Act of 2002, which includes, as its third part, known as "Title III," the Federal Information Security Management Act, of FISMA. The Office of Management and Budget [OMB] is part of the Executive Office of the President of the United States and provides guidance to the agencies of the Executive Branch, including DoD, on how to implement these laws. Key documents from OMB are Circular A-130 and Memorandum M-07-16, Safeguarding Against and Responding to the Breach of Personally Identifiable Information, 2007. Key DoD documents: DoD Directive 5400.11. DoD 5400.11-R. Use only NIST Federal Information</p>

	Processing Standard [FIPS] 140-2 compliant cryptographic modules.
PKI	Public Key Infrastructure
PMOS	Primary Military Occupational Specialty (for enlisted); <u>See also</u> MOS, servicemember OS
POC	Personally Owned Conveyance
POV	Personally Owned Vehicle.
RC	Reserve Component
RCAS	Reserve Component Automation System
RCM	Rules for Courts-Martial
RCP	Remote Communications Processor
REFRAD	A brevity code IAW AR 25-52 that means “Release from Active Duty.” <u>See</u> AR 25-52 (dtd 04 Jan 05), p. 8.
ROC	<u>Rehearsal of Concept</u> . As in ROC drill, a briefing to go over a proposed action/mission.
ROE	Rules of Engagement
ROI	Report of Investigation
RPAS	Retirement Points Account(ing) System
RTD	Return to Duty
RTP	Request for Technical Proposal
RUF	Rules for the Use of Force
SAD	State Active Duty. “State active duty [Sactive duty] is a status pursuant to state law only and is funded by the state, unlike the status in which the National Guard trains for its federal mission pursuant to Title 32 of the United States Code [Title 32 status]. The National Guard in a state active duty status may, however, use certain federal equipment, subject to a requirement for reimbursement for that use. In state active duty status, National Guard Bureau and Active Army regulations do not usually apply unless the state has adopted those regulations as a matter of state law.” Domestic Operations 2009, p236
SBU	Sensitive But Unclassified (SBU). This designation has been replaced by Controlled Unclassified Information (CUI). <u>See</u> above.
SGE	Special Governmental Employee
SGLI	Serviceman’s Group Life Insurance
SOF	Special Ops Forces
SOFA	Status of Force Agreement
STB	Sustainment Brigade
TCS	Temporary Change of Station; Task-Condition-Standard
TDY	Temporary Duty.
TMC	Troop Medical Clinic (Dispensary)
TOC	Tactical Operations Center [Compare with LOC]
TOE	Table of Organization and Equipment
TPU	Troop Program Unit
UAH	Up Armored HMMWV
UCMJ	Uniform Code of Military Justice
USAR	United States Army Reserve

USARC	U.S. Army Reserve Command
USARCS	United States Army Claims Service. <u>See</u> FM 1-04 (27-100), Legal Support to the Operational Army (April 2009), Glossary, p2.
WARNO	Warning Order. It is the method to get information out to a unit about imminent orders/operations. It is the preliminary notice of an order or action that is to follow. Warning orders maximize subordinates planning time, providing essentials details of what is to come. E.g., ‘Going somewhere at 1100.’ <u>See</u> FM 3-0, 3-21.8, 3-21.10. Warning order is one of five basic types of orders. The rest are: operations order, service and support order, movement order, and a fragmentary order.
WRT	with regard to

LIST OF USEFUL WEBSITES

American Bar Association (ABA) Home Front

ABA Home Front is a resource provided by the organization to help current servicemembers and veterans and their families to locate legal information, potential referrals and representation regarding civil legal issues.

http://www.americanbar.org/portals/public_resources/aba_home_front.html

Consumer Financial Protection Bureau Administered Regulations

List of regulations administered and enforced by the CFPB, including a link to the electronic code of each regulation.

<http://www.consumerfinance.gov/regulations/>

Department of Defense Servicemember Database

Department of Defense database to confirm military status of a particular individual.

<https://www.dmdc.osd.mil/appj/scra/scraHome.do>

Department of Defense Directory of Military & Associated Terms (Joint Pub. 1-02)

http://www.dtic.mil/doctrine/new_pubs/jp1_02.pdf

Department of Justice Legal Resources for Servicemembers

Legal resource website covering the Civil Rights Division's mission to enforce the SCRA, USERRA and the Uniformed and Overseas Citizens Absentee Voting Act.

http://www.justice.gov/crt/spec_topics/military/

Department of Veterans Affairs

List of Accredited Representatives, agents, and attorneys (provided by the Office of General Counsel): <http://www.va.gov/ogc/apps/accreditation/index.asp>

Federal Trade Commission (FTC) Consumer SENTINEL-Military

<http://www.ftc.gov/sentinel/military/index.shtml>

House Committee on Veterans' Affairs

U.S. House of Representative's Committee on Veterans' Affairs addresses issues concerning veterans generally, including veterans compensation, vocational rehabilitation, education, cemeteries, life insurance, pensions, readjustment to civilian life, hospitals and healthcare, as well as issues pertaining to the Service Members Civil Relief Act.

veterans.house.gov

Marine Corps: Legal Assistance

Staff Judge Advocate to the Commandant, Headquarters, U.S. Marine Corps, Judge Advocate Division Legal Assistance Branch (JAL)

[http://www.hqmc.marines.mil/sja/Branches/LegalAssistanceBranch\(JAL\).aspx](http://www.hqmc.marines.mil/sja/Branches/LegalAssistanceBranch(JAL).aspx)

Military OneSource

Military OneSource is a website provided by the Department of Defense to the service members in the active component, the National Guard, and the Reserves. It is an information portal covering a wide array of topics and services.

<http://www.militaryonesource.mil/>

Military Service Records

Records of veterans who are completely discharged (with no remaining reserve commitment), or who are retired or have died, are available at the National Archives and Records Administration.

http://www.foia.va.gov/ext_redirect.asp?url=http://www.archives.gov/st-louis/military-personnel/&type=3

Navy: Legal Assistance Locator

U.S. Navy Judge Advocate General's Corps Region Legal Service Office (RLSO) Locator

http://www.jag.navy.mil/legal_services/legal_services_locator_rls.htm

SAMPLE MILITARY/CONSUMER LETTERS

SCRA, 50 U.S.C. app. 501, Sample Letters

Sample 6% Interest Rate Cap Letter

(Name and Address of Servicemember)

(Date)

(Name and Address of Institution)

Re: Interest Rate Reduction for Acct # _____

Dear Sir/Ma'am:

I have been placed on active duty with the Armed Forces of the United States effective (**fill in date placed on active duty**) and am requesting that my monthly obligation including payments and interest on my account be reduced pursuant to my rights under the Servicemembers Civil Relief Act, 50 U.S.C. App. § 501 et seq. My entry into military service has materially affected my ability to meet this obligation which I incurred prior to my entry of active duty at the original interest rate or as it exists currently.

The SCRA (50 U.S.C. App. § 527) sets a 6% per annum ceiling on interest charges (including service charges, renewal charges, and fees) during the period of a servicemember's military service for obligations made before entry onto active duty when the active duty materially affects the ability to pay. Thus, the balance of my obligation may not have interest charged at a rate greater than 6% per annum and any interest above 6% must be forgiven and not accrued. Note that compliance with this law is mandatory upon the creditor once the servicemember makes a request. Failure to comply with such a request can subject the creditor to damages.

Please ensure that your records are amended and or corrected to reflect that my obligation has been reduced to no more than the statutory ceiling rate of 6% and that any excess charge is withdrawn. It is my understanding that certain business entities have reduced their original interest rate to less than 6% as a good faith gesture in support of our country's military personnel and the important mission they serve. Please be further advised that you may not repossess for non-payment of an installment obligation without first complying with the provisions of the SCRA (including Section 532).

Thank you in advance for your attention and prompt action to this matter. Should there be any questions, please feel free to contact me at the above address.

Sincerely,

(Name of servicemember)

Encl:
Deployment Orders

Sample Termination of Automobile Lease Letter

(Name and Address of Servicemember)

(Date)

(Name and Address of Institution)

Re: Turning Over Vehicle VIN (**Fill in VIN of vehicle**) Pursuant to the SCRA

Dear Sir/Ma'am:

I have been placed on active duty with the Armed Forces of the United States effective (**fill in date placed on active duty**). I am the lessee of (**fill in year, make, model, and VIN of leased vehicle**) and I am invoking my rights under the Servicemembers Civil Relief Act, 50 App. U.S.C. § 501 et seq. My deployment has materially affected both my ability to pay for and my need for the vehicle.

Section 535(b)(2) of the SCRA allows a servicemember to terminate an automobile lease if the servicemember receives deployment orders for greater than 180 days. In this case, I will be deployed to (**place deployed to**) for at least (**number of days of ordered deployment**). I have attached a copy of my orders for your file.

In accordance with 50 App. U.S.C. § 535(c), I have mailed this notice via certified mail, return receipt requested and I have already left the vehicle with (**lessor and contact person with the lessor**). The representative with whom I have been working with at (**name of lessor**) is (**name of contact person**), and (**he/she**) may be reached at (**phone number for contact person with the lessor**). Therefore, in accordance with 50 App. U.S.C. § 535(d)(2), the effective date of termination is the postmark date of this letter.

Thank you in advance for your cooperation in this matter, and please feel free to contact me at (**your phone number or the number of someone holding a power of attorney to handle this matter**).

Sincerely,

Encls:

Deployment Orders

Lease Contract

Sample Termination of Rental Property Letter

(Name and Address of Servicemember)

(Date)

(Name and Address of Property Management Company or Landlord)

Re: Termination of Residential Lease

Dear Sir/Ma'am:

I have been placed on active duty with the Armed Forces of the United States effective (**fill in date placed on active duty**). I am the lessee of (**address of rental residence**) and am I am invoking my rights under the Servicemembers Civil Relief Act, 50 App. U.S.C. § 501 et seq. My deployment has materially affected my need for this rental property.

Section 535(b)(1) of the SCRA allows a servicemember to terminate a residential lease if the servicemember receives deployment orders for greater than 90 days. In this case, I will be deployed to (**place deployed to**) for at least (**number of days of ordered deployment**). I have attached a copy of my orders for your file.

In accordance with 50 App. U.S.C. § 535(c), I have mailed this notice via certified mail, return receipt requested (**notice can also be hand delivered**). Therefore, in accordance with 50 App. U.S.C. § 535(d)(1), the effective date of termination is 30 days after the first date on which the next rental payment is due and payable after the date on which this notice was delivered (or agreed upon termination date).

I will mail/drop off my keys when I have vacated the rental premises. All security deposits and prorated future rents paid must be returned to me within thirty (30) days of the termination date of this lease. Please mail these monies to: (**address money should be sent to**).

Thank you in advance for your cooperation in this matter, and please feel free to contact me at (**your phone number or the number of someone holding a power of attorney to handle this matter**).

Sincerely,

Encls:

Deployment Orders

Lease Contract

Sample Stay of Proceeding Letter from an Attorney

(Name and Address of Servicemember)

(Date)

(Name and Address of Opposing Counsel/Judge)

Re: Requesting a Stay of Proceedings: **(Name of Action/Caption)**

Dear Sir/Ma'am:

I am **(description of who you are and firm/agency you are with)**. I am writing on behalf of **(name of servicemember)**, who contacted me because he is the (proposed) Defendant in the case of **(case caption)** in which you have been hired to represent **(opposing counsel's client)**.

Please note that I am not the attorney of record for purposes of representing **(name of servicemember)** in this civil matter. It is a function of my office to assist and advise servicemembers concerning the necessary steps to initially protect their interests.

(Name of servicemember) is presently on active duty and is assigned to **(unit information and location)**. As such, he is afforded certain rights under the Servicemember's Civil Relief Act (SCRA), as amended, 50 U.S.C. Appendix, Sections 501-596 (2005). Section 522 of the SCRA states that a court shall, upon application by the servicemember, grant a stay in a civil action for a period of not less than 90 days.

(Name of servicemember) hereby applies for protection from further proceedings in the civil action pending filing against him for a period of twelve (12) months. Please find attached a letter from **(name of servicemember)** commanding officer indicating that his military service materially affects his ability to conduct a defense. Based on **(name of servicemember)** current military deployment, he will not be able to attend any proceedings subsequently scheduled in this case.

In accordance with 50 U.S.C. App. §522(c), an application for a stay under this section does not constitute an appearance for jurisdictional purposes and does not constitute a waiver of any substantive or procedural defense, including a defense relating to lack of personal jurisdiction. This letter is not to be construed as either a submission to jurisdiction without lawful service or an appearance by or on behalf of **(name of servicemember)**. Additionally, this letter is not to serve as any form of answer to any petition, motion or complaint filed by **(name of servicemember)**.

I reiterate that my involvement in this case extends only to the preliminary counsel and assistance afforded to servicemembers by legal assistance attorneys. I (am not/will not be) the attorney of record for **(name of servicemember)** in this civil matter.

Because **(name of servicemember)** military service prevents his appearance, I request that you advise the court of his status and request a stay until after **(date of estimated return)**. Finally, **(name of servicemember)** requests that you notify him of any action concerning the civil case, particularly in regard to the status of any resulting stay of proceedings. In this regard, this information may be provided to him at the following address:

(Servicemember's name and unit address (or address of family receiving mail))

Thank you in advance for your help in affording **(name of servicemember)** an opportunity to participate in the legal process while meeting his obligations to the defense of our nation.

Sincerely,

Name and signature block of attorney

Encl: Memorandum from Commander
CC: **(Servicemember)**

Sample Stay of Proceeding Letter from Military Commander

(Name and Address of Commander and Unit)

(Date)

(Name and Address of Opposing Counsel/Judge)

Re: Requesting a Stay of Proceedings: **(Name of Action/Caption)**

Dear Sir/Ma'am:

I am an officer in the United States Army writing on behalf of **(name of servicemember)**, who is the proposed defendant in the case of **(case caption)**. **(Name of servicemember)** is currently deployed in support **(OIF/OEF and where stationed)**. He is assigned to my command.

(Name of servicemember) will be unable to attend any hearings, present any type of defense, or effectively protect his interests in the matter in question until **(estimated date of return)** because of his military duties. Until this date, **(name of servicemember)** is mission essential to our unit as a **(duty title/position)**. My legal officer advises me that federal law allows a stay of proceedings for servicemembers on active duty when their ability to defend themselves is materially affected by their military service (50 U.S.C. App. § 521). In this instance, **(name of servicemember)** critical role in the national security mission of this command precludes his participation in court proceedings until not earlier than **(estimated date of return)**. He will be unable to present any defense at all due to his deployed status.

(Name of servicemember) hereby applies for protection from further proceedings in the civil action pending filing against him for a period of **(length of time gone)** to properly attend to both his obligation to his unit and this legal proceeding. I will ensure that he is available upon return from deployment to appear at the next scheduled court date after **(estimated date of return)**.

I should note that I am not an attorney and am not making this request based on any attorney-client relationship between myself and **(name of servicemember)**. I am not representing **(name of servicemember)** with regard to the proceedings pending. This letter should not be considered an appearance by **(name of servicemember)**. Rather, it is a request in my capacity as a commander charged with a mission supporting the national security of this nation, that you delay the proceedings to allow this soldier to perform his critical part in that mission.

Thank you in advance for your assistance in this matter. I request that you inform me or **(name of servicemember)**, at the above address, of any action taken regarding this request.

Sincerely,

Commander's Signature Block

Deployment Orders

CC: **(Name of servicemember)**

State Law Consumer Sample Letters [Illinois Patriot Plan, Public Act 94-635]

Sample ILLINOIS 6% Interest Rate Cap Letter

(Name and Address of Servicemember)

(Date)

(Name and Address of Institution)

Re: Interest Rate Reduction for Acct # _____

Dear Sir/Ma'am:

I have been placed on active duty with the Armed Forces of the United States effective **(fill in date placed on active duty)** and am requesting that my monthly obligation including payments and interest on my account be reduced pursuant to my rights under the Illinois Patriot Plan, PA 094-0635 and the Interest Act, 815 ILCS 205/4.05. My entry into military service has materially affected my ability to meet this obligation, which I incurred prior to my entry on active duty, at the original interest rate or as it exists currently.

The Illinois Patriot Plan and The Interest Act sets a 6% per annum ceiling on interest charges (including service charges, renewal charges, and fees) during the period of a servicemember's military service for obligations made before entry onto active duty when the active duty materially affects the ability to pay. Thus, the balance of my obligation may not have interest charged at a rate greater than 6% per annum and any interest above 6% must be forgiven and not accrued. Note that compliance with this law is mandatory upon the creditor once the soldier makes a request. Failure to comply with such a request can subject the creditor to civil penalty.

Please ensure that your records are amended and or corrected to reflect that my obligation has been reduced to no more than the statutory ceiling rate of 6% and that any excess charge is withdrawn. It is my understanding that certain business entities have reduced their original interest rate to less than 6% as a good faith gesture in support of our country's military personnel and the important mission they serve.

Thank you in advance for your attention and prompt action to this matter. Should there be any questions, please feel free to contact me at the above address.

Sincerely,

(Name of servicemember)

Encl:
Deployment Orders

Sample ILLINOIS Termination of Automobile Lease Letter

(Name and Address of Servicemember)

(Date)

(Name and Address of Institution)

Re: Turning Over Vehicle VIN (**fill in VIN of vehicle**) Pursuant to the Illinois Patriot Act and the Motor Vehicle Leasing Act

Dear Sir/Ma'am:

I have been placed on active duty with the Armed Forces of the United States effective (**fill in date placed on active duty**). I am the lessee of (**fill in year, make, model, and VIN of leased vehicle**) and am I am invoking my rights under the Illinois Patriot Plan, PA 094-0635 and the Motor Vehicle Leasing Act, 815 ILCS 636/37. My deployment has materially affected both my ability to pay for and my need for the vehicle.

The Illinois Patriot Plan and the Motor Vehicle Leasing Act allows a servicemember to terminate an automobile lease if the servicemember receives deployment orders for greater than 180 days. In this case, I will be deployed to (**place deployed to**) for at least (**number of days of ordered deployment**). I have attached a copy of my orders for your file.

In accordance with 815 ILCS 636/37(c) I have mailed this notice via certified mail, return receipt requested and I have already left the vehicle with (**name of lessor and contact person with the lessor**). The representative with whom I have been working with at (**name of lessor**) is (**name of contact person**), and (**he/she**) may be reached at (**phone number for contact person with lessor**). (Effective date of termination is the date that both requirements of 815 ILCS 636/37(c) are satisfied.)

Thank you in advance for your cooperation in this matter, and please feel free to contact me at (**your phone number or the number of someone holding a power of attorney to handle this matter**).

Sincerely,

Encls:

Deployment Orders

Lease Contract

Sample ILLINOIS Cellular Phone Contract Termination Letter

(Name and Address of Servicemember)

(Date)

(Name and Address of Institution)

Re: Termination of Cellular Phone Contract, Phone # _____

Dear Sir/Ma'am:

I have been placed on active duty with the Armed Forces of the United States effective (**fill in date placed on active duty**). I currently have a cellular phone contract with you, **Phone #** _____, and am invoking my rights under the Illinois Patriot Plan, PA 94-0635 and the Military Personnel Cellular Phone Contract Termination Act, 815 ILCS 633/10. My deployment has materially affected my need for and ability to use this cellular phone.

The Illinois Patriot Plan allows a servicemember to terminate a cellular phone contract without penalty. I will be deployed to (**place deployed to**) for at least (**number of days of ordered deployment**). I have attached a copy of my orders for your file.

In accordance with the Illinois Patriot Plan I have mailed this notice via certified mail, return receipt requested. Effective date of termination of this cellular phone contract will be thirty (30) days after the date of this notice, (**actual termination date**).

Thank you in advance for your cooperation in this matter, and please feel free to contact me at (**your phone number or the number of someone holding a power of attorney to handle this matter**).

Sincerely,

Encls:

Deployment Orders

Cellular Phone Contract