



UNITED STATES MARINE CORPS
MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE
PSC BOX 20005
CAMP LEJEUNE NC 28542-0005

MCIEAST-MCB CAMLEJO 5801.1
SJA

16 SEP 2013

MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE CAMP LEJEUNE ORDER
5801.1

From: Commanding General
To: Distribution List

Subj: PREDATORY LENDING PRACTICES

Ref: (a) ALMAR 060/05 of 2 Dec 05
(b) JAGINST 5801.2B
(c) MCO P5800.16A
(d) MCO 1620.2D
(e) MCO P1700.27B
(f) SECNAVINST 1740.4
(g) 15 U.S.C. §1692 et seq (Federal Fair Debt Collection Practices Act)
(h) North Carolina General Statutes, chapter 58, article 70 (Sections 70-1 through 70-130)
(i) North Carolina General Statutes, chapter 75, article 2 (Sections 50-56)

1. Situation. Predatory lending practices have a serious, adverse, and potentially ruinous affect on military service members and their families. One practice in particular, payday lending, is especially damaging to morale, financial well being, career potential, and even military readiness. As the former Commandant succinctly stated in reference (a), "a Marine's financial readiness directly impacts unit readiness and, consequently, the Corps' ability to accomplish its mission."

2. Mission. To promulgate policy and procedures to combat payday lending and other predatory lending practices by educating service members on predatory lending practices and to report those practices to the appropriate authorities.

3. Cancellation. MCIEASTO 5801.1.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. Marine Corps Installations East-Marine Corps Base Camp Lejeune (MCIEAST-MCB CAMLEJ) will ensure policies and procedures are established to prevent payday lending and other predatory lending practices.

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16 SEP 2013

(2) Concept of Operations. All MCIEAST-MCB CAMLEJ service members will be educated on predatory lending practices and how to report such practices to the appropriate authorities.

b. Subordinate Element Missions

(1) Officer-In-Charge (OIC), Legal Services Support Section (LSSS)-East. Principally via the legal assistance program, shall:

(a) Work with state attorneys general, banking commissions, and other regulatory agencies to pursue enforcement against predatory lenders violating the law.

(b) Work with Marine Corps Community Services (MCCS) financial counselors, Navy-Marine Corps Relief Society (NMCRS), the Public Affairs Office (PAO), and other applicable organizations, to ensure educational material is made available to service members, and to ensure training is provided to new joins, per paragraph 4b(1) above.

(c) Provide pertinent information via the MCIEAST-MCB CAMLEJ chain of command to the Secretary of Defense Office of Legislative Affairs so that agency will be better able to pursue local, state, and federal legislation to abolish payday lending and to protect service members from all forms of predatory lending.

(d) Provide a robust, preventative law program, per references (b) and (c).

(e) Provide legal advice and assistance to the Command Inspector General (CIG) investigating allegations of payday lending and other predatory lending practices, per reference (d).

(f) Meet not less than semi-annually with MCCS Command Financial Counselors and NMCRS to review current issues, and to examine the prevalence of various forms of payday lending.

(2) CIG shall: Be responsible for the Armed Forces Disciplinary Control Board (AFDCB) which provides a ready and useful mechanism in combating businesses that adversely affect the health, morals, and welfare of service members, such as payday lenders and other financial predators. As such, the AFDCB process, as outlined in reference (d), should be utilized to address businesses identified as engaging in predatory lending practices. In accordance with reference (d), a business need not be found to be operating illegally in order to be placed off-limits to military personnel. Rather, per appendix B, section B-6(a) of reference (d), the off-limits sanction may be invoked when "an establishment or area frequented by Armed Forces personnel presents conditions which adversely affect their health, safety, welfare, or morals."

16 SEP 2013

(3) PAO shall:

(a) Work with the local OIC, Legal Assistance, to provide input to installation newspapers and other appropriate venues concerning payday lending, predatory loans, and consumer protection.

(b) Assist the OIC, Legal Assistance, as requested, in executing the legal assistance preventative law program.

(c) Review questionable advertisements in installation publications with the OIC, Legal Assistance or designee to ensure that no MCIEAST-MCB CAMLEJ publication advances, publicizes, or otherwise lends support to any predatory lender. Predatory lenders include, but are not necessarily limited to, those businesses offering payday loans, refund anticipation loans, car title loans, and loans with an effective annual interest exceeding 36 percent. Whenever possible, arrange for review of such advertisements, or requests for advertisement prior to acceptance for publication, as removal of unwanted advertisements becomes more difficult once the installation and/or the publisher is contractually bound. As deemed necessary, demand sample loan contracts, company policies, or written assurances as a precondition to advertisement.

(4) MCCS shall:

(a) Coordinate with the OIC, Legal Assistance, to ensure questionable businesses are not granted a contract to operate aboard the installation or to sponsor an MCCS event. Such questionable businesses include, but are not necessarily limited to, those businesses that offer payday loans, refund anticipation loans, car title loans, and any loan with an effective annual interest rate exceeding 36 percent.

(b) Ensure that MCCS financial counselors work closely with NMCRS, PAO, OIC, Legal Assistance, and other applicable organizations, to ensure educational material is made available to service members, and to ensure training is provided to new joins, per paragraph 4b(1).

(c) Conduct financial education classes, per reference (e).

(d) Consistent with reference (f) and resource availability, conduct instruction in personal financial management and related topics, as requested by unit commanders.

(5) Commanders shall:

(a) Ensure your installations provide new join briefs with consumer protection information, including, at a minimum, instruction concerning the resources available through the MCCS Command Financial

16 SEP 2013

Counselor, Legal Assistance, NMCRS, and military websites. In addition, new joins shall be briefed concerning payday loans, and some of the more prevalent consumer issues, rip-offs and scams. Coordinate as necessary with the MCCS Command Financial Counselor and the OIC, LSSS-East.

(b) Ensure your personnel are familiar with the common forms of predatory lending as outlined above. Assist your personnel to recognize some of the warning signs of predatory lending:

1. High interest rates;
2. Requiring borrowers to purchase additional products such as collateral insurance and credit life insurance;
3. Requiring borrowers to sign a written "Statement of Understanding" or other writing contrary to what was provided verbally by the salesman;
4. Requiring borrowers to waive their rights under the Service Members Civil Relief Act;
5. Unlawful debt collection practices, including applications containing authorization to provide debt information to commanders; and
6. Failure to comply with disclosures required by the Federal Truth in Lending Act.

(c) Unlawful debt collection practices are widely associated with predatory lending, often using military authorities as leverage to pursue collection. Accordingly, commanders and appropriate members of their staffs will become familiar with the Marine Corps policy concerning indebtedness, per Chapter 16 of reference (c), with the general nature of reference (g), and with any particularly relevant state debt collection legislation.

1. Per reference (c), it is the policy of the Marine Corps not to assist in any debt collection effort where the debt collector has not first made a bona fide effort to collect the debt directly from the service member concerned, or where the debt collector's claim is patently false or misleading, or where the debt collector's actions violate Federal law or the law of the state in which the installation is located.

2. Federal law prohibits a debt collection agency from contacting third parties, such as employers or commanders, except with the consent of the debtor or in other very limited circumstances. Of note for North Carolina commands, the law of that state imposes prohibitions not only on those hired to collect debts for others, but

on creditors as well (See references (h) and (i)). Further, per section 75-53(1)(a) of reference (i), North Carolina debtor consent given prior to default, such as the purported consent on loan application forms, is completely ineffective consent. Thus, permission must be given after default to be legally effective.

(d) Commanders and their staffs shall report questionable debt collection practices, together with the details, and any debt collection materials, to the OIC, Legal Assistance, or other person as designated by the installation commander.

(e) Ensure your personnel, particularly your new joins, receive the appropriate training concerning personal finances, predatory lending, and other scams and rip-offs.

(f) Refer personnel, as appropriate, to available resources such as the local legal assistance office, MCCS financial counselors, and the NMCRS.

(g) Encourage personnel to report practices of payday lending and other predatory practices to the local legal assistance office and/or the CIG.

5. Administration and Logistics. Point of contact for this Order is the Staff Judge Advocate, MCIEAST-MCB CAMLEJ, at DSN 751-4293, or commercial (910) 451-4293.

6. Command and Signal

a. Command. This Order is applicable to MCIEAST-MCB CAMLEJ, and its tenant and subordinate commands.

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



J. W. CLARK, JR.
Deputy Commander

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