

Who Ya Gonna Call?

Consumer Assistance Agencies

1. Like everyone else, Service members and their families are sometimes victimized by scams or otherwise need assistance dealing with by landlords, insurance salesmen, car dealers, lenders, auto mechanics, debt collectors, banks, credit reporting agencies, student loan servicers, investment brokers, building contractors, and others. There are many upstanding businessmen whose desire for profit does not drive them to take unfair advantage of their customers or to contravene the rules. Unfortunately, some are not so upstanding, and even honest people sometimes make mistakes. This article provides a non-exhaustive list of consumer agencies that may be able to assist, as well as a brief description thereof. Aggrieved consumers may complain to one or more of the agencies listed below.

2. **Military Legal Assistance Office.** The installation legal assistance office helps eligible clients address common civil (not criminal) issues. Typically, clients present with issues relating to family law, such as divorce and child support; estate planning, such as wills, powers of attorney, and advance medical directives; landlord tenant matters, such as lease termination and move out charges; and a wide variety of consumer issues. Legal assistance attorneys can advise you of your rights, prepare demand letters to the opposing party, advocate on your behalf, and prepare separation agreements and pro se divorce petitions, but will not be representing you in court. The legal assistance office is often the best first place to go because it can get the issues resolved and if not, provide referral, and serve as a portal to other resources. For example, it is often through the Legal Assistance office that cases come before the Armed Forces Disciplinary Control Board. In appropriate cases, the office can request action / assistance from the U.S. Department of Justice. In some cases, clients may be assigned a free attorney for litigation through the American Bar Association Military Pro Bono Project. Reporting the errant behavior of businesses can also help the legal assistance office identify trends, with a view towards warning service members and their families, and engaging other agencies.

3. **U.S. Department of Justice.** The Servicemember and Veterans Initiative of the US DoJ is designed to provide information to service members and their families, and to military legal assistance attorneys. To that end, it has posted useful information concerning the Servicemember Civil Relief Act (SCRA), the Uniformed Services Employment and Reemployment Rights Act (USERRA), and the Uniformed Services Citizens Overseas Absentee Voting Act (UOCAVA). Additionally, the US DoJ may investigate complaints provided either through military legal assistance offices or directly from service members and their families that involve these issues. The website of this project <https://www.justice.gov/servicemembers> provides an on line means of direct complaint. The most typical issues arising under the SCRA relate to military lease termination rights, the enforcement of storage, mechanics, or other liens through sale of property; mortgage foreclosure, repossession of vehicles purchased prior to military service, reduction of interest on pre-service obligations to 6%, and certain rights to delay or reopen civil proceedings. In general, USERRA provides that service members who leave civilian employment to serve in the armed forces have certain rights to reinstatement to their old job upon completion of military

service. The US DoJ has engaged in numerous successful enforcement actions involving or on behalf of service members. Its actions enforcing SCRA mortgage rights alone resulted in over \$300 million restitution to service members.

4. **Consumer Finance Protection Bureau.** The mission of the CFPB is to help ensure that lenders and others involved in consumer finance treat their clients fairly and play by the rules. As might be expected from the name, the Bureau enforces regulations concerning banking and finance related matters, and provides oversight to financial institutions. It also enforces various consumer finance regulations, such as those relating to debt collection and credit reporting. It accepts on-line complaints concerning matters under its authority, such as:

debt collection	credit repair	credit reporting
mortgage	credit cards	checking / savings account
vehicle loan or lease	student loan	payday loan
car title loan	personal loan	check cashing
money transfer	virtual currency	

The Bureau reviews the complaints, requests a response from the business and may conduct further investigation. Often, such action resolves the complaint. Additionally, consumer complaints can help the Bureau identify targets for enforcement action; generally businesses that engage in a pattern of unfair or deceptive practices. Thus far, Bureau enforcement actions have extracted over \$12 billion from the hands of law breaking businesses and put it into the hands of harmed consumers, including \$200 million to military service members. Such complaints also help give the CFPB a good picture of the market and help it to craft regulations to prevent consumer problems from arising. The website is also a terrific source of consumer information on a variety of topics. <https://www.consumerfinance.gov/>

5. **State Attorney General.** Every state has an attorney general, heading an office whose mission includes the enforcement of consumer laws. The attorneys general of both North and South Carolina accept consumer complaints on-line. Upon receipt of such a complaint, the office of the attorney general will typically request a response from the alleged offender, often resolving the issue this way. The NC Department of Justice, consumer affairs has also designated a military liaison with who service members and their dependents can consult: David Fox, dfox@ncdoj.gov, (919) 716-6000. Further, the attorney general can pursue civil and sometimes even criminal actions against law breaker businesses. The more complaints the attorney general receives about a particular business, and the greater the harm, the more likely it is that the office will pursue such litigation. Such actions can result in penalties and cease and desist orders for the business, and restitution for the victims. The state attorney general has authority to enforce a broad range of state laws, including, but not limited to, laws governing auto sales and repair, landlord / tenant issues, telemarketing fraud, debt collection, mortgages and home loans, home improvement and repair, phony charities, and a wide variety of unfair or deceptive acts business practices. The web page of the state attorney general may also be a particularly good resource for learning about state law, consumer protection, and on-going scams in your area.

6. **Federal Trade Commission.** The web site of the FTC contains a wealth of information concerning consumer issues. It is also probably the single best source to consult in determining specific steps to take to recover from identity theft. The FTC may take action to enforce the dozens of statutes under its cognizance, including, but not limited to, laws relating to debt collection, credit reporting, truth in lending, telemarketing fraud, do not call registry, phony charities, credit repair, equal credit opportunity, electronic funds transfers. The FTC Act itself prohibits unfair methods of competition and unfair or deceptive business practices. Although the FTC is unlikely to investigate an individual complaint or ask for a response from the alleged offender, the FTC can and will sue businesses for penalties, damages, and restitution where there is widespread harm. Based on consumer complaints and other information, FTC may also decide to go through the lengthy process to promulgate a trade regulation rule. Its three day cooling off rule for home solicitation sales is an example of such a trade regulation rule. Finally, the consumer complaints help the FTC inform Congress concerning the marketplace.

7. **Armed Forces Disciplinary Control Board.** The commander of a military installation may designate a location or business off limits to military personnel when there is information indicating that the establishment or area presents conditions adversely affecting the health, safety, welfare, morals, or morale of service members. The rules and procedures for off-limits designation are provided in a joint forces order, published in the Marine Corps as MCO 1620.2D, available at the Marine Corps electronic publications website. Individual installations may enact additional implementing regulations. In emergency situations, the installation commander can designate the business off-limits prior to a hearing, giving the business an opportunity to be heard only after the action has been taken. In most cases however, the commander will not act unless there has first been a hearing before the Armed Forces Disciplinary Control Board. Information may come to the attention of the AFDCB from a variety of sources, such as: law enforcement reports, health inspector reports, enforcement actions taken by public agencies, and consumer complaints. While aggrieved consumers may complain directly to the office of the installation inspector (or whatever officer serves as the AFDCB resident) it is often more useful to make complaints first to the legal assistance office, which can take statements and information, explain the law, determine the relevance of other documents and information, and bundle together the complaints for presentation before the AFDCB. The AFDCB will generally not take action on the basis of a single complaint, unless the harm is especially severe or the complaint seems to indicate a routine business practice. Upon the receipt of information tending to indicate adverse conditions, the AFDCB will (a) take no further action, or (b) issue a warning to the business, or (c) invite the business to show-cause why it should not be designated as off-limits. Through this process, businesses often take corrective action. After the hearing, the AFDCB will make a recommendation to the installation commander concerning off limits designation.

8. **Department of Insurance.** The North and South Carolina Departments of Insurance provide a wealth of consumer information on their respective websites concerning life, health, auto, and homeowner's insurance, and provide a contact phone number for consumer inquiries: NC (855) 408-1212; SC (803) 737-6180, toll free (800) 768-3467. They each accept on-line complaints / requests for assistance. They will request a response from the insurer and demand corrective

action as needed. On occasion, they may conduct their own investigation and, as warranted, revoke the offender's license to sell insurance. Historically, service members have been the victims of fraudulent life insurance sales; so much so that North Carolina enacted a statute containing a detailed list of prohibited practices relating to insurance sales to service members [Dishonest and Predatory Sales to Military Personnel, NC Gen Stat 58-58-320 et seq]. South Carolina's Administrative Code contains similar provisions [SC Admin Code, Military Sales Practices, 69-65]. Both states allow consumers 10 days upon delivery of the policy to cancel and receive a refund of any premium payments.

9. **NC Department of Motor Vehicles: License and Theft Bureau.** The DMV issues and revokes drivers' licenses and keeps driving records. In addition, the NC DMV has a License and Theft Bureau that employs approximately 150 inspectors who investigate vehicle theft, title fraud, driver license and ID card fraud, and vehicle odometer fraud. They also enforce the rules and regulations governing vehicle dealers, vehicle towing and storage facilities, vehicle repair businesses, and other matters. Further, motorists whose driver's license and registration information has been lost or stolen and who believe they may be the victim of identity theft are encouraged to contact the Bureau promptly. The Bureau can initiate criminal prosecutions, or take action resulting in civil fines and revocation of a dealer's license to sell vehicles. The Bureau's website provides additional information and has a platform for sending in specific questions. The site has a complaint form that can be downloaded, filled out, and sent to the Bureau. The site assists in locating different regional offices. The Onslow County field office is located at 299 Wilmington, Hwy, Jacksonville, NC 28540, (910) 455-8835. It is open Monday-Thursday 0800-10:00. The Bureau has proved very helpful in assisting consumers, and in particular with addressing certain types of auto finance scams.

10. **SC Department of Motor Vehicles.** The SC DMV accepts on-line complaints about motor vehicle dealers under its jurisdiction. Go to the website: <http://www.scdmvonline.com/> Type "complaint" in the search box, and click on AD 800C in the drop down box. Email the complaint to the appropriate address as indicated on the form. The SC DMV may initiate action to revoke a dealer's license to sell motor vehicles.

11. **NC Real Estate Commission.** The North Carolina Real Estate Commission oversees not only the sale of real estate, but also the leasing of real estate by licensed property managers (but not individual homeowners/ landlords). The NCREC accepts on-line complaints and encourages buyers, sellers, landlords, tenants, and other persons involved in real estate transactions who believe that they have been defrauded or victimized by the improper or incompetent acts to report their complaints to the Real Estate Commission. The Commission will review the complaint and investigate as deemed appropriate. If there is probable cause to believe a rule or regulation has been violated, a hearing may be ordered. Potential sanctions include a reprimand, license suspension, or license revocation.

12. **SC Real Estate Commission.** The South Carolina Real Estate Commission accepts on-line complaints concerning alleged violations of SC real estate licensing law, but not concerning landlord / tenant issues. Upon receipt of a complaint within its jurisdiction, the Commission

conducts an investigation to determine whether a violation occurred. The investigative report is presented to the Investigative Review Committee (IRC) which may recommend dismissal of the complaint, offer of a consent agreement, or direct a hearing. The complainant should be prepared to testify in a hearing before the Commission if a hearing is required and the matter has not been otherwise resolved. The Commission does not review or assist with the following types of complaints: Contract matters such as questions about listing agreements, management agreements, sales contracts and leases for; earnest money or security deposit disputes; disputes over payment for services either by or to a licensee; disputes with your landlord about property condition, past due rent, eviction notices and the like; complaints that do not involve a licensed real estate licensee; complaints about managers of homeowners associations; and complaints relating to licensee ethical behavior or poor business manners.

13. **Housing Inspector**. Sometimes tenants have a hard time motivating landlords or property managers to repair serious defects in a timely manner. Judicial remedies to resolve such problems include lawsuit for rent recovery (refund of rent paid in excess of the fair market value of defective premises) and rent abatement (judicial order lowering future rent until adequate repairs are made). However, such remedies can be cumbersome, time consuming, and may involve attorney fees and multiple trips to the courthouse. Sometimes a more efficient remedy is a complaint to the local building inspector (if there is one), whose job is to enforce state /local laws concerning building construction and facilities (e.g., air conditioning or plumbing) [NC Gen Stat 160A-412]. The Onslow County Housing Inspector can be reached at: (910) 989-3071 / (910) 989-3086. Upon receipt of a complaint, the building inspector will investigate and, if the complaint is validated, direct that repairs be made. Note that every housing defect is not within the province of the building inspector, only those that violate minimum housing standards, local building ordinances, or state law.

14. **NC Licensing Board for General Contractors**. Consumers sometimes have a complaint concerning a major construction project, such as an in ground pool or kitchen remodeling. Such builders are required to have a general contractor's license to engage in projects in excess of \$30,000. (Sometimes contractors attempt to split up costs into separate contracts to stay under the threshold and evade this requirement.) General Contractor licenses are issued by the NC Board of General Contractors. The Board also has the authority to refuse to issue or renew, or revoke, suspend, or restrict a certificate of license, or to issue a reprimand, or take other disciplinary action if a general contractor is found guilty of any fraud or deceit in obtaining a license, or gross negligence, incompetency, or misconduct in the practice of his or her profession, or willful violation of the applicable laws. The Board's website <https://nclbgc.org/> posts applicable laws and regulations, and has a platform for the acceptance of on-line complaints concerning (a) licensed general contractors, or (b) unlicensed contractor engaging in a project costing \$30,000 or more. The site also provides information concerning the homeowners' recovery fund, designed to compensate homeowners defrauded by general contractors.

15. **NC Specialty Contractor Boards**. NC State Boards issue licenses and provide oversight for the activities of contractors in specialized fields, including: Plumbing and Heating

Contractors, Electrical Contractors, and Refrigeration Contractors. The State Boards for each of these specialties post information to their website and accept on-line complaints.

-Plumbing and Heating: <http://www.nclicensing.org/> Phone: (919) 875-3612

-Electrical: <http://www.ncbeec.org/> Phone: (919) 733-9042

-Refrigeration: <https://www.refrigerationboard.org/>

16. **SC Department of Labor, Licensing, and Regulation.** The SC LLR Board provides oversight for a wide variety of occupations that require a license. Its Office of Inspections and Investigations investigates allegations of violations of a professional or occupational practice act. <http://www.llronline.com/index.asp?file=pol/oie.htm> Phone: (803) 896-4470

17. **NC Secretary of State.** The NC Secretary of State is best known for its large, searchable, publically available, corporation database. The NC SecState also protects consumers from investment fraud, and is particularly concerned with such frauds targeting service members and older persons. The securities section accepts on line complaints concerning investment fraud and deception https://www.sosnc.gov/forms/by_title/_securities . The general number for the NC SecState is 919-814-5400. The office has several sections, including: trademarks, lobbyists, notaries public, land records, and charitable solicitation registration. The SecState also maintains an on line platform for the voluntary filing of advance medical directives.

18. **SC Secretary of State.** The Secretary maintains a searchable business entity database, registers trademarks, and commissions and provides oversight to state notaries. The Secretary does not, however, accept or investigate complaints concerning business entities.

19. **NC Adult Protective Services.** Adults with disabilities, including people with mental infirmity due to age, may be vulnerable to abuse, neglect and exploitation. County departments of social services receive and evaluate reports to determine whether disabled adults are in need of protective services. The DSS can evaluate the situation, help the disabled adult and family / caretaker develop a plan to prevent abuse and exploitation, report misconduct to other authorities, and take court action (such as the appointment of an guardian) to protect the adult. DSS services are available regardless of income, The NC DSS website contains a county by county listing of DSS office addresses and phone numbers.

Onslow County (Camp Lejeune):

DSS: (910) 455-4145

Adult Protective Service (910) 989-0230

<https://www.onslowcountync.gov/363/Adult-Protective-Services-APS>

Craven County (MCAS New River)

DSS: (252) 636-4900

Reports can be made 24 hours/day, 365 days/year by calling the Craven County Sheriff Department at 252-633-2357 on nights, weekends, & holidays. Ask for the on-call social worker.

20. **SC Adult Protective Services**. The Adult Protection Service (APS) of the South Carolina Department of Social Services coordinates services to individuals who are 18 or older and are the victims of actual or potential abuse, neglect, self-neglect or exploitation. APS investigates allegations of abuse or neglect, assesses victim needs, coordinates services, and may intervene in court. Reports may be made on line <https://dss.sc.gov/abuseneglect/report-abuse-and-neglect-of-a-vulnerable-adult/> or can be made to the DSS where the victim resides, or to local law enforcement. Reports may be made anonymously.

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