DEPARTMENT OF THE ARMY
HEADQUARTERS, III CORPS AND FORT HOOD
1001 761ST TANK BATTALION AVENUE
FORT HOOD, TEXAS 76544-5000

COMMAND POLICY
DES-01

REPLY TO
ATTENTION OF
IMWE-HOD-ESP

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Off-Limits Establishments/Areas

1. REFERENCES.

a. AR 190-24, Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations

b. AR 5-9 Area Support Responsibilities

c. AR 11-2 Management Control

d. AR 195-2 Criminal Investigation Activities

e. AR 380-13 Acquisition and Storage of Information Concerning Nonaffiliated Persons and Organizations

f. DODD 1010.4 Drug and Alcohol Abuse by DOD Personnel

g. DODD 5400.7 DOD Freedom of Information Act (FOIA) Program

h. Uniform Code of Military Justice

i. 18 United States Code 1385 Posse Comitatus Act

2. APPLICABILITY. This policy applies to all Fort Hood units and personnel.

3. POLICY. In accordance with the recommendations of the AFDCB the locations listed below are off-limits to military personnel. As a matter of policy, a change in ownership, management, or name of any off–limits establishment or area does not, in and of itself, revoke the off–limits restriction.

a. Colonial Real Estate Property Management, Sales and Investments, Inc., 580 E. Centex Expressway, Harker Heights, TX 76548, and by extension any business owned or operated by Mrs. Patsy Cooney or Mr. John Cooney.

b. Club Hypnotic, 1000 W Stan Schlueter Loop, Killeen, TX 76549.

c. All unlicensed tattoo parlors. (Service Members should ask to see the Business Permit and most recent Health Inspection of the business).

d. All Drug Paraphernalia vendors and all places having such items for sale. To include any items prohibited by command policy letter SJA-03.

e. That area of the Colorado River from the Tom Miller Dam downstream to a point 1.2 miles below Montopolis Bridge, to include all sand pits next to the Colorado River in that area (for swimming and wade fishing only due to unsafe currents).

f. That area of Lake Austin within 500 yards of Mansfield Dam (for swimming and wade fishing only due to unsafe currents).

4. Paragraph 3 of this Memorandum is punitive, and is intended to be a lawful general order within the meaning of Article 92 of the Uniform Code of Military Justice (UCMJ). Violation of that paragraph may result in punitive action under the UCMJ, adverse action, or both.

5. EXPIRATION. This Command Policy Memorandum supersedes FH Regulation 600-40 dated 1 February 1999. The proponent for this memorandum is the Directorate of Emergency Services at (254) 553-0469. This policy will remain in effect until superseded or rescinded.

WILLIAM F. GRIMSLEY
Major General, USA
Acting Commander

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IAW FH Form 1853: A

ENCLOSURE 1: ESTABLISHMENT OR AREAS RECOMMEDED FOR OFF-LIMITS DESIGNATION.

DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT HOOD
FORT HOOD, TEXAS 76544-5000

REPLY TO
ATTENTION OF

IMWE-HOD-ZA

JUN 28 2010

MEMORANDUM FOR All Service Members within the Fort Hood, Texas Area of Responsibility IAW AR 5-9

SUBJECT: Establishments or Areas Recommended for Off-Limits Designation

1. On 24 June 2010, I approved the recommendation of the Armed Forces Disciplinary Control Board (AFDCB) to place off-limits Colonial Real Estate Property Management, Sales & Investments, Inc. (Colonial). The AFDCB made the recommendation based upon facts presented that indicate longstanding unfair commercial practices of Colonial directed at Service members in the Fort Hood area.

2. Service members are prohibited from entering into residential lease or property management contracts with Colonial on or after 1 July 2010.

3. For Service members that have existing property management or residential lease contracts as either the owner or renter, these Service members are permitted to maintain the property management contract until it expires, or lease contract for as long as they choose to remain at that same property. Service members who have existing property management/lease contracts should refer to the attached info paper to clarify questions regarding their situation.

4. Paragraph 2 of this memorandum is punitive and intended to be a lawful general order within the meaning of Article 92 of the Uniform Code of Military Justice (UCMJ). Violation of that paragraph may result in punitive action under the UCMJ, adverse action, or both.

Encl

WILLIAM F. GRIMSLEY
Major General, USA
Acting Commander

INFORMATION PAPER

MAJ ELIZABETH A. MCFARLAND

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Subject: Existing Lease Agreements with Colonial Real Estate Property Management, Sales & Investments, Inc.

1. Reference. The Armed Forces Disciplinary Control Board recommendation and the Commanding General's decision to place Colonial Real Estate Property Management, Sales & Investments, Inc. off limits to Service Members. This company will be referred to as Colonial Property Management.

2. This info paper is intended to serve as a guide for Active Duty Service Members who currently have entered into a lease agreement and are leasing property managed by Ms. Patsy Cooney or Colonial Property Management.

3. Colonial Property Management should not be confused with another Real Estate Company with a similar name, ERA Colonial Real Estate. ERA Colonial Real Estate who currently enjoys a Better Business Bureau rating of A- is not off-limits; however, the company Colonial Property Management is rated at D- and is off-limits. ERA Colonial Real Estate is physically located across from Colonial Property Management. This fact may cause some initial confusion. Please be advised that Colonial Property Management is currently headquartered at 580 E. Central Texas Expressway, Harker Heights, Texas 76548 in a shopping plaza whereas ERA Colonial Real Estate has its own separate building located at 777 Indian Trail, Harker Heights, Texas 76548. According to the information provided to the Armed Forces Disciplinary Control Board ERA Colonial has no current affiliation with Colonial Property Management or Ms. Patsy Cooney or her agents, associates or business partners.

4. **CURRENT RENTER:** All Active Duty Service Members who currently have entered into any lease agreement with Colonial Property Management will be grandfathered from punitive sanction during the terms of their existing contract if the contract was entered into before 1 July 2010. Please note that your grandfathering exception authorizing continued leasing of a residence serviced by Colonial Property Management shall expire when you move from your residence.

A. If you are currently renting and have entered into a lease agreement prior to 1 July 2010 with Colonial Property Management, we recommend that you take no action to curtail your lease agreement during its current term. We expect Colonial Property Management to continue to fulfill their responsibility under existing leases and we are hopeful that questionable business practices will cease in the future. Should Colonial

Property Management demonstrate responsible and significant improvements in business practices, they may later be removed from the off-limits list.

B. Some of the concerns and questionable business practices conducted by Colonial Property Management include:

(1) Charging prospective tenants large up-front fees prior to lease signing which is kept by Colonial Property Management as liquidated damages if the tenant thereafter fails or refuses to sign a lease. Such practice is used to coerce tenants into accepting lease terms (for example SCRA waiver) they might ordinarily refuse but for fear of forfeiting this up-front fee.

(2) Charging tenants excessive and often unnecessary cleaning and/or damage fees in order to keep the tenant's entire security deposit, and often charging tenants amounts in addition to the deposit withheld.

(3) Failing to make diligent efforts to mitigate damages when a tenant vacates prior to the expiration of the lease, and dragging out repairs and cleaning resulting in prolonged pro-rated rent for the vacating tenant.

(4) Assessing excessive charges against tenants for having pets at leased properties.

C. As Service Members complete their lease terms and choose to vacate the premises to move to another location, we request that you complete an exit survey.

The intent of this survey is to gain greater situational awareness of how property management companies are dealing with Service Members who have leased property in the Central Texas area. You may pick up the survey from the Fort Hood Housing referral office located in the Copeland Soldier Service Center, Building 18010, Room B209, on the corner of Battalion & T.J. Mills Boulevard, (254) 287-4212 or you may down load it from the Fort Hood Home page under Housing, http://www.hood.army.mil/housing.aspx

5. **PROPERTY OWNERS:** All Service Members who currently have entered into and have property management contracts to manage property they own with Colonial Property Management will be grandfathered from punitive sanction during the terms of the existing contract and as long they own that specific piece of real estate property and choose to extend the existing management contract. If your property is currently being managed by Colonial Property Management we recommend that you search for a replacement management company as a precaution should you later choose to change companies.

6. The intent of this off-limits restriction is not to punish Colonial Property Management, property owners or renters. The purpose of the off-limits restriction is to protect Service

Members from unfair commercial practices that have the potential to cause undue hardship for consumers. The Armed Forces Disciplinary Control Board is mindful of the fact that some owners utilizing the services of Colonial Property Management may be upset by this action. The board discussed at length the impact on property owners and was mindful of the disruption some owners may experience during this potentially painful transition period. The decision of the Commanding General was made after serious deliberation from the board which concluded it was necessary to recommend placing Colonial Property Management off-limits. In summation, owners and renters who are subject to punitive UCMJ jurisdiction are prohibited from entering into any completely new continuing business relationships with Colonial Property Management effective 1 July 2010.

7. Any questions related to the action can be addressed at the Client Services Office, Legal Assistance, located in Bldg 4617, at 72d and Santa Fe, or by calling (254) 287-7901 or (254) 287-3199 or emailing us at hood.3c.sjalegalasst@conus.army.mil

Off limits:

Colonial
Real Estate
Property Management

Not off limits:

ERA COLONIAL REAL ESTATE