

July 23, 2008

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Mr. Richard D. LaRonde, Adjutant  
Wilson-Blackmer Chapter #105  
Disabled American Veterans  
P.O. Box 341  
Lake, MI 46832

Dear Mr. LaRonde:

The Constitution and Bylaws for Wilson-Blackmer Chapter #105, Department of Michigan, is hereby approved as of this date.

A copy of this document is being returned to Chapter #105, a copy is being sent to the Department of Michigan, and a copy is being retained in our permanent files here at National Headquarters for future reference.

Sincerely,

COPY

MICHAEL E. DOBMEIER  
National Judge Advocate

MED:as  
Enclosure

c: Department of Michigan ✓

**CONSTITUTION AND BYLAWS OF  
WILSON-BLACKMER CHAPTER 105  
LAKE MICHIGAN 48632**

**CONSTITUTION**

**ARTICLE 1 – NAME**

The name of this Chapter shall be Wilson-Blackmer Chapter #105, Department of Michigan, DISABLED AMERICAN VETERANS.

**ARTICLE II – PURPOSE**

The purpose of this Chapter is to build better lives for all our nation's disabled veterans and their families and, in furtherance of that purpose, to support the programs of the Disabled American Veterans as provided in the National Constitution and Bylaws and Regulations of the National Executive Committee.

**ARTICLE III – MEMBERSHIP**

Membership in this Chapter shall conform with the requirements as set forth in the National Constitution and Bylaws. There shall be no associate, special or honorary membership in this Chapter.

**ARTICLE IV – ADMINISTRATION**

Section 1: The administrative affairs of this Chapter shall be vested in the Chapter Executive Committee in emergencies only and all other actions of the Chapter Executive Committee must be ratified by a majority vote of those Chapter members present and voting, at the next regular Chapter meeting.

Section 2: The Chapter Executive Committee shall be composed of the Commander, Senior Vice Commander, Junior Vice Commander, Treasurer and any elected Chapter officers.

Section 3: At the time specified in the Chapter Bylaws, the Chapter shall elect annually a Commander, Senior Vice Commander, Junior Vice Commander, and a Treasurer. Such other officers as may be necessary to operate the Chapter may be appointed by the Commander, with the approval of the Chapter. Neither the Chapter Commander nor any Chapter Vice Commander may serve as Chapter Adjutant or Treasurer.

**ARTICLE V – EXECUTIVE**

The executive power of this Chapter shall be vested in the Chapter Commander.

## **ARTICLE VI – AUXILLIARY**

This Chapter recognizes a DAV Auxiliary, subject to such supervision as conforms with the National and Department Constitution and Bylaws of both organizations.

## **ARTICLE VII – AMENDMENTS**

This Constitution may be amended at any Chapter meeting by a vote of two-thirds of those Chapter members present and voting, subject to approval of the Department and National Judge Advocates, and effective only after the date of said approval, provided that any such amendment is read at two (2) meetings and that all Chapter members were notified of the proposed change prior to each of the two (2) meetings.

## **BYLAWS**

### **ARTICLE 1 – ORGANIZATION**

Section 1: This Chapter recognizes the National Organization known as Disabled American Veterans, incorporated by Act of Congress, and affirms its allegiance, and subordination to the National Organization, its Constitution, Bylaws and all rules, mandates and regulations promulgated pursuant thereto. Upon dissolution of the Chapter, the assets remaining after the payment of its debts shall be distributed as provided in Article 6, Section 6.4. Paragraphs 5 and 6, of the National Bylaws

Section 2: The governing body of this Chapter shall be the Chapter in session, except as otherwise provided in this Constitution and Bylaws.

Section 3: Minutes of the meetings of the Chapter, including the Chapter Executive Committee, shall be kept and be available for inspection by any Chapter member.

### **ARTICLE 2 – CHARTER**

The Charter of this Chapter, issued by the National Executive Committee, is its authority to function and shall be displayed behind the Commander's station at all regular meetings.

### **ARTICLE 3 – EXECUTIVE COMMITTEE**

Section 1: The Chapter Executive Committee shall be composed of the Commander, Senior Vice Commander, Junior Vice Commander, Treasurer and any other elected Chapter Officers.

Section 2: Meetings of the Chapter Executive Committee will be called by the Commander, or at the request of a majority of its members, made in writing to the Commander.

**Section 3:** Appointed officers, committee chairmen and other Chapter members may attend the Chapter Executive Committee meetings, but without the right to vote.

**Section 4:** A majority of the members of the Chapter Executive Committee shall constitute a quorum.

**Section 5:** The Chapter Executive Committee may act for the Chapter only in emergencies and at all other times shall recommend courses of action to the Chapter in session.

**Section 6:** The Executive Committee also act as a Resolution Committee, and no resolution shall be adopted by the Chapter unless first submitted to the Executive Committee for its recommendations, except by a three-fourths affirmative Chapter vote.

**Section 7:** In the event the Executive Committee fails to make recommendations upon any matter referred to it within a reasonable time, the Chapter, by majority vote, may act upon such matter without receiving the recommendations of the Committee

**Section 8:** The minutes of each meeting of the Executive Committee shall be read at the next following regular Chapter meeting by the Adjutant. The approval of the minutes by the Chapter shall constitute an approval of the recommendations and actions taken by the Executive Committee as reported in such minutes. When the minutes are read, any Chapter member may request that any part thereof be discussed or voted upon separately. The Executive Committee shall hold one regular meeting each month on the fourth Tuesday at 7:00 p.m. and may hold special meetings upon the call of the Chairman or the Commander, or any three (3) members of the Committee who may request the same in writing. Notice of the time and place of each special meeting shall be given in writing to each member of the Committee not less than forty-eight (48) hours prior to the holding thereof except with the unanimous consent of all members of the Committee. A majority of the members of the Committee shall constitute a quorum.

**Section 9:** One of the purposes for the creation and continuance of the Executive Committee shall be to provide a means for the consideration and discussion of routine and other business affairs of the Chapter and to make recommendations to the Chapter of desired action. This will serve to reduce the time, which might otherwise be consumed during Chapter meetings to provide for earlier adjournment and time for entertainment and social activities. However, the sole power to approve or disapprove such recommendations, or to act, in whole or in part, contrary thereto, shall remain in the hands of the Chapter

#### **ARTICLE 4 – OFFICERS**

**Section 1, Para. 1:** The Chapter shall elect annually a Commander, Senior Vice Commander, Junior Vice Commander, and a Treasurer. Neither the Chapter Commander nor any Chapter Vice Commander may serve as Chapter Adjutant or Treasurer.

Para 2: The Commander, with the approval of the Chapter, shall appoint the Adjutant and Chapter Committees.

Para 3: Such other officers as may be necessary to operate the Chapter may be appointed by the Commander, with the approval of the Chapter.

Para 4: A Chapter officer report shall be submitted to the State Department and National Organization within ten (10) days after the installation of newly elected or appointed Chapter officers or in the event of any subsequent change in the Chapter officers during the membership year.

Para 5: There shall be no voting by proxy or by absentee ballot. Only members in good standing and present shall be entitled to vote on any question or at any election. The presiding officer shall be entitled to vote only in case of a tie or where the voting is by written ballot.

Section 2, Para 1: The Commander shall be the presiding officer at all Chapter meetings, and, in his/her absence, the duty will fall to the next highest officer in line of succession who is present.

Para 2: The Senior Vice Commander shall be the Membership Chairman and as such is responsible for campaigns to increase membership.

Para 3: The Treasurer shall keep an accurate record of all monies received and disbursed and shall deposit any monies received as soon as possible. The Treasurer shall make a report on Chapter finances at each meeting and records shall be open to any member when a request is made in writing through the Executive Committee. An annual financial report, in accordance with the requirements of the National Bylaws, shall be submitted to the State Department and National Organization within ninety (90) days after the close of the accounting year of the Chapter.

Section 3, Para. 1: Upon election or appointment, and installation of the successor to any such Chapter office, all Chapter property in his or her predecessor's possession shall be surrendered to the newly installed officer.

## **ARTICLE 5 – QUALIFICATIONS**

Section 1: Any person who is a member of this Chapter shall be eligible to any elective or appointive office in this Chapter, except as otherwise provided in this Constitution and ByLaws.

## **ARTICLE 6 – TENURE OF OFFICE**

Section 1: Officers for the Chapter shall be nominated during the April meeting and again immediately prior the May election meeting.

Section 2: Elected and appointed officers shall be installed within thirty (30) days of their election or appointment. They shall serve for one (1) year or until newly elected or appointed officers have been installed.

Section 3, Para. 1: The Chapter may direct that notice be sent to any elective or appointive officer who has failed to attend three (3) consecutive meetings of the Chapter or who, in the opinion of the Chapter, does not appear to fulfilling the duties of his/her office, stating that at the next regular meeting (giving the time and place), the matter of his/her recall from office will be considered. At the meeting set forth in such notice, the Chapter, by a vote of two-thirds of those Chapter members present and voting, may declare such office vacant and such officer recalled. If an elective officer, his/her office shall be filled by nomination and election at the same meeting. If an appointive officer, the Commander shall appoint another member to fill such vacancy with the approval of the Chapter.

Para. 2: In the event the office of Commander shall be vacated for any reason, the Senior Vice Commander shall be elevated to Commander, Junior Vice Commander to Senior Vice Commander and the vacancy filled as outlined in Para. 1 of this Section.

Section 4: It shall require a majority vote of those Chapter members present and voting to elect a candidate for any Chapter office. It shall also require a majority of votes cast to elect delegates or alternates to a State or National Convention.

#### **ARTICLE 7 – MEMBERSHIP**

Section 1: No new applicant shall be denied Chapter membership if he or she meets the eligibility requirements as set forth in the National Constitution and Bylaws.

Section 2: Only members of the Chapter in good standing or eligible to vote on any motion or at any election.

Section 3: Members of another Chapter may secure a transfer of membership to this Chapter, with the approval of the membership of this Chapter.

Section 4: Each member accepting or retaining membership in the Chapter agrees to be bound by this Constitution and Bylaws and the DAV National and Department Constitution and Bylaws, now in force or hereafter adopted or amended. Each member also agrees not to bring any action in any court of law or equity relating to his/her rights or privileges as a member or officer until all remedies provided by this Chapter's Constitution and Bylaws and the State and National Constitution, Bylaws and lawful mandates have been exhausted.

### **ARTICLE 8 – FINANCES**

Section 1: The Treasurer or other designated officer shall deposit all monies in the name of the Chapter and shall countersign with the Commander or on other designated Chapter officer on all checks.

Section 2: The Treasurer or other designated Chapter officer shall be charged with handling normal finances in the operation of the Chapter.

Section 3: Membership dues shall be as provided in the National Bylaws.

### **ARTICLE 9 – MEETINGS**

Section 1: Regular Chapter meeting will be held on the seconded Tuesday of each month.

Section 2: Place and time of meeting shall be determined by the desires of the Chapter.

Section 3: The Chapter must hold at least four (4) regular meetings with a quorum present within a membership year.

Section 4: Special meetings of the Chapter may be called by the Commander whenever the Commander may deem it necessary, or when the Commander is requested in writing to do so by ten (10) or more Chapter members. The call of any such special meeting shall specifically state the purpose for which it is called. No other business, not specified in the call, shall be transacted at the special meeting.

Section 5: Rules of Chapter meeting shall be as follows:

**RULE 1.** A quorum shall consist of seven (7) members in good standing, of which at Least two (2) must be elected Chapter officers

**RULE 2.** Robert's Rules of Order, Revised, shall govern the Chapter in all cases to which they are applicable and in which they are not inconsistent with this Constitution and Bylaws, the Department Constitution and Bylaws, or the National Constitution and Bylaws.

**RULE 3.** Discussion of personal grievances will not be in order on the floor unless introduced by the Grievance Committee or other Committees having the authority to consider any such matters.

**RULE 4.** Matters concerning only an individual member, with respect to his or her own personal interest, shall not be in order but may be taken before the proper Committee.

**RULE 5.** Voting shall be by voice unless otherwise requested by at least seven (7) members.

**RULE 6.** The order of business at any regular Chapter meeting shall be as prescribed in the Official DAV Ritual and as dictated by the needs of the Chapter.

#### **ARTICLE 10 – COMMITTEES**

**Section 1:** All Chapter committees will meet at the call of the Chairman or Commander, or as otherwise provided in this Constitution and Bylaws.

**Section 2:** Committees shall consist of not less than three (3) nor more than seven (7) members (except as may otherwise be herein provided), including the Chairman. Committees shall be appointed by the Commander, with the approval of the Chapter.

**Section 3:** The Chapter shall have an Audit Committee composed of at least three (3) members of the Chapter, excluding the Commander, Senior Vice Commander, Treasurer, Adjutant and Finance Committee Chairman. The Audit Committee shall conduct an annual audit in accordance with the requirements of the National Bylaws.

#### **ARTICLE 11 – OFFICERS AND THEIR DUTIES**

**Section 1:** The Commander, or in his/her absence the next highest officer, shall preside at all regular or special meeting of the Chapter, He/She shall maintain order and dispatch such business as may legally come before him/her. All checks or vouchers issued by the Chapter Treasurer must be countersigned by the Commander. He/She shall perform all other duties that may reasonably be assumed to be incidental to his/her office, including those set forth in this Constitution and Bylaws and in the Official DAV Ritual, and such other duties as may be lawfully delegated to him/her by the Chapter.

**Section 2:** The Senior Vice Commander and Junior Vice Commander, in the order named, shall perform the duties of the Commander in the event of his/her absence. If the Commander should die, resign or be removed, the same order or authority would be in effect until a new commander is elected.

**Section 3:** The Adjutant is responsible for keeping the Chapter's records and conducting the Chapter's official correspondence. He/She must keep detailed records of the Chapter's meetings and business affairs. All motions considered by the Chapter should be recorded along with the names of the members who make, second, or speak on motions. The Adjutant is responsible for the membership records and should make certain they are kept up to date.

At each business meeting, the Adjutant should read the minutes of the preceding meeting and make sure that a motion of approval or rejection is passed.

At each Chapter meeting, the Adjutant should read all correspondence received between meetings and see that all matters which require action by the Chapter are properly



disposed of. He/She should answer all correspondence promptly and file copies of his responses with the Chapter records.

The adjutant shall work closely with the Commander, Treasurer, and other Chapter officers in order to efficiently carry out the duties of his office.

**Section 4: The Treasurer** shall receive and immediately deposit all the Chapter's money in a bank account in the name of the Chapter without and deductions or offsets. He/She shall make authorized disbursements only by checks or vouchers signed by himself and countersigned by the Commander. He/She shall keep a system of accounts approve by the Chapter and shall preserve all receipts and checks or vouchers for payments made. He/She shall render a monthly report of receipts and expenditures to the Chapter not later than the first regular Chapter meeting following the last day of each calendar month. An annual financial report, audited and approved by the Chapter Audit Committee, shall be submitted to the State Department and National Organization within ninety (90) days after the close of the accounting year of the Chapter, as required by the National Bylaws.

**Section 5: The Senior Vice Commander** shall perform the duties of his station as set forth in the Official DAV Ritual. He/She shall encourage friendship among the members of this Organization, discourage discord, and promote harmony. Subject to the direction of the Chapter, he/she shall act as Chairman of membership solicitation activities to the end that every eligible veteran may become a member. With the approval of the Chapter, the Senior Vice Commander may appoint one or more members to assist him/her in such membership activities.

**Section 6: The Junior Vice Commander** shall perform the duties of his/her station as set forth in the Official DAV Ritual. He/She shall see that every member is given a reasonable opportunity to state his/her views on any subject under discussion in a meeting of the Chapter, not inconsistent with this Constitution and Bylaws or Robert's Rules of Order. He/She shall, at all times, encourage loyalty to the United States of America, to the DAV, and to members of the Chapter. Subject to the direction of the Chapter, he/she shall act as Chairman of the Americanism activities of the Chapter and, with the approval of the Chapter, may appoint on or more members to assist him/her as such Chairman.

**Section 7: The Chaplain** shall perform the duties of his/her station as set forth in the Official DAV Ritual. He/She shall visit the sick and comfort the families of those members who pass away. He/She shall be responsible for encouraging attendance at DAV conducted funerals and the proper conduct thereof. Subject to the direction of the Chapter, he/she shall act as Hospital Visitation Chairman and, with the approval of the Chapter, may appoint on or more members to assist him/her as such Chairman.

**Section 8: The Historian** shall keep a brief history of the activities of the Chapter during his/her term of office, to be kept as a permanent record of the Chapter. He/She shall also act as Publicity Officer of the Chapter and regularly furnish proper publicity materials to local newspaper, radio stations and television outlets, as well as official DAV National

and Department publications, with the approval of the Commander and the Executive Committee. No other member shall cause any publicity to given to any Chapter activity or concerning the Chapter without the approval of the Chapter.

**Section 9: The Service Officer** shall advise and assist veterans disabled in line of duty during time of war, and their dependents, in the preparation and processing of their claims for benefits from any government agency. He/She shall also assist them in securing suitable, gainful employment.

**Section 10. The Judge Advocate**, upon the request of the Commander of the Chapter, shall render an opinion upon all parliamentary questions, upon any question arising out of any dispute upon the floor of the assembly, or concerning the interpretation of this Constitution and Bylaws, or the Constitution or Bylaws of the National or Department organizations. Upon receipt of his/her opinion, the Commander (or presiding officer, if the Commander is not in the chair) shall announce his/her ruling or decision, which need not be in accordance with the opinion of the Judge Advocate. Such decision, shall be final and binding upon the Chapter unless (1) overruled by a two-thirds vote of the members at the meeting during which the decision is announced, or (2) reversed upon an appeal take to the next higher governing body within thirty (30) days after such decision is made known.

**Section 11: The Officer-of-the-Day** shall perform the duties of his/her office as set forth in the Official DAV Ritual. He/She shall welcome all visitors and see that each is properly introduced.

**Section 12: The Sergeant-at-Arms and the Color Guards** shall perform the duties of their respective offices as set forth in the Official DAV Ritual.

In addition to the foregoing, the respective Chapter officers shall faithfully perform and carry out such duties as may be properly assigned to them from time to time by the Chapter.

A member can hold only one elective Chapter office at any on time. A delegate to a National or Department Convention is not holding an "elective office" within the meaning of this Section, except as otherwise provide herein; an elected officer may also hold an appointive office, and vice versa, except as may otherwise be provided in the National, Department or these Constitution and Bylaws.

The office of the Adjutant and Treasurer may be held by the same person. The Service Officer may hold any other elective or appointive office. Neither the Chapter Commander nor any Chapter Vice-Commander may serve as Chapter Adjutant or Treasurer.

By accepting any elective or appointive office, a member agrees that his/her services shall be rendered gratuitously and that he/she shall not be entitled to reimbursement for any sums advance, incurred or spent unless expressly authorized by the Chapter at a regular Chapter meeting. No chairman, committeeman, Chapter officer or other Chapter

**Section 4:** A copy of this Constitution any bylaws shall be properly affixed to the back of the framed Charter to prevent its loss and in order that it may always be available for reference.

**Section 5:** To the extent to which any of the provisions of this Constitution and Bylaws are, or may at any time become, inconsistent or in conflict with the provisions of the Constitution and Bylaws and lawful mandates, decisions and regulations of either the governing State Department or the National Organization, as now in force or as hereafter amended or adopted, this instrument shall be deemed amended so as to conform thereto.

ATTEST: \_\_\_\_\_

Adopted after this third and final reading

13th day of May, 2008

Joan A. Neph  
(Joan Neph, Chapter Adjutant)

Donald Bowen  
(Donald Bowen, Chapter Commander)

James Weiss  
(James Weiss, Chapter Judge Advocate)

Rolly Lee  
(By-Laws Chairman, Rolly Lee)

(By-Laws Committee)

Richard LaRonde  
(Richard LaRonde)

Ronald R. Schriber  
(State Judge Advocate)

Michael E. Schriber  
(DAV National Judge Advocate)

I CERTIFY that the within constitution and/or by-laws does not conflict with those of the National Organization, and to that extent, is approved.

DATE: 7-23-08

DAV National Judge Advocate