

December 30, 2005

Donald E. Martindale, Adjutant  
Biebuyck-Romano Chapter #127  
Disabled American Veterans  
28836 Armanda Drive  
Warren, MI 48088

Dear Mr. Martindale:

The Constitution and Bylaws for Biebuyck-Romano Chapter #127, Department of Michigan, is hereby approved as of this date.

A copy of this document is being returned to Chapter #127, 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:bgm  
Enclosure

c: Department of Michigan

**CONSTITUTION AND BYLAWS OF  
DISABLED AMERICAN VETERANS CHAPTER #127  
WARREN, MICHIGAN**

**CONSTITUTION**

**ARTICLE I – NAME**

The name of this Chapter shall be Biebuyck Romano, Chapter #127, Department of Michigan, DISABLED AMERICAN VETERANS.

**ARTICLE II – PURPOSE**

The purpose of this Chapter is to build better lives for all of 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 memberships 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 other 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 – AUXILIARY ✓**

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 the 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, it's 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.

### **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, with the exception of the Nominating Committee which shall be elected by the Chapter.

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 voting by absentee 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 March meeting and again immediately prior to the April 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: Unexcused absence of any officer from three (3) consecutive meetings shall be cause for removal by the Chapter, and the Commander is empowered to appoint a Chapter member to serve the unexpired term, subject to 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 are 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.

## 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 one 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 provided in the National Bylaws.

## ARTICLE 9 – MEETINGS

Section 1: Regular Chapter meeting dates, time and location shall be determined by majority vote of the Chapter in session.

Section 2: The Chapter must hold at least four (4) regular meetings with a quorum present within a membership year.

Section 3: 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.

Section 4: Rules of Chapter meetings shall be as follows:

RULE 1. A quorum shall consist of three (3) 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 five (5) members.

### **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, with the exception of the Nominating Committee which shall be elected by 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 – MISCELLANEOUS**

Section 1, Para. 1: These Bylaws 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 date of said approval, provided that any such amendment is read at two (2) meetings.

Para. 2: A copy of this Constitution and 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.

Para. 3: 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.

Section 2: All disciplinary actions shall be conducted in accordance with Article 16 of the National Bylaws and applicable Regulations of the National Executive Committee.

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

Adopted after this second and final reading on the 2ND day of MAY, 2005

Don Martindale  
ADJUTANT (CHAPTER)

Victor Gurney  
COMMANDER (CHAPTER)

[Signature] 12/15/05  
DEPARTMENT JUDGE ADVOCATE

Michael E. Quinn  
NATIONAL JUDGE ADVOCATE

Pages 1-13

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: 12/30/05  
DAV National Judge Advocate