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MAR 23 1989
Ans'd.....

March 21, 1989

Mr. Carl Poest, Adjutant
Holland Chapter #14
Disabled American Veterans
1185 Matt Urban Drive
Holland, MI 49423

Dear Mr. Poest:

Enclosed please find the Constitution and Bylaws and Corporation Bylaws for Holland Chapter #14, Department of Michigan. I have reviewed these documents and find the following discrepancies or problem areas:

Article III, Section 3, Constitution and Bylaws - Delete the words "and if eligible be voted into the chapter by its members." The only vote allowed in accepting members under the National Bylaws is for transfer from another Chapter into the voting Chapter.

Article III, Section 4, Constitution and Bylaws - Delete the last sentence as it violates Article 16, National Bylaws. Only the State Commander and National Commander can expel a member. Also, see Article 11, Section 11.2, National Bylaws, which also prohibits any such expulsion.

Article III, Section 6, Constitution and Bylaws - Delete for same reasons as in preceding paragraph.

Article IV, Section 3, Constitution and Bylaws - Delete last sentence as it is in violation of Article 11, Sections 11.2 and 11.3, National Bylaws. The right of a member to hold a Chapter office cannot be abridged by requiring a certain period of membership in the Chapter as a condition of same.

Article VII, Section 1, Constitution and Bylaws - Delete as indebtedness to DAV is not permitted under the National Constitution and Bylaws, whether said indebtedness be to the National Organization or to a Chapter.

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Article VII, Section 2, Constitution and Bylaws - Delete for same reasons as in preceding paragraph. Your attention is directed to Article 11, Section 11.3, National Bylaws, which states in essence that any member whose dues are paid shall be entitled to hold elective or appointive office and Article 11, Section 11.6, National Bylaws, which states that any person who has not paid his annual dues by July 1 "shall no longer be an active member in good standing for any office, and shall not be entitled to any of the privileges of membership until his renewal dues are paid."

Article VIII, Amendments, Constitution and Bylaws - This section should be expanded to provide a notice requirement to all members regarding any such amendment, and Department and National approval. Suggested language: "This Constitution and Bylaws may be amended at any Chapter meeting by a two-thirds majority vote of those present and voting, subject to approval of the Department and National Judge Advocate and effective only after date of said approval, provided that the amendment is read at two meetings and that all members were notified of the proposed changes prior to each of the two meetings."

Section 6b, Corporation Bylaws - Delete last sentence as Article 11 and Article 16 of the National Bylaws prohibit such action by the executive committee of a Chapter.

Amendments Section, Corporation Bylaws - This section should be expanded to conform to above suggested amendment language for Constitution and Bylaws.

Other than the above exceptions, the Constitution and Bylaws of Holland Chapter #14, Department of Michigan, is approved by the undersigned.

A copy of this document and response will be forwarded to the Department for their information and files. In addition, we are placing a copy on file at National Headquarters for future reference.

Sincerely,

STAN PEALER
National Judge Advocate

SP:s1b
Enclosure

cc: Department of Michigan ✓



HOLLAND CHAPTER
14 INC.
HOLLAND, MICHIGAN

DISABLED AMERICAN VETERANS
HOLLAND CHAPTER #14
CONSTITUTION AND BY - LAWS

Article I

Title

This Chapter shall be known as the Holland Chapter #14 Disabled American Veterans.

Article II

Meetings

- Sec. 1. Regular meetings of this chapter shall be held the first (1st) Tuesday of each month, or designated by the Commander, and approved by the chapter.
- Sec. 2. Special meetings may be called at the discretion of the Commander provided that all members shall be notified in time to attend such meetings.
- Sec. 3. All meetings shall start at 7:30 pm sharp, unless otherwise authorized by the chapter.

Article III

Membership

- Sec. 1. Rules for membership shall be the same as in the National Constitution.
- Sec. 2. Application for membership shall be made in writing, giving name, address, dates of entering, and discharged from service, and where possible rank, and organization, serial number and V.A. file number
- Sec. 3. Applications shall be examined by the membership chairman, and report to the chapter as to their eligibility for membership, ~~and if eligible be voted into the chapter by its members.~~
- Sec. 4. All members shall conduct themselves as good citizens. They shall not do anything which shall in any way bring discredit upon the organization. ~~Violation of this injunction may be considered sufficient reason for expulsion from the chapter by chapter action.~~
- Sec. 5. Any member aware of such misconduct pledges himself or herself to formal charges with the Adjutant. Who shall submit same for action to the Executive Board hereinafter provided.
- Sec. 6. The findings of the Executive Board, if upholding the charges, shall be read to the chapter within one month, the chapter to take such action as it shall deem proper.

Article IV

Officers

- Sec. 1. Elected Officers are: Commander, Sr. Vice Commander, JR. Vice Commander, Chaplain, and Ajutant and Treasurer. These officers shall be elected for a period of one year, and may be elected annually, except when elected to fill vacancies occuring between annual election, they shall be elected to serve the unexpired term of the office vacated. Commander shall not succeed himself more than once.
- Appointed Officers are: Service Officer, Membership Chairman, Three (3) Trustees, Sergeant of Arms, Americanism Chairman, Employment Officer, Judge advocate, and Legislative Chairman. The Executive Committeeman shall be the past Commander, and the alternate Executive Committeeman shall be the Commander, or if necessary be elected by the chapter. If Past Commander is unable to fullfill obligation, new E.C. shall be elected, and Commander remain alternate.
- Sec. 2. There shall be an executive Board comprised of all elected officer
- Sec. 3. Vacancies of officers may be filled at any meeting after one months notice to the chapter,. The chapter may by 2/3(two thirds) vote of members present, declare vacant the position of any officer who has absented himself for two (2) consecutive meetings, provided that notice has been given duly the delinquent officer, and to the members of the chapter. ~~No person is entitled to hold office in this chapter unless he or she has been a member of this chapter in good standing for six (6) consecutive months just prior to the election.~~
- * Sec. 4. The duties of the Commander shall be to preside at all meetings of the chapter and Executive Board, to enforce all laws and orders from proper authority; to appoint all officers and committees not otherwise provided for and such duties as the Constitution and By - Laws of the organization may require.
- Sec. 5. It shall be the duty of the SR. Vice Commander to assist the Commander in preserving order, to preside in the absence of the Commander, and shall perform such otherwise duties as the laws and ritual may require.
- Sec. 6. The JR. Vice Commander shall assist the SR. Vice Commander in preserving order and shall perform such other duties as may be required of him by the laws and ritual. In the absence of the Commander and SR. Vice Commander he shall preside over meetings.

Article IV Con't

Officers

- Sec. 6. CON'T In case none of the Commanders are present, the chapter shall elect a Commander pro-Tempore.
- Sec. 7. It shall be the duty of the Adjutant/Treasurer to keep a record of all meetings, to keep books in proper order on the business of the chapter, to attend to all correspondence, keep a record of all members, and to receive money for dues. And to also pay all bills against the chapter and make a detailed report to the chapter at the next meeting.
- Sec. 8. All funds of this chapter, except as hereinafter provided otherwise, shall be placed in a Federal or State bank in the name of Holland Chapter #14, Disabled American Veterans by the Adjutant/Treasurer. All checks or orders payable to this chapter shall be indorsed by the Treasurer, or in his absence or disability, by the Commander; (No money shall be paid out of this bank account except on warrants if needed and signed by the Commander. or in his absence by the next in authority) All checks of disbursement of money from this account shall be issued from an official check book with checks properly numbered and recorded therein, and shall be signed by the Adjutant/Treasurer, or in his absence of disability, by the Commander. The Adjutant/Treasurer shall keep a strict account of all receipts and expenditures, of all cancelled checks and stubs, and the warrants autorizing expenditures.
- Sec. 9. The Chaplain shall perform such duties as may be required by the ritual laws.
- Sec. 10. The Sergeant of Arms shall have charge of the doors, and perform such other duties as the laws and ritual may require.
- Sec. 11. The Trustees shall no longer audit the books of the chapter. A certified Public Accounting firm shall audit the books of the Adjutant/Treasurer and those of any other special funds as may be set up by the chapter including Bingo funds. this audit shall be done once every year, and a report in writing shall be presented at the next regular meeting of the chapter.

Article V

Fees and Dues

The dues of this chapter shall be stipulated by the chapter. The fiscal year of the chapter shall be from July 1st. of one year, to June 30th. inclusive, of the next year. Life membership dues are the same as those prescribed by the National Constitution.

Article IV

Powers of the Commander and Senior Vice Commander

The Commander of Senior Vice Commander in absence of the Commander along with the Adjutant/Treasurer, shall constitute a committee having the power during the recess of the chapter to distribute from it's funds, any sum not to exceed(\$50.00) Fifty dollars for the relief of any worthy distredded Comrade.

Article VII

- Sec. 1. No member who is indebted to the DAV organization shall be eligible to vote on any question pertaining to the remission or cancellation of debts owed by any member to the chapter.
- Sec. 2. No member in arrearage more than three months in a debt to the DAV organization shall be eligible to hold office, or go as a delegat to a State or National Convention of this chapter.

Article VIII

Amendments

These By - Laws may be amended at any regular meeting of the chapter upon two thirds (2/3) vote of the members present, provided that the amendment proposed shall have been read at one previous meeting.

Be it futher provided that, if the amendment shall effect the duties of any officer or trustee, the officer or trustee affected must have been notified two weeks in advance by the Adjutant.

Article IX

A quorum shall consist of six (6) members in good standing including two (2) elected officers.

Rules Of Order

1. Every member, when he speaks or offers a motion, shall be standing, shall respectfully address the chair as comrade Commander, and when finished shall resume his seat; while speaking he shall confine himself to the question under debate.
2. Should two (2) or more members arise to speak at the same time, the chair shall determine which is entitled to the floor.
3. If a member, while speaking, should be called to order, he shall cease speaking until the question of order has been determined, then, if permitted, he may proceed.
4. No member shall speak more than twice on the same question without the permission of the chair.
5. Debate on any question shall be limited to ten (10) minutes by any one member at a time.
6. All members shall be spoken of, or to as comrades, and no other titles shall be used.
7. Any member coming in late will not be admitted during the opening ceremony, but must wait in the ante room until the colors have been posted; then upon giving the pass word to the Sergeant-at-arms, he may be admitted. He must proceed to the alter, give the proper sign, and be recognized by the Commander before taking a seat.
8. In the event of visits of National or State Officers at a meeting of the chapter, the Sergeant - at- Arms shall conduct such Officer to the Alter, instruct him to give the proper sign, and shall announce to the Commander thus, "Comrade Commander;" The National Commander, (or whatever his title may be) honors us with his presence." The Commander recognizes the visiting officer, and proceeds to the Alter to conduct the officer to a seat to his right
9. Visiting chapter officers shall be given seats to the left or rear of the Commander, but will not be conducted there by the Commander during the meeting.
10. No member shall, during the meeting, cross the hall between the Alter and the Commander. If he wishes to move from one side of the hall to the other, he shall pass to the rear of the Alter.
11. Any member desiring to leave the hall during the meeting will proceed to the Alter and recieve recognition from the chair as he passes out.

- 12. Visiting members shall be accorded all privileges of the meeting, except voting.
- 13. Roberts Rules of Order shall govern on all points of parliamentary law not contained in these rules of order, and a copy of Roberts Rules of Order shall be on the Commanders desk at all times during all meetings.

These Constitution and By - Laws were read at the monthly meeting of Holland Chapter #14 on Feb 7, 1989, and the changes were read again at the regular monthly meeting on March 7, 1989. On March 7, 1989, Chapter #14 voted unanimously to approve the revisions contained herein.

signed

Harvey D. Slotman Comdr. #14
 HARVEY D. SLOTMAN, COMMANDER #14

Carl Poest adj-treas #14
 CARL POEST, ADJ/TREAS. #14

dated

March 7, 1989

Approved:

[Signature]
 State Judge Advocate

3/13/89
 Date

Approved:

[Signature]
 National Judge Advocate

Date

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: 3/21/89

DAV National Judge Advocate



HOLLAND CHAPTER
14 INC.
HOLLAND, MICHIGAN

CORPORATION BY- LAWS
CHAPTER 14 INCORP.
HOLLAND, MICHIGAN D.A.V.

- Sec. 1. There shall be a corporation fund for operating, and maintaining the Memorial Home. Said fund to be controlled by a Board of directors hereinafter provided for.
- Sec. 2. The Memorial Home Board of Directors shall be elected by a majority vote of the chapter members present at their annual election held in April. Those eligible for membership on the board of directors shall be members in good standing of the chapter.
- 2a. Said Board of Directors will consist of (7) seven members, Two members will be elected each year for a three year term. The Board will also consist of immediate past commander with voting powers. The commander will be an honorary member with no vote unless one or more members are absent. The commander shall appoint a member to fill a vacancy on the board.
- 2b. The President, Vice President, Treasurer and Secretary shall be elected by a majority vote of said Board. they shall be elected annually.
- 2c. Said Secretary and Treasurer shall make a monthly report to the chapter, as to the Board of Directors functions, including a financial report.
- Sec. 3. All corporation funds shall be deposited in a Federally Insured bank, Said bank to be named by the Board of Directors, Official checks shall be numbered, signed by the Treasurer, and use of warrants if needed.
- Sec. 4. No member of said Board of Directors shall hold the office of President and Treasurer at the same time.
- Sec. 5. Said Board of Directors shall meet on the third Tuesday of each month. Said Board shall hold at least one meeting per calendar month
- Sec. 6. Said Board of Directors shall appoint a manager of the memorial home, Who shall be a member in good standing of this chapter. Said manager shall not be the President of said Board of Directors.
- 6a. Said manager shall be charged with maintaining order within the chapter Home, Including but not limited to the bar.
- 6b. If said manager is unable he will present the problem to the executive committee of the chapter for the executive comm. to rule on. The executive comm. decision can include expulsion or banning from chapter home.

- Sec. 7. Said Board of directors shall have the authority to spend up to eight hundred (\$800.00) dollars in case of emergency without going to the members for approval first. This would pertain to purchases for the corporation, Memorial Home, and also for main - tenance on the Memorial Home. Manager can spend up to Three hundred (\$300.00) dollars in case of emergency.
- Sec. 8. Said Board of Directors shall keep an up to date record of all the equipment in the corporation.
- Sec. 9. If a member of said Board of Directors misses Two (2) meetings without good cause, and without notifying President of Board, he shall be removed from said Board.
- Sec. 10. Said Board has the authority to make donations back to the chapter if needed, for the good of the order.
- Sec. 11. Corporation and Chapter records shall be kept in seperate books.
- Sec. 12. Corporation books shall be audited at end of each fiscal year by a C.P.A. firm.

AMENDMENTS

These By-Laws may be amended at any regular meeting of the Chapter upon the vote of 2/3 (two thirds) of the members present, provided that the amendment proposed shall have been read at one prior meeting.

ASSETS (CORPORATION)

- Memorial Home Building
- Memorial Home Property
- Bingo Equipment
- Tables and Chairs
- Bingo Proceeds (including kitchen)
- Building Rental Receipts
- Building Fund
- Bingo Checking Account

ASSETS (CHAPTER)

- Office Equipment
- Flags
- Time Deposits (OD2-129-D029389, and 0314775-8)
- Flower Drive Receipts
- Commanders Equipment (ALL)
- Commanders Magnetic Signs for Car
- Wheel Chairs, Walkers, Canes Etc.

These Corporation By - Laws were read at the regular monthly meeting of Holland chapter #14 on Feb 7, 1989, and were approved and the vote was unanimous on March 7, 1989.

signed

Harvey D. Slotman #14
 HARVEY D. SLOTMAN, COMMANDER #14

Carl Poest adj. Treas #14
 CARL POEST, ADJ/TREAS. #14

dated

March 7, 1989

Approved:

[Signature] 3/13/89
 State Judge Advocate Date

Approved:

[Signature] 3/21/89
 National Judge Advocate Date