

October 8, 2010

Mr. Arthur J. Huttenga, Adjutant  
William A. Smith, Jr., Chapter #2  
Disabled American Veterans  
3183 Rypens Dr., N. W.  
Grand Rapids, MI 49504-2498

Dear Mr. Huttenga:

The Constitution and Bylaws for William A. Smith, Jr., Chapter #2, Department of Michigan, is hereby approved as of this date.

A copy of this document is being returned to Chapter #2, 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 ✓

**RECEIVED**

OCT 12 2010

# *“Constitution and Bylaws”*

**William Alden Smith, Jr.  
Disabled American Veterans - Chapter 2**

**July 01, 2010**

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## **Constitution and Bylaws**

William Alden Smith, Jr.  
Disabled American Veterans - Chapter 2  
Grand Rapids, Michigan

### **Constitution**

#### **Article I - Name**

The name of this Chapter shall be William Alden Smith, Jr., Chapter 2, 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 IV - Administration**

Sec. 1. The administration affairs of this Chapter shall be vested in the Chapter Executive Committee in emergencies only and 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.

Sec. 2. The Chapter Executive Committee shall be composed of the Commander, Sr. Vice-Commander, Jr. Vice-Commander, Treasurer, and any other elected Chapter Officer's.

Sec. 3. At the time specified in the Chapter Bylaws, the Chapter shall elect annually a Commander, Sr. Vice-Commander, Jr. Vice-Commander, and a Treasurer, Such other officer's 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 Adjutant or Treasurer.

#### **Article VII - Amendments**

The 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 (2) meetings.

#### **Article I - Title**

This Chapter shall be known and hailed as the William Alden Smith, Jr., Chapter 2, Disabled American Veterans. The Chapter recognizes the National Organization known as Disabled American Veterans, Incorporated by the 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 distributed as provide in Article 6, Section 6.4, Paragraphs 5 and 6, of the National Bylaws.

## Article II - Meetings

Sec 1. Regular meetings of this Chapter shall be held once each month, on the first Thursday, unless it falls on a legal holiday, when it may be changed by the Commander and approved by the Chapter.

Sec. 2. Special meetings may be held at the discretion of the Chapter's Commander, or in the absent of the Commander, the Executive Board Committee, an effort shall be made to notify the members in a timely fashion to attend meetings. This does no include the Board of Director's.

Sec. 3. All meetings shall start promptly, unless otherwise authorized. Authorization shall be given by the Chapter Commander, or the Executive Committee. Executive Committee shall consist of line officer's, who are elected officials serving as Chapter officer's. This does not include the Board of Director's.

Sec. 4. Executive Committee will consist of properly elected members to Chapter line office's as defined in the National Constitution and Bylaws, Section 9-2, Officer's.

## Article III - Membership

Any man or woman, who was wounded, gassed, injured or disabled in the line of duty time or war, while in the service or either the military or naval forces of the United States of America, and who has not been dishonorably discharged or separated from such services, or who may still be active service in the armed forces of the United States of America is eligible for membership in the Disabled American Veterans. Others, who are disabled while serving with any of the armed forces of any nations associated with United States of America as allies during any of its war periods, who are American citizens and who are honorably discharged, are also eligible.

The Disabled American Veterans shall not have honorary members.

## Article IV - Bylaws

Sec. 1. Nominations and elections of the new Chapter officer's will be held at the regular Chapter meeting at least thirty (30) days prior to the State Convention.

Sec. 2. It shall require a majority of voter's present to elect a candidate for any office. It shall require a majority vote cast to elect delegates or alternates to a State National Convention. However, if there are fewer delegates and alternates shall declared as elected.

Sec. 3. Nominated and nominating members will be allowed to speak a maximum of three (3) minutes each.

#### Article IV - Officer's and their Duties

Sec. 1. The Officer's of the Chapter shall be: Commander, Sr. Vice-Commander, Jr. Vice Commander, Treasurer, Chaplain, Officer-of-the Day, State Executive Committeeman, Alternate State Executive Committeeman, Judge Advocate, Sergeant-of-Arms, three (3) Trustee's, ( one, two, and three years) and nominating committee Chairperson.

The Officer's shall be elected for a period of one (1) year except when elected to serve the unexpired term of a vacant office.

Chapter Service Officer's and Committee Chairpersons shall be appointed by the Commander.

Sec. 2. There shall be an Executive Board Committee comprised of elected Officer's.

Sec. 3. The Chapter shall declare vacant the office of any officer who absented himself/herself for two (2) consecutive Chapter or Committee meetings or any combination of four (4) absenteeism's per fiscal year.

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 order from proper authority, to appoint all Officer's and committees not other wised provided for and such other duties as the Constitution and Bylaws 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 he/she shall perform such other duties as the laws and rituals 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 required of him/her by the laws and ritual. In the absence of the Commander and Sr. Vice-Commander, he/her shall preside over meetings. In case none of the Commander's are present, the Chapter shall elect a Commander pro-term ore.

Sec. 7. It shall be the duty of the Adjutant to see that a record is kept, in proper order, all meetings on business of the Chapter and to attend to all correspondence and keep a record of all members.

Sec. 8. The Treasurer shall receive all monies for dues and forward them to National Headquarters. The Treasurer shall also receive monies from fund raising activities which are conducted by the Chapter, sponsored by the Chapter or derived from the use of the Chapter's name and shall account for, record and dispose of as hereafter provided.

Sec. 9. Nomination's of Officer's are accepted from the floor or Chair. Chairperson shall appoint two (2) Chapter members to this committee.

Sec. 10. All Chairpersons receiving monies for DAV, shall use the forms or forms equivalent to prescribed by the Chapter's Officer's Guide.

Sec. 11. Executive Board meetings shall be called to order one (1) hour prior to the Chapter meeting. An emergency Executive Board meeting may be called as long as there is an attempt to notify Board and Line Officer's of the meeting.

Sec. 12. The Trustees shall elect a CPA or PA of their choice. Trustees shall have the right to inspect all official records at any time and hold quarterly audits.

Sec. 13. The Chaplain shall perform such duties as may be required by ritual laws.

Sec. 14. The Sergeant-of-Arms shall have charge of the doors and perform such duties as the laws and ritual may require.

## Article VI - Fees and Dues

Sec. 1. Life membership dues are the same as those prescribed by the National Constitution.

The Fiscal year of this Chapter shall be from July 1<sup>st</sup> of one year to June 30<sup>th</sup>, inclusive, of the following year.

Sec. 2. All funds of this Chapter, except as hereinafter provide otherwise, shall be placed in a Federal or State bank in the name William Alden Smith, Jr., No. 2, Disabled American Veterans, by the Treasurer. All checks or money orders payable to this Chapter shall be endorsed by the Treasurer or by the Commander, or in his/her absence signed and countersigned by two (2) of the following: Commander, Sr. Vice-Commander, or Chapter Treasurer.

## Article VII - Powers of Commander and Sr. Vice Commander

The Commander and Sr. Vice-Commander shall constitute a committee having power during the recess of the Chapter to distribute from its funds any sums not exceed \$200.00 for the relief of any distressed Comrade.

## Article VIII

Any member whose current dues are not paid shall not be eligible to vote or hold office in this Chapter or go as delegate to a State or National Convention of this order.

## Article VIII

A quorum shall consist of fifteen (15) members in good standing to include two (2) elective officer's.

## Article X

Sec. 1. There shall be a Building Maintenance Fund for operating, maintaining, upgrading and modernizing the Memorial Home. Said fund to be controlled by the Board of Director's hereinafter provide for.

Sec. 2. The Memorial Home Board of Director's shall be elected by a majority vote of the Chapter at the annual election. Those eligible for a membership on said Board shall be members in good standings.

Said Board of Directors shall consist of nine (9) members elected as follows: Three (3) for three (3) years, three (3) for (2) years, and three (3) for one (1) year. Thereafter, three (3) members will be elected for a term of three (3) years.

The President, Vice-President, Treasurer, and Secretary shall be elected by a majority vote of said Board. They shall be elected annually.

Board President shall make a monthly report to the Chapter of the Board of Director's functions, including a financial report.

Sec. 3. All building maintenance funds shall be deposited in federally insured bank or credit union, and said bank or credit union must be determined by said Board of Director's. All monies that are withdrawn from said fund shall be signed by the Treasurer and countersigned by the President. Said Treasurer shall be bonded for not less than \$25,000.00 dollars.

Sec. 4. No member of the said Board of Director's hold the office of President and Treasurer at the same time.

## Article X (cont'd.)

Sec. 5 Said Board of Director's shall hold a monthly meeting. Twelve (12) meetings per year.

Sec. 6. Said Board of Director's shall not dispense an amount to exceed twenty-five thousand dollars (\$25,000.00) per calendar month without Chapter approval.

Sec. 7. Said Board of Director's, presided over by said President of Board of Director's, shall be in charge of personnel (placing of same) in the kitchen and concession for the bingo games, etc.

## Article XI

Sec. 1. The Bylaws may be amended at any regular meeting of the Chapter upon the vote of two-thirds of the members present, provided that the amendment proposed shall have been read at two (2) previous meetings. All members will be notified of the proposed amendment prior to the two (2) meetings.

Sec. 2. Upon approval of the amendment or amendments by the Chapter as provided by Sec. 1, they must be forwarded to the National and State Advocate for their approval.

Sec. 3. Be it further provided that if the amendment shall affect the duties of any officer or trustee, the officer or trustee affected must have notified one (1) week in advance by the Adjutant.

## Article XII

The Constitution and Bylaws must be updated by the time that new officer's take office on July 1<sup>st</sup> of each year.

## Rules of Order

1. Every member, when he/she speaks or offers a motion, shall by standing, shall address the chair as "Comrade or Commander" and when finished shall resume his/her seat. While speaking he/she shall confine himself/herself to the question under debate.

2. Should two 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/she shall cease speaking until question of order has been determined, then, if permitted, he/she may proceed.

4. No member shall speak more than twice on the same question without permission from the chair.

5. Debate on any question shall be limited to ten (10) minutes. Otherwise it should be tabled until next meeting.

6. All members shall be spoken of, or to, a "Comrade" and no other title shall be used.

7. Any members coming in late will not be admitted during the opening ceremony, but must wait in the ante-room until the colors have been placed then he/she may be admitted. He/she must be recognized by the Commander before taking a seat.



## Rules of Order (cont'd)

8. In the event of National or State Officer's at the meeting of the Chapter, the Sergeant-of-Arms shall conduct the officer to the alter, instruct him/her to give the proper sign, and shall announce to the Commander (or whatever his/her title may be) honors us with his/her presence. The Commander recognizes the visiting officer and proceed to the alter to conduct the officer to a seat at his/her right.

9. Visiting Chapter Officer's shall be recognized by the Commander.

10. No member shall, during the meeting, cross the hall between the alter and the Commander. If he/she wishes to move from one side to the other, he/she shall pass to the rear of the alter.

11. Any member desiring to leave the hall during the meeting shall salute the Commander and proceed to leave the hall in the rear.

12. Visiting members shall be accorded all the privileges of the meeting except voting.

13. Robert's Rules of Order shall govern on all points of parliamentary law not contained in these rules of order and copy of Robert's Rules of Order shall be on the Commander's desk at every meeting.

No part of the Constitution and Bylaws, are provided for information only.

### Travel Expenses

Travel expenses to compensate the Chapter Officer's: (Commander, Chapter Service Officer or other Officer's) on official Chapter business shall be as followed. As determined by Chapter.

**Motel or Hotel:** eighty dollars (\$80.00) per night, limited to the length of function attended.

**Gas for Travel:** forty cents (\$.40) per mile. Mileage to be paid as Stated on official Michigan map.

**Meals:** Breakfast: seven (\$7.00) dollars.

Lunch: ten (\$10.00) dollars.

Dinner: twelve (\$12.00) dollars.

Meals to be paid only for the length of function attended. Chapter may also set total amount to be allocated.

Any of the above mentioned Officer's, in order to be compensated for travel, meals, and lodging must be a designated elected to attend at previous Chapter meeting.

In case of shortage of time to be delegated by the Chapter, the decision for approval must be made by Chapter Commander, Chapter Treasurer, and Chapter Adjutant.

Registration shall be paid by the Chapter for all official delegates.

Anyone who is delegated and compensated by the Chapter must make a report at the next Chapter meeting about function attended. Also to be compensated, a bill (receipts) must be submitted to the Treasurer stating the number of night at motel or hotel, number of meals and city.

These travel expenses shall not be construed as a supplement to any other monies received for the specific representation at the convention in state or out of state for Chapter business, for which expense monies have been paid as a result of action on the floor in the form of a motion by the membership<sup>0</sup> of the Chapter or any other authorities of State or National levels.

Article 11 - Miscellaneous

Sec. 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 and that all Chapter members were notified of the proposed change prior to each of the 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 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 hereinafter amended or adopted, this instrument shall be deemed amended so as to confirm thereto.

Sec.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: Harry D. Statman

Adopted after this second and final reading  
on the 1<sup>st</sup> Day  
of July, 2010.

Arthur J. Hutanga  
ADJUTANT

Harry D. Statman  
COMMANDER (CHAPTER)

Ronald R. Schrieber  
DEPARTMENT JUDGE ADVOCATE 9/22/10

Michael E. Quinn  
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: 10-8-10  
DAV National Judge Advocate