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March 24, 2011

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Mr. J. Dave Boozer  
Lenawee Chapter #20  
Disabled American Veterans  
141 East Albert Street  
Adrian, MI 49221

Dear Mr. Boozer:

The Constitution and Bylaws for Lenawee Chapter #20, Department of Michigan, is hereby approved as of this date.

A copy of this document is being returned to Chapter #20, 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  
LENAWEE CHAPTER #20  
ADRIAN, MICHIGAN

CONSTITUTION

**PREAMBLE**

We, the casualties of America's Wars do hereby associate ourselves in a local Chapter of the Disabled American Veterans to promote the well being of the Nation, State and Community and the common good of our members; to further the principles and ideals of the National Organization of Disabled American Veterans, being ever mindful that in giving service to, and caring for our disabled comrades, and their next of kin, we can best pay tribute to our honored dead; to pledge ourselves with all our strength, to preserve America in all of its greatness, so that the stars and stripes shall be a symbol of freedom and justice to all the worlds forever.

**ARTICLE I – NAME**

The name of this Chapter shall be Lenawee Chapter #20, Department of Michigan, DISABLED AMERICAN VETERANS.

**ARTICLE II – PURPOSE**

The purpose of this Chapter shall be to uphold and defend the constitution and laws of the United States of America, (We are non-political and non-sectarian); to promote good government and support all civic projects of the Community, which are designated to improve the welfare of our citizens and their standard of living; to do our utmost in aiding in the rehabilitation of our war casualties, to evaluate want and suffering, sickness and misfortune in the families of veterans of the community, state and nation, to cooperate with all agencies and organizations dealing with veteran problems, to promote the welfare of all veterans in veterans' organizations in our community, state, and the nation.

**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 – POWERS**

This Chapter shall have perpetual succession with powers to sue and to be sued in all courts of law and chancery; to receive, hold, own, use, buy, mortgage, pledge and dispose of such real and personal property as shall be deemed necessary to carry out the purpose of the organization; to adopt a constitution and by-laws, consistent with constitution and by-laws of the National

Organization of the Disabled American Veterans, the laws of the United State and the State of Michigan; to provide such officers by election and appointment as the Chapter, from time to time shall, through its by-laws, deem necessary, to define the duties of its officer, and its method of election or appointment, and further to provide for their election, appointment or removal; provide for a system of dues and assessments to carry on the business of the Chapter; to establish business procedures, codes for discipline and decorum, and to provide for penalties for violation of the by-laws, rules and regulations of the Chapter.

To establish the time and place for all regular or special meetings of the organization and to provide proper procedure for calling special meetings; and further, to have all such powers as are legal and lawful to achieve its avowed purpose and intended objectives.

#### **ARTICLE V – 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, Adjutant, Chaplain, Trustees and Junior Past Commander.

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

#### **ARTICLE VI – EXECUTIVE**

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

#### **ARTICLE VII – AMENDMENT OF CONSTITUTION**

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.

#### **ARTICLE VIII – SAVING CLAUSE**

IT is further provided that in the event any article, section, paragraph or other portion or part of this constitution are declared void by Department or National, then such articles, section,

paragraph or other portion or part shall be deemed severable and the remainder of this constitution shall remain in full force and effect.

#### ARTICLE IX – 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 X – EFFECTIVE DATE

It is further provided that this constitution shall become effective immediately upon its approval at a regular meeting assembled, wherein all members in good standing, and at least five (5) days prior thereto, have been notified in writing of the proposed adoption of this constitution on a said date. We the undersigned, Commander and Adjutant of the Lenawee Chapter #20 of the Disabled American Veterans, do hereby certify that the foregoing Constitution was adopted at a regular meeting held on the 8TH day of DECEMBER, 2010, all members in good standing have been notified prior thereto of the proposed adoption of said Constitution. Said meeting was held on the 14TH day of SEPTEMBER, 2010.

## 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 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, Paragraph 5 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 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 – OFFICERS**

Section 1, Para 1: The Chapter shall elect annually a Commander, Senior Vice Commander, Junior Vice Commander, and a Executive Committeeman. 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. A member can hold only one (1) elective Chapter office at any one time. A delegate to a National or Department Convention is not holding an "elective" office within the meaning of this Section, except as otherwise provided 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.

Para 2: The Commander, with the approval of the Chapter, shall appoint the Adjutant, Treasurer, Houseperson, Chaplain, Assistant Chaplain 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.

Para 6: Election shall be by written ballot conducted as follows:

The Commander shall appoint three (3) tellers, who shall distribute ballots for election purposes, gather ballots, tabulate, and announce results thereof.

Officers shall be nominated and elected in sequence named in Para 1, of this Section. The presiding officer shall ask for nominations from the floor. After receiving same, he/she shall ask three (3) times, "Are there any further nominations?" If there are no further nominations, he/she shall declare the nominations closed for the office under consideration.

He/she shall instruct the tellers to proceed as previously stated. The successful candidate shall be declared elected upon receiving majority of the votes cast.

In the event there are more than two candidates for an elective office, and there is no majority of votes cast, another vote shall be taken, eliminating of candidates on said second ballot all but the two candidates who have received the highest votes. Whenever there is a tie vote, the winner shall be determined by lot. The tellers shall determine the method.

Section 2, Para 1: The Commander shall be the Executive Officer of the Chapter and shall counter-sign all checks. He/She 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. The Senior Vice Commander and Junior Vice Commander, in 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 of authority would be in effect until a new commander is elected.

Para 2: The Adjutant shall work closely with the Commander, Treasurer, and other Chapter officers in order to efficiently carry out the duties of his/her office. The Adjutant shall keep an accurate record of the membership records, the minutes of all meetings of the Chapter, and the Executive Committee meetings. He/She shall be the custodian of all papers, seals, records and books of the Chapter, excepting the books and records of the Treasurer. The Adjutant shall also manage all communications and papers of routine business and such communications and papers as are ordered by the Commander and the Chapter. All motions considered by the Chapter should be recorded along with the names of the members who make, second, or speak on motions. 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. 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 these responses with the Chapter records.

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: The Senior Vice Commander shall perform the duties of his/her 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.

Section 4: The Junior Vice Commander shall perform duties of his/her station as set forth in the Official DAV Ritual. He/She shall see that every member is given 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 the members of the Chapter.

Section 5: 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.

Section 6: The Service Officer shall advise and assist veterans disabled in the line of duty during time of war, and their dependents, in preparation and processing of their claims for benefits from any governmental agency. He/She shall also assist them in securing suitable, gainful employment.

Section 7: The Officer-of-the-Day/Sergeant-at-Arms 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 8: 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.

Section 9: All appointed officers shall perform their duties and defined by the Official Ritual and as ordered by the Commander.

#### **ARTICLE 4 – 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 5 – TENURE OF OFFICE**

Section 1: Officers for the Chapter shall be elected annually at the first regular meeting in the month of May each year under the ritual heading of "New Business".

Section 2: Elected and appointed officers shall be installed prior to July first (1) of each year. 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.

Para 3: Any officer shall be removed from office for malfeasance, misfeasance, or non-feasance, or for bringing disgrace upon himself or the organization. Removal shall be in the following manner:

Charges, specific as to time and place of the alleged derelictions, requesting removal must be made, signed by ten or more members, filed with the Adjutant or Commander, or may be read on the floor in open meeting. When filed with the Adjutant of Commander, they must be read at the next regular business meeting. A copy of the charges are, by registered mail, sent to the accused. This is the duty of the Commander or the Adjutant. Such copy is to be delivered within seven (7) days following said meeting. The Chapter shall make a decision on the charges and the removal request at the next regular meeting, which follows delivery of the charges to the one accused, provided the accused has seven (7) days notice thereof.

Section 4, Para 1: It shall require a majority vote of those Chapter members present and voting to elect a candidate for any Chapter office. The newly elected Commander and Senior Vice Commander shall be delegates to the State Convention, Chairman and Vice Chairman of the delegation respectively. In the event that the Commander is unable to attend the State Convention the Senior Vice Commander will be the Chairman and the Commander elect shall appoint another delegate to be Vice Chairman. The Executive Committeeman is elected by the membership during the regular elections.

Para 2: In the event the Chapter chooses to send a delegate(s) to the National Convention, such delegate(s) shall be elected at the first regular meeting of May.

Para 3: Remuneration for expenses of delegates to any convention shall be determined at the meeting at which they are elected. Otherwise, no expenses shall be borne by the Chapter.

## **ARTICLE 6 – 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 7 – 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 as provided in the National Bylaws.

#### **ARTICLE 8 – MEETINGS**

Section 1: Regular Chapter meeting dates, time and location shall be determined by majority vote of the Chapter in session. As of the date of this document meeting dates of this Chapter are the second (2) Wednesday of each month, and the time of the meeting is 6:00pm. In the event that the regular date or place of meeting be changed, all member shall be notified in writing, or by news media, by paper or radio, such change at least seven (7) days prior thereto, stating the time and place thereof.

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 requesting 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 seven (7) members in good standing, of which at least two (2) must be elected Chapter officers.

Rule 2: Robert's Rule 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.

## ARTICLE 9 – 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 elective officers, Treasurer, Adjutant, and Immediate Past Commander shall constitute the Executive Committee to be the governing body between meetings. They shall have the power to spend or obligate the Chapter for sums not to exceed \$300.00 between any regular meetings for expenditures that are to keep the Chapter functioning on a month to month basis. Exception to this dollar amount would be in the event of an emergency with the building, with a two-thirds (2/3) vote of the Executive Committee to deem it an emergency. The Adjutant shall be the secretary to the Committee and he/she shall keep accurate records of its proceedings and shall read its proceedings at the next regular business meeting. The Executive Committee shall meet at their own pleasure and convenience, and at the order of the Commander.

Section 4: The Chapter shall have an Audit Committee composed of at least three (3) members of the Chapter, excluding the Commander, Senior Vice Commander, Junior 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.

Section 5: The Commander shall be the Presiding Officer of the Executive Committee and an Ex-officio member of all committees. The Commander shall appoint members to standing Committees with the approval of the membership.

Section 6: Houseperson shall be charged with the responsibility of proper maintenance, insurance and protection of any forenamed property belonging to this Chapter. They shall keep detailed records of income and expenses pertaining to rentals and house funds, and all net proceeds shall be turned over to the treasurer. He/She shall not be sovereign unto themselves, but shall be subject to the regulations and mandates of the Chapter.

Section 7: All officers of the Chapter and any other member who is handling property or money belonging to the Chapter, shall be bonded by the Chapter.

Section 8: All elected and appointed officers of the Chapter and the Committees, shall upon the adoption of these bylaws, be continued in office as per regulations previously adopted, until the next regular annual election as set forth in Article 5, Section 1 of this document.

### ARTICLE 10 – 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 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 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 WEDNESDAY day of DECEMBER, 2010.

  
ADJUTANT (CHAPTER)

  
COMMANDER (CHAPTER)

  
DEPARTMENT JUDGE ADVOCATE

  
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: 3-24-11

DAV National Judge Advocate