

April 21, 2003

Mr. Lewis Adams, Commander
Cloverland Chapter #23
Disabled American Veterans
P.O. Box 2091
Kingsford, MI 49802

Dear Mr. Adams:

The Constitution and Bylaws for Cloverland Chapter #23, Department of Michigan is hereby approved as of this date.

A copy of this document is being forwarded 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/rsa
Enclosure

c: ✓ Department of Michigan

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MAY - 1 2003

D.A.V. 23 BY-LAWS 5

DISABLED AMERICAN VETERANS

DEPARTMENT OF MICHIGAN

CLOVERLAND CHAPTER 23

CONSTITUTIONS AND BY-LAWS

POSTAL ADDRESS

DISABLED AMERICAN VETERANS

CLOVERLAND CHAPTER 23

P.O. BOX 2091

KINGSFORD, MICHIGAN 49802

D.A.V. 23 BY-LAWS 5

ARTICLE I.

The name of this organization shall be the Disabled American Veterans, Cloverland Chapter #23.

ARTICLE II.

The purpose of this chapter of the Disabled American Veterans shall be to uphold and to maintain the Constitution and By-Laws of the United States of America. To realize the true American ideals and aims for which we fought. To protect and to advance the interests and welfare of all wounded, gassed, injured or disabled American Veterans. To cooperate with the Administrator of Veteran Affairs and all other public and private agencies devoted to the cause of improving and advancing the physical and mental condition, care and medical treatment, health and economic interest of wounded, gassed, injured or disabled American Veterans. To stimulate a feeling of mutual devotion, helpfulness and comradeship among all people that spirit of tolerance and understanding, which will tend to guarantee against future wars.

ARTICLE III.

Section 1. Qualifications for membership in this chapter shall be any man or woman who was wounded, gassed, injured or disabled in the line of duty during time of war while in the Armed Forces of the United States of America and who has not been dishonorably discharged from such service or who is still on active duty 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 the 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.

Section 2. This chapter may admit or reject any application for reason satisfactory to this chapter, provided however, that all applicants admitted to membership must be eligible for membership under the provision of section 1 of this article.

ARTICLE IV.

Section 1. The regular meeting of this chapter shall be held on the third Thursday of each month at 7:00p.m. at the Disabled American Veterans Cloverland Chapter 23 Veterans Center located at 1227 W. Breen AVE. Kingsford, Michigan 49802. There shall be no regular meetings in December.

D.A.V. 23 BY-LAWS 5

- Section 2.** There shall be no regular meetings held in private homes other than that of executive meetings or committee meetings.
- Section 3.** Special meetings may be called by the Commander, who will notify the membership 5 days before the meeting.
- Section 4.** The caller of any such special meeting shall state specifically the purpose for which it is called, and no other business other than that specified in the call shall be transacted at such meeting.
- Section 5.** A quorum shall consist of 5 members for regular and special meetings.

ARTICLE V.

OFFICERS AND THEIR DUTIES

- Section 1.** The Elective Officers of this chapter shall consist of a Commander, Senior Vice Commander, Junior Vice Commander, who shall be elected annually and who shall also serve as members of the Executive Committee together with preceding Past Commanders. Check Article VII section 1 paragraph A, the Treasurer and Chaplain shall stay elected.
- Section 2.** The Appointive Officers of this Chapter shall consist of the Adjutant, Treasurer, Chaplain, Historian, Sergeant-at-arms, Officer of the day, two color guards, Judge Advocate, membership persons, Americanism Chairperson, and Legislative Action Chairperson, who shall be appointed by the Commander with the approval of the Executive Committee.
- Section 3.** The Commander is the Executive Officer of this Chapter. He/She, or in his/her absence, the next highest ranking Officer shall preside at all regular or special meetings of this Chapter. The Commander 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 either by him/her or the Adjutant. He/She shall perform all other duties that may be reasonably be assumed to be incidental to his/her office or such duties as are delegated to him/her by the Chapter or by the Executive Committee. The Commander shall have one (1) key to the lock deposit bank box and one (1) key to the Post Office box. He shall also delegate keys to officers for the Veterans Center as deemed necessary.

D.A.V. 23 BY-LAWS 5

- Section 4.** The Senior Vice-Commander shall have one (1) key to the post office box and one (1) key to the Veterans Center in event of its use. The Junior Vice-Commander in order named, shall also have such keys in the event of the absence, death, resignation or removal of the Commander, perform the duties until the next annual election.
- Section 5.** The Treasurer shall receive and deposit in the name of the Chapter, all monies for the Chapter. He/She shall make authorized disbursements only by check, which will be counter signed by either the Commander or the Adjutant. He/She shall keep a system of accounts approved by the Executive Committee and shall preserve all receipts and vouchers for payment made. He/She shall render a monthly report of receipts and expenditures at all regular Chapter meetings. The Treasurer shall have one (1) key to the lock deposit bank box and one (1) key to the post office box.
- Section 6.** The Adjutant shall keep a true and complete record of all business conducted by the Chapter and its executive record of all business conducted by the Chapter and its Executive Committee. He shall conduct all necessary correspondence, carry into effect the motions, orders and resolutions of the Chapter and of the Executive Committee not otherwise assigned. He shall counter sign all checks in the absence of the Commander. He shall have one (1) key to the post office box.
- Section 7.** The Chaplain of this organization shall perform such duties as are prescribed in the official ritual of the National Constitution, shall attend and, when desired, officiate at the funerals of deceased comrades, and all such other duties as might be incumbent upon his office. Upon decease of a member, the Chaplain shall contact the family. If the family request that the D.A.V. ritual be performed at the funeral home, the Chaplain will notify available members of the time and place.
- Section 8.** The Sergeant-At-Arms shall be responsible for those present in a meeting to their eligibility for participation therein and shall report to the Commander as to any visitor present. He shall obey and enforce the orders of the Commander in preserving order at the meetings and shall allow no one to enter or depart during the opening or closing ceremonies, nor during the initiation of applicants.
- Section 9.** The Officer of the Day and Color Guards shall perform such duties as are prescribed in the official ritual of the National Organization, and as may be delegated to them by the Chapter Commander.
- Section 10.** The Historian shall be the publicity officer of the Chapter and shall regularly furnish proper publicity material for the local newspaper, radio and TV, State papers and National Department, with the approval of the Chapter Commander.

D.A.V. 23 BY-LAWS 5

Section 11. The Senior Vice-Commander shall be the membership chairperson and shall keep a current list and file on all members. He shall keep a list of all area Veterans eligible for membership.

Section 12. The Americanism Chairperson shall promote respect for our Nation and its Flag, especially on National holidays.

Section 13. The Legislative Action Chairperson shall keep informed of all National, State and Community Legislation Bills that may affect our Chapter and its members. With the approval of the membership, he shall compose and submit articles to the local media expounding our position on controversial legislation.

ARTICLE VI

Executive Committee

Section 1. The Executive Committee shall be composed of all elected officers and their retiring Chapter Commander. It shall elect its own Chairperson. The Adjutant shall act as its secretary with voice but no vote.

Section 2. Regular meetings of the Executive Committee shall be held at the discretion of the Commander.

Section 3. Special meetings of the Executive Committee shall be held at the call of the Commander or Senior Vice-Commander or at the request of three members of the committee.

Section 4. The Executive Committee shall make decisions between regular meetings on all urgent legislative, administrative, financial and executive matters not otherwise specifically provided for herein.

Section 5. The Executive Committee when previously authorized or when any action taken by them is subsequently ratified by the Chapter, shall have complete and sole authority to pass on all contracts affecting the Chapter, and all expenditures to be made on behalf of the Chapter, and is empowered to exercise any and every precaution deemed necessary to protect the finances and property of the Chapter, and to promote its welfare. It shall render a complete report to the Chapter of all its transactions at the time of the first meeting in each month. The Executive Committee shall give due consideration of all recommendations adopted by majority vote of any Chapter meeting relative to any of the above mentioned matters.

D.A.V. 23 BY-LAWS 5

ARTICLE VII

Committees

- Section 1.** The standing committees of this Chapter shall be:
- A. Executive Committee-** 6 Officers; chairman votes only in case of a tie vote.
 - B. Welfare Committee-** 3 members.
 - C. Auditing Committee-** 3 members.
 - D. Entertainment Committee-** Junior Vice-Commander plus appropriate number of helpers.
 - E. House/Building Committee-** 3 members. Shall have charge of Hall rental, maintenance and urgent repairs. Large projects need membership approval.
- Section 2.** The Welfare Committee may make such visits to sick or needy Veterans or their families as necessary to justify the dispensing of emergency relief requested. In no event shall money be given directly to a needy Veteran or his family; but meals, lodging, rent, clothes, groceries and fuel may be provided. All relief cases shall be referred to the Social Services or charitable organizations except in cases of great emergency. A record, including receipts, shall be kept of all expenditures. When deemed necessary, the Executive Committee may put restrictions on excessive spending by the Welfare Committee.
- Section 3.** The Auditing Committee immediately following the annual election of officers, unless otherwise authorized by the Executive Board, shall audit the records and accounts of the Treasurer once each year and following such audit, the committee shall render a written report thereof to the Chapter Executive Committee.
- Section 4.** The Entertainment Committee shall perform such duties as its name implies and as may be directed by the Junior Vice-Commander, the Chapter or the Executive Committee. It shall not incur any expenses, however, except with the prior approval of the Executive Committee.
- Section 5.** The Commander shall serve as Ex-Officio Chairman of all committees appointed by him.

D.A.V. 23 BY-LAWS 5

ARTICLE VIII

Restrictions

Section 1. The Executive Committee may declare vacant the office of any officer who fails to attend three consecutive meetings of the Chapter. The Chapter at any regular meeting, may be a two-thirds vote, declare the office vacant for failure of any member to perform the duties of his office. Such vacancies shall there upon be filled as hereinafter provided.

Section 2. Any member of this Chapter who shall willfully violate his oath of allegiance to this organization, or who, by any act or deed, shall bring discredit upon this organization, shall be subject to ~~exclusion.~~ *Article 16 disciplinary action,* ~~suspension or fine, as the Chapter may determine by a secret ballot.~~ ~~By two-thirds majority vote of the members present, after written charges have been preferred against such member, and after he had been given opportunity by proper trial in Executive Session to clear himself of such charges.~~ No member shall be expelled or limited in any of the membership privileges, except as hereinafter specified in Article XII of the National By-Laws.

Section 3. The Executive Committee shall, immediately after the beginning of the fiscal year on July 1st of each year, purchase through the National Organization, a joint bond covering the Commander, Adjutant and Treasurer, for protection in the sum of at least \$1000.00, or in such larger sums as may be determined, which shall guarantee the Chapter against any defection by any such officer.

Section 4. No member whose membership dues are delinquent may be nominated or elected for any office, in or as a Department or National Convention Delegate for this Chapter. Nor shall any member not in good standing be permitted to vote on any election for officers or delegate.

Section 5. Neither the members nor the officers of the Chapter shall take part in any official capacity involving the Chapter in any partisan, political, or sectarian question, or in any industrial dispute.

Section 6. A quorum of the Executive Committee shall be constituted by a majority therefore.

Section 7. The rules contained in Robert's Rules of Order shall govern this Chapter in all cases to which they are applicable and in which they are not inconsistent with this constitution.

D.A.V. 23 BY-LAWS 5

- Section 8.** **The Order of Business** at any regular meeting shall be as prescribed in the Official Ritual of the National Organization, and as the needs of the Chapter may necessitate.
- Section 9.** **There shall be no voting by proxy.** Only members in good standing shall be entitled to vote on any question.
- Section 10.** **Any member in arrears for dues or assessment for a period of more than sixty days, shall cease to be a member in good standing and shall be so notified in writing by letters sent to his last known address. Should he fail to make payment within sixty days after being notified, he shall be dropped from the membership role of the organization, and in order to again be admitted to membership, he must make a formal application as in the case of a new member.**

ARTICLE IX

Nominations and Elections

- Section 1.** **A Steering Committee** for nomination of officers shall be appointed by the Commander at the March meeting. The committee shall submit a slate of Elective Officers at the April Election Meeting.
- Section 2.** **The Regular Annual Election** of officers shall be by secret ballot except by unanimous consent.
- Section 3.** **All Nominations** must be submitted on the floor and only by members in good standing. Nominations and election of officers shall be made in the order of the officers listed in Section 1, Article V.
- Section 4.** **All voting for officers or delegates** shall be by secret ballot except by unanimous consent.
- Section 5.** **It shall require a majority of votes cast to elect a candidate to office.**
- Section 6.** **In the event of a vacancy to an elective office, nominations and elections to fill such vacancy may be held at the same meeting. If there is a vacancy in the office of Commander, the Senior Vice-Commander advances to Commander, if he so chooses. The new Commander is authorized to fill any vacancy for the remainder of the term.**

D.A.V. 23 BY-LAWS 5

ARTICLE X

Flower Drive

The Forget-Me-Not Drive Chairman shall set a time and place for counting the receipts of the drive so that all who participate in the sales may be present to count the receipts.

These revised Constitution By-Laws were accepted by Cloverland Chapter #23, Disabled American Veterans, Kingsford, Michigan at the regular meeting on June 20th, 2002.

Constitution By-Laws Committee:

Chairman: *John W. Dowdle*
John W. Dowdle

Member: *Lewis Adams*
Lewis Adams

Member: *Douglas Powell*
Douglas Powell

Member: *Jason W. Henderson*
Jason W. Henderson

Approved: *[Signature]* 9/17/03
State Judge Advocate **Date**

Approved: *Michael E. Quinn* 4-21-03
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: *Michael E. Quinn*

4-21-03 DAV National Judge Advocate

D.A.V. 23 BY-LAWS 5

Communications from National regarding the raising and spending of all funds in DAV and DAVA.

Fact: All fund raising must spell out what the funds collected will be used for.

Fact: All monies fall into two categories; fraternal or charitable.

Charitable Monies- are collected outside of the membership (from the public) and can only be used for the service of Veterans or for hospitalized Veterans. It must be used for charity in other words. It must be identified by receipts and warrants. The 501 (C) exemption as a non-profit organization on the 1099 form is closely examined by the IRS. There are many Big Brothers looking over the DAV/DAVA Brothers and Sisters shoulders. Therefore we do not want to do anything to jeopardize our organization because we are a service organization. While our incorporation papers protect and insulate individual members, it does not free our organization from the wrath of the IRS and we do not want to lose our non-profit status.

Fraternal Monies-are collected from the membership. This money may be used for expenses of running the organization, sending members to conventions and meetings esp. S.E.C. meeting. It can be used to pay the fees to State, Zone, National Conventions providing that those members attend 90% of the seminars or schools. However, Fraternal monies can be used for charitable purposes also.

This is the last page of the revised Constitution and By-Laws for the Cloverland Chapter 23, Kingsford, Michigan. 6/20/02