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Mr. Frantt V. Whitehill, Adjutant  
Midland County Chapter #94  
Disabled American Veterans  
P.O. Box 2455  
Midland, MI 48641

Dear Adjutant Whitehill:

The Constitution and Bylaws for Midland County Chapter #94, Department of Michigan, is hereby approved as of this date.

A copy of this document is being returned to Midland County Chapter #94, 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

## **DISABLED AMERICAN VETERANS, CHAPTER 94, DEPARTMENT OF MICHIGAN**

### **ARTICLE I - NAME**

The name of this organization shall be "Disabled American Veterans, Chapter 94, Department of Michigan."

### **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 the Chapter.

### **ARTICLE IV - ORGANIZATION**

#### **4.1 Elected Offices**

4.1a The chapter shall elect a Commander, a Senior Vice Commander, and a Junior Vice Commander.

4.1b No Chapter officer may hold more than one elective office at the same time.

#### **4.2 Auditing Committee**

The Chapter Commander shall appointment an auditing committee consisting of the Junior Vice Commander and two other members of Chapter 94.

### **ARTICLE V - ADMINISTRATION**

The administration affairs of this organization shall be vested in the Chapter meeting provided a quorum is present.

## **ARTICLE VI - EXECUTIVE POWERS**

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

## **ARTICLE VII - POWERS AND DUTIES OF THE CHAPTER**

### **7.1 Supreme Powers**

The Supreme powers, the powers to determine and revise policies and direction of the organization shall be vested in the Chapter meeting to be held once each month and to be composed of the Chapter Officers and chapter members.

### **7.3 National/State Mandates**

Chapter 94 shall be subject to the mandates of the National and State organizations pertaining to Chapter organization.

### **7.4 Chapter Constitution and Bylaws**

This Constitution and subsequent Bylaws shall in no way conflict with the Constitution and Bylaws of the National or State organizations.

## **ARTICLE VIII - AUXILIARIES**

This organization recognizes a DAV Auxiliary (DAVA) and the National Order of Trench Rats (NOTR) as auxiliary units of this Organization.

## **ARTICLE IX - AMENDMENTS**

This Constitution may be amended at any Chapter Meeting by a three quarters vote of active members present, providing a quorum is met, subject to approval by both the State and National Organizations.

## **BYLAWS**

### **DISABLED AMERICAN VETERANS, CHAPTER 94, DEPARTMENT OF MICHIGAN**

#### **ARTICLE 1 - ORGANIZATION**

##### **1.1 Governing Bodies**

The governing body of this organization shall be the Chapter Meetings, provided a quorum is present, within the rights and privileges granted by the State and National organizations.

##### **1.2 Allegiance**

This chapter recognizes the national organization known as the Disabled American Veterans, incorporated by Act of Congress, and affirms its allegiance and subordination to both the national and state organizations, their Constitutions, Bylaws and all rules, mandates and regulations promulgated pursuant thereto. Upon dissolution of the Chapter, the assets remaining after payment of its debts shall be distributed as provided in Article 6, Section 6.4, paragraph 5 of the National Bylaws.

##### **1.3 Record Keeping**

The Chapter Adjutant shall keep records of all proceedings, which shall be open for inspection by any recognized officer of the National organization and the Department of Michigan.

##### **1.4 Procedures**

All matters of procedure not otherwise provided for in the Constitution and Bylaws of Chapter 94, the Constitution and Bylaws of the Department of Michigan, or in the Constitution and Bylaws of the National organization shall be governed by Robert's Rules of Order, Revised.

#### **ARTICLE 2- POLICY**

This organization shall be non-political and non-sectarian and the name of this organization or name of any unit thereof shall not be Used in representing the desires or wishes of its membership in any political, sectarian or labor dispute, except as herein provided or as provided in the Bylaws of the National organization. Provided, however, that the foregoing shall not prevent this chapter from participating in political issues which have a direct bearing upon the welfare of America's disabled veterans.

## **ARTICLE 3 - MEMBERSHIP**

### **3.1 Rules**

Membership rules of Chapter 94 shall be the same as prescribed in the National organization's Constitution and Bylaws.

### **3.2 Membership Transfer**

Members of one chapter may secure a transfer of membership to another chapter, with the approval of the receiving chapter. Upon notification the National organization will notify all chapters concerned. No transfer shall take effect as to dues credit or voting strength until the beginning of the fiscal year following the completion of the transfer.

### **3.3 Solicitations**

No member shall solicit funds or offer for sale any form or kind of merchandise in the name of the organization or while wearing any portion of the DAV uniform, except in accordance with the National organization's Constitution and Bylaws.

## **ARTICLE 4 -CHAPTERS**

### **4.1 Charter Revocation**

Chapter 94's Charter may be revoked in accordance with the National organization's Bylaws. Members in good standing of Chapter 94 having had its charter revoked may transfer to another Chapter.

### **4.2 Chapter Officers**

4.2a Chapter 94 shall elect a Commander, a Senior Vice Commander, and a Junior Vice Commander. The Commander will appoint an Adjutant, a Treasurer, and a Chaplain, The Commander shall appoint three Trustees with staggered 3 year terms and may appoint other such officers as may be necessary to operate the Chapter.

4.2b Chapter officers shall be elected/appointed annually during the months of April, May or June.

4.2c Chapter 94 officers shall be administered the "oath of office" prior to July 1<sup>st</sup>. The Adjutant shall submit an "officer certification form," certifying that the officers have been duly elected/appointed and that they have taken the "oath of office." This form shall be obtained from Department headquarters and shall be signed by the officer administering the oath of office and forwarded to Department headquarters within 10 days after installation.

### **4.3 Ruling of the Chapter Commander**

The ruling of the Chapter 94 Commander is final and binding upon the Chapter unless the decision is overruled by a three quarters vote at a Chapter meeting,

providing a quorum is present, or upon successful appeal to the State Executive Committee.

#### **4.4 Chapter Constitution, Bylaws and Rules**

Chapter 94 shall adopt its own Constitution, Bylaws and rules; provided that such Constitution, Bylaws and rules do not conflict with those of the Department of Michigan or with those of the National organization. Chapter Constitution, Bylaws and rules shall be approved by the State Judge Advocate and the National Judge Advocate.

#### **4.5 Chapter 94 Quorum**

During chapter meetings 5 members present with at least 2 being chapter appointed or elected officers, constitutes a quorum.

#### **4.6 Chapter 94 Records**

4.6a The Chapter Treasurer shall keep a complete financial record of all monies received, expended and remitted.

4.6b The Chapter Treasurer shall be responsible for all chapter funds, which must be deposited in a credible financial institution, designed for safekeeping of funds in the name of Chapter 94.

4.6c All Chapter funds must include bingo accounts, C.D.'s, building funds, memorial home funds, etc. The chairmen of these accounts (funds) shall submit a monthly report to the Chapter Treasurer who shall include these, and all funds, in a report at every Chapter meeting.

4.6d All accounts must be audited annually by the Chapter's auditing committee, which shall consist of the Junior Vice Commander and two appointed trustees. It shall not include the Commander, Senior Vice Commander or Treasurer.

4.6e All bank accounts must be held in the name of Chapter 94 and shall include the name of the Treasurer on the account, with the names of at least 2 other chapter officers.

4.6f The accounting period/year shall be July 1<sup>st</sup> through June 30<sup>th</sup>.

4.6g An accounting will be made and the treasurer will submit a report annually to the National and State of Michigan Department organizations within 90 days after the close of the accounting year in accordance with Article IX, Section 9.3 of the National organization's Bylaws. He or she will also submit to the IRS and State of Michigan any Non Profit tax forms necessary to insure Chapter 94's tax free status.

4.6h Members in good standing of Chapter 94 may inspect the records of Chapter 94 in the presence of a chapter officer.

## **ARTICLE 5 - POWERS AND DUTIES OF THE CHAPTER OFFICERS**

### **5.1 Qualifications of Officers**

Any person holding membership in this organization whose membership dues has been duly received by the Chapter, Department of Michigan, or the National organization shall be eligible to any elective office in Chapter 94, except as restricted in Article IV, Section 4.3 of the Chapter 94 Constitution.

### **5.2 Powers and Duties of the Chapter Commander**

5.2a The Chapter Commander shall be the presiding officer at the Chapter 94 meetings. At his or her discretion, one of the Vice Commanders may be delegated to preside.

5.2b The Chapter Commander shall have the right of prior approval of all publicity releases of Chapter 94.

5.2c The Chapter Commander shall appoint an adjutant, a treasurer, a chaplain, 3 trustees and any other such officers and committees as may be deemed necessary.

5.2d The Chapter Commander shall at his or her discretion, appoint and direct all personnel needed to help resolve disputes and/or problems between members, between Chapters, or between Auxiliary units or dugouts.

5.2e The Chapter Commander may remove from office any appointee with the approval of a chapter quorum majority.

5.2f The Chapter Commander shall render decisions to settle disputes within Chapter 94. These decisions shall be subject to appeal to (in order) the State Commander, the State Executive Committee, the State Convention, provided written notice of intention to appeal is given to the Department of Michigan headquarters within 15 days of the Chapter Commander's decision. In all cases, the decision of the State Convention shall be final.

5.2g The Chapter Commander, or at the Chapter Commander's discretion, a Chapter Vice Commander, shall represent Chapter 94 at the DAV State Convention.

5.2h The Chapter Commander shall appoint an auditing committee to audit Chapter 94's finances prior to the annual election of new officers.

### **5.3 Powers and Duties of the Chapter Vice Commanders**

The Chapter Vice Commanders shall assist the Chapter Commander in the performance of his or her duties on behalf of Chapter 94.

### **5.4 Duties of the Chapter Chaplain**

The duties of the Chapter Chaplain shall be as prescribed in the National Bylaws and as directed by the Chapter Commander.

### **5.5 Duties of the Chapter Adjutant**

5.5a The Chapter Adjutant shall be the Secretary to the Chapter Commander and record all chapter proceedings...

5.5b It shall be the duty of the Adjutant to maintain a master copy of the Chapter minutes.

## **5.6 Duties of the Chapter Treasurer**

5.6a All expenditures of the Disabled American Veterans, Chapter 94, shall be reviewed by the Chapter Commander. All financial disbursements require the signature of the Treasurer and one other officer.

5.6b The Chapter Treasurer shall be an authorized signatory on all Department depository and checking accounts, along with two other Department officers.

5.6c The treasurer will submit a report annually to the National and Department organizations within 90 days after the close of the accounting year in accordance with Article IX, Section 9.3 of the National organization's Bylaws. He or she will also submit to the IRS and State of Michigan any Non Profit tax forms necessary to insure Chapter 94's tax free status.

## **5.7 Duties of the Chapter Judge Advocate**

5.7a The Chapter Judge Advocate shall serve as a member of Chapter 94.

5.7b The Chapter Judge Advocate shall serve as an advisor to the Interim Constitution and Bylaws Committee.

5.7c The Chapter Judge Advocate shall, at the request of the Chapter Commander, render opinions on any existing or proposed parts of the Chapter, Michigan State Department or National organization's Constitution and Bylaws, on all questions of parliamentary procedure, and on all questions arising from Chapter disputes.

## **5.8 Duties of the Chapter Officer-of-the-Day**

The duties of the Chapter Officer-of-the-Day shall be as prescribed in the National organization's Bylaws and as may be directed by the Chapter Commander.

## **5.9 Duties of the Chapter Sergeant-at-Arms**

The duties of the Chapter Sergeant-at-Arms shall be as prescribed in the National organization's Bylaws and as may be directed by the Chapter Commander.



## **5.10 Policy regarding vacancies in Chapter offices**

5.10a In the event of a vacancy or removal from office of the Chapter Commander, the ranking Chapter Vice Commander shall become the Chapter Commander.

5.10b In the event of a vacancy or removal from office of a Vice Commander the vacancy will be filled at the next Chapter meeting, providing a quorum is present.

## **5.11 Tenure of Office**

The elected Chapter officers shall be installed immediately preceding the adjournment of the Chapter meeting at which they were elected, and shall hold their respective offices until their successors have been elected and installed.

## **ARTICLE 6 - STATE CONVENTION**

### **6.1 Delegates**

6.1a The Chapter Commander shall appoint one delegate and one alternate for Chapter 94 and at his or her discretion one delegate and one alternate for each twenty-five (25) members or major fraction thereof on whom a per capita tax has been received by The State of Michigan Department headquarters at least ten (10) days prior to the State Convention.

6.1b All Chapter delegates and alternates shall be chosen by the Chapter Commander at least twenty (20) days prior to the State Convention and certified to the State Executive Secretary prior to the opening of the State Convention on forms provided by Department headquarters.

6.1c Chapter 94's delegation shall select a chairman who shall announce the vote of the delegation during the State Convention.

## **ARTICLE 7 - REVENUES AND EXPENDITURES**

### **7.1 Expenditures**

7.1a All expenditures of Chapter 94 shall be made by check or electronic funds transfer and supported by payment vouchers. Approval of payment must be obtained from a Chapter meeting with a quorum present.

7.1b The Chapter Treasurer and two other Chapter Officers shall be listed on all Department deposit accounts as authorized signatures.

7.1c Reimbursement of travel expenses shall not exceed Internal Revenue Service Guidelines.

**7.2 Revenue**

7.2a All revenue shall be deposited in credible financial institutions in the name of the Disabled American Veterans Chapter 94.

7.2b All fund raising projects of Chapter 94 shall be subject to the provisions of the State and National Constitutions and Bylaws.

7.2c The revenue of Chapter 94 shall be derived from contributions and such other sources as may be approved by the State Executive Committee, subject to the provisions of the National organization's Constitution and Bylaws.

**ARTICLE 8 – Miscellaneous**

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 as to conform thereto.

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

Adopted after this second and final reading on the 2nd day of May, 2013.

Leann V Whitehall #94  
ADJUTANT (CHAPTER)

Rodney B. Latta  
COMMANDER (CHAPTER)

Billie Cardona  
DEPARTMENT JUDGE ADVOCATE

Michael E. Solman  
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: 6-20-13

DAV National Judge Advocate

