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March 25, 2019

RECEIVED  
APR - 1 2019

BY: .....

Mr. William H. Fisher, Adjutant  
Department of Maryland  
Disabled American Veterans  
101 N. Gay Street, Room B  
Baltimore, MD 21202

EIN: 52-6055613

Dear Adjutant Fisher:

The Constitution and Bylaws for the Department of Maryland, is hereby approved as of this date, with the following change.

The following must be added as Article 10, Section 10.5 of the Department Bylaws: *“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 the National Organization, as now in force or as hereafter amended or adopted, this instrument shall be deemed amended as to conform thereto.”*

A copy of this document is being returned to the Department of Maryland, and a copy is being retained in our permanent files here at National Headquarters for future reference.

Sincerely,

MICHAEL E. DOBMEIER  
National Judge Advocate

MED:kb  
Enclosure



**DISABLED AMERICAN VETERANS  
DEPARTMENT OF MARYLAND**  
War Memorial Building, Room B, 101 North Gay Street, Baltimore, MD 21202

**Constitution and Bylaws**



**Department of Maryland Convention**

**Revised  
June 1, 2018**

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**DISABLED AMERICAN VETERANS  
Department of Maryland, Inc.**

**CONSTITUTION**

**Preamble**

For God and Nation, and for our commonweal, we former members of the armed forces of the United States having aided in maintaining the honor integrity, and supremacy of our country, holding in remembrance the sacrifices in common made and drawn together by strong bonds of respect and mutual suffering, solemnly and firmly associate ourselves together in creating the Disabled American Veterans, and purposes of which shall be supreme allegiance to the United States of America, fidelity to its Constitution and laws; to hold aloft the torch of true patriotism; strive for a better understanding between nations that peace and goodwill may prevail; to cherish and preserve the memories of our military association; and to aid and assist worthy wartime disabled veterans, their widows, their orphans and their dependents.

**ARTICLE I**

**Authority and Allegiance**

**Section 1.**

The National Organization chartered the Disabled American Veterans, Department of Maryland, Inc. on April 10<sup>th</sup>, 1945, per Article IV of the National Constitution.

**Section 2.**

The Disabled American Veterans, Department of Maryland, Inc., hereinafter referred to as the "Department," agrees to abide by the current National Constitution and Bylaws.

**ARTICLE 11**

**Purpose**

To uphold and maintain the Constitution and the laws of the United States; to realize the true American ideals and aims for which those eligible. To membership fought; to advance the interests and work for the betterment of all wounded, gassed, injured and disabled veterans; to cooperate with the United States Department of Veterans Affairs and all other public and private agencies devoted to the cause of improving and advancing the condition, health and interest of all wounded, gassed, injured and disabled veterans; to stimulate a feeling of mutual devotion, helpfulness and comradeship among all wounded, gassed, injured and disabled veterans; to serve our comrades, our communities and our country; and to encourage in all people that spirit of understanding which will guard against future wars.

### **ARTICLE III Membership**

Any man or woman, who was wounded, gassed, injured or disabled in line of duty during time of war, while in the service of either the military or naval forces of the United States of America, and who has not been dishonorably discharged or separated from such service, or who may still be in 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 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.

### **ARTICLE IV Administrative and Executive Duties**

#### **Section 1.**

The supreme power of the Department is vested in the Department Convention.

#### **Section 2.**

The Department Executive Committee, representing the Department's Chapters, will act with full powers between Department Conventions.

#### **Section 3.**

The executive powers of the Department are vested in the Department Commander as stated in the Bylaws of this organization.

#### **Section 4.**

The Department Bylaws will provide for:

- An annual Department Convention with elected Delegates.
- A Department Executive Committee.
- A Department Commander and all other officers.

**ARTICLE V  
Amendments**

**Section 1.**

This Constitution may be amended at a Department Convention by a majority vote of the Delegates present and voting, provided that a copy of any proposed amendment will have been submitted to the Department forty-five (45) days prior to the Convention, and by the Department to all Chapters of the Department at least thirty (30) days prior to the Convention.

**Section 2.**

No amendment(s) will become effective until approved in writing by the National Judge Advocate.

**DISABLED AMERICAN VETERANS  
Department of Maryland**

**Bylaws**

**ARTICLE 1  
Organization**

**Section 1 Basis for affiliation with the National Organization**

This Department 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 pursuant there to. Upon dissolution of the Department, the Assets remaining after payment of its debts will be distributed as provided in Article 6, Section 6.4, Paragraphs 5 and 6, of the National Bylaws.

**Section 1.1 Governing Bodies**

The governing bodies within the Department will be the Department Convention, the Department Executive Committee and the Three (3) Chapters Delegates of the Department.

**Section 1.2 Records**

Each body will keep records of its proceedings. The records will be open for inspection by written authorization of the Department Commander.

### **Section 1.3 Rights to property**

No Department Officer, Chapter member or members will acquire rights to any property, money, or things of value the Department may now have or hereafter acquire, except for rights and benefits arising from employment.

## **ARTICLE 2 Department Convention**

### **Section 2.1 Powers**

The Department Convention is the supreme ruling body, composed of the elected Department Officers, Past Department Commanders, and the delegates and alternates representing the chapters of the Department of Maryland, Inc. All legislative, administrative and executive matters not specifically covered by the Constitution and Bylaws of this organization, or by any enactment of the Department Convention, will be determined by the Department Executive Committee (DEC). The DEC may also adopt regulations, policy statements or orders to effectuate both the intent and the determination of these Bylaws. Mandates and resolutions adopted at each Department Convention will be effective only until the next Convention.

### **Section 2.2 Time and Place**

(A) A Department Convention will be held each year between May 15<sup>th</sup> and June 30<sup>th</sup>, unless prohibited by a national emergency. The Department Adjutant will notify each Chapter of the time and place of the Convention, in writing, not less than thirty (30) days prior to the start of the Convention.

(B) At each Convention, the Time and Place Committee will provide its recommendations for the date and location of the Convention to be held three (3) years in advance. The convention will act on the recommendations before the close of the Convention. Chapters and/or locations wishing to host the Department Convention must submit their proposals to Department Headquarters at least forty-five (45) days prior to the Department Convention.

### **Section 2.3 Registration Fee**

(A) The registration fee at the Department Convention will be \$10.00 for each elected Department Officer, Past Department Commander, delegate, alternate, or visitor. No person(s) will be entitled to be seated as a delegate until they have registered and paid such fee.

(B) Each Chapter will be assessed the following amounts to be deposited in the Department Convention Fund prior to June 1<sup>st</sup> each year: Chapters failing to submit Convention Fee to the Department by June 30<sup>th</sup>, will be subjected to suspension by the Department Commander as prescribed by the National Constitution and Bylaws in Article 6, Section 6.4 – Suspension and Revocation of Charters.



- \$20.00 – 250 members or less
- \$40.00 – 251 to 500 members
- \$60.00 – 501 to 1,000 members
- \$80.00 – 1,001 members or more

### **Section 2.4 Number of Delegates and Alternates**

At each Department Convention, each Chapter in good standing will be entitled to one (1) delegate and one (1) alternate for each ten (10) members or portion thereof, as indicated on Department membership records as of the March 31<sup>st</sup> report of the Convention year. The Department Adjutant will advise each Chapter of the number of delegates and alternates to which it is entitled. Such delegates and alternates will be elected at the next Chapter meeting following notification by the Department Adjutant. Each Chapter will file with Department Headquarters the names of its delegates and alternates at least ten (10) days before the Convention begins.

### **Section 2.5 Vote Entitlement**

(A) When properly registered as such, each elected Department Officer and each Past Department Commander will be entitled to one (1) vote.

(B) The vote of any delegate who may be absent will be cast by an alternate. Alternates will have all the privileges of delegates but may vote only when substituting for an absent delegate. If a Chapter is unable to fill all delegate or alternate offices to which it is entitled, or if any delegation is entitled to cast more votes than the number of delegates and alternates present, then the votes to which it is entitled will be divided equally among those present.

(C) No person will be registered or cast a vote in more than one (1) representative capacity.

### **Section 2.6 Convention Quorum**

A quorum will exist at a Department Convention when a majority of the Chapters in good standing are represented by duly elected and registered delegates or alternates.

### **Section 2.7 Indebtedness**

A Chapter will not be in good standing and its delegates may not be seated or vote at a Department Convention or DEC if the Chapter is indebted to the Department, has not filed its annual financial report or is suspended by the National or Department Commander.

### **Section 2.8 Ineligible Delegates**

Delegates from a Chapter designated as ineligible may be recognized for the limited purpose of appealing to the Convention regarding ineligibility under Section 2.7, above. Any action taken by the Convention will be final.

## **Section 2.9 Elected Officers**

The following officers will be elected at each Department Convention: a Department Commander, a Senior Vice Commander, a 1<sup>st</sup> Jr. Vice Commander, a 2<sup>nd</sup> Jr. Vice Commander, a 3<sup>rd</sup> Jr. Vice Commander, a 4<sup>th</sup> Jr. Vice Commander, a Treasurer, a Chaplain, a Judge Advocate, an Officer of the Day, a Sergeant at Arms, a Historian, and members to the Finance Commission as required in Section 6.1, and President/Chair of the Maryland Service Foundation as required by Section 7.2(C). No More than one-line officer from each chapter can be elected as a line officer, while his/her chapter is serving or elected as the Commander, Senior Vice Commander or Junior Vice Commander(s).

## **Section 2.10 Appointed Officers**

After the election, the newly elected Commander will appoint an Adjutant, a Department Inspector, and Assistant Officers as deemed necessary. Appointed officers will be selected and assigned by the Department Commander.

## **Section 2.11 Convention Committees**

The Standing Committees of the Department Convention are as follows: Constitution and Bylaws, Distinguished Guests, Legislative and Veterans Right, Nominating, Registration and Credentials, Resolutions, Time and Place, and any other Committees deemed necessary.

# **ARTICLE 3**

## **Executive Committee**

### **Section 3.1 Committee Members**

The Executive Committee is the governing body of the Department between Conventions. This Committee will be composed of the newly elected Department Commander, all other elected Department Officers, all Past Department Commanders, and three (3) representatives and three (3) alternate representatives from each Chapter. Each Chapter will be entitled to three (3) votes, unless five (5) Chapters request a roll call based on voting strength at the last Convention.

### **Section 3.2 Term of Office**

The term of all Department Executive Committee members will begin immediately after installation of the newly elected Department Officers at the Department Convention and end the following year with the installation of the newly elected Department Officers at the Department Convention. Chapters must be represented by chapter officers or delegates when a vote is taken.

### **Section 3.3 Expenses**

Department Executive Committee persons will serve without expense to the Department except as approved by the Department Convention.

### **Section 3.4 Committee Persons and Alternates**

Each Chapter will elect its Executive Committee persons and Alternates prior to the Department Convention. Chapters will provide the names and addresses of the persons elected to Department Headquarters thirty (30) days before the Department Convention convenes.

### **Section 3.5 Meetings**

The Department Executive Committee will meet in the months of October, January, and April and any other time the Department Commander deems a special meeting is necessary. The Commander will also call special meetings upon the written request of four chapters.

### **Section 3.6 Department Executive Committee Quorum**

A quorum will exist at Department Executive Committee meetings when a simple majority of the Department's Chapters in good standing are recorded as present.

### **Section 3.7**

The Department Executive Committee will adopt the Convention Rules at each April meeting and submit them to the Convention for ratification.

### **Section 3.8 Appeal**

Upon an appeal to the Department Executive Committee by a Chapter member regarding a Chapter ruling on a point of order, the Committee may sustain or reverse the ruling, in which case the decision will be final and binding on the Chapter.

## **ARTICLE 4 Chapters**

### **Section 4.1 Chapter Formation**

Those eligible desiring to form a chapter will make application to National Headquarters as provided in the National Bylaws.

### **Section 4.2 Adoption of Constitution and Bylaws**

Each Chapter must adopt its own constitution, bylaws and regulations, provided that such constitution, bylaws and regulations do not conflict with those of the National Organization or those of the Department with which the chapter is affiliated.

### **Section 4.3 Effective Constitution and Bylaws**

Chapter Constitution and Bylaws will not be effective until approved as set forth in Article 9 of the National Bylaws by the Department Judge Advocate and approved in writing by the National Judge Advocate.

### **Section 4.4 Chapter Officers**

Each Chapter in the Department will elect or appoint and install their respective Chapter Officers prior to the last day of April each calendar year and will notify Department Headquarters within ten (10) days after such election and installation. The names and addresses of the newly installed Officers together with names, titles, addresses, and telephone numbers of the Officer or Officers designated to receive mail. Each Chapter will notify the Department and National Headquarters within ten (10) days of any change in officers.

### **Section 4.5 Approval of Fund Raisers**

The Bylaws should conform to Article 15, Section 15.3 of the National Bylaws as it relates to Chapter fundraisers.

### **Section 4.6 Financial Reports**

(A) Each Chapter will establish its accounting/fiscal year as July 1 to June 30.

(B) Each Chapter will keep complete financial records of all monies received and expended and all monies will be deposited in a suitable two signatures required account at a recognized banking establishment.

(C) Each Chapter will have an "Audit Committee" composed of at least three (3) Chapter members excluding the Commander, Senior Vice Commander, Junior Vice Commanders, Treasurer, Adjutant, and Chairman of the Finance Committee or any other member having signature authority over the funds.

(D) Each Chapter Audit Committee will conduct an audit of the Chapter records each and every year after the close of the accounting/fiscal year.

(E) Each Chapter will be responsible for forwarding a copy of its Annual Financial Statement to the Department Office not later than ninety (90) days after the close of the accounting/fiscal period. This statement will be signed by the members of the Audit Committee certifying the accuracy of the statement. Copies of this annual Financial Statement will be forwarded to National Headquarters if required by the National Bylaws. Each chapter will be responsible for filing the appropriate IRS 990 document annually according to its financial status.

**ARTICLE 5**  
**Department Officers' Terms and Duties**

**Section 5.1 Term of Office**

The term of office of the Department Officers will be from the time of their installation until their successor has been elected/appointed and installed. No elected Department Commander(s) may succeed themselves in the following year after the term of office has been completed.

**Section 5.2 Vacancies in Office**

In the event of the death, resignation, inability to serve, or removal from office of a Vice Commander(s) or the succession of the Senior Commander for an unexpired term of a Commander as provided in these Bylaws, all subsequent Vice Commander(s) will advance in consecutive order to the next senior rank immediately. Vacancies in any elected office(s) occurring prior to April 1<sup>st</sup> will be filled by a majority vote of the Department Executive Committee. All Department Executive Committee members will be notified of the vacant Department Office(s) at least fifteen (15) days prior to the election. The Department Commander will appoint officers to fill vacancies occurring April 1<sup>st</sup> and subsequent in the following offices: Treasurer, Chaplain, Judge Advocate, Officer of the Day, Sergeant at Arms and Historian. Other vacancies in office will remain unfilled.

**Section 5.3 Removal from office**

Elected Officers will be subject to removal from office by the Department Executive Committee for inefficiency, incapacity, or failure to perform the duties of their office in accordance with the provisions of Article 16 of the National Bylaws.

**Section 5.4 Commander's Duties**

The Department Commander will be the chief executive officer of the Department and will perform duties as such, consistent with these Bylaws and with the National Constitution and Bylaws. The Department Commander will preside at the Department Convention and all meetings of the Department Executive Committee. The Department Commander will perform other duties as may be incident to his/her office or as may be directed by the Department Convention, the Department Executive Committee or the National Organization. A ruling by the Department Commander or other presiding Officer on a point of order is final and binding on the body, unless upon appeal, the body does not sustain the position of the Chair. The decision by the body will then be binding and final.

### **Section 5.5 Interim Committees and Commissions**

The Department Commander will appoint the following standing committees: Americanism, Awards, Constitution and Bylaws, Convention, Time and Place, Forget-Me-Not, Legislative, Membership, Public Relations, Joint Veterans Committee Representatives and such other committees as may be directed or as deemed necessary. The Department Commander will be a voting ex-officio member of all committees and commissions except the Nominating Committee. The Department Commander will fill vacancies on the Hospital and Rehabilitation Commission according to Article 8 of these Bylaws.

### **Section 5.6 Senior Vice Commander**

The Department Senior Vice Commander's duties will include those as assigned by the Department Commander and in the event of the death, resignation, removal, or incapacitation of the Department Commander, s/he will assume, as soon as possible, the position and duties of Department Commander, with the authority to perform as Commander until the election of a Department Commander at the next Department Convention. The Department Commander will be a voting member of the Finance Commission during the term of office.

### **Section 5.7 Vice Commanders**

The Department Commander will authorize a position task list with specific duty assignments for each vice Commander. The Department Commander will evaluate the Vice Commanders in terms of their assigned duties. Department Vice Commander (s) will regularly visit Chapters of the Department. They will be the personal representatives of the Department Commander and render assistance for the efficiency and coordination of the work of the Department and its Chapters.

### **Section 5.8 Treasurer**

The Department Treasurer is the Chief Financial Officer of the Department and will perform the duties as set forth in the Department of Maryland Accounting Policies and Procedural Manual position description as approved by the Department Executive Committee and file at Department Headquarters. In the event the Office of Department Treasurer becomes vacant, the Department Commander will appoint a Treasurer until a new Department Treasurer is elected by the Department Executive Committee. The Department Treasurer is a voting member of the Finance Commission during the term of office.

### **Section 5.9 Adjutant**

The Department Adjutant is the Chief Operations Officer of the Department and will perform duties as assigned by the Department Commander, or as assigned by these bylaws. The Adjutant serves as a non-voting member of the Department Finance Commission and the Maryland Service Foundation.

The Adjutant will maintain a Department calendar at the beginning of each year. The Adjutant will solicit all Department organizations such as chapters, Department Committees, Finance Commission, Foundations, etc. for the purpose of establishing a calendar of events. All organizations must provide all events, actual or prospective. The intended purpose is to eliminate double booking on dates that have been committed in advance.

### **Section 5.10 Inspector**

The Department Inspector will, under the supervision and direction of the Department Commander, investigate any alleged violation of Chapter, Department or National Constitution and Bylaws, including but not limited to occurrences which may impugn the integrity or reputation of the organization. The Department Inspector, at the direction of the Department Commander, will inspect and/or audit the books, records and accounts of a Chapter. Upon the completion of an investigation, inspection or audit, the Department Inspector will render a written report of findings and recommendations to the Department Commander.

### **Section 5.11 Judge Advocate**

The Department Judge Advocate shall “review and sign” the adopted changes of the Department or any Chapter’s Bylaws and forward them for the final consideration of the National Judge Advocate in accordance with Article 9 of the National Bylaws all proposed Department and Chapter Constitution and Bylaws/Amendments within thirty (30) days of receipt. Furthermore, the Department Judge Advocate may not make any changes, regardless of whether it meets with the approval of the Department Commander and/or Department Adjutant.

### **Section 5.12 Opinion**

The Department Judge Advocate will, upon request of the Department Commander or presiding officer, render an advisory opinion upon all existing and proposed parts of the National and/or Department Constitution and Bylaws and upon all questions of parliamentary procedure.

### **Section 5.13 Other Official Duties**

Duties of all other Officers will be assigned by the Department Commander, or as prescribed in the Official Ritual, Disabled American Veterans.

Duties of all other Officers will be assigned by the Department Commander, or as prescribed in the Official Ritual, Disabled American Veterans.

### **Section 5.14 Elected Officers Per Chapter**

Each chapter is limited to one elected line officer serving at the Department level. At the discretion of the Department Commander, no restriction will apply to appointing officers.

## **ARTICLE 6 Finance Commission**

### **Section 6.1 Composition**

All revenue and expenditures of the Department will be under the direct supervision of the Department's Finance Commission composed of the Department Commander, Senior Vice Commander, Treasurer, Adjutant (non-voting by virtue of position) and six (6) other members of the Department. At each Department Convention two (2) members will be elected for a three (3) year term to replace those members whose term has expired. A majority vote of the Convention delegates present, and voting will be necessary to elect a member of this Commission. Vacancies for any unexpired term will be filled by the Department Executive Committee at the first meeting held after the vacancy has been created. No elected officer other than specified above or Adjutant by virtue of position of the Department will be a member of the Finance Commission.

*No elected or appointed members serving concurrently on the Department Finance Commission (DFC) and the Maryland Service Foundation (MSF) will serve concurrently as Chair (DFC) or President (MSF) and/or Recorder (DFC) or Treasurer (MSF).*

### **Section 6.2 Operation**

The members of the Department Finance Commission will elect their own Chairman at the first meeting held after each Convention. The Department Finance Commission will operate under the rules, regulations and authority established in the Constitution and Bylaws of the Department of Maryland.

### **Section 6.3 Responsibility**

It is the responsibility of the Department Finance Commission to assure that all revenues and audits for all Department accounts are accomplished and assure that the proper bonds are enforced on all who are entrusted with the handling of Department funds and revenue. The Department Commander and the Chair of the Finance Commission are responsible for identifying all who are entrusted with handling funds and property for bonding and the time period. It is the responsibility of the Commission to ensure bond premiums are enforced and that the finances of the Department are handled at all times to secure an economic and business-like administration of its financial affairs.



## **Section 6.4 Meetings**

The Department Finance Commission will conduct at least three (3) joint meetings with the Maryland Service Foundation during the business year. The purpose for these meetings is to discuss and determine fund request(s) and distribution for service projects for the Department. These meetings will be conducted prior to the Department's scheduled Executive Committee (DEC) meetings. If it is deemed necessary, additional meetings maybe called either by the Finance Commission or the Service Foundation to complete the task.

## **Section 6.5 Budget**

The Department of Maryland will operate under a budget approved by the Department Convention. A budget will be proposed by the Finance Commission and distributed at the April Department Executive Committee meeting. The Finance Commission must consider the Department Executive Committee's recommendations in proposing the budget, as revised, to the Department Convention for approval or modification.

### **(A) Expenditures**

The Convention will not adopt a budget which provides for expenditures in excess of projected resources for the new fiscal year as determined by the Department Finance Commission, nor will the Commission approve any expenditures not included in the budget except by a majority, two-thirds (2/3) vote of the delegates present and voting.

### **(B) Reserves**

The Department Finance Commission is empowered to increase, decrease or create individual operating budget line items, account numbers, as necessary. Such changes may only be made with the consent of the Chairman upon approval by the Commission or Department Officers concerned.

The Department Finance Commission will assure that funding reserves for anticipated contingencies by regular, annual budgeted contributions will be available. The authorization for distribution from this contingency reserve will be included in the annual budget when funds and annual certified audits will be under the jurisdiction of the Finance Commission. The Department Executive Committee may, by a majority, two-thirds (2/3) vote of its membership present and voting, authorized up to 25 percent for emergency distribution from a Department Executive Committee contingency fund.

### **(C) Authorization for Exceeding Budget Items**

Where otherwise an acceptable request results in a need to exceed the approved budget limits under Section 6.5(A), the Department Finance Commission by majority vote, may authorize such expenditure provided the Department has adequate cash and cash equivalent resources in hand available to provide for this payment.

#### **(D) Budget Year**

The budget will be for a fiscal year beginning half of the previous year, starting July 1<sup>st</sup>. If a Convention will occur after the closing of a fiscal year, the prior year's budget will be for the new fiscal year. The newly approved budget will be effective retroactively to the beginning of the fiscal year.

#### **Section 6.6 Degree and Nature**

The Department Finance Commission will determine the degree and nature of surety bond coverage for the appropriate positions and expenses.

### **ARTICLE 7 Maryland Service Foundation**

#### **Section 7.1 Organization**

The Department of Maryland recognizes the Maryland Service Foundation as a subordinate unit within the structure of the Department, and the Maryland Service Foundation is to be formed under the Annotated Code of Maryland and the Internal Revenue Code, Section 501 (C) 19, as may be amended. As a subordinate unit of the Department of Maryland, the Maryland Service Foundation bylaws will not conflict with the Department's bylaws. Any changes to be made in its Charter and Bylaws must be approved by the Department of Maryland Convention and the National Judge Advocate prior to submission for approval to the Maryland Department of Assessment and Taxation

#### **Section 7.2 Staffing**

The President/Chair of the Foundation will be elected by the foundation trustees for a three (3) year term. After the term is completed, the trustees will elect another President.

There will be 13 trustees of the Foundation who will exercise their fiduciary responsibilities under the provisions of the Annotated Code of MD as follows:

(A) Two trustees will be the current Department Commander and the immediate Past Commander.

(B) The Board of Trustees will elect two members at large: One selected for their financial knowledge and experience, and the other selected for their knowledge and experience in public affairs.

(C) The Board of Trustees will elect nine members from a slate of DAV members nominated by the Department Convention or, if necessary, by a Department Executive Committee. The Board may elect these nominees to staggered terms of one, two or three years in order to maintain continuity. The Department Adjutant will serve as a non-voting member.

### **Section 7.3 Prohibition**

No elected member of the Department Finance Commission may serve as a Trustee of the Foundation.

### **Section 7.4 Dissolution**

Upon dissolution of the Foundation, the assets remaining after the payment of their debts shall be distributed to the Department of Maryland.

### **Section 7.5 Department MSF Fund**

The Foundation will include identified contributions from the Department of Maryland for service to be invested on their behalf in a separately reported account. The DFC will establish procedures for priority distribution for service projects of the Department. The Foundation President/Chair or Treasurer will issue the requested disbursement upon receipt in writing of the requested disbursement by the Department. Assets of the Maryland Service Foundation are considered assets of the Department and must be reported as such on the Department's Annual Financial Report. Fundraising initiatives of the Foundation are also governed by Article 15 of the National Bylaws and funds of the Foundation are also subject to the provisions of Article 18, Section 18.2 of the National Bylaws.

## **ARTICLE 8 Hospital and Rehabilitation Commission**

### **Section 8.1 Composition**

The Hospital and Rehabilitation Commission will consist of one (1) Commissioner for each Department supported facility. Commissioners will serve three (3) year terms. The Department Commander will fill vacancies in the Commission and replace members whose terms have expired. The Commission will elect one of its members to be Chairman.

### **Section 8.2 Responsibilities**

The Hospital and Rehabilitation Commission will coordinate and supervise the expenditures of allocated funds and direct the operation of the Hospital and Rehabilitation Program of the Department. Quarterly reports will be given at each Department Executive Committee meeting and Department Convention.

## **ARTICLE 9 Department Awards Committee**

### **Section 9.1 Selection of Recipients**

The Department Awards Committee will select the recipients for the six major awards. These awards will be memorial in nature and will be named for a period not to exceed 10 years. Nominations will be submitted to the committee not less than 45 days before the next Convention. No incumbent DAV or DAVA Department Commander is eligible for these awards. The committee's responsibilities include:

(A) Naming each of the six awards in honor of an outstanding individual in inspirational memorialization.

(B) Establishing the duration in years that each award will be continued under the designated name.

(C) Establishing the criteria for each award.

(D) Reviewing and evaluating nominations for awards

(E) Selecting the recipient for each award.

### **Section 9.2 Other Awards**

The Committee may select the recipients of all other Department Awards.

### **Section 9.3 Committee Authorization**

Subject to the approval of the Department Executive Committee, the Committee may originate, name or delete all other awards.

### **Section 9.4 Commander's Citation**

The Committee will have no jurisdiction over the Department Commander's Citation.

### **Section 9.5 Eligibility for Awards**

No member of the Awards Committee will be eligible for Department awards authorized by the Committee.

**ARTICLE 10  
Miscellaneous**

**Section 10.1 Governing Rules**

All matters of procedure not otherwise provided for in these Bylaws or in the Rules of the Convention will be governed by Robert's Rules of Order, Newly Revised.

**Section 10.2 Amendments**

These Bylaws may be amended at a Department Convention by a majority vote of Delegates present and voting, provided that a copy of any proposed amendment(s) will have been submitted to the Department Headquarters forty-five (45) days prior to the Convention, and by the Department to all of its Chapters at least thirty (30) days prior to the Department Convention. No amendment will become effective until approved in writing by the National Judge Advocate.

**Section 10.3 Headings**

The headings to any part of these Bylaws will have no effect upon the construction or interpretation of any such part.

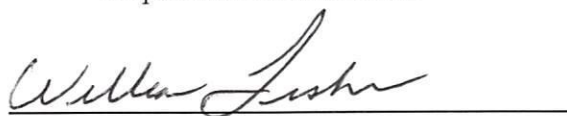
**Section 10.4 Feminine Gender Inclusion**

The masculine usage, whenever used in the Department Constitution and Bylaws, or in the position description on file in Department Headquarters, will include the feminine gender

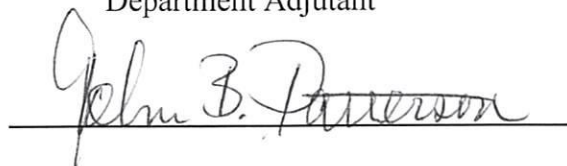
Official:



Alvin "Mick" Schmidt  
Department Commander



William H. Fisher  
Department Adjutant



John B. Patterson  
Department 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 subject to my letter of

Date: 3-25-19  
DAV 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 subject to my letter of

Date: \_\_\_\_\_  
DAV National Judge Advocate