

JAN 11 10:00

January 6, 2011

Mr. George R. Large, Adjutant  
Francis McLhinney Chapter #15  
Disabled American Veterans  
529 Beards Hill Rd.  
Aberdeen, MD 21001

Dear Mr. Large:

The Constitution and Bylaws for Francis McLhinney Chapter #15, Department of Maryland, is hereby approved as of this date.

A copy of this document is being returned to Chapter #15, a copy is being sent to the Department of Maryland, 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 Maryland ✓

**DISABLED AMERICAN VETERANS**

**Francis McLhinney Chapter #15**

**Department of Maryland**

**P.O. Box 292, Havre de Grace, MD 21078**

**CONSTITUTION AND BYLAWS**

**As revised and adopted February 2010**

**DISABLED AMERICAN VETERANS**  
**Department of Maryland**  
**Francis McLhinney Chapter #15**

**CONSTITUTION**

**Preamble**

For God and Nation, and for our common good, we former members of the armed forces of the United States having been disabled in the service of our country, solemnly and firmly unite in the Disabled American Veterans, Francis McLhinney Chapter #15, Department of Maryland, the principals and purposes of which shall be supreme allegiances to the United States of America; fidelity to its Constitution and laws; and to aid and assist worthy wartime disabled veterans, their spouses, their orphans and their dependents.

**ARTICLE I**

**Authority and Allegiance**

**Section 1.1.** The National Organization chartered the Disabled American Veterans, Department of Maryland, Francis McLhinney Chapter #15 located in the City of Havre de Grace, Maryland on 22 April 1948, per Article IV of the National Constitution.

**Section 1.2.** The Francis McLhinney Chapter #15, hereafter referred to as the "Chapter," agrees to abide by the Department of Maryland and National Constitution and Bylaws.

**ARTICLE II**

**Purpose**

The purpose of this organization is set forth in the Preamble and in Article II of the National Constitution.

**ARTICLE III**

**Membership**

Eligibility for membership in the Chapter shall be as provided in the current National Constitution and Bylaws.

**ARTICLE IV**  
**Powers**

This Chapter shall be endowed with the powers set forth by the National and State Department Constitution and Bylaws.

**ARTICLE V**  
**Administration**

The administrative affairs of this Chapter shall be vested in the Chapter officers elected and/or appointed in accordance with the Chapter Bylaws.

**ARTICLE VI**  
**Legislative**

The legislative affairs of this Chapter shall be conducted by Chapter members at scheduled or special Chapter meetings in accordance with the Chapter Bylaws.

**ARTICLE VII**  
**Executive**

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

**ARTICLE VIII**  
**Amendments**

**Section 8.1.** This Constitution may be amended at a scheduled or special Chapter meeting by a majority vote of members present and voting, provided that a copy of any proposed amendment will have been submitted to the members thirty (30) days prior to the meeting.

**Section 8.2.** No amendment(s) will be effective until presented to the Department Judge Advocate and approved in writing by the National Judge Advocate.

**DISABLED AMERICAN VETERANS**  
**Department of Maryland**  
**Francis McLhinney Chapter #15**

**BYLAWS**

**ARTICLE I**  
**Organization**

**Section 1 Basis for affiliation with the National Organization and State Department**

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 and Department of Maryland, its Constitution, 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, Paragraphs 5 and 6, of the National Bylaws.

**Section 1.1 Governing Body**

The governing body of the Chapter shall be a quorum of Chapter members meeting in a regularly scheduled or special Chapter meeting.

**Section 1.2 Records; Inspection**

The Chapter shall keep records of its proceedings which shall be open for inspection to any member in good standing.

**Section 1.3 Rights to Property**

No Chapter Officer or member will acquire rights to any property, money, or things of value the Chapter may now have or hereafter acquire.

**Section 1.4 Chapter Actions**

This Chapter agrees for itself and its members that it will not bring any action or proceedings in any Court of Law or Equity against the National Organization, its Officers, the Department, its officers, any Chapter or member thereof, until all remedies provided in the National Constitution and Bylaws, Department Constitution and Bylaws, lawful mandates of the National Organization and Department, and these Bylaws have been exhausted.

## **ARTICLE II Membership**

### **Section 2.1 Eligibility**

Eligibility for membership in this Chapter shall be persons who have met the eligibility criteria set out in Article 11 of the National Organization Bylaws. There shall be no associate, special or honorary membership.

### **Section 2.2 Membership Dues**

Membership dues shall be governed by Article 11 of the National Organization Bylaws.

### **Section 2.3 Transfers**

Members from another Chapter may transfer to this Chapter by requesting such transfer. Upon approval of the receiving Chapter, the Department and National Organization will be notified of the acceptance. All rights of membership in the Chapter shall become effective upon the approval of the transfer by the Chapter.

## **ARTICLE III Meetings**

### **Section 3.1 Regular Meetings**

The regular meetings of this Chapter shall be held on the first Monday of each month at 7:00 P. M. in Havre de Grace, Maryland. The regular meeting place is at the Activity Center located at 351 Lewis Lane, Havre de Grace, Maryland 21078.

### **Section 3.2 Special Meetings**

Special Meetings may be called whenever the Chapter Commander deems necessary or when requested by a quorum of members in good standing.

#### **Section 3.2.1 Notice of Special Meetings**

Notice of any special meeting providing the time, place, and purpose of the meeting shall be mailed to each member at least three days prior to the meeting.

### **Section 3.2.2 Business**

No business other than that specified in writing as the reason for convening the special meeting shall be transacted at any special meeting.

### **Section 3.3 Meeting Quorum**

A quorum will exist at a Chapter meeting when no less than five(5) Chapter members in good standing are present.

### **Section 3.4 Governing Rules**

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

#### **Section 3.4.1 Order of Business**

The order of business of any regular meeting shall be as prescribed in the Official Ritual of the Disabled American Veterans, or as the Chapter's need may necessitate. All members shall be encouraged to wear the official service hat.

#### **Section 3.4.2 Proxy Vote.**

There shall be no voting by proxy. Only members in good standing shall be entitled to vote on any question.

#### **Section 3.4.3 Presiding Officer Vote**

The presiding officer shall be entitled to vote only when there is a tie or when there is a vote by written ballot.

### **Section 3.5 Procedural Questions**

Parliamentary questions arising out of any debate upon the floor of the assembly or questions concerning interpretation of this Constitution and Bylaws and/or the Constitution and Bylaws of the National Organization and Department of Maryland shall be decided and announced by the presiding officer. The decision of the presiding officer shall be binding unless:

A. Overruled by a two-thirds vote of the majority on a motion of appeal from a decision of the presiding officer in favor of said motion and the motion must be made immediately following such decision of the presiding officer. There can be no other motions prior to the motion from the decision of the presiding officer.

B. Reversed upon an appeal taken to the next higher governing body at the next meeting of the State Executive Committee.

### **Section 3.6 Visitors**

Any member in good standing of another Chapter of the Disabled American Veterans may attend any meeting of this Chapter without the right to vote. No visiting member shall speak on any subject under debate without permission of the presiding officer. National or State Officers may address the Chapter at any time.

## **ARTICLE IV Chapter officer's Terms and Duties**

### **Section 4.1 Chapter Officers**

The Chapter shall elect annually a commander, a senior vice-commander, a junior vice-commander, a treasurer, a chaplain and an adjutant. The Chapter Commander may appoint other officers as may be necessary to operate the Chapter. Neither the commander nor any vice-commander may serve as the adjutant or treasurer. Appointed officers shall serve at the pleasure of the Chapter Commander.

### **Section 4.2 Nominations and Elections**

The regular nomination of officers shall be conducted at the first meeting in January. The regular election of officers shall be conducted at the first meeting in February. The regular installation of officers shall be conducted at the first meeting in March.

#### **Section 4.2.1 Nomination Procedures**

The following procedures shall be followed in nominating Chapter officers:

- A. All members in good standing must be notified by mail that nominations for Chapter officers are to be taken and all candidates must be in good standing.
- B. All nominations for the Chapter officers must be submitted from the meeting room floor. All nominations shall be made in the order of Officers as in Article IV, Section 4.1.
- C. In order to constitute a nomination, a name must be proposed and the member accept the nomination. Acceptance shall be implied if the nominee is present and remains silent. A member may be nominated if he/she is absent by submitting acceptance to the Chapter Commander or Adjutant.



D. A member may nominate themselves for a Chapter office by asking for the nomination.

#### **Section 4.2.2 Elections Procedures**

Voting for Chapter officers shall be by ballot only. A majority of votes cast shall be required to elect a candidate to any office.

#### **Section 4.3 Office Vacancy**

In the case of a vacant elected office after the installation, the next highest officer will move up to the vacancy temporarily and at the next meeting of the Chapter, an election will be held to fill the vacant office. Notice of such a vacancy and election shall be inserted in the notice of the next meeting. Election shall be by written ballot, with the same rules being followed as in the regular election, except that the election take place as soon as all nominations are received and the candidates must be present.

#### **Section 4.4 Chapter Property**

Upon election or appointment and installation of the successor to any office, all chapter property in his or her predecessor's possession shall be surrendered to the newly installed officer.

#### **Section 4.5 Commanders Duties**

The Chapter Commander will be the Chief executive officer of the Chapter and will perform duties as such, consistent with these Bylaws and the State and National Constitution and Bylaws. The Commander, or in his absence the next highest officer in attendance, shall preside at all meetings of the Chapter. He or she shall maintain order and discharge such business as may legally come before the body. All checks and vouchers issued by the Chapter's Treasurer must be countersigned by the Commander. The Commander is allowed an emergency fund not to exceed the amount of \$100.00 to be used in the event of an emergency without the approval of the Chapter. He shall perform all other duties that may be lawfully delegated to him by the Chapter.

#### **Section 4.6 Senior Vice-Commander and Junior Vice-Commander's Duties**

The Senior Vice-Commander and the Junior Vice-Commander, in order named, shall perform the duties of the Commander in the event of his or her absence, or should he or she become deceased, resign, removed from office, or become incapacitated. While performing the duties of acting Commander, they shall have the same powers as the Commander. They shall perform the duties of their stations as set forth in the

Official Ritual of the Disabled American Veterans.

#### **Section 4.7 Treasurer**

The Treasurer shall receive and immediately deposit in the bank all monies collected in the name of the Chapter without first making deductions or offsets. This deposit shall be made into the account in the name of the Chapter. The Treasurer shall make no deductions or disbursements in the account without the approval of the Chapter at a legal meeting and then such disbursements shall only be made by check or voucher drawn on the Chapter's account countersigned by the Commander. The Treasurer shall keep a system of accounts as approved by the Chapter and shall preserve all receipts and checks or vouchers for payments made. The Treasurer shall render a monthly report to the Chapter of receipts and expenditures; not later than the first regular meeting of every month.

#### **Section 4.8 Adjutant**

The Adjutant shall perform the duties as assigned by the Chapter Commander, as required in these Bylaws, or as prescribed in the Official Ritual, Disabled American Veterans. The Adjutant shall have charge of and keep a full record of all proceedings of meetings of the Chapter. These records shall be available to any member of the Chapter for information on the records of the meetings. The Adjutant will have charge of all records and communications of the Chapter. The Adjutant may appoint an assistant to help in any of the functions which come under his/her office, with the approval of the Commander.

#### **Section 4.9 Chaplin**

The Chaplin shall be charged with the duties of the spiritual welfare of the members of the Chapter and shall offer non-sectarian services in the event of dedications, funerals, or public functions as set forth in the Official DAV Ritual.

#### **Section 4.10 Historian**

The Historian shall keep a prior history of the activities of the Chapter during his term in office, to be kept as a permanent record of the Chapter.

#### **Section 4.11 Service Officer**

The Service Officer shall advise, instruct and counsel veterans and their dependents and provide assistance in the preparation of claims for various benefits to which they may be entitled.

#### **Section 4.12 Judge Advocate**

The Judge Advocate, upon the request of the Commander, shall advise or render to the Commander an opinion upon all parliamentary questions arising out of any debate upon the floor of the assembly or concerning interpretation of this Constitution and Bylaws and/or the National and Department Constitution and Bylaws.

#### **Section 4.13 Officer of the Day**

The Officer of the Day shall perform the duties as set forth in the Official DAV Ritual. The Officer of the Day shall welcome all visitors and see that each is properly introduced.

#### **Section 4.14 Sergeant-At-Arms**

The Sergeant-At-Arms shall assist the Commander in preserving order during Chapter meetings. The Sergeant-At-Arms shall perform the duties as set forth in the Official DAV Ritual.

#### **Section 4.15 Other Duties**

In addition to the forgoing, the respective Chapter officers shall faithfully carry out such duties as may be assigned to them from time to time by the Chapter.

#### **Section 4.16 Reimbursement**

By accepting any elected or appointed office, each member agrees that they will not be entitled to reimbursement for any sum or sums of money advanced, incurred, or spent unless expressly authorized to do so by the Chapter at a regular Chapter meeting. No chairman, committeeman, Chapter officer, or other Chapter member shall have power of authority to incur any expense, unless by prior approval of the Chapter, evidenced by a majority vote at a regular meeting.

#### **Section 4.17 Conduct**

*Each member accepting any elected or appointed office promises to the best of their ability to conduct themselves in such a manner at all times and places as will affect the good of this organization. To enforce and sustain this Constitution and Bylaws and the Constitution and Bylaws of the National and State organizations.*

#### **Section 4.18 Removal**

The Chapter may direct that notice be sent to an elective or appointive officer or

committee person who has failed to attend three consecutive meetings of the Chapter or committee, or who in the opinion of the Chapter, does not appear to be fulfilling the duties of the office, stating that at the next regular meeting, the matter of his/her recall from office will be considered. At that meeting, the Chapter, by two-thirds ballot vote of the members present, may declare such office or position vacant. If the position is an elective office, it will be filled as set forth in Article VI Section 4.3. If an appointive office, the Commander may appoint another member to fill such vacancy.

## **ARTICLE V Committees**

### **Section 5.1 General**

The standing committees of the Chapter shall be Audit, Ways and Means, Welfare and Hospital, Entertainment, Memorial, Membership, and such other committees as may be authorized by the Chapter or its Commander.

### **Section 5.2 Audit**

The Audit Committee shall be composed of at least (3) three Chapter members excluding the Commander, Senior Vice Commander, Junior Vice Commanders, Treasurer, Adjutant, Chairman of the Finance Committee or any other member having signature authority over the funds. The Audit Committee will conduct an Audit of the Chapter records each and every year after the close of the accounting/fiscal year which will be July 1 to June 30. Audit Committee members will sign the Chapter Annual Financial report certifying the accuracy of the statement.

### **Section 5.3 Welfare and Hospital Committee**

The Welfare and Hospital Committee shall have the duty of assisting members by investigating all calls from them or from family members for help from the Chapter. They will advise the Ways and Means Committee of any assistance needed. They shall not meet with any other organizations except a similar committee from the auxiliary of the Chapter. They have other duties of visiting members who are ill either in their homes or in the hospital, and report to the Chapter their progress toward recovery. They shall make arrangements for supplying entertainment and the distribution of gifts and remembrances either at home or in the hospital. The chairman of the committee shall be in charge of all fund raising drives for the hospital and welfare fund with the approval of the Ways and Means Committee.

### **Section 5.4 Ways and Means Committee**

The Ways and Means Committee shall consist of three members. The Treasurer shall be a member of this committee without a vote. This Committee shall devise means of raising funds. All other committees raising funds must submit a report to this committee for approval. Upon approval or rejection of this report, this committee must submit a report to the Chapter. No elected officer shall be a member of this committee.

#### **Section 5.5 Entertainment Committee**

The Entertainment Committee shall provide entertainment and speakers for meetings of the Chapter. The type of entertainment shall be approved by the Ways and Means Committee, if it entails the expenditure of any funds, at the preceding meeting of the Chapter. The Committee shall be in charge of providing refreshments for the meetings.

#### **Section 5.6 Memorial Committee**

The Memorial Committee shall have the duty of rendering military honors for deceased members. The chairman shall keep a complete and accurate record of the graves of deceased members. He shall make arrangements to place markers and flags on the graves before each Memorial Day and the installation of wreaths at the various cemeteries.

#### **Section 5.7 Membership Committee**

The Membership Committee shall keep a list of its members with up-to-date mailing addresses. The chairman will report as to the status of the Chapter at the regular meetings. They shall see that every effort is made to collect dues of delinquent members and to solicit eligible comrades to join the organization.

### **ARTICLE VI Chapter Reports**

#### **Section 6.1 OFFICER REPORTS**

The Chapter Adjutant shall submit a chapter officer report to the Department of Maryland and the National Organization within ten (10) days after election or appointment and installation of chapter officers. The report shall be submitted on the form provided by National Headquarters and shall be certified by the commander and adjutant. Any change in elected or appointed officers during the membership year shall require the submission of a new officer report to the State and National Organization within ten (10) days after the installation.

#### **Section 6.2 Financial Report**

The Chapter Treasurer shall forward a copy of the Chapter Annual Financial Statement to the Maryland Department Office not later than ninety (90) days after the close of the accounting/fiscal period, which is July 1 to June 30. This statement will be signed by members of the Audit Committee certifying the accuracy of the statement.

### **Section 6.3 Tax Status Report**

The Chapter Treasurer shall complete by Electronic Post Card, Internal Revenue Service Form 990N not later than 15 April.

## **ARTICLE VII Miscellaneous**

### **Section 7.1 Terms of Membership**

Each member accepting or retaining membership in this Chapter agrees to be bound by the Chapter Constitution and Bylaws and the DAV National and Department of Maryland Constitution and Bylaws now in force, or as may be amended, and agrees not to bring any action in any court of law or equity relating to his or her rights or privileges as a member or officer until all remedies provided by the Chapter's, National and State Constitution and Bylaws, and lawful mandates have been exhausted.

### **Section 7.2 Disciplinary Action**

All disciplinary actions taken or commenced against members or officers shall be in accordance with Article 16 of the National Bylaws.

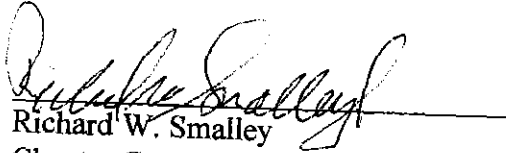
### **Section 7.3 Fund Raising**

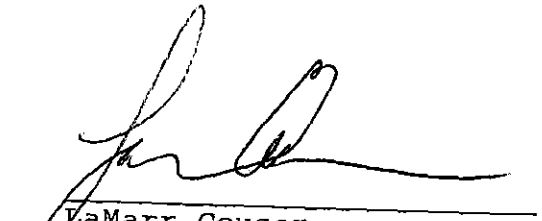
Except as specifically provided in Article 15 of the National Bylaws the Chapter shall not conduct fund-raising affairs or drives until written approval is received from the Department Commander. The Forget-Me-Not Drive shall not be conducted any time other than the month designated by the Department Commander.

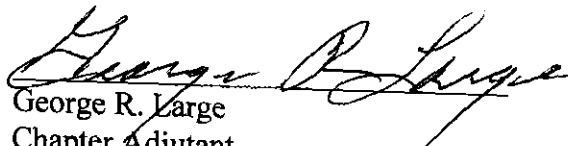
### **Section 7.4 Amendments**


These Bylaws may be amended by majority vote of members present and voting at a regular or special meeting; providing that the proposed amendment is submitted to the members thirty (30) days prior. No amendment will become effective until submitted to the Department Judge Advocate and approved in writing by the National Judge Advocate.

Official:

  
Richard W. Smalley  
Chapter Commander

  
LaMarr Couser  
Dept. Judge Advocate

  
George R. Large  
Chapter Adjutant

  
National Judge Advocate

Date: 27 April 2010

I CERTIFY that the within constitution and/or bylaws does not conflict with those of the National Organization, and to that extent, is approved.

1-6-11  
DAV National Judge Advocate