



FULFILLING OUR PROMISES  
TO THE MEN AND WOMEN WHO SERVED

Eastern Shore Chapter # 34 – 106 Circle Ave, Rm 211 – Salisbury, MD – 21801

Department of Maryland



Chapter

Constitution and Bylaws

Revised November 20, 2013



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# **CONSTITUTION AND BYLAWS OF DISABLED AMERICAN VETERANS EASTERN SHORE CHAPTER #34**

## **Constitution**

### **Preamble**

To cherish the memories and associations of the World Wars and other military conflicts of the United States in which we served; to instill and stimulate love of our Country and our Flag; to ever maintain Law and Order; to defend the honor, integrity and supremacy of our National Government and the Constitution of the United States against all enemies; to foster fraternal relations with other military organizations in our Country; to aid and assist the disabled veterans, their spouses and their children, we united, under God, in the Disabled American Veterans, Department of Maryland, Inc., and Eastern Shore Chapter # 34 Inc.

### **Article I – AUTHORITY AND ALLEGIANCE**

**Section 1:** The National Organization chartered the Disabled American Veterans, Eastern Shore Chapter Number 34 on July 1, 1979, per Article IV of the National Constitution.

**Section 2:** The Disabled American Veterans, Eastern Shore Chapter Number 34, hereinafter referred to as the "Chapter," agrees to abide by the current National Constitution and Bylaws; the current Department of Maryland Constitution and Bylaws including updates and changes as approved by the appropriate conventions.

### **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 program of the Disabled American Veterans as provided in the National Constitution and Bylaws and Regulations of the National Executive Committee.



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### **Article III – MEMBERSHIP**

Eligibility for membership in this Chapter shall conform to the requirements as set in the National Constitution and Bylaws. There shall be no associate, special or honorary membership in this chapter.

### **Article IV – ADMINISTRATION**

**Section 1:** The administrative affairs of this Chapter shall be vested in the Chapter Executive Committee in emergencies only and all other actions of the Chapter Executive Committee must be ratified by a majority vote of those Chapter members present and voting, at the next regular Chapter meeting.

**Section 2:** The Chapter Executive committee shall be composed of the Commander, Senior Vice Commander, Junior Vice Commander, Treasurer, Adjutant, Judge Advocate, Past Chapter Commanders and any other appointed Chapter officers.

**Section 3:** At the time specified in these Chapter Bylaws, the Chapter shall elect annually a Commander, Senior Vice Commander, Junior Vice Commander, Treasurer, Judge Advocate, and an Adjutant. Such other officers as may be necessary to operate the Chapter may be appointed by the Commander, with the approval of the Chapter. Neither the Chapter Commander nor any Chapter Vice Commanders may serve as Chapter Adjutant or Treasurer, or be part of the chapter Audit Committee.

### **Article V – EXECUTIVE COMMITTEE**

**Section 1:** The supreme power of the chapter is vested in chapter members at any regular meeting of the chapter held on the 4<sup>th</sup> Thursday of each month at 1:00 pm at VFW Post 194, 821 E. William Street, Salisbury, Maryland 21804.

**Section 2:** The Executive Committee of the chapter will act with limited power between regular Chapter meetings to approved expenditures of less than \$500.00.

**Section 3:** The Executive power of this Chapter shall be vested in the Chapter Commander as set forth within these Constitutions and bylaws with five (5) or members present making a quorum for an official executive meeting.

### **Article VI – AUXILIARY**

The Chapter recognizes a DAV Auxiliary as a subordinate organization of this Chapter, subject to such supervision as conforms to the National and Department Constitution and Bylaws of Disabled American Veterans.



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## **BYLAWS**

### **Article 1 – ORGANIZATION**

**Section 1.1:** This Chapter recognizes the National Organization known as Disabled American Veterans, incorporated by Act of Congress and affirms its allegiance, and subordination to the National Organization, its Constituent, Bylaws and all rules, mandates and regulations promulgated pursuant thereto. Upon dissolution of the Chapter, the assets remaining after the payment of all debts shall be disturbed as provided in Article 6, section 6.4, Paragraphs 5 and 6 of the National Bylaws.

**Section 1.2:** The governing body of the Chapter shall be the Chapter membership while in session, except as otherwise provided in this Constitution and Bylaws.

**Section 1.3:** Minutes of the Chapter, including the Chapter Executive Committee, shall be kept and be available for inspection by any Chapter member giving proper notice to the Adjutant or made available at any regular meeting of the Chapter.

**Section 1.4:** All Chapter property will be inventoried and an accounting of said property shall transfer to the possession of the new Commander upon taking office. The new has a right to see any and all equipment or property owned by the Chapter prior to taking possession of said property. The Commander has the right to give the responsibility of said property to his officers and or committee chairperson for accountability.

**Section 1.5:** Each member of the chapter agrees not to bring any action or proceedings in any Court of Law or Equity against the National Organization and its Officers, the Department of Maryland and its Officers, and the Chapter and its Officers until all remedies provided in the National Constitution and Bylaws, Department of Maryland Constitution and Bylaws, Chapter Constitution and Bylaws, any and all lawful mandates of the same, have been fully exhausted.

### **ARTICLE 2 – CHARTER**

The Charter of this Chapter, issued by the National Executive Committee, is its authority to function and shall be displayed behind the Commander's station at all regular meetings.



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### ARTICLE 3 – EXECUTIVE COMMITTEE

**Section 3.1:** The Chapter Executive Committee shall be composed of all elected officers, pass chapter commanders and all appointed officers by the Commander and duly approved by the chapter membership at its regular meeting.

**Section 3.2:** Meetings of the Chapter Executive Committee shall be called by the Commander, or at the request of 3 members of the Executive Committee for purposes of emergency or special business.

**Section 3.3:** Committee Chairpersons and other Chapter members may attend the Chapter Executive Committee meetings but without the right to vote.

**Section 3.4:** Five (5) members of the Executive Committee shall constitute a quorum.

**Section 3.5:** The Chapter Executive Committee may act for the Chapter only in emergencies and at all times shall recommend courses of action to the Chapter in session.

### ARTICLE 4 – ELECTION AND DUTIES OF OFFICERS

**Section 4.1:** The Chapter shall elect annually, a Commander, Senior Vice Commander, Junior Vice Commander, Judge Advocate, Treasurer and Adjutant. Neither the Chapter Commander nor any Chapter Vice Commanders may serve as Chapter Treasurer or adjutant.

**Section 4.2:** The Commander, with the approval of the Chapter, shall appoint the Sergeant at Arms, Chaplain, and all Chapter Committees Chairpersons

- (1) Such other officers as may be necessary to operate the Chapter may be appointed by the Commander, with the approval of the Chapter;
- (2) A Chapter Officer Report shall be submitted to the Department and National Organization within (10) days after the installation of newly elected and or appointed Chapter Officers during the membership year;
- (3) There shall be no voting by proxy or voting by absentee ballot.

**Section 4.3:** The Commander shall be the presiding Officer at all Chapter meetings; and in his/her absence, the duties will fall to the next highest officer in the line of succession who is present.

**Section 4.4:** The Senior Vice Commander shall be the Membership Chairperson, and as such, is responsible for campaigns to increase membership; and shall preside over any chapter meeting in absence of the Commander.



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**Section 4.5:** The Junior Vice Commander shall ensure that chapter programs are carried to completion and oversee Committee Chairpersons as given by the Commander and shall preside over the Chapter meeting in absence of Commander and Senior Vice Commander.

**Section 4.6:** The Adjutant shall be the Keeper of the minutes and all records of the Chapter for a period of five (5) years or until authorized by the membership as prescribed by all Federal, State and Local laws of said governments, or by order of the Court with competent Jurisdiction; shall send all correspondence from the Chapter as prescribed by or instructed by the National Organization, Department of Maryland and Chapter; and receive all correspondence for the Chapter as the authorized agent of the Chapter, and other duties as assigned by the Chapter.

**Section 4.7:** The Treasurer shall keep an accurate record of all monies received and disbursed and shall deposit any monies received as soon as possible. The treasurer shall make a report on the Chapter finances at each meeting and records shall be open to any member when a request is made in writing through the Chapter Executive Committee. An Annual Finance Report, in accordance with the requirements of the National Bylaws, shall be submitted to the Department and National Organization within ninety (90) days after the close of the accounting year of the Chapter.

**Section 4.8:** Upon the election, or the appointment, and the installation of the successor to any such Chapter office, all Chapter property in his/her predecessors' possession shall be surrendered to the newly installed officer.

#### **ARTICLE 5 – QUALIFICATIONS**

Any person that is a member of this Chapter shall be eligible to any elected or appointed office in this Chapter, except as otherwise provided in this Constitution and Bylaws.

#### **ARTICLE 6 – NOMINATIONS, DISCIPLINE, AND TENURE OF OFFICERS**

**Section 6.1:** The Commander shall appoint a Nomination Committee of at least three (3) members of the Chapter in the month of January; and said committee shall report to the membership at the February meeting of the Chapter, the names recommended by the committee will be placed into nominations. Any member of the Chapter that wishes to run for an office shall submit a letter to the Committee on or before the February Chapter meeting. Nominations for Chapter offices shall remain open until the March meeting and nominations shall be made from the Committee, nominations from the floor shall be accepted at this time. Nomination shall be closed at the March Chapter meeting and elections of Chapter officers for the ensuing will take place.

**Section 6.2:** Elected and appointed officers shall be installed within thirty (30) days of their election or appointment. They shall serve for one (1) year or until newly elected or appointed officers have been installed.



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**Section 6.3:** Unexcused absence of any officer from three (3) consecutive meetings shall be cause for removal by the Chapter and the Commander; the Commander is empowered to appoint a Chapter member to serve the unexpired term, subject to the approval of the Chapter.

**Section 6.4:** In the event the office of Commander shall be vacated for any reason, the Senior Vice Commander shall be elevated to Commander, the Junior Vice Commander to Senior Vice Commander and the vacancy filled as outlined in Paragraph 1 of this section.

**Section 6.5:** It shall require a majority vote of those Chapter members present and voting to elect a candidate for any Chapter office. It shall also require a majority of votes cast to elect delegates or alternates to a Department or National Convention.

#### **ARTICLE 7 – MEMBERSHIP**

**Section 7.1:** No application for membership shall be denied by the Chapter if he/she meets the eligibility requirements as set forth in the National Constitution and Bylaws. If the Chapter feels the character of said applicant puts the Chapter or its members in an uncomfortable condition within the community, the Chapter shall have the right to reject the application of the applicant for character reason.

**Section 7.2:** Only members of the Chapter in good standing are eligible to vote on any motion or at any election.

**Section 7.3:** Member of another Chapter may secure a transfer of membership to this Chapter, only with the approval of the membership of this Chapter.

#### **ARTICLE 8 – FINANCES**

**Section 8.1:** The Treasurer or other designated officer shall deposit monies in the name of this Chapter and must be countersign with the Commander or other designated Chapter officer on all checks.

**Section 8.2:** The Treasurer or other designated Chapter officer shall be charged with handling normal finance in the operation of the Chapter as approved by the proper authority

**Section 8.3:** The Treasurer and other designated members will be responsible for the creation and submission of an Annual Chapter Budget, no later than the August meeting with final approval by the membership.

**Section 8.4:** Membership dues shall be as provided in the National Bylaws.





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**Section 8.5:** In the event the chapter needs to borrow funds from any financial institution, the method of procedure must be followed as set forth in this section

- a) The approval to borrow must be brought forth at any chapter meeting by a motion which must have the approval of members present.
- b) The Chapters' Treasurer and Adjutant must then prepare the proper documents needed to the lending institution.
- c) Upon approval by the lending institution, the loan documents must be sign by the Commander, Adjutant and Treasurer.

## ARTICLE 9 – MEETINGS

**Section 9.1:** Regular Chapter meetings shall be on the fourth (4<sup>th</sup>) Thursday of each month at 1 pm (1300) or as determined by a majority vote of the Chapter in Session.

**Section 9.2:** The Chapter must hold at least four (4) regular meetings with a quorum present of seven (7) within the meeting year.

**Section 9.3:** Special meetings of the Chapter may be called by the Commander whenever the Commander may deem it necessary, or when the Commander is requested in writing to do so by ten (10) or more Chapter members.

**Section 9.4:** Rules of chapter meetings shall be as follows:

Rule 1. A quorum shall consist of seven (7) members in good standing of which at least three (3) must be elected Chapter officers.

Rule 2. Roberts Rules of Order, Revised, shall govern the Chapter in all cases to which they are applicable and in which they are not inconsistent with this Constitution and Bylaws, the Department Constitution and Bylaws, or the National Constitution and Bylaws.

Rule 3. Discussion of personal grievances will not be in order on the floor unless introduced by the Grievance Committee or other Committees having the authority to consider any such matters.

Rule 4. Matters concerning only an individual member, with respect to his or her own personal interest, shall not be in order but may be taken before the proper committee.

Rule 5. Voting shall be by voice unless otherwise requested by three (3) members or more.



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## ARTICLE 10 – COMMITTEES

**Section 10.1:** All Chapter Committees will meet at the call of the Chairperson or the Commander, or as otherwise provided in this Constitution and Bylaws.

**Section 10.2:** Committees shall consist of not be less than three (3) no more than seven (7) members (except as may otherwise be herein provided), including the chairperson. Committees shall be appointed by the Commander, with the approval of the Chapter membership, with the exception of the Nominating Committee which shall be elected by Chapter.

**Section 10.3:** The Chapter shall have an Audit Committee composed of at least three (3) members of the Chapter excluding the Commander, Senior Vice Commander, Treasure, Adjutant and Finance Committee Chairperson. The Audit Committee shall conduct an annual audit in accordance with the requirements of the National Bylaws.

## ARTICLE 11 – MISCELLANEOUS and AMENDMENTS

**Section 11.1:** The Constitution and Bylaws may be amended at a regular Chapter meeting by a vote of two-thirds of those Chapter members present and voting, providing proper written notice is sent to each member on roll at their home of record thirty (30) days prior to any action or reading of the Constitution and Bylaws at the first regular Chapter meeting after the thirty (30) day notice is given.

**Section 11.2:** The Chapter Adjutant shall use the mailing list received from the National Membership Roster at time of said notice is to be sent, subject to approval of the Department and National Judge Advocate, and effective only after the date of said approval, provided that any such amendment is read at two (2) meetings and that all Chapter members were notified of the proposed change prior to each of the two (2) meetings.

**Section 11.3:** A copy of this Constitution and Bylaws shall be properly affixed to the back of the framed Charter to prevent its loss and in order that it may be available for reference at any meeting of the Chapter. Any member in good standing of this Chapter shall upon request to the Adjutant receive a copy of the Constitution and Bylaws for their personal records.

**Section 11.4:** To the extent to which any of the provision 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 regulation of either the National Organization, and the Department of Maryland as now in force or hereafter amended so as to conform thereto.



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### **Section 11.5: Offenses and Recommended Penalties**

Para. 1: Notwithstanding the other provisions of Article 16, the National Commander or State Commander, as the case may be, may temporarily suspend a member if in his or her sole discretion he or she determines that a temporary suspension is in the best interests of the Organization and information is submitted to the Department of Maryland Commander for action.

Para. 2: The member affected shall be notified in writing of the temporary suspension and the allegations which caused the temporary suspension. If temporary suspension is by the National Commander, it shall be effective immediately. If it is by the State Commander, it shall also be effective immediately, provided however, that he or she is provided a copy of such notification letter, along with all supporting documentation which substantiates the Commander's decision to the National Commander. The National Commander will have fourteen (14) days from receipt of such notification in which to reverse the decision. The temporary suspension of a member by either the National Commander or State Commander must be for the purpose of conducting an investigation to be completed within ninety (90) days. Any request for temporary suspensions to continue beyond ninety (90) days must be made by the National Commander and approved by the National Judge Advocate. Following the investigation, the member must be placed back in good standing or further action within Section 16.2 must be initiated. If a disciplinary hearing is scheduled, the member shall remain on temporary suspension until completion of the hearing process to include any appeal.

### **Section 11.6: Notice and Hearing**

Para. 1: The National Bylaws under Article 16.2 of the National bylaws states that a member may be subjected to the penalties assessable under this Article only after notice and hearing as follows: (a) the STATE Commander or the National Commander, as the case may be, shall notify the member by Certified Mail, Return Receipt Requested, of the specific violation with which he or she is being charged. (b) The State Commander shall set a date, time and place for hearing before the state Executive Committee for the purpose of a hearing by said member upon proper written notice.

### **Section 11.7: Definitions of Penalties**

Para. 1: The National Bylaws under Article 16.3 states the penalties imposed under this Article are defined as follows"

(a) Suspension shall remove the member from membership and/or from any office held by him or her for not more than year.

(b) Transfer shall be the permanent transfer of membership to the state or National At-Large Chapter.

(c) Expulsion shall permanently remove the member from membership. In the event of expulsion, the National Commander may, in his or discretion, refund the balance of dues, anything to the contrary in these by laws notwithstanding.



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**Section 11.8: Appeal**

The National Bylaws under Article 16.4 provides that the decision and penalty imposed shall be final, unless the penalty determined by the state executive committee, and approved by the National Commander is expulsion, in which event it shall be final unless a written notice of appeal to the National Executive Committee stating the grounds therefore is filed by Certified Mail, Return Receipt Requested, with the National Adjutant within thirty (30) days after mailing notice of the penalty to the member. Under such appeal, the burden shall be upon the appellant to demonstrate that the decision is clearly erroneous.



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**Official Signature of Approval by Chapter Officers**

Chapter Commander	Chapter Adjutant
Curtis L. Milbourne, Sr.	LaVaughn W. Price, Sr.
Date: 6-25-14	Date: 6/24/2014

	Date: 26 June 2014
Chapter Judge Advocate	
Edward R. Elder	

**Official Signature of Approval by Department Officers**

Department Commander	Date	Department Adjutant	Date
Harold Webster		Joseph Cuocci Sr.	

I Certify that the written constitution and/or By-laws does not conflict with those of the Department of Maryland, and to that extent, is approved.

I Certify that the written constitution and/or By-laws does not conflict with those of the National Organization And to that extent, is approved.

Department Judge Advocate	Date
Gerard (Jerry) F. Devlin	

DAV National Judge Advocate	Date
Michael E. Dobmeier	