

National Headquarters
3725 Alexandria Pike
Cold Spring, KY 41076
Phone (859) 441-7300
Fax (859) 441-1416
Toll Free (877) 426-2838
www.dav.org

National Service & Legislative Headquarters
807 Maine Avenue, S.W.
Washington, D.C. 20024-2410
Phone (202) 554-3501
Fax (202) 554-3581

April 22, 2019

Mr. Elton Stokes, Commander
PFC J. Demarr Memorial Chapter #36
Disabled American Veterans
P.O. Box 147
White Plains, MD 20601

EIN: 52-1169690

Dear Commander Stokes:

The Constitution and Bylaws for PFC J. Demarr Memorial Chapter #36, Department of Maryland, is hereby approved as of this date, with the following change.

Article III, Section 7 of the Chapter's Bylaws must be amended to delete the phrase, "...and agrees not to bring any action in any court of law or equity relating to his/her rights or privileges as a member or officer until all remedies provided by this Chapter's Constitution and Bylaws and those of the Department and National Organization have been exhausted." Similar language was removed from the National Bylaws during the National Convention several years ago. As such, the chapter must also remove such language as to not conflict with the Bylaws of the National Organization.

A copy of this document is being returned to PFC J. Demarr Memorial Chapter #36 and the Department of Maryland. A copy is also being retained in our permanent files here at National Headquarters for future reference.

Sincerely,

COPY

MICHAEL E. DOBMEIER
National Judge Advocate

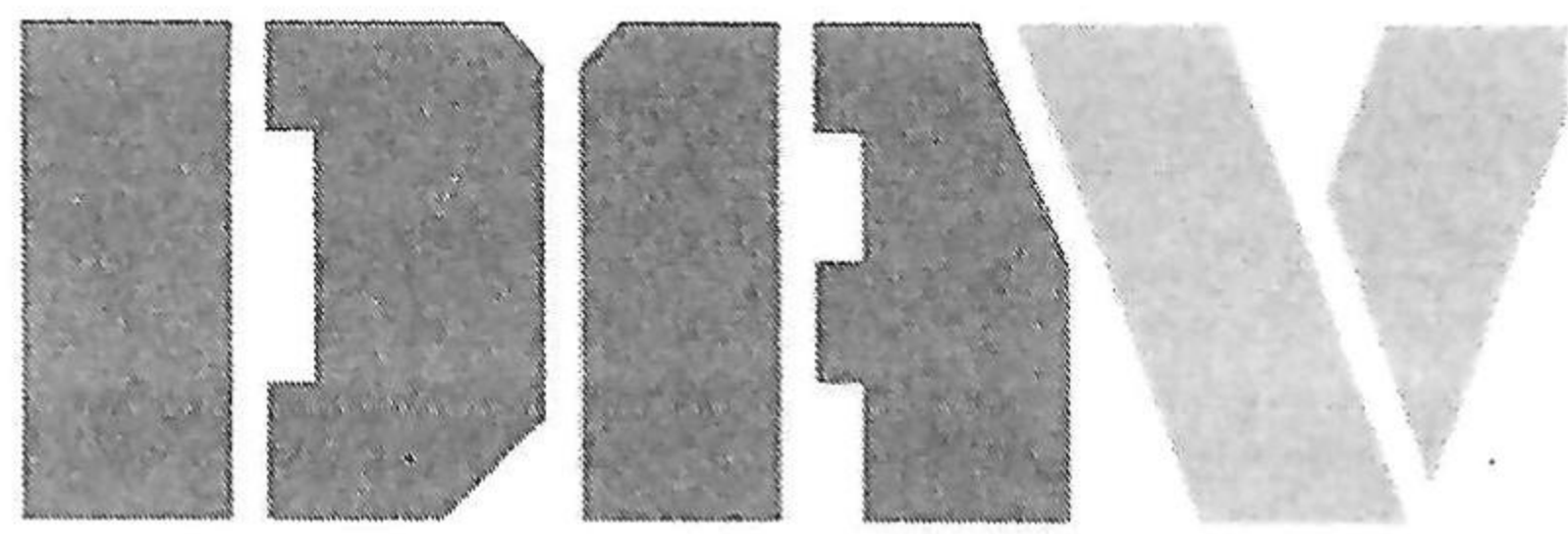
MED:kb
Enclosure

c: Department of Maryland

bc: J. Marc Burgess
Barry A. Jesinoski
Michael E. Dobmeier

RECEIVED
APR 25 2019

BY:



FULFILLING OUR PROMISES
TO THE MEN AND WOMEN WHO SERVED

Constitution and Bylaws

PFC John C. DeMarr, Jr. Memorial
Chapter No. 36

May 17, 2018

**CONSTITUTION AND BYLAWS
DISABLED AMERICAN VETERANS
PFC JOHN C. DeMARR, JR. MEMORIAL CHAPTER No. 36, INC.**

CONSTITUTION

ARTICLE I – NAME

Section 1: The name of this Chapter shall be Disabled American Veterans, PFC John C. DeMarr, Jr. Memorial Chapter No. 36, Inc.

Section 2: The name of this Chapter or of the Disabled American Veterans (DAV) must not be used in connection with, nor shall the Chapter enter into or engage in, any political, sectarian, or labor dispute, nor in any matter not directly relating to wartime service-disabled veterans. However, nothing in this section shall prohibit this Chapter from participating in political issues which have a direct bearing on the welfare of America's Disabled Veterans.

ARTICLE II – PURPOSE

The purpose of this Chapter is fulfilling our promises to the men and women who served, and, in furtherance of that purpose, to support the programs of the Disabled American Veterans as provided in the National Constitution and Bylaws and the Regulations of the National Executive Committee.

ARTICLE III – MEMBERSHIP

Membership in this Chapter shall conform to the requirements as set forth in the National Constitution and Bylaws. There shall be no associate, special or honorary memberships 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 Executive Committee must be ratified by a majority vote of the Chapter members present and voting at the next regular Chapter meeting.

Section 2: At the time specified in the Chapter Bylaws, the Chapter shall elect annually a Commander, Senior Vice Commander, Junior Vice Commander (not to exceed three), Treasurer, and Chaplain.

Section 3: The appointed officers of the Chapter shall consist of the Adjutant, Historian, Service Officer(s), Judge Advocate, Sergeant-At-Arms, and Officer of the Day who shall be appointed by the Commander with the approval of the Chapter. 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 Commander shall serve as Chapter Adjutant or Treasurer.

Section 4: The Executive Committee shall be composed of the Commander, Senior Vice Commander, Junior Vice Commander(s), Treasurer, Chaplain, and Adjutant.

Section 5: The Commander, Adjutant, and Treasurer shall at all times be bonded and such bond premium is to be paid for by the Chapter in accordance with the National Bylaws.

ARTICLE V – EXECUTIVE

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

ARTICLE VI – AUXILIARY

The Chapter recognizes a DAV Auxiliary, subject to such supervision as conforms to both the National and Department Constitution and Bylaws.

ARTICLE VII – AMENDMENTS

This Constitution may be amended at any Chapter meeting by a two-thirds vote of Chapter members present and voting, subject to approval of both the Department and National Judge Advocates, 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 (2) two meetings.

BLANK
M.B.D.

BYLAWS

ARTICLE I – ORGANIZATION

Section 1: This Chapter recognizes the National Organization known as Disabled American Veterans (DAV), incorporated by an Act of Congress and affirms its allegiance and subordination to the National Organization, its Constitution, Bylaws, and all rules, mandates and regulations promulgated pursuant thereto. Upon dissolution of the Chapter, the assets remaining after the payment of its debts shall be distributed as provided in Article 6, Section 6.4, Paragraphs 5 and 6, of the National Bylaws.

Section 2: The governing body of this Chapter shall be the Chapter in session, except as provided in this Constitution and Bylaws.

Section 3: Minutes of the meetings of the Chapter, including Chapter Executive Committee, shall be kept and be available for inspection by any Chapter member.

ARTICLE II – CHARTER

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

ARTICLE III – MEMBERSHIP

Section 1: No new applicant shall be denied Chapter membership if he or she meets the eligibility requirements as set forth in the National Constitution and Bylaws.


Section 2: Only members of the Chapter in good standing are eligible to vote on any motion or at any election.

Section 3: Members of another Chapter may secure a transfer of membership to this Chapter with the approval of the membership of this Chapter.

Section 4: The membership year shall commence on July 1 and expire at midnight of the following June 30. Dues shall not be apportioned or prorated.

Section 5: Dues in this Chapter shall be as the National Organization directs.

Section 6: All disciplinary actions taken or commenced against members or officers shall be in accordance with Article XVI of the National Bylaws.

Section 7: Each member accepting or retaining membership in this Chapter agrees to be bound by the Chapter's Constitution and Bylaws and the DAV National and Department Constitution and Bylaws, now in force or hereafter adopted or amended; ~~and agrees not to bring any action in any court of law or equity relating to his rights or privileges as a member or officer until all remedies provided by this Chapter's Constitution and Bylaws, the National and Department Constitution and Bylaws, and lawful mandates have been exhausted.~~ 

ARTICLE IV – OFFICERS

Section 1: Elected Officers

Paragraph 1: The Chapter shall elect annually a Commander, Senior Vice Commander, Junior Vice Commander (not to exceed three), Treasurer, and Chaplain.

Paragraph 2: A member shall hold only one elected Chapter office at any one time. A delegate to a National or Department Convention or Department Executive Committee is not an "elected officer" within the meaning of this Section. Except as otherwise provided herein, an elected officer may also hold an appointed office, and vice versa, except the Chapter Commander and Vice Commanders shall not serve as Chapter Adjutant or Treasurer.

Paragraph 3: Any person who is a member of this Chapter in good standing shall be eligible for any elected or appointed office in this Chapter, except as otherwise provided in this Constitution and Bylaws.

Paragraph 4: Upon the election, or appointment, and the installation of the successor to any office, all Chapter property in the possession of the predecessor shall be surrendered to the newly installed officer.

Paragraph 5: A Chapter Officer Report shall be submitted by the Adjutant to the Department of Maryland and the National Organization within ten (10) days after the installation of newly elected or appointed Chapter Officers or in the event of any subsequent change in the Chapter Officers during the membership year. A Department of Maryland Chapter Supplemental Report shall accompany the Chapter Officers Report submitted to the Department.

Section 2: Duties of Elected Officers

Paragraph 1: The Commander shall preside at all regular or special meetings of the Chapter. The Commander shall maintain order and dispatch such business as may legally come before the Chapter. All checks or vouchers issued by the Chapter Treasurer shall be co-signed by the Commander or the Adjutant in the absence of the Commander. The Commander shall perform all other duties that may reasonably be assumed to be incidental to the office held, including those set forth in this Constitution and Bylaws and in the Official DAV Ritual, and such other duties as may be lawfully delegated by the Chapter.

Paragraph 2: The Senior Vice Commander, Junior Vice Commander, Treasurer, and Chaplain shall perform the duties of the Commander in the order named in the event of the Commander's absence. If the Commander should die, resign or be removed from office, the same order of authority shall be in effect until a new Commander is elected.

Paragraph 3: The Senior Vice Commander shall perform the duties of his or her station as set forth in the Official DAV Ritual. The Senior Vice Commander shall encourage friendship among the members of this Chapter, discourage discord, and promote harmony. The Senior Vice Commander shall serve as chair of the Membership Committee.

Paragraph 4: The Junior Vice Commander shall perform the duties of his or her station as set forth in the Official DAV Ritual. The Junior Vice Commander shall assist with publicity, public relations, and Chapter fundraising activities as approved by the Chapter and shall, at all times, encourage loyalty to the United States of America, to the DAV, and to the members of the Chapter. Except as otherwise expressly provided in the National Bylaws, this Chapter shall not sponsor or engage in, directly or indirectly, any fundraising or finance project without the prior approval of the Department of Maryland. The Junior Vice Commander shall also be responsible for obtaining guest speakers for Chapter meetings and special events.

Paragraph 5: The Treasurer shall receive and immediately deposit all Chapter funds in a bank account in the name of the Chapter without any deductions or offsets. The Treasurer shall make authorized disbursements only by checks signed by the Treasurer and co-signed by the Commander or acting authorized official. No disbursement of Chapter funds shall be made without a completed Chapter voucher along with attached receipts. The Treasurer shall render a monthly report of receipts and expenditures to the Chapter at each regular Chapter meeting. The

Chapter's accounting/fiscal year is July 1 to June 30. The Treasurer shall serve as Chair of the Budget and Finance Committee and shall prepare a budget for presentation to the Executive Committee and the membership at the respective May meetings for review, then for approval by the membership at the June meeting. The Treasurer's financial records shall be made available for audit on an annual basis, and an annual financial report shall be submitted to the Department of Maryland and National Organization, if required, within ninety (90) days after the close of the accounting year of the Chapter. This report shall have been audited and approved by the Chapter Audit Committee. The Treasurer is responsible for filing the appropriate IRS 990 document annually according to its financial status.

Paragraph 6: The Chaplain shall perform the duties of the Chaplain's station as set forth in the Official DAV Ritual. The Chaplain shall visit the sick and comfort the families of those members who are called to the Great Beyond. The Chaplain is responsible for encouraging attendance at DAV conducted funerals and the proper conduct thereof. The Chaplain shall also serve as Chair the Chapter's Hospital Visitation Program and with the approval of the Chapter may appoint one or more members to assist.

Paragraph 7: At the March membership meeting, the Chapter shall elect members to represent the Chapter on the Department Executive Committee. In accordance with Article 3 of the Department of Maryland Constitution and Bylaws, each chapter is entitled to three (3) Department Executive Committee representatives (DECs) and three (3) Alternate Department Executive representatives (ADECs). Names and addresses of the persons elected must be submitted to the Department thirty (30) days before the Department Convention convenes. The Chapter shall pay, subject to budget approval, financial assistance for one DEC to attend meetings of the Department Executive Committee. Reimbursement to be based on mileage, lodging, and per diem as established and the applicable receipts shall support vouchers for reimbursement.

Section 3: Appointed Officers

Paragraph 1: The Commander shall appoint, subject to the approval by the Chapter, the following officers: Adjutant, Historian, Service Officer(s), Judge Advocate, Sergeant-at-Arms, and Officer of the Day.

Paragraph 2: The tenure of appointed officers shall be at the pleasure of the appointing power, provided that no term of office shall exceed that of the appointing power, except as otherwise expressly provided for elsewhere in these Bylaws.

Section 4: Duties of Appointed Officers

Paragraph 1: The Adjutant shall keep a true and complete record of all business meetings conducted by the Chapter, including the minutes of each Chapter and Executive Committee meeting. The Adjutant shall conduct all necessary correspondence, keep an up to date list of the Chapter's membership of both current and former members. All motions considered by the Chapter should be recorded along with the name of the member who made the motion (the name of the seconder is not required), and the resulting vote. The Adjutant shall insure that all Delegates going to the Department and National Conventions have proper credentials and is responsible for forwarding the Delegate names to the Department and National, respectively.

Paragraph 2: The Historian shall keep a brief history of the activities of the Chapter to be kept as a permanent record of the Chapter. The Historian shall serve as the Chapter's Publicity Officer and shall regularly furnish proper publicity materials to local newspapers, radio stations, and the official DAV National and Department newspapers with approval of the Commander. No other member shall cause any publicity to be given to the Chapter and its activities without the approval of the Commander.

Paragraph 3: The Service Officer(s) shall advise and assist any veteran and their dependents in the preparation

and processing of their claims for benefits from any governmental agency, and in securing suitable, gainful employment.

Paragraph 4: The Judge Advocate shall serve as the Chapter's Parliamentarian and shall possess a working knowledge of Robert's of Rules of Order Newly Revised (RONR). The Judge Advocate serves as chair of the Constitution and Bylaws Committee and serves in the capacity as a consultant that advises the Commander, officers, Executive Committee, and Chapter members on matters of parliamentary procedure. The Judge Advocate, upon the request of the Commander, shall render an opinion on all parliamentary questions, any question arising out of any dispute on floor of the assembly, or the interpretation of the Chapter's Constitution and Bylaws or the Constitution and Bylaws of the National and Department organizations. Upon receipt of the Judge Advocate's opinion, the Commander or presiding officer shall announce their ruling or decision, which need not be in accordance with the opinion of the Judge Advocate. Such decision shall be final and binding upon the Chapter unless overruled by a two-thirds vote of the members at the meeting during which the decision is announced.

Paragraph 5: The Sergeant-at-Arms shall perform the duties of their respective office as set forth in the Official DAV Ritual.

Paragraph 6: The Officer-of-the-Day shall perform the duties of his or her office as set forth in the Official DAV Ritual. The Officer-of-the-Day shall welcome all visitors and see that each is properly introduced.

ARTICLE V – MEETINGS

Section 1: The regular monthly meeting of this Chapter shall be held on the third Thursday of each month at 7:00 PM at The Jaycees Community Center, Waldorf, Maryland, as designated by this Chapter, or at such other time and place as designated by the Commander after due notice has been given to the membership in writing.

Section 2: Emergency or Special meetings may be called by the Commander whenever deemed necessary or when requested in writing to do so by ten or more Chapter members. The call of any such special meeting shall state specifically the purpose and no other business than that specified shall be transacted. Notices of emergency/special meetings shall be mailed to each member in good standing at least five days prior thereto, stating the time, place, and purpose.

Section 3: A quorum shall consist of seven (7) members in good standing, of which, at least two (2) must be elected Chapter officers.

Section 4: The full official DAV Ritual shall be observed at every Chapter meeting. All members shall be encouraged to purchase and wear the official DAV lapel emblem and cap.

Section 5: No visiting member, with the exception of Department or National Officers, shall speak on any subject under debate without the permission of the Commander or the approval of the Chapter by majority vote.

Section 6: Unless circumstances mandate, meetings will not be held during the months of July and August.

Section 7: In instances of bad weather or some other emergency that makes traveling to the meeting site difficult, the Commander may cancel or change a meeting to a date/time to be determined.

Section 8: Discussion of personal grievances will not be in order on the floor unless introduced by the Chaplain or committee having the authority to consider any such matters.

Section 9: 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.

ARTICLE VI – EXECUTIVE COMMITTEE

Section 1: The Chapter Executive Committee shall be composed of the Commander, Senior Vice Commander, Junior Vice Commander(s), Treasurer, Chaplain, and Adjutant.

Section 2: Meetings of the Chapter Executive Committee will be called by the Commander or at the request of the majority of its members made in writing to the Commander.

Section 3: A majority of the Chapter Executive Committee members shall constitute a quorum.

Section 4: The Chapter Executive Committee may act on behalf of the Chapter during the period the Chapter is not in session.

Section 5: All fundraising projects and all agreements and contracts shall be referred to the Chapter Executive Committee for its recommendations before being acted upon by the Chapter.

Section 6: All motions for expenditures of items not included in the budget shall be referred to the Chapter Executive Committee for its recommendations.

Section 7: In the event the Chapter Executive Committee fails to make recommendations upon any matter referred to it within 45 days, the Chapter, by majority vote, may act upon such matter without receiving the recommendations of the Committee.

Section 8: The Chapter Executive Committee shall also act as a Resolutions Committee, and no resolution shall be adopted by the Chapter unless first submitted to the Chapter Executive Committee for its recommendations, except by a three-fourths affirmative Chapter vote.

ARTICLE VII – NOMINATIONS AND ELECTIONS

Section 1: The Commander shall appoint a Nominating Committee consisting of no more than three (3) Chapter members who shall identify qualified nominees for each elected position and report its findings at the March membership meeting. After the nominees are presented by the Nominating Committee, the Commander will take nominations from the floor.

Section 2: A member nominated for office shall accept or decline the nomination. If a nominee is unable to appear in person, the nominee may accept or decline in writing to the Adjutant prior to the March election. If a nominee fails to accept or decline the nomination as set forth above, the nomination shall be deemed and constituted to be declined and the name of the nominee shall be stricken from the ballot.

Section 3: Nominations and elections of officers shall be made in the order of the officers prescribed in Article IV, Section 1 of this Constitution and Bylaws, and one nominating and one seconding speech may be permitted for each candidate at the March election.

Section 4: The officers shall be elected by written ballot. When there is only one candidate for an office, the candidate may be elected by acclamation.

Section 5: There shall be no voting by proxy or absentee ballot.

Section 6: The presiding officer can vote as any other member when the vote is by ballot. In all other cases, the presiding officer can (but not obliged to) vote whenever the vote will affect the result; that is, to vote either to break or to cause a tie. In the case where a two-thirds vote is required, the vote can be made to either cause or block the attainment of the necessary two-thirds.

Section 7: All nominations for either Department or National Convention delegates shall be made at the meeting preceding the meeting at which they are to be elected. Election for National Convention delegates shall be held not less than sixty (60) days preceding the opening date of such convention.

ARTICLE VIII – COMMITTEES

Section 1: Standing Committees

Paragraph 1: The standing committees of the Chapter, in addition to those otherwise provided for in this Constitution and Bylaws shall be: Membership Committee, Welfare Committee, Budget and Finance Committee, Audit Committee, and Program Committee. The Commander will be an ex-officio member of all standing committees.

Paragraph 2: The Commander, except as otherwise expressly provided in this Constitution and Bylaws, shall appoint and designate the Chair of each Standing Committee. The Commander, by virtue of office held, shall serve as an ex-officio member on all committees.

Paragraph 3: The Membership Committee shall be responsible for all matters pertaining to the membership of the Chapter, including the recruitment, reinstatement, and eligibility of members. This committee is chaired by the Senior Vice Commander and shall also have two (2) or more members as appointed by the Commander.

Paragraph 4: The Welfare Committee shall keep informed of the public and private agencies and organizations that can offer temporary or permanent assistance to disabled veterans or their dependents and to assist such persons in securing proper and adequate aid and assistance.

Paragraph 5. The Budget and Finance Committee shall be chaired by the Treasurer. This committee shall prepare the annual budget for presentation to the Executive Committee at the May Executive Committee meeting for input and review. The proposed budget shall be submitted to the body at the May general membership meeting and voted for approval at the June general membership meeting. The Chapter's accounting/fiscal year is July 1 to June 30. The Budget and Finance Committee shall also ensure the annual budget include provisions for attendance at National and State conventions/conferences, and a President's discretionary fund not to exceed \$300.00. The chapter will not accumulate funds in excess of three times the expenses of the last fiscal year (ref National Bylaws, Article 18, Sect 18.2).

Paragraph 6. The Audit Committee shall be composed of at least three (3) Chapter members excluding the Commander, Senior Vice Commander, Junior Vice Commander(s), Treasurer, Adjutant, or any other member having signature authority over Chapter funds. The Audit Committee is responsible for conducting an annual audit of the financial records maintained by the Treasurer after the close of the accounting/fiscal year. The Audit Committee shall present a report of the audit results and any accompanying recommendations to the Executive Committee and to the Chapter.

Paragraph 7. The Program Committee is responsible for securing speakers on other than partisan political subjects

or concerning sectarian or labor disputes. This Committee may also secure entertainers for Chapter meetings and other Chapter affairs.

Section 2: Other Committees

Such other committees, special or ad hoc, as may be deemed necessary to carry on the work of the Chapter shall be appointed by the Commander with the approval of the Executive Committee.

ARTICLE IX – SUBORDINATION

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 Constitution, Bylaws and all Rules, Mandates and Regulations promulgated pursuant thereto. Upon dissolution of the Chapter, the assets remaining after the payment of its debts shall be distributed as provided in Article 6, Section 6.4, Para. 5 and 6, of the National Bylaws.

ARTICLE X – PARLIAMENTARY AUTHORITY

The rules contained in Robert's Rules of Order Newly Revised (RONR) shall govern the Chapter in all cases to which they are applicable and in which they are not inconsistent with this Constitution and Bylaws, and the Constitution and Bylaws of the Department of Maryland and the National organization.

ARTICLE XI – AMENDMENTS

Section 1. These Bylaws shall not be or become effective until adopted by a two-thirds vote of this Chapter and approved by the Department of Maryland and National Judge Advocates.

Section 2. These Bylaws may be amended only by having the proposed amendment(s) submitted and read at one meeting and adopted by a two-thirds vote of the membership present at the next regular meeting and no amendment shall become effective until approved, as provided, in Section 1 above.

Section 3. Wherever these Bylaws or subsequent amendments may be found to be in conflict with the present or any future Department or National Bylaws, the latter shall prevail and be binding upon this Chapter as though written herein

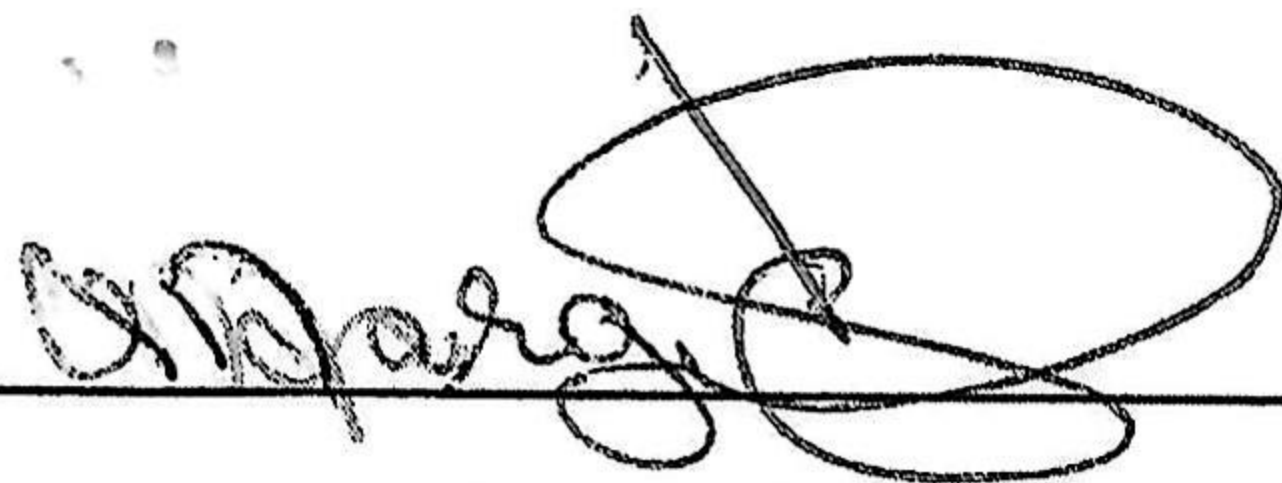
First Reading: January 24, 2019

Approved: February 21, 2019




Troy Garner, Chair, Constitution and Bylaws Committee

*Adopted after the second and final reading as amended by a vote of the
Chapter 36 membership this 21st day of February, 2019.*



Marguerite Stubbs
Adjutant, Chapter 36



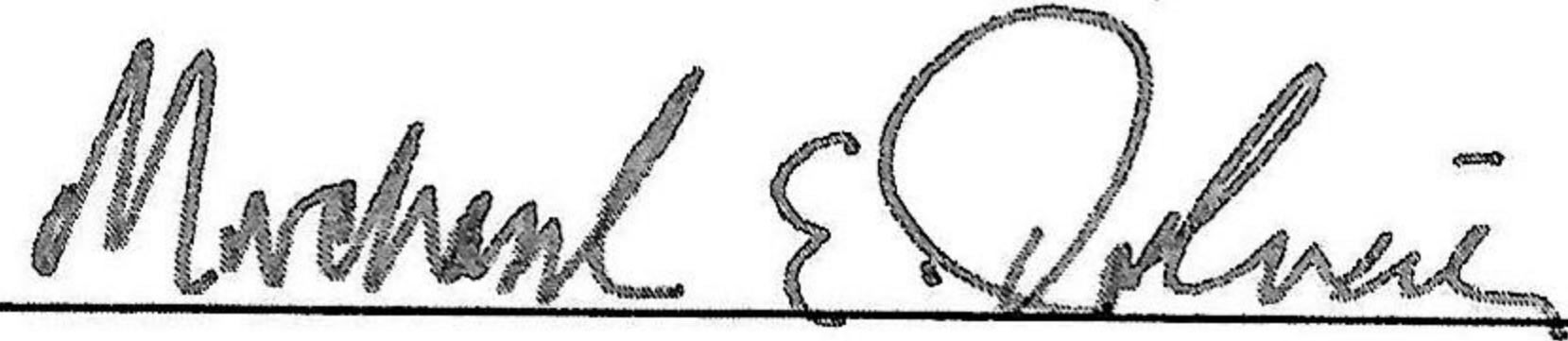
Elton Stokes
Commander, Chapter 36

Approved: 4/16, 20 19



John B. Patterson
Department Judge Advocate

Approved: 4-22, 20 19



Michael E. Dobmeier
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: 4-22-19
DAV National Judge Advocate