

# **DISABLED AMERICAN VETERANS DEPARTMENT OF MINNESOTA**

## **CONSTITUTION & BYLAWS**



**AS REVISED AT THE DEPARTMENT CONVENTION  
May 5-7, 2011  
Alexandria, Minnesota**

**Amended and Approved by the National Judge Advocate  
July 13, 2011**

CONSTITUTION & BYLAWS  
OF THE  
DISABLED AMERICAN VETERANS  
REVISED

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DISABLED AMERICAN VETERANS  
Department of Minnesota  
State Veterans Service Building  
St. Paul, MN 55155-2002

## CONSTITUTION

### ARTICLE 1 -NAME

The name of this organization shall be %Disabled American Veterans, Department of Minnesota, Inc.+a corporation known hereafter as the %Department.+

### ARTICLE II -PURPOSE

**Section 1.** 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.

**Section 2.** This Department or any chapter chartered there under, shall not ally itself with, or lend its aid to, any political party or partisan movement, or to any enterprise of any kind or character not in furtherance of the objectives and purposes of this Department or shall any chapter endorse or lend its name to any person, party, sect, movement, dispute, controversy or enterprise in which this department, as a whole, is not involved.

### ARTICLE III -MEMBERSHIP

**Section 1.** 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 as allies during any of its war periods, who are American citizens and who are honorably discharged, are also eligible.

**Section 2.** Eligibility of membership shall conform to eligibility requirements of the National Organization as set forth in the National Constitution and Bylaws.

**Section 3.** The Department shall not have any honorary members.

**Section 4.** No member shall be expelled or limited in any of the privileges of membership, except as specified in Article XVI of the National Bylaws.

#### **ARTICLE IV -POWERS**

The Department shall have perpetual succession, with power to sue and be sued in courts of law and equity; to receive, hold, own, use and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a constitution and bylaws and regulations to carry on its purposes, not inconsistent with the laws of the United States or the State of Minnesota; or in the Constitution and Bylaws of the National Organization; to establish and maintain offices for the conduct of its business; to establish local chapters; to publish a newspaper or other publication devoted to the purpose of the corporation and generally to do any and all such acts and things as may be necessary and proper in carrying out the purposes of the Department.

#### **ARTICLE V -ORGANIZATION**

**Section 1.** Officers of the Department shall consist of a Department Commander, Senior Vice Commander, four (4) Junior Vice Commanders, Chaplain and Judge Advocate/Inspector General, each of whom shall be elected at the regular annual convention and shall serve until their respective successors are elected and installed. The appointed position of Chairman of the Finance Committee shall also serve as Treasurer and a voting executive officer of the Department.

**Section 2.** All administrative affairs of this organization shall be vested in an Executive Committee.

#### **ARTICLE VI -LEGISLATION**

The supreme legislative powers of the Department shall be vested in a Department Convention, which shall be composed of Department officers and representatives of the chapters as provided in the bylaws.

#### **ARTICLE VII -EXECUTIVE**

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

## **ARTICLE VIII -AUXILIARIES**

The Department recognizes a DAV Auxiliary and the National Order of Trench Rats as auxiliary units of the Disabled American Veterans, subject to its supervision and recommendations.

## **ARTICLE IX - AMENDMENTS**

**Section 1.** This Constitution shall be amended at any Department Convention by a three-fifths vote of the regularly elected and qualified delegates. All amendments must be read to the convention at least twelve (12) hours prior to their adoption.

### **BYLAWS:**

## **ARTICLE I – ORGANIZATION**

### **Section 1 - 1. Recognition of National Organization**

This Department recognizes the National Organization known as Disabled American Veterans, incorporated by an Act of Congress, and affirms its allegiance, and subordination to the National Organization, Constitution, Bylaws and all rules, mandates and regulations promulgated Pursuant thereto. Upon dissolution of this Department, 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 1 - 2. Governing Body**

The governing body of this Department shall be the Department Convention in session, except as otherwise provided in this Constitution and Bylaws.

### **Section 1 - 3. Minutes of Meetings**

Minutes of the meetings of Department, including the Department Executive Committee shall be kept available for inspection by any member of the Department in good standing.

## **ARTICLE II - ANNUAL CONVENTION AND FALL CONFERENCE**

### **Section 2 - 1. Time and Place**

**(a) The** Annual Department Convention shall be held during the month of May each year with the last day of the convention being held not later than the third Sunday in May.

**(b) The** Department Convention of the Disabled American Veterans is a Department activity.

**(c) The** place where the Department Convention shall be held shall be determined by the delegates in Convention assembled and shall be handicapped accessible. The Time and Place Committee shall recommend the time and place of the next two (2) annual conventions as well as the next two (2) fall conferences.

## **Section 2 - 2 Responsibilities**

**(a) The** Department Adjutant shall act as liaison officer of the Department along with the Department Commander.

**(b) The** Department shall have charge of the business portion of the program and all orders of business for the convention.

**(c) The** Department shall provide office space and office equipment as required by the Department liaison officer necessary to take care of Department business.

**(d) The** Department shall furnish personnel to set up and take complete charge of the registration desk. Delegates' badges shall be selected and paid for by the Department.

**(e) The** Department liaison officer and Department Commander shall select the banquet menu. The Department will furnish banquet tickets.

**(f) The** Department shall provide the main speaker as well as the Master of Ceremonies for the annual banquet.

**(g) The** Department Commander along with the Department liaison officer shall make arrangements for seating at the head table, if table is desired.

**(h) The** expenses of all guests invited by the Department, such as registration, banquet tickets and rooms, are the responsibility of the Department. No other expenses of any kind whatsoever will be honored by the Department unless specifically authorized by the Department liaison officer.

**(i) All** expenses of guests invited by the Chapter shall be the sole responsibility of the Chapter.

**(j) The** Department liaison officer and the Department Chaplain shall arrange and conduct the annual Memorial Service in cooperation with the Department Auxiliary Chaplain at the Department Convention.

**(k) The** Department liaison officer shall arrange various social functions, tours, etc., provide courtesy cars and publicity for the convention.

**(l) The** Department shall provide the convention program in printed form.

### **Section 2 - 3. Notices**

The Department Adjutant shall give notice of the date and place of the annual convention to the Chapter Adjutants at least ninety (90) days prior to the Department Convention.

### **Section 2 - 4. Delegates**

Each chapter shall elect one (1) delegate for each twenty (20) members or major fraction thereof, and one (1) alternate for each (2) delegates and two (2) delegates and two (2) alternates for the chapter charter, said delegates and alternates must be elected and their names certified by their respective chapters to be received at the Department office at least fifteen (15) days prior to the first day of the Department Convention. Convention committees shall be appointed by the Department Commander and the Department Adjutant, and comprised of certified delegates or their alternates only provided that the Nominating Committee shall be composed of Past Department Commanders each from a different Chapter. (NOTE: As an example-a chapter with 231 members would result in: 12 delegates based on chapter size (220 plus major fraction of 11); 2 additional delegates for Chapter charter; for a total of 14 delegates. And if needed, 8 alternates (6 based on 12 delegates and 2 for the chapter charter).

### **Section 2 - 5. Registration**

All delegates, alternates, and Department Officers shall be required to register and pay the regular registration fee before such representatives are privileged to serve on any convention committee or be recognized on the floor of the convention at any of its sessions. The registration fee, including the banquet, shall be set by the Department Executive Committee.

### **Section 2 - 6. Composition of Convention**

The voting members of the convention shall consist of the Department elected officers, Past Department Commanders in good standing and all chapter delegates in good standing.

## **Section 2 - 7. Quorum**

A quorum shall exist when registered delegates represent one-half of the recognized chapters.

## **Section 2 - 8. Voting at Convention (Roll Call Votes)**

Each of the forgoing Department officer members of the convention referred to in Section 2-6, hereof, shall be entitled to one (1) vote. If one (1) of the delegates of a chapter or more than one, but less than the total number allowed is present, the vote of the absent delegates from the chapter shall be cast in the same proportion as the votes of the delegates from that chapter who are present and voting. There shall be no form of unit rule or voting by proxy.

NOTE: As an example, if a chapter has 14 registered delegates and only 7 are in the room in a roll call vote they each have 2 votes. In convention committee meetings, each registered delegate in that specific meeting has one (1) vote. Chapters are encouraged to ensure that they have delegates in each convention committee meeting. Chapters are also encouraged to notify the Department which of their delegates will be in each convention committee.

## **Section 2 - 9. Resolutions**

Any and all resolutions shall be presented to the Department Convention by a Chapter, Department Officer, National Service Officer or Department Legislative Chairman and shall be prepared properly. These resolutions must be received at the Department office at least thirty (30) days prior to the convening of the convention.

## **Section 2 - 10. Election of Officers**

**(a)** A Commander, a Senior Vice Commander, four (4) Junior Vice Commanders, a Judge Advocate/Inspector General and a Chaplain shall be elected at each annual convention.

**(b)** No more than two (2) Department Officers shall serve from the same chapter.

## **Section 2 - 11. Fall Conference**

**(a)** There shall be called each year, after Labor Day but before the end of October, a conference open to the general current membership. This meeting shall be called the Annual DAV Fall Conference.+

**(b)** The place where the Fall Conference shall be held shall be determined by the

delegates in convention assembled and shall be handicapped accessible. The Time and Place Committee shall recommend a time and place for the fall conference.

**(c) The** Fall Conference shall consist of (1) or two (2) days depending on planned meeting content. The main purpose of the Fall Conference shall be for information dissemination and training. There will also be a general business session and committee meetings as determined appropriate by the Commander and the Adjutant. The Fall Conference shall include time to hold the Annual Meeting of the DAV of MN Foundation where the donor population is invited to review the Foundation's progress, plans and results.

**(d) The** Department Adjutant shall act as liaison officer of the Department Fall Conference.

**(e) The** Department shall provide office space and office equipment as required by the Department liaison officer necessary to conduct the Department business.

**(f) The** Department shall have charge of the business portion of the program and all orders of business for the conference.

**(g) The** Department shall furnish personnel to set up and take complete charge of the registration desk. The Department shall provide delegates' badges.

### **ARTICLE III - EXECUTIVE COMMITTEE**

#### **Section 3 - 1. Composition and Election**

**(a) The** Department Executive Committee shall consist of the Department elected officers, the immediate Past Department Commander and Treasurer (who is the appointed Chairman of the Finance Committee). The Department Adjutant shall serve as secretary to all Executive Committee meetings as a non-voting member.

**(b) Each** member of the Executive Committee shall have one (1) vote.

#### **Section 3 - 2 Quorum.**

A majority of all members of the Department Executive Committee entitled to vote shall constitute a quorum.

### **Section 3 -3. Meetings**

**(a) The** Department Executive Committee shall meet in the city where the Department Convention is held, within twenty-four (24) hours immediately preceding and immediately subsequent to the convention. The post convention Department Executive Committee shall conduct the routine business of the Committee appointments, approve appointments by the new Commander and such other business as is referred to the Department Executive Committee, by the convention or other pending action previously referred to the Department Executive Committee for action, but it shall not conduct any new business that rightfully should have been presented to the convention.

**(b) The** Department shall hold at least one (1) additional meeting of the complete Executive Committee each year between Department Conventions. The meeting shall be held not less than four (4) nor more than six (6) months following the immediate previous Department Convention. The Department Commander shall determine the time and place. These additional meetings may be teleconference meetings in lieu of on-site meetings.

**(c) The** Department Commander may call additional stated meetings.

**(d) The** Department Executive Committee may call additional stated meetings of the Department Executive Committee by a two-thirds majority of the members with or without consent of the Department Commander. These meetings can be on-site or electronic (teleconference) meetings.

### **Section 3 - 4. Mail/Electronic Ballot**

**(a) The** Department Adjutant, by direction of the Department Commander, may use the mail/electronic ballot to conduct new or unfinished Department business between meetings of the Department Executive Committee.

**(b) The** result of each mail/electronic ballot shall be sent to each member of the Department Executive Committee. The same report will be made at the next Department Executive Committee meeting. The Adjutant shall keep all ballots, electronic or otherwise, available for inspection by any member until such time as the results of the ballot are contained in the approved minutes of the subsequent meeting that is held of that committee.

### **Section 3 - 5. Power and Duties**

**(a) The** Executive Committee by majority vote, upon request of the Department Commander or by two-thirds vote without such request, may terminate and declare vacant the office of any appointive Department officer including one (1)

or more members of any standing Dept. Committee and remove the incumbent from such office for just cause.

**(b) The** Executive Committee shall not under any circumstances enter into a contract for employment with any Department employee or prospective employee, which extends for a period beyond one (1) year, except by two-thirds vote of the Executive Committee.

**(c) The** Executive Committee may exercise such power specifically granted a State Department Executive Committee by the terms of the Constitution and Bylaws of the National Organization now existing or thereafter amended, except such powers as may be expressly withheld, limited by or inconsistent with the National Constitution and Bylaws, these bylaws, or any mandate of the last preceding Department Convention.

**(d) Upon** recommendation of the Department Commander, the Department Executive Committee, by two-thirds vote, may approve resolutions pertaining to legislation pending in the Minnesota State Legislature that affects Disabled American Veterans and their dependents, when it is urgent that the position of the Department regarding such legislation be made known.

**(e) The** Executive Committee shall be appropriately involved (the responsibility of the Adjutant and Commander) and responsible for the oversight and results of the MN DAV business, programs, finances and infrastructure. This responsibility is not to be taken lightly and requires investment of skills, time and accountability. Review of quarterly financial reports, annual audits, and business reports are required responsibilities.

### **Section 3 - 6. Executive Committee Expenses**

**(a) Except** as hereinafter provided, each member of the Executive Committee, as designated in Section 2-1 of this Article or alternate acting as such, may be paid the round trip transportation between their residence and the place of the meeting, together with such approved expenses as the Finance Committee shall determine as proper, for each called meeting they may attend.

**(b) All** members of the Executive Committee while on authorized business may be reimbursed at the rate recommended by the Finance Committee and approved by the Executive Committee and Department Convention.

(The %Department+is to be considered the overall DAV authority in the State of Minnesota including MN DAV Headquarters, DAV of MN Foundation, Chapters, etc.)

(c) In addition to the Department Commander (see section 4-4(d)), the Commander will appoint one (1) alternate to the National Convention and one alternate to the National Mid-Winter Legislative Conference whose expenses will be paid for by the Department. The Department's Federal Legislative Chair, appointed by the Commander, will also have his/her expenses paid for by the Department when attending the National Mid-Winter Legislative Conference. The appointments of the alternate delegate and the Federal Legislative Chair shall be approved by the Department Executive Committee.

### **Section 3-7 Other Committee Expenses**

All standing committees have authorization to pay its members' mileage expenses at the same rate as approved in Section 3-6(a) for the Executive Committee. This expense reimbursement will only be for duly called meetings; Annual Convention or Fall Conference when there is an authorized meeting of that committee; or any other duties of the Committee Chair or a member of that committee when the duties have been assigned by the Commander or the Adjutant in advance of the duties. No members may be reimbursed for self assigned duties without the advance concurrence of the Adjutant or Commander. Unless the assigned duties require an overnight stay, no members may be reimbursed for meals unless specifically authorized by the Commander or the Adjutant in advance. Meals for authorized meetings may be arranged for by the Adjutant in advance of the meeting in order to ensure that the business of the Department is facilitated in a timely manner.

## **ARTICLE IV - DEPARTMENT OFFICERS**

### **Section 4 - 1. Re-election of Commanders**

The Department Commander may not succeed him/herself to such office for one additional term. The Department Commander shall not hold any other Department elected or appointed office while serving as Department Commander.

### **Section 4 - 2. Tenure**

The tenure of office of Department Officers shall be from the adjournment of the convention at which they have been elected or appointed until the adjournment of the following convention, unless otherwise provided in these Bylaws.

### **Section 4 - 3. Appointive Officers**

(a) The Department Commander, with the approval of the Department Executive Committee shall appoint the following:

- Department Adjutant
- Department Treasurer / Finance Committee Chairperson
- Chief of Staff
- Department Employment Chairman
- Finance Committee members (3)( in addition to the Chairperson )
- Enterprise Committee members (3)
- Interim Constitution and Bylaws Committee members (5-7)
- Time and Place Committee members (3)
- Commander's Advisory Board
- DAV of MN Foundation Board members
- Legislative Chairs-Federal and State
- V4V Trust fund Board of Directors (as vacancies arise for a two year appointment)
- Newsletter Editors
- Webmaster
- DAV representative to the Armed Forces Service Center Board of Directors (1)
- DAV representative to the Ft. Snelling Memorial Day Volunteer Committee (1)
- Nominate a VAVS Chair when current chair tenure expires. The National Commander appoints this position.
- DAV Ambassadors to the following:
  - United Veterans Legislative Council (UVLC)
  - Minnesota Assistance Council for Veterans (MACV)
  - Hastings Veterans Home
  - Silver Bay Veterans Home
  - Fergus Falls Veterans Home
  - Minneapolis Veterans Home
  - Luverne Veterans Home
  - DAV of MN Auxiliary
  - CVSO Association
  - Department of Veterans Affairs

The Commander, with like approval, shall appoint such other officers as in his/her judgment may be needed in the best interest of the Department. There may be other veteran community appointments necessary as well. Each of the committee chairs should be prepared to report to the Commander on a quarterly basis on matters in their area of responsibility representing this Department in addition to an annual report made to the Department Convention.

The Ambassadors will assume the responsibility of officially representing the DAV of MN with these organizations, ensuring presence in their Board meetings,

serving as the liaison between the Commander/Adjutant and these organizations, providing two-way communications, ensuring the MN DAV Commander and Adjutant are aware of their needs, and ensuring the MN DAV is actively engaged in promoting, organizing and participating in veterans programs at the applicable facilities.

No member, other than an elected officer, shall serve on more than two MN DAV standing committees or boards at the same time.

**(b)** In the event of a majority of the Department Executive Committee fails to ratify any appointive officer either by mail/electronic ballot or in session, the Department Commander shall propose another member in good standing for that particular office.

**(c)** The Department Commander will need approval by the Department Executive Committee to remove the Adjutant from office after the appointment has been made.

**(d)** The immediate Past Department Commander shall be responsible for the preservation of the PDC network and interaction of that group.

**(e)** All appointments made to other veteran committees shall continue to serve until their successor is appointed or they are removed for cause.

**(f)** The Commander may appoint advisors to each committee who will serve in an advisory capacity to the Chair and members of that committee. The advisor should have knowledge of that committee and shall act in an ex-officio (without vote) manner.

#### **Section 4 - 4. Department Commander**

**(a)** The Department Commander shall be the presiding officer at the Annual Convention and at all meetings of the Department Executive Committee and shall be an ex-officio member of all Department Committees; except as limited by these bylaws or not consistent with the National Constitution and Bylaws, as now existing or as hereinafter amended.

**(b)** The Commander shall, with the approval of the Department Executive Committee, appoint such committees as may be provided by these bylaws and such other committees as in his judgment he deems necessary.

**(c)** The Department Commander may suspend the charter of a chapter for a period thirty (30) days or more, but not to exceed three (3) months, for violations of the Constitution and Bylaws of the organization or refusal to comply with the lawful orders of the National Convention, National Executive Committee, Department Commander or Department Executive Committee.

**(d) The** Department Commander or their designee shall represent the Department at the National Legislative Presentation and National Convention during his/her term of office.

**(e) The** Commander or their designees (no more than two (2) from the current Executive Committee) shall be authorized to co-sign checks drawn on the treasury and only in the absence of the Commander, Adjutant and/or Treasurer. These designees may only be used when the Commander, Adjutant, or Treasurer (who in under normal circumstances would provide two of the three signatures), are not readily available to sign checks needing prompt attention. The Enterprises General Manager may cosign checks for their enterprises on an exception basis (absence of authorized signers and an immediate need).

**(f) The** Department Commander shall be the Departments designated representative to and an active participant in the Commanders Task Force (CTF).

#### **Section 4 - 5. Department Senior Vice Commander**

**(a) The** Senior Vice Commander shall perform all the duties of the Commander during his/her absence and shall perform such other duties as may reasonably be assigned to that office by the Department Commander or Executive Committee.

**(b) The** Senior Vice Commander will appoint, with the approval of the Department Executive Committee, a membership committee and serve as its chair and shall designate and present a detailed membership promotion programs, approved by the Department Commander, to all Chapter Adjutants within sixty (60) days of election.

**(c) The** Senior Vice Commander shall serve as an ex-officio member of the Finance Committee, the Enterprises Committee and DAV of MN Foundation Board.

#### **Section 4 - 6. Department Junior Vice Commanders**

**(a) The** 1st Junior Vice Commander shall perform the duties of the Senior Vice commander upon their incapacity to act. He/she shall also perform such other duties as may reasonably be assigned to them by the Department Commander. The 1st Junior Vice Commander shall work with Commander/Adjutant in Fall Conference and Convention planning, execution. The 1<sup>st</sup> Jr. Vice Commander will be the Chair of the Time and Place Committee.

**(b) The** 2nd Junior Vice Commander will assume the office and duties of the 1st Junior Vice Commander because of their incapacity to act. The 2nd Junior Vice Commander shall act as Historian for the Department Commander. An

additional duty will be to organize and maintain an up to date list of the Benefit Protection Team Leaders at each Minnesota Chapter and Auxiliary Unit within the Department annually and to insure it is accurate on an ongoing basis, and that the Department 2<sup>nd</sup> Junior Vice Commander maintain and deliver the BPTL network list and/or changes of each Chapter/Unit Benefit Protection leader to the Department Legislative Chair on a regular basis such that the Legislative Committee has an active, current and effective team of legislative action team leaders, who in turn have another level of legislative activists ready to react to the need to protect veterans benefits. The duties of the 3<sup>rd</sup> and 4<sup>th</sup> Junior Vice Commanders will include, but not be limited to the following:

- Develop and maintain the DAV/DAVA legislative email network.
- Coordinated the activities of the duly appointed DAV Ambassadors and their quarterly reports to the Executive Committee.
- Coordinate and plan the annual DAV Day at the Ballpark with the Minnesota Twins and other participating minor league teams throughout the state.
- Develop a plan for and coordinate a complete visitation schedule for the Department Officers to visit each chapter in the state on an annual basis.
- Assist the Foundation Board with their fundraising activities to include the golf event and the 5K run.
- Assist the Foundation Executive Director in the accomplishment of the Foundation sponsored events such as the hunts; activities at the Veterans Homes, etc.
- Develop a plan to assist Chapter Officers with the execution of their duties along with an informational meeting for new and seasoned chapter officers.
- Any other duties that may be assigned by either the Commander or the Adjutant to familiarize them with the business, charitable or fraternal activities of the MN DAV.

**(c) All** Junior Vice Commanders while on authorized business may be reimbursed at the rate recommended by the Finance Committee and approved by the Executive Committee.

**(d) Additionally,** Junior Vice Commanders will serve as a Department Deputy Inspector General and after all Vice Commanders/Deputy Inspector General Chapter visits, they will report to the Department Inspector General and/or the Department Adjutant.

**(e) All** Vice Commanders in their capacity as a Department Deputy Inspector General shall visit a least 5 chapters during the year and provide a chapter health report to the Department Commander.

#### **Section 4 - 7. Department Treasurer**

The Treasurer, an appointed position (as chairperson of the Finance Committee), is the senior fiscal officer for the Department and shall have custody of all funds of the Department and/or its subsidiaries. He/she will insure appropriate records are maintained to account for all Department funds. He/she shall certify that all Department funds expended are authorized under the budget and approved by the appropriate Department Officer or Committee Chairman. He/she shall be the primary countersignature for all checks issued by the Department. He/she shall render a financial report to the Department Executive Committee at each meeting and to the Department Convention. The Treasurer shall report all problems with various accounts to the Department Commander, Executive Committee and MN DAV Enterprises Committee for their consideration. He/she shall insure, together with the Department Adjutant, that all Department funds are appropriately safeguarded and/or invested in accordance with DAV National policy to safeguard the principal of the investment through investment grade Corporate A rated or better or direct or indirect obligations of the U.S. Government, to include certificates of deposit with FDIC guarantee. The Treasurer shall make all financial records available for an annual audit or upon request of the Department Commander or Executive Committee. The Department Treasurer shall work closely with the Department Accountant and be responsible for the analysis and reporting of quarterly financial reports to the Executive Committee. The Treasurer should be intimately aware of the financial condition of MN DAV Enterprises and report same to the Executive Committee.

#### **Section 4 - 8. Department Chaplain**

Responsibilities: To administer the Spiritual needs of the Department; cooperate with the Department liaison officer and the Auxiliary Chaplain at the Department Convention; help any member in any way the Department Chaplain may deem advisable in accordance with the Constitution and Bylaws.

#### **Section 4 - 9. Department Judge Advocate and Inspector General**

**(a) Judge Advocate** shall be the legal advisor and parliamentarian of the Department. He/she may approve a chapter Constitution and/or Bylaws, and Articles of Incorporation on behalf of the Department. Should he/she disapprove the same, in transmitting it to the National Judge Advocate, He/she must state the reasons for their disapproval. This action is not binding on the National Judge Advocate.

**(b) The Department Judge Advocate** shall lead an annual review meeting of the Department Constitution and Bylaws prior to the annual Department Convention. The Commander shall appoint the Interim Constitution and Bylaws review committee. He/she shall render opinions upon appeal to them, forwarded

through the Department Adjutant, provided that such an appeal shall also be forwarded to the parties of the opposite view and the question will be held in abeyance for not more than thirty (30) days for the opposition to set forth its view to the Judge Advocate; or the appeal may contain a joint statement, signed by the respective parties setting forth both views. The end result of this review effort should be resolutions to calibrate the Department Constitution and Bylaws to meet the changes driven by National and the Department. These resolutions would be submitted to the Department Convention for action.

**(c) The** Department Judge Advocate shall be responsible for the in depth review of 20% of the Chapters Constitution and Bylaws each year. In addition to the review, the Judge Advocate is to work with the Chapter leadership to ensure any necessary updates are driven through the Chapter and Department approval process. With this process in place and working, the results should be that all chapter and Constitution and Bylaws would have a very complete review every five (5) years. (i.e.: Six (6) seven (7) new ones each year)

**(d) The** Department Inspector shall, 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. Directed inspectors may be required to address complaints, allegations, discontent reported to the Dept. Commander.

**(e) The** Department Inspector, at the direction of the Department Commander, shall inspect and/or audit the books, records and accounts of a Chapter.

**(f) Upon** completion of an investigation, inspection or audit, the Department Inspector shall render a written report of their findings and recommendations to the Dept Commander.

#### **Section 4 - 10. Department Adjutant**

**(a) The** Adjutant shall be a full time employee of the Department and a member in good standing. His/her salary, annual leave, sick leave, approved expenses and transportation allocation shall be as recommended by the Finance Committee and approved by the Department Executive Committee. The Adjutant will also be the MN DAV Ambassador to the Minnesota Department of Veterans Affairs.

**(b) The** Adjutant shall keep a record of all chapters within the Department including members thereof, and within ninety (90) days following the adjournment of the Annual Department Convention shall mail to each Chapter Adjutant a printed roster of active Chapters with name and address of their Commander and Adjutant and Department Officers.

**(c) The** Adjutant shall receive all communications, conduct all correspondence, and keep on file copies of the same as part of the permanent records of the Department: shall have charge of the Department seal and affix the same to all documents requiring such seal. The office of the Adjutant shall be kept open for a normal eight (8) hour workday, except Saturdays, Sundays, legal holidays, the Department Convention and Fall Conference.

**(d) The** Adjutant upon taking office shall inventory all personal property of the Department and deliver to the Department Commander a receipt for such property.

**(e) The** Adjutant shall keep a record of all activities of the Department Convention, Executive Committee meetings and shall keep and preserve minutes of meetings of all permanent committees or corporations of the Department for a period of seven years.

**(f) The** Adjutant shall collect and receive all monies due to the Department and receipt thereof; shall make a monthly report and accounting of all monies received by them; and shall forthwith transmit same to the Treasurer, taking a receipt therefore. He/she shall draw warrants on the treasury for any expenditure recommended by the Finance Committee and approved by the Executive Committee. He/she shall co-sign checks drawn on the treasury subject to the countersignatures of the Commander, Treasurer or designee approved by the Executive Committee. He/she shall insure, together with the Department Treasurer, that all Department funds are appropriately safeguarded and/or invested in accordance with DAV National policy. The Adjutant working through the Accountant shall prepare quarterly financial reports and an Annual Audit to be reviewed with the Finance and Executive Committee upon completion.

**(g) The** Adjutant shall be responsible for the management and administration of the Department Headquarters and its employees, subject to the direction and approval of the Commander or Executive Committee. He/she shall furnish the Finance Committee with an estimated cost of operation for the Department Headquarters for the fiscal year. This shall include salary and benefit detail of all Headquarter Employees. The Adjutant shall set, review and adjust the salaries of all Department HQ Employees subject to the review and approval of the Finance Committee and reported to the Executive Committee via annual budget.

**(h) The** Adjutant shall make available to all Chapter Adjutants and Department Officers a tape/cd recording containing minutes/proceedings of the Convention within three (3) months of the closing date of the Department Convention.

**(i) The** Adjutant shall provide statements to all chapters not less than thirty (30) days before each Department Convention of each chapter's indebtedness, if any, to the Department, and on payment of such amount, the chapter shall be considered free and clear of all indebtedness for the limited purpose of determining whether its delegates shall be entitled to a seat and vote at such convention.

**(j) The** Adjutant shall notify the Department Executive Committee as to time, place and purpose of the meeting of the Department Executive Committee and mail all above officers the minutes of the particular Department Executive Committee meeting.

**(k) The** Department Adjutant shall conduct formal performance evaluations with all Department HQ Employees who have been employed for at least six (6) months at the time of their evaluation of each calendar year prior to April 15th. These evaluations shall be shared with the Commander for his/her input and approval and also shared with Finance Committee to be considered in salary decisions.

#### **Section 4 - 11. Department Chief of Staff**

The Chief of Staff shall perform such duties as may reasonably be assigned by the Department Commander.

#### **Section 4 - 12. Department Employment Chairman**

The Employment Chairman shall perform such duties as may reasonably be assigned by the Department Commander.

#### **Section 4-13. Other Officers**

The duties of the Department Sergeant-at-Arms and the Officer-of-the-Day shall be those prescribed in the National Ritual and as directed by the presiding officer of the convention.

#### **Section 4-14. Vacancies**

**(a) If** the office of the Department Commander becomes vacant the Senior Vice Commander shall become the Commander and the 1st Jr. Vice Commander shall become the Senior Vice Commander, the 2nd Junior Vice Commander will become the 1st Junior Vice Commander. If the office of any Vice Commander

becomes vacant the office below them shall be filled by all vice commanders advancing one position leaving vacant the office of 2nd Junior Vice Commander.

**(b)** If the office of the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, or 4<sup>th</sup> Junior Vice Commander becomes vacant, the Department Commander within thirty (30) days, shall, with a 2/3 approved vote of the full Department Executive Committee, appoint from the membership a qualified member in good standing to fill such vacancy and the person so selected shall fill that office and have the duties and benefits during the balance of the term as if elected to that office at a Department Convention.

**(c)** In the event of death, resignation, dismissal or inability to discharge the duties of the office to which he/she was elected or appointed; namely the office of the Department Adjutant, Treasurer, Judge Advocate, Chaplain, Inspector, Chief of Staff and other appointed positions, the Department Commander, within thirty (30) days, shall with the approval of the Department Executive Committee appoint from the membership a qualified member in good standing to fill such vacancy without extending the term of such office.

## **ARTICLE V - DEPARTMENT HEADQUARTERS EMPLOYEES**

### **Section 5 –1. Definition of Employees**

**(a)** Department HQ Employees are defined as all employees who report to the Department Adjutant. These personnel include HQ administrative support, the Hospital Service Coordinators (HSCs), the Transportation Coordinator, Foundation Executive Director, Assistant Adjutant, Enterprise Business Manager and any other managers hired to manage any of the DAV enterprises.

### **Section 5 - 2. Termination of Employees**

**(a)** No paid employee, after a probationary period of six (6) months, shall be discharged or his or her employment terminated involuntarily except upon a written notice from the Department Adjutant.

**(b)** No paid employee of the Department shall receive gratuities, tips, salaries, commissions or any form of remuneration from any contractor or promoter doing business with the Department.

### **Section 5 – 3 Employee Benefits**

Employee benefits, rights, responsibilities and a summary of each job description is contained in an Employee Handbook that will be updated by the Adjutant and approved by the Executive Committee each year after the annual convention.

## **ARTICLE VI - FINANCE COMMITTEE**

### **Section 6 - 1. Organization and Creation**

The Department Commander shall appoint a Chairman of the Finance Committee (who shall also serve as Department Treasurer) and three (3) Committee members subject to ratification by the Department Executive Committee, to be composed of five (5) members; no two (2) members of said Finance Committee are to be appointed from the same chapter. This appointment is for one (1) year or until removed by a majority vote of the Department Executive Committee. The Department Commander shall comprise the remaining (one) member of the Finance Committee. The Department Senior Vice Commander shall be an ex-officio member of said committee without vote, and the Department Adjutant shall be secretary of said committee.

### **Section 6 - 2. Meetings**

**(a) The** Department Finance Committee shall meet within twenty-four (24) hours prior to the opening of the Department Convention. All additional meetings shall be upon call of the Department Commander, the Executive Committee or the Finance Committee Chairman.

**(b) Travel** and approved expenses may be paid to the members of the Department Finance Committee at the same rate as the Department Executive Committee.

### **Section 6 - 3. Quorum**

A quorum shall consist of a majority of the members

### **Section 6 - 4. Powers and Duties**

**(a) All** revenue and expenditures of the Department, its subsidiaries or Corporations, not included in the annual budget shall be directed to the Finance Committee for their consideration, investigation and recommendation, before any action shall be considered for final approval by the Department Executive Committee except as provided in (c).

**(b) The** Department Finance Committee shall study the financial structure of the organization and shall recommend such changes and revisions as deemed necessary, based upon good business practices.

**(c) The** Department Finance Committee, after taking into consideration the cost of operation of the Department and revenue received, shall be charged with the preparation and recommendation of the annual budget to be presented at the Department Convention for its adoption or rejection as a whole. In the event the budget so submitted is rejected, it shall be returned to the Department Finance Committee with directions and be resubmitted to the convention for approval or rejection. In the event the Department Convention shall adjourn without approving the budget, the Department Executive Committee shall determine the budget. The Department budget shall coincide with the fiscal year of the Department -July 1 through June 30.

**(d) The** Department Finance Committee shall request and review quarterly financial reports for the Department, Foundation and Enterprises from the Adjutant and accountant. These reviews scheduled by the Adjutant, should include Finance Committee recommendations for action if appropriate/necessary.

**(e) The** Department Finance Committee may vote via mail/electronic ballot on any single communication directed to it by the Department Executive Committee.

**(f) Absence** of a member of the Finance Committee from two (2) successive meetings without proper excuse shall be deemed sufficient cause for removal by the Department Commander, who shall immediately notify the members of the Department Executive Committee, of such removal and causes thereof, requesting approval of their action. To fill a vacancy caused by such action see Article III Section 3 - 15, sub-section (c) titled %vacancies.+

**(g) The** fiscal year of this Department shall be from July 1 through June 30.

**(h) The** Department budget is prepared by the and Adjutant and reviewed and approved by the Finance Committee and Executive Committee as a part of the Department Annual budget brought to and approved by the Department Convention delegates.

## **ARTICLE VII - PRINCIPAL OFFICE OF DEPARTMENT**

The principal place of business and office of the Adjutant of this Department shall be located in space provided by the State of Minnesota in the Veterans Service Building, St. Paul, Minnesota.

## **ARTICLE VIII - DISABLED AMERICAN VETERANS OF MINNESOTA FOUNDATION**

### **Section 8-1. Organization and Creation**

**(a) Under** the authority of Article IV of the National Constitution of the Disabled American Veterans, a Federal Corporation, there has been, and is hereby established the ~~%Disabled American Veterans of Minnesota Foundation+~~, a non-profit corporation organized under the laws of Minnesota, located in the City of St. Paul, State of Minnesota.

**(b) Each** year, the Department Commander may appoint one (1) member, with the approval of the Department Executive Committee, to the Board of Directors of the Foundation. The Board of Directors will be composed of five (5) members. No two (2) appointed members shall be from the same chapter. Each appointee shall serve a three (3) year term. The Department Commander and the Department Treasurer shall comprise the remaining two (2) members of the Board of Directors. The Department Senior Vice Commander, the Foundation Executive Director and the Department Adjutant shall serve as ex-officio members of the Board without vote. The Board shall elect its own Chairman, Vice Chairman and Secretary from among the three (3) appointed members at the Board's annual meeting. Prior to the 2011 Foundation Annual Meeting, the Department Commander, with the approval of the Department Executive Committee, shall appoint a three (3) year appointee; a two (2) year appointee and a one (1) year appointee to serve on the Foundation's Board of Directors. Prior to the 2012 Foundation Annual Meeting, the Department Commander will appoint a three (3) year appointee, with the approval of the Department Executive Committee, to replace the one (1) year appointee made the prior year. Prior to the 2013 Foundation Annual Meeting, the Department Commander, with the approval of the Department Executive Committee, will appoint a three (3) year appointee to replace the two (2) year appointee made prior to the 2011 Foundation Annual Meeting. These new appointments will be effective at the Foundation Annual Meeting with the exception of 2011 whereby they are all effective after the 2011 convention Executive Board approval.

**(c) The** Department shall have an executive employee as the Executive Director of the Foundation. The Department Finance Committee Chairman/Treasurer shall be the Treasurer of the Foundation. The Foundation Executive Director may also serve as the Assistant Adjutant for the Department.

## **Section 8 - 2. Meetings**

**(a)** The Foundation Executive Director will arrange for and schedule an annual meeting of the Board. This annual meeting will be for the presentation of the annual report prepared by the Executive Director. The agenda will also include a comprehensive review of the Foundation's financial picture including investments, grants, etc. The Executive Director will establish a time and place for this meeting, which should be held prior to the Department's Fall Conference and after the end of the fiscal year. In addition, the Foundation Board shall meet within twenty-four (24) hours prior to the opening of the Department Convention and within seven (7) days after the close of the Department Convention. Additional meetings shall be upon the call of the Department Commander, the Department Executive Committee, the Chairman of the Foundation Board, or any two (2) members of the Foundation Board of Directors with or without the consent of the Department Commander or Foundation Chairman.

**(b) Travel** and approved expenses may be paid to the members of the Board of Directors at the same rate as the Department Executive Committee.

## **Section 8 - 3. Quorum**

A quorum shall consist of a majority of the members

## **Section 8 - 4. Power and Duties**

**(a) The** revenue and expenditures of the Foundation shall be directed to the Board of Directors for their approval in assuring perpetuation of the service programs of the Disabled American Veterans Department of Minnesota, Inc. to veterans and their dependents by providing financial support derived from gifts, devises, grants and any other sources.

**(b) The** Foundation Executive Director shall establish funding categories based on recommendations of the Board, him or herself, or donors. These recommendations are acted on by the Board of Directors and are subject to their approval.

**(c)** The expenditures of the Foundation shall be considered grants (except for operations expenses...i.e.: marketing brochures, mailings, etc) and shall be approved by the Board of Directors. Requests for Grants shall be directed to the Executive Director who will submit to the Board of Directors for action.

**(d)**The Commander and/or Treasurer (members of the Foundation Board and Executive Committee) shall have the duty and power to refer any appropriate decisions to the Department Executive Committee for final approval before execution by the Foundation Board.

(e) The MN DAV Foundation shall report to the MN DAV membership and its donors through a formal annual report as well as an Foundation Annual Meeting to be conducted within 120 days after the end of the fiscal year (June 30). All Chapter/Unit Commanders shall be notified of this annual meeting at least 30 days prior to the meeting.

(f) The Executive Director of the Foundation shall be responsible for the coordination of and content of this meeting as well as the accompanying Annual Report.

### **Section 8 - 5. Budget**

(a) The fiscal year of the Foundation shall be from July 1 through June 30.

(b) **Absence** of a member of the Board of Directors from two (2) successive meetings without proper excuse shall be deemed sufficient cause for removal by the Department Commander, who shall immediately notify the members of the Department Executive Committee, of such removal and causes thereof requesting approval of his/her action.

(c) The Foundation Executive Director shall submit a budget for approval highlighting expenses and revenue.

(d) If a vacancy is created within the Board of Directors, for whatever reason, the Department Commander, with the approval of the Department Executive Committee shall appoint a member to serve on the Board of Directors for the remainder of the original term of the appointment.

## **ARTICLE IX MN DAV ENTERPRISES COMMITTEE**

### **Section 9 - 1. Organization**

(a) The Department Commander shall appoint three (3) members to serve on the MN DAV Enterprise Committee, subject to ratification by the Executive Committee. No two (2) members of the MN DAV Enterprise Committee are to be appointed from the same chapter. These appointments are for a full one (1) year term or until removed by a majority vote of the Department Executive Committee. The Department Senior Vice Commander and the Department Treasurer shall be members of the MN DAV Enterprise Committee

(b) The MN DAV Enterprise Committee shall elect a Chairman at its first meeting following the Department Convention.

(c) **MN DAV Enterprise Committee** members may be removed from the

committee by the Department Commander for just cause subject to approval of the Executive Committee.

**(d) General** Managers of the MN DAV Enterprises shall report to the Department Adjutant

**(e) A** quorum shall consist of a majority of members, three (3).

## **Section 9– 2. Powers and Duties**

**(a) The** MN DAV Enterprise Committee shall be responsible for the oversight of all MN DAV Enterprises. These Enterprises include: The Metro Thrift Sales Program and DAV Vehicle Donation Program. The Committee shall also advise the managers of these enterprises when requested, as well as assist in decisions and recommend major decisions to the Commander and Department Executive Committee.

**(b) All** major expenditures (\$1000) or more of the MN DAV Enterprises management shall be directed to the MN DAV Enterprise Committee for its consideration, investigation and recommendation to the Executive Committee.

**(c) The** MN DAV Enterprises Committee shall provide a business health report to the Department Commander following the issuance by the Department Accountant of each quarterly and annual financial report. The MN DAV Enterprises Committee shall study the financial, organization and future potential of the MN DAV Enterprises and shall recommend to the Executive Committee such changes and revisions deemed necessary.

**(d) The** MN DAV Enterprises Committee shall be responsible for the recruitment of, and recommendations for hiring of MN DAV Enterprises General Managers. The hiring decision is that of the Executive Committee. The Finance Committee subject to approval by the Executive Committee recommends the salary.

**(e) The** MN DAV Enterprises Committee shall report to the Department Executive Committee, Finance Committee and the Department Convention. A formal report shall be rendered to the Department office no later than April 1, each year.

**(f) The** MN DAV Enterprises Committee may vote via mail/electronic mail, phone, fax ballot on any single stated issue directed to it by the Department Executive Committee.

## **Section 9 – 3. Meetings**

**(a) Meetings** of the MN DAV Enterprises Committee shall be at call of its Chairman or the Department Commander.

**(b) Mileage** and approved expenses may be paid to all MN DAV Enterprise Committee members for duty called meetings, Fall Conference and Department Convention at the same rate as paid to the Department Executive Committee.

**(c) The** Department Adjutant shall serve as a non-voting secretary to the Committee for purpose of recording minutes.

## **ARTICLE X - CHAPTERS**

### **Section 10 – 1. Creation and Organization**

**(a) Local** Organizations shall be termed as chapters.

**(b) No** petitioning group may operate within the Department until it has received a National Charter. A petitioning group desiring a charter may apply through the Department Adjutant.

**(c) No** Chapter shall be named for any living person.

**(d) Auxiliaries:** Each Chapter may recognize the Disabled American Veterans Auxiliary, a National Organization.

### **Section 10– 2. Constitution and Bylaws**

Each Chapter must adopt such Constitution and Bylaws for the conduct of its business, as it may deem advisable, not inconsistent with these Department Constitution and Bylaws of the National Constitution and Bylaws. No Constitution and/or Bylaws nor amendments thereto shall be effective until approved by the Department Judge Advocate and by the National Judge Advocate.

### **Section 10– 3. Incorporation**

Each Chapter, not later than twelve (12) months after its charter is issued or when it has twenty-five (25) or more active members, may incorporate under the laws of the State of Minnesota as a non-profit corporation. The Department Judge Advocate shall review and approve all proposed Articles of Incorporation, Bylaws and all amendments thereto pertaining prior to adoption by the Chapter.

### **Section 10– 4. Dues**

Membership dues shall be an amount prescribed in Article XI of the National Bylaws.

### **Section 10 – 5. Fund Raising**

**(a) No** chapter, group of chapters or auxiliary unit, group of auxiliary units or committees of any of them, directly or indirectly shall conduct any business, commercial enterprise or fund raising project, over \$1000 without first obtaining through Department Headquarters the approval of the Department Executive Committee in writing. These provisions shall not apply to one Forget-Me-Not Drive conducted by the chapter within that chapter's territory. However, should a professional promoter be affiliated in any way in such drive, then written consent must be obtained. Chapter Forget-Me-Not drives must adhere to the length and other regulations contained in the national Bylaws, Section 15.3, paragraphs 5 and 6.

**(b) No** chapter, group of chapters, State Department nor committee of any one of them shall enter into any fund raising project under any identification or title other than the %Disabled American Veterans+and its units.

**(c) Any** chapter, group of chapters or auxiliary unit, group of auxiliary units or committee of any of them which conducts and/or operates any business, commercial enterprise, or fund raising project, must be conducted and/or operated in conformity with the laws and the regulations of federal, state, county and municipal authorities and in particular, those laws and regulations governing non-profit corporation.

**(d) Disciplinary** action may be brought against any individual officer or member who violates the intent of these Bylaws and such party shall be tried in accordance with Article XVI of the National Bylaws.

## **Section 10– 6. Chapter Elections**

Election and Installation of officers shall be conducted prior to the annual Department Convention and will conduct the business of the chapter to include election of delegates to the forthcoming Department and National Conventions.

## **ARTICLE XI – ADVISORY COMMITTEE**

**(a) The** Commander shall appoint an advisory committee to the Commander composed of five (5) Past Department Commanders who shall serve only during the term of the appointing authority.

**(b) The** members of the Advisory Committee shall advise and assist the Department Commander in any area where they may deem it necessary to assign them. These duties may include, but not be limited to, membership, chapter visits/functions, audits, public relations and any other duties assigned to them by the Commander.

**(c) While** on assignment authorized by the Commander, members of these committees may be entitled to mileage and approved expenses at the same rate as the Department Executive Committee.

## **ARTICLE XII– Time and Place Committee**

### **Section 12 - 1 Organization and Creation.**

The Department Commander shall appoint an interim Time and Place Committee and members subject to ratification by the Department Executive Committee. This Committee shall be chaired by the Department 1<sup>st</sup> Junior Vice Commander. The Department Adjutant will be a member of the Committee along with one (1) other appointed member.

### **Section 12 - 2. Meetings**

The Time and Place Committee will meet during the business year at the call of the Chair.

### **Section 12 - 3. Report**

The Time and Place Committee will provide a report to the Commander at least 60 days prior to the Department Convention as to their deliberations and potential recommendations.

### **Section 12 - 4. Powers and Duties**

- (a) The** Time and Place Committee will request through Chapters and other various outlets proposals for the place and venue of the Department's Annual Convention and Fall Conference / Foundation Annual Meeting.
- (b) The** Time and Place Committee will review all proposals for appropriateness of the facilities; costs; location desirability; and any other criteria that can be used to determine the feasibility of holding a meeting at the proposed location and venue. The Committee, at their discretion, can do a site visit to determine feasibility and to review the proposed location and facility to determine if the materials presented adequately convey the proposal.
- (c) Expenses** of the committee for site visits are to be kept to a minimum and if approved by the Department Adjutant will be in accordance with expenditures provided to other Committees.
- (d) The** Time and Place Committee will review and recommend appropriate venues to the Department Executive Committee for publication to the general membership. The Committee will address their selection criteria and may, if needed, recommend alternatives to the Executive Committee in priority order as determined by their selection criteria.
- (e) The** Time and Place Committee should give adequate consideration to all

proposals and may give preference to a venue that has hosted a prior convention or conference successfully.

## **ARTICLE XIII – DISCIPLINARY ACTION**

### **Section 13 – 1**

The Department Commander, with the concurrence of a majority of the Department Executive Committee, and the approval of the National Commander, may reprimand, suspend for a specific period, transfer permanently or expel a member for:

**(a) Violation** of the Constitution and Bylaws of the National Organization, the Department or a Chapter.

**(b) Refusal** to comply with the lawful orders of the National Convention, the National Executive Committee, the Department Commander or the Department Executive Committee.

**(c) Conduct** not conducive to the best interests of the Organization or contrary to the maintenance of proper order and decorum within the Organization.

### **Section 13 – 2**

A member may be subjected to the penalties assessable under this Article only after notice of hearings as follows:

**(a) The** Department Commander shall notify the member by Registered Mail of the specific violation with which he is being charged.

**(b) The** Department Commander shall set a date, time and place for the hearing before the Department Executive Committee. The hearing shall be conducted in accord with regulations established by the National Executive Committee. The Commander shall preside at the hearing unless he will be testifying during the proceedings. In such an event the Department Senior Vice Commander will preside throughout the entire hearing. The Judge Advocate will make all decisions regarding procedure as well as the admission and exclusion of evidence, and provide additional guidance as necessary.

### **Section 13 – 3**

The penalties imposed under this Article are defined as follows:

**(a) Reprimand** shall consist of a written admonition of the member by the Department Commander.

**(b) Suspension** shall remove the member from membership and/or from any office held for not more than one year.

**(c) Transfer** shall be the permanent transfer of membership to the Department or National At-Large Chapter.

**(d) Expulsion** shall permanently remove the member from membership.

#### **Section 13 – 4**

**(a) The** penalty imposed shall be final, unless the penalty 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 Registered Mail 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 the decision is clearly erroneous.

**(b) The** decision of the National Executive Committee under this Article shall be final, anything to the contrary in these Bylaws notwithstanding.

**(c) In** the event of expulsion, the National Commander may, at his discretion, refund the balance of the dues anything to the contrary in these Bylaws notwithstanding.

### **ARTICLE XIII– AMENDMENTS**

#### **Section 14 – 1. How Made**

**(a) These** Bylaws may be amended at any Annual Department Convention by a three-fifths vote of registered delegates present and voting, provided that, except with the consent of the Convention by a three-fourths vote of registered delegates present and voting, all amendments must be read to the Convention at least twelve (12) hours prior to their adoption.

All amendments to these Bylaws shall become effective upon approval by the National Judge Advocate.

#### **Section 14 – 2. Provisions Conflicting with National**

**(a) These** Bylaws shall be deemed to have been amended without any formal or other act and the officers of this corporation are authorized to cause the same to be amended to conform to any amendment of the National Constitution and Bylaws when in conflict therewith.

**(b) The** financial statements as required by these Bylaws must be audited by a Certified Public Accountant if the gross annual income, excluding membership per capita, exceeds \$300,000 from all sources.

**CERTIFICATE OF ADOPTION**

**The above Constitution and Bylaws were adopted by the Minnesota Department of the Disabled American Veterans at Alexandria, MN during convention May 5-7, 2011, subject to approval of the National Judge Advocate.**

\_\_\_\_\_  
**David Valtinson, Department Commander**

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**Van Karg, Department Judge Advocate**

\_\_\_\_\_  
**Attest: Jeff Alger, Department Adjutant**

**Approved:**

**Original signed: July 13, 2011**

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**Michael E. Dobmeier, National Judge Advocate**