

DAV



Motto: "If I cannot speak good of my comrade, I will not speak ill of him."

## DISABLED AMERICAN VETERANS

NATIONAL HEADQUARTERS • P.O. BOX 14301 • CINCINNATI, OHIO 45250-0301  
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August 31, 1995

Mr. Victor S. Westmoreland, Adjutant  
Bay Area Chapter #112  
Disabled American Veterans  
P.O. Box 654  
Niceville, FL 32588

Dear Mr. Westmoreland:

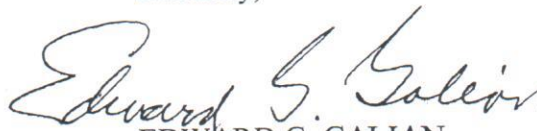
Enclosed please find the Constitution and Bylaws for Bay Area Chapter #112, Department of Florida. I have reviewed this document and find the following discrepancies or problem areas:

- Article VII, Section 2A, Bylaws - Delete the word "Annual" in view of the recent changes to Article 11 of the National Bylaws.
- Article VII, Section 3, Bylaws - Delete the words "Annual or Life" in this Section.
- Article IX, Section 6, Bylaws - Insert the words "Department and" between the words "National Constitution and Bylaws" in third line of this Section.
- Article X, Section 3C, Bylaws - Delete the word "annual" in this Section.

Other than the above exceptions, the Constitution and Bylaws for Bay Area Chapter #112, Department of Florida, is approved by the undersigned.

A copy of this document and response will be forwarded to the Department for their information and files. In addition, we are placing a copy on file at National Headquarters for future reference.

Sincerely,

  
EDWARD G. GALIAN  
National Judge Advocate

EGG/kgb  
Enclosure

cc: Department of Florida



BAY AREA CHAPTER 112, INC.  
**DISABLED AMERICAN VETERANS**  
P.O. BOX 654  
NICEVILLE, FLORIDA 32588

13 July 1995

Dear Sir,

Enclosed is three copies of the revised CONSTITUTION AND BY LAWS for BAY AREA CHAPTER 112, Department of Florida Disabled American Veterans.

This document has been read at two monthly meetings of BAY AREA 112 Chapter and was accepted by a two thirds majority vote and is submitted for your necessary action to become valid and legal

  
VICTOR S. WESTMORELAND  
Adjutant

## CONSTITUTION

### ARTICLE 1 - AUTHORITY

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 Bay Area Chapter 112 Disabled American Veterans meeting in the city of Niceville, State of Florida.

### ARTICLE II - PURPOSE

The purpose of the Chapter is to support the program of the Disabled American Veterans as defined in the National Constitution and By-Laws.

### ARTICLE III - MEMBERSHIP

Membership in this Chapter shall conform with the requirements as set in the National Constitution and By-Laws.

### ARTICLE IV - ADMINISTRATION

SECTION 1. The administrative affairs of this Chapter shall be vested in the Executive Committee in emergencies only. All other actions of the Executive Committee must be ratified by a simple majority vote of the Chapter members present at a Regular/Special Meeting.

SECTION 2. The Executive Committee shall be composed of the Commander, Senior Vice Commander, Junior Vice Commander, Treasurer and Chaplain.

SECTION 3. At times specified, the Chapter shall elect a Commander, Senior Vice Commander, Junior Vice Commander, Treasurer and Chaplain.

### ARTICLE V - EXECUTIVE

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

## BY-LAWS

### ARTICLE I - ORGANIZATION

SECTION 1. The governing body of the Chapter shall be the Chapter in session, except as provided in the Constitution.

SECTION 2. Records of the proceedings of the Chapter shall be kept and will be open for review to any Chapter member in good standing.

### ARTICLE II - CHARTER

The charter of this Chapter, issued by the National Headquarters, is its authority to function and shall be displayed at all Chapter meetings.

### ARTICLE IV - OFFICERS AND THEIR DUTIES

SECTION 1. The elective officers of this Chapter shall consist of the positions as noted below, and will rank in the order listed:

- A. Commander
- B. Senior Vice Commander
- C. Junior Vice Commander
- D. Treasurer
- E. Chaplain

SECTION 2. The Chapter Incoming Commander shall, immediately after the annual election of officers in April, select and appoint the following-listed officers, subject to ratification by the Chapter.

- A. Adjutant
- B. Assistant Adjutant
- C. Judge Advocate
- D. Assistant Treasurer

E. Chapter Service Officers

F. Officer-of-the-Day

G. Sergeant-at-Arms

H. Assistant Chaplain

I. Standing Committee Chairmen

J. Any such other Appointive Officer and/or Committee Chairmen

as the Incoming Commander may deem necessary in order that the work of the Chapter may be carried out in a proper and expeditious manner.

SECTION 3. The Chapter officers listed in Section 1, of this article, will be elected at the annual regularly scheduled Chapter meeting held in April each year. Officers listed in Section 1 and 2 of this article will be installed at a time selected by the Incoming Commander, but not later than the next regular Chapter meeting.

SECTION 4. The Chapter Commander may appoint any elected Officer to serve on one or more committees, as long as the appointee's position is one that is not in conflict with the appointee's elective office.

SECTION 5. The duties of elected and appointed Chapter officers will be as follows:

A. COMMANDER: The Commander or, in his absence, the next highest officer shall preside at all regular or special meetings of the Chapter. He shall maintain order and dispatch such business as may legally come before him. All checks or vouchers issued by the Chapter Treasurer should be countersigned by the Commander, or his appointed representative. He shall perform all other duties that may reasonably be assumed to be incidental to his office; including those set forth in the Chapter, Department, and National Constitution and By-Laws and in the official DAV Ritual, and such other duties as may be lawfully delegated to him by the Chapter.

B. ADJUTANT: The Adjutant shall keep a true and complete record of all business conducted by the Chapter, including the minutes of each Chapter meeting. At each Chapter meeting, he will read the minutes of the preceding meeting and all correspondence received between meetings and assure that all matters which require action by the Chapter are disposed of properly. He should answer all correspondence promptly and file a copy of his answer with the Chapter records; keep an up-to-date list of the membership in good standing; maintain lists of former members and other eligibles; collect all dues; and remit all funds collected to the treasurer immediately on receipt.

C. TREASURER: The Treasurer shall receive and immediately deposit all the money in a bank account in the name of the Chapter. He shall make authorized disbursements only by checks or vouchers signed by himself or the Assistant Treasurer, if appointed, and countersigned by the Commander or Senior Vice Commander. He shall keep a system of accounts approved by the Chapter and shall preserve all receipts, checks, vouchers or bills for payments. He shall render a monthly report of receipts and expenditures to the Chapter, not later than the first regular Chapter meeting following the last day of each calendar month. He shall insure an annual report, if required, to Department and National Headquarters; and, as appropriate, to the Internal Revenue Service. The Chapter's fiscal year will be from July 1 to June 30.

D. SENIOR VICE COMMANDER: The Senior Vice Commander shall perform the duties of the commander in his absence, and other duties that may be delegated to him. He shall encourage friendship among the members of this organization, discourage discord, and promote

harmony. Subject to the direction of the Chapter, he shall act as chairman of membership solicitation activities and may appoint one or more members to assist him in such membership activities.

E. JUNIOR VICE COMMANDER: The Junior Vice Commander shall perform the duties delegated to him. He shall at all times encourage loyalty to the United States of America, to the Disabled American Veterans, and to the members of this Chapter. Subject to the direction of the Chapter, he shall act as Chairman of the Americanism activities and may appoint one or more members to assist him.

F. CHAPLAIN: The Chaplain shall perform the duties of his office as set forth in the Official DAV Ritual. He shall visit and comfort the sick and the families of those members who are deceased or distressed. He shall report all deaths of Chapter members to District, Department and National Headquarters. He shall be responsible for encouraging attendance at DAV-conducted funerals and the proper conduct thereof. He shall act as Hospital Visitation Chairman and may appoint one or more members to assist him.

G. JUDGE ADVOCATE: The Judge Advocate, upon request, shall render an opinion upon all parliamentary questions, upon any question arising out of any dispute upon the floor of the assembly, or concerning the interpretation of the Chapter, Department or National Constitution and By-Laws. Upon receipt of his opinion, the presiding officer shall announce his ruling or decision, which needs not be in accordance with the opinion of the Judge Advocate. Such decision shall be final and binding upon the Chapter unless, (1) overruled by a two-thirds vote upon appeal from such decision, taken at the meeting during which the decision is announced, or (2) reversed upon an

appeal, taken to the next higher governing body within 30 days after such decision is made known.

H. SERVICE OFFICERS: The Senior Service Officer, as appointed by the Commander, shall conduct regular meetings of Chapter Service Officers and assure a service officer is on duty during designated Service Office hours. He shall submit a monthly report of activities at regular Chapter meetings. The Chapter Service Officers shall advise and assist veterans and their dependents in every way possible; particularly in the preparation and pursuit of their claims for veterans' benefits.

I. OFFICER OF THE DAY: The Officer-of-the-Day shall perform the duties of his office as set forth in the official DAV Ritual. He shall welcome all visitors and see that each is properly introduced.

J. SERGEANT-AT-ARMS: The Sergeant-at-Arms and the Color Guards shall perform the duties of their respective offices as set forth in the official DAV Ritual.

#### ARTICLE V - QUALIFICATIONS

Any person who is a member in good standing shall be eligible for any elective or appointive office in this Chapter.

#### ARTICLE VI - ELECTIONS AND TENURE OF OFFICE

SECTION 1. Chapter elective officers shall be elected annually in April of each year, except as outlined in Sections 5 and 6 of this Article.



A. Elections shall be made in the order of rank mentioned in Article IV, Sec 1.

B. A majority of votes cast is required to elect a candidate.

C. Voting shall be by written ballot, or by unanimous consent.

SECTION 2. Chapter appointive officers will be ratified by a majority Chapter vote.

SECTION 3. Election of State, National Convention or conference delegates and alternates shall be in accordance with National By-Laws and made at a regular meeting not more than 90 days nor less than 45 days preceding the opening date of such convention or conference. A majority of votes cast is required to elect. However, if there are less candidates than the number of delegates or alternates allowed then all candidates nominated will be automatically elected.

SECTION 4. Elected and appointed officers shall be installed prior to the Department convention each year. They shall serve for one year, unless reelected, or until newly-elected or appointed officers shall be installed.

SECTION 5. Recall of Chapter elective or appointive officers. The Chapter may direct that notice be sent to any elective or appointive officer who has failed without bonafide reason, to attend three consecutive meetings of the Chapter, or is not fulfilling the duties of his office, or commits malfeasance in office. The letter shall state that at the next regular meeting (giving time and place), the matter of his recall from office will be considered. At the meeting set forth in such notice, the Chapter, by two-thirds vote, may declare such office vacant and such person recalled. If an appointive office, the Commander shall without delay appoint another

member to fill such vacancy, with the approval of the Chapter.

SECTION 6. Should the office of Commander, Senior Vice Commander, or Junior Vice Commander be vacated for any reason, the office will be filled by the officer next listed in Article IV, Sec 1. If the office of the Treasurer or Chaplain is vacated, his office shall be filled by Commander appointment, as in Sections A, B, and C of this Article.

#### ARTICLE VII - MEMBERSHIP

SECTION 1. Eligibility for membership in this Chapter shall be as provided for in Article III of the Chapter Constitution.

SECTION 2. There shall be no form or class of membership except as herein provided for, to wit:

- A. Membership
- B. Life Membership

SECTION 3. Membership dues in this Chapter shall be consistent with those established in National Organization By-Laws.

SECTION 4. No applicant shall be denied Chapter membership if he meets the eligibility requirements as set forth in the National Constitution and By-Laws.

#### ARTICLE VIII- FINANCES

The financial management of this Chapter will be conducted as outlined in the National By-Laws and the Department of Florida By-Laws. The officers having custody of the funds of this Chapter shall at all times be conded through National Headquarters in accordance with National By-Laws provision.

## ARTICLE IX - MEETINGS

SECTION 1. Regular meetings of the Chapter will be held at 7:00 p.m. on the 4th Monday of each month. In the event the meeting conflicts with a holiday or if, for some other reason, the Chapter membership desires not to hold the meeting on that night or time, the meeting may be rescheduled.

SECTION 2. Special meetings may be called by the Chapter Commander whenever he deems it necessary or, when requested in writing, by 10 or more Chapter members in good standing. The call for such a meeting shall specifically state the purpose for such a meeting and no other business shall be transacted. Notice of meeting shall be given to Chapter members not less than seven days prior to the date of the special meetings. That notice shall state the time, place, and specific purpose of the meeting and maximum publicity should be provided.

SECTION 3. A quorum for all Regular and or Special Chapter meetings will be not less than eight (8) members.

SECTION 4. Any member in good standing of any other Chapter of the Disabled American Veterans may attend any meeting of this Chapter but, without the privilege or right to vote on Chapter business; or speak on any subject, under discussion or debate, without the express permission of the presiding officer. A motion from the floor, approved by the majority of the Chapter members present and voting, may grant this right.

SECTION 5. At the discretion of the Chapter Commander, if there is a question as to eligibility to participate in a Chapter vote, members may be required to present their Disabled American Veterans' membership card and/or establish that they are, in fact, members in good standing of this Chapter.

SECTION 6. The rules contained in Roberts Rules of Order shall govern this Chapter in all cases to which they are applicable and in which they are not inconsistent with this or the <sup>DEPARTMENT AND</sup> National Constitution and By-Laws.

SECTION 7. The order of business at any regular meeting shall be as prescribed in the DAV Ritual and as the needs of Chapter may necessitate.

SECTION 8. There shall be no voting by proxy. The presiding officer shall be entitled to vote only in case of a tie, and where the voting is by written ballot.

#### ARTICLE X COMMITTEES AND THEIR DUTIES

SECTION 1. The standing Committees of the Chapter shall be:

- A. Audit Committee
- B. Budget and Finance Committee
- C. Membership Solicitation/Credentials Committee
- D. Welfare Committee
- E. Publicity Committee
- F. Bingo Committee
- G. Forget-Me-Not Committee
- H. Hospitalized Veterans Committee
- I. Legislative Committee
- J. Americanism Committee
- K. Building Committee

SECTION 2. Committees other than the Standing Committees may be formed as deemed necessary by the Chapter Commander or upon motion of the Chapter as a whole.

SECTION 3. Committee functions and responsibilities will be as set forth below, but not necessarily limited to the listed items:

A. THE AUDIT COMMITTEE: shall consist of at least three members. The Committee shall conduct the Chapter's Annual Audit as required by National Headquarters. This audit will normally be held as soon as reasonably possible after 31 March. The required formal reports will be prepared from the audit, and the Committee Chairman will insure that required IRS Forms are complete and submitted before the penalty date i.e., within 90 days of the accounting year. The Committee has the prerogative of auditing the books more often than annually if, in the Committee's opinion, such an audit is necessary. If the Annual Audit is found true and correct, the Committee Chairman, or Certified Public Accountant (CPA) will so signify by signing the completed Audit Report. When the annual audit is accomplished by a CPA the signature of the Accountant will suffice and all discrepancies noted by the accountant will be brought to the attention of the Commander. Should any discrepancies, other than minor bookkeeping errors, be found during any audit the Committee Chairman is required to report such discrepancies to the Chapter Commander as quickly as possible and to the Chapter membership at the next Chapter meeting. The Chapter Commander, Senior Vice Commander, Adjutant and all persons who are authorized to deposit or sign checks are prohibited from serving on the Audit Committee.

B. THE BUDGET AND FINANCE COMMITTEE: This Committee has general supervision of the Chapter Treasurer and Adjutant in regard to the handling of the monies, books and records. The Committee will prepare the annual proposed budget, and present said proposal to the Commander and membership prior to the annual election of officers. The Committee is also charged with the responsibility of insuring

that the Chapter lives within the approved budget during the year.

C. THE MEMBERSHIP SOLICITATION/CREDENTIALS COMMITTEE: The Committee, chaired by the Senior Vice Commander, will be responsible for the proper verification of all new applicants' credentials for membership in accordance with the National Constitution and By-Laws. The Committee is responsible for taking aggressive action throughout the year to obtain new members and renewals of memberships for the Chapter.

D. WELFARE COMMITTEE: This committee chaired by the Chaplain, includes a Chapter Service Officer and two chapter members. They will keep the chapter membership informed of all public and private agencies/organizations that provide assistance to disabled veterans and/or their dependents. The Committee will assist, as possible, in securing aid and/or assistance when it is available. Assistance for obtaining meals, lodging, clothes, food, fuel, or medical care shall be provided by making direct payment of authorized bills incurred only. Requests for financial assistance shall be thoroughly investigated and, under no circumstances, shall any money be paid directly to the veterans and/or dependents.

E. THE PUBLICITY COMMITTEE: This committee will insure that the most favorable publicity possible is generated for the chapter. The Committee is especially charged with widely publicizing in local news media any Chapter activity at which attendance is desirable. It will constantly seek new and more productive methods of bringing the Disabled American Veterans' goals to the general public, without bringing any form of shame or dishonor to any such veterans. The Chairman should keep the Chapter Commander informed of his Committee's actions, efforts and plans.

F. BINGO COMMITTEE: This committee will be responsible for the operations of Bingo. The Chairman will maintain a list of persons who have volunteered to work at the Bingo games, and will insure that sufficient people are on hand to properly run that operation. He will maintain a record of every game played, using accepted bookkeeping procedures which will satisfy any possible audit. A copy of this record will be maintained and submitted as required to the Commander for Chapter files each week. The committee chairman is in overall charge of the conduct of the Bing games; overseeing the counting of monies received and correct payouts for each game played. He will be bonded and be responsible for the security of all Bingo money in the Chapter. He will maintain current rules for the Bingo operation which will be made available to all members.

G. THE "FORGET-ME-NOT" COMMITTEE: This committee should remain active throughout the year, although it normally functions only once a year. This will insure continuity should a special drive be held in addition to the annual drive. The committee will be responsible for obtaining needed materials, recruiting volunteer workers and coordinating their efforts; providing adequate publicity and the securing and proper disposition of monies received. Dates of drives should be coordinated with other veterans' organizations in the area to preclude conflict, and should be set to take advantage of the generosity of the public. The Chapter Commander should work closely with the committee chairman to insure a successful drive.

H. HOSPITALIZED VETERANS COMMITTEE: This Committee Chairman will be responsible for coordinating the VA Hospital program, including visiting V.A. Hospitals, within reasonable distances for the purpose

of improving morale of the patients, and their dependents. The chairman will coordinate transportation and with the Auxiliary procure refreshments, games and comfort items for this program. A member of this committee will be a representative to the Northwest Florida VAVS Organization.

I. LEGISLATIVE COMMITTEE: The legislative officer is chairman, he will keep the membership informed on legislative programs deemed pertinent to veterans. His appearance before legislative bodies will be governed by Articles of the National and Department Constitution and By-Laws.

J. AMERICANISM COMMITTEE: This committee is normally chaired by the Junior Vice Commander. The purpose of this committee is to encourage patriotism and civic instruction in schools, youth activities, etc. He will be responsible for conducting and organizing the Memorial Day and Veterans' Day activities each year in accordance with the Chapter guidelines.

K. BUILDING COMMITTEE:

(1) The committee shall consist of the chairman and four (4) other members, and shall be appointed by the Commander, who will be a non-voting member.

(2) Meetings of the Building Committee will normally be held prior to the regular Chapter meeting. Special meetings may be called by the Chairman or Commander when necessary.

(3) This committee will be responsible for (a) informing the Commander and the general membership of the building's condition, i.e., need for repairs, replacement of equipments, etc.; (b) approving/disapproving use of the building by other than veterans' organizations.



Non-veterans' organizations desiring to rent the building will be considered on a case-by-case basis. Approval for use will require a majority of the committee. Fees for use will be determined by the committee.

#### ARTICLE XI - MISCELLANEOUS

SECTION 1. These By-Laws may be amended at any Chapter meeting by two-thirds majority vote of those present and voting, subject to approval of the Department and National Judge Advocates, and effective only after date of their approval; provided that amendment is read at two meetings and that all members were notified of the proposed change prior to the first meeting.

SECTION 2. A copy of the Constitution and By-Laws shall be properly affixed to the back of the framed Charter to prevent its loss and in order that it may always be available for reference.

SECTION 3. To the extent to which the provisions of the Constitution and By-Laws are or may, at any time, become inconsistent with the provisions of the Constitution and By-Laws and lawful mandates, decisions and regulations of either the Department or National Organization, now in force or has hereafter amended or adopted, this instrument shall be deemed amended so as to conform thereto.

SECTION 4. Except as otherwise expressly provided in the National By-Laws, fund raising drives shall be in accordance with National and Department By-Laws. This Chapter shall not sponsor nor engage in, directly or indirectly, any fund raising or finance project without the prior approval of Department Headquarters.

SECTION 5. The name of this Chapter or of the Disabled American Veterans 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 service-connected disabled  
veterans.

APPROVED

*[Handwritten Signature]*  
FLORIDA STATE DEPT. 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

DATE:

*Edward S. Galois*  
8/31/96 DAV National Judge Advocate

Subject to my letter of 8/31/95.