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March 11, 2022

Mr. Stephen E. Whitehead, Adjutant
Department of Minnesota
Disabled American Veterans
20 W. 12th Street, 3rd Floor
Saint Paul, MN 55155

EIN: 41-0641627

Dear Adjutant Whitehead:

The Constitution and Bylaws for the Department of Minnesota, is hereby approved as of this date.

A copy of this document is being returned to the Department and copy is being retained in our permanent files here at National Headquarters for future reference.

Sincerely,

A handwritten signature in blue ink that reads 'Michael E. Dobmeier'.

Michael E. Dobmeier
National Judge Advocate

MED:kgb
Enclosure

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

**DISABLED AMERICAN
VETERANS
DEPARTMENT OF
MINNESOTA**

CONSTITUTION & BYLAWS



**AS REVIEWED AND APPROVED WITH NO CHANGES AT
THE DEPARTMENT CONVENTION**

APRIL 27 – 29, 2023

Duluth, Minnesota

As Approved by the DAV National Judge Advocate 03/11/2022

CONSTITUTION & BYLAWS
OF THE
DISABLED AMERICAN VETERANS, DEPARTMENT OF MINNESOTA
REVIEWED AND APPROVED by DELEGATES IN CONVENTION

At The

Duluth, MN

Department Convention
April 27-29, 2023

Amended and Approved by the National Judge Advocate

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

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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 is eligible for membership in the Disabled American Veterans. Others who are disabled while serving with any of the armed forces of any nations associated with 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, up to four (4) Junior Vice Commanders, Chaplain and Judge Advocate, each of whom shall be elected at the regular annual convention and shall serve until their respective successors are elected and installed. The immediate Past Department Commander (PDC) shall also serve as an active Department Officer and voting member of the Department Executive Committee (DEC). The appointed position of Department Treasurer shall serve as Chairman of the Finance Committee and as an ex officio advisory member of the Department Executive Committee without vote. The appointed position of the Department Adjutant shall be responsible for the day-to-day operation of the Department Headquarters.

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 Executive Committee (DEC) which shall be chaired by the Department Commander.

ARTICLE VIII - AUXILIARIES

The Department recognizes a DAV Auxiliary as an auxiliary unit of the Disabled American Veterans, subject to its supervision and recommendations.

ARTICLE IX - AMENDMENTS

Section 1. This Constitution may be amended at any Annual Department Convention by a three-fifths vote of registered delegates present and voting. All amendments must be read to the Convention prior to adoption; however, the readings may be waived by a three-quarter majority vote of registered delegates present and voting. All amendments to this Constitution shall become effective upon approval by the National Judge Advocate.

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 no later than June 30th.
- (b)** The Department Convention of the Disabled American Veterans is a Department activity.
- (c)** The place where the Department Convention shall be held will be determined by the Interim Time and Place Committee and must be ADA approved for accessibility. The Time and Place Committee shall recommend to the Executive Committee for their approval, the time and place of annual conventions and fall conferences (normally two (2) years in advance).

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.
- (e)** The Department liaison officer and Department Commander shall approve the banquet menu.
- (f)** The registration fee, including the banquet, shall be set by the Department Executive Committee (DEC).
- (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 may arrange and conduct the annual Memorial Service in cooperation with the Department Auxiliary Chaplain at the Department Convention.

(k) The Department shall provide the convention program.

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. Each chapter may also elect two (2) delegates and two (2) alternates for the chapter charter. All 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.

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 authorized delegates and only 7 are in the room in a roll call vote they each have 2 votes. In convention committee meetings, each chapter with a 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

(a) 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. Resolutions presented to the floor for consideration by convention committees are exempted from the thirty (30) day requirement.

(b) No resolution can be discussed by the Convention until the same has been reported by a Convention committee, except by unanimous consent. Resolutions referred to, but not favorably reported by such committee, are in order and may be called up for consideration by proponents when a motion to discharge the committee has been made but before it has been acted upon. The Chair will advise the delegates when to make their request.

Section 2 – 10. Election of Officers

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

(b) No more than two (2) elected 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 DAV MN general membership.
- (b)** The place where the Department Fall Conference shall be held will be determined by the Interim Time and Place Committee and must be ADA approved for accessibility.
- (c)** 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 Foundation Executive Director, or designee, will give the Foundation Annual Report as part of the business session to the general assembly.
- (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.

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, or designee, shall serve as secretary to all Executive Committee meetings. As appointed officers, the Department Adjutant and Treasurer shall participate in all Executive Committee meetings as ex officio advisory members without vote.

Section 3 -- 2. Quorum

A majority of all members of the Department Executive Committee with voting privileges 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 of the Department Adjutant and Department Treasurer 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.

(c) The Department Commander may call additional stated meetings. Any additional meetings may be conducted remotely.

(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.

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 in and responsible for the oversight and results of the DAV MN business enterprises, 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 3-1 of this Article or alternate acting as such, may be reimbursed the round-trip transportation between their residence and the place of the meeting, together with such approved expenses in accordance with the official DAV MN Travel Policy.

(b) In addition to the Department Commander's and Department Adjutant's payment and/or reimbursement of travel and lodging expenses to attend select DAV National events (see section 4-4(d) and 4-10(n)), the Commander may appoint one (1) alternate to the National Convention, one (1) alternate to the National Commanders and Adjutants training and one (1) alternate to the National Mid-Winter Legislative Conference for which travel and lodging expenses will be paid and/or reimbursed by the Department. The Department's Federal Legislative Chair (BPTL), appointed by the Commander, shall also have his/her travel and lodging expenses paid for and/or reimbursed by the Department when attending the National Mid-Winter Legislative Conference. The appointments of the alternate delegate(s) and the Federal Legislative Chair shall be approved by the Department Executive Committee.

Section 3 – 7. Other Committee Expenses

All standing Department committees have authorization to reimburse member expenses in accordance with the official DAV MN Travel Policy. 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 member as assigned by the Department Adjutant or Commander. 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 within DAV while serving as Department Commander. The Department Commander shall not serve as a Chapter Commander during his/her term 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
- Finance Committee members
- DAV MN Volunteerism/VAVS Committee
- DAV MN Membership Committee
- DAV MN Legislative Committee
- DAV MN Outdoors Committee
- DAV MN Transportation Committee

- Time and Place Committee
- Legislative Chair-Federal and State/Benefits Protection Team Leader (BPTL)
- V4V Trust fund Board of Directors (as vacancies occur for a two-year appointment)
- DAV representative to the Armed Forces Service Center (1)
- Nominate a VAVS Chair and VAMC specific VAVS representatives (as vacancies occur for a two (2) year appointment. The National Commander appoints this position.
- DAV MN Nominating Committee
- DAV MN Constitution and Bylaws Committee
- Commander's Advisory Committee
- Sergeant-at-Arms and Officer-of-the-Day

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. No member, other than an elected officer, shall serve as a voting member on more than two DAV MN 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 or designee 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 serve as a voting member of the Finance Committee. He/she shall also be an ex-officio member of all other Department Committees; except as limited by these bylaws or not consistent with the National Constitution and Bylaws, as now existing or as hereinafter amended. The Department Commander shall also serve as a non-voting advisory member of the DAV of Minnesota Foundation Board of Directors.

(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 deemed necessary.

(c) The Department Commander may suspend the charter of a chapter for a period thirty (30) days or more, but not to exceed ninety (90) days, 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 his/her designee, shall represent the Department at the National Mid-Winter Legislative Conference, DAV National Convention and DAV National Commanders & Adjutants Training during his/her term of office.

(e) The Commander or his/her designees (no more than two (2)) shall be authorized to review and approve expenditures 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 are not readily available to approve expenditures needing prompt attention.

(f) The Department Commander shall be the Department's 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 shall serve as chair of the DAV MN Membership Committee. He/she shall designate and present a detailed membership promotion program, approved by the Department Commander, to all

Chapter Adjutants no later than the start of the fiscal year of his/her term (July 1st).

(c) The Senior Vice Commander shall serve as an ex-officio advisory member of the Finance Committee and as a voting member on the DAV of Minnesota Foundation Board of Directors.

Section 4 – 6. Department Junior Vice Commanders

(a) The 1st Junior Vice Commander shall perform the duties of the Senior Vice commander upon his/her 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 serve as the chair of the DAV MN Outdoors Committee.

(b) The 2nd Junior Vice Commander will assume the office and duties of the 1st Junior Vice Commander upon his/her incapacity to act. The 2nd Junior Vice Commander shall serve as the Chair of the DAV MN Volunteerism and VAVS Committee.

(c) The 3rd Jr. Vice Commander will assume the office and duties of the 2nd Jr. Vice Commander upon his/her incapacity to act. He/she shall have the responsibility to actively serve on the DAV MN Transportation Committee.

(d) The 4th Jr. Vice Commander (if applicable) will assume the office and duties of the 3rd Jr. Vice Commander upon his/her incapacity to act. He/she shall have the responsibility actively serve on the DAV MN Membership Committee and DAV MN Legislative Committee.

(e) All Junior Vice Commanders while on authorized business may be reimbursed for travel expenses in accordance with the official DAV MN Travel Policy.

(f) All Vice Commanders in their capacity shall visit at least five (5) chapters during the year and provide a documented chapter health report to the Department Commander and Adjutant within ten days of the visit.

Section 4 – 7. Department Treasurer

(a) The Treasurer, an appointed position, shall serve as chair of the Finance Committee. He/she is the senior fiscal officer for the Department and shall have custody of all funds of the Department and/or its subsidiaries. He/she shall ensure appropriate records are maintained to account for all Department funds. He/she shall certify that all Department funds expended are authorized in accordance with the approved budget. He/she shall be the primary Officer responsible for the review and approval of all Department financial transactions.

He/she shall render a quarterly financial report to the Department Executive Committee and an annual report to the Department Convention. The Treasurer shall report all problems with various accounts to the Department Commander and Executive Committee for their consideration. He/she shall ensure, together with the Department Adjutant, that all Department funds are appropriately safeguarded and/or invested. 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 Headquarters staff 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 DAV MN Enterprises and report same to the Executive Committee. The Treasurer shall also serve on the DAV MN Transportation Committee.

(b) The Department Treasurer shall also serve as treasurer of the DAV of Minnesota Foundation and as a voting member of the Board of Directors.

(c) The Department Treasurer, at the direction of the Department Commander, shall inspect and/or audit the books, records and accounts of a Chapter. Upon completion of an investigation, inspection or audit, the Treasurer shall render a written report of his/her findings and recommendations to the Department Commander.

Section 4 – 8. Department Chaplain

The Department Chaplain is responsible for attending to spiritual needs of the Department. He/she shall cooperate with the Department liaison officer and the Auxiliary Chaplain to conduct ceremonial procedures at Department Conventions and Conferences and additional DAV MN events as needed. He/she shall render comfort and support to members and/or their dependents in any way the Department Commander may deem advisable in accordance with these Constitution and Bylaws. Other duties shall be as prescribed in the Official Ritual of the Organization.

Section 4 – 9. Department Judge Advocate

(a) The Department 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 serve as chair of an interim Constitution and Bylaws committee tasked with an annual review of the Department Constitution and Bylaws prior to the annual Department Convention.

The end result of this review effort should be the calibration of the Department Constitution and Bylaws to meet the changes driven by National and the Department. These recommended changes would be submitted to the Department Convention for action. The committee shall also be responsible for rendering judgement to resolve any conflicting interpretations relating to these Constitution and Bylaws or any other rules of this Organization as they may arise.

(c) The Department Judge Advocate shall be responsible for the in-depth review of 20% of the Chapters Constitution and Bylaws each year and report the results to the Executive Committee at the Department Convention. 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 Constitution and Bylaws would have a very complete review every five (5) years. (i.e.: Six (6) seven (7) new ones each year). The Judge Advocate shall inspect all Chapter Constitution and Bylaws annually to identify the date last updated and prioritize working with the Chapters with the least recently updated documents.

(d) The Department Judge Advocate 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 Department Commander.

(e) The Department Judge Advocate shall also serve on the DAV MN Interim Time and Place Committee.

Section 4 – 10. Department Adjutant

(a) The Department Adjutant, subject to the instructions of the Department Commander, Department Executive Committee (DEC), or Department Convention, shall supervise and direct all activities of the DAV Department of Minnesota. The Department 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 Department Adjutant shall serve as chair of the Time and Place Committee, and as ex-officio, non-voting advisory member of all other standing committees as appropriate or unless otherwise stated in these bylaws.

(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 provide to each Chapter Adjutant a

roster of active Chapters including the name and address of the respective Commanders, Adjutants and Department Officers.

(c) The Adjutant shall oversee all communications, the conducting of all correspondence, and the maintaining of records on file as relevant for the centralized permanent records of the Department: shall have charge of the Department seal and affix the same to all documents requiring such seal.

(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 Department 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 ensure, together with the Department Treasurer, that all Department funds are appropriately safeguarded and/or invested in accordance with DAV National policy.

(g) The Department Adjutant shall be responsible for selecting an appropriate Certified Public Accountant and/or auditor, the selection of which shall be confirmed by majority vote of the Department Executive Committee annually. The Adjutant, working with approved CPA, shall prepare quarterly financial reports and an Annual Audit to be reviewed with the Finance and Executive Committee upon completion.

(h) The Department Adjutant shall be responsible for the management and administration of the Department 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 for the fiscal year. This shall include salary and benefit detail of all employees. The Adjutant shall set, review and adjust the salaries of all Department Employees subject to the review and approval of the Finance Committee and reported to the Executive Committee via annual budget.

(i) The Department Adjutant shall make available to all Chapter Adjutants and Department Officers an audio recording containing minutes/proceedings of the Convention within ninety (90) days of the closing date of the Department Convention.

(j) 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.

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

(l) The Department Adjutant, or his/her designee, shall conduct formal performance evaluations with all Department Employees annually. These evaluations shall be available for review to the Commander for his/her input. Employee evaluations shall also be available to the Finance Committee for consideration in salary decisions.

(m) The Department Adjutant may serve as the Executive Director of the DAV of MN Foundation. If so, he/she shall attend/conduct Foundation Board of Directors meetings as an ex-officio member of the Board without vote.

(n) The Department Adjutant, or his/her designee, shall represent the Department at the National Mid-Winter Legislative Conference, DAV National Convention and DAV National Commander & Adjutant Training annually during his/her term of office and shall be reimbursed travel expense in accordance with the official DAV MN Travel Policy.

(o) The Adjutant will also be the DAV MN liaison to the Minnesota Department of Veterans Affairs.

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. 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 – 13. 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 the remaining position vacant.

(b) 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, Chief of Staff and other appointed positions, the Department Commander within thirty (30) days shall, with the approval by two-thirds majority 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 Employees are defined as all employees who report to the Department Adjutant. These personnel include HQ administrative support, the Hospital Service Coordinators (HSC's), the Department Service Officers (DSO's), Director of Operations, Executive Director, Deputy Adjutant, and any other employees hired to perform duties for any of the DAV MN programs or Enterprises.

(b) Enterprise employees are under the supervision of the Director of Operations who is responsible to the Adjutant. The Adjutant has final authority over Enterprise employees.

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 and responsibilities are contained in an "Employee Handbook" that will be reviewed by the Adjutant and approved by the Executive

Committee as necessary.

ARTICLE VI – INTERIM AND CONVENTION COMMITTEES

Section 6 – 1. Overview of Committees

The DAV MN “interim committees” have been put in place to advise the Executive Committee and/or Foundation Board on current focus areas and to coordinate specific actions approved by the Executive Committee and/or Foundation Board outlined in these bylaws. The leadership of these committees includes elected Department Officers so they may develop a working knowledge and experience in all aspects of Department operations as they proceed through the chairs. In addition, current and future Department Commanders are encouraged to select the appointed committee members from Past Department Commanders and Chapter Commanders/Adjutants in order to best utilize DAV MN's proven experience and leadership.

Section 6 – 2. Finance Committee

- (a) The Department Treasurer shall serve as chair of the Finance Committee.** This appointment is for one (1) year or until removed by a majority vote of the Department Executive Committee. The remaining members of the Finance Committee shall include the Department Commander and three additional appointed members. The Department Senior Vice Commander and the Director of Operations shall be ex-officio members of said committee without vote, and the Department Adjutant shall be secretary of said committee without vote.
- (b) All meetings shall be upon call of the Department Commander, the Executive Committee or the Finance Committee Chair.** Travel and approved expenses shall be reimbursed to the members of the Department Finance Committee in accordance with the official DAV MN Travel Policy.
- (c) A quorum shall consist of a majority of the voting members.**
- (d) Powers and Duties.** At the direction of the Department Commander, 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. 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.
- (e) The Department budget is prepared annually by the Adjutant and submitted to the Finance Committee for comment, recommendations and preliminary approval.** The Finance Committee shall review and recommend approval to the Department Executive Committee. Upon Executive Committee approval the

Department budget shall be presented to the floor at convention for final approval by convention delegates. 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.

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

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

(h) The financial statements as required by DAV National Constitution and Bylaws section 8.4 must be audited by a Certified Public Accountant if the gross annual income, excluding membership per capita, exceeds \$300,000 from all sources. The Department Adjutant shall be responsible for selecting an appropriate Certified Public Accountant and/or auditor.

Section 6 – 3. DAV MN Volunteerism/VAVS Committee

(a) The committee shall be chaired by the 2nd Junior Vice Commander and members shall include DAV MN VAVS chair, DAV MN Transportation Program Manager, LVAP Coordinator, a Past Department Commander (PDC) and two additional DAV MN community volunteers.

(b) The focus of the committee is the development and coordination of volunteer programs for VAMCs, CBOCs, Veterans Homes, and communities. Example activities include but are not limited to: recruitment of VAVS and LVAP volunteers, coordination of volunteer recognition when appropriate (via Department Headquarters) and promoting/engaging in volunteerism (membership, auxiliary, youth, community members, etc.).

Section 6 – 4. DAV MN Membership Committee

(a) The committee shall be chaired by the Senior Vice Commander and members shall include the 4th Junior Vice Commander, a National Service Officer (NSO), a Past Department Commander (PDC) and two additional appointees.

(b) The focus of the committee is the development and coordination of an annual Department membership recruitment plan, assist with organization and

recruitment for new Chapters, assist with Chapter restructuring and vitality where necessary and coordination of leadership development/education efforts.

Section 6 – 5. DAV MN Legislative Committee

(a) The committee shall be chaired by the Department Benefits Protection Team Leader (BPTL) and members shall include Department Senior Vice Commander, Department 4th Junior Vice Commander, a Past Department Commander (PDC) and three additional Chapter Benefits Protection Team members.

(b) The focus of the committee is to develop and coordinate legislative initiatives that will benefit disabled veterans, their dependents and/or survivors.

Section 6 – 6. DAV MN Outdoors Committee

(a) The committee shall be chaired by the 1st Junior Vice Commander and members shall include the Department Adjutant as an ex-officio member, Event Coordinator, a Past Department Commander (PDC) and three additional appointed members to represent the interests of veterans in various regions of Minnesota.

(b) The focus of the committee is the development and coordination of therapeutic outdoors recreational events for disabled veterans. The committee is tasked with developing relationships with businesses, outfitters and other organizations involved in outdoor activities to expand and enhance DAV MN Outdoors events.

Section 6 – 7. DAV MN Transportation Committee

(a) The committee shall be chaired by the Department Services Director and members shall include the Department 3rd Junior Vice Commander, Department Treasurer, one Past Department Commander (PDC), and two additional appointees. The DAV MN Transportation Program Manager shall serve as an advisor to the committee without vote.

(b) The focus of the committee is the oversight of all aspects of the DAV MN transportation program to ensure it continually meets the needs of veterans in an efficient manner. The committee is also charged with establishing and maintaining optimal relations with any entities necessary to maintain an effective transportation program.

Section 6 – 8. DAV MN Time and Place Committee

(a) The committee shall be chaired by the Department Adjutant (or designee) and members shall include the NSO Supervisor, DAV MN Administrative Specialist, Judge Advocate and a Past Department Commander (PDC).

(b) The focus of this committee is the annual review of the upcoming Spring Convention and Fall Conference sites to ensure readiness and capacity. The committee is tasked with solicitation for information, reviews and recommendations of sites for the open dates for future Conventions and Conferences (normally two (2) years in advance).

(c) The Time and Place Committee will meet during the business year at the call of the Chair. The Time and Place Committee will provide a report to the Commander as to their deliberations and potential recommendations.

(d) 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.

(e) 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.

(f) 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 the official DAV MN Travel Policy.

(g) The Time and Place Committee will review and recommend appropriate venues to the Department Executive Committee for approval and then 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.

Section 6 – 9. DAV MN Nominating Committee

(a) The Nominating Committee shall consist of Past Department Commanders (PDC's). The current Department Commander, for the duration of his/her term of office, shall appoint not less than three (3) PDC's to serve on this committee.

(b) The focus of this committee is to identify potential candidates for Department Officer positions. The nominating committee shall conduct interviews of candidates seeking Department offices. The committee shall be responsible for making recommendations of candidates to be elected as Department officers and

shall announce the recommendations for consideration to the Chapter delegates in attendance at the Department Convention.

Section 6 – 10. DAV MN Constitution and Bylaws Committee

(a) The Constitution and Bylaws Committee shall be chaired by the Department Judge Advocate and members shall include a Past Department Commander (PDC), the Deputy Department Adjutant and two (2) additional appointees.

(b) The focus of this committee is to review the Department Constitution and Bylaws annually to ensure accuracy and relevance in reference to current Department operations and procedures. The committee is responsible for recommending potential updates and/or changes to the Department Constitution and Bylaws for approval by the delegates in convention.

(c) At the request of the Department Judge Advocate, the committee shall also be responsible for rendering judgement to resolve any conflicting interpretations relating to these Constitution and Bylaws or any other rules of this Organization as they may arise.

Section 6 – 11. Commander's Advisory Committee

(a) The Commander may appoint an advisory committee to the Commander composed of up to 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.

Section 6 – 12. Convention Committees

(a) The DAV MN Convention Committees will be in session at the annual convention and members will be appointed from the ranks of the attending convention delegates. The core members of these committees, to include the chair and secretary, are appointed by the Department Commander/Adjutant. Additional members can attend the committee meetings as non-voting members.

(b) Convention committees include the: Nominating Committee, Credentials Committee, Constitution and Bylaws Committee, Legislation/General Resolutions Committee and Volunteerism Committee. Additional convention committees can be named by the Department Commander/Adjutant as they see beneficial and/or necessary. These committee chairs shall report to the delegates.

Section 6 – 13. Additional Committees

The DAV MN Department Commander has the authority to appoint any additional interim committees he/she deems necessary with approval of the Department Executive Committee.

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. The Foundation is established as a subordinate entity of DAV MN. All fundraising initiatives of the Foundation shall meet with the approval of the National Executive Committee (NEC) as outlined in Article 15, Section 15.2 of the National Bylaws.

(b) The Foundation Board of Directors shall select from the qualified member applicants the appropriate number to ensure the Board remains at five appointed Board members annually. These selections shall be forwarded to the Executive Committee for approval. The Board of Directors shall be composed of seven (7) voting members. No two (2) appointed members may be from the same Chapter. Each appointee shall serve three (3) years, unless appointed to serve the remaining term for a member who left prior to the completion of their term. The Department Senior-Vice Commander and the Foundation Treasurer shall be the two remaining members with a vote. None of the five appointed members shall also serve on the Department Executive Committee. The Board of Directors shall select from their appointed members a Chairperson at Department Convention, who shall serve a one-year term and no more than two terms consecutively. The Executive Director shall serve as the professional staff for the Foundation, responsible for the daily operations of the Foundation. The Department Commander, Adjutant, and Deputy Adjutant shall serve as ex-officio members of the Board without a vote. Further details and definitions for the Foundation Board of Directors shall be detailed in the DAV of Minnesota Foundation Bylaws.

(c) The Department shall have an executive employee as the Executive Director of the Foundation. The Department Treasurer shall be the Treasurer of the

Foundation. The Foundation Executive Director may also serve as the Adjutant for the Department.

Section 8 – 2. Bylaws

(a) The DAV of Minnesota Foundation shall maintain bylaws separate from these Department bylaws. The Foundation bylaws may be modified by majority vote of the Foundation Board of Directors with approval by majority vote of the Department Executive Committee, pending final approval by the DAV National Judge Advocate. Meeting requirements and procedures shall be detailed in the DAV of Minnesota Foundation Bylaws.

Section 8 – 3. Power and Duties

(a) The Foundation solicits, collects, and otherwise raises funds in accordance with Article 15 of the DAV National Bylaws for the purpose of providing financial support to ensure the perpetuation of the services and programs of DAV MN. The Foundation may also grant funds to projects and causes that advance the mission of DAV MN through action of the Board.

(b) 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.

ARTICLE IX - CHAPTERS

Section 9 – 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 in accordance with the DAV National Constitution and Bylaws Section 6.2.

(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 9 – 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 or 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 9 – 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 prior to adoption by the Chapter.

Section 9 – 4. Dues

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

Section 9 – 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, with expected gross receipts over \$1000 without first obtaining through Department Headquarters the approval of the Department Executive Committee in writing. However, should a professional promoter be affiliated in any way, then written consent must be obtained.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

(f) All fundraising activities of DAV MN and all subordinate entities will meet with the prior approval of the National Executive Committee (NEC) as outlined in Article 15, Section 15.2 of the National Bylaws.

Section 9 – 6. Chapter Elections

Election and installation of officers shall be conducted prior to the annual Department Convention.

ARTICLE X – DISCIPLINARY ACTION

All disciplinary action necessary against any member will be in accordance with Article 16 of the National Bylaws and NEC Regulation 6.

ARTICLE XI– AMENDMENTS

Section 11 – 1. How Made

These Bylaws may be amended at any Annual Department Convention by a three-fifths vote of registered delegates present and voting. All amendments must be read to the Convention prior to adoption; however, the readings may be waived by a three-quarter majority vote of registered delegates present and voting. All amendments to these Bylaws shall become effective upon approval by the National Judge Advocate.

Section 11 – 2. Provisions Conflicting with DAV National

To the extent to which any of the provisions of this Constitution and Bylaws are, or may at any time become, inconsistent or in conflict with the provisions of the Constitution and Bylaws and lawful mandates, decisions and regulations of the National Organization, as now in force or as hereafter amended or adopted, this instrument shall be deemed amended as to conform thereto.

CERTIFICATE OF ADOPTION

The above Constitution and Bylaws were adopted by the Minnesota Department of the Disabled American Veterans in Breezy Point, MN during convention April 29-May 1, 2021, subject to approval of the National Judge Advocate.



Scott Berndt, Department Commander



Rick Jarvis, Department Judge Advocate



Attest: Stephen Whitehead, Department Adjutant

Approved:

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.

Original signed:



Michael E. Dobmeier, National Judge Advocate

Date: 3/11/2022
DAV National Judge Advocate