



**FULFILLING OUR PROMISES
TO THE MEN AND WOMEN WHO SERVED**

**Department of New York
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**CONSTITUTION & BY-LAWS
DISABLED AMERICAN VETERANS
DEPARTMENT OF NEW YORK
2017**

PREAMBLE

For God and Nation, and for our Commonwealth, we former members of the armed forces of the United States having aided in maintaining the honor, integrity and supremacy of our country, holding in remembrance the sacrifices in common made, and drawn together by strong bonds of respect and mutual suffering, solemnly and firmly associate ourselves together in creating the Disabled American Veterans, the principles and purposes of which shall be supreme allegiance to the United States of America and fidelity to its Constitution and Laws; to hold aloft the torch of true patriotism; to strive for a better understanding between nations so that peace and good will may prevail; to cherish and preserve the memories of our military association; and to aid and assist worthy wartime disabled veterans, their widows, their orphans and their dependents.

ARTICLE I

Name

Section 1.

The name of this organization shall be DISABLED AMERICAN VETERANS, DEPARTMENT OF NEW YORK, INC. (DAV-NY).

ARTICLE II

Purpose

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 cooperation 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.

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

ARTICLE III Membership and Organization

Section 1. Eligibility:

Eligibility shall be determined by the National Constitution of the Disabled American Veterans as amended.

Section 2. Organization of Department:

The Disabled American Veterans, Department of New York, shall consist of all chapters of the Disabled American Veterans which have been duly organized as such according to the provisions of this Constitution and of the National Constitution of the Disabled American Veterans, and all such chapters which shall hereafter be so organized and constituted.

Section 3. State Districts:

The territory in which the Department shall operate shall be divided into fifteen State Districts. The Department Adjutant shall assign all newly Chartered Chapters to various districts at his discretion.

First District - Chapters 19, 143, 145, 173, 190.

Second District – Chapters, 35.

Third District – Chapters 92, 209.

Fourth District – Chapters 76.

Fifth District – Chapters 28, 210.

Sixth District – Chapters 108, 154.

Seventh District – Chapters 34, 118.

Eighth District – Chapters 126.

Ninth District – Chapter 23.

Tenth District – Chapters 16, 22, 39, 98, 137, 144, 152, 156, 212.

Eleventh District – Chapters 38, 88, 122, 158, 179, 200.

Twelfth District – Chapters 8, 13, 20, 30, 60, 82, 153, 164, 171, 178, 182.

Thirteenth District – Chapters 4, 7, 15, 18, 103, 166.

Fourteenth District – Chapters 1, 120, 168, 203.

Fifteenth District – Chapters 135, 142, 177.

No State District shall exercise the powers of a governing body or as such conduct any fund-raising project.

Anything to the contrary notwithstanding, County Councils shall be permitted to be organized pursuant to the National Constitution and By-Laws.

Section 4. Financial Records:

Each Chapter shall keep a complete financial record of all monies received, expended and remitted; all monies must be deposited in the name of said Chapter, and the Chapter shall have an accounting made of the same annually, a report shall be submitted to the State and National Organizations. All of the foregoing records shall be maintained by each Chapter for at least five (5) years.

Section 5. Records of Proceedings:

Each Chapter shall keep records of its proceedings and meetings, which shall be open for inspection to the Department Commander, the State Executive Committee or their designees. Minutes of Chapter and Executive Committee meetings shall be kept for a period of at least five years.

Section 6. Fund-Raising:

Where no commissions are to be paid, and solicitation of funds shall be only by personal contact of members, or friends of members, no prior approval shall be required for a fund-raising project where the gross receipts will be less than \$5,000.00 provided however, that advance written notice of thirty days to the state department shall be required on all such fund-raising projects.

Section 7. Revocation and Suspension:

The revocation or suspension of charters of local Chapters, County Councils or affiliated entities shall be governed by the National By-Laws, Article 6, Section 6.4.

Section 8. Change of Name:

No Chapter or other unit under the jurisdiction of the Department of New York shall change its chartered name without the prior approval of the State Executive Committee and the National Executive Committee.

Section 9. Conformity:

To the extent to which the provisions of this 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 the National Organization, as now in force or as hereafter amended or adopted, this instrument shall be deemed amended so as to conform thereto.

Section 10. Disciplinary Actions:

All disciplinary actions will be handled in accordance with Article 16 of the National Constitution and By-Laws.

Section 11. Gender:

The masculine gender, whenever used in the State Constitution, By-Laws, Regulations of the State Executive Committee or DAV Ritual, shall be read as gender free.

Section 12. Contracts for Fundraising, or for the Sale or Lease of Property, Real or Personal and Employment Contracts:

All such contracts are subject to the prior approval of the State Executive Committee, and should advance the mission of the Disabled American Veterans.

Section 13. Income from Fundraising:

- (a) Forget-Me-Nots. Income shall be used solely for services to disabled veterans, their dependents and survivors and for no other purposes.
- (b) Other fundraising shall be used to support programs sponsored by Disabled American Veterans, as long as such programs and activities provide a direct and substantial benefit to disabled veterans, their dependents and survivors.

Section 14. Other Associations:

Absent the written approval of the National Adjutant, no subordinate unit or Chapter may take or permit any action that suggests that the subordinate unit is endorsed (associated) with any non-DAV organization. Nor grant or award any DAV funds without the National Adjutant's written approval.

Section 15. PROTECTION OF GOOD FAITH COMPLAINTS:

The Department is committed to legal compliance and exemplary integrity in its financial management and corporate governance. The Department encourages all members to inform the Department about unlawful or improper behavior, including but not limited to, any of the following: (1) theft or improper use of assets, (2) materially misleading financial reporting, (3) violation of DAV's conflict-of-interest policy or other policies or procedures relating to corporate governance, (4) improper destruction of records.

It is important that the Department Adjutant be informed of any deviations from standards of financial management of corporate governance. In such cases, a DAV member or officer may become aware or suspect a problem. We request a prompt complaint in writing from any member who has reasonable suspicion about any illegal, unethical or improper conduct involving the finances or governance of the DAV. Such good-faith reports can be made without fear of retaliation. Officers and members making such reports will suffer no adverse actions. Given the potential seriousness of these matters and the effect of a careless accusation, the department expects all officers and members to use this procedure in a thoughtful and responsible way. Compliances of suspected improprieties in financial management or corporate

governance will be made in writing to the Department Adjutant or the Department commander addressed to department headquarters, providing contact information and signing the complaint.

The complaint should be submitted in a sealed envelope marked "PERSONAL AND CONFIDENTIAL TO BE OPENED BY ADDRESSEE ONLY" and delivered in person or by mail. All complaints will be handled on a confidential basis to the highest degree possible. Anonymous complaints will be accepted, although for obvious reasons it may hinder any follow-up or possible investigation. (Amended 6/28/16 Convention)

ARTICLE IV Department Conventions

Section 1. Time and Place:

"A State Convention" shall be held during the month of June, annually, for a period not to exceed 4 days, unless prohibited by a National Emergency. The time and place where the State Convention shall be held shall be determined by the State Executive Committee, upon recommendations made at the immediate past State Convention, or by bids subsequently received from Chapters, for good cause and upon reasonable explanation, the Department Adjutant, acting in his capacity as the Secretary to the Convention, may select a suitable alternative site which would better benefit the membership of this organization.

Section 2. Election of Officers:

The Department Convention shall elect a Department Commander, a Department Senior Vice-Commander, four Junior Vice-Commanders, Department Treasurer, Department Judge Advocate and Department Chaplain.

Section 3. Directors and Advisors:

The three (3) Junior Past Department Commander's shall automatically be appointed to serve on any Disabled American Veterans Department of New York entity as Directors. In addition, the Department Commander shall appoint two (2) additional Directors. The Department Adjutant shall serve as Secretary and the Department Treasurer shall serve as Treasurer. The Department Commander shall also appoint two (2) other PDC's to serve as Advisors to such Board of Directors.

Section 4. Delegates:

At the Department Convention, each Chapter shall be entitled to be represented in such Convention by one Delegate and one Alternate for the Chapter and one Delegate and one Alternate for each 50 members or major fraction thereof, whose current dues have been received by the National Organization at least 15 days prior to the Department Convention. Alternates representing Delegates at the Convention shall not be given floor privileges except where the Delegates whom they represent are not present. Said Alternates shall be given the same privileges as a Delegate and be entitled to vote in the absence of the duly elected Delegate. Alternates shall be seated by a majority vote of the Chapter delegation present.

Section 5. Voting:

There shall be no form of unit rule voting or voting by proxy.

The number of votes which any Chapter shall be entitled to cast shall be equal to the number of Delegates to which the Chapter is entitled.

In the event that any delegation is entitled to cast more votes than the number of Delegates present, the votes of those absent shall be cast in the same proportion to the Delegates present; and this to allow for fractional votes where such a situation may arise.

Section 6. Succession:

No Department Commander who has served as such for more than three full months shall be permitted to succeed himself, except in time of a National or Regional emergency.

Section 7. Convention Committees:

The Department Commander shall have full power to appoint the following Convention Committees: Credentials, Registration, Constitution and By-Laws, Resolutions and such other committees as may be deemed necessary.

Section 8. An Enactment:

An enactment is defined to be a proposition which, if adopted, will constitute a new law, either permanent or temporary for the governing of this Department. A resolution shall consist of a formal expression by the Department Convention of its wishes, opinions or sentiments other than permanent or specific laws.

Section 9. Effective Time:

An enactment shall take effect upon its passage unless otherwise provided therein. Enactments upon taking effect shall become binding upon all officers and members affected thereby, who shall be conclusively presumed to have had notice of same and shall not be allowed to plead ignorance thereof as an excuse for failing to comply with their requirements.

Section 10. Attestation:

The original copies of the enactments and resolutions shall be properly attested to by the Department Adjutant.

Section 11. Installation:

The installation of the newly elected officers must take place prior to the adjournment of the Department Convention at which they were elected.

Section 12. Convention Minutes:

The minutes of all Convention Proceedings shall be transcribed and preserved in permanent form at Department Headquarters, and shall be made available for review and examination by any member in good standing of the Department of New York.

Section 13. Legislation:

The supreme legislative powers of this organization shall be vested in the State Convention which shall be composed of Department Elected Officers, Chapter Delegates and Past Department Commanders.

Section 14. Rules of Order:

All matters of the procedure not otherwise provided for by these By-Laws or in the Rules of the Convention shall be governed by Robert's Rules of Order, Revised.

**ARTICLE V
Department Officers**

Section 1. Department Commander:

The Department Commander is the Executive Officer of this Department. The newly elected Department Commander shall preside at the State Convention and at all meetings of the State Executive Committee, and shall perform all such other duties as may reasonably be assumed to be incident to this office.

The newly elected Department Commander shall appoint an Adjutant and an Inspector General, and may appoint a Historian, Surgeon General and a Sergeant-at-Arms. The Department Commander shall appoint a Chief of Staff for each of the districts in the State of New York within a reasonable time after the adjournment of the Convention at which he was elected. The Department Commander may appoint committees upon such subjects as may be necessary or advisable. (Amended 6/28/16 Convention)

Section 2. Officers:

The Department Senior Vice-Commander and the Department Junior Vice-Commanders, in the order named, shall, in the absence of or at the request of the Department Commander shall designate, except for the signing or countersigning of checks or approval of vouchers.

Section 3. Treasurer:

The Department Treasurer shall deposit, transfer and/or disburse funds, subject to the provisions contained in Article VII, Section 6, of this Constitution.

Section 4. Judge Advocate:

The Department Judge Advocate shall be the legal and parliamentary advisor and counselor to the State Commander, the State Convention and the State Executive Committee.

Section 5. Chaplain:

The Department Chaplain shall perform such duties as are prescribed by the official ritual of the National Organization.

Section 6. Adjutant:

The Department Adjutant shall be the Secretary of the Organization and shall be Secretary to the Department Convention, State Executive Committee and State Finance Committee shall have a voice, but shall have no vote thereat.

The Department Adjutant shall be subject to, shall comply with, and shall obey all decisions, directions, resolutions, mandates and orders of each Department Convention, State Executive Committee and State Finance Committee.

In addition to the other duties and powers set forth in these By-Laws, the Adjutant shall be the Chief Executive Officer of this organization, and shall with the consent of the Department Commander appoint an Executive Director of State Headquarters, who subject to the instructions of the Department Adjutant shall manage the activities of Department Headquarters in Nassau County, New York. In event of the removal of the Department Adjutant, the Department Executive Director shall temporarily assume the duties of the Department Adjutant until such time as the Department Adjutant resumes his duties or a new Adjutant is appointed.

The Department Adjutant shall manage the business and legislative activities that are the responsibility of Department Headquarters.

Section 7: Inspector General

The Inspector General, under the supervision of the Department Adjutant, or the Department Adjutant designee, shall investigate any alleged violations of the National Constitution and Bylaws, the Department Constitution and Bylaws and/or a Chapter Constitution and Bylaws; including but not limited to occurrences which may impugn the integrity or reputation of the DAV.

He or she shall report his or her findings in writing to the Department Adjutant or his or her designee (Amended 6/28/16 Convention)

Section 8. Records:

Each retiring officer shall within ten days turn over to his successor all records and properties in his possession pertaining to his office.

ARTICLE VI Executive Committee

Section 1. Powers:

Between Department Conventions the legislative power shall vest in the State Executive Committee which shall be composed of the Department Commander and all other Elected Officers, Past Department Commanders, and one Executive Committeeman from each State District.

All elected Department Officers and Past Department Commanders and duly elected State Executive Committeemen shall be entitled to one vote each.

All legislative and all matters not specifically covered by this Constitution or the resolutions of the Department Convention shall be determined by the State Executive Committee.

The newly installed Department Commander will appoint a Department Adjutant immediately after being installed, and such appointment is subject to ratification by the State Executive Committee at its first meeting after the Convention as prescribed in Article VI, Section 3(a).

Section 2. Executive Committeemen:

At each Department Convention, the Chapter Delegates present and voting from each State District shall in caucus elect a State Executive Committeeman and an Alternate, whose term of office shall be for the ensuing year. The number of votes which any Chapter shall be entitled to cast shall be in accordance with Article IV, Section 4 of this Constitution. Said election shall take place prior to close of the Convention proceedings and be certified to the Department Adjutant.

The State Executive Committeeman of each District must report the results of this election to the office of the Department Adjutant at or before 10:00 A.M. of the morning of the last day of the Convention.

Section 3. Meetings:

(a) Regular Meetings: The State Executive Committee shall meet within twenty-four hours after the adjournment of the Department Convention and at least once during January, February or March of each year, and at these regular meetings any and all business affecting the affairs of the Department may be properly discussed and acted upon. Nine members of the Executive Committee must be present to constitute a quorum. State Executive Committee Meetings shall be called by the Department Commander and written notices thereof shall be mailed at least 10 days in advance of the meeting.

(b) In addition to the foregoing, Special Meetings may be called on seven days' written notice by the Department Commander and shall be called by the Department Commander at the written request of at least nine members of the Executive Committee. At such meetings only such business as is specifically referred to in the call of the meetings shall be discussed and acted upon, except that by unanimous consent of all members of the Executive Committee present at any such Special Meeting, business other than that mentioned in the call of the meeting may be discussed. The meeting shall be held at the place designated by the Department Commander who shall, so far as possible, call the meetings in various parts of the state for convenience of the members of the Executive Committee.

Section 4. Mail Ballots:

The regular business of the organization requiring the consideration of the State Executive Committee between stated meetings, shall be transacted through the office of the Department Adjutant by mail, telegraph or facsimile machines. In the event, any member of the State Executive Committee who fails to vote shall not be entitled to any monetary benefits of the office; if any.

Section 5. Powers:

In addition to the powers expressly given to it by this Constitution, all Legislative, Administrative and Executive matters not otherwise specifically covered by the provisions of the Constitution and By-Laws and regulations of the Organization or by any enactment of the State Convention shall be determined by the State Executive Committee.

Section 6. Vacancies:

Vacancies occurring between Department Conventions shall be filled by the State Committee, except that the Senior Vice-Commander shall automatically take over the duties of the Commander, and in the event a vacancy also occurs in the office of Senior Vice-Commander,

and/or Junior Vice-commanders in the order listed in the Department Directory shall automatically advance to the next higher office.

ARTICLES VII

Finances

Section 1. Custody of Funds:

All persons having custody of funds shall be required to post adequate bond which at times shall cover the funds in trust.

Section 2. Revenue:

The revenue of the Department shall be derived from such funds as may be paid to transferred to the Department by the National Organization on account of or as payment of Life Membership dues and from fundraising projects under the direction of the Department Finance Committee and the National Executive Committee.

Section 3. Audit:

The financial books and records of the Department shall be audited by a Certified Public Accountant at the close of each fiscal year. A report of this audit shall be submitted to the Department Convention and printed in the report of the proceedings of the Convention.

An Audit Committee shall be appointed to annually review the report of the CPA and submit said annual report to the National Department, pursuant to National Disabled American Veterans requirement.

Section 4. General Funds:

All monies received from whatever source by and for the Department and not raised for a specific purpose shall constitute the General Fund.

Section 5.

Special or Restricted Funds: The State Executive Committee may from time to time establish Special Funds for specific purposes. A Special Funds may be either permanent or temporary and shall consist of all sums received by the Department with the understanding that they are to be devoted to the purposes indicated together with any amounts that may be transferred to such Special Funds from the General Fund.

Section 6. Custody of Funds:

The Department Treasurer shall be the custodian of the General Fund and all Special Funds except those which have been committed to the custody of some other officer, committee or member by enactment of the Department Convention or the State Executive Committee.

All bills, cancelled checks, checkbooks and financial records shall be received, maintained and secured at Department Headquarters.

Section 7. Payments from the General Fund:

(a) The Department Commander shall order payments from the General funds in accordance with the enactments of the State Executive Committee and the Department Convention, subject to the limitations of the duly adopted Department Budget.

(b) Any money sent by the Department of New York to any Chapter shall be sent to the bonded officer of the Chapter.

Section 8. Payments from the Special or Restricted Fund:

The Department Commander shall order payments from the Special Fund in accordance with the enactments of the Department Convention or State Executive Committee, subject to the limitation of the duly adopted budget.

Section 9. Voucher System:

All disbursements from the General Funds or the Special Funds shall be by checks signed by any two of the following: Commander, Treasurer, Adjutant or Executive Director, and shall be based upon authorized vouchers. All vouchers must be cosigned by the Department Adjutant, or in his absence or unavailability, the Executive Director.

Section 10. Finance Committee:

The Department Finance Committee shall consist of the Department Commander, the Department Treasurer and three members appointed by the Department Commander. The Department Adjutant and Department Judge Advocate shall be a non-voting member of the Committee.

- (a) The Department Commander shall designate one of the appointed members of the Committee to serve, at the Commander's pleasure, as Chairman of the Committee, during the tenure of office of the Department Commander.
- (b) The Department Commander shall appoint three (3) members to the Finance Committee. Said appointment shall follow his (her) election at the department convention. Appointed members of the Finance Committee shall serve a one-year term. Their term shall expire when the Department Commander who appointed them leaves said office for whatever reason. Appointment of members shall be made immediately after the close of the Department Convention. Appointments to vacancies occurring before the expiration of a full term shall be made by the Department Commander when the vacancy occurs, and shall be for the balance of the unexpired term only.
- (c) The Finance Committee shall prepare the budget for each fiscal year, and shall make revisions as may be necessary. It shall submit the Budget and revised Budget to the Department Convention or State Executive Committee, as the case may be, for approval.
- (d) The Finance Committee shall monitor the manner in which the budgetary proposals are carried out by the Department Officers. It shall make reports and recommendations to the Department Commander, the State Executive Committee and the Department Convention in this connection.
- (e) Every proposed expenditure which is not a budgeted item, shall be approved by the Adjutant, except that any unbudgeted expenditure over \$3500 shall be referred to the Finance Committee for approval.
- (f) The Department Adjutant together with the Finance Committee shall supervise the disbursement and investment of all Department Funds.
- (g) The Finance Committee shall initiate and supervise fundraising activities of the Department; and where required obtain the approval of the National Executive Committee.

- (h) The Department Adjutant together with the Finance Committee shall be empowered to approve all Chapter fundraising, except for Forge-Me-Not Drives.

ARTICLE VIII
Amendments

Section 1. Amendments: This Constitution may be amended at the Department Convention by a favorable vote of two-thirds of the total authorized representation present and voting, provided, however, that the proposed amendment shall have been read to such Convention at least 24 hours prior to the voting thereon.

Section 2. 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 either the governing State Department or the National Organization, as now in force or as hereafter amended or adopted, this instrument shall be deemed amended as to conform thereto.

I, Donald A. Sioss, Adjutant for the Disabled American Veterans, Department of New York, Inc., do hereby certify that the foregoing is a true and accurate copy of the duly enacted Constitution and By-Laws of said organization as amended.



Donald A. Sioss, PNC, PDC; Department Adjutant
Dated: August 8, 2017

Note: The Constitution and By-Laws was adopted at the 43rd Annual Department Convention (June 1965) and was successively amended thereafter at Annual Department Conventions in 1966, 1967, 1969, 1970, 1971, 1972, 1979, 1982, 1996, 2008, 2009, 2014 2015, 2016 and 2017 subject to National approval.

I, Michael Dobmeir, PNC National Judge Advocate herewith approve of the above amendments.



Michael Dobmeir, PNC
National Judge Advocate

I CERTIFY that the within constitution and/or by-laws does not conflict with those of the National Organization, and to that extent, is approved.

Date: 8-16-17
DAV National Judge Advocate