



National Headquarters
860 Dolwick Drive
Erlanger, KY 41018
tel 859-441-7300
toll free 877-426-2838
dav.org

May 17, 2023

Mr. Kevin P. Hathorn, Treasurer
Castle Point Chapter #144
Disabled American Veterans
P.O. Box 121
Wappingers Falls, NY 12590

EIN: 14-6036396

Dear Mr. Hathorn:

The Constitution and Bylaws for Castle Point Chapter #144, Department of New York, is hereby approved as of this date.

A copy of this document is being returned to Castle Point Chapter #144 along with a copy to the Department. A copy is also 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:cmb
Enclosure

c: Department of New York

file

CONSTITUTION & BYLAWS of
DAV CASTLE POINT CHAPTER 144
~~Wappingers Falls~~ ^{Castle Point}, New York
2022

CONSTITUTION

ARTICLE I—NAME

The name of this Chapter shall be Castle Point Chapter 144, Department of New York Disabled American Veterans (DAV).

ARTICLE II—PURPOSE

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

ARTICLE III—MEMBERSHIP

Membership in this Chapter shall conform with the requirements set forth in the National Constitution and Bylaws. There shall be no associate, special, or honorary memberships in this Chapter.

ARTICLE IV—ADMINISTRATION

Section 1

The administrative affairs of this Chapter shall be vested in the Chapter Executive Committee in emergencies only, and all other actions of the Chapter Executive Committee must be ratified by a majority vote of those Chapter members present and voting at the next regular Chapter meeting.

Section 2

The Chapter Executive Committee shall be composed of the Commander, Past Chapter Commanders, Senior Vice Commander, Junior Vice Commander(s), Judge Advocate, Treasurer, two Executive Committee members and any other elected Chapter officers deemed necessary by the Commander.

Section 3

At the time specified in the Chapter Bylaws, the Chapter shall elect annually a Commander, Senior Vice Commander, four (4) Junior Vice Commander(s), Judge Advocate, Treasurer and two (2) Executive Committee members. Such other officers as may be necessary to operate the Chapter may be appointed by the Commander, with the majority approval of the Chapter members present. Neither the Chapter Commander nor any Chapter Vice Commander may serve as Chapter Adjutant or Treasurer.

ARTICLE V–EXECUTIVE

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

ARTICLE VI–AUXILIARY

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

ARTICLE VII–AMENDMENTS

This Constitution must be amended at least once every five (5) years at a Chapter meeting by a vote of two-thirds of those Chapter members present and voting, subject to approval of the Department and National Judge Advocates, and effective only after the date of said approval, provided that any such amendment is read at two (2) meetings and that all Chapter members were notified of the proposed change prior to each of the two (2) meetings.

BYLAWS

ARTICLE 1–ORGANIZATION

Section 1

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

Section 2

The governing body of this Chapter shall be the Chapter in session, either at regularly scheduled or emergency meeting, except as otherwise provided in this Constitution and Bylaws.

Section 3

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

ARTICLE 2–CHARTER

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

ARTICLE 3–EXECUTIVE COMMITTEE

Section 1

The Chapter Executive Committee shall be composed of the Commander, Past Chapter Commander(s), Senior Vice Commander, Junior Vice Commander(s), Judge Advocate, Treasurer, two(2) Executive Committee members and any other elected Chapter officers deemed necessary by the Commander. The Adjutant serves as a non-voting member and secretary of the Committee.

Section 2

Meetings of the Chapter Executive Committee will be called by the Commander or at the request of a majority of its members, made in writing to the Commander. The Committee shall meet no less than two (2) times a year. The Chapter Commander shall serve as Executive Committee Chair.

Section 3

Appointed officers, committee chairmen and other Chapter members may attend the Chapter Executive Committee meetings, but without the right to vote.

Section 4

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

Section 5

The Chapter Executive Committee may act for the Chapter only in emergencies and at all other times shall recommend courses of action to the Chapter in session.

ARTICLE 4–OFFICERS

Section 1

The Chapter shall elect annually a Commander, Senior Vice Commander, four (4) Junior Vice Commanders, a Judge Advocate, a Treasurer, a Benefits Protection Team Leader, and two (2) Executive Committee members. Neither the Chapter Commander nor any Chapter Vice Commander may serve as Chapter Adjutant or Treasurer.

Section 2

The Commander, with the approval of the Chapter, shall appoint the Adjutant, Chaplain, Sergeant at Arms, Officer of the Day, and any Chapter Committees, with the exception of the Nominating Committee, which shall be elected by the Chapter.

Section 3

Such other officers as may be necessary to operate the Chapter may be appointed by the Commander, with the approval of the Chapter.

Section 4

A Chapter officer report shall be submitted to the State Department and National Organization within ten (10) days after the installation of newly elected or appointed Chapter officers or in the event of any subsequent change in the Chapter officers during the membership year.

Section 5

There shall be no voting by proxy or voting by absentee ballot.

Section 6

The Commander, or in his/her absence the next highest officer, shall preside at all regular or special meetings of the Chapter. He/She shall maintain order and dispatch such business as may legally come before him/her. He/She shall perform all other duties that may reasonably be assumed to be incidental to his/her office, including those set forth in this Constitution and Bylaws and in the Official DAV Ritual and such other duties as may be lawfully delegated to him/her by the Chapter.

Section 7

The Adjutant is responsible for keeping the Chapter's records and conducting the Chapter's official correspondence. He/She must keep detailed records of the Chapter's meetings and business affairs. All motions considered by the Chapter should be recorded along with the names of the members who make, second or speak on motions. The Adjutant is responsible for the membership records and should make certain they are kept up to date. At each business meeting, the Adjutant should read the minutes of the preceding meeting and make sure that a motion of approval or rejection is passed. At each Chapter meeting, the Adjutant should read all correspondence received between meetings and see that all matters which require action by the Chapter are properly disposed of. He/She should answer all correspondence promptly and file

copies of his responses with the Chapter records. The Adjutant shall work closely with the Commander, Treasurer and other Chapter officers in order to efficiently carry out the duties of his office.

Section 8

The Treasurer shall receive and immediately deposit all Chapter funds in a bank account in the name of the Chapter without any deductions or offsets.

He/She shall make authorized disbursements only by checks or vouchers signed by the Treasurer and countersigned by the Commander or the Commander's designee. He/She shall keep a system of accounts approved by the Chapter and shall preserve all receipts and checks or vouchers for payments made. He/She shall render a monthly report of receipts and expenditures to the Chapter not later than the first regular Chapter meeting following the last day of each calendar month.

An annual financial report, audited and approved by the Chapter Audit Committee, shall be submitted to the State Department and if requested, to the National Organization, within ninety (90) days after the close of the accounting year of the Chapter, as required by the National Bylaws.

Section 9

The Senior Vice Commander shall perform the duties of his/her station as set forth in the Chapter Constitution and Bylaws and the Official DAV Ritual. He/She shall encourage friendship among the members of this Organization, discourage discord and promote harmony. Subject to the direction of the Chapter, he/she shall act as Chairman of membership solicitation activities to the end that every eligible veteran may become a member.

Section 10

The Junior Vice Commander(s) shall perform the duties of his/her station as set forth in the Official DAV Ritual. He/She shall see that every member is given a reasonable opportunity to state his/her views on any subject under discussion in a meeting of the Chapter, not inconsistent with this Constitution and Bylaws or Robert's Rules of Order, Revised. He/She shall, at all times, encourage loyalty to the United States of America, to the DAV and to the members of the Chapter. Subject to the direction of the Chapter, he/she shall act as Chairman of the Chapter Committees.

Section 11

- 1) The Chaplain shall perform the duties of his/her station as set forth in the Official DAV Ritual. He/She shall visit the sick and comfort the families of those members who pass away. He/She shall be responsible for encouraging attendance at DAV-conducted funerals and the proper conduct thereof. Subject to the direction of the Chapter, he/she shall act as Hospital Visitation Chairman and, with the

approval of the Chapter, may appoint one or more members to assist him/her as such Chairman.

- 2) The Service Officer shall advise and assist veterans disabled in the line of duty during time of war, and their dependents, in the preparation and processing of their claims for benefits from any governmental agency. He/She shall also assist them in securing suitable, gainful employment.
- 3) The Judge Advocate, upon the request of the Commander of the Chapter, shall render an opinion upon all parliamentary questions, upon any question arising out of any dispute upon the floor of the assembly, or concerning the interpretation of this Constitution and Bylaws, or the Constitution or Bylaws of the National or Department organizations. Upon receipt of his/her opinion, the Commander (or presiding officer, if the Commander is not in the chair) shall announce his/her ruling or decision, which need not be in accordance with the opinion of the Judge Advocate. Such decision shall be final and binding upon the Chapter unless (1) overruled by a two-thirds vote of the members at the meeting during which the decision is announced or (2) reversed upon an appeal taken to the next higher governing body within thirty (30) days after such decision is made known.
- 4) The Officer-of-the-Day shall perform the duties of his/her office as set forth in the Official DAV Ritual. He/ She shall welcome all visitors and see that each is properly introduced.
- 5) The Sergeant-at-Arms and the Color Guards shall perform the duties of their respective offices as set forth in the Official DAV Ritual.

Section 12

Upon election, or appointment, and installation of the successor to any such Chapter office, all Chapter property in his/her predecessor's possession shall be surrendered to the newly installed officer.

ARTICLE 5—QUALIFICATIONS

Any person who is a member of this Chapter shall be eligible to any elective or appointive office in this Chapter, except as otherwise provided in this Constitution and Bylaws.

ARTICLE 6—TENURE OF OFFICE

Section 1

Officers for the Chapter shall be nominated during month of May regular meeting and again the immediately prior to the June election meeting.

Section 2

Elected and appointed officers shall be installed within thirty (30) days of their election or appointment. They shall serve for one (1) year or until newly elected or appointed officers have been installed.

Section 3

Any elective or appointive officer who has failed to attend three (3) consecutive meetings of the Chapter or who, in the opinion of the Chapter, does not appear to be fulfilling the duties of his/her office may be caused for removal by the Chapter.

- 1) The Chapter shall direct that notice be sent to the officer described in this section, stating that at the next regular meeting (giving the time and place), the matter of his/her recall from office will be considered. At the meeting set forth in such notice, the Chapter, by a vote of two-thirds of those Chapter members present and voting, may declare such office vacant and such officer recalled. If an elective officer, his/her office shall be filled by nomination and election at the same meeting to serve the unexpired term. If an appointive officer, the Commander shall appoint another member to fill such vacancy for the unexpired term with the approval of the Chapter.

Section 4

In the event the office of Commander shall be vacated for any reason, the Senior Vice Commander shall be elevated to Commander, Junior Vice Commander to Senior Vice Commander and the vacancy filled in the following order: Commander, Senior Vice Commander, First Junior Vice Commander, Second Junior Vice Commander, Third Junior Vice Commander and Fourth Junior Vice Commander.

Section 5

It shall require a majority vote of those Chapter members present and voting to elect a candidate for any Chapter office. It shall also require a majority of votes cast to elect delegates or alternates to a State or National Convention. If there are more authorized positions than the nominees, then all such nominated candidates shall be declared as duly elected with a single vote casted by the Adjutant on behalf of the Chapter.

ARTICLE 7—MEMBERSHIP

Section 1

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

Section 2

Only members of the Chapter in good standing are eligible to vote on any motion or at any election. "In good standing" means the member is current on all dues and obligations to the organization, and has not had three (3) consecutive unexcused absence from the regular scheduled meetings.

Section 3

Members of another Chapter may secure a transfer of membership to this Chapter, given that such member is in good standing with previous Chapter, and obtained the approval of the membership of this Chapter.

ARTICLE 8--FINANCES

Section 1

The Treasurer or other designated Chapter officer shall be charged with handling normal finances in the operation of the Chapter.

- 1) The Treasurer or other designated officer shall deposit all monies in the name of the Chapter and shall countersign with the Commander or one other designated Chapter officer on all checks. There shall be no "pre-signed" Chapter checks for convenience purposes or otherwise. Signatures must be added only after the payee, date and amount sections of the check have been completed.
- 2) The Treasurer shall maintain the Chapter financial account(s), as prescribed and approved by the majority of the members present and voting.
- 3) All financial records to include Chapter checkbooks, bank statements, receipts, general ledgers must be secured and maintained at the Chapter office.

Section 2

The Commander may be authorized to make purchases or commit for up to one hundred and fifty U.S dollars (\$150.00) of Chapter funds. He/She shall bring the expense before the Chapter at the next regularly scheduled meeting, for Chapter approval. When possible, the Commander shall send electronic communication to all Executive Committee members for prior notice with a majority approval. This Section is subject to be suspended or revoked by the majority of the members present and vote at any meeting.

Section 3

The Adjutant may be authorized to use Chapter funds for up to one hundred U.S dollars (\$100.00) for Chapter operational needs with the approval of the Chapter. He/She shall bring the expense before the Chapter at the next regularly scheduled meeting, for Chapter approval. When possible, the Adjutant shall receive approval from the Commander and send electronic communication to all Executive Committee members for prior notice with a majority approval. This Section is subject to be suspended or revoked by the majority of the members present and vote at any meeting.

Section 4

The Chapter may pre-authorize payment of any recurring expenses when approving the Chapter annual budget. Such pre-authorization may be suspended or revoked by majority vote of the member present at any regular Chapter meeting.

Section 5

Membership dues shall be as provided in the National Bylaws.

Section 6

All disbursement of funds must be authorized by Chapter Commander or Chapter Adjutant with their approval signature on the Chapter Expense Voucher.

- 1) Chapter Commander may submit Expense Voucher for up to one hundred and fifty U.S dollars (\$150.00) without any signature approval; any expense for more than one hundred and fifty U.S (\$150.00) dollars must be approved by the Chapter at the next regularly scheduled meeting.
- 2) Chapter Adjutant may submit Expense Voucher for up to one hundred U.S dollars (\$100.00) without any signature approval; any expense for more than one hundred U.S dollars (\$100.00) must be approved by the Chapter Commander, whenever possible, and bring the expense at the next regularly scheduled Chapter meeting
- 3) Any member seeking reimbursement for expense related to DAV official businesses or supplies for the Chapter must submit the receipt or invoice within thirty (30) calendar days along with Expense Voucher to the Treasurer; the Treasurer will forward the Expense Voucher to the Chapter Commander or Adjutant for approval prior to issue reimbursement check to the member.

ARTICLE 9--TRAVEL

Section 1

Any member authorized to travel for more than twenty-five (25) miles from regularly scheduled meeting location, on official Chapter business shall be reimbursed for mileage at standard mileage rate set by the Internal Revenue Service of the current year or by a previously approved rate by the majority of the member present. All same-day travel will be reimbursed for mileage only.

Section 2

Traveling to the following DAV functions are pre-authorized for Chapter Commander and Adjutant:

- DAV National Convention,
- DAV National Executive Committee meeting,
- DAV National Commanders and Adjutant Association meeting,
- DAV Department of New York Convention,
- DAV Department of New York Executive Committee (DEC) meeting,
- DAV Mid-Winter Conference,
- DAV Department of New York training seminars, and
- Other meetings deemed necessary and appropriate for the Chapter.

Section 3

For the purpose of reimbursement of pre-authorized travel listed in Section 2 of this Article, the Commander and Adjutant must receive proper credential as the official representative of the Chapter, i.e. being a National/Department Delegate or Alternate, being a member or alternate member of NEC/DEC, or being a member of C&A.

Any members attending DAV functions listed in Section 2 of this Article without obtaining proper credential as the Chapter representative will not be reimbursed.

Section 4

Any reimbursement provided by the Department or National organization shall be deducted from the amount approved by the Chapter. Any unused, authorized travel funds may be allocated to other members authorized to travel, with the approval of the Chapter.

Section 5

Chapter member serving as NEC/DEC or NEC/DEC Alternate is pre-authorized to travel to NEC/DEC meeting.

Chapter Service Officer and Department Service Officer of this Chapter is pre-authorized to attend CSO/DSO training and will be reimbursed for mileage only.

Chapter Benefit Protection Team Leader is pre-authorized to travel to DAV Mid-Winter Conference and DAV Department of New York Legislative meetings.

Section 6

All funding for pre-authorized travel will be determined by the approved Chapter annual budget. Funding for other Chapter delegates to National/Department convention will be determined upon election.

Section 7

Funding for all official travel will be disbursed as a lump-sum payment. Any amount exceeding approved lump-sum payment due to incidental and other unforeseeable situation related to official travel for DAV business must be submitted on the Expense Voucher form for Commander or Adjutant approval, or bring before the next regular Chapter meeting for approval.

ARTICLE 10–MEETINGS

Section 1

The Commander shall be the presiding officer at all regularly scheduled or emergency meetings. In his/her absence, the presiding officer shall be the next highest line officer of the Chapter present.

Section 2

Regular Chapter meeting dates, time and location shall be determined by majority vote of the Chapter in session.

Section 3

The Chapter must hold at least six (6) regular meetings with a quorum present within a membership year. The Chapter may elect summer or winter break no longer than two (2) months at any given calendar year.

- 1) Members may participate virtually in general membership meeting of the Chapter. The active membership status of any member participating virtually must be validated at the beginning of each meeting and documented in the Chapter's meeting minutes
- 2) Voting during the election of Chapter officers is limited to in-person participation and will not permit members participating virtually to cast votes, but they may observe. These shall be no form of voting by proxy or by absentee ballot. Members who experienced difficulty or who are unable to connect virtually, for whatever reason, will not have any recourse to challenge prior decision made during the Chapter meeting.

Section 4

Special meetings of the Chapter may be called by the Commander whenever the Commander may deem it necessary or when the Commander is requested in writing to do so by ten (10) or more Chapter members.

Section 5

Rules of Chapter meetings shall be as follows:

Rule 1: A quorum shall consist of seven (7) members in good standing, of which at least two (2) must be elected Chapter officers.

Rule 2: Robert's Rules of Order, Revised shall govern the Chapter in all cases to which they are applicable and in which they are not inconsistent with this Constitution and Bylaws, the Department Constitution and Bylaws or the National Constitution and Bylaws.

Rule 3: Discussion of personal grievances will not be in order on the floor unless introduced by the Grievance Committee or other Committees having the authority to consider any such matters.

Rule 4: Matters concerning only an individual member, with respect to his or her own personal interest, shall not be in order but may be taken before the proper Committee.

Rule 5: Voting shall be by voice unless otherwise requested by at least seven (7) members.

ARTICLE 11–COMMITTEES

Section 1

All Chapter committees will meet at the call of the Chairman or Commander, or as otherwise provided in this Constitution and Bylaws.

Section 2

Committees shall consist of not less than three (3), but not more than seven (7) members (except as may otherwise be herein provided), including the Chairman. Committees shall be appointed by the Commander, with the approval of the Chapter, with the exception of the Nominating Committee which shall be elected by the Chapter.

Section 3

The Chapter shall have an Audit Committee composed of at least three (3) members of the Chapter, excluding the Commander, Senior Vice Commander, Treasurer, and Adjutant.

- 1) The Audit Committee shall consist of: Judge Advocate, one (1) Junior Vice Commander and one (1) Member-at-large. The Audit Committee may add additional member(s) to assist in auditing the Chapter's book and bank statement for the end of year report.
- 2) The Audit Committee shall conduct an annual audit, in accordance with the requirement of National Bylaws within three (3) months after closing of the fiscal year.

Section 4

The Chapter shall have a Grievance Committee. All Chapter grievances must first be presented to and investigated by the grievance committee prior to any member forwards such grievance to Department or National HQs.

ARTICLE 12–MISCELLANEOUS

Section 1

These Bylaws shall be amended at least once every five (5) years at a Chapter meeting by a vote of two thirds of those Chapter members present and voting, subject to approval of the Department and National Judge Advocates, and effective only after date of said approval, provided that any such amendment is read at two (2) meetings and that all Chapter members were notified of the proposed change prior to each of the two (2) meetings.

Section 2

A copy of this Constitution and Bylaws shall be properly affixed to the back of the framed Charter to prevent its loss and in order that it may always be available for reference. A copy will also be kept in the Chapter Office for review and reference by the members.

Section 3


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 so as to conform thereto.

Section 4

All disciplinary actions shall be conducted in accordance with Article 16 of the National Bylaws and applicable Regulations of the National Executive Committee.

Adopted after this second and final reading on October 15th, 2022.


ATTEST:


CHAPTER JUDGE ADVOCATE / CONSTITUTION & BY-LAWS COMMITTEE CHAIR


CHAPTER COMMANDER


CHAPTER ADJUTANT


DEPARTMENT JUDGE ADVOCATE


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: 5/17/23
DAV National Judge Advocate