

Constitution and By-Laws

DISABLED AMERICAN VETERANS DEPARTMENT OF KENTUCKY

Adopted at Annual Department Convention
6/19/2025-6/21/2025

ARTICLE I AUTHORITY

Section 1. Pursuant to Article IV of the National Constitution of the Disabled American Veterans, the “Department of Kentucky, Disabled American Veterans, Incorporated” is hereby established in the Department of Kentucky.

ARTICLE II – ALLEGIANCE TO THE NATIONAL ORGANIZATION

Section 1. The Department of Kentucky, Disabled American Veterans, Inc., affirms its allegiance to and affiliation with the National Department, as chartered by Congress on June 17, 1932, and amended July 15, 1942. It agrees to submit to its authority and abide by the National Constitution and By-Laws, as currently in force or subsequently amended by the National Convention or National Executive Committee.

Section 2. Membership in this Department does not grant any chapter or member a claim to its property, current or future. In the event of dissolution, each chapter must liquidate its assets to settle debts and contribute any remaining funds to National Headquarters, where they will be held for 18 months. If the Department is not reorganized within that period, the funds become the property of the National Department. Additionally, no chapter, member, or officer may receive compensation or anything of value from the Department for services rendered unless explicitly authorized.

ARTICLE III – PURPOSE

Section 1. To uphold the Constitution and laws of the United States; to honor the ideals for which our members served; to support and improve the lives of all wounded, gassed, injured, and disabled veterans; to collaborate with the Veterans Administration and related public and private organizations; to serve our comrades, communities, and country; and to foster understanding that helps prevent future wars.

ARTICLE IV – MEMBERSHIP

Section 1. Membership in this Department shall consist of all active chapters in Kentucky chartered by the National Department, provided they remain in good standing as determined by the National Department.

Section 2. Membership eligibility is governed by Article III of the National Constitution and Article II of the National Bylaws.

ARTICLE V – CONVENTION

Section 1. The highest authority of this Department resides in the annual Department Convention, to be held no later than July 30 each year. The time and place shall be set by the convention body 2–3 years in advance but may be changed by the Department Executive Committee if necessary.

Section 2. Each chapter in good standing is entitled to:

- Two delegates and two alternates, plus
- One additional delegate and alternate for every 15 members (or major fraction thereof) with current National and Department dues paid.

The Department Adjutant shall notify chapters in writing of their delegate count and convention details at least 15 days prior.

Section 3. Chapters indebted to the Department are not in good standing. Their delegates may not vote unless the debt is settled, though they may be recognized solely to appeal the debt’s validity or amount. The convention's decision on the matter is final.

Section 4. No individual may vote in more than one representative capacity or serve as a delegate for more than one chapter. Delegates must register under the capacity in which they will vote.

Section 5. Each Department must hold an annual convention under rules adopted by the Executive Committee and ratified by the convention. Delegate voting strength must be applied uniformly across chapters. If a chapter nominates fewer delegates than entitled, all nominated individuals shall serve as delegates. If fewer delegates or alternates are present than entitled votes, voting is based on verified membership figures supplied by National Headquarters before the convention.

Section 6. A quorum consists of at least one delegate from 25% of chapters in good standing, as defined in Section 2.

Section 7. The Executive Committee shall provide credential forms and recommend convention rules, subject to amendment and adoption by the convention. All other parliamentary matters will follow the most recent edition of *Robert’s Rules of Order*.

ARTICLE VI – ELECTED & APPOINTED OFFICERS

Section 1. The Department Convention shall elect the following officers: Commander, Senior Vice Commander, four Junior Vice Commanders (one from each DAV district), Judge Advocate,

Chaplain, Sergeant-at-Arms, Historian, and Chair of the Joint Committee. No individual may hold more than one elected Executive Committee position. The Commander may serve two consecutive one-year terms if elected by a majority vote at each annual convention. Conflicting provisions in the Constitution or By-Laws are null and void.

Section 2. Elected officers serve from the time of their election and installation until their successors are installed. Vacancies between conventions are filled by the Commander with Executive Committee approval. All elected and appointed officers are under the Commander's supervision, who answers to the National Organization, the Convention, and the Executive Committee.

Section 3. Following the Convention, the Commander shall appoint the Adjutant-Treasurer, Director of Services, two Inspectors, an Ombudsman (with Executive Committee approval), and other necessary officers and committees. Appointed officers are not members of the Executive Committee and do not vote at the convention. Executive Committee members cannot be appointed as Adjutant-Treasurer or Director of Services. These two roles must remain separate.

Section 3.1. The Adjutant-Treasurer may be suspended or removed for failure to perform duties, excessive absence, or noncompliance with Executive Committee directives. Suspension without pay requires a majority vote of physically present Executive Committee members; removal requires a two-thirds vote. The office must not be used for political purposes.

Section 4. The Department shall send one delegate and one alternate to the National Convention—typically the Commander and Adjutant, respectively. The next officer in line serves as alternate if either cannot attend. Only the delegate and alternate are reimbursed for attending National functions.

Section 5. The Commander, or the next highest elected officer present, shall preside over the Department Convention and Executive Committee meetings.

Section 6. If the Commander dies, resigns, is suspended, removed, or unable to serve, the Senior Vice Commander shall assume the duties until the Commander returns or a successor is elected as outlined above.

Section 7. The Department Adjutant-Treasurer, under the supervision of the Commander, serves as Chief Operating Officer. Responsibilities include:

- Depositing all Department funds in a designated depository.
- Auditing authorized petty cash accounts monthly and requiring explanations for expenditures.
- Making disbursements by duplicate vouchers and maintaining an approved accounting system.
- Sending financial reports to the Executive Committee and presenting an audited annual financial report to the Department Convention and National Headquarters.
- Keeping thorough records of Department business and Committee activities.
- Handling official correspondence, executing decisions of the Convention and Executive Committee, and maintaining Chapter membership records.
- Notifying the Executive Committee of meetings and managing membership drives and organizational campaigns.

- Performing other duties as assigned by relevant committees, all without vote. Salary is determined by the Department Executive Committee.

Section 8. The Department Judge Advocate serves as the Department’s legal advisor. Upon request, they:

- Issue legal opinions on matters concerning the Department and disputes between chapters.
- Serve as Parliamentarian at conventions.
- Approve Chapter Constitutions, By-Laws, and amendments.

The Department Commander issues decisions based on these opinions, subject to appeal first to the Executive Committee and then the Department Convention. Further appeal may be made to the National Department. All legal opinions are advisory.

Section 9. All Department officers shall perform the duties outlined in the National Ritual.

Section 10. The Executive Committee may approve the use of Department funds to cover reasonable travel expenses for elected and appointed officers when necessary for Department business.

Section 11. When multiple officers travel together by car, travel expenses (e.g., gas, oil, tolls) are reimbursed to only one person. All attendees at DAV functions may be reimbursed for actual expenses within the Department’s Expense Guidelines, not exceeding IRS limits. Any excess expenses require prior approval from both the Commander and Adjutant-Treasurer. Receipts must accompany all reimbursement requests. IRS guidelines are available at Department Headquarters.

Section 12. If an elected Department Officer dies, resigns, becomes inactive, fails to perform their duties, or does not cooperate with the Executive Committee, their position may be declared vacant by the Commander, subject to Executive Committee approval. The vacancy shall be filled by a majority vote of the Executive Committee.

Section 13. Department Inspectors, under the Commander’s direction, are responsible for investigating potential violations of Chapter, Department, or National Constitutions and By-Laws, including actions that may harm the organization’s integrity. At the Commander’s request, they may inspect or audit a chapter’s books and records. Upon completing any investigation, they must submit a written report and recommendations to the Commander and Adjutant. Inspectors operate under any regulations established by the Department Joint Committee.

Section 14. The Department Employee Ombudsman is available to confidentially meet with any employee of the Department—regardless of location—to receive and investigate complaints. The Ombudsman must maintain strict confidentiality and may not disclose the identity of any employee without their consent. After investigating, the Ombudsman reports findings to the Commander, who communicates them to the employee. A summary of investigations is presented to the Executive Committee, though to preserve confidentiality, these reports must be delivered directly by the Ombudsman and not through intermediaries.

ARTICLE VII – EXECUTIVE COMMITTEE

Section 1. The Department Executive Committee shall include the following elected officers: Department Commander, Senior Vice Commander, four Junior Vice Commanders (one from each district), Chaplain, Sergeant-at-Arms, Judge Advocate, Joint Thrift Store/Finance Committee Chair, Historian, District Executive Committee members, and the Immediate Past Department Commander (all with vote). All other past Commanders serve ex officio without vote. The Adjutant-Treasurer acts as Secretary to the Committee without vote.

Section 2. Terms begin at the close of the Department Convention in which officers are elected and end at the close of the following Convention. In the event of a vacancy due to death, resignation, or extended absence, the Executive Committee may elect a replacement by majority vote.

Section 3. The Commander—or any four Executive Committee members—may call a committee meeting between Conventions, provided written notice is given at least seven days in advance. Special meetings must be based on demonstrated necessity. Upon such a request, the Commander must call the meeting within 21 days. In emergencies, the Commander or Adjutant may conduct a phone ballot, followed by a mail ballot to all Committee members.

Section 4. A majority of voting Committee members constitutes a quorum. Meetings shall be conducted in accordance with the latest edition of *Robert's Rules of Order*.

Section 5. The Commander may appoint Committees as needed. No Committee shall publicize its findings or incur expenses without prior authorization from the Commander or Executive Committee, unless otherwise specified in this Constitution.

ARTICLE VIII – CHAPTERS

Section 1. Chapters shall be organized and chartered in accordance with the National By-Laws.

Section 2. Each Chapter must adopt its own Constitution, By-Laws, and regulations—as permitted under Article 9, Section 9.1 of the National Constitution—setting dues not less than the combined National and Department per capita rates. These documents and amendments must not conflict with this Constitution or National guidelines and must be approved by both the Department and National Judge Advocates.

Section 3. Chapter officer elections must occur at least 30 days before the Department Convention. Officer rosters and elected delegates/alternates must be reported to the Department and National Headquarters no later than 20 days prior. Chapters must also provide notice of changes in mail designee. Officer Reports are due to the Department within 10 days of elections, and Financial Reports must be submitted within 90 days after the June 30 fiscal year-end.

Section 4. Chapters may not hold fundraisers without prior written approval from the Department Executive Committee, unless otherwise allowed by the National By-Laws.

SECTION 5 – DISTRICTS

Section 5.1. Chapters within the geographical boundaries of any of the seven Disabled American Veterans districts (as defined on June 29, 1996) may form District Organizations, subject to approval by the Department Executive Committee. These organizations hold no independent authority.

Section 5.2. District boundaries shall remain as established on June 29, 1996, unless realigned by request of all affected chapters within a county. Such changes require Department Executive Committee approval and must be presented to the Department Convention for ratification.

- **District 1:** Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Ohio, Todd, Trigg, Union, Webster
- **District 2:** Allen, Barren, Breckinridge, Bullitt, Daviess, Edmonson, Grayson, Hancock, Hardin, Hart, LaRue, Marion, Meade, Nelson, Simpson, Spencer, Warren, Washington
- **District 3:** Jefferson
- **District 4:** Boone, Campbell, Carroll, Gallatin, Grant, Henry, Kenton, Oldham, Owen, Pendleton, Trimble
- **District 5:** Adair, Bell, Casey, Clay, Clinton, Cumberland, Estill, Garrard, Green, Harlan, Jackson, Knox, Laurel, Lee, Leslie, Lincoln, Metcalfe, McCreary, Monroe, Owsley, Pulaski, Rockcastle, Russell, Taylor, Wayne, Whitley
- **District 6:** Anderson, Bourbon, Boyle, Bracken, Clark, Fayette, Franklin, Harrison, Jessamine, Madison, Mercer, Montgomery, Nicholas, Robertson, Scott, Shelby, Woodford
- **District 7:** Bath, Boyd, Breathitt, Carter, Elliott, Fleming, Floyd, Greenup, Johnson, Knott, Lawrence, Letcher, Lewis, Magoffin, Martin, Mason, Menifee, Morgan, Perry, Pike, Powell, Rowan, Wolfe

Section 5.3. Each district shall elect a District Executive Committeeperson at its Spring District Meeting. These individuals serve as voting members of the Department Executive Committee, as defined in Article VII, Section 1. In the absence of the Committeeperson, the duly elected alternate may serve in their place.

Section 5.4. Each elected District Executive Committeeperson shall hold two District Meetings within their district boundaries during their term:

- A **Fall Meeting**, to be held before December 1 of the year elected (unless written approval for a later date is obtained from the Department Commander).
- A **Spring Meeting**, to be held before May 1 of the following calendar year (also requiring written approval for any extension).

Failure to hold one or both meetings—or to hold them within the district boundaries—*may* result in removal by the Department Executive Committee and *shall* result in forfeiture of all convention-related expenses, including travel and lodging.

Section 5.5. Written minutes must be kept for all district meetings. These are to be reviewed and approved by vote of the attending chapter members at the next meeting, with each person casting one

vote. Approved minutes must be submitted to the Department Adjutant-Treasurer within 30 days for recordkeeping.

Section 5.6. Unless otherwise determined by majority vote of eligible members present, all parliamentary procedures at district meetings shall follow *Robert's Rules of Order, Revised*.

ARTICLE IX – REVENUE

Section 1. Department revenue shall be derived from Per Capita dues, Forget-Me-Not Drives, and other sources authorized by the Department Convention or Executive Committee. All fundraising projects must receive prior approval from the National Executive Committee per the National By-Laws.

Section 2. The Department Per Capita tax shall be \$1.00 per member annually.

Section 3. All Department funds shall be deposited promptly into a bank or trust company designated by the Department Executive Committee.

Section 4. The Department Adjutant-Treasurer shall notify National Headquarters of the names, titles, and addresses of all elected officers, and designate which individuals are to receive official mail on behalf of the Department.

Section 5. Each Chapter Adjutant-Treasurer must submit an annual financial report—signed by the Chapter Commander and Adjutant—to the Department and National Adjutants within 90 days after the close of the fiscal year (June 30). Reports must use National Headquarters forms. Chapter books and records must be available for inspection by the Department Commander or an authorized representative, including designees of the Executive or Joint Committee.

Section 6. A \$10.00 registration fee is required for each delegate and alternate attending a Department Convention. These funds support convention expenses and shall not be retained by the host Chapter or District.

ARTICLE X – DEPARTMENT DIRECTOR OF SERVICES

Section 1. The Director of Services shall coordinate the Department Service Program, ensuring claims are referred to National Service Officers for screening and development. The Director is responsible for ensuring no disabled veterans or their dependents are neglected and shall perform all necessary duties to fulfill the obligations of the office.

Section 2. The Director shall promote and supervise training for all qualified Chapter and Department Service Officers and oversee their activities. All Service Officers shall operate under the direction and guidelines established by the Director of Services.

Section 3. The Director shall prepare and submit an annual Service Program budget for approval by the Department Executive Committee and presentation at the Department Convention. The Director shall make regular district visits throughout Kentucky and may assist with public relations efforts through media outreach, including press, radio, and television.

Section 4. The Department Adjutant shall coordinate and disperse all payments. The Director of Services shall collect Service Officers' reports and travel logs and submit monthly expense reports with receipts to the Adjutant.

ARTICLE XI – AMENDMENTS

Section 1. This Constitution and By-Laws may be amended by a two-thirds vote of delegates present and voting at the Department of Kentucky, Disabled American Veterans, Inc. Convention. Proposed amendments must be mimeographed and made available in the Convention Hall on the first day. Debate shall occur after the third reading and before the vote.

Approved amendments become effective upon approval by the National Judge Advocate, except those altering the composition of the Department Executive Committee, which become effective at the next Department Convention following such approval. All changes must be clarified before voting. Once adopted by the Convention, only the National Judge Advocate may revise or amend such changes between Conventions.

Section 2. If any provision of this Constitution and By-Laws conflicts with the National Constitution, By-Laws, or lawful mandates of the National Organization—now or in the future—this document shall be deemed amended to conform accordingly.

ARTICLE XII – FINANCE COMMITTEE

SECTION 1: COMPOSITION

- 1.1 There shall be a Joint Thrift Store/Finance Committee composed of five members.
- 1.2 The Committee Chair shall be elected by the Department Convention body.
- 1.3 The remaining four members shall be appointed by the Department Commander following the Convention.

SECTION 2: OPERATION, RESPONSIBILITY, AND AUTHORITY

- 2.1 The Committee shall meet at least quarterly, or more often as deemed necessary. Special meetings may be called by the Commander or at the request of any two Committee members, with at least seven (7) days' notice.
- 2.2 The Department shall operate under an annual budget developed by the Committee after reviewing proposals from the Director of Services, Thrift Store General Manager, and Adjutant. The budget, including a Thrift Store appendix, shall be submitted to the Executive Committee for adoption or revision at its final meeting prior to the June 30 fiscal year-end.

2.3 Budget transfers within the approved framework may be authorized by the Committee with Executive Committee approval. Transfers between the Thrift Store and Department budgets are not permitted, except for pre-approved transfers as specified in the adopted budget.

2.4 If a significant decrease in income or rise in expenses occurs, the Committee may recommend uniform reductions in payments such as salaries, stipends, or per diem. Salary or stipend reductions require Executive Committee approval; travel and per diem reductions may be enacted by the Committee, subject to later Executive Committee approval.

2.5 The Committee is responsible for financial oversight of Thrift Store operations. It shall review reports from the Thrift Store General Manager and/or Bookkeeper, and report any irregularities to the Department Commander and Adjutant-Treasurer immediately.

2.6 Any debt incurred by the Department, its Thrift Stores, or subsidiaries must be reviewed and approved by at least two Committee members (or the Commander in a member's absence) before payment. All disbursements must be made by check in accordance with Department SOPs, signed by at least two of the following: Department Commander and Adjutant-Treasurer, unless otherwise specified in this Constitution and By-Laws.

ARTICLE XIII – PERSONAL SERVICES

CONTRACTS / EQUIPMENT LEASES

Section 1. The Department shall not enter into any Personal Services Contract that would classify an individual as an employee under contract. This does not restrict the Department from hiring employees on an hourly, weekly, monthly, or yearly compensation basis, provided such terms do not obligate the Department to maintain employment for a specific duration.

Section 2. The Department and DAV Thrift Stores shall not enter into office equipment leases. However, leasing of operational equipment—such as trucks or tow motors—is permitted with prior approval from the Department Executive Committee, unless an emergency is declared per Article IV, Section 4.4 of this Constitution and By-Laws.

ARTICLE XIV – HENRY W. RICHARDSON MEMORIAL SERVICE FOUNDATION

SECTION 1: EXISTENCE

1.1 The Department acknowledges the existence of a wholly owned subsidiary corporation, the *Disabled American Veterans, Department of Kentucky, Incorporated Service Foundation*, doing business as the *Henry W. Richardson Memorial Service Foundation*. Its purpose is to oversee and safeguard funds held in the Department's service foundation trust account(s).

SECTION 2: FOUNDATION COMMITTEE

2.1 The *Henry W. Richardson Memorial Service Foundation Committee* shall consist of five (5) members elected by the Department Convention for staggered five-year terms.

2.2 Immediately following election, the Committee shall elect a Chair, Vice-Chair, and Secretary-Treasurer, each to serve a one-year term or until a successor is elected. The Chair presides over meetings; the Vice-Chair assumes duties in the Chair's absence; and the Secretary-Treasurer maintains and forwards official minutes to the Department.

2.3 Vacancies shall be filled by appointment from the Department Commander, subject to Executive Committee approval, with appointees serving until a new member is elected at the next Convention. Committee members serve as *ex officio* members of the Department Executive Committee and may not hold any other elected position within it. The Committee reports to the Department Commander and Executive Committee and provides an annual report at the Department Convention. Additionally, the Chair shall prepare a quarterly report detailing account balances, deposit types, and locations for the Department Commander, Executive Committee, Adjutant, and fellow Committee members.

2.4 The Committee shall convene annually before the Department Convention to prepare its report or address the management of Foundation funds. Special meetings may be called by the Chair or the Department Commander, with at least seven (7) days' written notice to all Committee members.

SECTION 3 – FUND MANAGEMENT AND USE

3.1 All funds received by the Foundation shall be deposited in federally insured, interest-bearing accounts. No single account may exceed the maximum insurable limit. Withdrawals require the signatures of the Committee Chair or Vice Chair *and* the Department Adjutant.

3.2 All interest earned from these accounts shall be turned over to the Disabled American Veterans, Department of Kentucky, Inc., upon maturity of the respective deposits.

3.3 Funds received by the Department from the Foundation shall be used exclusively for the Department Service Program.

3.4 The Department may not directly access Foundation principal funds, except for interest disbursements as stated in Section 3.2. However, the Foundation Committee may authorize loans of Foundation funds to the Department at competitive interest rates and with adequate collateral. Any such loan must be approved by both the Foundation Committee and the Department Executive Committee. The full details and results of such transactions shall be presented in a separate report by the Foundation Chair at the annual Department Convention, as outlined in Section 2.3.