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March 3, 2026

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 Disabled American Veterans  
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EIN: 85-0131116

Dear Adjutant Portillo:

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

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

Sincerely,

Michael E. Dobmeier  
 National Judge Advocate

MED:js  
 Enclosure

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KEEPING OUR PROMISE TO  
**AMERICA'S VETERANS**

# **DEPARTMENT OF NEW MEXICO**

## **CONSTITUTION**

**AND**

**BYLAWS**

**AS AMENDED BY THE CONVENTION DELEGATES**

**JUNE 2025**



**KEEPING OUR PROMISE TO  
AMERICA'S VETERANS**

**DEPARTMENT HEADQUARTERS**

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# CONSTITUTION

## ARTICLE 1 - AUTHORITY

Under the authority of Article 1 of the National Constitution of the Disabled American Veterans, a Federal Corporation, has been and is established the Disabled American Veterans Department of New Mexico, located within the legally established boundary of the State of New Mexico.

## ARTICLE 2 - 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 or served; 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 other public and private agencies devoted to the cause of improving and advancing the condition, health and interests 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.

## ARTICLE 3 - MEMBERSHIP

Section 1. The DAV, Department of New Mexico, will consist of all Chapters of such Department that have been chartered by the National Executive Committee.

Section 2. Qualifications for membership will be in accordance with the National Constitution and Bylaws of the DAV.

## ARTICLE 4 - POWERS

To 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 will be necessary for its corporate purpose; to adopt a Constitution, Bylaws and Regulations to carry on its purposes, consistent with the laws of the United States and the State of New Mexico; 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 purposes of the Corporation and generally to do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the Corporation.

## ARTICLE 5 - ADMINISTRATION AND GOVERNING BODY

### SECTION 1: Department Executive Committee Composition

The administrative affairs of this Department shall be vested in a Department Executive Committee, to be composed of the Department Commander, the immediate Past Department Commander, Department Sr. Vice Commander, Department 1st Jr. Vice Commander, Department 2nd Jr. Vice Commander, Department Adjutant, Department Chief of Staff, Department Treasurer, Department Chaplain, Department Judge Advocate, Department Inspector, and one Department Executive Committee person selected by each district within the Department.

Voting members of the Department Executive Committee are: Past Department Commander, Commander, Sr. Vice Commander, 1<sup>st</sup> Jr. Vice Commander, 2<sup>nd</sup> Jr. Vice Commander, Judge Advocate, Chaplain, and District Representatives.

#### SECTION 2: Election of Officers

Each Department Convention shall elect a Department Commander, Department Sr. Vice Commander, Department 1st Jr. Vice Commander, Department 2nd Jr. Vice Commander, Department Chaplain, and Department Judge Advocate.

#### SECTION 3: Term

The term for each elected and appointed Officer of the Department Executive Committee shall not exceed one year except for District Representatives.

#### SECTION 4: Appointed Positions

Appointed Officers of this Department, with the approval of the Department Executive Committee, shall be: Department Adjutant, Department Treasurer (with the option of combining the position of Adjutant and Treasurer), Department Historian; Department Legislative Chairperson, Department Inspector, DAV/VA Winter Clinic Chairperson, Department Hospital Representative, Department Officer of the Day, and Department Sergeant-At-Arms. The appointed officers are NON-VOTING participants; the Commander may also appoint a Department Chief of Staff and Assistants as he/she may deem appropriate and will notify the Chapters of his/her appointments.

#### SECTION 5: Department Commander

The Department Commander, or in his absence the next highest officer will preside at all regular or special meetings of the Department. He will maintain order and dispatch such business as may legally come before him/her. He will perform all other duties including those set forth in this Constitution and Bylaws, and all other duties as may be lawfully delegated by the DEC.

#### SECTION 6: Transactions of the Department

All checks or vouchers issued by the Department must be countersigned by two (2) of the following: Commander, Senior Vice Commander, or Treasurer. No blank checks shall be signed in advance.

#### SECTION 7: Succession

Elected Department Officers in succession will perform the duties of the Department Commander in case of his absence, death, resignation, or removal.

### ARTICLE 6 - LEGISLATION

The Legislative powers of the Department shall be vested in an Annual Department Convention, which will be composed of the Department Officers and accredited delegates of the member Chapters, which are now, or may be included later in the Department.

### ARTICLE 7 - EXECUTIVE

The executive power of this organization shall be vested in the Department Commander, subject to approval of the Department Convention and the Department Executive Committee (DEC).

## ARTICLE 8 - AUXILIARIES

### SECTION 1: Department Recognition

This Department recognizes a DAV Auxiliary as a Unit of the Disabled American Veterans Department of New Mexico, subject to its supervisions and recommendations.

### SECTION 2: Auxiliaries

Auxiliaries assigned to Chapters must recognize their purpose is to assist the Chapter in the performance of Its function and are not an entity in themselves, even though they may govern their organization administratively. They must govern themselves In Accordance With (IAW) the DAV National Auxiliary Constitution and Bylaws.

## ARTICLE 9 - AMENDMENTS

### SECTION 1: Constitution Ratification

This Constitution shall not become effective until ratified by two-third (2/3) vote of the delegates present at the Department Convention, within the jurisdiction of the Department of New Mexico Disabled American Veterans, and approved by the National Judge Advocate

### SECTION 2: Constitution Voting

This Constitution may be amended at any Department Convention by majority vote of regularly elected or appointed qualified delegates, when three-fourths (3/4) of the Chapters in good standing have ratified the proposed amendment, which ratification must take place thirty (30) days prior to the next Department Convention.

### SECTION 3: Inconsistent with National Organization

The Constitution and Bylaws and all changes and amendments thereto must not conflict with the National Constitution and Bylaws and must have the approval of the National Judge Advocate.

## ARTICLE 10 - ALLEGIANCE

The Department of New Mexico Disabled American Veterans, organized and existing under the prevision of Article IV of the National Constitution of the National Veterans Service Organization known as "Disabled American Veterans," Incorporated and Chartered by Act of Congress, hereby, acknowledges its allegiance to and affiliation with and submits itself to the control of the National Organization, according to decisions made in conformance with its National Constitution and Bylaws as now in force or hereafter amended.

## ARTICLE 11 - GENDER

The masculine, whenever used in the Department Constitution and Bylaws, will include the feminine gender.

**\*\*\* END OF DEPARTMENT CONSTITUTION \*\*\***

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# BYLAWS

## ARTICLE I - ORGANIZATION

### SECTION 1.1: Governing Body

Para.1: The governing bodies of the Department of New Mexico shall be the Annual Department Convention, the Department Executive Committee (DEC), and the Chapters.

Para 2: The DEC shall be the governing body of the Department between Conventions and shall be empowered, as a Committee to transact such business as may be duly necessary for the welfare of the Department during that period. Only Current Elected officers of the DEC have a vote in the Department meetings. Any current DAV member can attend Department Meetings, but only as an observer.

### SECTION 1.2: Records inspection

Each body shall keep records of their proceedings, which shall be open for Inspection to any recognized member of this Department. All Records, including computer and paper files, shall be maintained for two (2) years, except for any files having to do with financial matters which shall be maintained for seven (7) years.

### SECTION 1.3: One Class

There shall be no form of class membership.

### SECTION 1.4: Membership

All members of the Department of New Mexico that are in good standing will be given all rights, elections, representations and voting powers accordingly.

Membership shall be as directed by Article 11 of the National Bylaws.

### SECTION 1.5: Chapter

There must be no less than twenty-five (25) new members who are eligible under the National Constitution and Bylaws to form a Chapter and make application for a Charter.

### SECTION 1.6: Gender

All references in this Constitution and Bylaws denoting masculine gender may be construed as applying to the male and female as required.

## ARTICLE 2 - POLICY

### SECTION 2.1: Nonpartisanship

This Organization shall be non-political and non-sectarian and the name of this Organization or name of the Unit thereof shall not be used in representing the desires and wishes of its membership in any political, sectarian, or labor dispute except as hereinafter provided. The forgoing does not prevent this Organization or any Unit thereof from participating in political issues, which have a direct bearing upon the welfare of the Disabled American Veterans.

### SECTION 2.2: National Organization

This Department recognizes the National Organization known as Disabled American Veterans (DAV) 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 of New Mexico, the assets remaining after payment of its debts shall be distributed as provided in Article 6, Section 6.4, Para. 5 of the National Bylaws.

## ARTICLE 3 - DUTIES OF ELECTED OFFICERS

### SECTION 1: Department Commander

Para 1: The Commander shall normally be the presiding officer of the Department of New Mexico Convention, Conferences and DEC meetings. He/she shall, with the approval of the DEC, be the public spokesperson for the Department and fulfill the duties as prescribed by the National and/or Department Bylaws.

Para. 2: The Commander, with the approval of the DEC shall appoint such officers, chairpersons, committee members, and other Individuals as prescribed by these Bylaws or as he/she in his judgement deems necessary.

Para. 3: The Commander shall be an ex-officio member of any committee which he appoints and shall be informed of the meeting time and place of all meetings held within the Department. The Commander shall notify the Past Department Commander of all DEC Meetings a minimum of fourteen (14) days prior to the scheduled meeting.

Para. 4: The Commander shall attend all Department Finance Committee meetings. He/she shall countersign all orders drawn on the Treasury for sums necessary for the fiscal year, to defray expenses and for other appropriations, but in no instance, shall he/she have the power to expend any monies from Department funds in excess of such sums allowed for in the Annual Budget or past fiscal year. The Commander may delegate his/her countersigning authority to other Department Officers, in his/her absence.

Para. 5: The Department Commander will render an annual report of his/her activities at the Department Convention.

Para. 6: In case of the removal of the Department Commander from office or his/her death, resignation, or Inability to discharge the duties of his/her office, the same shall be devolved upon the Senior Vice Commander. In the case of the removal, death, resignation, or inability of both the Commander and Senior Vice Commander, the duties of the office shall devolve upon the office of the successive numbered Vice Commanders. The inability of any such officer to discharge such duties or following such inability, whether he/she is sufficiently recovered to resume duties, shall be determined by two-thirds (2/3) vote of the DEC. In the event a line officer assumes the duties of Commander during the membership year and is in the position of Commander for a period of six (6) months more, will be considered a full term of office completed.

### Section 3.2: Department Senior Vice Commander

Para. 1: The Senior Vice Commander shall perform duties as are assigned to him/her by the Commander, the DEC, and these Bylaws. In the absence of the Department Commander for any reason, he/she shall perform the duties of the Department Commander.

Para. 2: The Senior Vice Commander shall be Chairperson of the Department Finance Committee and give a report to the main body of the Annual Convention and all meetings of the DEC.

Para. 3: The Senior Vice Commander will keep the Commander and Adjutant advised of his/her activities.

Para. 4: The Senior Vice Commander will guide the Junior Vice Commander (s) on the duties of membership.

Para. 5: In the event of the death, resignation, or removal from office, of the Commander, Senior Vice Commander, and the 1st Jr. Vice Commander, the 2nd Jr. Vice Commander shall be advanced to the next higher elected office, and the DEC shall appoint a new 2nd Jr. Vice Commander.

### SECTION 3.3: Department first Junior Vice Commander

Para. 1: The First (1st) Junior Vice Commander shall be responsible for coordination and chairing the Department Membership Program and make a Department Membership report at the annual Convention.

Para. 2: In the event of the death, resignation, or removal from office, of the Commander, Sr. Vice Commander, and the 1st Jr. Vice Commander, the 2nd Jr. Vice Commander shall be advanced to the next higher elected office, and the DR shall appoint a new 2nd Jr. Vice Commander.

#### SECTION 3.4: Department Second (2nd) Jr. Vice Commander

Para. 1: The Second (2nd) Junior Vice Commander will perform such duties as may be assigned to him/her by the Commander, the DEC, and these Bylaws.

Para. 2: The Second (2nd) Junior Vice Commander will be the chairperson of the Constitution and Bylaws Committee. He/she will give a report at the annual convention and conduct an annual review of both the Department and Chapter Constitutions and Bylaws.

Para. 3: In the event of the death, resignation, or removal from office, of the Commander, Sr. Vice Commander, and the 1st Jr. Vice Commander, the 2nd Jr. Vice Commander shall be advanced to the next higher office, and the DEC shall appoint new 2nd Jr. Vice Commander.

#### SECTION 3.5: Chaplain

Para. 1: The duty of the Department Chaplain is to be responsible for any religious functions of the Department. Most functions/duties are as described in the Official Ritual of the National Organization.

Para. 2: The Chaplain is responsible for ensuring that all deaths are properly recorded and that DAV National is notified in a timely manner so that the National/Department membership rosters can be adjusted properly.

#### SECTION 3.6: Judge Advocate

Para. 1: The duty of the Department Judge Advocate is to be the legal advisor of the Department. He/she shall upon request of the Department Commander, the DEC, and/or the Department Convention, render his/her opinion on all questions directly concerning the Department. He/she shall also function as parliamentarian, using guidance from DAV National & Robert's Rules of Order, Newly Revised, of the Department Convention and act for the Department in the approval of all Chapters Constitution and Bylaws and amendments hereto.

Para. 2: Upon receiving the opinion of the Department Judge Advocate regarding any questions, the Department Commander will render a decision, which shall be subject to an appeal at the DEC and to the Department Convention, provided that a notice of Intention of appeal is given in writing to Department Headquarters within thirty (30) days after the decision of the DEC is made known.

## ARTICLE 4 - DUTIES OF APPOINTED OFFICERS

### SECTION 4.1: Treasurer/Chief Financial Officer (CFO)

Para. 1: The duties of the Department Treasurer correspond to those of a Treasurer/Chief Financial Officer (CFO) of a corporation. He/she shall attend all Department Finance Committee (DFC) meetings but shall not be Chairperson of the Committee.

Para. 2: The Treasurer/CFO shall keep the financial record of all disbursements of the Department, dispensing Department funds only upon approval from the Department Adjutant.

Para. 3: The Treasurer/CFO shall receive for and properly safeguard all Department monies and make all deposits of same in the appropriate bank accounts.

Para. 4: The Treasurer/CFO shall maintain accounts and records in condition for audit. He/she shall render a report on the financial status of the Department at all Department Finance Committee (DFC) meetings, DEC meetings, and the Department Convention.

Para. 5: He/she shall have his books and accounts audited at the close of the accounting year in accordance with the policies prescribed by the Bylaws of the National Organization, Section 8.4. The DAV National Annual Financial Report (AFR) should suffice as the Annual Financial Report for the Department.

Para 6: He/she shall produce his records for inspection at any time during office hours by any elected Department Officer and/or the Department Finance Committee; to any other Department member in good standing, subject to prior approval of the DFC, and by prior appointment by the Department CFO and the Department Adjutant. The Department Adjutant will be a party to any of these requested meetings.

Para 7: He/she shall preserve all records, maintaining them in a manner that will permit a thorough audit. Financial records shall be kept for seven (7) years.

Para 8: He/she will send out to all Chapters a copy of the Annual Financial Report (AFR) no later than ninety (90) days following the close of the fiscal year.

Para. 9: The Treasurer/CFO will countersign all checks with the Department Commander, Senior Vice Commander, Adjutant, or another appointed signatory.

Para. 10: The Department Treasurer-/CFO cannot be the Chairperson or a voting member of any financial oriented committee, whose function deals with finances either receipt of, and/or distribution of funds.

#### SECTION 4.2: ADJUTANT

Para 1: The Department Adjutant, subject to the instructions of the Department Commander, DEC and Department Convention, shall supervise and direct the Activities of the Department Organization. The wages or salary of the Adjutant shall be set by the DEC for which an IRS Form W-2 will be issued. Department Is not responsible for lodging or commuting expense In the Department Headquarters metropolitan area. The expenses for Department approved trips from the Department Headquarters metropolitan area shall be paid for by the Department. The DEC shall determine the metropolitan area during the Convention 1<sup>st</sup> Business Session and shall hold a vote during the 2<sup>nd</sup> Business Session accordingly.

Para. 2: In addition to the other duties and authority set forth in these Bylaws, the Department Adjutant shall be the Chief Executive Officer (CEO) of this Organization and shall be the Secretary of and attend the meetings of the DR and DFC, and shall have a voice, but no vote. In addition, the Adjutant shall keep a thorough and complete record of all business conducted by the Department and DEC. The Adjutant will serve as Secretary at the Department Convention and take minutes of the meeting.

Para. 3: Complete records, except financial records may be surveyed every two (2) years and destroyed on approval of the DEC. However, in no case shall any records be destroyed that are less than two (2) years old. He/she shall conduct all necessary correspondence, carry into effect all motions, orders and resolutions adopted by the Department Convention. He/she will officially notify all members of the DEC In writing of the time and place of regular and special Committee meetings via electronic means, or by phone, and/or USPS mail notifications a minimum of fifteen (15) days prior to any scheduled meeting.

Para. 4: The Adjutant may be removed for cause upon notice, consisting of a majority of the DEC or at any meeting of the DEC representing a majority of the Chapters in the Department.

SECTION 4.3: All Line Officers (Elected & Appointed) will keep the Department of New Mexico apprised of any trips where they will be out of contact with the Headquarters with their normal contact information. They must provide the Department Headquarters with telephone numbers where they may be contacted. This Is to ensure that should they be needed for votes and/or consultation by the Department Headquarters that they can be contacted.

#### **SECTION 4.4: Close of Department Convention**

**Para. 1:** The Department Adjutant/CEO and Department Treasurer/CFO shall have ninety (90) days following the Close of the Department Convention to prepare the year-end report. Department Convention minutes, and such other Department business pertinent to close the Department Convention. The DAV National AFR shall suffice for the Department Annual Financial Report to the DR and the Chapters.

**Para. 2:** The Department Adjutant shall send a copy of the Department Convention minutes, the year-end report and a copy of all approved amendments, deletions, changes and additions to the Department Constitution and Bylaws to all Chapters no later than ninety (90) days following the close of the Department Convention.

#### **SECTION 4.5: Department Inspector**

**Para. 1:** The Department Inspector shall under the supervision and direction of the Commander investigate any alleged violation of the Chapter, Department, or National Constitution, Bylaws or Regulations, including but not limited to, occurrences in the Departments, Chapters or any subordinate Units which may Impugn the Integrity or reputation of the Organization. Upon completion of an Investigation, inspection or audit, the Department Inspector shall render a written report of his findings and recommendations to the Commander.

**Para. 2:** He/she will also prevent and/or cause the cessation of any abuse or misuse of the Disabled American Veterans (DAV) name, logo, or insignia.

#### **SECTION 4.6: Officer of the Day and Color Guard**

The Officer of the Day and Color Guard shall perform such duties as are prescribed in the Official Ritual of the National Organization.

#### **SECTION 4.8: Chief of Staff**

The Chief of Staff (CoS) for the DAV Department of New Mexico is a senior leadership role, appointed directly by the Commander, responsible for the daily operations and strategic initiatives of the Department Adjutant and Commander. The CoS will serve as a key advisor to the Adjutant, providing counsel on organizational decisions and ensuring that departmental goals align with the overarching mission of the DAV.

The Chief of Staff will be a trusted confidant to the Commander and Adjutant, overseeing sensitive information and resolving challenges to ensure that the Department remains effective and responsive to the needs of veterans in New Mexico. The Commander and Adjutant assign all duties of the Chief of Staff.

The CoS may be removed for cause upon notice, consisting of a majority of DEC or at any meeting of the DEC representing a majority of DEC.

#### **SECTION 4.9: Historian**

The Department Historian shall be responsible for the safekeeping of the historical records of the Department.

#### **SECTION 4.10: Ritual**

Each Department Officer shall know and perform the duties of such office as prescribed by the Ritual of the National Organization.

#### **SECTION 4.11: Contracts**

**Para. 1:** Any Officer or member of the Disabled American Veterans (DAV) Department or Chapter(s) that signs a contract without the approval of the DEC shall be liable for the contract.

**Para. 2:** The DEC shall approve all contracts affecting the Department and Chapters. It is empowered to exercise any and every precaution deemed necessary to protect the property and funds of the Department and Chapters, and to protect its welfare.

Para. 3: The DEC shall not have power or authority to change what the Annual Convention mandated.

## ARTICLE 5 - ADMINISTRATIVE

### SECTION 5.1: Legislative, Administrative and Executive

All Legislative, Administrative and Executive matters not otherwise covered by these Bylaws or by action of the Department Convention, shall be determined by a majority of the votes cast by the DEC. Once a member has voted there will be no change to the original vote received. All Chapters will be notified in advance by one of the approved methods, of all called meetings. Chapters will be Informed of all results of all vote counts. Only members in good standing will be allowed to attend the DEC meetings and NO ONE will be allowed to speak except the members of the DEC without prior approval of the DEC. The meeting may be closed to non-members of the Disabled American Veterans (DAV), or DAV Auxiliary units (DAVA). All quarterly DEC Meetings will be held in person at a chapter or place and selected by the DEC during the meeting for the prior quarter.

### SECTION 5.2: Between Conventions

The DEC may act between Convention and Department meetings through the Department Adjutant by means of a Phone or Email Poll. Records and notes of all Phone/Email Polls will be kept and presented at the next DEC meeting.

### SECTION 5.3: District Representatives

Para 1: The District Representative (DR) for each District is the District Official representative in the Department and may speak for the district where feasible. At meetings held at the Annual Department Convention and any special DEC meetings where it would be difficult for the district to express their desires, therefore the DR would have to rely on his/her judgement on matters presented at these meetings. His/her vote therefore would be his/her own and for his/her District. At the next district meeting he/she should give a report on what was presented and how he/she voted.

Para. 2: District meetings may be scheduled by the District Representative as he/she deems necessary. These meetings may be in person by members of the Chapters, via telephone conference calls. The District Representative is elected and reports directly to the Department Adjutant.

Para. 3: The DRs shall meet not less frequently than once (1) each calendar quarter for DEC Meetings. Special meetings requested by the Commander will be called for within fifteen (15) days of the request signed by at least seven (7) members of the district in good standing. The expense of said meeting is subject to the approval of the Commander, Adjutant & CFO, depending upon availability of funds. These meetings may also be held via telephone or internet. Other meetings may be held at the Chapters or DR request with any expenses to be borne by the affected Chapter upon agreement with the Chapter Commander and the DR.

Para. 4: The Department of New Mexico will be comprised of three districts with territories as follows:

District 1: Bernalillo, Cibola, Los Alamos, McKinley, Rio Arriba, Sandoval, San Juan, Valencia Counties.  
Chapters: 3, 5, 9, 33

District 2: Colfax, Curry, De Baca, Guadalupe, Harding, Mora, Quay, Roosevelt, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union Counties.  
Chapters: 6, 8, 15

District 3: Catron, Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Lincoln, Luna, Otero, Sierra Counties.  
Chapters: 1, 10, 14, 25, 38

### SECTION 5.4: Term of Office

Para. 1: Each District Representative and Alternate will be elected for a term of two (2) years. The District Representative and the alternate will not be from the same Chapter.

Para. 2: No one individual will serve more than two (2) successive terms as a DR.

Para. 3: In the event of death, resignation or removal of a District Representative, the District Representative Alternate shall perform the duties of the District Representative, and the district shall elect a new Alternate. The Alternate District Representative will only serve the completion of the term of office he/she has assumed.

#### SECTION 5.5: Meetings

Para. 1: Each District shall hold a District meeting for the purpose of electing a District-Representative and an Alternate; even numbered Districts on even Numbered years and odd numbered Districts on odd numbered years. These meetings shall be held via telephone, internet or in person. Should any expenses be incurred then the District Chapters shall bear the expenses.

Para. 2: Quorum for a District meeting shall be established by representation of a majority of the Chapters within the District.

Para. 3: The Alternate District Representative should be a delegate of his/her chapter at the Department Convention.

#### SECTION 5.6: OBLIGATIONS

Para. 1: The District Representatives, District Alternate DEC Representatives and newly elected Line Officers will receive the Oath of Office at each Department Convention.

#### SECTION 5.7: Duties/Meetings

Para. 1: The purpose of the meeting (s) shall be to pass information from the Department Level to the Chapters, and to receive recommendations from the Chapters within the District for action by the DR and DEC.

Para. 2: Each District Representative or his/her alternate will attend one (1) meeting of each Chapter In their District each year. All other attendance at Chapter Meetings in their District shall be completed by phone or other virtual methods. The Department shall determine travel expenses and associated rates. All Chapter visits requiring travel reimbursement by the Department will be coordinated at least one month prior with the Department Adjutant.

## ARTICLE 6 - DEPARTMENT FINANCE COMMITTEE (DFC)

### SECTION 6.1: Composition of the DFC

The Department Finance Committee shall consist of five (5) members in good standing. The Senior Vice Commander will function as the Chairperson of the Department Finance Committee but without a vote. The committee shall consist of two (2) members appointed to a two (2) year term and three {3} members appointed to one (1) year terms. The two (2) year terms will be on a staggered basis. This Committee will function as an advisory Committee only.

### SECTION 6.2: Tenure pf the DFC

The tenure of office for the members of the DFC shall be two (2) positions and three (1) year positions on a staggered basis as confirmed. The incoming Commander shall appoint any new members of the Department Finance Committee to fill any vacancy. The Incoming Commander shall appoint members to any of the positions vacant with input and/or concurrence of the incoming Senior Vice Commander (Finance Committee Chairperson).

### SECTION 6.3: Missed Meetings of the DFC

In the event a member of the Committee without justifiable cause misses two (2) consecutive meetings, resigns, or dies while in office, the Department Commander will appoint a member of the Disabled American Veterans-Department of New Mexico (DAVNM) with the input and/or concurrence of the Senior Vice Commander (Finance Committee Chairman) with the approval of the DEC. At the Department Convention, any new members(s) will be confirmed to the Finance Committee, as necessary.

## SECTION 6.4: Quorum of the DFC

Three voting members of the (DFC) present at the convened meeting shall constitute a quorum thereof.

## SECTION 6.5: Remuneration

The DFC and DEC may be authorized for remuneration for travel to meetings, as prescribed in the budget approved by the Department Convention. When Committee members share transportation and a room, only one (1) Committee member will receive reimbursement. Per Diem at the current rate or meals may be reimbursed with a copy of a receipt at the discretion of the Department Adjutant.

# ARTICLE 7 - REVENUE

## SECTION 7.1; Source and Disbursement

The revenue of this Department shall be derived from a per capita distribution of life members received from National Headquarters each year and such other fund-raising projects approved by DAV National Headquarters and DEC.

## SECTION 7.2: Assessments

A portion of revenue may be derived from a percentage assessment of Chapter fund-raisers upon approval of the DR.

## SECTION 7.3: Reserve Funds

Any funds of the Disabled American Veterans Department of New Mexico (DAVNM) shall consist of such funds as now or hereafter, may be invested in United States Saving Bonds and/or such funds that are now or hereafter, be Deposited in an institution or Federal Savings and Loan Association or Annuities, whose deposits are fully insured by the United States Government to the amount of the deposit.

Subordinate units may not accumulate funds, whether for service purposes or otherwise, in excess of three times the expenses of their last fiscal year.

## SECTION 7.4: Funds In the Name of Disabled American Veterans

All monies shall be deposited, and investments made in the name of the Disabled American Veterans Department of New Mexico (DAVNM).

## SECTION 7.5: Deposits

All monies shall be deposited in banking institutions whose deposits are fully insured by the United States Government to the deposit amount, and all investments shall be made in the name of the Disabled American Veterans Department of New Mexico (DAVNM).

A Checking Account will be utilized for day-to-day operations.

## SECTION 7.6: Maturity of Savings Accounts/Annuities

The DFC may recommend to the Department Treasurer/CFO to move accounts upon maturity to another bank which will have the higher rate of interest that will best benefit the Department.

## SECTION 7.7: New Budget and Fiscal Year

Para. 1: The new Budget for the Fiscal Year, which has been vetted through the Department Commander, Adjutant and CFO and briefed to the DAVNM Annual Convention. The Department Budget will commence July 1 after the budget has been approved by the Department Convention.

Para. 2: The Department Fiscal Year will start July 1 and end June 30.

## SECTION 7.8: Finance Committee Commitment

Para. 1: Once the new members of the DFC have been sworn in then the Commander will release the former members of the DFC from their Volunteer Commitment of Service.

## SECTION 7.9: Transfer Line Items Funds

When it becomes necessary to transfer funds from one (1) line item to another line item in the budget, the Treasurer/CFO may transfer funds only after and approval from the DAVNM Commander or Adjutant. The transfer of funds will only be authorized in case of emergency and/or when the Department must spend it down because of excessive assets. The CFO will notify the Chairperson of the DFC at the next scheduled meeting when funds have been moved between line items.

## SECTION 7.10: Approving the Budget

In the event the Department Convention should adjourn without approving the Department Budget, the DAVNM Commander, Adjutant & CFO shall determine the Department Budget, and the DEC shall approve the budget. Neither the DEC nor the Department Convention shall adopt or approve any budget that provides for expenditures in excess of the estimated income for the fiscal year involved, as determined by the CFO & Adjutant.

## SECTION 7.11: Excess Funds

Any Chapter identified as having excess funds will have no more than one year from the date of notice to expend funds. Chapters non-compliant with the National and/or Department notice and after one year shall be subjected to all prescribed penalties to include immediate actions under Article 16 of the National Constitutions and Bylaws.

# ARTICLE 8 - STANDING COMMITTEES

## SECTION 8.1: Designation

Para. 1: The Standing Committees of the Disabled American Veterans Department of New Mexico (DAVNM) shall be: Committee on Credentials, Committee on Benefits Protections, Committee on Constitution and Bylaws, Committee on Convention and other Committees as may be required on an as needed basis.

Para. 2: The Department Commander shall appoint an Officer Nomination Committee Chairperson at the Department Convention and three (3) members who are in good standing.

# ARTICLE 9 - DEPARTMENT CONVENTION

## SECTION 9.1: Powers of the Convention

The supreme Power of the Department shall be vested In a Department Convention.

## SECTION 9.2: Time and Place Change for Cause

If the Department Commander deems it necessary to change the State Convention time and place, he/she will call a meeting of his/her elected & appointed line officers, and they will determine if the change is necessary.

## SECTION 9.3: Convention Site

The convention site will be any site in New Mexico, which has the appropriate facilities. Chapters seeking to host the Annual Convention in their locale will present reasonable recommendations to the DEC during the 1st Convention Business Session prior to the following fiscal year. DEC will hold a vote during the 2<sup>nd</sup> Convention

Business Session with reasonable justification(s) the DEC shall determine the next Annual Convention location. The cost of the Annual Convention must be within established allocations of the approved budget.

#### SECTION 9.4: Officers

The Department Officers shall serve as the Officers of the State Convention.

The Department Adjutant shall serve as Adjutant & Secretary of the State Convention.

#### SECTION 9.5: State Convention Rules

The rules of the Convention shall be governed by Roberts Rules of Order, Newly Revised, and shall govern all matters of parliamentary procedures not specifically covered by such rules of these Bylaws.

#### SECTION 9.6: Delegates

Para. 1: At each State Conventions each Chapter in good standing shall be entitled to one (1) delegate for each ten (10) members or majority fraction thereof. Each Chapter shall provide the names of the Delegates in writing thirty (30) days prior to the start of the DAVNM State Convention.

#### SECTION 9.7: Computing Membership

Para. 1: In computing the membership of the Chapters, the total of all life members as reported by National DAV Headquarters to the Department Adjutant will be used.

#### SECTION 9.8: Validations Certificate

Validation of the Chapter Certificate may be obtained upon request from the department.

#### SECTION 9.9: Current Officer's Report

Para. 1: Failure to have a current officer's report on file with the Department twenty (20) days prior to the State Convention will be sufficient ground~ for withholding the Voting Privileges of that Chapter. A Chapter shall be deemed not in good standing if it does not have current Voting Privileges and shall not be permitted to vote at a State Convention.

#### SECTION 9.10: Registration Fees

Para. 1: In the event any delegation is entitled to cast more votes than the number of delegates present, the entire vote of the Chapters may be cast, providing such Chapters have paid the entire convention fee.

#### SECTION 9.11: Past Department Commanders

Para. 1: All Past Department Commanders may defer their vote to their Chapter if they are entitled to vote, have registered and paid a registration fee. The Past Commander will upon deference vote as both a delegate and Past Commander. The Member must be considered in good standing.

#### SECTION 9.12: District Representatives Vote

Para. 1: Each DR person shall be entitled one (1) vote at the State Convention provided he/she has registered as such, and his/her registration fees have been paid. No DR person shall vote both as a Chapter delegate and as a DR person.

## ARTICLE 10 - NOMINATION AND ELECTIONS

#### SECTION 10.1: Election and Installation

Para. 1: The last order of business at the State Convention shall be the installation of Officers and DRs.

Para. 2: No member can hold two (2) elected Department offices at the same time, therefore no Officer will have two (2) votes at the Department level.

#### SECTION 10.2: Eligible for Office

No person shall be nominated, elected, or appointed to any office in this Department unless he/she holds membership at the time and is in good standing in this Department.

#### SECTION 10.3: Voting

All Chapters will vote in numerical order through to completion, by the number of Chapters registered at the convention, followed by the DR from each District, then the Past Department Commanders and lastly the Department Officers. After the last registered vote is cast, the Department Commander or Adjutant will read the results of the election.

#### SECTION 10.4: Absentee Voting

There will be no absentee voting.

#### SECTION 10.5: Voting by Proxy.

There will be no form of Unit Rule or Voting by Proxy.

#### SECTION 10.6: Robert's Rules of Order Newly Revised

Robert's Rules of Order Newly Revised shall govern all matters of procedure not otherwise provided for in the Bylaws of the National DAV Organization, these Bylaws, or in the rules of the State Convention.

#### SECTION 10.7: Motion to Interpretation

A motion of Interpretation shall be improper unless the matter to be interpreted is clearly ambiguous or uncertain of meaning.

#### SECTION 10.8: Nomination of Officers

The Committee on Nominations for Department Officers shall consider all members in good standing desiring a Department Officer position and will present to the State Convention a slate of all those qualified to hold desired office and/or position that they may be suitable for.

#### SECTION 10.9: Attendance of Nominees

All members nominated must attend the State Convention to accept their nomination, be interviewed and take their oath of obligation If elected.

## ARTICLE 11 - CHAPTERS

#### SECTION 11.1: Meeting Place

Each Chapter may select an appropriate meeting place and conduct meetings in accordance with the DAV National, State Department and Chapter Constitution and Bylaws.

#### SECTION 11.2: Constitution and Bylaws

Para 1: A current copy of each Chapter's Charter, Constitution and Bylaws will be on file in the DAV Department of New Mexico Headquarters.

Para. 2: Chapter Constitution and Bylaws will be reviewed every year as needed to ensure no conflicts occur with the DAV National or Department (DAVNM) Bylaws. Each Chapter Constitution and Bylaws will be reviewed in depth every five years and sent to the DAVNM JAG for review and then on to the DAV National JAG for approval.

### SECTION 11.3: Composition

Para. 1: Each Chapter will be governed by a Chapter Commander, Chapter Senior Vice Commander, Chapter Junior Vice Commander, Chapter Adjutant, Chapter Chaplain, Chapter Treasurer, and whatever other officers are necessary to conduct the Chapter's business.

Para. 2: Every Chapter will hold their nominations for office in the months of February and March, with the Election and Installation of Chapter Officers done no later than March 31<sup>st</sup>.

### SECTION 11.4: Committees

Each Commander may appoint Committees as required by this Department (DAVNM) Constitution and Bylaws, National DAV Headquarters Constitution and Bylaws and the Chapter Constitution and Bylaws by the close of the fiscal year.

### SECTION 11.5: Reports

Para 1: Each Chapter will submit a new Officer Election Report to reach National DAV Headquarters and the Department Headquarters Adjutant no later than 10 days after installation of Officers. If they fail to submit the report, they may lose their right to vote at the next State Convention. If a Chapter needs to amend their Officers later, the Chapter must submit a new Officers Report as soon as the changes occur with a new Officer Election Report to National DAV and Department Headquarters. All chapters Officer Election Reports must be filed electronically, and a printed copy must be mailed to the Department Headquarters for distribution to the appropriate offices.

Para. 2: Each Chapter will submit electronically a current Annual Financial Report (AFR) to the Department Adjutant/Treasurer no later than 01 September following the close of each fiscal year.

### SECTION 11.6: Chapter Closings

Para. 1: Before a Chapter can turn in their Charter, they will have to contact the Department Commander for assistance in solving their problems.

Para. 2: A Chapter must send out, by mail, a ballot to all Chapter members to vote on closing the Chapter and surrendering their Charter to the State Department. This ballot will be sent out sixty (60) days before the final vote on surrendering the Charter and closing the Chapter. As of the date that the ballot is sent no funds may be donated/expended for anything other than normal housekeeping chores by the Chapter.

Para. 3: Upon closing of a Chapter, all property, money, and effects shall revert to the State Department to be held in trust for eighteen (18) months. If the Charter is not reissued within the eighteen-month period, the said property, money, and effects shall become the absolute property of the State Department (DAVNM). Financial records will be stored at Department Headquarters for seven years.

### SECTION 11.7: Fund Raising

Para. 1: All Chapters must send to the Department Adjutant, in writing, a request for approval of fund raising at least 30 days before the event.

Para. 2: If a Chapter, Auxiliary Unit, or subordinate unit wants to have a fund raiser in their Territory (Cities, Counties or Metropolitan Area) they must obtain a written notice of approval from the other Chapters in their areas not less than thirty (30) days prior to requesting approval from the Department Adjutant.

Para. 3: In this request the Chapter, Auxiliary Unit, or subordinate unit must include written notice of Its Intention to seek such approval with full information about the proposed drive or activity.

Para. 4: To obtain approval, write to the Department Adjutant setting forth complete details of the proposed drive or fund raiser activity; give the city and county to be solicited (Including any Mail Solicitations If any). Enclose a copy of any National approved contracts or proposed contracts related to the drive and otherwise comply with any specific requirements of the Department.

Para. 5: If the fund raiser is to be held in another city or county other than the Chapter, Auxiliary Unit, or their home of record, they must get approval from the other Chapter, Auxiliary Unit, in the area thirty (30) days prior to requesting the Department Adjutant's approval. Once notification is completed and no reply is received, consent will be automatically assumed.

Para. 6: Once the Chapter or Auxiliary Unit gets the approvals, the approvals must accompany the request for approval from the State Department (DAVNM).

Para. 7: If this outline is not followed the Fund Raiser will be denied.

Para. 8: Violations, Penalty for any Chapter or Auxiliary Unit that conducts a fund-raising project without these prior approvals and/or notice, as required herein, shall subject its Chapter or Auxiliary Unit, to suspension or revocation.

#### SECTION 11.8: Investigations

Para. 1: When a Chapter or Chapters must be investigated, the Chapter or chapters may be responsible to the Department for all expenses of the investigation.

## ARTICLE 12 - AUXILIARY

#### SECTION 12.1: Chartering

No organization shall issue a charter within the DAVNM unless the Charter first receives the approval of the Department District Representative (DR).

#### SECTION 12.2: Eligibility for Membership

Para. 1: Any Membership Eligibility for membership shall be in accordance with (IAW) Article 11, Membership of the DAV National Bylaws.

#### SECTION 12.3: Fund Raising

The Disabled American Veterans Department of New Mexico Auxiliary and their local units are required to secure prior approval of fund-raising projects as provided in the DAV National Bylaws, Article 15.

#### SECTION 12.4: Reports

The Disabled American Veterans Auxiliary shall make annual reports to each State Convention, including a Financial Report and shall be subject to its mandates and the DAV National Constitution and Bylaws.

#### SECTION 12.5: Suspension and Revocation of Charters

No Chapter shall have the authority to place on probation, suspend or revoke the Charter of any DAV Auxiliary unit, as per Section 6.4, Paragraph 7 of the National Constitution and Bylaws.

## ARTICLE 13 - AMMENDMENTS

#### SECTION 13.1: Effective Date

These bylaws shall be in full force effective after adoption by the State Convention and approved by the National Judge Advocate.

#### SECTION 13.2: Recession

All previous bylaws of the Disabled American Veterans Department of New Mexico (DAVNM) incorporated are hereby repealed.

#### SECTION 13.3: Amendments

These Bylaws may be amended at any State Convention with a two-third (2/3) majority vote of those present at the State Convention. The proposed amendments must be read to the Convention at least one (1) Convention Business Session before the vote thereon, provided the proposed amendments were sent to all members by electronic means prior.

#### SECTION 13.4: Amendments In Triplicate

All proposed amendments shall be triplicate, double-spaced, and shall specifically refer to the Article, Section, and/or Paragraph to be amended and submitted to the Chairperson of the Constitution and Bylaws Committee no later than the opening of the business portion of the State Convention. If proposed amendments are not double-spaced, they will not be considered.

#### SECTION 13.5: Items in Conflict with the National Bylaws

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 DAV National Organization, as now in force or as hereafter amended or adopted, this instrument shall be deemed amended as to conform thereto.

## ARTICLE 14 - DEPARTMENT EMPLOYEE

#### SECTION 14.1: Employment Preference

To avoid a conflict of interest of any department Officer, real or implied, no immediate family member, defined as Mother, Father, Sister, Brother, Son or Daughter of either husband or wife or significant other of an employee shall be considered for employment by the Disabled American Veterans Department of New Mexico (DAVNM). This Includes all areas of service where employees may be engaged in support thereof, as defined by the DEC.

#### SECTION 14.2: Active Employee

A Department of New Mexico (DAVNM) employee who Is a member of the DAV or DAVA must be one in good standing who also participates In the Activities of their Chapter, Department, and the Disabled American Veterans.

#### SECTION 14.3: Salaries

The salary of the employee shall be determined by the DAVNM CFO in conjunction with the Adjutant and approved by the DEC.

#### SECTION 14.4: Employment Policies


Para. 1: The Commander will form a committee to formulate, effectuate, and amend manuals, regulations, policies, procedures for employment and operations of the Department Hospital Standards Committee and their Office.

Para. 2: No paid employee of the Department of New Mexico (DAVNM) hereafter referred to as "the Employed", who is a member of the DAV or the DAVA and who has been so employed continuously for a period of five (5) years, shall not be discharged except for just cause.

# CERTIFICATE OF APPROVAL

The above DAV Department of New Mexico Constitution and Bylaws as presented at the Annual Convention held in Albuquerque, New Mexico during the month of June 2025 is granted and approved.

  
\_\_\_\_\_  
William "Bill" Birge  
Department Commander

  
\_\_\_\_\_  
Ruben Q. Portillo  
Department Judge Advocate

  
\_\_\_\_\_  
Maurice R. Portillo  
Department Adjutant/CEO

\_\_\_\_\_  
**Michael E. Dobmeier**  
**National Judge Advocate**

**Date:** \_\_\_\_\_



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: 3-3-2020  
DAV National Judge Advocate

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