



# MARINE CORPS LEAGUE OF PENNSYLVANIA, INC.

20 March 2019

To: Chief Operating Officer, Marine Corps League  
From: PDC James Powell, Department of Pennsylvania

Subject: Proposed National Administrative Procedures and National Bylaws Change

In accordance with **Section 1100. National Bylaws Amendments** of the **National Bylaws** and **Section 10020. Amendments** of the **National Administrative Procedures** I am submitting the following changes. This is a series of changes to handle the processing of transfers of members from a detachment that has had their Charter revoked or voluntarily surrendered and the member does not respond in a reasonable amount of time.

## **A. Proposed New: Transfer of Members when Charter is Revoked or Surrendered.**

### **(AP) Section 6055. Procedure to Transfer Members when Detachment's Charter is Revoked or Voluntarily Surrendered.**

Upon Voluntarily Surrendering of a Detachment Charter or having a Detachment Charter Revoked the following procedure will be followed to transfer Detachment members:

- (a) The Detachment shall determine from each member of the detachment, where such member desires to be transferred to upon the surrender of the Detachment Charter.
- (b) Prepare for each such member the standard application for transfer form as set forth in Enclosure Seven of the National Bylaws and Administrative Procedures and pursuant to the provisions of Chapter Seven, Section 7005 of the National Administrative Procedures and shall forward the same to the gaining detachment for such action as the gaining detachment shall deem appropriate.
- (c) If a member of the detachment fails to indicate where such member desires to be transferred **within thirty (30) days of receiving** a Request for Transfer or if a "gaining" detachment shall not elect to accept a proposed transfer, the member shall be transferred to **a detachment selected by the jurisdictional Department Commandant, or if a jurisdictional Department is non-existent, its National Division Vice Commandant.**

Drafter's Note. Current section 6050(b) is moved to Section 6055(a).  
Current section 6050(c) is moved to Section 6055(b).  
Current section 6050(d) is moved to Section 6055(c).

## **RATIONAL:**

Currently there is no legal way to close a Detachment if all members do not respond to 'Request to Transfer' and let it be known their wishes as to where to transfer to. Departments or if there is no jurisdictional Department, the jurisdictional National Division needs a way to transfer these non-responsive members. These changes will allow for the transfer of these non-responsive members after a reasonable amount of time without their participation thereby allowing those Detachments to be completely closed and their Charters turned in.

If the proposed new Section 6055 is accepted then the following changes are proposed to coincide with that Section:

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## **B. Proposed New: Revocation of Detachment Charter: Transfer Members**

### **(AP) Section 6045. Charter Suspension, Revocation.**

e. **When the Detachment Charter is revoked the Detachment shall follow the procedure in Section 6055 below to transfer members.**

## **RATIONAL:**

Currently there is nothing in Section 6045 that gives direction on how to remove members from a Detachment that has had its Charter revoked. This will resolve that issue by adding a new sub paragraph to Section 6045.

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## **C. Current: Voluntary Surrender of Charter**

### **(AP) Section 6050. Charter Voluntary Surrender.**

a. (2) Upon consideration of the voluntary surrender of the detachment charter by the detachment, if it shall be determined that the detachment charter shall be voluntarily surrendered and there is not a minimum of fifteen (15) members of the detachment who remain ready, willing, and able to carry on the detachment, then:

(a) The Detachment shall immediately notify, in writing, the jurisdictional Department, or where such Department is non-existent, the jurisdictional National Division Vice Commandant, of the Detachment's vote to voluntarily surrender its Charter.

(b) The Detachment shall determine from each member of the detachment, where such member desires to be transferred to upon the surrender of the Detachment Charter.

(c) Prepare for each such member the standard application for transfer form as set forth in Enclosure Seven of the National Bylaws and Administrative Procedures and pursuant to the provisions of Chapter Seven, Section 7005 of the National Administrative Procedures and shall forward the same to the gaining detachment for such action as the gaining detachment shall deem appropriate.

(d) If a member of the detachment fails to indicate where such member desires to be transferred to, or if a "gaining" detachment shall not elect to accept a proposed transfer, then and in that event, the member shall be transferred to a "Member- At-Large" upon the surrendering Detachment submitting a standard transmittal form as set forth in Enclosure Six of the National Bylaws and Administrative Procedures.

(e) The Detachment shall, to the extent assets are available, satisfy all legitimate liabilities of the Detachment prior to voluntary surrender but shall not otherwise dissipate any assets of the Detachment other than the normal course of business of the Detachment.

(f) Upon acceptance of the surrender of its Charter, if the Detachment is incorporated, the Detachment shall take such action as is deemed appropriate to properly dissolve the corporation in accordance with applicable state law.

(3) No surrender of a Detachment charter shall be deemed effective or accepted until all members of the Detachment have been appropriately transferred.

## **Proposed:**

### **(AP) Section 6050. Charter Voluntary Surrender.**

a. (2) Upon consideration of the voluntary surrender of the detachment charter by the detachment, if it shall be determined that the detachment charter shall be voluntarily surrendered and there is not a minimum of fifteen (15) members of the detachment who remain ready, willing, and able to carry on the detachment, then:

(a) The Detachment shall immediately notify, in writing, the jurisdictional Department, or where such Department is non-existent, the jurisdictional National Division Vice Commandant, of the Detachment's vote to voluntarily surrender its Charter.

(b) **The Detachment shall follow Section 6055 below to transfer members and remove them from the Detachment Rolls.**

(c) The Detachment shall, to the extent assets are available, satisfy all legitimate liabilities of the Detachment prior to voluntary surrender but shall not otherwise dissipate any assets of the Detachment other than the normal course of business of the Detachment.

(d) Upon acceptance of the surrender of its Charter, if the Detachment is incorporated, the Detachment shall take such action as is deemed appropriate to properly dissolve the corporation in accordance with applicable state law.

**(3) Deactivation Officer.** **If the jurisdictional Department Commandant, or if a jurisdictional Department is non-existent, its National Division Vice Commandant, determines that the Detachment has become incapable of performing any of the tasks in Paragraph 6050a(2)(a)-(d) above, the Commandant or NDVC shall appoint a Deactivation Officer to accomplish the tasks, including completing and signing Section 2 of the Request for Transfer.**

(4) No surrender of a Detachment charter shall be deemed effective or accepted until all members of the Detachment have been appropriately transferred.

**Drafter's Note.** Current Sections 6050a(b), (c), (d) have been moved to proposed new Section 6055. See A above.

## **RATIONAL:**

Currently there is nothing in Section 6050 that gives detailed direction on how to remove members from a Detachment that has voluntarily surrendered its Charter. This will resolve that issue by changing sub paragraph (b). Also, add a new subsection (3) that will give the Department Commandant or if a jurisdictional Department is non-existent, its National Division Vice Commandant the ability to appoint an Officer to oversee the process. Remove Subsection (e) and (f) as they are redundant. Renumber current (3) to (4).

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## **D. CURRENT: Good Standing.**

**(AP) Section 7030. Good Standing.** All members shall be considered in good standing in the Marine Corps League,

b. In all cases involving the transfer of a member of a Detachment, the losing Detachment approving of the transfer shall certify in writing if the transferring member is in good standing. (See Enclosure Seven (7) Administrative Procedures).

## **PROPOSED:**

**(AP) Section 7030. Good Standing.** All members shall be considered in good standing in the Marine Corps League,

b. In all cases involving the transfer of a member of a Detachment, the losing Detachment approving of the transfer shall certify in writing if the transferring member is in good standing. **If the losing Detachment has voluntarily surrendered its Charter or had its Charter revoked, the jurisdictional Department or if a jurisdictional Department is non-existent, its National Division Vice Commandant shall certify the transferring member is in good standing. (See Enclosure Seven (7) Administrative Procedures).**

## **RATIONAL:**

This change is conjunction with AP changes to Section 6045, 6050 and 6055. It gives the Department Commandant or if a jurisdictional Department is non-existent, its National Division Vice Commandant the ability to certify that a member is in good standing if necessary to transfer members.

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## **E. CURRENT: Removal from Detachment Roll**

**(NB) Section 525. Removal from Detachment Roll.**

a. Once accepted as a member in good standing by the Detachment membership, that member may not be removed from the Detachment roll except:

- (1) By disciplinary action in accordance with National Administrative Procedures;
- (2) By that member requesting transfer;
- (3) By resignation in writing; or

(4) If member become delinquent as defined in the National Administrative Procedures.

(5) Upon the Death Notice being processed by National Headquarters.

**PROPOSED:**

**(NB) Section 525. Removal from Detachment Roll.**

a. Once accepted as a member in good standing by the Detachment membership, that member may not be removed from the Detachment roll except:

(1) By disciplinary action in accordance with National Administrative Procedures;

(2) By that member requesting transfer;

(3) **By a Department, or if a jurisdictional Department is non-existent, its National Division Vice Commandant, when a Detachment has voluntarily surrendered its Charter or had its Charter revoked, and the member has not responded to a written notice to transfer for 30 days;**

(4) By resignation in writing;

(5) If member become delinquent as defined in the National Administrative Procedures.

(6) Upon the Death Notice being processed by National Headquarters.

**RATIONAL:**

This change is conjunction with AP changes to Section 6045, 6050 and 6055. It validates the removal from a Detachment Roll when a Detachment has had its Charter revoked or voluntarily surrendered and a member has not responded to a "Request to Transfer" in a reasonable amount of time.

Respectfully submitted,



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