



Marine Corps League, Northeast Division

Office of the Asst. National Vice Commandant

INCORPORATED BY ACT OF CONGRESS

March 28, 2019

From: Asst National Vice Commandant Northeast Division Joseph DeAngelo

To: National Chief Operating Officer, National Judge Advocate

Subj: Proposed National Administrative Procedures Change

In accordance with National Administrative Procedures, Chapter Ten, Section 10020, the following is submitted for consideration by the body assembled at National Convention, Billings, Montana, in August 2019.

Proposed administrative Procedure Change for Section 6050 Charter Voluntary Surrender

Current section 6050 Reads:

Section 6050. Charter Voluntary Surrender

- a. The Charter of a detachment may be voluntarily surrendered for such reasons as may be determined by the Detachment. Upon a determination that it is no longer practical to maintain said, detachment, the Detachment Board of Trustees shall immediately notify its jurisdictional Department, or if a jurisdictional Department is non-existent, its National Division Vice Commandant in writing of its intent to dissolve and surrender its Charter.
- b. The Detachment shall then:
 - (1) Call a Special Meeting of the detachment by giving written notice of such special meeting to all members of the detachment at least fourteen (14) days prior to such Special Meeting. If the regular meeting date of the detachment is to be used for the Special Meeting, the aforesaid written notice must still be given to all detachment members at least fourteen (14) days before the regular meeting date.
 - (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 2018 NATIONAL ADMINISTRATIVE PROCEDURES 14 Aug 2018 AP 6 - 7 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.

b. Upon acceptance of the surrender of the Detachment charter by the jurisdictional Department, or where such Department is non-existent, by the jurisdictional National Division Vice Commandant, such jurisdictional Department or jurisdictional Division National Vice Commandant shall upon written authorization of the National Commandant, certified by the National Chief Operating Officer, assume custody of such Detachment's assets and liabilities. The Board of Trustees of the jurisdictional Department shall, within the limits of any assets of the Detachment, satisfy any remaining liabilities. However, if a jurisdictional Department is non-existent, the responsibility for satisfying the outstanding liabilities shall devolve to the National Board of Trustees, within the limits of any assets received from the jurisdictional Division National Vice Commandant of said Detachment.

c. After satisfying the legitimate liabilities of the surrendering Detachment, any Detachment properties and assets will be held by the jurisdictional Department for a period of one (1) year or until a new Detachment is formed during that period. Should a new Detachment be formed during that period, and the new Detachment retains the old

Detachment's name, all properties and assets will be returned to the Detachment upon the written authorization of the National Commandant, certified by the National Chief Operating Officer, approving the reactivation of the surrendered charter. After the one (1) year period, the properties and assets will revert to the jurisdictional Department and will then become the property of the jurisdictional Department. The jurisdictional Department shall return the surrendered Detachment charter to National Headquarters which charter shall then be placed in the archives. However, if a jurisdictional Department is non-existent, the National board of Trustees shall hold any Detachment properties and assets subject to the same terms and conditions as set forth above for a jurisdictional Department except that at the end of the one (1) year period, the Detachment properties and assets shall revert to National Headquarters and will then become the property of National. d. All ceremonial rifles must be accounted for and disposed of by the surrendering Detachment as set forth in the issuing agreement and regulations (Title 10, United States Code, Section 2572), either physically or through police/fire reports of any weapon not currently in the Detachment's possession.

Proposed Section 6050 Change would be as follows:

Section b. subsection (2)(b) should be deleted

~~———— (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 2018 NATIONAL ADMINISTRATIVE PROCEDURES 14 Aug 2018 AP 6-7 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.~~

and replaced with:

(b) The Department would ensure the current membership of the Detachment would be distributed to the closest Detachments pending the approval of the accepting Detachment. The accepting Detachment would have thirty (30) calendar days to approve the member(s). Once approved the members in question will then have thirty (30) calendar days to decline the transfer

at which point the transfer will be approved or, if declined by either party the member(s) will then be moved to the National Marine at Large roster.

Rationale:

The change is to keep all members within the Departments. Placing members in Nation Marine at Large causes loss of revenue, member count to the Detachments and Departments along with giving a dim view of the Marine Corps League to the member effected. This gives the best possible scenario to keep the members within the Departments.

Respectfully,

Joseph DeAngelo
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Northeast Division