

BY-LAWS AND AMENDMENTS, LV—DVG AMERICA

ARTICLE I NAME AND OBJECTIVES

1. The name of the Organization shall be **LANDESVERBAND DVG AMERICA**.
2. The Organization shall be a non-profit corporation organized under the laws of the State of Colorado.
3. The nature, object and purposes of the Organization shall not be for pecuniary gain or profit to the officers, members or employees thereof and the specific purposes for which it is formed are as a not for profit, charitable and educational organization to promulgate, especially within the continent of North America, the following objectives:
 - A. Promote and organize the working dog sport activities within the United States as set forth by Deutscher Verband der Gebrauchshundspportvereine ("DVG").
 - B. Protect and advance the interests of working dogs by encouraging sportsmanlike competition at working dog trials and tests.
 - C. Support the working dog sport activities under the rules of DVG.
 - D. Publish literature and periodicals in the interest of working dogs.
 - E. Abide by and be subservient to all rules, regulations, and laws of DVG, and its governing organizations.
 - F. The Organization shall annually conduct a championship trial for qualifying a Landesverband DVG America representative to the DHV German Championship.

ARTICLE II MEMBERSHIP AND DUES

1. There shall be one form of membership in the Organization and that shall be individuals who are DVG members and also members of clubs within regional organizations, currently four. The Board shall have the right to expand or diminish the boundaries of the Region concerning the states which comprise that region; provided, no such realignment shall have the effect of dividing one state into more than one Region. The right to realign any Region or to increase or decrease the number of Regions shall be upon a simple majority vote of the Board, without the consent or ratification of the general membership or any Regional organization.
2. Members shall be subject to the Articles of Incorporation and by-laws of this Organization and the laws, rules and regulations of DVG, DHV and the VDH.
3. Dues payable to the Organization and DVG shall be submitted to and through the Organization in a manner prescribed by the Organization and DVG. The Board of Directors shall be responsible for setting annual dues payable to the Organization based upon budgets prepared by the Treasurer and approved by the Board. Assessments to any club shall be based upon the individual DVG members contained within that club.
4. Notwithstanding the fact that membership shall be restricted to individuals, who are DVG members and also members of clubs within Regions, the Organization shall have jurisdiction over any Region or club within any of the Regions where expressly provided in these by-laws or the laws and rules of DVG.
5. Any DVG club affiliated with a Region may only be terminated by the Organization on the following grounds:
 - A Disbandment of the club.

- B. Withdrawal of a club which shall only be at the end of a calendar year, with notification by Sept. 15.
- C. Cancellation for failure to pay required dues.
- D. Expulsion for major or repeated violations of DVG by-laws and policies and/or the failure to stop or curtail training activity in violation of DVG, DHV, VDH or FCI training policies.

Disaffiliation may only occur upon approval of DVG.

- 6. All applications for individual or club membership with DVG shall be submitted through the Secretary of the Organization through the Region. No person shall be denied membership status because of race, religion or national origin.

ARTICLE III DIRECTORS AND OFFICERS

- 1. The Board of Directors shall be comprised of four Regional Delegates, President, Vice-President, Secretary, Treasurer, OfS and LRO, each of whom shall have one vote in Board matters.
- 2. All Board members shall be members in good standing of DVG and permanent residents of The United States or Canada. A permanent resident shall be defined as any individual who has applied for or received a Green Card or its Canadian equivalent under the rules of the US or Canadian Immigration and Naturalization Service.
- 3. The President shall preside at all meetings of the Board and the general membership, and shall have the duties and powers normally appurtenant to the office of president in addition to those particularly specified in these by-laws. The initial President shall serve a term commencing with the taking of office and ending December 31, 1985. Each succeeding President shall be elected in accordance with these by-laws and hold office for a term of two years.
- 4. The Vice-President shall have the powers and exercise the duties of the President in the event of the President's absence or incapacity. The Vice-President shall assume the office of President for the unexpired term in case of the President's removal, resignation, death or inability to serve. The Vice President shall also perform those duties which may be assigned, from time to time, by the President or the Board. The initial Vice-President shall serve a term commencing with the taking of office and ending December 31, 1985. Each succeeding Vice President shall be elected in accordance with these by-laws and hold office for a term of two years.
- 5. The Secretary shall keep a record of all meetings of the Board and the general membership. The minutes of all meetings shall be mailed to the Board members, clubs and Regional boards within thirty days of any meeting. The Secretary shall have charge of the correspondence of the Organization, notify regional boards and Board members of meetings, maintain a roll of the names, addresses and, if possible, telephone numbers of individual members of DVG residing in any of the Regions, and carry out such other duties as are prescribed in these by-laws, and may be prescribed by the Board. The initial Secretary shall serve a term commencing with the taking of office and ending December 31, 1985. Each succeeding Secretary shall be elected in accordance with these by-laws and hold office for a term of two years.
- 6. The Treasurer shall collect and receive all moneys due to the Organization by the Regions and all amounts required to be paid by any individual member within any Region to DVG. The Treasurer shall deposit the same in a depository satisfactory to the Board or required by DVG, but only in the name of the Organization. Expenditures of funds shall be made only under authority granted by the Board. The Treasurer shall maintain and make available to the Board, books of the Organization and at every regular meeting of the Board, report the condition of the finances and every item of receipt or payment not previously reported; and at the annual general membership meeting, render a financial statement of all moneys received and expended by the Organization during the previous fiscal year. The Treasurer shall maintain an accurate dues roll of all individual DVG members residing in any Region in compliance with the requirements of DVG. The initial Treasurer shall serve a term commencing with the taking of office and ending December 31, 1985. Each succeeding Treasurer shall be elected in accordance with these by-laws and hold office for a term of two years.

7. The LRO shall be Director of Trials and Judges and act in accordance with the authority and requirements of the laws and regulations of DVG. The L.R.O. position may only be filled by a person qualified to hold that office as defined by the laws and regulations of DVG. The initial LRO shall serve a term commencing with the taking of office and ending December 31, 1985. Each succeeding LRO shall be elected in accordance with these by-laws and hold office for a term of two years.
8. The OfS shall be primarily responsible for the testing and certification of trial decoys. The OfS shall also perform those other functions of the position required by the laws and regulations of DVG or as may be assigned from time to time by the Board. The position of OfS may be held by a judge or other qualified specialist. The initial OfS shall serve a term commencing with the taking of office and ending December 31, 1985. Each succeeding OfS shall be elected in accordance with these by-laws and hold office for a term of two years.
9. No elected officer may hold more than one office concurrently, except that the LRO and OfS offices may be held by the same person. In such event, the person holding such offices may only cast one vote.
10. The Board shall have the authority to appoint assistants to the Secretary and Treasurer with such positions to be appointed by the President and approved by a three-quarters vote of the Board.
11. The Regional Delegates shall be comprised of one delegate from each of the Regions. The delegate shall be a standing position, selected by the Region and certified to the Board as representing that region. The process of selecting a delegate shall be solely that of the Region represented, by the process that it chooses. The Regional Delegate shall be the President of each Region unless that Region selects another delegate and certifies that delegate's name to the Board. A Region may certify a temporary alternate as that Region's delegate, in the absence of its Regional Delegate.
12. Any elected officer may be removed from office for failure to perform the functions of office only by a unanimous vote of the remaining Board members voting; however, any seven Board members may petition for the removal of any one or more of these officers by requiring a special election to be held for the office. Such election shall be held in accordance with the section on special elections as otherwise provided in these by-laws. In such special election, the incumbent officer and any other nominations made by any Region shall be placed on the ballot for election by the individual membership.
13. In the event of vacancy in the office of President, the vice-president shall fill the position for the unexpired term. In the event of a vacancy in any other elected office, the office shall be filled at the next regular or special meeting of the Board by a majority vote of the Board. In the event of a vacancy in any appointed office, the President shall make an appointment to fill that position at the next regular or special meeting of the Board and upon three-quarters approval of the Board, the appointed officer shall serve for the unexpired term.

ARTICLE IV

CLUB YEAR, VOTING, NOMINATIONS. ELECTIONS

1. The Organization's fiscal and official year shall commence January 1 and end December 31.
2. Voting by the Board shall be by a simple majority of those present and eligible to vote, except where a greater majority is required by the other provisions of these by-laws. Voting by proxy shall not be allowed. A quorum of the Board shall be met by the presence of the President, or in the President's absence, the Vice-President, and no less than five other Board members.
3. Voting at the annual general membership meeting or at a special general membership meeting of the club members, shall be limited to those club members of DVG in a Region, whose representatives are present at such meeting, except that in the event of the election of any elected officer, voting shall be conducted by written ballot cast by mail. Voting by proxy shall not be permitted. The Board may decide to submit other specific questions for decision by the members either at the general membership meeting or by written ballot, cast by mail. Voting at any general membership meeting shall be by simple majority with no quorum required. A club's representative shall be the then club president of record or such other person as shall be designated in writing to the Secretary by that club's president.

4. The election of officers for the Board shall be conducted as follows:
 - A. The Secretary shall compile a list of all member clubs and individual members who are within the Regions and are members of DVG in good standing as of January 1st of the year of the election. This list shall be certified to the Board for review. The records of the Organization shall control in all determination of membership. To more clearly define the time limits, the next general election is scheduled for January, 1990, and shall continue every other January following that date.
 - B. The Secretary shall cause to have ballots prepared and mailed to all clubs on the voting membership list, as approved by the Board. The ballots will be mailed out during the first week of January of the year of election. The form of the ballot shall be one approved by the Board with all nominees appearing in alphabetical order according to last name. The Secretary shall mail one ballot together with a blank envelope prepared for this purpose to each club, in care of the secretary of that club, at the last known address appearing in the Organization's permanent records.
 - C. Each club that is in good standing as of January 1 of the year of the election shall hold an election in a club meeting and designate on the ballot the number of persons casting a vote for each candidate for office. The candidate for each office receiving the greatest number of votes shall be deemed to have received all of the club's votes for that office. A club's vote for an office shall be weighted in accordance with the number of individual DVG members who are that club's members as of January 1st of the year of the election, as shown in the Organization's records. The effect of such weighting shall be that any candidate receiving the majority vote in the club election for national officers shall be considered to have received the votes of all the members of that club. In counting the ballots, the Organization shall weight the club votes in a manner that will count each vote for a candidate as if all individual members of that club voted for that candidate. In order to vote, the ballot shall be completed, showing the votes for each candidate, signed by the president of that club and returned to the Secretary. In order to count, a ballot must be postmarked February 1st of the year of election and received by the Secretary no later than midnight, February 10th of the same year. The Canadian clubs will be allowed to transmit their vote electronically and they will be required to follow up their electronic vote with a hard copy sent through the mail. The Board shall choose a representative to assist the Secretary in opening and counting the ballots. No ballots other than those mailed by the Secretary shall be counted. No "write-in" candidates shall be counted. All ballots shall remain under the custody of the Board for a period of twelve (12) months following the election, at which time they may be destroyed.
 - D. The Board shall review the election results and certify the same in writing to the clubs and regions on or before February 15th of the same year. Newly elected officers shall take their office at that time, except in the event of any run-off election, the existing officer shall continue in office until the run-off election results shall be determined and the officer seated.
 - E. The elected officers shall be elected by a simple majority vote of all those clubs votes for each office. In the event that no candidate shall be elected by a vote of more than fifty percent of the weighted club votes cast for that office, the Board shall arrange for a run-off election between the two candidates for that office receiving the greatest number of votes. The run-off election shall be conducted in the same manner as before, except that all ballots shall be mailed as soon as possible to be returned no later than March 1st of the year of the election, to be counted and certified on or before March 5th of the same year.
 - F. The Board may by special election propose any issue which, in its discretion, it believes appropriate for a polling of the clubs or where otherwise required by the by-laws. In such event, the Board shall direct the Secretary to prepare and mail ballots in the manner otherwise described in these by-laws to all of those clubs within the Regions, as shown on the records of the Region ninety days prior to the date of the Board's resolution requiring such election.
5. Upon approval of these by-laws by the Board and DVG, the initial Board shall receive a slate of nominations for elected officers from each Region and a letter of nomination for LRO in a form and manner directed by the Board. The Secretary shall compile a list of all clubs and individual members who are residing within the Regions and are members of DVG as of May 1, 1984. Upon certification of the nominations and the membership list by the initial Board, the Secretary shall immediately

proceed to mail and count ballots in accordance with the other provisions of this Article, except that ballots shall only be counted if returned to the Secretary by midnight of the date set by the Board as the deadline for return of ballots. The Secretary shall certify the election results in writing to the Board within ten days following the date of closing of balloting. The Board shall then review the results and certify the same in writing to the clubs and Regions within five days thereafter. Upon certification and announcement by the Board, the permanent Board and new officers shall assume their offices. Each Region shall certify its standing Regional Delegate in writing to the Secretary within five days following the announcement of election results.

4. The ballot for a nominee for LRO shall reflect the choice of "yes" or "no". The failure of any nominee to receive an affirmative majority of all club votes cast shall result in the faculty of judges reconvening and nominating an alternate candidate for the position of LRO.
5. No person may be a candidate for office who has not been nominated in accordance with these by-laws. Nomination for elected office shall be by each of the Regions. Each Region may certify a slate of nominees for the offices to be filled, with such slate to be submitted to the Secretary on or before December 15 of the year immediately preceding the election. Each Region may only submit one slate of nominees and no slate shall contain more than one candidate for each office. A Region's slate may contain nominees from any of the Regions. No Region shall be required to submit a candidate for any office. Nominations for the office of LRO shall be submitted by the Faculty of Judges, which shall be constituted of all currently licensed DVG judges residing in the Regions. The Faculty members shall meet within the period established for club nominations by the Board for the purposes of nominating a candidate for LRO. The meeting may be held by telephone or in person, but shall be held only after seven days written notice is given to all Faculty members by the Board. Any member of the Faculty may propose a candidate for nomination. All proposed candidates for LRO nominee shall be members of the Faculty of Judges and shall be nominated upon a majority vote of the Faculty of Judges. The Faculty of Judges shall then certify the nominee for LRO to the Secretary within the time for closing of club nominations for other elected offices. If the Faculty of Judges shall fail to nominate a candidate by a majority of those votes cast, the office of LRO shall not be filled for the coming term with the duties of that office reverting to the German officer in charge. No person may appear as a nominee on the ballot for election who is not a member in good standing of DVG as of January 1st of the year of election.

ARTICLE V COMMITTEES

1. The Board may each year appoint chairpeople and standing committees to advance the work of the Organization. Such chairpeople and committees shall also be subject to the final authority of the Board.
2. All appointed assignments terminate on January 1 of each year, unless extended by vote of the Board.
3. Any chairpeople, committee or committee member appointed by the Board may be terminated by majority vote of the Board.

ARTICLE VI POWERS OF THE BOARD

The Board of Directors of the Organization shall have the power to exercise all rights and privileges granted to them by these by-laws and the laws and rules of DVG. In addition, the Board shall have the authority to determine and administer policy on all matters of national concern and to establish a relationship of cooperation and communication with the administrative officials and policy-making bodies of DVG in Germany. All powers not expressly granted to the Board by this Article are reserved to the member clubs.

ARTICLE VII MEETINGS

1. The annual general membership meeting of the Organization shall be held in conjunction with the Landesverband Championship. The time, date and location shall be fixed by the Board. Written notice of the annual meeting shall be mailed to each club sixty days prior to the date of the meeting.
2. Voting at the annual general membership meeting shall be by member club, present and in good standing. All club voting shall be on the same weighted basis described in Article IV, based upon each club's individual membership as of 60 days before the meeting, according to the records of the Organization.
3. Regular Board meetings shall be held no less than once each six months with one meeting to be held during the same week as the annual general membership meeting. Regular meetings of the Board may be held, from time to time, as required. Any Board meeting, except that held at the annual general membership, may be held by telephone conference. A regular meeting of the Board may be held at anytime when called by two or more Board members, provided that at least five days prior notice is given or notice is waived by all Board members.
4. Special meetings of the Board may be called by the President at any time provided that five days prior notice is given or notice is waived by all Board members.
5. At any meeting sanctioned by these by-laws, the most recent "Robert's Rules of Order, Revised" shall generally govern parliamentary practice on all matters, unless expressed otherwise in these by-laws.

ARTICLE VIII AMENDMENTS TO THE BY-LAWS

1. Amendments to these by-laws shall be made in only one of two ways.
2. Amendments may be proposed by a majority vote of the Board or by a petition signed by twenty percent of the then total DVG clubs within the Regions in good standing.
3. Upon proposal of an amendment by either Board action or petition, the issue shall be voted on at the next annual general membership meeting or by written ballot, either in a general or special election, at the option of the Board. Any amendment shall be subject to approval by DVG.
4. Upon a simple majority approval of the member clubs voting, any amendment shall become effective 30 days following such approval or approval by DVG, whichever date is later. The Secretary shall be required to forward copies of all amendments to the Regions.

ARTICLE IX DISSOLUTION

The Organization may be dissolved at any time by the written vote of not less than two-thirds of the then member clubs within the Regions, in good standing, and further provided the approval of DVG is obtained. In the event that the Organization shall ever be dissolved, then upon such dissolution, any assets remaining thereafter shall be conveyed to such organization or organizations as shall be elected by a majority of the Board, provided, however, that such recipient shall be exempt under the requirements of Section 501 (c) of the Internal Revenue Code and further provided that such recipient shall be one which generally promotes the purposes which are enumerated in the Articles of Incorporation and these by-laws.

ARTICLE X DEFINITIONS

1. For all purposes hereunder, the term Organization shall mean the corporation and for purposes of defining the Organization, under DVG laws and regulations, shall be used interchangeably with the term "National Association" (Landesverband).

2. For all purposes hereunder, the term Region shall mean those geographic areas described in Article II as they shall be organized into local associations or corporations, and for purposes of defining the Regions, under DVG laws and regulations, shall be used interchangeably with the term "Local Association" (Kreisgruppe).
3. For all purposes hereunder, the term individual member shall mean a person who is a member of DVG in good standing, as shown on the roles of the Organization, residing within the Regions.
4. For all purposes hereunder, the term club or member club shall mean a local club, within any Region, affiliated with DVG and in good standing.

ARTICLE XI DISCIPLINE

1. Any club, individual member, or any Regional board may prefer charges against any individual member or club for conduct harmful to the interests of DVG, the Organization, Region or any club within the Landesverband or major violations of the by-laws of any Region or the Organization or the training rules of DVG. Written charges must be filed by the complainant, signed and setting forth the specific facts supporting the complaint. All complaints shall be accompanied by a payment of one hundred dollars, which shall be forfeited in the event the charges are not sustained. The payment will be refunded in the event the charges are sustained.
2. Charges against an individual member shall be filed with the board of the Region in which the accused member resides by filing the complaint and payment with the secretary of that Region. The complaint shall be disposed of in accordance with the procedure set forth for disciplinary proceedings within the by-laws of that Region. The Region hearing the complaint shall have the right to dispose of the complaint before a hearing in the event the board of that Region believes there are no grounds for the complaint. In the event that the hearing board holds a hearing on the complaint, it shall give its decision in writing, setting forth its factual findings and whether or not the accused party is guilty of the violation which is the subject of the complaint. A copy of these findings shall be delivered to the Secretary within ten days following the date that the regional board publishes its findings. In the event that the accused party shall be found guilty of the charges, that party shall have the right to file an appeal with the Board of Directors of the Organization, provided written notice of appeal shall be delivered to the Secretary within thirty days of the date that the regional board publishes its findings. The Board shall then hold an appeal hearing to consider the charges and, at that hearing allow the accused party to be heard. At its discretion, the Board may allow testimony from witnesses either in person or by sworn affidavit. The accused party shall have the right to counsel during any appeal hearing at his or her own expense. The appeal hearing may be conducted by telephone conference. Within thirty days of the hearing, the Board shall give its decision in writing. The Board shall have the right to sustain or reverse the decision of the Region and, additionally, modify any penalty imposed by the Region. The decision of the Board shall be final in all cases, subject to approval by DVG in accordance with its by-laws.
3. Complaints against a club shall originate with the Board of Directors of the Organization by filing a complaint and payment with the Secretary. The Board shall consider the complaint at its next meeting and shall take appropriate action by: (1) dismissing the complaint for lack of grounds; (2) appointing a special investigator for the Board to further investigate the charges and report to the Board; or (3) make a finding that reasonable grounds do exist for the charges, in which event it shall set the matter for hearing. A hearing before the Board concerning the charges shall be held no sooner than thirty, nor more than ninety days following the Board's decision to proceed to hearing. In the event that a hearing on the charges shall be the decision of the Board, the Secretary shall immediately notify in writing the president and secretary of the accused club, including a copy of the complaint with the notice. At the time of hearing, the accused party and the complainant shall be given an opportunity to be heard and present such evidence as shall be necessary and relevant to the charges. Either party shall have the right to counsel at his or her own expense. The president of the club shall be the spokesperson for the club in its defense. The hearing may be held by telephone conference at the expense of the Organization. The Board may receive evidence from witnesses or by sworn affidavit, at its discretion. Upon hearing all evidence, the Board shall consider the charges and deliver its findings of facts concerning the charges together with its decision in writing. The decision of the Board shall be final subject to the approval of the Board's decision by DVG in accordance with its by-laws.

4. In the event that any accused party shall be found guilty of the charges, either by a regional board, in the case of an individual member, or the Board of Directors in the case of a club or an appeal by an individual member, the penalties which may be imposed shall only be one or more of the following: (1) warning, (2) reprimand, (3) fines up to \$400 for each offense, (4) suspension from all official functions as a member of DVG and/or (5) expulsion of an individual member or club from DVG.
5. No DVG Judge or LRO shall be subject to disciplinary proceedings under this Article for alleged acts committed while performing the functions of his or her office. All such complaints shall be made in accordance with the laws and regulations of DVG.

ACCEPTED AND ADOPTED by the Board of Directors of Landesverband DVG America and approved by a vote of the General Membership on February 5, 1984, as subsequently amended on June 16, 1985, October 11, 1985, June 25, 1987, May 13, 1988, June 27, 1992 and May 6, 2005.