



Marine Corps League Department of North Carolina



William E. "Bill" Brown

Judge Advocate

07-April-2023

From: William E. Brown,
To: Judge Advocate, Department of North Carolina
Bylaws Committee Chairperson, Department of North Carolina

Subject: Proposed DoNC Bylaws Change Article Five Section 565

In accordance with Article Eight, Section 800, of Department Bylaws (DBL) Amendments, I am submitting the following change for consideration at the 2023 Department of North Carolina Convention.

CURRENT LANGUAGE NONE

PROPOSED LANGUAGE (New or Revised text in RED)

SECTION 565. Employment Identification Number [EIN] and Incorporation

a. **EIN.** Each Detachment in addition to its incorporation, shall obtain and maintain its own EIN under IRS Code 501c(4), within sixty days from the charter date.

b. **Incorporation.** Detachments which engage in services or business in their respective state or commonwealth either for profit or non-profit, or which use the name of the MCL will be incorporated within one year from the charter date unless their state or commonwealth requires incorporation to be completed within a shorter time period. NBL Art Nine Sect 955 applies.

c. Under no circumstance should a Detachment apply for incorporation or an EIN prior to the request for Charter being granted and awarded to the Detachment.

RATIONALE: This section was erroneously inserted within a different article and not within the Detachment. This language in sub[aragra]phs a and b are verbatim and consistent with NBL Article Nine Section 955 and should not require member approval for inclusion in the Department Bylaws. Department guidance in subparagraph c for new Detachments is that these actions occur within sixty days for EIN and one year for incorporation meaning "going forward" as the exact time frame for approval cannot be predicted and there is no guarantee that a Charter will be granted.

Respectfully Submitted,

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