



# Marine Corps League Department of North Carolina



**William E. "Bill" Brown**

**Judge Advocate**

05-April-2023

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

Subject: Proposed DoNC Administrative Procedures Change Chapter Four Compliance Officer

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.

## **NO CURRENT LANGUAGE**

## **PROPOSED LANGUAGE**

### **DEPARTMENT OF NORTH CAROLINA ADMINISTRATIVE PROCEDURES**

#### **CHAPTER FOUR STANDARD OPERATING PROCEDURES DEPARTMENT COMPLIANCE OFFICER**

**SECTION 400 DESCRIPTION** – The Department Compliance Officer is responsible to the Department Commandant and Board of Trustees for the oversight of Detachments within the Department meeting compliance with NBL/NAP, DB/DAP, Internal Revenue Service (IRS) Rules, State and Local Laws and Regulations as described within the Department Bylaws and these Administrative procedures. This is accomplished through interaction with the Department Judge Advocate, Department Chief of Staff, District Vice Commandants, and the Detachment (particularly with the Detachment's Commandant, Paymaster or Adjutant/Paymaster, and Adjutant and Quartermaster (or Sgt-at-Arms, if not Paymaster).

The Department Compliance Officer serves much in the capacity of Department Historian in:

- A. Providing a role to link Detachments effectively to the Department
- B. Holds an administrative position. There are no meetings, fundraising, etc., on a Compliance Officer level
- C. Must be a regular voting member, in good standing, of the Department of North Carolina
- D. Is appointed annually by the Department Commandant with the advice and approval of the Board of Trustees at a Department Convention
- E. Reports directly to the Board of Trustees

**SECTION 410 EFFECTIVENESS** An effective Department Compliance Officer has:



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- A. . Knowledge in Marine Corps League (MCL) Bylaws and Administrative Procedures
- B. . Knowledge in MCL Programs/Committees at the Department and National levels
- C. Knowledge of IRS Reporting requirements related to the Marine Corps League, the State of North Carolina and non-profit organizations.
- D. Knowledge of State of North Carolina Secretary of State Regulations and Laws pertaining to incorporation and reporting requirements for non-profit organizations. .
- E. . An ability to communicate via email.
- F. . An ability to travel to local Detachments or meet via Zoom or other electronic media for assistance as required.

### **SECTION 420 RESPONSIBILITES**

- A. Attend Department Board of Trustee (EBoT and CBot) and any Special Meetings called by the Department Commandant.
- B. Assist the Department Commandant and Department Staff in supporting Detachments within the Department.
- C. Ensure that any email messages or mail you receive from the Department have also been received by the Detachment Commandants, especially communications that require their reply
- D. Follow up to make sure correspondence has been distributed to members.
- E. Attend Department Meetings (Spring/Winter/Fall) and the Department Convention.
- F. Prepare a written report to the Department Commandant at all Department Meetings/Conventions. Observe and report on the current progress of all Detachments..
- G. Assist Detachment in understanding methodology in achieving compliance through Zoom or other means to communicate directly with responsible Detachment members.
- H. Request to be place on each Detachment’s mailing list, email distribution list, newsletter list and phone call out list
- I. Charged with carrying out the objectives and programs of – MCL, and to comply fully with the obligations assumed under the Detachment, Department, National Bylaws & Administrative Procedures and the National Charter.
- J. Attend any Special Meetings called by the Department Commandant.
- K. Be familiar with the National Professional Development (PDP) Course that is posted on the National website.

### **SECTION 430 COMPLIANCE REQUIREMENTS**

- A. Definition for a Detachment to be considered “In Full Compliance”
- B. Date for Required Submission by each Detachment showing Full Compliance – this should be completed within the month prior to installation of newly elected Detachment officers to insure a complete and accurate transfer of Detachment records.
- C. What must each Detachment have on-hand in both Hard Copy and Electronic format to meet these requirements?
  - 1. Copies of the following documents:



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a. North Carolina Secretary of State (NC SoS) Requirements

- (1). Date the approved Articles of Incorporation were received from the NCSoS
- (2). All records of documents the Detachment submitted and dates the Registered Agent were changed
- (3). All records and dates of submissions for Amendments to the Articles of Incorporation
- (4). Date the “Current Status” was checked on the NC SoS Website

b. Internal Revenue Service (IRS) Requirements

- (1). The date the IRS Form 1024-A was submitted for 501(c)(4) Status and a copy of the Form submitted
- (2). Date the IRS Determination Letter was received and a copy of the letter received
- (3). Date the Detachment checked the IRS “Auto – Revocation List” to ensure the Detachment was not on the list
- (4). Date the Detachment’s Fiscal Year Ends and the Date the appropriate IRS 990 Form is due to the IRS and a copy of each annual form submitted
- (5). Date the Detachment gained “Recognition in Group 0955” and a copy of the recognition

C. Detachment Reporting Requirements

1. The Date the Current Detachment Charter was Authorized and a copy of the authorization
2. Date the Detachments Bylaws were certified by the Department of North Carolina Judge Advocate (DoNC JA) and a copy of the certification
3. Date the Detachment Approved the Detachments “Administration Procedures” and a copy of the approval and any following amendments
4. Date the initial “Report of Officer Installation” was conducted, the Date the Report was sent to the Department/National and a copy of the submitted report as well as all subsequent reports submitted due to report installation of members not in attendance or to fill positions vacated during the year.
5. Date the Detachment Submitted the “PLM Audit” to the Department and a copy of the submitted report
6. Date(s) the Detachment Financial Audit and Annual Property Inventory were completed and a copy of the submitted report.

D. Ceremonial Rifles Reporting Requirements

1. Date the Detachment submitted the request for the Rifles utilizing the “Qualification Checklist” and retain a copy of the checklist that was submitted



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2. Date the Detachment submitted the “ADPO-R1 Certification of Arms Storage” form and retain a copy of the checklist the was submitted
3. Date the Detachment submitted the “ADPO-R2 Certification of Compliance with 10 USC § 7683”, and retain a copy of the form that was submitted
4. Date the Detachment submitted the “ADPO-R3 Ceremonial Rifle Inventory Form” and a copy of the submitted form
5. Date the Detachment submitted the “Triennial Certification of Ceremonial Rifles Form” and a copy of the submitted

**SECTION 430 VACANCIES.** In addition to death, resignation, or incapacitation, vacancy will occur through the failure to attend two (2) consecutive Department Meetings (unless excused).

**Note:** The Compliance Officer is appointed by the Department Commandant with the advice and Consent of the Board of Trustees and can be removed from office for any reason at any time.

**RATIONALE:** The expanded definition of the Department Compliance Officer as submitted and approved by member vote at the 2022 Department of North Carolina Convention. When updating the DoNC Bylaws it was determine that it was not in the same format as other Chapters of the Administrative Procedures and was re-written to provide clarity – this amendment should not require re-approval by the membership to be included in the Department Administrative Procedures.

Respectfully Submitted,

William E. Brown  
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