

# Sons of Union Veterans of the Civil War

Office of the National Counselor

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## **National Counselor's Opinion 001-2024**

### **Background**

On or about 14 March 2024, the Commander of the Department of Pennsylvania contacted this office requesting an Opinion from the National Counselor regarding activities within the Department of Pennsylvania. To wit: 1. Gettysburg Camp 112 has filed two different Form 22 having inconsistencies, lack of an Installing Officer signature, and that three officers that were not elected or installed at the date noted on the form. 2. There are allegations of the co-mingling of funds of a personal nature with those in the Camp bank account by a Former Camp Secretary Treasurer. (A possible violation of the IRS rules concerning 501c3, and normal banking procedures). 3. Officers are not following the SUVCW C,C,& R.

Also with this email was an attachment of a 2 ½ hour ZOOM meeting recording between a former Camp Member, a PDC, and the Department Commander, and members of the Department Council.

During this meeting the PDC brought up the various problems of the Gettysburg 112, noting that while he currently holds the charges against various officers of the Camp 112, he has as yet to file them hoping that the problems could be corrected with-in the Camp.

Apparently, this has not been successful, and the Department has suspended Gettysburg Camp 112 regarding the filing of the two Form 22. It also appears that one of the Form 2's has arrived at the National Headquarters, as I am in receipt of that Form. Once again, no signature of the Installing Officer.

There is also allegations that the officers of Gettysburg Camp 112 are not following the SUVCW Charter, Constitution and Regulations (C,C&R) in the running of the Camp.

### **Opinion**

As an Opinion can and may have a direct action to the C,C,& R if concurred to by the Commander-in-Chief and left unchallenged by the National Encampment, I will deal with the

issue of the alleged co-mingling of funds in this Opinion and then address the other allegations as a matter of C,C,&R violations.

1. National Regulations, Chapter 1, Article VII, Section 5(f) states that the Camp Secretary shall have the duty of “Maintaining a bank account in the Camp’s name for Camp funds.”
2. Monies placed in this account also fall under the cover of being either 501c3 tax exempt, in the case off the Camp, or under taxable monies on the part of the individual’s funds. Meaning that the individual in the co-mingled funds could be declared by the IRS as non-reported income for the entire amount in the account. Probably more importantly the matter could have had a less than favorable impact of the 501c3 status of the Department and the National SUVCW.
3. It is my opinion that the Camp Secretary of Camp 112 was in violation of the SUVCW C,C,&R National Regulations Chapter 1, Article VII, Section 5(f). But, in as much as this matter has been rectified by the transfer of the Camps Funds into a now separate account and that the brother in question has been relieved of his duties the need for charges in THIS matter need not be considered. BUT, I leave that matter to the members of the Camp,
4. In regard to reporting this matter to the IRS, I consulted with Brother PCinC Jim Pahl, an attorney, who advised not to report this closed matter to the IRS.
5. Further I would place before the C,C,&R Committee that National Regulations Chapter 1 Article VII Section 5(f) be stated in stronger language regarding Camp/Department funds. To wit “Maintaining a bank account in the Camp’s name for Camp funds. There will be no co-mingling of SUVCW, SVR or personal monies in this account.”

This concludes the opinion regarding the alleged co-mingling of funds.

Now I will address the over allegations stated in the ZOOM meeting. This is NOT to be construed as a ruling or opinion of National to the actions of a Camp in the Department of Pennsylvania. Decisions made by the Department toward Camp 112 rests solely with the Department and or a Trial Commission if deemed to be warranted.

1. During the ZOOM recording there were reports of the Camp being suspended for the improper filing of the Form 22s with the Department and apparently with National. Those two Form 22, not have the SIGNATURE of the installing officer and having different names. The Department Commander, I believe, was within his rights and power (National Regulations Chapter 1 Camps Section 16 page 33 of C, C&R) to suspend that Camp until this was corrected. I would called the Department and Camp’s attention to footnote 15 of the C, C,&R, page 31. That the Camp cannot function in any manner except to perform those things which would result in the termination of the suspension. Further, footnote 57, page 66 of the C, C&R states that the “Department is NOT required to pay Per Capita to the National Organization for a Camp under suspension. However, once the Camp has forwarded its reports and Per Capita and the Department Commander has lifts the suspension, the Department is obligated to forward the required Per Capita to the National Organization.” I say this only as it is nearing the time for the submission of reports and payments to National.
2. Also during the ZOOM meeting, there were allegations that the Camp leadership was not following the C, C,& R. I would point out that no charges have been received by the

Department in this matter, to date. I would point to footnote 17, page 31 of the C,C,&R, “A department Commander may appoint a Brother or Brothers to re-organize a Camp under suspension when the Camp has not officers willing or able to perform the duties necessary to lift the suspension.” I would caution the Department, that the leadership of the Camp was elected by the members of the Camp and per the Ritual of the Installation of Officers “These are the Officers who have been chosen by you for the next term. If any Brother present has any valid objection to offer why any of them should not be installed, let him speak now or forever hold his peace.

3. There was also mention regarding the taking of Camp material from the Camp. This can only be done if the Camp charter is revoked by the Commander-in-Chief, and NOT for just a suspension. The Department should avoid any comments that could be construed as threats toward any Brother or the Camp as a whole. State the violation, state the C, C, & R, move forward. This is business, not personal.
4. Until such time as charges have been filed, the Department’s hands are tied to action EXCEPT for the Form 22 issue.

I remain

*Donald E. Darby*

Donald E, Darby, PCinC

National Counselor

In the above Opinions 001-2024 and 002-2024, I am in agreement and rule that these Opinions are well taken, and further explain/interpret the Sons of Union Veterans of the Civil War (SUVCW) Charter, Constitution, and Regulations. These Opinion and Ruling are in effect from this date forward or until action of a future National Encampment.

Peter J. Hritsko, Jr.  
Commander-in-Chief  
Sons of Union Veterans of the Civil War

Attest

Daniel Murry  
National Secretary  
Sons of Union Veterans of the Civil War