

THE AMERICAN LEGION, DEPARTMENT OF MICHIGAN

RESOLUTION: #21-21

SUBMITTED BY: **Internal Affairs Committee**

SUBJECT: **Hire Non-Profit Attorney for Michigan Foundation**

RESOLUTION

WHEREAS, The Michigan American Legion Foundation was incorporated July 2, 2014, in order to support the Michigan Department of The American Legion through receipt of donations as a 501c3 nonprofit organization; and

WHEREAS, The MALF applied to the IRS for 501c3 nonprofit status; and

WHEREAS, The MALF was granted 501c3 status on October 1, 2015, with the effective date of July 2, 2014; and

WHEREAS, The IRS determination specifically states that the MALF is a Type I supporting organization under IRC Section 509(a)(3). A Type I supporting organization is operated, supervised or controlled by one or more publicly supported charities; and

WHEREAS, The Constitution and Bylaws of the MALF do not give authority to the Department of Michigan as such the DEC of the Michigan Department of The American Legion nor its members as outlined in IRC Section 509(a)(3); now, therefore, be it

RESOLVED, By The American Legion, Department of Michigan, in annual Department Convention assembled in Sault Ste. Marie, Michigan, July 9-11, 2021, That The American Legion', Department of Michigan approve the hiring of a nonprofit attorney for the purposes of clarification, guidance and implementation of proper policies, procedures and guidelines for the MALF; and, be it

FURTHER RESOLVED, That the Department of Michigan approve the recommendation from the Internal Affairs Committee, through the Department Finance Committee, that the attorney be hired to assist and direct the MALF on proper policies and procedures; and, be it

FURTHER RESOLVED, That the arbitration and opinions of said attorney be implemented in order to protect the assets of the MALF, the funds held custodially for programs of its supported organization, the Michigan American Legion; and, be it

FURTHER RESOLVED, That the Michigan American Legion Foundation make adjustments to their Constitution, Bylaws and procedures to reflect these changes; and, be it

FURTHER RESOLVED, That said changes become effective immediately upon completion of the attorney's discovery and recommendations; and, be it

FINALLY RESOLVED, That this action take place within sixty (60) days of approval.

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FOR COMMITTEE USE

APPROVED ____ REJECTED **TABLED - NO ACTION TAKEN** ____ REFERRED TO _____

SIGNATURE: _____ DATE: _____
(Chairman)

SIGNATURE: _____ DATE: _____
(Chairman)