

**NEW YORK WELFARE FRAUD INVESTIGATORS ASSOCIATION
CONSTITUTION AND BYLAWS
(As amended at the Annual Meeting June 12, 2007)**

ARTICLE I – TITLE

The title of this Association shall be New York Welfare Fraud Investigators Association (NYWFIA).

ARTICLE II – GOALS AND PURPOSE

1. The goal of this Association shall be to promote integrity within the social services programs of the State of New York by:

- A. maximizing efforts toward the prevention, detection, elimination and prosecution of welfare fraud within the State of New York;
- B. professionalizing and standardizing welfare fraud investigations throughout the State;
- C. providing training and communications between local and State officials statewide.

2. In order to prevent and eliminate welfare fraud through the active participation of a broad group of persons and agencies concerned with the prevention, detection, elimination and prosecution of welfare fraud in the State of New York, this Association is organized and charged with the following purposes:

- A. Providing education, training and staff development relating to welfare fraud by discussion of laws, rules, regulations, policies and procedures used in various counties for the prevention, detection, elimination and prosecution of welfare fraud;
- B. Promoting throughout the State of New York efficient and effective means to prevent, detect, eliminate and prosecute welfare fraud;
- C. Disseminating information by the use of meetings, seminars, workshops, and newsletters reflecting accurately the nature and extent of welfare fraud within the State of New York.

3. This Association is organized to receive and maintain a fund or funds of real or personal property, or both, and subject to the restrictions and limitations hereinafter set forth. Notwithstanding any other provision of this Constitution and Bylaws, all property of the Association shall be used exclusively and in a manner consistent with the laws governing charitable, religious, scientific, literary, educational or other exempt organizations under section 501(c)(3) of the Internal Revenue Code and its regulations as they now exist or as they may be amended from time to time.

4. No part of the net earnings of this Association shall inure to the benefit of any director or officer of the Association, or any private individual, except that a reasonable

compensation may be paid for services rendered to or for the Association in furtherance of one or more of its purposes.

5. The Association shall not have, as a substantial part of its activities, the carrying on of propaganda, or otherwise attempting to influence legislation. The Association shall not participate in any political campaign, including but not limited to the publication and distribution of statements, on behalf of any candidate for public office.

6. The Association shall distribute its income for each taxable year at such time and in such a manner so as not to be subject to tax on undistributed income imposed by section 4942 of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax laws.

7. The Association shall not engage in any act of self dealing as defined in section 4941 of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax laws.

8. The Association shall not retain any excess business holdings as defined in section 4943(c) of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax laws.

9. The Association shall not make any investments in such a manner to subject it to tax as defined in section 4944 of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax laws.

10. The Association shall not make any taxable expenditures as defined in section 4945(d) of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax laws.

11. Notwithstanding any other provision of this Constitution and Bylaws, this Association shall not conduct or carry on any activities not permitted by the laws governing charitable, religious, scientific, literary, educational or other exempt organizations under section 501(c)(3) of the Internal Revenue Code and its regulations as they now exist or as they may be amended from time to time, or by an organization whose received contributions are deductible under section 170(c)(2) of the Internal Revenue Code and its regulations as they now exist or as they may be amended from time to time.

12. Upon dissolution of the Association or the winding up of its affairs, the assets of the Association shall be distributed exclusively to charitable, religious, scientific, literary, educational or other exempt organizations under section 501(c)(3) of the Internal Revenue Code and its regulations as they now exist or as they may be amended from time to time. No private individual shall be entitled to share in the distribution of assets upon dissolution of the Association.

ARTICLE III – MEMBERSHIP

1. **Membership:** Membership shall be limited to any person who is or has been involved in the prevention, detection, elimination and prosecution of welfare fraud. Only members of the Association have the right to vote on such matters as are put forward to the membership.
2. **Dues:** The Association shall have the power and authority to assess dues upon its members. The dues shall be set by the current Board of Directors for the next succeeding annual period. The Board shall not amend the dues during a current annual period. No membership shall be effective until said dues are paid in full to the Association treasury.
3. **Period of Membership:** Membership shall be for a one calendar year period, running from July 1st to June 30th.
4. **Suspension and Revocation of Membership:** Membership in the Association may be either suspended or revoked, at the option of the Board of Directors, for the following reasons:
 - A. Failure to pay the dues of the Association;
 - B. Engaging in conduct that is detrimental to the best interest of the Association, or violates the Bylaws, rules or regulations of the Association.

No suspension or revocation of membership shall be effective until the person accused has been afforded the opportunity for a hearing before the Board of Directors. Upon a membership being suspended or revoked, the person shall surrender all rights and privileges of membership, including but not limited to the right to vote on Association business brought before the membership, for as long as the membership is suspended or revoked.

ARTICLE IV – MEETINGS

1. **Annual Meeting:** There shall be an Annual Meeting of the Membership of the Association at a time and place as designated by the Board of Directors. The Corresponding Secretary shall publish the time and place of said Annual Meeting in a newsletter, and additionally send notification to all members in good standing not less than twenty (20) days nor more than fifty (50) days from the date of the Annual Meeting. A member in good standing shall be deemed any person who has an active membership on the fiftieth (50th) day preceding said Annual Meeting.

Members entitled to cast one-tenth of the total number of votes entitled to be cast thereat shall constitute a quorum at a meeting of the members for the transaction of any business.

2. **Meetings of the Board of Directors:** The Board of Directors shall meet, not less than once per year, either during or immediately following the Annual Meeting of the Association. Other meetings may be called by the President and shall take place subsequent to receipt of formal notice from the Corresponding Secretary. A majority of

Directors then in office shall constitute a quorum for business to take place. Other interested parties may attend said meetings at the discretion of the Board of Directors.

3. **Special Meetings:** Special meetings of the Membership may be called by the President or a majority of the Directors presently in office, or upon written request to the Board of Directors by a majority of all members of the Association at the time of said notice. Upon receiving a request for a special meeting from the membership, the President shall set a time and place for said special meeting and the Corresponding Secretary shall send notice of said special meeting to the membership. Said notice shall be dated not less than ten (10) days prior to said special meeting. Members entitled to cast a majority of the total number of votes entitled to be cast by the membership of the Association shall constitute a quorum at a special meeting called at the request of the membership.

4. **Seminars and Workshops:** Seminars and workshops shall be conducted at the Annual Meeting. Seminars and workshops may also be held at other times and places as organized by the Board of Directors.

5. **Rules of Procedure:** The order of business for all Association meetings shall be as designated by the Board of Directors. Whenever no order is so designated or expressly provided for in this Constitution and Bylaws, the order of business and conduct of meetings shall be governed by *Robert's Rules of Order, Revised*.

ARTICLE V – DIRECTORS AND OFFICERS

1. **Directors and Officers Defined:** The Board of Directors shall consist solely of the Officers of the Association, as defined herein. The Officers of the Association shall be President, First Vice President, Second Vice President, Third Vice President, Corresponding Secretary, Recording Secretary, and Treasurer.

2. **Election and Terms of Officers:** The officers of the Association shall be elected by a majority of the membership at a duly constituted Annual Meeting, for two (2) year terms. The President, First Vice President, Second Vice President, and Third Vice President are each limited to two (2) two-year terms. Any member who has served the maximum terms allowed in one office may stand for election to any other office within the Association. There are not any term limits that apply to the offices of Corresponding Secretary, Recording Secretary, and Treasurer.

The two-year term for the offices of President and Second Vice President shall begin upon the election to such offices at the 2007 Annual Meeting; the two-year term for the offices of First Vice President and Third Vice President shall begin upon the election to such offices at the 2008 Annual Meeting. Any member that was elected as an Officer of the Association at any duly constituted meeting of the membership to a one-year term shall not have such one-year term counted against the two (2) two-year terms as set forth above.

3. **Duties of the President:** The President shall be the chief executive officer of the Association. He shall preside at all membership meetings and over the activities of the Association. The President shall present a report to the membership at the Annual Meeting of the state of the Association, appoint chairs and members to Association committees, and perform such other duties and functions inherent to the chief executive officer of the Association, or as authorized by the membership.

4. **Duties of the Vice Presidents:** The Vice Presidents shall perform duties as delegated to them by the President. In the absence of the President, all duties and responsibilities of the President shall be assumed in the following order of succession: First Vice President, Second Vice President and Third Vice President. Any Vice President acting in the President's absence shall assume the duties and responsibilities of the Presidency only until such time as the vacancy is filled pursuant to the terms of Paragraph Nine of this Article.

5. **Duties of the Corresponding Secretary:** The Corresponding Secretary shall send notifications of meetings, respond to and initiate correspondence on behalf of the Association, perform other duties as delegated by the President, and perform such other duties and function inherent to the office of Corresponding Secretary.

6. **Duties of the Recording Secretary:** The Recording Secretary shall be the historian of the Association and, as such, shall keep the minutes at all meetings. The Recording Secretary shall maintain, after consultation with the Treasurer, the names and contact information of all record members of the Association and perform such other duties and functions inherent to the office of Recording Secretary.

7. **Duties of the Treasurer:** The Treasurer shall supervise the financial affairs of the Association and cause a complete record to be kept of all receipts and disbursements. The Treasurer shall make regular reports to the officers and an annual report to the membership at the Annual Meeting. An audit of the Association's books and records shall be conducted at the Annual Meeting by the Audit Committee, as defined herein. A report by the Audit Committee shall be provided to the Board of Directors and will be made available to all members at the Association offices.

8. **Duties of the Officers as the Governing Body:** In addition to the duties specified herein, the officers of the Association, collectively as the Board of Directors, shall generally govern the affairs of the Association including, but not limited to, making policy decisions for the Association and approving, modifying, or rejecting reports, resolutions or actions of the individual officers, committees or members of the Association. Only the President, or his designee, has the authority to bind the Association into legal contracts and other legal obligations, subject to the provisions contained herein.

9. **Vacancies:** A vacancy in any office shall be filled by the affirmative vote of a majority of the current officers for the remaining portion of the term. This action shall be taken either during a meeting of the current officers, or by written affirmation from a

majority of the current officers. In the case of a vacancy in the office the President, the First Vice President shall assume the duties and responsibilities of the Presidency until such time as the vacancy is filled pursuant to this paragraph.

ARTICLE VI – REGIONAL REPRESENTATIVES

1. **Election and Terms:** There shall be two Regional Representatives from each of the State’s five (5) regions. Each regional representative shall serve a two (2) year term. The terms shall be staggered so that no representatives from the same region shall have their terms expire during the same year. Each regional representative shall be elected by a majority of the members from said region in attendance at the Annual Meeting. There are not any term limits that apply to the regional representatives.

2. **Removal from Service:** Each regional representative shall be a member of the Association in good standing. If a regional representative’s Association membership is suspended during the term, said person shall immediately be removed as a regional representative until such membership is reinstated. If a regional representative’s membership is revoked during the term, said person shall immediately be removed as a regional representative and shall forfeit the balance of the term.

3. **Regions Defined:** The sixty-two (62) counties of New York State shall be divided into five (5) regions as follows:

REGION I: The counties of Niagara, Orleans, Erie, Genesee, Wyoming, Chautauqua, Cattaraugus and Allegany.

REGION II: The counties of Monroe Wayne, Livingston, Ontario, Seneca, Yates, Steuben, Schuyler and Chemung.

REGION III: The counties of Saint Lawrence, Jefferson, Lewis, Oswego, Oneida, Herkimer, Onondaga, Madison, Cayuga, Tompkins, Cortland, Chenango, Tioga and Broome.

REGION IV: The counties of Franklin, Clinton, Hamilton, Essex, Warren, Washington, Saratoga, Fulton, Montgomery, Schenectady, Rensselaer, Albany, Otsego, Delaware, Schoharie, Greene and Columbia.

REGION V: The counties of Sullivan, Dutchess, Ulster, Orange, Putnam, Rockland, Westchester, Nassau, Suffolk, Bronx, Queens, Kings, New York and Richmond.

ARTICLE VII – COMMITTEES

1. **General Provisions:** Members of the several committees shall be appointed and discharged by the President, upon the advice of the committee chairman. Members of the Audit Committee shall be appointed and discharged as provided herein.

2. **Audit Committee:** A committee shall be appointed during each Annual Meeting to examine and audit the financial books and records of the Association. This audit shall take place during the Annual Meeting and the committee shall report its findings to the

Board of Directors. The members of the committee shall consist of one Association member from each of the five Regions, selected by each region's Regional Representatives. Present officers of the Association are prohibited from serving on the Audit Committee.

3. **Membership Committee:** A committee shall be appointed and chaired by a vice president appointed by the President. The duties are to solicit new members and work to maintain present members. This committee shall also be responsible for following up on those members who have withdrawn from the Association or who are delinquent in paying their dues.

4. **Education and Training Committee:** A committee shall be appointed and chaired by a vice president appointed by the President. The duties are to organize training seminars and workshops and to disseminate educational materials to the Association's membership and other interested parties. The members of this committee shall serve for a one (1) year term.

5. **Annual Meeting Committee:** A committee shall be appointed each year and will be responsible for the preliminary planning of the next following Annual Meeting. The committee shall submit a report and make recommendations to the Board of Directors and will perform such tasks in furtherance of organizing the Annual Meeting as are delegated by the Board of Directors.

6. **Internet Committee:** The Webmaster is the chairman of the Internet Committee and serves at the pleasure of the President. The Webmaster is responsible for creating and maintaining the Association's Website and staying apprised of trends and information on the Internet that will assist to advance the Association.

7. **Special Committees:** The President shall appoint and discharge special committees and their members, as needed, as authorized by the Board of Directors.

ARTICLE VIII – INDEMNIFICATION

The Association may, upon the majority approval of the Board of Directors, indemnify any officer or former officer against expenses actually and necessarily incurred in connection with the defense of any action, suit or proceeding in which he is made a party by reason of being or having been such officer, except in relating to such matters as to which he shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of his duties.

ARTICLE IX – AMENDMENTS

This Constitution and Bylaws may be amended only by an affirmative vote of two-thirds (2/3) of the entire Association membership. Said vote must take place during either the Annual Meeting or another duly constituted meeting of the Association. Proxy voting is permitted. No amendment shall be considered for a vote unless and until it has been distributed to the membership at least ninety (90) days prior to the day of the vote.