Property and Evidence Association of Kentucky
Bylaws

ARTICLE I: NAME

Section 1. This Association shall be known as the Property and Evidence Association of Kentucky, herein referred to as the Association, or P. E. A. K., and shall be incorporated under the laws of the Commonwealth of Kentucky as a 501(c)(3) non-profit charitable corporation.

ARTICLE II: GOALS AND OBJECTIVES

Section 1. The primary goal of the Association is to promote education and increase the level of professionalism of personnel associated with the proper collection, preservation, storage, processing, and disposal of property and evidence within the state of Kentucky, through cooperation and sharing of information with individual agencies.

Section 2. The primary objectives of the Association shall be:

a) To provide research, collection, and educational exchange of operational and technical information relative to the property and evidence function, that will be of benefit to the members;
b) To achieve professionalism of the highest standard for performance of property and evidence personnel;
c) To achieve a standardization of the storage, collection, submittal to lab, and timely disposal of evidence and property;
d) To solicit legal opinions and clarification from our state and local judicial system to educate our members on pending legislation where evidence and property are concerned;
e) To share resources and information of equipment, supplies, and education that will be cost effective for our agencies;
f) To educate and train evidence and property personnel on safety regarding the laws in the handling and disposal of hazardous and biological evidence;
g) To promote the Association to persons within the Commonwealth of Kentucky who are concerned with the collection, processing, testing, storage or preservation, and disposal of evidence and property.

ARTICLE III: ORGANIZATION

Section 1. **Organization:** The Association shall consist of and be governed by members. Membership shall conform to the provisions set forth in the Association Bylaws.

Section 2. **Fiscal Year:** The fiscal year of the Association shall begin on July 1 and conclude on June 30.

ARTICLE IV: MEMBERSHIP

Section 1. Membership in this Association shall consist of Active, Associate, Corporate, and Honorary members. Application for membership shall conform to all provisions of the Bylaws of the Association.

Section 2. **Active Membership** is open to those dues-paying individuals involved in the processing, retention, and/or management of property or evidence within the state of Kentucky on an individual basis. Active membership is also open to persons formerly involved in, and subsequently retired from, a position involved with the handling or processing of property and evidence in some part of the Kentucky justice system.

Dues are $50.00 per year for voting, active membership. Furthermore, an active membership may be obtained by additional individuals within the same agency for $25.00 per year.

Section 3. **Associate Membership:** Associate membership may be granted to any dues-paying person or interested party who wishes to attend Association meetings but does not meet the criteria of active membership. Associate members do not have the right to vote on Association business. Associate members are encouraged to participate by presenting information to the voting members and the Executive Board. Dues are $35.00 for Associate Membership.

Section 4. **Corporate Membership/Sponsorship:** Corporate membership/Sponsors may be granted to agencies or corporations who wish to support and/or attend Association meetings, but do not meet the criteria of active or associate membership. Corporate members do not have the right to vote on Association business. Corporate members are encouraged to present information to the voting members and Executive Board.

Section 5. **Honorary Membership:** Honorary members shall be those individuals who, in the determination of the Association, have demonstrated interest in the purposes and objectives of the Association but do not meet the criteria for active or associate membership. Honorary members shall be non-voting, non dues-paying members. Honorary membership status shall be granted by the Association in regular meeting, upon the recommendation of the Executive Board. Any voting member may nominate an individual, in writing to the Executive Board, for honorary membership.

Section 6. Active members shall be considered in good standing if annual dues have been paid and a member has attended at least one meeting, either statewide, regional, or committee, or an Association sponsored training event during a one-year period. Registered active members who are not in good standing will not have the right to vote on Association activities or Association business until they again meet the criteria for good standing.

Section 7. Only active members in good standing may hold office.

Section 8. Any member in good standing may bring additional persons, at member rate, to any function provided that they are involved in the property and evidence process. Guests will be subject to any program fees, payable at the time of registration/attendance.

Section 9. Any member in good standing may bring business before the Executive Board or the Association, provided such business is in the interest of the Association and deemed appropriate.

ARTICLE V: OFFICERS AND DIRECTORS

Section 1. The elected officers of the Association shall be the President, Vice President, Secretary, and Treasurer. The elected directors shall be the East Membership Director, West Membership Director, and Sponsorship Director.

Section 2. The Board of Directors shall consist of four elected officers, three elected directors, and eventually the immediate past president and an executive director appointed by the Board. The Board shall conduct all business of the Association and approve all program and conferences submitted by the Conference Committee and members of the Association.

Section 3. Any member of the Board of Directors who does not comply with assigned responsibilities, and do so in a timely manner, or is determined to be a detriment to the Board or Association, may be relieved of office by majority vote of the Board of Directors. The President, with approval of the Board of Directors, shall make appointment of a replacement to fill the unexpired term.

Section 4. The attached Conflict of Interest Policy shall be considered a part of Bylaws of the Association and shall apply in appropriate circumstances.

Section 5. The Board shall meet whenever such meeting is called by the President.

ARTICLE VI: Duties of the President

Section 1. The duties of the President shall be to prepare an agenda and preside over Board meetings, to preserve order and decorum, to preside at the business meetings, to supervise the affairs of the Association, to appoint such special committees as required for the attainment and fulfillment of the goals of the Association, to fill, with the approval of the Board, any vacancies on the Board of Directors caused by death, resignation, or other cause, except as specifically provided otherwise herein, to labor for the usefulness and efficiency of the Association, and to act as the spokesperson for the Association.

Section 2. The President shall appoint an audit committee and ensure a random audit of Association funds annually. The auditing committee shall consist of three members of the Board who shall randomly inspect the financial accounts. A report of such audit shall be distributed to the Board of Directors and members.

Section 3. The President shall be a voting member of the Board of Directors and may be the deciding vote in a ballot cast at any meeting.

ARTICLE VII: Duties of the Vice President

Section 1. The Vice President shall act as the presiding officer of the Association during the temporary absence or disability of the President.

Section 2. The Vice President shall assume the office of President in the event of resignation or other unforeseen cause.

Section 3. The Vice President shall preside at board meetings in the absence of the President.

Section 4. The Vice President shall be a voting member of the Board of Directors.

ARTICLE VIII: Duties of the Secretary

Section 1. The Secretary shall record, publish, and distribute copies of Board meeting minutes to all Board Members and to any other member upon request.

Section 2. The Secretary shall prepare all necessary and appropriate correspondence for the Association.

Section 3. The Secretary shall perform all other duties as may be assigned by the President or the Board of Directors to protect the nonprofit organization.

Section 4. The Secretary shall be responsible for maintaining a current copy of the Bylaws and distributing amendments and copies as appropriate.

Section 5. The Secretary shall take attendance at Board meetings, maintain Board records, track Board member terms, and monitor legal compliance.

Section 6. The Secretary shall be a voting member of the Board of Directors.

ARTICLE IX: Duties of the Treasurer

Section 1. The Treasurer shall maintain all financial records of the Association and provide a financial report at each Board meeting.

Section 2. The Treasurer shall receive all monies, to include contributions, dues, conference fees, and vendor fees, of the Association and maintain accurate records of such funds.

Section 3. The Treasurer shall draw all warrants and checks for the expenses of the Association and shall sign same. Payment of expenses incurred in carrying on the business of the Association must be approved by the Board of Directors, unless the sum is under $250.00, in which event the approval of the Board of Directors is not necessary.

Section 4. The Treasurer shall provide a yearly report of revenue, expenses and debts incurred by the Association to the Board of Directors which will be incorporated into the corporate files.

Section 5. The Treasurer shall, upon receipt of annual dues, issue a membership certificate to all members in good standing and maintain the membership list.

Section 6. The Treasurer shall ensure tax-related documents are filed on time

Section 7. The Treasurer shall be a voting member of the Board of Directors.

Section 8. The Treasurer may delegate to the President such bookkeeping and accounting activity, including signing checks and authorizing the issuing of checks through on-line banking services, as he/she determines is appropriate for more efficient operation of the Association.

ARTICLE X: Duties of the Past President (Not applicable at this time [2025])

Section 1. The Past President shall be the outgoing President from the previous year.

Section 2. The Past President shall be responsible for working closely with the President and maintaining an open line of communication.

Section 3. In the absence of the President and the Vice President, the Past President shall prepare an agenda and preside over Board meetings.

Section 4. Should the office of the Past President become vacant, the President shall contact recent holders of that office in order for appointment to the vacated position. The newly appointed Past President will act in that capacity until the next regular installation of officers.

Section 5. The Past President shall be a voting member of the Board of Directors.

ARTICLE XI: Duties of the Executive Director (Not applicable at this time [2025])

Section 1. The Executive Director shall facilitate the achievement of the goals and objectives of the Association.

Section 2. The Executive Director shall provide administrative and logistical support to the Board, elected officers including the President, Secretary, and Treasurer, and assist Committees and members as required.

Section 3. The Executive Director shall serve at the pleasure of the Board of Directors and may be compensated as the Board determines appropropriate.

Section 4. The Executive Director shall be a voting member of the Board of Directors.

ARTICLE XII: Duties of the Board of Directors

Section 1. The Board of Directors shall consist of four (4) elected officers and three (3) elected directors. Once an immediate past president exists, and an executive director is appointed by the Board, the immediate past president and executive director will also be voting members on the Board of Directors.

Section 2. The Board shall conduct all business of the Association and approve all programs, media presentations, and conferences submitted by the Committees and members of the Association.

Section 3. The Board of Directors shall evaluate and make recommendation for any and all modifications to Association Bylaws prior to a membership vote on changes.

Section 4. The Board of Directors shall approve all purchases for the Association in excess of $250.00. The Board of Directors can raise or lower this amount without the approval of the membership.

Section 5. The Board of Directors shall approve the place and date of all conferences, approve the conference programs and ensure that it is within the boundaries of budget allowances. The Board shall be responsible for timely notification or publication of the conference dates and times to all registered members.

Section 6. At the time of inception (2025), four (4) members of the Board of Directors shall constitute a quorum in voting.

Section 7. The Officers and Board Members shall be voting members of the Board of Directors.

ARTICLE XIII: NOMINATION AND ELECTION OF OFFICERS

Section 1. Except for the immediate past president and the executive director, the Board members and Officers shall be elected individually by secret ballot of the members in good standing. In the event of a tie, the current Past President shall cast the deciding vote.

Section 2. Nominations shall be made from the conference floor on the first day of the annual conference. Elections shall be held on the last day of the conference. Write-in candidates shall not be considered.

Section 3. The term of office for the elected Board members shall be for three years (The Executive Director serves at the pleasure of the elected Board and is not time limited.). No elected person may serve more than two consecutive terms (six years total), in the same position except in cases where they may serve the un-expired term of his or her predecessor. Officers shall assume the duties as the last order of business of the conference.

ARTICLE XIV: DUES, ASSESSMENTS, AND EXPENDITURES

Section 1. All persons desiring membership in the Association and meeting the requirements of Article IV shall pay membership dues each year at the rate specific to their type of membership as defined in said Article.

Section 2. The Association shall establish a bank account in the name of the Association. The Treasurer and President shall have signature rights to the account.

Section 3. The Executive Board may maintain a petty cash fund not to exceed the amount of $100.00 for general operations use. A receipt for any expenditure will be required.

Section 4. The Board of Directors may change the annual dues and conference fees without a vote from the membership.

Section 5. The Association may incur expenses that are covered by dues, conference registration fees, contributions, or fund raising.

Section 6. All expenditures from the Association account over $250 must be approved by the Board of Directors.

Section 7. A report of the Association's accounts shall be provided to the Board at least quarterly and upon request.

Section 8. Expenses incurred by Board or committee members for participation in association meetings or business shall be borne by the Association only if authorized by the Board. All reimbursed expenses must be documented with original receipts.

ARTICLE XV: COMMITTEES (Not applicable at this time [2025])

Section 1. Committees shall be comprised of no less than three (3) persons. The total number of members shall be an odd number. The President shall appoint the majority and the Vice President shall appoint the minority.

Section 2. **Standing Committees**: Standing committees are formed for the conduct of regular business of the Association and require the approval of the Executive Board and general membership by a two-thirds majority vote. A Committee Chairperson's term is for two years; other committee members may serve until they resign their post. One must be an active or associate member in good standing to serve on any committee.

Section 3. **Special Committees:** Special committees may be formed when deemed necessary by the President for a specific need. Member terms are for the duration of the committee. One must be an active or associate member in good standing to serve on any committee.

ARTICLE XVI: RESIGNATION, SUSPENSION, TERMINATION OF MEMBERSHIP

Section 1. Any member may resign from membership at any time. All privileges, rights, and positions within the Association shall be forfeited at that time.

Section 2. Any member may have their membership suspended or terminated if it is determined that the member's conduct was illegal or unprofessional. A majority vote of the Executive Board shall be required to suspend or terminate any membership.

Section 3. No member shall have his or her membership suspended or terminated except for good cause. Conduct constituting good cause shall include: conviction of any misdemeanor or felony, commission of any act of moral turpitude, or the engaging of any repetitive conduct during any meeting of the Association which is deemed by the meeting's presiding officer to be both out of order and intentionally disruptive to the orderly conduct of such meeting.

ARTICLE XVII: MEETINGS

Section 1. The Association shall hold a minimum of four (4) business meetings and eventually one (1) annual conference each fiscal year. One of the business meetings shall be held in conjunction with the annual conference.

Section 2. Additional business meetings of the Association may be held upon the approval of the Board of Directors.

Section 3. A quorum of all business meetings shall be when no less than four (4) Board members plus three (3) additional active members are present. No votes can be taken on Association business unless a quorum is present.

Section 4. Voting shall be restricted to those individuals with voting membership. Each member shall cast no more than one vote on any given motion.

ARTICLE XVIII: ANNUAL CONFERENCE (Not applicable at this time [2025])

Section 1. **An annual conference shall be held each year**. The purpose of this conference shall be primarily to educate and communicate among the members of the Association topics of concern and interest.

Section 2. **Recognition Awards**: The Board may give recognition awards at their discretion.

ARTICLE XIX: AMENDMENTS

Section 1. Amendments to this document shall be accomplished through the Board of Directors.

Section 2. Amendments shall be adopted upon a majority vote of the attending members at the annual conference.

ARTICLE XX: DISSOLUTION

Section 1. Dissolution of the Association shall occur only upon the unanimous approval of the Board and the majority of at least three-fourths of the members present at a business meeting.

Section 2. In the event of dissolution of the Association, all remaining assets must be distributed to another 501(c)(3) voted upon by the Board of Directors.

Adopted this 11th day of April, 2025.

Casey R. Miciotto
President

Molly Dentinger
Secretary

Attachment: Conflict of Interest Policy

Property and Evidence Association of Kentucky
Conflict of Interest Policy
Article I

Purpose

The purpose of the conflict of interest policy is to protect the Association's interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the P. E. A. K. or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

Article II

Definitions

1. **Interested Person**

Any director, principal officer, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.

2. **Financial Interest**

A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

a. An ownership or investment interest in any entity with which the P. E. A. K. has a transaction or arrangement,

b. A compensation arrangement with the P. E. A. K. or with any entity or individual with which the Association has a transaction or arrangement, or

c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Association is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A financial interest is not necessarily a conflict of interest. Under Article III, Section 2, a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.

Article III

Procedures

1. **Duty to Disclose**

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors and members of committees with board delegated powers considering the proposed transaction or arrangement.

2. **Determining Whether a Conflict of Interest Exists**

After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists.

3. **Procedures for Addressing the Conflict of Interest**

a. An interested person may make a presentation at the governing board or committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.

b. The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.

c. After exercising due diligence, the governing board or committee shall determine whether the Association can obtain, with reasonable efforts, a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.

d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the P. E. A. K.'s best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination, it shall make its decision as to whether to enter into the transaction or arrangement.

4. **Violations of the Conflicts of Interest Policy**

a. If the board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

Article IV

Records of Proceedings

The minutes of the Board of Directors and all committees with board delegated powers shall contain:

a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the Board or committee's decision as to whether a conflict of interest in fact existed.

b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

Article V

Compensation

a. A voting member of the Board of Directors who receives compensation, directly or indirectly, from the P. E. A. K. for services is precluded from voting on matters pertaining to that member's compensation.

b. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the P. E. A. K. for services is precluded from voting on matters pertaining to that member's compensation.

c. No voting member of the Board of Directors or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the P. E. A. K., either individually or collectively, is prohibited from providing

information to any committee regarding compensation.

Article VI

Annual Statements

Each director, principal officer and member of a committee with Board of Directors delegated powers shall annually sign a statement which affirms such person:

a. Has received a copy of the conflict of interest policy,

b. Has read and understands the policy,

c. Has agreed to comply with the policy, and

d. Understands the P. E. A. K. is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

Article VII

Periodic Reviews

To ensure the Association operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

a. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining.

b. Whether partnerships, joint ventures, and arrangements with management organizations conform to the P. E. A. K.'s written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit, or in an excess benefit transaction.

Article VIII

Use of Outside Experts

When conducting the periodic reviews as provided for in Article VII, the Association may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring periodic reviews are conducted.