

# Report to the Board of Directors of the American Radio Relay League, Inc. from the Legal Defense Committee <sup>1</sup>

July 2025 ARRL Board Meeting

## Members of the Legal Defense Committee:

- Director Robert B. Famiglio, K3RF (Chair)
- Director John Robert Stratton, N5AUS
- International Affairs Vice President Rod Stafford, W6ROD
- ARRL FCC Counsel David Siddall, K3ZJ
- Fred Hopengarten, K1VR
- Michael Lazaroff, K3AIR

The Legal Defense Committee (LDC) is charged with undertaking the responsibilities generally provided in the guidelines as reported in January of 2025. The areas identified for development of newer committee's activities as identified in the last report six months ago remain. Those comments are incorporated herein by reference and the goals remain outstanding. **With the exception of two late breaking matters summarized below**, there were no pending legal matters or court cases involving amateur radio which have been brought to the attention of the Committee to consider for possible assistance.

The two exceptions are two troublesome matters ARRL headquarters brought to the attention of the Chairman recently after the effected radio amateurs reached out to our League for help. One is not a member of our League, the other is. Regardless, the two legal matters may have serious future consequences for our members.

First, a non-member in our Kentucky Section was indicted in January of 2025 on a misdemeanor charge by a district attorney for possessing a radio **capable** (emphasis added) of receiving police transmissions. The radio amateur was 14 years old when he was using his Motorola Moto Turbo (DMR HT) (legally on a GMRS frequency for which his family holds a license) to speak with another GMRS user during a break in his classes. The discussion was about how to receive police DMR radio traffic. Concerned that the young ham must have been breaking the law - Kentucky has a statute making it illegal to possess such radios with an exception of being in one's residence, a sheriff's deputy monitoring (a avid GMRS user himself) drove to the school and directed they call the ham down to the principal's office with his radio.

After a tense encounter when the father was called to the school, the deputy confiscated two radios in the ham's possession as allowed under the State statute. No

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<sup>1</sup> a/k/a Amateur Radio Legal Defense and Assistance Committee

search warrant was obtained until two days after the radios were ceased. An indictment followed charging the ham a misdemeanor crime under the law.

There are no volunteer counsel in Kentucky and our section manager was unable to locate any lawyers whom might be willing to undertake the case even with fees being paid. The young ham's father could not find any defense attorney whom had any interest in representing them. His sense was that local attorneys did not understand the issue involved nor the facts to present in any defense. The family was willing to spend money for an attorney and the father's employment included a insurance policy benefit for legal defense costs, yet no attorney was interested in taking the case on.

The ham was assigned a public defender by the court who the chairman spoke with at length about the law at issue and the prosecutors position on advancing the case to trial set for August. While there is an amateur radio licensee exemption to the law based on a 1993 Report and Order issued by the FCC essentially voiding any restrictions on amateur radio operators possessing equipment which is also capable of receiving police frequencies, the public defender informed me that the prosecutor "spoke with the FCC" and believed after that discussion the exemptions for hams is misinterpreted and does not apply to the equipment confiscated even though it was programmed for amateur radio repeaters and police frequencies were receive only. There are many more details but the case is going to trial as of the last discussions I had with the father of the ham. The committee has not taken on this matter as it is yet unclear what assistance can be offered financially under the circumstances as that is not the major issue.

The second matter arising recently involves an ARRL member in the Southern New Jersey section living in a HOA comprised of single family houses without restrictions on the **use** of amateur radio but with restrictions on outside antennas. The member is a new ham of 2 years operating with an attic antenna with no hint of any radio antennas outside his home.

A neighbor two houses away claimed he was experiencing headaches caused by the ham when the ham mentioned to other neighbors he was a ham operator. A formal complaint followed to the HOA board and a hearing was convened to consider the neighbor's charges of injury from ham radio operations. The ham calculated the safe field intensities, well within safe limits, and presented his information to a professional nurse on the HOA board assigned as the hearing officer and mediator.

The written findings issued by the HOA was that the neighbor was experiencing headaches resulting from the hams use of radio and the member was directed to stop and dismantle his station and remove all antennas from the property which he has, or face fines levied against his property until he complies. The written findings, as incredible and illogical as it seems, claim that the OTARD FCC rules acknowledge that radio is harmful. as they found that OTARD rules only allow TV receiving antennas which the HOA allows under its rules if the antenna complies with the OTARD size and

receive use limits.

He has been off the air since last October but sought help from HQ in June. I spoke with the member for over an hour initially then a time or two thereafter to gather more facts and documents. This has not yet been considered yet by the committee.

We still have a shrinking list of available volunteer counsel to serve in the program. We have no mechanism, yet, to globally monitor matters referred to and undertaken by our list of ham lawyers. The Committee earnestly solicits input, suggestions and criticisms from the Board with respect to its mission and whether the scope of its mission should be adjusted. Expansion of the role of the Volunteers on the VC list and the committee could bring new interest from lawyer-hams to participate and be of great interest to ARRL members. How should the role of the VC and/or this committee be adjusted, changed or completely revamped?

Respectfully Submitted,

*Robert B. Famiglio*, K3RF  
ARRL Atlantic Division Director,  
Chairman, Legal Defense Committee

**July 18, 2025**