

Report of the Amateur Radio Legal Defense & Assistance Committee 2014 Annual Meeting of the ARRL Board of Directors – January, 2014

Committee Members: Director Cliff Ahrens, KØCA, Chairman; Director Brian Milesosky, N5ZGT; Vice Director Mike Raisbeck, K1TWF; Vice Director Jim Tiemstra K6JAT; General Counsel Chris Imlay, W3KD; and Jim O’Connell, W9WU.

Committee Activities

The Amateur Radio Legal Defense & Assistance Committee is charged with evaluating individual requests for financial assistance from amateurs involved in legal, legislative, or regulatory activities relating to Amateur Radio. The sole source of funding awards is the ARRL Legal Research and Resource Fund.

The matter of the challenge of Myles Landstein, N2EHG, to the ordinance of the town of LaGrangeville, NY on its face and as applied to Mr. Landstein is still pending. The ARRL grant funding of \$10,000 previously recommended by General Counsel Chris Imlay W3KD and authorized by this committee has been distributed to the trust account of Mr. Landstein’s attorney, Mr. Jon Adams. The funds, or such lesser amount as may be necessary, are to be used to help with attorney’s fees and costs reasonably incurred by Mr. Landstein in challenging the city’s ordinance and determination thereunder that an Amateur Radio antenna is not a normal, customary accessory use to residential real property, and to challenge the city’s assessment of arbitrary and excessive fees to an applicant for a Special Use Permit or Variance for an Amateur Radio antenna. Counsel Imlay has provided several memoranda of law to Mr. Landstein’s counsel.

Counsel Imlay has been in communication with attorney Fred Hopengarten K1VR on behalf of Howard Groveman W6HDG, of Poway, CA. Mr. Groveman seeks to install a 59 foot crank-up antenna support structure, and the City has an ordinance setting a maximum height of 35 feet. For any height above 35 feet, the applicant must obtain a variance from the city council. Mr. Hopengarten has provided Counsel Imlay with a draft plan and funding request, which the chair has circulated to this committee as background information only. There is no funding or committee action requested by Mr. Hopengarten at this time. There is no action pending and no litigation counsel has been retained.

The chairman received an inquiry from Don Kelley NOET, of Florissant, Missouri, in August, 2013 concerning a request he had received from subdivision trustees requesting removal of wire antennas and poles on his residential property. The chairman referred Mr. Kelley to Dan Henderson N1ND. Both Mr. Henderson and I corresponded with Mr. Kelley with some general information and suggestions that he contact a Volunteer Counsel and retain an attorney. The last communication we received from Mr. Kelley was a copy of his email sent on September 18, 2013 to an ARRL Volunteer Counsel in Columbia, Missouri, requesting the attorney’s assistance.

There are no other matters presently pending before the committee.

Cliff Ahrens

Cliff Ahrens, KØCA
Chairman

January, 2014