

**Report of the Amateur Radio Legal Defense and Assistance Committee
The American Radio Relay League
2010 Second Meeting of the Board of Directors**

Committee Members: Director Cliff Ahrens, K0CA, Chairman; Director Frank Fallon, N2FF; Vice Director Mike Raisbeck, K1TWF; Vice Director Jim Tiemstra K6JAT; Vice Director Marty Woll N6VI; General Counsel Christopher Imlay, W3KD; and Jim O'Connell, W9WU.

Committee Activities

This 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 Antenna Defense Fund.

As previously reported to the board, the committee received and approved a funding request to assist Alec Zubarau WB6X, of Palmdale, California, in litigation with the city concerning his antenna and support structure. WB6X prevailed in the trial court, which vacated the City's revocation of his tower permit. The City appealed the trial court's decision. Zubarau cross-appealed the court's denial of his request to invalidate portions of the City's Zoning Code and to declare portions of the ordinance unenforceable as preempted by Federal law. General Counsel Imlay has prepared and is filing an *amicus curiae* brief on behalf of the ARRL in support of WB6X's claims. The appeal is pending.

The committee approved funding \$5,000 to help the San Diego DX Club defeat an onerous antenna ordinance, with the understanding that materials and talking points prepared for this effort will be made available to ARRL for the use of other municipalities facing similar issues. After hearings, the Planning Commission of the City of San Diego, California unanimously recommended to the City Council that it reject an antenna ordinance that the Commission concluded was too restrictive. The Planning Commission recommended that City staff work with the Amateur Radio community to produce a more acceptable ordinance. The City has no further action calendared at this point. In support of local efforts, General Counsel Imlay travelled to San Diego to meet with local amateurs and City officials.

The committee has received a preliminary inquiry from attorney and ARRL Volunteer Counsel Fred Hopengarten K1VR, who is representing Tom Taormina K5RC in a suit against Storey County, Nevada. In the suit, K5RC seeks a declaration that portions of the county's zoning code are preempted by state and federal law, and requests that the court order the county to withdraw a stop work order and issue the requested building permits. The trial court recently denied Taormina's motion for summary judgment, noting that it could not determine whether the county had applied the ordinances in violation of PRB-1 until the radio amateur applied for a special use permit. The case is pending in the trial court. This committee will consider any request for funding which may be forthcoming.

At the Dayton Hamvention in May, 2010, Cliff Ahrens K0CA and Jay Bellows K0QB gave a presentation on the Amateur Radio Legal Defense and Assistance Committee at the Ham Radio and the Law forum and answered questions about the assistance available from the fund. This Dayton forum is moderated by this committee's member Jim O'Connell W9WU, who graciously invited Jay and I to participate in the forum and gave us the opportunity to publicize the work of the committee.

The committee is working with staff to include information about the purpose and funding guidelines of the Legal Defense Fund on the ARRL Web site.

There are no other matters presently pending before the committee.

Cliff Ahrens K0CA

Cliff Ahrens, K0CA
Chairman