

**Report of the Amateur Radio Legal Defense & Assistance Committee
2013 Annual Meeting of the ARRL Board of Directors – January, 2013**

Committee Members: Director Cliff Ahrens, KØCA, Chairman; Director Brian Milesosky, N5ZGT; Vice Director Mike Raisbeck, K1TWF; Vice Director Grant Hopper KB7WSD; 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.

One request for funding is pending. As reported to the board at the last meeting, Myles Landstein, N2EHG, a resident of LaGrangeville, NY, and an ARRL member, applied for an antenna permit for a 100-foot tower and antenna at his residence. At the request of the town, he applied for a Special Use Permit and submitted a site plan, together with a \$1300 fee. The town denied the Special Use permit, claiming that Amateur Radio antennas were not a “customary residential use” and that an area variance was required. Following the advice of the town, Landstein applied for a height variance and paid an additional \$150. The town demanded an additional payment of \$7,000 for consultant’s reviews of his application. Due to the costs, Mr. Landstein decided not to proceed. The Town nevertheless demanded \$4,403.90 for reimbursement of engineering, legal and consulting fees and threatened a deficiency assessment and lien on Landstein’s property.

Counsel Imlay advised Mr. Landstein that ARRL would not make any grant toward payment of the arrearage to the Town. Based on Counsel Imlay’s recommendation, the Committee unanimously agreed that ARRL should fund the matter up to the \$10,000 maximum permitted under the funding guidelines, if required, provided that Landstein obtains competent counsel in Counsel Imlay’s opinion, and provided that no ARRL funds are used for purposes other than reasonable and necessary legal fees and costs incurred in challenging the Town’s ordinance, on its face and as applied to Landstein, in two respects:

1. The determination that an Amateur Radio antenna is not a normal, customary accessory use to residential real property; and
2. The assessment of arbitrary and excessive fees to an applicant for a Special Use Permit or Variance for an Amateur Radio antenna.

Counsel Imlay received notice that Mr. Landstein hired a local attorney, Jon Adams from the firm of Corbally, Gartland & Rappleyea. Mr. Imlay did receive a copy of the retainer agreement between Mr. Landstein and Mr. Adams. Mr. Imlay has not received any updates from attorney Adams, but has received information that Mr. Landstein may have

had some health issues. Thus the status of the matter is unclear. None of the authorized funds have been expended on this matter to date.

Committee members Jim O'Connell W9WU and Cliff Ahrens KØCA spoke at the Ham Radio and the Law Forum at the Dayton Hamvention. Jim moderated the forum and spoke about antenna zoning and land use issues. Cliff discussed the Volunteer Counsel program and the need for additional VC's in many areas, and funding guidelines for assistance from this committee.

There are no other matters presently pending before the committee.

Cliff Ahrens, KØCA
Chairman

January, 2013