

**Report of the Amateur Radio Legal Defense and Assistance Committee  
The American Radio Relay League  
2011 Second Meeting of the Board of Directors – July 2011**

**Committee Members:** Director Cliff Ahrens, KØCA, Chairman; Director Brian Mileschosky, N5ZGT; Vice Director David Norris K5UZ; Vice Director Mike Raisbeck, K1TWF; 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 prepared and filed an *amicus curiae* brief on behalf of the ARRL in support of WB6X’s claims. Imlay also assisted Volunteer Counsel Len Shaffer WA6QHD with the oral argument before the California Court of Appeals, on November 2, 2010. On January 27, 2011, the California Court of Appeals, Second Appellate District, issued an opinion in Zubarau’s case which affirmed the trial court’s decision in part, reversed in part, and remanded Zubarau’s request for attorneys fees. The Court held that the Palmdale antenna ordinance, as it pertained to the height limit for vertical antennas, was vague and unenforceable. The Court also held that the ordinance was unenforceable to the extent that it attempted to regulate radio frequency interference, which is preempted by Federal law. But the Court held that Palmdale properly ordered Zubarau to remove his 55-foot crankup tower. The Court said that Palmdale reasonably accommodated Zubarau’s ability to participate in Amateur Radio communications when it allowed him to keep his roof-mounted antenna. There was no analysis of the “minimum practicable regulation” test in PRB-1 and the California PRB statute. On April 20, 2011, the California Supreme Court denied Zubarau’s petition for review of the court of appeals decision.

There are currently no requests for assistance or funding pending before the committee.

Committee members and ARRL staff participated in several forums concerning Amateur Radio and the law. ARRL Regulatory Information Manager Dan Henderson N1ND, Jim O’Connell W9WU and I spoke at the Dayton Hamvention’s Ham Radio and the Law forum on May 20, 2011. Thanks to Jim for the opportunity to speak at this event.

At the ARRL National Convention in Plano, Texas, ARRL General Counsel Chris Imlay W3KD, ARRL Regulatory Information Manager Dan Henderson N1ND, International Affairs Vice President Jay Bellows KØQB, and I spoke at the Antenna Restrictions forum. Thanks to West Gulf Director Dr. David Woolweaver K5RAV for the invitation to participate in this presentation. At both Dayton and Plano, I gave a little background on the role of this committee and the assistance which General Counsel Imlay and the ARRL have provided radio amateurs in recent years.

There are no other matters presently pending before the committee.

Respectfully submitted,

Cliff Ahrens, KØCA  
Chairman