

Jed Margolin  
775-847-7845

1981 Empire Rd.  
jm@jmargolin.com

VC Highlands, NV 89521-7430  
July 30, 2015

Senator Dean Heller  
324 Hart Senate Office Building  
Washington, DC 20510  
Fax: 202-228-6753

Dear Senator Heller,

This is regarding **S.1685 - Amateur Radio Parity Act of 2015** introduced 06/25/2015 by Sen. Wicker and referred to the Senate Commerce, Science, and Transportation Committee, which you are on.

S.1685 sounds innocuous. It would extend FCC Rule PRB-1 (1985) to Home Owners Associations.

SEC. 3. Accommodation of amateur service communications.

Not later than 120 days after the date of the enactment of this Act, the Federal Communications Commission shall amend section 97.15(b) of title 47, Code of Federal Regulations, so that such section prohibits application to amateur service communications of any private land use restriction, including a restrictive covenant, that—

- (1) precludes such communications;
- (2) fails to reasonably accommodate such communications; or
- (3) does not constitute the minimum practicable restriction on such communications to accomplish the legitimate purpose of the private entity seeking to enforce such restriction.

Extending PRB-1 to Home Owners Associations is a bad idea.

**A.** This is how PRB-1 works in the real world. It's not pretty. The term "reasonable" means that it will be determined in U.S. District Court by the Trier of Fact. If it is a jury trial it will be determined by the jury. If the right to a jury trial has been waived it will be determined by the Judge.

**B.** The ARRL tells the story of a young ham who put up a longwire antenna and damaged one of his mother's trees (she forgave him) and then says:

You and I have to make sure that today's youngsters will have their own stories to tell. What if their parents have bought houses in neighborhoods with deed restrictions prohibiting antennas? Those kids' interest in ham radio gained from school, Scouts, or family friends will have no way to blossom into the life-changing experience of being radio amateurs. ARRL members are working together so that both today's Amateurs and the kids who will be Amateurs in the future have the chance to operate from their homes.

(From ARRL Legislative Update Issue 9 - July 2015, which I have attached.)

**This Kid is not the face of ham radio.**

## **The face of ham radio is Tom Taormina (K5RC) in the Virginia City Highlands (where I live).**

Taormina already had seven towers (the tallest being 140 ft) when he decided he needed a 200 ft tower.

1. His property is at the entrance to the Highlands where everyone sees his towers and antennas. His towers and antennas also directly spoil his neighbors' view of our beautiful mountain scenery.
2. Storey County has an ordinance prohibiting towers greater than 45 ft. Taormina had been ignoring the ordinance for years, and for years the County had been ignoring the complaints by Taormina's neighbors.

He started putting up the 200 ft tower by pouring a concrete pad for a guy wire **on his neighbor's property**.

His neighbor (and his other neighbors) started a petition against Taormina's towers and got 106 signatures: [www.jmargolin.com/towers/comments/2008\\_july\\_petition.pdf](http://www.jmargolin.com/towers/comments/2008_july_petition.pdf)

That forced the County to finally act and they issued a Stop Work Order.

Taormina sued the County twice (U.S. District Court for the District of Nevada, Case 3:09-cv-00021-LRH-VPC and Case 3:11-cv-00645-RCJ-VPC).

In his second lawsuit he threatened to bankrupt the County and the County Commissioners personally.

There was no trial. The case was not decided on its merits by the Court.

The County's insurance company rolled over for Taormina because the County's insurance coverage for lawsuits involving County ordinances is only \$50,000. The County did not want to take the risk that if Taormina had won they would have had a huge judgment to pay, bankrupting the County.

Taormina got a new 175 ft antenna (instead of the 200 ft tower that he said he needed). His total number of towers has gone to eight from seven.

There is reason to believe that the ARRL, either directly or indirectly, gave financial support to Taormina. They refuse say whether they did or not.

If a County cannot stand up to the ARRL juggernaut what chance would a Home Owners Association have?

### **C. The Numbers:**

Radio Amateurs in Nevada = **7,646**

Nevadans who are members of Home Owners Associations = **593,895** (estimated)

**1.** According to a search today of the FCC database there are 7,646 active amateur radio licenses in Nevada. Some are radio club licenses and some radio amateurs are under 18 years of age, but let's go with 7,646.

(The FCC database is at:

[http://fjallfoss.fcc.gov/General\\_Menu\\_Reports/license\\_search.cfm?accessible=NO&wild\\_select=on](http://fjallfoss.fcc.gov/General_Menu_Reports/license_search.cfm?accessible=NO&wild_select=on))

**2.** I have not found the number of Nevadans who live in Home Owners Associations but according to the Community Associations Institute, for the entire United States in 2014 there are 333,600 Home Owners Associations with 66.7 million residents.

(<http://www.caionline.org/about/press/Documents/2014%20Stat%20Review.pdf>)

According to the U.S. Census Bureau, for 2014 the population of the United States was 318,857,056 and the population of Nevada was 2,839,099. (From <http://quickfacts.census.gov/qfd/states/32000.html>)

Therefore, on average, about 20.9% of the U.S. population are members of a Home Owners Association.

Therefore, if Nevada has the average percentage of Home Owners Associations, there are about 593,895 Nevadans who live in Home Owners Associations.

**D.** If you want see who is really the poster child for ham radio (Taormina or The Kid) I suggest you amend **S.1685** by adding the following language:

1. No rule or law restricting the height of a tower to no more than 75 ft will be considered unreasonable.
- 2.** No rule or law prohibiting a homeowner from having more than one tower per parcel of land will be considered unreasonable.

If the ARRL screams bloody murder then you will know that they are being disingenuous with you and that The Kid is a Trojan horse.

### **E. Disclosure**

In the interests of full disclosure:

1. I vote. My neighbors in the Home Owners Association vote.
2. I have been a licensed radio amateur for more than 50 years. (My callsign is WA2VEW.)
3. I have held an Amateur Extra license for over 30 years. (The Amateur Extra license is the highest class license in Amateur Radio.)
4. I am a member of the ARRL. The ARRL has never asked me if I approve of what they are doing. (I obviously don't.)
5. I have an FCC Commercial General Radiotelephone license with Ship Radar Endorsement.
6. Early in my career I worked as a professional radio engineer for WUOM, the large public radio station operated by The University of Michigan. (We were one of the founding members of National Public Radio.)
7. I have a BSE(EE) from The University of Michigan (1972).
8. I am a member of several professional engineering organizations, such as AIAA (American Institute of Aeronautics and Astronautics), AUVSI (Association of Unmanned Vehicle Systems International), and DEPS (Directed Energy Professional Society).

9. I am the named inventor or co-inventor on 19 U.S. patents in several fields.

10. When Taormina first published his technical and legal documents I was offended by his intellectual dishonesty. Since then his actions have continued to be intellectually dishonest and I am still offended by them.

11. I have been blogging this issue on my Web site since February, 2011:

[www.jmargolin.com/towers/tom\\_index.htm](http://www.jmargolin.com/towers/tom_index.htm)

It is a very long blog.

12. I am a member of the Virginia City Highlands Property Association (VCHPOA). I am not speaking for the VCHPOA. I have a personal interest in the Taormina issue because I live here, I have to see his many ugly towers and antennas when I enter or leave my community (and even when I only pick up my mail in the mail shed at the entrance to the community), and Taormina has made the rest of us hams look bad.

I hope the information I have provided has been informative and you do not allow ARRL to have the Senate extend PRB-1 to Home Owners Associations unless you amend it.

I also suggest that you have ARRL investigated. ARRL is a 501(c)(3) Organization.

1. Has ARRL given money to a political organization such as a candidate committee, political party committee or political action committee (PAC) either directly or through its lobbyists or other third parties?
2. Has ARRL funded (directly or indirectly, wholly or in part) PRB-1 lawsuits against state and local authorities?

Sincerely yours,

/Jed Margolin/

Jed Margolin  
Virginia City Highlands, Nevada



## Legislative Update – Issue # 9 July 2015

ARRL - 225 Main Street – Newington, CT 06111

Edited by Dan Henderson, N1ND, ARRL Regulatory Information Manager, n1nd@arrl.org

---

### The Amateur Radio Parity Act of 2015 Introduced into the US Senate

On Thursday June 25, Senator Roger Wicker (MS), with Senator Richard Blumenthal (CT) as initial co-sponsor, introduced the Amateur Radio Parity Act of 2015, into the United States Senate. The bill has been designated as **S 1685**, and is the companion bill to HR 1301, which was introduced into the US House of Representatives in March by Representatives Adam Kinzinger (IL) and Joe Courtney (CT) as the sponsor and initial co-sponsor. S 1685 is identical to HR 1301 and directs the Federal Communications Commission to extend to private land use restrictions its rule relating to reasonable accommodation of amateur service communications. It has been referred to the Senate Commerce, Science and Transportation Committee's subcommittee on Communications, Technology, Innovation and the Internet, which is chaired by the bill's sponsor, Senator Wicker.

“Introduction of the Senate bill is a huge step toward achieving fairness for amateurs affected by private land-use regulation,” said ARRL President Kay Craigie, N3KN. “For them and for the future of Amateur Radio, I thank everyone who contributed to making this progress. Now let's finish the job!”

To help ARRL members’ efforts to support the two companion bills, all information on HR 1301 and S 1685 has been consolidated in a single website at [www.arrl.org/amateur-radio-parity-act](http://www.arrl.org/amateur-radio-parity-act) on that page you will find:

- Text of the legislation
- A summary of what the bill would do
- Talking points to help explain the background and need for the bill
- How to contact your US Senators and US Congressperson
- A sample letter soliciting co-sponsorship of the bill to send to your elected representatives
- Where to send your signed letter for delivery
- A listing of current co-sponsors (which as of the date of this newsletter numbers 84 in the House)

All ARRL members are encouraged to contact both of their members of the US Senate as well as their member of the US House and ask for their support of this legislation. Ask them to become a co-sponsor by contacting either Mr. Kinzinger’s office (HR 1301) or Mr. Wicker’s office (S 1685). Feel free to edit the sample letter, personalizing it to fit your specific story. Once printed *and* signed, you may scan your letter and send as a PDF or attachment to an email to: [reginfo@arrl.org](mailto:reginfo@arrl.org) If emailing your letter, please include the phrase “Grassroots Support letter” in the SUBJECT field to help in processing at ARRL. You may also send your letter via the US mail to: ARRL, Grassroots Letter Campaign, 225 Main St, Newington, CT 06111.

Please help get the word out to other ARRL members in your area as well as to ARRL affiliated clubs. Don’t underestimate the importance or value of every letter sent to your elected officials. When ARRL officials walk into an office on Capitol Hill and hand over a stack of letters from the “folks back home”, it helps get the story across. YOU make the difference. Get involved and active in supporting The Amateur Radio Parity Act!



## Legislative Update – Issue # 9 July 2015 – page 2

---

### A message from ARRL President Kay Craigie, N3KN

My friend John Thomas, W3FAF, now a Silent Key, used to tell a funny story about being a ham as a young boy and operating from his upstairs bedroom. He ran a wire antenna out the window and fastened it to his mother's favorite tree. Unfortunately, he didn't do it the right way and damaged the tree. "That," he said with a wry smile, "didn't go over very well." What tales, tall or otherwise, have you heard about the adventures of young people learning to be hams? Maybe you have told some of those stories about yourself.

You and I have to make sure that today's youngsters will have their own stories to tell. What if their parents have bought houses in neighborhoods with deed restrictions prohibiting antennas? Those kids' interest in ham radio gained from school, Scouts, or family friends will have no way to blossom into the life-changing experience of being radio amateurs. ARRL members are working together so that both today's Amateurs and the kids who will be Amateurs in the future have the chance to operate from their homes.

Many visits have been made to the offices of Senators and Congressmen on behalf of H.R. 1301 and S 1685 by members of the ARRL Board and ARRL Headquarters Staff. ARRL Section Managers have encouraged members to speak out. ARRL members around the country have talked with your elected officials in their home-district offices and town hall meetings. This is a full-team advocacy effort.

A key lesson we have learned comes from blunt comments made to ARRL visitors by the staff in some offices on Capitol Hill. Why, we are asked, should the Congressman care about this issue unless he is convinced that his constituents care about it? This question doesn't come up when we walk into an office and hand over a stack of letters from ARRL members in the home state or district.

For example, Delaware's single Congressman became a co-sponsor right away when about 50 letters were delivered to his office. That represents over 10% of the ARRL membership in Delaware, the result of a determined grass-roots effort. Earlier this year, I visited a North Carolina Congressman's office and got a friendly reception – but no co-sponsorship. More recently, another ARRL person followed up at the same office, with the same staff member, but with about 40 letters in hand. The Congressman became a co-sponsor.

We often hear that politicians do not listen. I'm here to tell you that on this issue, they do. This is bi-partisan legislation – a rarity in Washington these days – that is a matter of simple fairness. Senators and Congressmen of all political philosophies get that message. Or rather, they get the message if members will send it to them over our signatures. We need constituent letters, a lot of them, and we need them now. If you have already written your Congressman, write to your Senators. Explain to your friends and fellow club members why it's important for them to do it, too, even if antenna restrictions are not a problem for them, personally.

John, W3FAF's mother eventually forgave him about the tree. He grew up to become an engineer and one of the most skilled, most generous-spirited amateurs who ever graced the bands. Let's get this legislation done not just for ourselves now, but for Amateur Radio in the future and the kids whose lives it will change.

73,

*Kay Craigie*

Kay Craigie N3KN  
President, ARRL



**A word from ARRL CEO David Sumner, K1ZZ**

“If you co-sponsor, then I will feel my ongoing donations to your campaigns are justified. If not...”

As constituents, we expect our elected representatives to listen to us whether or not we voted for them or contributed to their campaigns. Of course, we are more likely to contribute to a candidate’s campaign if we think he or she will do what we want once elected or returned to office.

But there’s a problem with tying a campaign contribution to a specific action by a government official. A big problem... It’s illegal.

Title 18 of the U.S. Code, Section 203(a)(2), provides for stiff fines and even prison terms for anyone who “knowingly gives, promises, or offers any compensation for any such representational services rendered or to be rendered at a time when the person to whom the compensation is given, promised, or offered, is or was such a Member, Member Elect, Delegate, Delegate Elect, Commissioner, Commissioner Elect, Federal judge, officer, or employee.”

With Washington awash in big-money campaign contributions it may be hard to believe that your \$50 could lead to such trouble if you simply say the wrong thing, but here’s a more likely scenario: a letter or email implying that co-sponsorship will lead to a future campaign contribution will be treated as toxic by a Congressional office and will result in the exact opposite of what was intended. What Congressman is going to agree to co-sponsor a bill if there’s such a paper trail?

So, write your Congressman and Senators asking for their co-sponsorship of the Amateur Radio Parity Act. Write to thank them when they do. And contribute to their campaigns if you choose to do so as an individual (the ARRL itself is absolutely prohibited from participating in or contributing to any campaign for political office). But keep the two entirely separate.

That’s the law.

---



## Legislative Update – Issue # 9 July 2015 - page 4

---

### How YOU can get involved

We have an important issue to sell and a compelling story to tell. But ARRL leadership can't do it alone. *It takes every member of the ARRL to become involved in order to give a complete and accurate picture of what the Amateur Radio Parity Act is about.* We at ARRL need YOU to get involved! There are numerous ways in which ARRL members can get active:

**Direct Engagement** - Congress is scheduled to be in recess during the month of August. That means your elected officials will be home. Encourage your club to put together a small group of leaders and try to schedule a meeting with your members of the US House and US Senate. Invite them to attend a club meeting. If they agree, spread the word to make sure you have a good crowd – and a good program to tell the story of Amateur Radio. Many members will hold a “town meeting” while home in district. Attend – and be heard! You are their constituents and your voices matter!

**Have a “letter party” at your next club meeting** – Bring copies of letters to all three of your officials (one in the House, two in the Senate) that are already addressed. Have each club members add their personal name, address and signature to a letter to each individual. Make sure you have enough copies of each letter so each individual can sign their own letter. Remember that in many cases there may be more than one member of the US House in an area. If you need assistance in locating the names and addresses of the members of US House and Senate, you can find them on the ARRL Web at <http://www.arrl.org/contacting-your-congressional-representatives> or at the US Congress's website at <http://www.house.gov/> (look in the upper right corner to input your zip code). Once you have those signed letters, mail them to the ARRL who will collate them and get them to DC for hand delivery.

**Email, Website comments or Phone call** – Though easier, these are not as effective as writing a letter or a face-to-face meeting. But again, the goal is to make your voice heard. Every member of Congress (both House and Senate) has a website where constituents can get information or, more importantly, contact them. If you use this forum for expressing your voice, have the thoughts and comments you wish to make written down in front of you before making the call or logging into the website. Be courteous, make your points, and be brief. *And don't forget to thank them for considering your point of view on the issue.*

Grassroots politics is about you – the individual – making your voice heard. It requires a good deal of preparation and effort to achieve the end results. To get to the ultimate goal of getting the Amateur Radio Parity Act enacted into law each ARRL member must utilize their time, talent and skills in a concerted effort keeping our focus on the end result.

**Be empowered! Get Involved!**

---