

Qualified LPFM Applicant and Established Community Presence

Clinton County Amateur Radio Association (“CCARA”) the applicant here for a construction permit for a new low power FM (“LPFM”) station to serve Wilmington, Ohio, was registered with the State of Ohio as a domestic nonprofit corporation on July 10, 2022. See attached State of Ohio Certificate (with Initial Articles of Incorporation). Also, as documented by the attached letter from the Internal Revenue Service, CCARA has been determined to be exempt from federal income tax under Internal Revenue Code Section 501(c)(3).

Prior to its nonprofit corporation registration with Ohio on July 10, 2022, CCARA was established as an “unincorporated nonprofit association” which is recognized under Ohio statute as an “entity.” Specifically, Section 1702.01 of the Ohio Revised Code, Chapter 1702 Nonprofit Corporation Law at Section 1702.01(R)(3)(e) states that “ ‘Entity’ means any of the following:....An unincorporated nonprofit association.” See [Link to Ohio Revised Code Section 1702.01](#). Likewise, under Ohio Revised Code Section 1745.05 of Chapter 1745-Uniform Unincorporated Nonprofit Association Act, “ ‘Entity’ means any of the following: (a) An unincorporated nonprofit association existing under the laws of this state or any other state;...” See [Link to Section 1745.05 of Ohio Revised Code](#). Subsection M of Section 1745.05 specifies that: “ ‘Unincorporated nonprofit association’ means an unincorporated organization, consisting of two or more members joined by mutual consent pursuant to an agreement, written, oral, or inferred from conduct, for one or more common, nonprofit purposes.” Section 1745.08 confirms that “the following apply to an unincorporated nonprofit association: (A) It is a legal entity distinct from its members and managers.” See [Link to Section 1745.08 of Ohio Revised Code](#).

By way of background, as documented by the attached newspaper clipping from 1962 titled “Amateur Radio Group Formed” (from clippings kept by an Association member), the first meeting of CCARA was held decades ago.

CCARA’s establishment as an “unincorporated nonprofit association” dates back – at a minimum – to October 1, 1992, when CCARA’s Constitution and By Laws was adopted at the October 1992 Association meeting. See attached Constitution and By Laws adopted October 1, 1992; CCARA Meeting Minutes of October 1, 1992 (adopting Constitution). That adopted Constitution documents that, no later than October 1, 1992, the Association’s “members joined by mutual consent pursuant to an agreement, written, oral, or inferred from conduct, for one or more common, nonprofit purposes” as specified in the Ohio Revised Code to establish an “unincorporated nonprofit association.” The current version of the Association’s written Constitution and By Laws, as ratified by its members, is dated June 17, 2020 (copy attached).

The Ohio Revised Code, at Section 1702.8, expressly provides for the *optional* transition of an unincorporated association to an incorporated corporation by the filing of articles of incorporation. See [Link to Section 1702.08 of the Ohio Revised Code](#). Upon such optional transition, the Ohio Revised Code provides that “All the rights, privileges, immunities, powers, franchises, and authority, and all the property and obligations of that unincorporated society or association, shall thereupon pass to, vest in, and (in the case of liabilities and obligations) be obligations of the corporation so formed.” See Section 1702.08(B).

In sum, as expressly provided for by Ohio statute, CCARA has existed as an entity recognized by the laws of Ohio – namely, as an unincorporated nonprofit association – at least since the official adoption by its

members of the Association's Constitution and By Laws on October 1, 1992, with CCARA's entity status having transitioned to an incorporated nonprofit corporation as of July 10, 2022.

As an entity recognized by Ohio statute dating back more than two years before the submission of this application, it is respectfully submitted that CCARA qualifies for a point under the Established Community Presence factor.