

FREEDOM OF INFORMATION ACT REQUEST

10/5/2006

To: Illinois Department of Financial
and Professional Regulation
500 E. Monroe, Ste. 200
Springfield, IL
62701-1509

Requestor: Donald G Schlesak
c/o Crystal Reporter
PO Box 695
Burlington, WI
53105

Certified USPS Mail No. 7003 310 0005 6003 1677

Re: "Exercise of religion" regarding the use of the SSN as an identifier

Nondenominational or independent Christian individuals, members of various organized religious groups, sects, orders or denominations have equal rights to hold bona fide religious convictions against using the Social Security Number (SSN) or similar number as an identifier. Demonstration for the basis of such convictions are numerous and well documented for nearly two millennia.

Publications which document and discuss such convictions as well as the diverse company which holds to these convictions as an exercise of religion are abundant. The Illinois Religious Freedom Restoration Act assures that the individual's rights are protected exclusive of association to any compulsory or centralized system of religious belief.

775 Ill. Comp. Stat. 35

Illinois Religious Freedom Restoration Act

"Exercise of religion" means an act or refusal to act that is substantially motivated by religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.

Sec. 15. Free exercise of religion protected. Government may not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, unless it demonstrates that application of the burden to the person (i) is in furtherance of a compelling governmental interest and (ii) is the least restrictive means of furthering that compelling governmental interest.

Laws governing the use of the SSN as an identifier have implicit authority to allow for religious exemption so as not to deny the inalienable rights of Americans. No American can be forced to apply for, accept, or use an SSN as an identifier for the purpose of licensing.

Procedures and remedies have been enacted by various businesses and governmental agencies to demonstrate that the use of the SSN as an identifier is NOT "the least restrictive means of furthering that compelling governmental interest". Other methods exist within State departments which accommodate the "furtherance of a compelling governmental interest", without burden to the State, such as, Subpart H Section 1450.320 of the Real estate License Act of 2000, Joint Committee on Administrative Rules: Administrative Code Title 68, Chapter VIII, along with the ability to assign other numbers in lieu of the SSN, as demonstrated by the Illinois Secretary of State.

In consideration of Article 1 of the Illinois Human Rights Act, 775 ILCS 5/1-102 (Q) denying any individual with bona fide religious convictions equal access to the Law or provisions for licensing is "Unlawful Discrimination".

FREEDOM OF INFORMATION ACT REQUEST (cont.)

10/5/2006

With this as the basis for understanding my query:

1. This is a formal written request under the Freedom of Information Act, 5 USC 552 and appropriate regulations.
2. Send a copy of the law governing Real Estate licensing in Illinois mandating the use of the Social Security Number as identification for a Real Estate license or license application. If none exists, please state: "Item 2 - Does not exist."
3. Send a copy of the law governing Real Estate licensing in Illinois that allows for religious exemptions regarding the use of the Social Security Number as identification for a Real Estate license or license application. If none exists, please state: "Item 3 - Does not exist."
4. Send a copy of the rule, criteria, instructions, and procedures for accommodation of Real Estate License applicants that have religious convictions not to use an SSN for identification. If none exists, please state: "Item 4 - Does not exist."
5. Send a copy of all of the criteria used to reject this type of applicant for reason of failure to comply with the administrative rules of your department. If none exists, please reply "Item 5 - Does not exist."
6. The copies must be clean and legible where all alphanumeric characters can be easily read.

I promise to pay fees and costs for locating, duplicating, and reviewing the documents requested above. I make this request in the classification of "other requestor". If costs are expected to exceed \$20.00, please forward to me an estimate of costs.

The information requested will provide to me knowledge and understanding of the rules and regulations of the department used in accommodating individuals with religious convictions concerning the use of the SSN.

I understand the penalties provided in 5 USC 552(a)(1)(3) for requesting or obtaining access to documents or records under false pretenses.

Sincerely,



Donald G Schlesak

cc: Suzie Bassi	Illinois State Representative
Daniel E. Bluthardt	Director
Michael P. Farris, Esq.	Attorney, HSLDA
Ron Hardgrove	Chairperson, R.E. Admin. & Disciplinary Board
Christopher J. Klicka, Esq.	Attorney, HSLDA
Dean Martinez	Secretary
Judith McConville	Member, R.E. Admin. & Disciplinary Board
Hae D. (Paul) Park	Member, R.E. Admin. & Disciplinary Board
Patrick Sharpe	Member, R.E. Admin. & Disciplinary Board
Tony Sherman	Member, R.E. Admin. & Disciplinary Board
Carol Shields	Member, R.E. Admin. & Disciplinary Board
J. Michael Smith, Esq.	Attorney, HSLDA
Scott W. Somerville, Esq.	Attorney, HSLDA
Walter T. Son	Member, R.E. Admin. & Disciplinary Board