**Section 200.310 Request for Non-Binding Statements**

a) Required information and format

1) All requests for non-binding statements shall be in writing. The request shall be filed with the Department and shall contain the following:

A) a brief summary of the Sections of the Act and of the Sections of this Part to which the request pertains;

B) a detailed factual representation concerning every relevant aspect of the proposed transaction, event or circumstance. Requests should be limited to the particular situation and should not attempt to include every possible type of situation which may arise in the future;

C) a discussion of current statutes, rules and legal principles relevant to the facts set forth;

D) a statement by the person requesting the non-binding statement which states the person's own opinion in the matter and the basis for such opinion;

E) a representation that the transaction in question has not been commenced or, if it has commenced, the present status of the transaction; and

F) at the option of the submitting party, a request for confidential treatment, such as alteration of listed monetary amounts and identity in the public index maintained by the Department under subsection (c)(1).

2) The Department will not respond to requests for non-binding statements involving the anti-fraud provisions of the Act.

3) The Department will not respond to requests for non-binding statements with respect to transactions which have already taken place.

4) The Department will not respond to requests based upon hypothetical facts or involving unnamed parties.

b) Review procedure under the Act

1) The Department's review of requests for non-binding statements requires an in-depth examination of the information presented and the applicable law. Therefore a considerable time period may elapse before the statement is issued.

2) After a review of the relevant facts presented, in light of existing judicial, legislative and administrative history, the Department shall either decline to issue any findings or issue its finding as to the applicability of the Act to the situation presented in the form of a non-binding statement, stating that it will or will not recommend that enforcement action be initiated against the parties involved if all the facts are true and complete. Facts or conditions different than those presented will require different conclusions and persons other than those requesting the statement should not rely on the statement. Non-binding statements do not have precedent value.

c) Availability of non-binding statements issued by the Department

1) The Department will maintain an index by statutory Section(s) involved and chronologically of all non-binding statements issued.

2) Copies of such statements can be reviewed in the Department's Springfield office and copies thereof obtained upon payment of the cost of duplication as set forth in 2 Ill. Adm. Code 901.80.