

# FREEDOM FROM RELIGION *foundation*

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July 20, 2020

**SENT VIA EMAIL & U.S. MAIL:**  
**health@publichealthmdc.com**

Janel Heinrich  
Director Public Health Madison & Dane County  
210 Martin Luther King Jr. Blvd.  
Room 507  
Madison, WI 53703

Re: Dane County must enforce its public health orders

Dear Director Heinrich:

I am writing to you on behalf of the Freedom From Religion Foundation (FFRF). FFRF recently sent a letter to your office requesting that a small portion of Public Health Order #8 be modified to ensure it treats all organizations equally regardless of religion. This letter is a request, on behalf of the hundreds of FFRF members in Dane County, that the Department of Public Health Madison & Dane County (PHMDC) also enforce Public Health Order #8 equally as to local businesses, regardless of the personal religious beliefs of their owners.

Local residents contacted FFRF to report that Helbachs Coffee Roasters + Kitchen in Middleton, Dane County, has been openly defying Dane County's public health orders by declaring themselves a "Mask Free Zone," belittling customers, including small children, who enter while wearing masks, and refusing to space out their seating to comply with social distancing regulations. We understand what while the original sign declaring the shop a "Mask Free Zone" has since been taken down, the shop is still refusing to require customers to wear masks upon entry and has not posted PHMDC's "Workplace Requirements for Employers and Workers" in a prominent location as required under Dane County Public Health Order #8.

We request that PHMDC exercise its authority under Section 10 of Public Health Order #8 to fine Helbachs Coffee Shop if it remains in violation of the order. We further ask that if, upon being fined, the shop still refuses to comply with the order, that its food and drink licence be suspended.

Businesses that refuse to abide by PHMDC's public health regulations risk the health of everyone in their communities. Additionally, if Helbachs Coffee Shop is profiting from its noncompliance with Public Health Order #8, failing to enforce the order in this instance will put responsible coffee shops at a competitive disadvantage for obeying the law and protecting their customers. For the health and safety of Dane County residents, PHMDC must enforce Public Health Ordinance #8 against all businesses that refuse to comply with its mask mandate.

This enforcement must include businesses whose owners claim that the mask mandate violates their deeply held personal religious beliefs. Coronavirus does not make distinctions between individuals based on their beliefs, to be effective in combating the virus, PHMDC must do the same, as it is authorized to do by law. *See State v. Neumann*, 348 Wis. 2d 455, 516, 832 N.W.2d 560, 592 (2013) ("the constitutional freedom of religion is absolute as to beliefs but not as to the conduct, which may be regulated for the protection of society.").

Please ensure that Public Health Order #8 is being adequately enforced in this instance. Thank you in advance for your time and attention to this matter.

Sincerely,



Dante CH Harootunian  
*Patrick O'Reiley Legal Fellow*  
*Freedom From Religion Foundation*