

March 24, 2015

The Honorable Ralph Ostmeyer and Members of the Federal and State Affairs Committee,

My name is Jon Meyers of Olathe and I'm an owner in "The Original Beer Garden" at the Kansas State Fair. Our venue has long been a staple at the Fair and we've made significant investments in it over the years to make it a desirable place for fairgoers to attend. Operated by my aunt and uncle, Mark and Lil Youngers, since 1981, it's now owned through a partnership between myself and their daughters, Tammy Smith, Valley Falls, and Kari McBride, Andover.

Today I'm here on behalf of our family business, Youngers Concessions, LLC, to testify in favor of House Bill No. 2385. This bill is a simple one – merely changing the word "one" to "a," in effect giving the Kansas State Fair the power to determine how best to allocate permits for the sale of adult beverages during the Fair. Such a change will end the legislative monopoly that's been granted to our competitor operating across the road.

Since our inception, we have only offered 3.2% beer, as that is all we are currently licensed to do. However, this has become a limitation for us because our customers want more choices in beer and wine, and we don't have the opportunity to provide other options because this body has in place a restrictive law that unfairly limits our options in the marketplace, while affording all rights to one specific vendor.

This vendor is the Wine and Beer Garden, a business that's operated for a much shorter duration (I believe about 9 years) and was initially established on the premise that they'd showcase only Kansas wines and promote Kansas agriculture. Yet they've expanded far beyond just serving Kansas wines and they serve a wide array of different beers, many of which can only be purchased in 6.0% alcohol.

This unjust exclusivity for the Wine and Beer Garden - which sits directly across the street from our business - exists not because the Fair has themselves chosen to grant this to them alone, but because the current law was specifically written to only allow the issuance of ONE temporary 10-day permit during the fair. So certain is it that the LONE permit will be granted to the Wine and Beer Garden that the application I filed with the ABC this year in request for that lone permit was actually given to me pre-populated with the address of the Wine and Beer Garden! Needless to say, the permit I requested from ABC has not been granted to Youngers Concessions, LLC, and without this change of law, I am quite certain that LONE permit will again be issued solely to the Wine and Beer Garden business for the 2015 Fair year.

This unfair concession to the Wine and Beer Garden has impacted our ability to remain competitive and meet the needs of our customers. I need to be able to expand my lineup of beers and would like to be able to offer a wine option as well.

This is why I stand before you today. Current law is biased to one vendor at the expense of my business and the customers we serve. I am asking for a vote in favor of a level playing field and fair competition. The decision as to who is allowed to serve strong beer and wine at the Fair should be put in the hands of the Fair Board and those it designates to decide such matters. The Fair Board and Kansans who attend the Fair should not be limited by a law that unjustly serves the interest of one.

A vote in favor of HB 2385 is a vote to remove the government from picking a winner and a loser and finally offers the Fair Board the opportunity to decide how best to serve the needs of fairgoers instead of permitting a monopoly by one vendor.

Thank you for your thoughtful consideration of HB 2385. Please feel free to contact me at [meyersfamily494@yahoo.com](mailto:meyersfamily494@yahoo.com) or at [913-485-1950](tel:913-485-1950) with any questions or suggestions you may have on this issue.

Respectfully,

Jon Meyers  
Owner, Youngers Concessions, LLC