

Hello,

My name is Jonathan Eikenberry. I am the recent owner of Rapid Fit Health Club, LLC, a small fitness center business in Liberal, Kansas. I am writing to share my concerns on how Governor Kelly's various stay-at-home orders and her "Ad Astra: A Plan to Reopen Kansas", have financially (and unfairly) impacted my business. I believe these orders and plans unfairly pick which businesses get to operate and which do not, without any real evidence of protecting public health. I believe the virus is a public health danger, and I agree with the advice of social distancing, washing hands, sanitization, mask wearing and other personal protective measures - I practice them myself. I can even see the wisdom in limiting large groups of people. However, I do not agree that the complete shutdown of certain businesses (many of them small and local) is necessary to protect public health. This needs to end! We all need to be allowed to reopen and begin contributing to our families, our employees and their families, and our communities. We can do this, and protect public health!

Throughout this entire pandemic, nearly every big box store has been allowed to operate, along with select merchants, such as liquor stores and restaurants, to a degree. In the big box stores especially, crowds of people regularly shop and spend money, and while there have been efforts made to encourage social distancing and personal protection, it really looks like business as usual. If the goal of the Governor's orders and plans is to slow the spread of the virus, allowing crowds of people into these big box stores, but forcing much smaller businesses to completely close, makes absolutely no sense at all. I can protect my members just as good, if not better.

While these businesses have been making money, I have not. For my business, I initially had to limit the number of members allowed in the gym. Then I was forced to close my doors. Since March 28, 2020, I have been closed and have had to suspend all membership fees, and have also had many people cancel memberships. Over the course of reduced operations and forced closure, I have lost in excess of \$70,000.00. That hurts, but it's not just about the money either. It's about providing a place for people to exercise and improve their health and well-being. For many of our members, this service is essential to managing their daily stress and maintaining mental and physical health.

Despite being forced to close by Governor Kelly, I have continued to pay my employees. I have continued to pay my taxes. I have continued to pay my utilities. These obligations did not go away, even though my income did. I was hoping to reopen in Phase 1 of the Governor's plan, and was extremely disheartened when I heard that I was one of the few businesses unfairly forced to still remain closed. The rationale of keeping my business closed (and other fitness businesses, salons, movie theaters, etc.) made even less sense when the stay at home order went away, and people were even more free to frequent the businesses favored by Governor Kelly.

I truly feel the Governor has violated my constitutional right to "equal protection". My business is being singled out and treated unfairly compared to other businesses. How is it equal to allow crowds of people into the big box businesses for the entire pandemic, but keep my much smaller location closed? How is that protecting public health more? I get she is trying to protect public health - I also want to protect public health, and I can do that and still operate my business - both things are possible! Now the Governor has randomly added another phase which is still more restrictive for my business than most others, and still without evidence that I pose more of a danger to public health - it's ridiculous and absolutely unfair! I've made it work so far, but I would just like you to know that as a new small business owner, it's becoming extremely hard to survive. All I want is to be open, just like every other business. Please, lift these needless restrictions and let ALL of us get back to work.

Thank you,
Jonathan Eikenberry