

EX. 1

UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS
TOPEKA DIVISION

FRESH VISION OP, INC., et al.,

Plaintiffs,

v.

MARK SKOGLUND,
Executive Director, Kansas Governmental
Ethics Commission, et al.,

Defendants.

Case No. 24-cv-_____

DECLARATION
OF
JAMES G. MUIR
PRESIDENT
FRESH VISION OP, INC.

I, James G. Muir, hereby declare that:

1. I am an adult and competent to make this declaration.
2. I reside in Overland Park, Kansas.
3. Fresh Vision OP, Inc. was created as a nonprofit tax-exempt Kansas 501(c)(4)

corporation in February 2021 by myself and other Overland Park community members for the major purpose of preserving the quality of life in and around Overland Park by promoting wholesome neighborhoods, small-business economic growth, public safety, and responsible land development.

4. I have been Fresh Vision's President since its creation.

5. Fresh Vision's members are farmers, teachers, business owners, social workers, doctors, and other community members. We have diverse backgrounds, religions and political affiliations

We set all of that aside to advocate for the good of our community.

6. Fresh Vision promoted our mission with public advocacy and community education initiatives, initially investing a little more than \$3,000 to maintain our quality of life in Overland Park.

7. Fresh Vision officers and members attended community events to advocate for the organization's goals, distributed flyers and other materials to educate the public about issues that were important to the organization. It furthered these advocacy and educational efforts on its webpage with additional information.

8. On or about July 2021, Fresh Vision endorsed Overland Park mayoral candidate Dr. Faris Farassati, sent materials promoting his candidacy to voters by U.S. mail, and promoted his candidacy on Fresh Vision's webpage because Dr. Farassati committed to pursue public policies that aligned with Fresh Vision's goals.

9. Immediately after Fresh Vision endorsed and promoted Dr. Farassati's candidacy, Defendants sent me and Plaintiff Chengny Thao a letter ordering us to register Fresh Vision as a political committee, threatening large fines and imprisonment if we did not comply with Kansas campaign finance laws.

10. Fresh Vision is not a political committee. We did not want to register it as a political committee because of the mandatory disclosure and reporting requirements.

11. Defendants brought an official enforcement action against Plaintiff Chengny Thao and I to compel our compliance with Kansas campaign finance laws with threats of large fines and imprisonment.

12. Defendants asked why we were willing to spend so much time and money resisting them when we only had to file some "paperwork." The answer is: Chengny Thao and I have principles and we believe that a person should stand for them. Because we knew we were not a political

committee and out of fear of retaliation against our financial contributors, due to the level of political animosity Fresh Vision faced from Overland Park city councilmembers, we refused to complete the Defendant's ongoing and burdensome "paperwork." Defendants cannot be allowed to unlawfully coerce people to either submit to their onerous "paperwork" and expose their supporters to retribution or just shut up about issues important to the community.

13. Subsequently, because of Defendants' procedural due process mistakes, Defendants dismissed the charges against me and Chengny Thao.

14. Defendants did not admit that they mistakenly applied Kansas law to me, Chengny Thao, or Fresh Vision.

15. Neither Fresh Vision, Chengny Thao, nor I admitted to any violation of Kansas law.

16. After the charges were dismissed, Fresh Vision's members and officers made the decision to suspend operations of the organization because of fear of further government interference with its mission and possible prosecution of me, Chengny Thao, and Fresh Vision's members.

17. Because of ongoing issues of community concern, Fresh Vision's officers and members want to begin pursuing Fresh Vision's major purpose again and pursue it indefinitely through the future with the same public advocacy and community education initiatives it used in 2021.

18. Through our website, direct mail, and community organizing, Fresh Vision intends to begin to begin raising community awareness *immediately* about ongoing explosives blasting; local hotel, neighborhood, retail, and other residential development projects; development projects supported by additional sales taxes; and the expansion of the local arboretum into an event center.

19. To finance these efforts, Fresh Vision must begin fundraising *immediately*, but will only be able to do so if its contributors can remain anonymous.

20. No candidate for public office or a candidate's committee has ever or will ever control Fresh Vision.

21. No local election is pending this year.

22. No Fresh Vision officer or member has any desire to make the organization a political committee.

23. Express advocacy has not, is not, and never will be the major purpose of Fresh Vision.

24. Fresh Vision will periodically engage in express advocacy in the future.

25. Fresh Vision will contribute or spend an aggregate of \$100 or more within a calendar year on express advocacy when that activity serves its purposes.

I declare under penalty of perjury that the foregoing is true and correct.

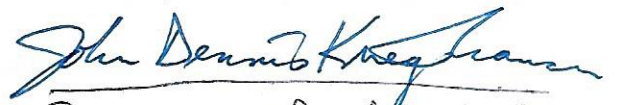


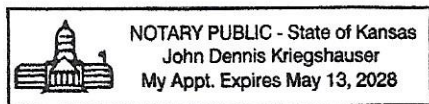
Executed on June ¹⁴ X, 2024


JAMES G. MUIR
President
Fresh Vision OP, Inc.

State of Kansas
County of Johnson

Signed before me on June 14, 2024, by James G. Muir.


Signature of notarial officer
Notary Public
Title of office



My Commission Expires May 13, 2028