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August 23, 2019

To Whom It May Concern:

In February of this year, 907 Promo, LLC, purchased the land and structure at MP 1313.8 Alaska Hwy, in Tok, AK with the intent of opening a marijuana retail store at that location, named "Token Up."

Tok, Alaska is a census designated place (CDP) in the Southeast Fairbanks Census area. The total landmass of the CDP is 132.3 square miles and the 2010 Census accounted for a total of 1258 people living within the entire CDP. Tok has no local government and is situated more than 50 miles away from the nearest local government.

Completing application requirements in pursuance of a marijuana retail license has proven to be quite a challenge in this unique location, especially with respect to providing public notice.

The Publishers Affidavit and MJ-08 were the most challenging and cumbersome to produce, leading to substitutions for each.

After initiating their application the Token Up retail license, 907 Promos published public notice in the Fairbanks Daily Newsminer, which appeared to have general circulation in Tok, being sold at the gas station, grocery store, etc. After turning in the publisher's affidavit and proof of publication, applicants were notified that the Fairbanks Daily News does not in fact meet the requirements to be considered a newspaper of general circulation in Tok. As there is no other newspaper which has "general circulation" throughout Tok, applicants were redirected to utilize radio advertisement to meet public notice advertisement requirements. After identifying the four radio stations which broadcast in the Tok area, applicants were denied the ability or opportunity to advertise or provide public notice through their airwaves. Two of four radio stations are operated through the University of Alaska system and receive federal funding; as such they declined to air content having anything to do with marijuana. One of the four radio stations is based out of Canada and does not have any advertising at all on their signal. The remaining radio station is owned, operated, and hosted by iHeartRadio, who upholds a company policy prohibiting advertising any business in the cannabis industry. Seemingly out of options, licensees were able to gain approval from AMCO to provide public notice through unconventional means- by mailing public notice to each and every PO Box in Tok once a week for three weeks. Residents do not use home addresses for mailing or have mailboxes within their community so this should have covered everyone living in or around Tok.

Received by AMCO 8.23.19

Receipts from the printing, envelope production, envelope stuffing, and postage for the mail outs have previously been submitted with this application.

The next challenge was with the MJ-12, which had to be substituted for the MJ-08, there is no local government in or around Tok to provide notice to. Rather than provide notice to the local government, applicants were tasked with garnering support for the issuance of their license from the local community and demonstrating support by gathering signatures on a petition in support of their application from 2/3 of the residents within 5 miles of the post office who are aged 21 years or older.

In our applicants first attempt to meet the MJ-12 requirements they collected 322 signatures which appeared to be just greater than the 2/3 majority required as presented in our first methodology and calculations. As there is no published data quantifying the number of residents 21+ within 5 miles of the post office, the estimate was computed using ratios of land mass to population. After submission to AMCO, vetted and accepted 280 of the signatures. Additionally, we were redirected to use the 2010 census numbers, not the more recent population estimate reflected on another demographic website. Further, the methodology of using a land mass based ratio to determine population estimate was rejected as it appeared to underestimate population in the more densely populated region of the Tok CDP. Our applicants knew they needed to gather additional signatures, but the question of how many remained unclear. After the first kick-back, the directive given by AMCO was to figure out how many homes were within the five mile radius and to use the average number of people per household to determine estimated population. So began- or restarted- the challenge of figuring out how many households and how many residents resided within that five mile radius.

During the petition process, applicants utilized Google Earth to superimpose a 5 mile radius around the post office. Then they used Google Earth and Google Maps to subdivide that land mass into grid sections. They printed off each grid section to provide a "current map" of Tok. Applicants drove up and down every street and driveway identified from the ground, satellite, or sky, knocking on doors to gain support and collect signatures. They made notations on the physical print outs indicating where it was obvious that a home was abandoned or unoccupied, where they were able to gain support, where they were unable to gain support, and where no one home and they would need to return. When asked if the household count from our applicants map would be acceptable, we were denied. According to licensing, if the data was collected by our applicants it would then have to be further verified and authenticated by another reputable source. If we had that source we wouldn't need their notated map. AMCO licensing advised that where this issue has presented in other regions, applicants were able to zoom in on Google Earth and simply count roof tops. The number of roof tops could then be multiplied by the average number of occupants per household to determine approximate population within the area of question.

Upon recommendation and endorsement by licensing to use this approach, a technician was retained to physically pin drop every single roof top within the five-mile radius surrounding the post office. There were 877 roof tops identified within the specified area. When multiplying by

a factor of 2.39 (population density we were asked to use) the end result was clearly disproportionate and magnified. This methodology yielded an estimate of 2096 residents within the five mile radius. Since the entire population of the entire TOK CDP was only 1223 in 2010, there clearly could not be 2096 residents in a substantially smaller area. The next directive given was to disregard rooftops that were clearly not residences. Each and every business within the radius was identified and labeled. Sheds, detached garages, hangars, and auxiliary buildings were relabeled, leaving 283 obvious "known residences." Applying the "residents per household" multiplier to this rooftop count yielded 676 residents within the five mile radius. This figure is even smaller than using the land mass based ratio of residents in round 1. While our applicants had gone out and collected an additional 74 signatures, it was still a mystery as to their target number as parties could not identify nor agree upon a reasonable or valid estimate of residents within the five mile radius.

A meeting was held between applicants, legal representatives, licensing examiners, and Ms. McConnell. During this meeting, four different methodologies for estimating the population within the 5-mile radius were discussed- each presenting with its own logical fallacy or arguable invalidity. At the end of the meeting there was no actual agreement about which methodology or figure to use, but an understanding that whichever figure was used and presented after the next round of signature collection would be forwarded to the board for consideration and review. Using the CDP population information presented by AMCO and the methodology first presented to licensing, signatures were again tallied and another MJ-12 was prepared for submission. Before it was submitted, however, Director McConnell was able to reach out to the state demographer and enlist his support in identifying the missing variable-and finding the magic number: how many people can reasonably be believed to live within the five mile radius? How many signatures do the applicant really need to collect? At this point the applicants had spent hundreds of hours going door-to-door, driving up and down roads and trails, collecting signatures in public places, and enlisting the support of locals to help with same.

In an email received 8/12/19, Ms. McConnell explains that the data she was presented with indicates that a total of 579 signatures would be required to demonstrate 2/3 majority support as the demographer estimated 869 people who were 21 or older were living within the 5-mile radius.

After collecting the 622<sup>nd</sup> total signature on 8/18/19, another MJ-12 was being completed when it became evident that even the state demographers numbers are invalid and present a logical fallacy.

The 2010 population of the TOK CDP (as provided by the census and by AMCO) was 1255. This accounts for ALL of the residents in the ENTIRE census designate place, not just the five mile radius. The entire CDP is 132.2 square miles. Our 5 mile radius only encompasses 78.5 square miles.

The multiplier given to us by AMCO and also found on census block information for percentage of population 21 years of age or older is .686 or 68.6%

If 68.6% of the TOK CDP is 21 or older, then of the 1255 residents of the Tok CDP, 860 is a reasonable estimate for the number of adults 21 or older in the entire Tok CDP. If the entire Tok CDP is home to only 860 residents over 21, how then can a smaller area, such as our five mile radius, which contains only 59% of the TOK CDP land mass have more than the CDP as a whole? The subset can not be greater than the set. The demographer did not pay attention to the five mile radius, but rather drew numbers and estimates from the CDP as a whole.

Nevertheless, their overinflated estimate tasked our applicants with gathering 579 signatures. To date, 622 have been collected. Some have been discounted by AMCO as they do not have the required addresses or other verifying information. Addresses in Tok are a whole other issue. Evidently no one has a "regular postal address" in Tok. All residents utilize PO Boxes for mail distribution, and reportedly, if a resident has a package coming for delivery which requires a street address, residents use either a milepost designation or the number of their PO Box coupled with the name of their street. Evidently the postal worker in Tok just "knows everyone" and makes sure they receive their mail and packages.

Applicants have made public notice overly and abundantly clear by mailing 3 notices to every PO Box (\*aka address\*) in Tok and personally visiting most homes at least twice each. They have gathered more than 2/3 majority support of the adults 21+ by any measure, but should many signatures come under protest, special attention should be paid to the data and computation used to determine the threshold quantity of signatures required. Attached to this page is a narrative written by applicants explaining exactly how they gathered signatures.

Thank you for your review and consideration of this application. Applicants, legal counsel, and support staff all stand by prepared to answer any and every questions you may have.

Thank you for the extra time and attention you have given this application. We appreciate your hard work, diligence, and guidance.

Sincerely,

Jessika N. Smith  
Legal Assistant  
Law Offices of Lance Christian Wells  
Attorney(s) for 907 Promos, LLC  
Dba Tokin Up

## Section 2. Part 4. A narrative of how signatures were obtained.

Tokin up petition to open a marijuana store in Tok, Ak began on March 23, 2019. The priority, in order to ensure the petitions validity and gain understanding of our target zone, was to map the area. We (Donnie Davisson, Johnathon Guest, Support Team) used google earth to map our 5-mile radius and view the terrain within in our zone. Then utilized google maps to overlay a street map with our 5-mile radius determined through google earth. At this time, we had both an understanding of the geography and street layout throughout our target zone.

Once our zone was determined we began to canvas the area. We split the area into roughly two zones that we each covered separately. Our plan entailed soliciting every residence within the determined zone. To ensure we were recording our work we traveled with maps zoomed in for the zone being covered at that time. We had three marks, one for individuals that were in support for our store, one for individuals that were not in support of our store, and one for a residence that looked as if it had been abandon or not in use as a year round residence. The first canvas of our designated zone was done during the spring (3/23/19). At this time, it was very apparent who was actively utilizing their residences year-round, the snow was plowed allowing access down the driveway to the residence. This also increased the number of homes we thought were "abandon" or inaccessible. The next step was turning in our petition to AMCO. We had 321 signatures between 3/23/2019 and 4/5/2019. Through the process of vetting our signatures, there was 280 approved signatures. We then knew that we would need to gain more support for our store to ensure that we would meet the criteria in order to receive approval for our license.

On 7/13/2019 the second round of door to door petitioning began. We stuck to our same zones as before and targeted the residences that were not accessible and or looked vacant on prior visits. All these residences were marked on the map that we made during our initial round of petitioning. The difference that the season change brought was access to what was thought to be unoccupied before. Now were able to explore further into our zone and get a real handle on the territory within our zone. This opportunity allowed us to collect 74 signatures from 7/13/2019 Through 7/15/2019. We were very pleased with our progress and believed that we had collected the number of signatures needed to gain the states approval for a license. As our 90-day deadline began closing in there was still uncertainty as the actual number of residents within 5-miles and over the age of 21. On 8/6/2019 a meeting was called with Mrs. McConnell, Jane Sawyer, of AMCO and Donnie Davisson, Johnathon Guest, of 907 promos. At the conclusion of the meeting there was no resolution as to the actual number of supporters that were needed to sign our petition. On 8/12/2019 Mrs. McConnell informed us that she had resources that lead her to the conclusion that we needed 579 signatures in support to receive a completed application.

The last round of petitioning took place between 8/14/2019 and 8/18/2019. During this period, we continued to use our original maps with plotting and updated marks from the signatures received during round two. Using these maps, we targeted the residences that looked as if there was not someone living in it and to all the residents that initially answered no, not right now, or I need some time to think about the topic. This is when we decided to adapt a more informative approach with the residents. Many of the residents were not aware what a retail marijuana store was subject too in many aspects. We explained the regulations that we are subject to if the state were to grant our approval as well as the elements that are involved into operating our establishment. We also set meetings with individual

families to take as much time as they needed to ask the questions about the industry and operations that would be going on in their community. We collected 226 signatures during this period.

Our time petitioning in Tok was enlightening. A total of 621 signatures have been collected, 280 have been vetted, and 300 are waiting approval. We were not just collecting signatures for our petition but reaching out to each family and opening the line for communication. Without having a local government, we made it our focus to ensure the residents of Tok, that they could come to us if they had any issues regarding any component of our operation. We offered our information as well as provided the opponents with a source where they can voice their opinion. It is important in a small community to be transparent and cooperative in order to make a productive environment. We are interested in working with both supporters and opponents of our store to ensure a better community.





Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
[marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

## Alaska Marijuana Control Board Form MJ-12: Petition

### What is this form?

Any marijuana license application for a premises located in an area with no local government must file a petition in accordance with **3 AAC 306.030(c)**. Instructions vary with the type of area in which your proposed premises are located.

Please read the instructions in Section 2 of this form carefully.

A marijuana license application for a premises that is **within 50 miles** of the boundary of a local government must submit a petition signed by the **majority** of the permanent residents residing within **one mile** of the proposed premises per **3 AAC 306.030(a)**.

A marijuana license application for a premises that is **50 miles or more** from the boundary of a local government must submit a petition signed by **two-thirds** of the permanent residents residing within a **five mile** radius of the United States post office nearest to the proposed licensed premises per **3 AAC 306.030(b)**.

This form must be submitted to AMCO's main office before any marijuana license application in an area with no local government will be considered complete. You may include as many pages of signatures as necessary.

Yes No

My proposed premises is outside, but within 50 miles of the boundary of a local government.

☐ ☒

My proposed premises is 50 miles or more from the boundary of a local government.

☒ ☐

### Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	907 Promos, LLC	License Number:	20844		
License Type:	Retail Marijuana Store				
Doing Business As:	Token Up				
Premises Address:	MP 1313.8 Alaska Hwy				
City:	Tok	State:	AK	ZIP:	99780





Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
[marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

## Alaska Marijuana Control Board Form MJ-12: Petition

### Section 2 – Petition Instructions

Please read these instructions carefully.

The following information must accompany all marijuana establishment license applications requiring petitions:

1. A map showing the population within:
  - a. the one mile radius with the proposed premises as center (required for premises within 50 miles of the boundary of a local government)OR
  - b. the five mile radius with the United States post office as center (required for premises 50 miles or more from the boundary of a local government)\*
2. Graphic designation on a map showing the general area where petition signatures were obtained
3. A narrative and mathematical calculation of how population totals were determined
4. A narrative of how signatures were obtained (door to door solicitation; premises solicitation; etc.)

"Permanent resident" means a person 21 years of age or older who has established a permanent place of abode. A person may be a permanent resident of only one place, per 3 AAC 306.030(d).

**Signatures must be obtained within the 90-day period immediately before submitting the petition to the board.**

\*If there is no United States post office within a radius of five miles of the proposed licensed premises, the applicant must obtain the signatures of two-thirds of the permanent residents residing within a five mile radius of the proposed licensed premises. The map should show the applicable area.







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550 W 7<sup>th</sup> Avenue, Suite 1600  
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Phone: 907.269.0350

Alaska Marijuana Control Board  
**Form MJ-12: Petition**

**Section 3 – Petition**

\*Have a completed copy of this page available for those considering this petition.

This is a petition in support of a

**Retail Marijuana Store** license application.  
(type of license applied for)

***By signing this petition, you are stating that you are in favor of having a licensed marijuana establishment in your community.***

Each person who has signed this petition states that he or she is a **permanent resident** in the area indicated below; that he or she is 21 years of age or older; and agrees to the issuance of a

**Retail Marijuana Store** to **Sell**  
(type of license applied for) (grow, sell, manufacture, test)

marijuana at **MP 1313.8 Alaska Hwy**  
(location of proposed premises)

in the State of Alaska, and that the physical address of his/her residence is:

- ☐ within one (1) mile of proposed premises.  
(Check one)
- ☒ within five (5) miles of the nearest post office to the proposed premises.





Alcohol and Marijuana Control Office  
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Phone: 907.269.0350

Alaska Marijuana Control Board  
**Form MJ-12: Petition**

**Section 4 – Certifications**

This petition is not valid if this page is not complete, signed, and notarized.

I, Donald Davisson III the applicant for a  
(proposed licensee)

retail marijuana license hereby certify that the  
(type of license applied for) (regulation reference)

number of permanent residents 21 years of age or older who live within 5 mile(s) of  
(one/five)

Tok Post Office- MP 1314.3 Alaska Hwy totals see attached\* and this petition  
(proposed premises or nearest US Post Office address) (total population)

totals 642 signatures, which is see attached % of the permanent residents in the area as required by 3 AAC 306.030.  
(number) (percentage)

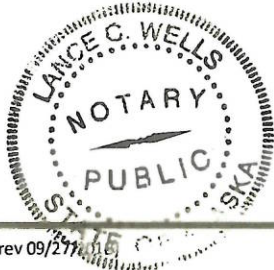
I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

[Signature]  
Signature of licensee

Donald Davisson III

Printed name of licensee

Subscribed and sworn to before me this 19 day of August, 2019.



[Signature]  
Notary Public in and for the State of Alaska.

My commission expires: 6.18.21



MJ-12 Attachment 1:

It has been determined that it is impossible to determine a concrete number or even an approximate number of full-time residents ages 21+ who live within a five-mile radius of the Tok Post office. Working with AMCO Occupational Examiners, who also consulted with the state's demographer, we have analyzed and applied multiple data sets and found each one to be misleading and under or overinflated. Regardless as to the methodology, licensees have obtained 642 signatures to date, which exceeds the 2/3 majority required by any measure.

The most recent directives and guidelines we were given came from Erika McConnell on 8/12/19, after she had consulted with the state demographer. Her email specified that the demographer estimated 869 people who were 21 or older living within the 5 mile radius of the Tok Post Office, based on census block information from 2010. She also specified that he indicated an estimate of 834 people over the age of 21 based on PFD application information. She believed this number to be underestimated and directed licensees to use the 869 people aged 21+ number for the purposes of the petition, which would require 579 signatures. Upon review and production of a new and updated MJ-12 (third or fourth one, all with new numbers) it became evident that these numbers, math, and methodology are also clearly erroneous and the math demonstrates a complete disregard for the 5 mile radius and actually reflects a greater population within the 5 mile radius than within the entire Tok Census Designated Place.

To date, the applicants have acquired 642 signatures. Of these, 43 have been denied by AMCO. Should all supplemental signatures be acceptable by licensing and/or the board, license applicants have collected 599 signatures in support of their retail marijuana store. This number is greater than the 2/3 majority requested by AMCO licensing in our last communications and directives. Should many more signatures be discounted by AMCO, licensees could be in jeopardy of not having the 579 signatures requested and required by the most recent methodology posed to them. Should this be the case, licensees reserve the right to demonstrate why and how this number is clearly erroneous before licensing and/or the board.





Tokin Up (Lic#20844)  
MJ-12: Attachment 1  
Narrative and Math

907 Promos, LLC dba Tokin Up seeks licensure for a marijuana retail establishment within Tok, Alaska. Tok is not an incorporated city, has no local government, and is known as a census designated place (CDP). Licensees have been tasked with gathering support for the issuance of their license from 2/3 of permanent residents residing within a 5 mile radius of the United States Post Office, located in Tok. Using Google Earth, a 5 mile radius was superimposed on an aerial view of Tok, which gave licensees boundary zones for their petition area. (See MJ-12 diagram 1) Licensees used Google Maps to produce and print grid-sections of this area to guide and track petition efforts (available for review at board meeting). From 3/23/19-present, licensees have invested over 100 hours collecting population, demographic, and household data and gathering signatures in support of their license. Licensees literally driving up and down every road and driveway within their petition area, knocking on doors, meeting the residents, and soliciting support. People in Tok aren't accustomed to door-step solicitors, and at times, licensees health and safety was put at risk during door-to-door solicitation. Multiple times, licensees were greeted by dogs in driveways and weapon wielding homeowners at the door. Despite multiple dog bites, licensees tenaciously pressed on and were ultimately successful in gaining > 2/3 majority support within their petition. To date, 322 signatures have been collected through door to door solicitation and solicitation at public places in Tok such as the gas station, grocery store, and post office. Using the following methodology, the signatures gathered reflect consent of 67.08% of the people aged 21 or older living within a five mile radius of the post office, which is greater than 2/3 required by 3 AAC 306.030(b).

According to Wikipedia, the known as Tok, Alaska, encompasses a total land-mass of 132.2 square miles.

Licensees have been tasked with gathering support via signatures on a petition from full time permanent residents ages 21+, who live within a 5 mile radius of the Tok Post Office (aka petition area.)

How many square miles in petition area? area of a circle =  $\pi r^2$

Area of a circle with a 5 mile radius =  $(5^2)(3.14) = 78.5$  square miles

How much of the CDP is the petition area? Part/whole = %

$$78.5/132.2 \approx .59 \text{ or } 59\%$$

The land mass contained within the 5-mile radius  $\approx 78.5$  square miles, which encompasses  $\approx 59\%$  of the total area within the census designated place (CDP).

Of the sources considered, bestplaces.net touted most recent population data. According to bestplaces.net, the most recent population total of the Tok CDP = 1197, with a population density of 9 people per square mile.

Without deducting for non-residents, the population of the petition area was found using the formula: land mass within petition area (% of total) x CDP population total = population of land mass within petition area

$$.59(1197) = 706.23 \text{ people within petition area}$$

Multiplying the population density by the total land area within petition area validates this estimate.

$$(9 \text{ people/mi}^2)(78.5 \text{ mi}^2) = 706.5 \text{ people within petition area}$$

According to Livability.com  $\approx 68\%$  of individuals residing in the Tok CDP  $\geq 21$ .

If  $68\%$  of TOK CDP  $\geq 21$  then  $\approx 68\%$  of petition area population  $\geq 21$  years.

$68\%$  of 706  $\approx 480$  people within petition area  $\geq 21$  years.

Licensees made multiple trips to Tok and spent over 100 hours gathering signatures. Did they get enough? Yes!

Signatures obtained from qualified residents/ population of petition area residents  $21+ = \% \text{ of support gathered}$

$322/480 = .67083$  or  $67.08\%$  support shown via signatures from qualified residents on petition.

$67.08\%$  support  $> 2/3$  majority support