THE STATE of ALASKA
GOVERNOR MICHAEL J. DUNLEAVY

Department of Commerce, Community, and Economic Development

ALCOHOL AND MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

MEMORANDUM

TO:	Marijuana Control Board	DATE:	November 13, 2019
FROM:	Erika McConnell, Director	RE:	Tokin Up, #20844, Retail Store

907 Promos, LLC, a limited liability company owned 50% by Donald Davisson and 50% by Johnathon Guest, has applied for a marijuana retail store license to be located at Milepost 1313.8 Alaska Highway, in Tok.

Tok is more than 50 miles from the boundary of a municipality. 3 AAC 306.030(b)-(d) states:

> (b) The board will not approve a new license in an area that is 50 miles or more from the boundary of a local government unless the board receives a petition to issue the license containing the signatures of two-thirds of the permanent residents residing within a radius of five miles of the United States post office station nearest to the proposed licensed premises. If there is no United States post office station within a radius of five miles of the proposed licensed premises, the petition must be signed by two-thirds of the permanent residents residing within a five-mile radius of the proposed licensed premises.
>
> (c) A petition authorized by this section must be on a form the board prescribes. The applicant must obtain the required signatures within the 90-day period immediately before submitting the petition to the board. A signature may not be added to or removed from the petition after the board has approved the application.
>
> (d) In this section, "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.

It has proved to be very challenging for both applicants and AMCO staff to determine the number of permanent residents in this type of location. After multiple presentations, on October 22, 2019, the board accepted the interim demographer's number of 869 people 21 or older living within five miles of the Tok post office. Two-thirds of 869 (869 x 0.66) is 573.54, which rounds to 574 signatures required on the petition.

The applicants have submitted 772 signatures total. Of those, 605 signatures appear to be valid, with the following caveats:

- 26 duplicate names (for a total of 54 names counted), with different addresses and/or dates of birth were noted. Some names are unusual, such as "Judy Komorowski" and "Terry

Smoke" while others seem likely to be more common, such as "Robert Nelson" and "John Lee."

- The last batch of signatures submitted contained six pages of signatures collected on October 22 and 23. On four of the six pages, not a single individual who signed is registered to vote (pages 54, 57-59). On page 55, two of the four signers are registered to vote, and on page 56, two of the 20 signers are registered to vote but are duplicate signatures from earlier pages. In contrast, on page 1, 12 of the 20 signers are registered to vote, and on page 32 (randomly selected), 12 of the 20 signers are registered to vote. On four of the six pages, there were no illegible signatures, no duplicate signatures, and no addresses outside of the required zone—which is different from almost all other pages submitted. I recommend the board take a close look at pages 54-59.

We received a complaint from a resident of Tok on October 24 that residents who wished to sign the petition and check the "No" box in the last column (which asks "Are you in support of this petition?") were not allowed to sign. I asked the applicants to respond to this allegation, and Mr. Wells indicated that the applicants deny the allegation and were willing to allow signers to indicate "No" in the last column.

Of the correspondence we have received from the public, seven appear to qualify as objections under 3 AAC 306.065, and 17 do not appear to qualify as objections and are thus provided as comments. There are additional comments in the Marijuana Mailbox related to Tok that are not specific to a license application.

Attachments: Resident compliant
Wells response

From: Patricia <ak_snow_gyrl@hotmail.com>
Sent: Thursday, October 24, 2019 9:22 AM
To: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
Subject: ?? Concern about Tokin Up Petition

Hello.

I am a resident of Tok, Alaska. Myself and a number of residents that live within the 5 mile radius of the Tok Post Office were asked to sign the petition for the opening of a retail shop.

We said no, but were not given the option to sign the petition and check the NO box.

My friend was asked last night to sign the petition at her residence, she said no and that she would sign the petition to be against the opening of the shop and check the NO box. The man with the petition said that she didn't need to and that the petition was for people that were for the shop opening, not for people against the opening of the shop. He then pursued to ask her why she wouldn't sign the petition.

There is a major concern about the petition in Tok, people are not being able to sign it and check the no box.

I read the Tab 30, from the Marijuana Board Meeting Documents regarding the petition. The numbers are much higher than that. I live in Tok and I am sure that at least almost 1000 people over the age of 21 live within the 5 mile radius of Tok. I request that the board look further into this issue and why people are not allowed to sign and check the NO box.

Thank you for taking the time to read my email.

I don't have regular access to my email, due to not having regular internet access, but I try to check it once a week.

Patricia

From:	Lance Wells
To:	McConnell, Erika B (CED)
Cc:	johnathon.j.guest@gmail.com; "Jessika Smith"
Subject:	RE: Tokin Up Petition: Response to Allegation
Date:	Monday, October 28, 2019 8:54:27 AM

Erika:

Please see the below response.

Applicants deny the allegation and welcome anyone who objects to the issuance of their license to share their thoughts, feelings, objections or concerns with applicants or through the public comment/objection process or to designate/indicate "no" upon the petition. Applicants theorize that they know the conversation, scenario, and approach yielding this accusation and do fervently deny the allegation as presented.

Thank you,

/s/

Lance C. Wells, Atty.

From: McConnell, Erika B (CED) [mailto:erika.mcconnell@alaska.gov]
Sent: Friday, October 25, 2019 8:05 AM
To: Jessika Smith <livingbetternaturally@live.com>; Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>; Lance Wells <lwells@gci.net>; Johnathon Guest <johnathon.j.guest@gmail.com>; donniedavisson@hotmail.com
Subject: Tokin Up Petition

Good morning,

We have received an email alleging that the applicants are not permitting Tok residents to sign the petition and check the "No" box, that they are not in support of the petition. Would you please respond to this allegation?

Thank you,
Erika

Erika McConnell
Director
Alcohol & Marijuana Control Office
State of Alaska

Virus-free. www.avast.com