From: <u>Kirk Loard</u>
To: <u>NASAA Comments</u>

Cc: Theresa Leets; bill.beatty@dfi.wa.gov; Erin Houston

Subject: [EXTERNAL]NASAA Model Franchise Broker Registration Act

Date: Thursday, June 13, 2024 9:37:22 PM

June 13, 2024

Via Electronic Mail

To:

Theresa Leets, Chair of the Project Group Bill Beatty, Co-chair of the Section Erin Houston, Co-chair of the Section

Re: Public Comments on Proposed NASAA Model Franchise Broker Registration Act (the "Act")

To NASAA.

My name is Kirk Loard. I am a Franchise Broker with the Franchise Brokers Association. Before becoming a Broker, I spent 18 years as a Franchisee / Operator of a BBQ Restaurant Franchise. I wasn't fortunate enough to work with a Franchise Broker; if I had been educated on all the franchises available, I would have chosen differently. I was a victim of "you don't know what you don't know" and became a Broker to ensure that didn't happen to any of my clients. I completed 5 weeks of FBA training, including Franchise Sales Compliance. I joined FBA because of the ongoing training that has made me a better broker.

I am writing to provide feedback on the NASAA Model Franchise Broker Registration Act. Thank you for allowing me to share my insights based on years of involvement in the franchise industry.

I appreciate the efforts to increase transparency and support the sentiment behind the proposed Act. But, I'd like to offer my opinion on the following sections from the Act and ask that they be reviewed.

Page 6 Section 2(5)

"Offer" or "offer to sell" includes every attempt or offer to dispose of or solicitation of an offer to buy a franchise or an interest in a franchise.

Every attempt or offer to me, means anyone promoting the franchise that is not the franchisor is included. The wording, "An interest in a franchise", could restrict investors in the acquisition of capital into franchisees or franchisor locations if the investor receives "other forms of consideration" in the sale"

Page 6 Section 2(6)

"Other form of consideration" as used in Section 2(3) includes, **but is not limited** to:

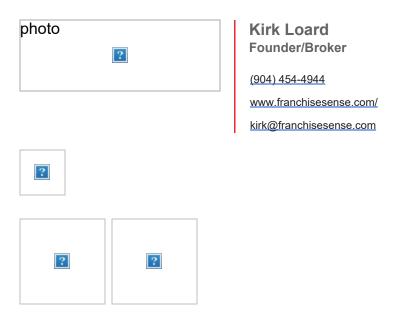
I feel other forms of consideration is a good definition if it does not include "but is not limited to." Other forms of consideration in legal terms are unlimited in the amount of items and values that can be considered. It does not include monetary. It can be gifts, dinners, events, tickets, vacations.

I respectfully request that NASAA extend the comment period and engage more thoroughly with all relevant stakeholders to develop a balanced and effective regulatory framework.

My wish is to ensure that the final document works for all parties and encourages, rather than discourages, people from considering franchise opportunities.

Thank you for your attention to this matter.

Best Regards, Kirk Loard Founder / Broker Franchise Sense



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