

**From:** [James Malina](#)  
**To:** [NASAA Comments](#); [Theresa Leets](#); [bill.beatty@dfi.wa.gov](mailto:bill.beatty@dfi.wa.gov)  
**Cc:** [Jeff Elgin](#)  
**Subject:** [EXTERNAL]NASAA MODEL FRANCHISE BROKER ACT COMMENTS  
**Date:** Wednesday, August 27, 2025 4:26:10 PM

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Dear NASAA regulators,

My name is Jim Malina and am the President of FranChoice, Inc, a franchise consultant company who has been operating for over 25 years. Prior to that, I spent over 30 years at the largest electronics specialty retailer in the world. During those 30 years, I lead large teams responsible for sales and had direct accountability for training sales processes and procedures. Based on what I have learned during my time at FranChoice and in the over 30 years of experience training and coaching sales, I feel the need to challenge the proposed Model Registration Act for a few reasons:

1. It is clear FranChoice and its consultants are not involved in the franchise sales process. We are a lead source for franchise companies who then take these potential candidates through the actual sales process. This would be true whether it is completed by an internal sales team or a Franchise Sales Organization (FSO). As our work is generating lead sources for franchise companies, just like internet advertising sites such as the IFA or Entrepreneur.com or other social media sites, we should not be covered in this definition of franchise sellers. This is not what we do. The confusing language in this regulation designed to label as a broker anyone who is indirectly involved in the sales process needs to be changed or the unintended consequences will be significant.
2. As for the people who are actually involved in the franchise sales process, this new regulation is unnecessary, costly, and simply duplicates existing rules and regulations. It will simply create more work without any impact.
3. States creating their own rules and fees related to this disclosure process will create unnecessary confusion and hardship from a compliance standpoint. If we need more regulation of franchise sales brokers, it should be done by the FTC on a national basis.

Rather than introducing these registration requirements, our industry would be better served by enforcement of existing laws against fraud and misrepresentation, along with education initiatives for prospective franchisees.

Thank you for considering these comments.

Sincerely

Jim Malina  
President  
FranChoice, Inc

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