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To: [NASAA Comments](#); [Theresa Leets](#); bill.beatty@dfi.wa.gov; [Erin Houston](#)
Cc: [Jeff Elgin](#)
Subject: [EXTERNAL]NASAA Model Franchise Broker Act Comments
Date: Wednesday, August 27, 2025 3:05:05 PM
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As a FranChoice consultant of nearly 24 years, my business has been impacted by many miscues and misfires coming from various governmental sources and agencies that make my job, and my ability to generate income, more challenging.

The latest is coming from NASAA, suggesting that each individual state create new governance for who is an “agent of the sale” or what constitutes “selling” a franchise.

I am not a salesperson. The franchise company is the seller of licenses to my candidates. In fact, the reason my people are called candidates, not clients, is because I don’t sell them anything, they don’t pay me anything, I never discuss financial performance, investment amounts, or potential financial outcomes. I simply help a candidate do their research on these topics. Therefore, the selling relationship is between the prospective buyer and the franchise itself.

Here are my main points and concerns:

1. FranChoice and its consultants are not involved in the franchise sales process – we are a referral source for franchise companies. We send them leads for prospective franchisees, which are then taken through a sales process by the franchise sales staff (whether internal employees or independent contractors like FSOs). As a lead source for franchise companies, just like internet advertising sites such as the IFA or Entrepreneur.com, or social media sites like Facebook and LinkedIn, or many other examples, we should not be covered in this definition of franchise sellers because that’s not what we do. The confusing language in this regulation, designed to label as a broker anyone who is “indirectly” involved in the franchise sales process needs to be changed or the unintended consequences will be significant.
2. As for people who are actually involved in the franchise sales process, this new regulation is unnecessary, burdensome, costly and clearly duplicates rules and regulations already in place.
3. Advocating for individual states to create their own rules and fees related to this disclosure process unnecessarily creates 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.

Thank you for your consideration.



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