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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 6:25:44 PM
Attachments: [WhiteBgWTag - Signature.png](#)
Importance: High

To All,

Let me start by sharing with you a brief summary of my experience and tenure in the franchise business. I bring over two decades of comprehensive franchise industry experience, having operated on both sides of the franchise equation as both a franchisor and now as a franchise consultant.

Franchisor Background: I personally helped grow a local family handyman business into the top-rated national franchise in the handyman industry - Handyman Matters. Our success was so significant that in 2019, Handyman Matters was acquired by Ace Hardware Corporation, the largest retailer-owned hardware co-operative company in the world. As part-owner and independent franchise sales arm, I was instrumental in helping Handyman Matters grow from its humble beginnings in the CEO's basement to becoming a national & international franchise brand, single-handedly awarding over 249 placements.

Current Role as Franchise Consultant: I bring over 2 decades of personal experience in small business ownership, management and sales/marketing strategies as a Franchise Consultant. My unique perspective comes from having actually built and operated a successful franchise system, giving prospective franchise buyers insider knowledge.

Specialization: My methodology is to help individuals navigate the franchise waters and understand the landscape before they make any decisions or buy any franchise. My approach involves understanding each individual's goals, skills, and financial parameters to match them with appropriate franchise opportunities that align with what they are looking to accomplish with any possible franchise investment.

This dual experience - as both a successful franchisor and now consultant - provides me with a rare, comprehensive understanding of franchising from both the brand development and franchisee investment perspectives.

Please take into consideration my thoughts on the following -

1. Lead Generation vs. Sales Distinction FranChoice operates as a lead generation service, not a franchise seller. We connect prospective franchisees with franchise opportunities, similar to how advertising platforms like IFA, Entrepreneur.com, Facebook, and LinkedIn function. The actual franchise sales process is handled entirely by the franchise companies' own sales teams. The current regulation's broad language defining anyone "indirectly" involved as a broker would inappropriately capture lead generation services and create far-reaching unintended consequences that go well beyond the regulation's intended scope.

2. Unnecessary Regulatory Duplication For those genuinely engaged in franchise sales activities, this new regulation creates redundant oversight. The proposed requirements are unnecessarily burdensome and costly, duplicating existing rules and regulations that already govern franchise sales professionals. This regulatory layering adds complexity without enhancing consumer protection.

3. Federal vs. State Jurisdiction Concerns Allowing individual states to establish separate disclosure requirements, rules, and fee structures will create a patchwork of conflicting regulations that significantly complicates compliance efforts. If enhanced regulation of franchise sales brokers is truly needed, it should be implemented uniformly at the federal level through the FTC to ensure consistency, clarity, and effective enforcement across all markets.

Additionally, the definition of "franchise broker" in the Act is far too broad and would capture individuals who simply make referrals or provide information, not those actually engaged in franchise sales. This would require countless business professionals to register unnecessarily.

Definition Problems

The current definition of "franchise broker" would inadvertently capture:

- Funding sources and lead generation services if paid by the franchisor
- Referral sources to the franchisor
- Professional service providers offering ancillary services

Due Process Concerns

The broad definition of "franchise broker" lacks the precision required for regulatory certainty. Business professionals need clear guidance about when registration is required to avoid inadvertent violations.

Excessive Regulatory Burden

The proposed registration requirements would create an overwhelming administrative burden for small operators like myself. The compliance costs alone could force many of us out of business, ultimately reducing the resources available to help prospective franchisees navigate their options.

Practical Concerns

The registration requirements are impractical for an industry where professionals often work with multiple brands across multiple states. The compliance costs and administrative burden would be prohibitive for many legitimate operators.

Existing Oversight

Current state and federal regulations already address the legitimate concerns raised about broker conduct. Additional layers of regulation create compliance burdens without corresponding consumer protection benefits.

Alternative Solutions

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

Thank you for your time and consideration -

Careyann Golliver
America's Franchise Matchmaker™



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