

**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
SECURITIES DIVISION**

IN THE MATTER OF DETERMINING) Order No.: S-17-2116-17-CO01
whether there has been a violation of the)
Franchise Investment Protection Act of) CONSENT ORDER
Washington by:)
)
EquipLinx Sales & Service, LLC; Kirk)
Frankish,)
)
Respondents)

Pursuant to the Franchise Investment Protection Act of Washington, RCW 19.100, the Securities Division and Respondents EquipLinx Sales & Service, LLC and Kirk Frankish do hereby enter into this Consent Order in settlement of the matters alleged herein. Respondents EquipLinx Sales & Service, LLC and Kirk Frankish neither admit nor deny the Findings of Fact or Conclusions of Law as stated below.

FINDINGS OF FACT

Respondents

1. EquipLinx Sales & Service, LLC (“EquipLinx”) is an Arizona limited liability company, formed on February 1, 2016, with its principal places of business in Wetaskiwin, Alberta, Canada. EquipLinx sells sales franchises for used heavy equipment such as tractors or backhoes. An EquipLinx franchisee receives the right to operate in a particular territory, using EquipLinx’s sales system to assist in brokering sales of used heavy equipment. In addition to the franchisee’s initial purchase price for their franchise, the franchisee and EquipLinx split the commissions from the franchisee’s sales.

2. Kirk Frankish (“Frankish”) is a resident of Wetaskiwin, Alberta, Canada, and the founder and CEO of EquipLinx.

Offer of Franchises in Washington

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2 3. In November 2016, EquipLinx posted Craigslist advertisements in both the Seattle and
3 Spokane sections of Craigslist, advertising franchises for purchase. EquipLinx stated in the advertisements
4 that the company was “looking for agents” in Washington, and touted its “franchise package [which would]
5 introduce you to the growing EquipLinx network and connect you to the reputable consistent brand that
6 EquipLinx has built.” EquipLinx further advertised its “new technology, software and marketing tools to
7 expedite deals and opportunities.”

8 4. Six people responded to EquipLinx’s Craigslist advertisements (three by phone, three by
9 email). Frankish sent an additional advertising packet to all three of the email responders. The packet
10 included, among other things, a page with steps for becoming an Equiplinx franchisee and a “New Agent
11 FAQ” which discussed the advantages of purchasing an EquipLinx franchise and the costs of starting a
12 franchise.

Registration Status

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15 5. Respondent EquipLinx is not currently registered to sell its franchises in the state of
16 Washington and has not previously been so registered. There is no notification of exemption on file with the
17 state of Washington. EquipLinx and Frankish did not indicate to potential franchisees, in either the
18 Craigslist advertisements or the additional advertising packet, that EquipLinx was not registered to offer or
19 sell franchises in Washington and would need to register before doing so.

20 Based upon the above Findings of Fact, the following Conclusions of Law are made:

CONCLUSIONS OF LAW

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23 1. EquipLinx and Frankish’s advertisement of franchises, as described above, constitutes the
24 offer of a franchise as defined in RCW 19.100.010(6) and RCW 19.100.010(12).

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Signed this ____20th____ day of ____January_____, 2017

Signed by:

Approved as to form by:

EquipLinx Sales and Service, LLC

By ___/s_____
Kirk Frankish
CEO

___/s_____
Elena Cottam, Attorney for Respondent
Arizona State Bar #032077

Signed by:

___/s_____
Kirk Frankish, Individually

SIGNED and ENTERED this 31st day of January, 2017



William M. Beatty
Securities Administrator

Approved by:



Suzanne Sarason
Chief of Enforcement

Presented by:



Adam N. Yeaton
Financial Legal Examiner

Reviewed by:



Jack McClellan
Financial Legal Examiner Supervisor