

1
2
3
4
5
6
7
8

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

IN THE MATTER OF DETERMINING) Order No.: S-18-2403-18-CO01
Whether there has been a violation of the)
Franchise Investment Protection Act of) CONSENT ORDER
Washington by:)
Off-Leash K9 Training, LLC,)
Nicholas R. White,)
Respondents)

9
10
11

THE STATE OF WASHINGTON TO: Off-Leash K9 Training, LLC
Nicholas R. White

12
13
14
15

Pursuant to the Franchise Investment Protection Act of Washington, RCW 19.100, the Securities Division and Respondents Off-Leash K9 Training, LLC and Nicholas R. White do hereby enter into this Consent Order in settlement of the matters alleged herein. Respondents Off-Leash K9 Training, LLC and Nicholas R. White neither admit nor deny the Findings of Fact and Conclusions of Law as stated below.

16
17

FINDINGS OF FACT

18
19

Respondents

- 20
21
22
1. Off-Leash K9 Training, LLC (“Off-Leash”) is a Virginia limited liability company that was formed on March 1, 2010. Off-Leash offers a program for operating a dog obedience training business.
 2. Nicholas R. White (“White”) is a Virginia resident and the managing member and sole owner of Off-Leash.

23
24
25

Nature of the Offering

3. From at least July 2014 through January 2018, Off-Leash maintained an Internet website that offered a “dog training franchise” business. Off-Leash’s Internet website advertised that Off-Leash would

1 provide all of the tools, knowledge, and training required for starting a dog obedience training and behavior
2 modification business.

3 4. In December 2015 and June 2017, Off-Leash and White offered and sold two franchise
4 locations that are located within the state of Washington: one in DuPont, Washington and one in Spokane,
5 Washington. Both of the purchasers reside in Virginia. When purchasing the franchises, both of the
6 franchisees signed a written license agreement with the franchisor. Neither of the franchisees received a
7 Franchise Disclosure Document prior to signing the license agreement.

8 5. The DuPont franchisee was required to pay an initial fee of \$5,000 and ongoing monthly
9 royalties equal to 20% of the gross sales for each month. These payments gave the franchisee the right to
10 use the name "Off-Leash K9 Training Center" and related signs, symbols, and marks for the franchisee's
11 signage, advertising, and promotional materials. The franchisee was required to use Internet website
12 templates provided by Off-Leash. The franchisee was also required to purchase any merchandise,
13 equipment, and products with the Off-Leash name from the franchisor or its authorized suppliers.

14 6. The Spokane franchisee was required to pay an initial fee of \$25,000 and ongoing monthly
15 royalties equal to 7% of the gross sales for each month. The Spokane franchisee acquired similar rights to
16 use the franchisor's name, signs, symbols, and marks and was required to use Off-Leash's Internet website
17 templates and to purchase any merchandise, equipment, and products with the Off-Leash name from the
18 franchisor or its authorized suppliers.

20 **Registration Status**

21 7. Off-Leash K9 Training, LLC is not currently registered to offer or sell franchises in the state
22 of Washington and has not previously been so registered.

23 8. Nicholas R. White is not currently registered to offer or sell franchises in the state of
24 Washington and has not previously been so registered.

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

2 **CONCLUSIONS OF LAW**

3 1. The offer and/or sale of the program described above constitutes the offer and/or sale of a
4 franchise as defined in RCW 19.100.010(6), RCW 19.100.010(12), and RCW 19.100.010(17).

5 2. Nicholas R. White has violated RCW 19.100.020 because no registration for the offer and/or
6 sale of the franchise was on file with the Securities Administrator.

7 3. Off-Leash K9 Training, LLC and Nicholas R. White have each violated RCW 19.100.080
8 because they failed to provide the franchisees with a franchise disclosure document at least fourteen
9 calendar days prior to signing the license agreement.

10 Based upon the foregoing and finding it in the public interest:

11 **CONSENT ORDER**

12 IT IS AGREED AND ORDERED that the Respondents Off-Leash K9 Training, LLC and Nicholas
13 R. White and their agents and employees shall each cease and desist from any violation of RCW
14 19.100.020, the registration section of the Franchise Investment Protection Act of the state of Washington.

15 IT IS FURTHER AGREED AND ORDERED that the Respondents Off-Leash K9 Training, LLC
16 and Nicholas R. White and their agents and employees shall each cease and desist from any violation of
17 RCW 19.100.080, the franchise disclosure document section of the Franchise Investment Protection Act of
18 the state of Washington.

19 IT IS FURTHER AGREED AND ORDERED that Respondent Off-Leash K9 Training, LLC shall
20 be liable for and shall pay investigative costs of \$1,000 prior to the entry of this Consent Order.

21 IT IS FURTHER AGREED that the Respondents Off-Leash K9 Training, LLC and Nicholas R.
22 White each enter into this Consent Order freely and voluntarily and with a full understanding of its terms
23 and significance.
24

1 IT IS FURTHER AGREED that the Securities Division has jurisdiction to enter this Order.

2 IT IS FURTHER AGREED that in consideration of the foregoing, the Respondents Off-Leash K9
3 Training, LLC and Nicholas R. White each waive their right to a hearing and to judicial review of this
4 matter pursuant to RCW 19.100.260 and Chapter 34.05 RCW.

5
6 Signed this 4th day of April, 2018

7
8 Signed by:

9 Off-Leash K9 Training, LLC

10 By: /s/ _____
11 Nicholas R. White
12 Owner

13 Signed by:

Approved as to form by:

14
15 /s/ _____
Nicholas R. White, Individually

/s/ _____
Eric C. Perkins, Attorney for Respondents

16
17 SIGNED and ENTERED this 18th day of April, 2018

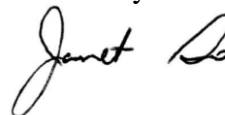
18
19
20 

21 _____
22 William M. Beatty
Securities Administrator

23 Approved by:

Presented by:

24 

25 

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Suzanne Sarason
Chief of Enforcement

Janet So
Financial Legal Examiner

Reviewed by:



Robert Kondrat
Financial Legal Examiner Supervisor