

Form D – Franchise Seller Disclosure Form

FRANCHISE SELLER DISCLOSURE FORM

1. List who will solicit, offer or sell franchises for the Franchisor in this state:

A. Name:

B. Business address and telephone number:

C. Present employer:

D. Present title:

E. Employment during the past five years. For each employment, state the name of the employer, position held, and beginning and ending dates:

2. State whether the person identified in 1 above:

A. Has an administrative, criminal or material civil action pending against that person alleging a violation of franchise, antitrust or securities law, or alleging fraud, unfair or deceptive practices, or any comparable allegations?

YES _____ NO _____

If you answered “yes”, please provide:

1. Names of the parties:

2. Forum, nature and current status of the pending action:

3. Case or proceeding identification number:

B. Had during the 10-year period immediately before the disclosure document’s issuance date been convicted of or pleaded nolo contendere to a felony charge; or been held liable in a civil action involving an alleged violation of a franchise, antitrust or securities law, or allegations of fraud, unfair or deceptive practices, or comparable allegations?

YES _____ NO _____

If you answered “yes”, please provide:

1. Names of the parties:

2. The forum:

3. Case or proceeding identification number:

- C. Is subject to a currently effective injunction or restrictive order or decree resulting from a pending or concluded action brought by a public agency and relating to the franchise, or to a Federal, State or Canadian franchise, securities, antitrust, trade regulation or trade practice law.

YES _____ NO _____

If you answered “yes”, please provide:

1. Name of the person:
2. Public agency or court:
3. Case or proceeding identification number:

**Instructions for Preparing
Form D – Franchise Seller Disclosure Form**

Complete one Franchise Seller Disclosure Form for each person who may be engaged in soliciting or offering or selling the franchises for the Franchisor submitting the Application. A form should be submitted for the franchisor's own employees, for the employees of its parent(s) or affiliates, and for any independent third party (*e.g.*, broker) who may be providing sales services on its behalf in each Franchise Filing State (if required by the Franchise Filing State). Do not submit a form for the franchisor entity or master franchisee/subfranchisor entity.

1. Only provide the Franchise Filing State with Franchise Seller Disclosure Forms for those franchise sellers who will be acting on behalf of the Franchisor in that particular state.
2. In Section 1, insert the name, business address and telephone number, present employer, present title and employment of the franchise seller for the past 5 years.
3. In Section 2, answer “yes” or “no” to each question (A, B and C). If the answer is “yes” to any question, provide the requested additional information.
4. For purposes of Section 2 B., “held liable” means that, as a result of claims or counterclaims, the person must pay money or other consideration, must reduce an indebtedness by the amount of an award, cannot enforce its rights, or must take action adverse to its interest. Accordingly, dismissals concluding an adversary proceeding need not be disclosed, but a settlement resolving an adversary proceeding must be disclosed if the person is held liable as defined above.
5. If a franchise seller is no longer soliciting or offering or selling franchises on behalf of the Franchisor, promptly notify each state agency with which the Franchise Seller Disclosure Form has been filed by letter of the termination of that relationship.
6. As new franchise sellers are added, promptly submit Franchise Seller Disclosure Forms for those new franchise sellers to the state agencies for the states in which the franchise sellers will be performing services.