

Franchise Compliance + Registration

Compliance with the complex regulatory framework around Franchising is often seen as a burden or even a barrier to selling franchised businesses for existing or potential franchisors, but our lawyers have the experience to minimize the burden and eliminate those barriers. Franchisors must manage ongoing compliance with federal and state agencies, including required disclosures and registration, governance of the franchise sales process, and much more. We work with our franchisor clients to establish and maintain continued federal and state compliance in the most efficient and effective manner.

We've established a comprehensive four-part approach to crafting compliance programs that includes:

- + Creating and maintaining franchise documents that meet all federal disclosure requirements;
- + Managing the registration process required in various states and navigating the idiosyncrasies of those state regulatory agencies;
- + Evaluating the impact of, and ensuring compliance with, other laws and regulations that often affects franchisors; and
- + Facilitating continued compliance through ongoing risk evaluation and mitigation, and through advice on the impact of future business strategies on continuing compliance.

Our Services

Our franchising growth + launch services address a wide spectrum of needs for our clients:

- + **FDD Preparation:** Working with our clients to prepare and draft the federally mandated Franchise Disclosure Document (FDD) based on the unique nature of their business models, goals, and strategies
- + **State Registration:** Registering and tailoring franchise disclosure documents to comply with state requirements; working with state regulators to facilitate the unique state registration processes
- + **Federal + State Compliance Programs:** Preparing and managing the annual FDD and state registration updates; filing quarterly updates as necessary; ensuring compliance with a variety of other state laws applicable to franchisors
- + **Sales + Advertising:** Advising on proper sales techniques; managing sales agent disclosures; creating advisory timelines and best practices; detailing permitted methods of advertising and permissible language; coordinating approval of advertising programs and internet solicitations
- + **Outside General Counsel:** Due to the impact the onerous regulatory requirements have on a franchisor's primary business, we often act as outside general counsel to our franchisor clients, advising on all aspects of the business and how franchise compliance may affect and inform future business decisions

Accidental Franchises

Sometimes a business may be distributing or licensing goods or services without realizing that their arrangement has inadvertently become a franchise. We help these clients avoid violations of the

law by restructuring their business to either become compliant with franchising regulations, explore franchise exemptions or exclusions, or remove franchising elements to avoid the franchising model entirely.

Alternatives to Franchising

Our experience representing franchisors covers several industries, including food service, education, retail, and professional service sectors. We work with both established and beginning franchises that operate all across the U.S. and abroad. We also assist businesses seeking to restructure to avoid non-compliance, as well as businesses that may have fallen into accidental franchise status.

Contact Us

For more information on our comprehensive services for franchisors and franchisees, please contact Kacie N. Davis.

Our Team

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