

Mr. Samuel Levine, Director
Federal Trade Commission
Office of the Secretary, Franchise Division
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

December 28, 2021

RE: *I am being threatened with legal action if I communicate my opinions, experiences, complaints or participate in discussions with the Federal Trade Commission on franchise issues. Is this legal?*

Dear Mr. Levine:

My name is Jim Lager. As a successful multi-unit franchisee whose experience spans two decades with three national franchise brands, I believe my experience and opinions would have been a positive contribution to your recent review of The Franchise Rule and the current crisis in franchising. ***I am asking for clarification on my rights as a former franchisee to share my views, opinions and complaints with the FTC now and in the future.***

In October, 2020 I prepared a multi-page letter in response in response to the FTC invitation for public comment by the FTC on The Franchise Rule. My letter was professional, factual and did not contain the name or industry of my former franchisor. My former franchisor, the franchisor's attorney and the prominent franchisor lawyer who served as a mediator all forbade me from submitting this letter or participating in this discussion due to an NDA I had no choice but to sign.

This week, I prepared a three-page response to submit to NASAA in response to its request for public comment on the proposed S.O.P. regarding questionnaires & disclaimers used by franchisors to commit fraud with impunity. Again, the name and industry of the franchisor was not mentioned. I was again told that I was forbidden from participating in this discussion and governmental proceeding by a franchisor, franchisor lawyer and pro-franchisor mediator.

Former franchisees, like me, who had negative franchise experiences, were defrauded and/or engaged in disputes, arbitration, mediation or litigation with their franchisors have first-hand experience and critical insights into this and related issues. However, most of us had no choice but to sign NDAs. We did not, however, intend to sign over our right to participate in legislative or political discussions, to surrender our freedom of speech, or transfer ownership of our voices as American citizens.

I believe that NASAA's (and the FTC's) public discussions of franchise practices, pre-sale disclosures and regulations are and will be incomplete and ineffective if franchisors & their highly paid attorneys are allowed to exclude those with the most experience: their victims.

I respectfully request clarification: ***Do franchisors, their attorneys and pro-franchisor mediators have the legal right to forbid me and other franchisees who signed standard NDAs from participating in the FTC's invitation for public comment and discussions of franchising? Can we be legally prohibited from submitting complaints to the FTC and/or other federal regulatory or law enforcement agencies?***

Thank you,

Jim Lager

Honorably Discharged Veteran, U.S. Army

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