

From: Keith Miller <kmill@franchiseadvocacy.com>

Sent: Wednesday, February 22, 2023 10:32 AM

To: Howard, Jennifer <jhoward1@ftc.gov>; Wilkins, Elizabeth <ewilkins1@ftc.gov>

Subject: Fwd: Weekly Government Relations Update: NEW Joint Liability Bill Threatens Franchise Restaurants | 2023 IFA Labor Survey Results | DOL Wage and Hour Nomination Stalls

I thought this would be of interest to you. This is what the IFA is sending the franchise industry. They state that Judiciary Ranking Member Nadler signed on to a letter to Chair Khan the the FTC is overstepping its legal authority on the Noncompete Rule. That is not true. If you follow the link, Ranking Member Nadler was copied on the letter. These are the falsehoods being spread to undermine the work the Commission is doing.

Sent from my iPhone

Begin forwarded message:

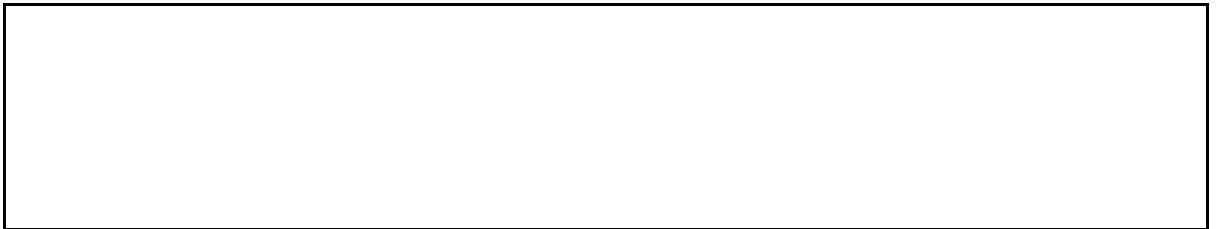
From: IFA <ifa@franchise.org>

Date: February 20, 2023 at 1:31:08 PM PST

To: millerk@jps.net

Subject: Weekly Government Relations Update: NEW Joint Liability Bill Threatens Franchise Restaurants | 2023 IFA Labor Survey Results | DOL Wage and Hour Nomination Stalls

Reply-To: emarket@franchise.org



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February 20, 2023

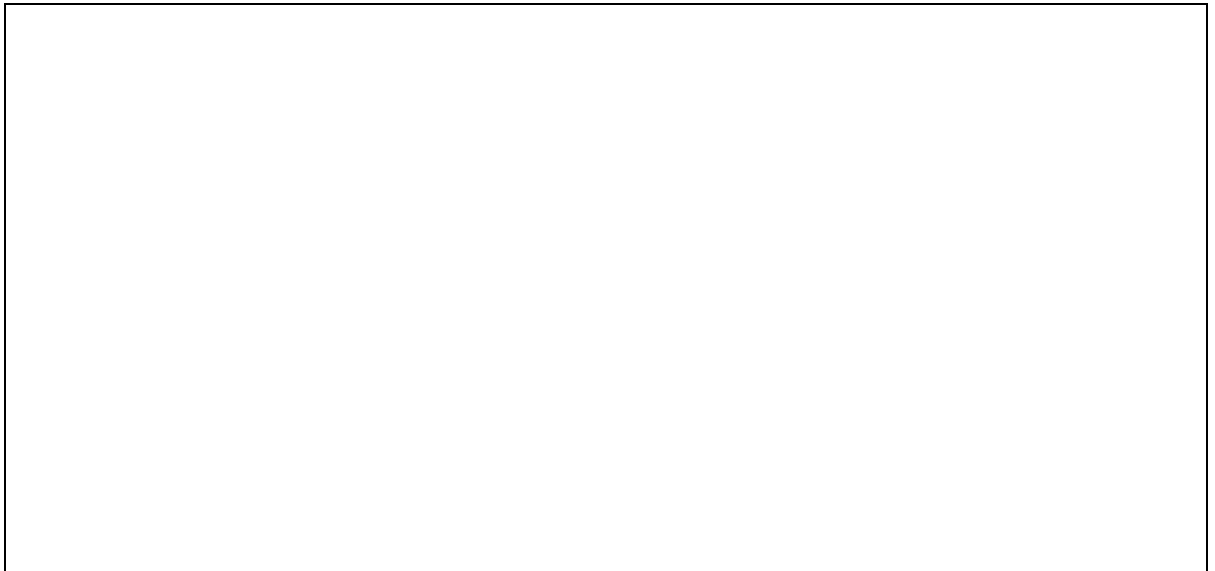
California Assm. Holden Introduces Quick-Service Restaurant Joint Liability Bill

On Thursday, February 16, California Assemblymember, Chris Holden, introduced [AB 1228](#), The Fast-Food Franchisor Responsibility Act, which will establish joint liability between franchise brands and California franchisees, applying to quick-service restaurant brands with 100+ locations nationwide. This is a direct response to IFA's successful referendum campaign pausing implementation of the FAST Act, as well as our past advocacy efforts that resulted in the removal of joint liability in the final bill last year. [IFA released this statement](#) and will be mobilizing our coalition resources quickly.

[READ AB 1228](#)

[READ MORE IN RESTAURANT BUSINESS](#)

IFA Releases Second Annual Survey on Labor Trends



Last week, IFA released its 2023 study on labor trends in franchising, showing that the availability of qualified labor remains the number one challenge facing franchised businesses. In this second inaugural study, conducted by FRANdata, the survey shows slight improvement in labor market conditions, but four out of five franchised brands continue to experience constrained growth due to labor challenges. “Through the challenges, the franchise system has shown its proven advantages to help franchisees address the shortage and continue their growth,” **said Michael Layman, senior vice president of government relations and public affairs for the International Franchise Association.**

SEE THE FULL REPORT

DOL Wage and Hour Nomination Stalls in Committee

On Wednesday, February 15, President Biden’s nominee for the Department of Labor’s (DOL) Wage and Hour Division, Jessica Looman, failed to gain a favorable vote from the Senate Health, Education, Labor, and Pensions (HELP) Committee voting 11-10 in opposition to Looman’s nomination. Senator Bill Cassidy, M.D. (R-LA), ranking member of the HELP Committee, said in a [press release](#), “During Ms. Looman’s tenure as principal deputy administrator, the Wage and Hour Division has issued multiple proposed rules that would effectively destroy the independent contracting and franchising industries, revealing an antiquated approach to a twenty-first century workforce.” Looman seeks to fill the role after President Biden’s previous nominee David Weil was defeated on the Senate floor as a result of IFA advocacy.

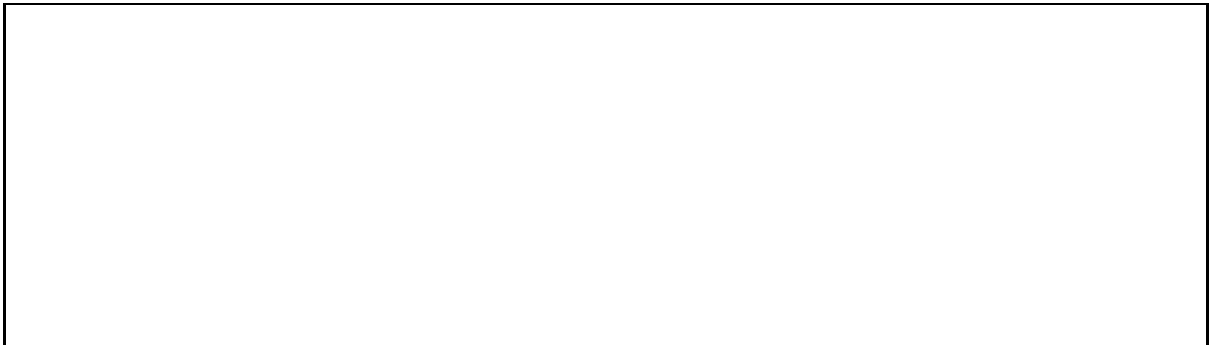
IFA Promotes Franchising on FTC Noncompete Forum

On Thursday, February 16, **Haider Murtaza, Director of Government Relations at IFA**, participated in the Federal Trade Commission’s (FTC) public forum to discuss the impact of the FTC’s [proposed non-compete rule](#) (NPRM) to ban non-compete agreements. The call opened up with brief remarks from the Chair Lina Khan, followed by an overview of the proposed rule by Elizabeth Wilkins, Director of the office of Policy and Planning. Murtaza provided that, “IFA believes that non-competition clauses in the FR-FE relationship protect the FR as well as the FEs that invest in the brand by building and operating a unit in the system.” Earlier that week, Chairman Jim Jordan (R-OH) and Ranking member Jerry Nadler (D-NY) of the House Judiciary Committee [sent a letter](#) to Federal Trade Commission (FTC)

Chair Lina Khan and her fellow commissioners stating that the [proposed non-compete rule](#) exceeds the agency’s authority and would negatively impact the U.S. economy.

MPC Provides Comments on FTC Mastercard Settlement

On Monday, February 13, the Merchants Payments Coalition (MPC) provided comments on the recently announced [proposed settlement](#) between the Federal Trade Commission (FTC) and Mastercard, Inc. relating to Mastercard’s tokenization policies and violations of Federal Reserve Regulation II. Competition in the payments ecosystem is important for merchants, their employees, consumers, and the economy at large. The letter, which you can read [here](#), raises concerns about the proposed settlement and states that more must be done to ensure that the debit market benefits from competition in a manner required by Regulation II.

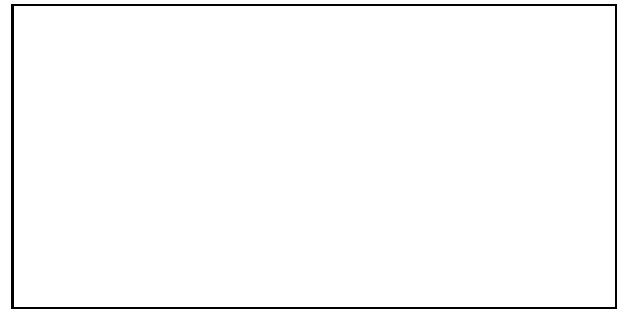
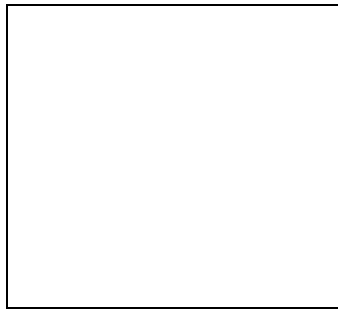


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VIEW THE EVENT BROCHURE

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emerging franchise brands expanding in the western United States while attending education sessions to increase your franchising knowledge. Franchise Expo West brings together attendees, exhibitors, expert speakers, and sponsors for information sharing, education, business development, and fun!

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- Come early to beautiful Phoenix on **March 30** and earn Certified Franchise Executive™ (CFE) Education Credits by attending our Special Session, "Leading with Your Personality".
- Attendees of the CFE session on Thursday will get free access to the Expo Show on Friday and Saturday.
- Education seminar opportunities for franchisors and suppliers with an exclusive Spanish-only session developed by the Hispanic-Latino Franchise Leadership Council.
- Meet face-to-face with the 'best-of-the-best' franchise brands.

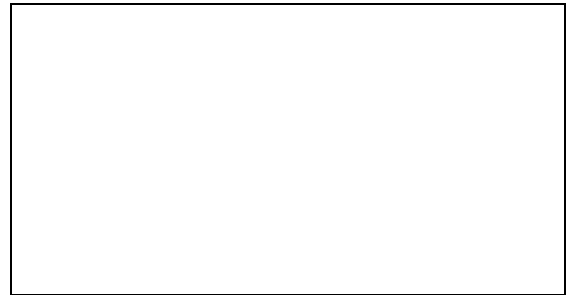
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Stay for the IBA/IFA Joint Conference in Washington DC



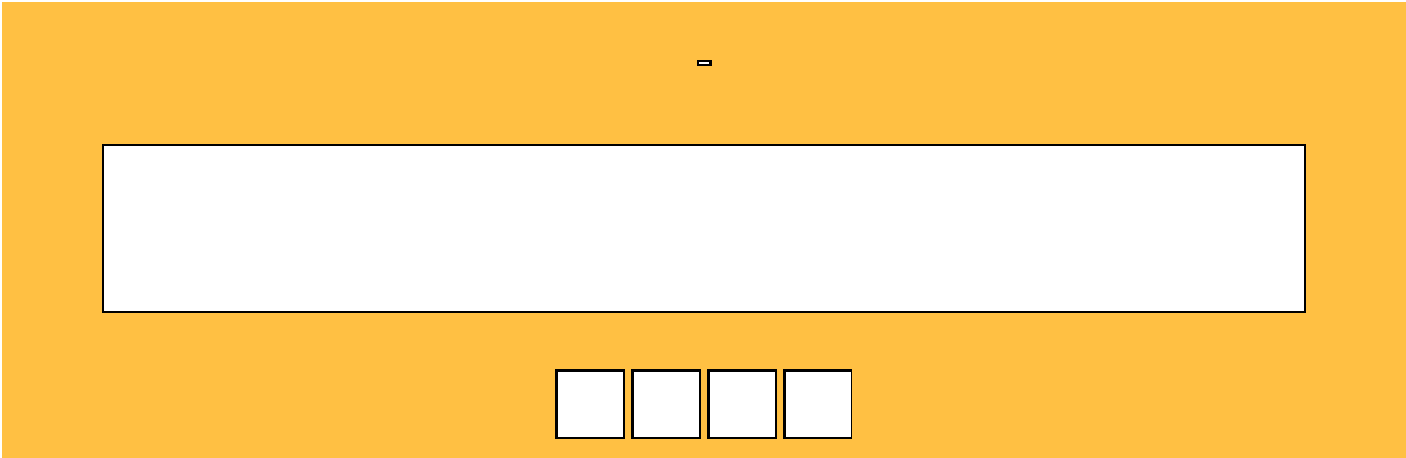
The IFA and International Bar Association (IBA) are hosting a joint conference on **May 9 – 10**, in Washington, D.C.

Immediately following the Legal Symposium, the **38th Annual IBA/IFA Joint Conference** includes small groups and collaboration sessions discussing hot topics in international franchise law. Experienced legal counsel will share invaluable information regarding the latest developments in international law and its importance to franchising.

This event provides attendees with the opportunity to earn CFE and U.S. CLE Credits.

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Convention Center. Read more [here](#).



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