

Spray, Geoffrey (COMM)

From: Spray, Geoffrey (COMM)
Sent: Thursday, December 20, 2018 4:15 PM
To: 'akhianna@hlkpc.com'
Subject: Regarding Tommy's Express, LLC (NEW # F-8809)

Dear Ashish Khanna,

The franchise application for the above-referenced franchisor has been examined. Please correct or otherwise address the following deficiencies:

1. Item 19: When a franchisor has a relatively small number of outlets, a subset of the total cannot be used to provide the financial data for the Item 19 materials. All of eight outlets must be utilized within the data presentation.
2. Item 19: The presented materials will have to be shown in three categories, company owned, franchised, and combined total.
3. Item 19: Please refer to the Expense Table: Please disclose the median of the numbers within the presentation, in addition to the average.
4. Item 21: Please refer to Item 21: Please submit a 90-day update balance sheet and income statement. This financial statement does not have to be audited. See Minn. Stat. 80C.04 (g). Amend Item 21 to disclose the financials.
5. Due to the deficit ratio of current assets to current liabilities in the franchisor's most recent financial statement, the franchisor will be required to comply with one of the following as a condition of registration:
 - A. Impound initial franchise fees in a bank located in Minnesota until the franchised business opens. Submit 3 original signature Minnesota Impoundment Agreements; 2 will be returned to the applicant for the Impound Agent and the Franchisor.
 - B. Post a Minnesota Surety Bond; amount is the initial franchise fee times the number of franchises projected to be opened in Minnesota (Item 20 in Franchise Disclosure Document). A minimum of one is required.
 - C. Defer payment of initial franchise fees until business opens; amend Franchise Disclosure Document (Items 5 and 7) and agreement(s) accordingly.

Forms can be downloaded at: <http://mn.gov/commerce/industries/securities/franchises/>. Please select the "Forms" tab. Please disclose Option a. in Item 5 and option b. in Item 21 of the Franchise Disclosure Document. When the franchisor submits its next audited financial statement, a request may be made of the Department to lift this requirement.

In responding to the above deficiencies, submit only the marked pages (one set). Do not send the entire clean copy. If additional changes have been requested from other states please include only the pages showing those corrections also.

Please email us the revised document(s). Please note: The Commissioner may withdraw an application in which no activity has occurred for 120 days (Minnesota Statute § 80C.05, Subd. 4). If an Order of Withdrawal is issued, the franchisor must reapply with a new application.

New F-8809

Form A – Uniform Franchise Registration Application

UNIFORM FRANCHISE REGISTRATION APPLICATIONFile No. 8448
(Insert file number of immediately
preceding filing of Applicant)State: MinnesotaFee: \$400

APPLICATION FOR (Check only one):

- INITIAL REGISTRATION OF AN OFFER AND SALE OF FRANCHISES**
- REGISTRATION RENEWAL STATEMENT OR ANNUAL REPORT**
- PRE-EFFECTIVE AMENDMENT**
- POST-EFFECTIVE MATERIAL AMENDMENT**

State of Minnesota
Dept of Commerce

DEC 14 2018

Rec'd \$ 400

- Full legal name of Franchisor:**
TOMMY'S EXPRESS, LLC
- Name of the franchise offering:**
TOMMY'S EXPRESS CAR WASH
- Franchisor's principal business address:**
240 East 8th Ave.
Holland, MI 49423
- Name and address of Franchisor's agent in this State authorized to receive service of process:**
Minnesota Commissioner of Commerce
85 7th Place East, Suite 500
St. Paul, MN 55101
- The states in which this application is or will be shortly on file:**
MN, CA, CT, IL, IN, MD, NY, NC, ND, RI, SC, VA, WA, WI, FL, KY,
ME, MI, NE, SD, TX, UT
- Name, address, telephone and facsimile numbers, and e-mail address of person to whom communications regarding this application should be directed:**
Ashish Khanna, Harold L. Kestenbaum, PC; 175 Broadhollow Rd, Suite 175, Melville, NY
11747; Telephone: (516) 745-0209, Facsimile: (516) 745-0293, E-mail: akhanna@hlkpc.com

Certification

I certify and swear under penalty of law that I have read and know the contents of this application, including the Franchise Disclosure Document with an issuance date of April 10, 2018 attached as an exhibit, and that all material facts stated in all those documents are accurate and those documents do not contain any material omissions. I further certify that I am duly authorized to make this certification on behalf of the Franchisor and that I do so upon my personal knowledge.

Signed at Holland Michigan, December 3rd, 2018
(City and State) (Date)

Franchisor:

TOMMY'S EXPRESS, LLC

By: [Signature]

Name: Eric O'Connor

Title: Director

STATE OF Michigan)
) ss:
COUNTY OF Ottawa)

Personally appeared before me this 3rd day of December, 2018 the above-named Eric O'Connor to me known to be the person who executed the foregoing application (as _____ of the above-named applicant) and, being first duly sworn, stated upon oath that said application and all exhibits submitted herewith, are true and correct.

(NOTARY'S SEAL)

[Signature]
Ross Bloemers
(Notary)

Ross Bloemers
Notary Public Ottawa County Michigan
Acting in Ottawa County Michigan
My Commission Expires February 1, 2019

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