

Article 2B - Alcoholic Beverages

53.

(e) (1) [In Prince George's County, a person, franchiser, franchisee, chain store operation, partnership, firm or corporation may not have any interest in more than one license, whether held or controlled by direct or indirect ownership, by franchise operation, by chain store operation, by stock ownership, interlocking directors or interlocking stock ownership, or in any other manner, directly or indirectly. It is the intention of this subsection to prohibit any such persons, franchiser, franchisee, chain store operation, firm, partnership or corporation from having any interest, directly or indirectly, in more than one license.]

(I) IN PRINCE GEORGE'S COUNTY, A PERSON, WHETHER ACTING ON THAT PERSON'S BEHALF OR ON THE BEHALF OF ANOTHER PERSON OR ENTITY, CORPORATION, ASSOCIATION, PARTNERSHIP, LIMITED PARTNERSHIP OR OTHER COMBINATION OF PERSONS (NATURAL OR OTHERWISE) FOR WHATEVER REASON FORMED, MAY NOT HAVE AN INTEREST IN MORE THAN ONE LICENSE AUTHORIZING THE RETAIL OR WHOLESALE SALE OF ALCOHOLIC BEVERAGES.

(II) AN INTEREST SHALL BE CONCLUSIVELY PRESUMED TO EXIST BETWEEN 2 LICENSEES OR A LICENSEE AND AN APPLICANT FOR A LICENSE IF ANY OF THE FOLLOWING CONDITIONS EXIST BETWEEN THEM:

1. A FRANCHISE AGREEMENT;
2. A LICENSING AGREEMENT;
3. A CONCESSION AGREEMENT;
4. WHERE BOTH ARE PART OF A CHAIN OF BUSINESSES COMMONLY OWNED AND OPERATED AND SO PORTRAYED TO THE PUBLIC;
5. ANY SHARING OF DIRECTORS OR STOCKHOLDERS OR ANY SHARING OF DIRECTORS OR STOCKHOLDERS OF PARENTS OR SUBSIDIARIES;
6. COMMON DIRECT OR INDIRECT SHARING OF PROFIT FROM THE SALE OF ALCOHOLIC BEVERAGES; OR
7. SHARING OF A COMMON TRADE NAME, TRADEMARK, LOGO OR THEME, OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC-- , EXCEPT HOTELS AND MOTELS.

(III) THE BOARD OF LICENSE COMMISSIONERS SHALL MAKE DETERMINATIONS UNDER THIS SUBSECTION WITHOUT REGARD TO WHETHER A PARTICULAR LICENSEE OR PROPOSED LICENSEE IS OR MAY BE AN INDEPENDENT CONTRACTOR FOR PURPOSES OTHER THAN THE APPLICATION OF THIS SUBSECTION.