

same class which was in force and effect as of [said] THAT date, applied for in [said] THE place of business nor to a renewal of a license of any establishment where, subsequent to the original granting of [said] THE license a school or church building was erected within 1,000 feet.

(5) This [section shall] DOES not apply to any licenses or to any license issued under [§§ 19(s)(2)] § 19(R)(2), [19(s)(5)] § 19(R)(5), or § 25 of this article.

(6) This [section shall] RESTRICTION DOES not apply in the case of a private kindergarten or nursery school.

(e) (1) (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.

(iv) A holder of a wholesale alcoholic beverages license is considered a licensee for purposes of this subsection and may not hold or have an interest, directly or indirectly, in an alcoholic beverages license of any class that authorizes retail sale of alcoholic beverages in Prince George's County.

(2) This subsection does not apply to licenses issued under the provisions of § 17B, [§ 19(s)(2)] § 19(R)(2), (3), (5), (7), or (10), or § 25 of this article or to club licenses.