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§14–104.

(a) This subtitle does not apply to:

(1) a sale of an ongoing business if the owner of the business sells and intends to sell only that one business opportunity;

(2) a not-for-profit sale, for less than $500, of sales demonstration equipment, materials, or samples;

(3) an offer to sell or sale of a franchise registered or exempt from registration under Subtitle 2 of this title;

(4) an offer to sell or sale of a business if the offer or sale is regulated under the Maryland Gasohol and Gasoline Products Marketing Act or the federal Petroleum Marketing Practices Act;

(5) an offer to sell or sale of a business opportunity with a marketing plan made in conjunction with the licensing of a federally registered trademark or service mark, provided that the seller has a minimum net worth of $1,000,000 as determined on the basis of the seller's most recent audited financial statement prepared within 13 months of the first offer that the seller makes in the State; or

(6) any other sale or transaction if the Commissioner:

(i) exempts the sale or transaction, by regulation or order, as not being within the purposes of this subtitle; and

(ii) finds the registration of the sale or transaction to be unnecessary, inappropriate, not in the public interest, or not for the protection of investors.

(b) Net worth may be determined on a consolidated basis if:

(1) at least 80% of the seller is owned by one person; and

(2) the person that owns at least 80% of the seller expressly guarantees the obligations of the seller with regard to the offer or sale of a business opportunity that the seller seeks to exclude under this paragraph.

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