

Kirt Trivedi

DMK INVESTMENTS LLC

1420 Cuming St
Omaha, NE 68102
KT@anantops.com

March 6, 2026

City of Omaha
Planning Department – Code Enforcement
1819 Farnam Street, Suite 300
Omaha, NE 68183

Re: Formal Appeal of Citation OP5262782

Property Address: 1420 Cuming St, Omaha, NE 68102

To Whom It May Concern:

I am writing to formally appeal the Notice of Violation issued under Chapter 54, Section 54.7 of the Omaha Municipal Code concerning the above-referenced property.

Upon receiving the notice, the facility took immediate action to correct the cited issue, regardless of the validity of the corrective actions listed. All violations, regardless of if they applied or not, have been fully remedied, and the property is now, and has been, in full compliance with the City of Omaha's, State of Nebraska's, and Douglas County's code requirements. These actions were made in less than one hour following the initial inspection, and the inspector was notified of the updates immediately repeatedly that same day and since then on numerous occasions.

The following are actions taken for each alleged violation within minutes of the alleged violations being delivered:

- RAISE CHLORINE
 - Chloring levels were tested by the inspector immediately after a large bather load which naturally lowers chlorine levels as we all know and work with on a daily basis. And as supported by all departments as BEST PRACTICES, the facility checks levels every four hours and then adjusts and acts to immediately increase levels. And as a normal part of

the process, we temporarily pause use until levels come back up. This is common practice and part of normal operations of all commercial pools in the State of Nebraska. And yes, facility immediately took action as it always does.

- LOWER THE PH
 - PH levels always fluctuate due to bather load and normal use. As we all know this is a normal process of all commercial pools. This is why we check chemical levels every 4 hours and always adjust to ensure proper levels are maintained for health and safety. And yes, facility immediately took action as it always does.
- FIX THE EMERGENCY PHONE
 - Emergency phone was NEVER in need of repair. The switch hook just got stuck and hanging up the phone again corrected this. Regardless, facility immediately installed a new phone it had in storage.
- POST THE CURRENT PERMITS
 - All permits, have they have been for almost 20 years, are in the GM binder. In EVERY inspection prior to this event the inspector has accepted this practice as the pool room environment has high humidity and the paper will deteriorate immediately. Permits are posted as accepted in all previous inspections.
- NEED A CPR MASK
 - We have this mask. It was available at the time of inspection. Do note this is NOT a requirement for a CLASS B pool, but we have maintained this for the pool inspector for some time to appease his request. This item was never in violation. Mask was properly on site.
- THERE WAS NO AUTOMATIC FEEDER FUNCTIONING AT THE TIME OF INSPECTION
 - This comment is not accurate at all.
 - 12-10-26 facility had Ecolab remove its chemical feeder due to cause as their equipment, product, and service had consistent failures elevating greatly the risk to public and employee health and safety. The inspector was very knowledgeable about this step as we had shared our disappointment with him for some time due to Ecolab's failed equipment, product, and service. This facility does NOT compromise public and employee health and safety. This is why we took immediate action and immediately returned the facility to the previous automatic feeder system that was in place for years and was approved by the State of Nebraska and Douglas County Health Department. This action was in support of public and employee health and safety and follows guidance from the State of Nebraska Department of Water, Energy, and Environment. And we also hired Platinum Pools and Aqua Chem during this interim to ensure the highest levels of safety.
 - Regardless of facility following the guidance, the inspector was adamant that we re-apply and rebuild the entire system. We did so SUCCESSFULLY with documented proof and letters providing 100% compliance. The inspector was kept in the loop of this process the entire time. This action and directive by the inspector appear to contradict documented steps taken by all other class b pools that have been in the same situation.
- SAND DEBRIS ON BOTTOM

- This is sand from the sand filter and COMMON in all class B pools. The regular on going service and maintenance addresses this the same way as all other class b pools. We made adjustments and this was resolved as it always has been with ZERO affect to public and employee health and safety.

The following are additional documented facts with absolute objectivity:

- REPLACE RING BUOY THAT WAS TORN
 - Tear was extremely minor, but facility immediately replaced with back up buoy it had in stock.
- HANDRIL WAS LOOSE ON POOL
 - The hand rail was within tolerance and not loose. There is always a few millimeters of give in all hand rails. But facility still tightened and over tightened the hand rail in front of inspector.
- ELIMINATE SAND AT BOTTOM OF POOL
 - This is sand from the sand filter and COMMON in all class B pools. The regular on-going service and maintenance addresses this the same way as all other class b pools. We made adjustments and this was resolved as it always has been with ZERO affect to public and employee health and safety.
- ELIMINATE GAS POWERED MACHINERY NEXT TO OXIDIZERS
 - This alleged violation is not showing the actual situation.
 - Our CPO was power washing facility as we do in our normal schedules. The power washer was stopped and placed next the equipment NOT RUNNING so he can attend to the inspector. The power washer, which was off, was immediately relocated.
- PH
 - PH levels always fluctuate due to bather load and normal use. As we all know this is a normal process of all commercial pools. This is why we check chemical levels every 4 hours and always adjust to ensure proper levels are maintained for health and safety. And yes, facility immediately took action as it always does.
- POST THE CURRENT PERMITS
 - All permits, have they have been for almost 20 years, are in the GM binder. In EVERY inspection prior to this event the inspector has accepted this practice as the pool room environment has high humidity and the paper will deteriorate immediately. Permits are posted as accepted in all previous inspections.
- THERE WAS NO AUTOMATIC FEEDER FUNCTIONING AT THE TIME OF INSPECTION
 - This comment is not accurate at all.
 - 12-10-26 facility had Ecolab remove its chemical feeder due to cause as their equipment, product, and service had consistent failures elevating greatly the risk to public and employee health and safety. The inspector was very knowledgeable about this step as we had shared our disappointment with him for some time due to Ecolab's failed equipment, product, and service. This facility does NOT compromise public and employee health and safety. This is why we took immediate action and immediately returned the facility to the

previous automatic feeder system that was in place for years and was approved by the State of Nebraska and Douglas County Health Department. This action was in support for public and employee health and safety and follows guidance from the State of Nebraska Department of Water, Energy, and Environment. And we also hired Platinum Pools and Aqua Chem during this interim to ensure the highest levels of safety.

- Regardless of facility following the guidance, the inspector was adamant that we re-apply and rebuild the entire system. We did so SUCCESSFULLY with documented proof and letters providing 100% compliance. The inspector was kept in the loop of this process the entire time. This action and directive by the inspector appear to contradict documented steps taken by all other class B pools that have been in the same situation.
- SPA WAS CLOSED AS IT WAS DRAINED RECENTLY
 - Facility has a set spa draining schedule which is in benefit of public and employee health and safety. Unsure what violation this is or why discouraged.

The following are additional facts based purely on objective and documented evidence:

- 12-10-25 facility ordered Ecolab to remove their UNSAFE and repeatedly failing equipment, products, and service to ensure public and employee health and safety.
- Facility then immediately resumed to use the original automatic feeder system that was used for years and was already approved by the State of Nebraska Water, Energy, and Environment Department and Douglas County Department of Health. This action is supported and encouraged by the documented guidance from the State of Nebraska Water, Energy, and Environment Department for when automatic feeder systems need repaired or replaced to ensure continued public use of class B pools SAFELY and legally.
- 12-16-25 inspector came to facility right before their offices were closed on a Friday evening and ordered us to shut down. Even though all alleged violations were addressed in minutes, inspector refused to re-inspect and never came back to re-inspect to date. Even after my repeated requests and phone calls.
- Since then, facility took it upon themselves to RE-CERTIFY the automatic feeder system and have it re-built even though the automatic feeder system was already previously approved and permitted by the State of Nebraska Water, Energy, and Environment Department and Douglas County Health Department and was functioning properly and safely.
- Inspector would come back not to re-inspect the original alleged violations but only to demand we stop using the previously permitted and properly functioning automatic feeder system and immediately manually feed chemicals. Facility complied immediately as many other class B pools have done so in the situation where their automatic feeder system had to be taken off line due to replacement and/or repair. We have documented proof of this where inspectors support this action.
- Since then, Douglas County Department of Health not once ever came back to re-inspect the original alleged violations nor returned my calls. Only to return with large number of police officers on a few occasions where I repeatedly ask what we violated and not cure with no response.

- Summaries of these visits by the Douglas County Department of Health were summarized immediately and sent to the Douglas Department of Health with no response.
- My partner, Dr. Deepak Gangahar, also attempted to reach out to the following with the following results:
 - Mr. Eric Bradley
 - Received repeated voicemails stating he was out of office and will not return till July 18
 - This is the same voicemail I would receive when I attempted to reach out to Mr. Eric Bradley as well
 - Emails sent to request meetings were not responded to any acceptance of meetings.
 - Ms. Lindsay Huse
 - We repeatedly called both contact numbers we have for her and both voicemails were always full. I believe at the assistance of Mr. Garcia, Ms. Huse has agreed to meet with Dr. Deepak Gangahar today.
 - Mr. Roger Garcia
 - Emails were sent and Mr. Garcia had mentioned he does not get involved in such matters. After explaining that our attempts have failed to get responses from Ms. Huse and Mr. Bradley, Mr. Garcia appears to have had Ms. Huse eventually respond now to Dr. Deepak Gangahar.
- Due to the difficulty we have experienced, incorrect social media and news campaign prompted by government agencies, and inability to receive responses by officials, the facility retained counsel and started to reach out to government officials to assist to address this matter to prevent it from further spiraling ON MERIT AND FACTS. This situation to date has already created permanent damage to the facility in numerous ways and we all MUST STOP IT FROM PROGRESSING.
- Mr. Max Lofgren, with the State of Nebraska Water, Energy, and Environment Department, and his supervisor, Mr. Cyril Martinmass, were kind enough to come to the facility to re-inspect all aspects of the pool operation. Prior to their arrival, and with adequate notice, Mr. Lofgren invited Mr. Eric Bradley from the Douglas County Department of Health to join him in this inspection so that Mr. Eric Bradley can satisfy and inspect all that he needs to. Mr. Eric Bradley denied this request in an email.
 - The inspection results show 100% compliance with all requirements with ZERO qualifications and/or exceptions.
 - During the inspection the Mr. Max Lofgren was conducting at the facility with his supervisor, it appears that Mr. Eric Bradley and his colleagues had come to the facility lobby and were watching the inspection occur. Which, if true, confuses me as to why did the Douglas County Department of Health not just come in to join the inspection to address any of their concerns that they have been stating for so long? We do have a video recording for any to view upon request.
- An odd fact we discovered from the State of Nebraska Water, Energy, and Environment Department was that the Ecolab system that routinely failed in equipment, products, and service

was not processed, permitted, and engineered correctly and this process was led and managed by Ecolab and the Douglas County Department of Health. Considering this finding by the State of Nebraska Water, Energy, and Environment Department, they recommended the facility return to the original flow rates which is provided the automatic feeder system the facility returned to originally. This is documented.

- Below is a list of documents that are attached to support all comments within this letter and appeal.
 - EXHIBIT 1 – INSPECTON REPORT FROM 12-16-25
 - EXHIBIT 2 – CURRENT PERMITS AND NEW PERMITS
 - EXHIBIT 3 – PROOF OF REBUILD OF CURRENT AND FUNCTIONING AUTOMATIC FEEDER SYSTEM
 - EXHIBIT 4 – EMAIL FROM THE STATE OF NEBRASKA WATER, ENERGY, AND ENVIRONMENT DEPARTMENT PROVIDING GUIDANCE IN THE SITUATION WHEN THE AUTOMATIC FEEDERS SYSTEM NEEDS TO BE REPAIRED AND/OR PREPLACED TO ENSURE ONGOING PUBLIC USE OF CLASS B POOLS SAFELY
 - EXHIBIT 5 – EMAIL FROM THE STATE OF NEBRASKA WATER, ENERGY, AND ENVIROMENT DEPARTMENT SHOWING CONCERN OF THE ISSUES WITH THE ECOLAB AUTOMATIC FEEDERS SYSTEM AND ITS NON COMPLIANCE WHICH EXPLAINS A LOT AND SUPPORTED OUR ACTION TO REMOVE AND REPLACE WITH AN ALREADY APPROVED AND PERMITTED, AND RE PERMITTED AND RE BUILT, AUTOMATIC FEEDER SYSTEM. DO NOTE THAT THE APPROVAL OF THE FAILED ECOLAB SYSTEM WAS MANAGED BY ECOLAB AND THE DOUGLAS COUNTY DEPARTMENT OF HEALTH.
 - EXHIBIT 6 – EMAIL TO MR. ROGER GARCIA REQUESTING MEETINGS AND TO INFORM HIM OF HIGH PROBABILITY THAT DOUGLAS COUNTY DEPARTMENT OF HEALTH CAME TO FACILITY DURING THE INVITED STATE INSPECTION BY THE STATE EVEN THOUGH REFUSED TO ATTEND WITH ADEQUATE NOTICE AND JUST VIEWED THE INSPECTION FROM THE LOBBY AND LEFT.
 - THERE ARE MORE DOCUMENTS, NOTICES, AND A CITATION WHICH I TRUST THE DOUGLAS COUNTY DEPARTMENT OF HEALTH HAS IN THEIR RECORDS.

In light of these corrective actions and clarifications, I respectfully request that this citation be reviewed and dismissed immediately today to avoid additional harm to the facility. Additionally, I request that the permits associated with this property — SP001518, SP001519, and SP001520 — which were suspended or placed on hold because of this matter and errors, be immediately reactivated. Reactivation will allow us to safely reopen our pool, which has been fully prepared in accordance with all applicable safety and operational standards at all times.

We remain committed to continued compliance with all city regulations and are fully prepared to provide additional documentation, inspection access, or clarification as needed. Expedited consideration of this appeal for today would be greatly appreciated so that the property can resume safe use without unnecessary delay and lessen the harm already incurred.

Thank you for your time and consideration. We look forward to your favorable response.

Respectfully submitted,

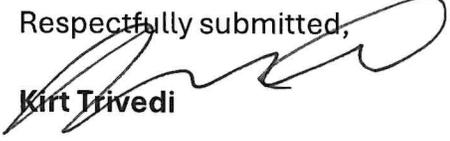

Kirt Trivedi

EXHIBIT 1



Douglas County Health Department Swimming Pool/Spa Inspection Report

Arrival Status	<input checked="" type="checkbox"/> Open	<input type="checkbox"/> Closed
<input checked="" type="checkbox"/> Routine	<input type="checkbox"/> Follow Up	
<input type="checkbox"/> Complaint	<input type="checkbox"/> Opening	
Inspector's Action	<input type="checkbox"/> Open	<input checked="" type="checkbox"/> Closed

CODE B PERMIT # 1518 POOL/SPA Holiday Inn Springfield Address 1470 Cumina
 N.P.O (PRINT) Walter Portillo SIGNATURE _____ N.P.O. 957446

Check compliance status (IN, OUT, N/A, NO) for each item. IN =in compliance OUT=not in compliance N/A=not applicable NO=not observed

CLOSURE ITEMS				IN	OUT	NA	NO	
								Water Quality
		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			1. Pools: Cl 2.0 - 10.0 ppm
	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>			2. Wading pools/spray parks/spas: Cl 3.0 - 10.0 ppm BR 4.0 - 18.0 ppm <u>1.5 ppm</u>
<input checked="" type="checkbox"/>								3. Combined chlorine ≤ 0.5 ppm <u>0.4 ppm</u>
	<input checked="" type="checkbox"/>							4. pH between 7.2 and 7.8 <u>8.0</u>
		<input checked="" type="checkbox"/>						5. Cyanuric acid maintained below 90 ppm <u>0</u>
<input checked="" type="checkbox"/>								6. Main drain(s) visible
								Safety, Life Saving Equipment, and Management
	<input checked="" type="checkbox"/>							7. Telephone accessible
		<input checked="" type="checkbox"/>						8. Sufficient guards, qualified/available
		<input checked="" type="checkbox"/>						9. Class A-Backboards with 3 straps/rescue tubes
		<input checked="" type="checkbox"/>						10. Class B & F Shepherd's crook, ring buoys or tubes/accessible
<input checked="" type="checkbox"/>								11. Class A-B-C-D-F Certified Operator
<input checked="" type="checkbox"/>								12. Gates/doors, self-closing/self-latching, not locked between wading pools/spas
<input checked="" type="checkbox"/>								13. Unblockable suction outlets/covers in place.
								Water Quality
		<input checked="" type="checkbox"/>						14. Spa temp not to exceed 104° F/thermometer provided
<input checked="" type="checkbox"/>								15. Alkalinity maintained at 80 ppm or greater <u>86 ppm</u>
<input checked="" type="checkbox"/>								16. FAS-DPD water test kits provided
								Safety Life Saving Equipment, and Management
		<input checked="" type="checkbox"/>						17. Pool tub painted/tiled/clean
<input checked="" type="checkbox"/>								18. Water clean/clear
		<input checked="" type="checkbox"/>						19. Safety line/water depth markers/boundary line
<input checked="" type="checkbox"/>								20. Signs posted: Pool Regulations/No Lifeguard on Duty/ Pool Capacity/Warning on Chemical Storeroom/ Emergency Numbers/Spa Regulations/Spa Age Limit
								Recirculation System
								21. First aid kit
								22. Current permit (or copy) posted
								23. Daily records maintained/available
								24. Chemicals applied/stored/labeled/maintained/SDS
								25. Pool light secure/good operating condition
								26. CO detectors installed
								27. Chair locations/ladders & handrails, secure/good repair
								28. Pool/spa enclosed with approved fencing
								29. Decks, good condition/clean/drainage/unobstructed
								30. Cross-connection devices used where required
								31. Food/drink in designated areas
								32. Drills conducted at class A pools for emergencies
								Recirculation System
								33. Effluent/influent gauges installed/operating/Pump/filter operating/leaking
								34. Flow meter installed/operating
								35. Approved automatic disinfectant feeder
								36. Skimmers/skimmer baskets/gutters, clean/working
								37. Spa has emergency shut off /thermometer provided
								Bathhouse (if required)
								38. Sinks/toilets/showers, clean/good repair
								39. Floors/walls/ceilings, clean/good repair
								40. Hot/cold water provided at sinks/showers, temperature
								41. Liquid soap at hand sinks/showers
								Other
								42. Plans submitted as required.

Closure X	Item #	Violation Description/Remarks/Corrections
<input checked="" type="checkbox"/>	2	Raise the chlorine 3-10 ppm.
<input checked="" type="checkbox"/>	4	Lower the pH (7.2-7.8)
<input checked="" type="checkbox"/>	7	Fix the emergency phone
	22	Post the current permit
	20	Need a CPR class
<input checked="" type="checkbox"/>	35	There was no automatic feeder functioning at the time of this inspection. If the feeder is replaced, the NDEE must approve the change.
		The pool splash pad is closed until inspected

Inspected by [Signature] Received by [Signature] Date 12-16-25
 Douglas County Health Department • Environmental Health Division • 1111 South 41st Street • Omaha, NE 68105 • (402) 444-7485
 DCHD Pool_Spa InspectReport 06/2025



**Douglas County Health Department
Swimming Pool/Spa Inspection Report**

Arrival Status	<input checked="" type="checkbox"/> Open	<input type="checkbox"/> Closed
<input checked="" type="checkbox"/> Routine	<input type="checkbox"/> Follow Up	
<input type="checkbox"/> Complaint	<input type="checkbox"/> Opening	
Inspector's Action	<input type="checkbox"/> Open	<input checked="" type="checkbox"/> Closed

CODE B PERMIT # 1519 POOL/SPA Holiday Inn Pool/Slide Address 1470 Cornish
 N.P.O (PRINT) Walter Porillo SIGNATURE _____ N.P.O. 987446

Check compliance status (IN, OUT, N/A, N/O) for each item. IN = in compliance OUT = not in compliance N/A = not applicable N/O = not observed

CLOSURE ITEMS				IN	OUT	NA	NO	
<input checked="" type="checkbox"/>								21. First aid kit
								22. Current permit (or copy) posted
								23. Daily records maintained/available
								24. Chemicals applied/stored/labeled/maintained/SDS
								25. Pool light secure/good operating condition
								26. CO detectors installed
								27. Chair locations/ladders & handrails, secure/good repair
								28. Pool/spa enclosed with approved fencing
								29. Decks, good condition/clean/drained/unobstructed
								30. Cross-connection devices used where required
								31. Food/drink in designated areas
								32. Drills conducted at class A pools for emergencies
								Recirculation System
								33. Effluent/influent gauges installed/operating/Pump/filter operating/leaking
								34. Flow meter installed/operating
								35. Approved automatic disinfectant feeder
								36. Skimmers/skimmer baskets/gutters, clean/working
								37. Spa has emergency shut off /thermometer provided
								Bathhouse (if required)
								38. Sinks/toilets/showers, clean/good repair
								39. Floors/walls/ceilings, clean/good repair
								40. Hot/cold water provided at sinks/showers, temperature
								41. Liquid soap at hand sinks/showers
								Other
								42. Plans submitted as required.

Closure	Item #	Violation Description/Remarks/Corrections
	17	sand/debris on bottom, pool must be free of debris
X	18	Replace ring buoy that's torn
	27	Handrail loose on pool
	29	Loose steps for slide/Algae on stairs
		eliminate sand on bottom of Pool
	24	eliminate gas powered machinery next to oxidizers
X	4	The pH must be between 7.2-7.8
	22	Post the permit
X	35	Automatic feeder must be functioning and approved by NDDE
		The pool is closed until re-inspected

Inspected by [Signature] Received by [Signature] Date 12-16-25
 Douglas County Health Department • Environmental Health Division • 1111 South 41st Street • Omaha, NE 68105 • (402) 444-7485
 DCHD Pool_Spa InspectReport 06/2025

EXHIBIT 2

NEBRASKA

Good Life. Great Resources.

DEPT. OF ENVIRONMENT AND ENERGY



Jim Pillen, Governor

PERMITTING & ENGINEERING DIVISION

Permit No.: SP001519

County: Douglas

Total Fee: \$40.00

2025 Swimming Pool Operating Permit

is being issued to

Holiday Inn Hotel & Waterpark Indoor Activity Pool

For Class

B - Other Public

on

March 4, 2025

Located At

1420 Cuming St
Omaha NE 68102

This permit expires

March 31, 2026


ENGINEERING SECTION SUPERVISOR

Sanitizer:	Ecolab / Cal Hypo AB300 / Cal-Hypo [Ca(ClO)2]
Filter:	Undetermined / Undetermined
Pump:	Undetermined / 3.0 HP
Designed Flow Rate:	150 GPM
Patron Load:	Undetermined

**IMMEDIATELY NOTIFY NDEE AT 402-525-6601 OF A DROWNING OR NEAR DROWNING
THIS PERMIT MUST BE PROMINENTLY DISPLAYED AT ALL TIMES**

NEBRASKA

Good Life. Great Resources.

DEPT. OF ENVIRONMENT AND ENERGY



Jim Pillen, Governor

PERMITTING & ENGINEERING DIVISION

Permit No.: SP001518

County: Douglas

Total Fee: \$40.00

2025 Swimming Pool Operating Permit

is being issued to

Holiday Inn Hotel & Waterpark Indoor Splash Pad

For Class

B - Other Public

on

March 4, 2025

Located At

**1420 Cuming St
Omaha NE 68102**

This permit expires

March 31, 2026

ENGINEERING SECTION SUPERVISOR

Sanitizer:	Ecolab / Cal Hypo AB300 / Cal-Hypo [Ca(ClO) ₂]
Filter:	Undetermined / Undetermined
Pump:	Undetermined / 3.0 HP
Designed Flow Rate:	200 GPM
Patron Load:	60

**IMMEDIATELY NOTIFY NDEE AT 402-525-6601 OF A DROWNING OR NEAR DROWNING
THIS PERMIT MUST BE PROMINENTLY DISPLAYED AT ALL TIMES**

NEBRASKA

Good Life. Great Resources.

DEPT. OF ENVIRONMENT AND ENERGY



Jim Pillen, Governor

PERMITTING & ENGINEERING DIVISION

Permit No.: SP001520

County: Douglas

Total Fee: \$40.00

2025 Swimming Pool Operating Permit

is being issued to

Holiday Inn Hotel & Waterpark Indoor Spa

For Class

C - Spa

on

March 4, 2025

Located At

**1420 Cuming St
Omaha NE 68102**

This permit expires

March 31, 2026

ENGINEERING SECTION SUPERVISOR

Sanitizer:	Ecolab / Cal Hypo AB300 / Cal-Hypo [Ca(ClO) ₂]
Filter:	Undetermined / Undetermined
Pump:	Undetermined / 3.0 HP
Designed Flow Rate:	160 GPM
Patron Load:	Undetermined

**IMMEDIATELY NOTIFY NDEE AT 402-525-6601 OF A DROWNING OR NEAR DROWNING
THIS PERMIT MUST BE PROMINENTLY DISPLAYED AT ALL TIMES**

SWIMMING POOL EVALUATION

Prior to making any modifications or alterations to a pool/spa, please contact the Engineering Services Program at (402) 471-0597 to determine if plans and specifications prepared by a Nebraska registered architect or engineer are required.

Arrival Status Open Closed
 Evaluator's Action Open Closed CAR
 Routine Follow Up Fee
 Complaint Opening

Permit # 1518, 1519, 1520 Pool/Spa Name Holiday Inn Hotel & Water Park Date 3/5/2020
 Address 1420 Cuming Street County Douglas

Check compliance status (IN, OUT, N/A, N/O) for each item. IN=in compliance OUT=not in compliance N/A=not applicable N/O=not observed

CLOSURE ITEMS					IN	OUT	NA	NO	
IN	OUT	NA	NO	Water Quality	<input checked="" type="checkbox"/>				20. Signs posted: Required Regulations/No Lifeguard on Duty/Pool Capacity/Warning on Chemical Storeroom/Spa sign/Emergency numbers posted/Spa age limit
<input checked="" type="checkbox"/>				1. Pools: Cl 2.0 ≤ 10.0 ppm, Br 2.0 ≤ 18.0 ppm <u>7.0</u>				<input checked="" type="checkbox"/>	21. First aid kit
<input checked="" type="checkbox"/>				2. Spas: Cl 3.0 ≤ 10.0 ppm, Br 4.0 ≤ 18.0 ppm <u>5.5</u>	<input checked="" type="checkbox"/>				22. Current permit (or copy) posted
<input checked="" type="checkbox"/>				3. Combined chlorine ≤ 0.5 ppm <u>0 Spa 0.5</u>	<input checked="" type="checkbox"/>				23. Daily records maintained/available
<input checked="" type="checkbox"/>				4. pH between 7.2 and 7.8 <u>7.4 Spa: 7.4</u>	<input checked="" type="checkbox"/>				24. Chemicals applied/locked/labeled/maintained/MSDS
<input checked="" type="checkbox"/>				5. Cyanuric acid maintained below 90 ppm <u>0</u>				<input checked="" type="checkbox"/>	25. Pool light secure/good operating condition
<input checked="" type="checkbox"/>				6. Main drain(s) visible				<input checked="" type="checkbox"/>	26. CO detectors installed
IN	OUT	NA	NO	Safety, Life Saving Equipment, and Management					27. Chair locations/ladders & handrails, secure/good repair
		<input checked="" type="checkbox"/>		7. Telephone accessible, working				<input checked="" type="checkbox"/>	28. Pool/spa enclosed with approved fencing
		<input checked="" type="checkbox"/>		8. Sufficient guards, qualified/available				<input checked="" type="checkbox"/>	29. Decks, good condition/clean/well drained/personal baggage
		<input checked="" type="checkbox"/>		9. Class A-Backboards with 3 straps/rescue tubes				<input checked="" type="checkbox"/>	30. Cross-connection devices used where required
<input checked="" type="checkbox"/>				10. Class B & F - Shepherd's crook, ring buoys or tubes/accessible				<input checked="" type="checkbox"/>	31. Food/drink in designated areas/no glass
<input checked="" type="checkbox"/>				11. Class A, B & F Operator available/on-site	IN	OUT	NA	NO	Recirculation System
<input checked="" type="checkbox"/>				12. Gates/doors, self-closing/self-latching, not locked between wading pools/spas	<input checked="" type="checkbox"/>				33. Effluent/influent gauges installed/operating
IN	OUT	NA	NO	Recirculation System	<input checked="" type="checkbox"/>				34. Flow meter installed/operating
<input checked="" type="checkbox"/>				13. Unblockable suction outlets/covers in place, VGB	<input checked="" type="checkbox"/>				35. Approved automatic disinfectant feeder
					<input checked="" type="checkbox"/>				36. Skimmers/skimmer baskets/gutters, clean/working
IN	OUT	NA	NO	Water Quality					37. Spa has emergency shut off/thermometer provided
		<input checked="" type="checkbox"/>		14. Spa temp not to exceed 104° F	IN	OUT	NA	NO	Bathhouse (if required)
<input checked="" type="checkbox"/>				15. Alkalinity maintained at 80 ppm or greater <u>110</u>				<input checked="" type="checkbox"/>	38. Sinks/toilets/showers, clean/good repair
<input checked="" type="checkbox"/>				16. FAS-DPD water test kits provided <u>Spa: 240</u>				<input checked="" type="checkbox"/>	39. Floors/walls/ceilings, clean/good repair
IN	OUT	NA	NO	Safety, Life Saving Equipment, and Management					40. Hot/cold water provided at sinks/showers, temperature
<input checked="" type="checkbox"/>				17. Pool tub painted/tiled/clean				<input checked="" type="checkbox"/>	41. Liquid soap at hand sinks/showers
<input checked="" type="checkbox"/>				18. Water clean/clear	IN	OUT	NA	NO	Other
		<input checked="" type="checkbox"/>		19. Safety line/boundary line/water depth markers	<input checked="" type="checkbox"/>				42. Plans submitted as required

Closure X	Item #	Violation Description/Remarks/Corrections
		Splash Pad Chemistry: Cl: 5.0 pH: 7.2 Alk: 70 Combined: 0.5
		VD50's installed on all systems according to plans + specs
		Water is clean + clear in all pools

Inspected by Max Lubogon Received by [Signature] CPO Certificate # _____



March 6, 2026

FACILITY ID: 87161

DMK Investments LLC
1420 Cuming Street
Omaha, NE 68102

Re: **Swimming Pools** – Douglas County/Omaha, NE – P-4-2026 – **Final Approval** – Holiday Inn Hotel and Water Park – Sanitizer Changes – 1420 Cuming Street

Dear Kirt Trivedi:

A final inspection of the above-referenced project was conducted on March 5, 2026 by Max Lofgren and Cyril Martinmaas of this Department, accompanied by Kirt Trivedi and Thomas Pennington, representatives of Anant Properties.

Based upon the final inspection conducted and on the documents submitted to this Department concerning final cost, fee, and certification of construction, our final approval for the above-referenced project is hereby granted.

If you have any questions, please feel free to contact me at 402/471-0522 or cyril.martinmaas@nebraska.gov. You may also contact Max Lofgren at 402/471-3305 or max.lofgren@nebraska.gov.

Sincerely,

Cyril Martinmaas, P.E., Engineering Section Supervisor
Permitting & Engineering Division
Nebraska Department of Water, Energy, and Environment

CJM:MJL:CNW

xc: Scott Holtmeyer, Aqua-Chem Inc., (ec)
Eric Bradley, DCHD (ec)
Carmelita Rogers, DCHD (ec)

EXHIBIT 3

~~NEBRASKA~~

Title 178 NAC 2

Good Life. Great Mission.

Certification of Construction

DEPT. OF HEALTH AND HUMAN SERVICES

Pursuant to Title 178 NAC 2, construction of the
Permit No. P-4-2026 Sanitizer change at Holiday Inn Water Park - Pool , Spa, Spray Pad

Location: 1420 Cummings Street

Completion Date: 3/3/2026

I certify that to the best of my knowledge and belief, said construction has been performed in substantial compliance with Title 178 NAC 2-003.10, and in accordance with the approved plans and specifications or approved change orders.

Scott Holtmeyer
Signature

3/3/2026
Date

PE/AIA License # _____

In accordance with 178 NAC 2-003.04(D)(ii), documentation of the contract or actual cost of the project must be provided to the Department for the purpose of determining the final fee amount. Payment of the final fee amount must be made to the Department before the project is placed into service.

Please fill in the cost for the pool items including, but not limited to, the following:

Pool related items	Cost
Pool labor	\$ 450.00
Pool excavation	
Plumbing	
HVAC	
Electrical	
Pool Enclosure (decking, fencing, building, tile, etc.)	
Recirculation (pump, filter, disinfection, piping, heaters, etc.)	\$ 1,458.00
Other (Safety equipment, ADA lifts, finishes, misc labor, etc.)	
Final Contract or Actual Project Cost	

Owner (or designated representative): Scott Holtmeyer

Scott Holtmeyer
Owner (or designated representative) Signature

3/3/2026
Date

EXHIBIT 4



Fw: DMK Investments - Water Park

From AMANDA O'NEAL <AONEAL@anantops.com>

Date Fri 3/6/2026 11:48 AM

To AMANDA O'NEAL <AONEAL@anantops.com>

From: Martinmaas, Cyril <Cyril.Martinmaas@nebraska.gov>

Sent: Tuesday, March 3, 2026 2:41 PM

To: KIRTI TRIVEDI <kt@anantops.com>

Cc: Wendt, Ciera <Ciera.Wendt@nebraska.gov>; Lofgren, Max <Max.Lofgren@nebraska.gov>

Subject: Re: DMK Investments - Water Park

Kirt

The facility may choose to keep spare parts and equipment on hand to replace failed components at a moments notice or maintain a relationship with a pool professional who can provide those services.

For essential infrastructure such as drinking water or wastewater facilities, the systems may be required to have systems in place that can operate, for example, "with the largest pump out of service", and still provide treatment meeting compliance requirements. Swimming pools typically do not have these types of backup systems since they are not considered critical infrastructure and can be shut down until repairs are completed.

Cyril Martinmaas

Professional Engineer III

Engineering Section Supervisor

Nebraska Department of Water, Energy, and Environment

245 Fallbrook Blvd.

Suite 100

Lincoln, NE 68521

DIRECT: (402) 471-0522 | MAIN OFFICE: (402) 471-2186

<https://dwee.nebraska.gov>

From: KIRTI TRIVEDI <kt@anantops.com>

Sent: Tuesday, March 3, 2026 8:40 AM

To: Martinmaas, Cyril <Cyril.Martinmaas@nebraska.gov>

Cc: Wendt, Ciera <Ciera.Wendt@nebraska.gov>; Lofgren, Max <Max.Lofgren@nebraska.gov>

Subject: Re: DMK Investments - Water Park

Thank you Cyril.

I have always believed the more a business educates themselves and ask questions to the professionals, the more positive the outcome. Your clarification is so helpful to make us better pool operators.

In the situation where a system fails to keep the high levels of safety and health standards, what options does a facility have to keep standards high in the interim, until the faulty system is repaired or replaced? For example, increasing water quality checks from the required once a week to every 4 hours to maintain high standards for public health.

Regards,

Kirt

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Martinmaas, Cyril <Cyril.Martinmaas@nebraska.gov>
Sent: Tuesday, March 3, 2026 8:34:38 AM
To: KIRTI TRIVEDI <kt@anantops.com>
Cc: Wendt, Ciera <Ciera.Wendt@nebraska.gov>; Lofgren, Max <Max.Lofgren@nebraska.gov>
Subject: Re: DMK Investments - Water Park

Kirt

Changes to disinfection and chemical application are required to be submitted and approved with issuance of a construction permit.

Changing back to a previously approved system may expedite the process but the equipment, chemicals, and rates of application are reviewed in the light of potential changes in regulations and certifications for chemicals and equipment. There are cases where pumps or erosion feeders, or particular chemicals, that were previously certified for use in public pools are no longer certified and can no longer be approved for installation at a public pool.

Cyril Martinmaas

Professional Engineer III
Engineering Section Supervisor

Nebraska Department of Water, Energy, and Environment
245 Fallbrook Blvd.
Suite 100
Lincoln, NE 68521

DIRECT: (402) 471-0522 | MAIN OFFICE: (402) 471-2186

<https://dwee.nebraska.gov>

From: Wendt, Ciera <Ciera.Wendt@nebraska.gov>
Sent: Monday, March 2, 2026 2:25 PM

EXHIBIT 5

RE: Omaha P-4-2026 Holiday Inn Hotel and Waterpark

From Lofgren, Max <Max.Lofgren@nebraska.gov>

Date Wed 1/7/2026 8:45 AM

To THOMAS PENNINGTON <DOF@anantops.com>

Thomas,

For the recirculation pumps, you are correct on following what is on your permit. When the pools switched to the Ecolab systems, the recirculation flows were changed on the applications for those projects by someone who is not a professional engineer and was not caught at the time. It is best for them to go back to the flow at which they were designed for.

Thanks,

Max Lofgren

Engineer

Department of Water, Energy, and Environment

245 Fallbrook Blvd, Suite 100

Lincoln, NE 68521

DIRECT: (402) 471-3305 | MAIN OFFICE: (402) 471-2186

<http://dee.ne.gov>

From: THOMAS PENNINGTON <DOF@anantops.com>

Sent: Tuesday, January 6, 2026 3:11 PM

To: Lofgren, Max <Max.Lofgren@nebraska.gov>

Subject: Re: Omaha P-4-2026 Holiday Inn Hotel and Waterpark

Good morning Max,

I have looked at all the Dolphin pumps and they are UD10.

As far as the recirculation pumps, I used the flow rate that was on our permits, is that wrong?

Thank you

EXHIBIT 6

SWIMMING POOL EVALUATION

Prior to making any modifications or alterations to a pool/spa, please contact the Engineering Services Program at (402) 471-0597 to determine if plans and specifications prepared by a Nebraska registered architect or engineer are required.

- Arrival Status Open Closed
 Evaluator's Action Open Closed CAR
 Routine Follow Up Fee
 Complaint Opening

Permit # 01890 320 Pool/Spa Name Helena Inn Pool & Water Park Date 8/22/21
 Address 1420 Curving Street County Lincoln

Check compliance status (IN, OUT, N/A, N/O) for each item. IN=in compliance OUT=not in compliance N/A=not applicable N/O=not observed

CLOSURE ITEMS				IN	OUT	NA	NO	
IN	OUT	NA	NO					Water Quality
								1. Pools: Cl 2.0 ≤ 10.0 ppm, Br 2.0 ≤ 18.0 ppm
								2. Spas: Cl 3.0 ≤ 10.0 ppm, Br 4.0 ≤ 18.0 ppm
								3. Combined chlorine ≤ 0.5 ppm
								4. pH between 7.2 and 7.8
								5. Cyanuric acid maintained below 90 ppm
								6. Main drain(s) visible
IN	OUT	NA	NO					Safety, Life Saving Equipment, and Management
								7. Telephone accessible, working
								8. Sufficient guards, qualified/available
								9. Class A-Backboards with 3 straps/rescue tubes
								10. Class B & F - Shepherd's crook, ring buoys or tubes/accessible
								11. Class A, B & F Operator available/on-site
								12. Gates/doors, self-closing/self-latching, not locked between wading pools/spas
IN	OUT	NA	NO					Recirculation System
								13. Unblockable suction outlets/covers in place, VGB
NON-CRITICAL ITEMS								
IN	OUT	NA	NO					Water Quality
								14. Spa temp not to exceed 104° F
								15. Alkalinity maintained at 80 ppm or greater
								16. FAS-DPD water test kits provided
IN	OUT	NA	NO					Safety, Life Saving Equipment, and Management
								17. Pool tub painted/tiled/clean
								18. Water clean/clear
								19. Safety line/boundary line/water depth markers
								Recirculation System
								20. Signs posted: Required Regulations/No Lifeguard on Duty/Pool Capacity/Warning on Chemical Storeroom/Spa sign/Emergency numbers posted/Spa age limit
								21. First aid kit
								22. Current permit (or copy) posted
								23. Daily records maintained/available
								24. Chemicals applied/locked/labeled/maintained/MSDS
								25. Pool light secure/good operating condition
								26. CO detectors installed
								27. Chair locations/ladders & handrails, secure/good repair
								28. Pool/spa enclosed with approved fencing
								29. Decks, good condition/clean/well drained/personal baggage
								30. Cross-connection devices used where required
								31. Food/drink in designated areas/no glass
								32. Drills conducted at class A pools for emergencies
								Recirculation System
								33. Effluent/influent gauges installed/operating
								34. Flow meter installed/operating
								35. Approved automatic disinfectant feeder
								36. Skimmers/skimmer baskets/gutters, clean/working
								37. Spa has emergency shut off/thermometer provided
								Bathhouse (if required)
								38. Sinks/toilets/showers, clean/good repair
								39. Floors/walls/ceilings, clean/good repair
								40. Hot/cold water provided at sinks/showers, temperature
								41. Liquid soap at hand sinks/showers
								Other
								42. Plans submitted as required

Closure X	Item #	Violation Description/Remarks/Corrections
		Spa had chlorine 0.5 ppm 2 hrs. ago combined 0.5
		VGB's installed in all systems according to plans & specs
		Water is clear & clean in all pools

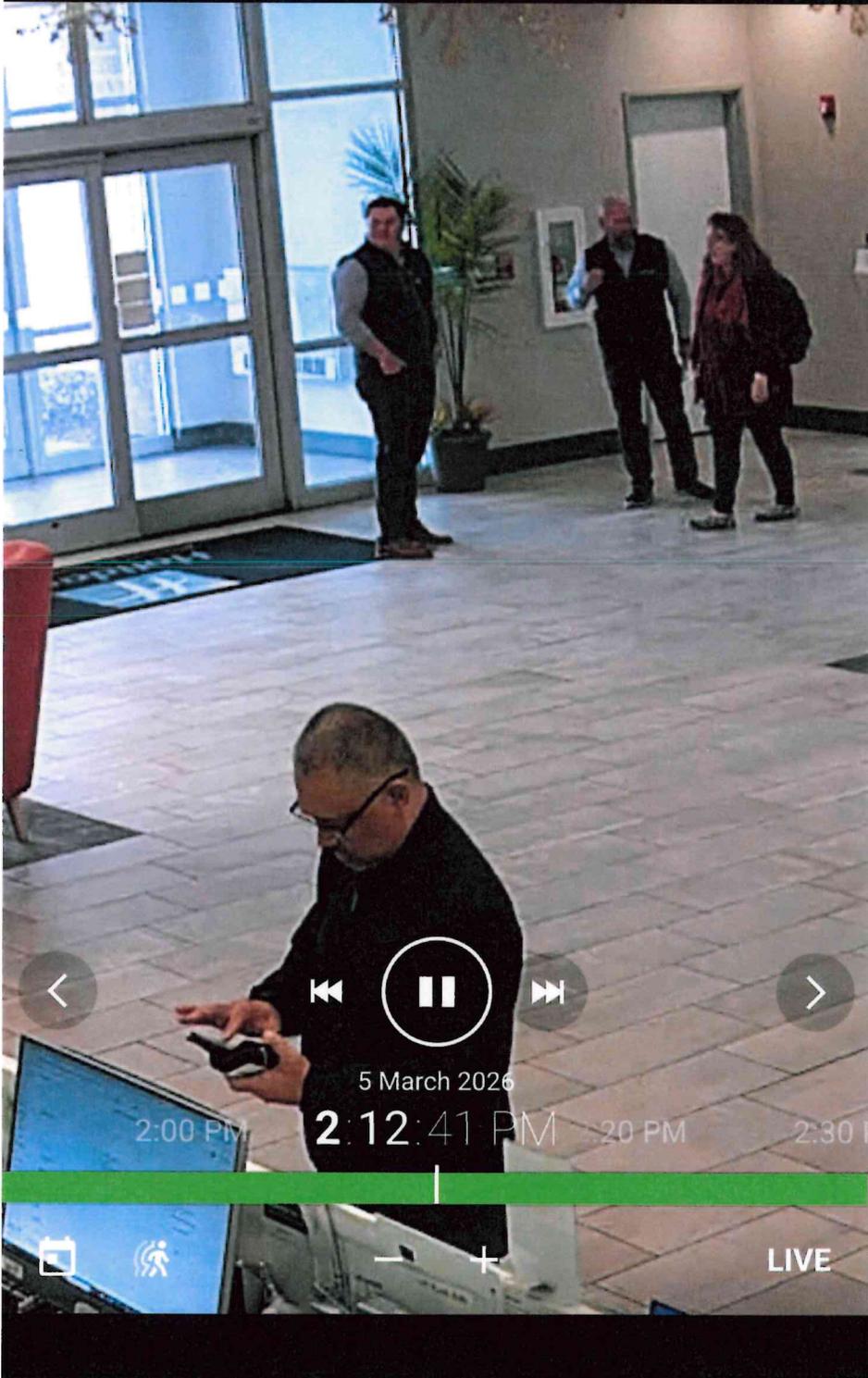
Inspected by Mary Johnson Received by [Signature] CPO Certificate # _____

3:00

LTE 74



Front Desk





3:06

Crop

LT



Front Desk





Fw: Permit Follow-up

From AMANDA O'NEAL <AONEAL@anantops.com>

Date Fri 3/6/2026 11:57 AM

To AMANDA O'NEAL <AONEAL@anantops.com>

5 attachments (7 MB)

doc02152220260305145237.pdf; IMG_1341.jpeg; IMG_1344.jpeg; IMG_1345.jpeg; IMG_1346.jpeg;

From: DEEPAK GANGAHAR <DGANGAHAR@anantops.com>

Sent: Thursday, March 5, 2026 4:48 PM

To: Roger Garcia (DC Commissioners) <roger.garcia@douglascounty-ne.gov>

Cc: Lindsay Huse (DCHD) <Lindsay.Huse@douglascounty-ne.gov>; Paul Morgan Jr. (DC Commissioners) <pj.morgan@douglascounty-ne.gov>; Chris Rodgers (DC Commissioners) <chris.rodgers@douglascounty-ne.gov>; Patrick Bloomingdale (DC Commissioners) <Patrick.Bloomingdale@douglascounty-ne.gov>

Subject: Re: Permit Follow-up

FOLLOW UP FROM THE MORNING'S EMAIL:

Dear Mr. Garcia:

As I had commented in my email earlier this morning that the State of Nebraska Engineers from the Department of Energy, Water and Environment will be coming this afternoon to inspect our Waterpark at the Downtown Holiday Inn Hotel. Mr. Cyril Martinmaas and his associate, Mr. Max Lofgren arrived at the hotel around 2 PM. Their inspection revealed that Automatic Chemical Feeder for the Waterpark and chemical analysis of the water in the Pool, Spa and Splash-Pad were totally in compliance, without any qualification.

For your information, State Engineers requested Douglas County Chief Inspector, Mr. Eric Bradley, yesterday to join them today while they were to inspect the Waterpark. Today, Mr. Bradley expressed to the State Engineer his inability to join for the said inspection.

Interestingly, Mr. Bradley and his colleague, it appears, visited our hotel Lobby around 2.12 PM today, as captured by the Lobby camera - pictures attached, but they did not ask the Receptionist that they came to inspect the Waterpark, and they all left from the Lobby itself. I hope I am wrong in identifying Mr. Bradley!

Mr. Garcia, at least we now have the comfort to know, per State of Nebraska Engineers, that we are in compliance as for as State guidelines for pools and waterpark are concerned.

Nevertheless, we fail to understand why Douglas County Chief Inspector is refusing to reinspect our Waterpark since he cited us in late December 2025 despite the repeated requests by the Owners and the MGMT Team? It was even more disappointing today that while Mr. Bradley denied request to visit

our Waterpark to State Engineers but then came to the hotel and chose not to introduce himself to the Receptionist and express interest to inspect the Waterpark.

With regards,

Deepak

Deepak M Gangahar, MD

Principal

Anant Enterprises, LLC

Off: PO Box 3847, Omaha, NE 68137

Home: 215 S. 181st St., Unit 501, Elkhorn, NE 68022

Cell: 402-326-2221

Fax: 402-387-7272

[Website](#) | [LinkedIn](#) | [Facebook](#)

From: DEEPAK GANGAHAR <DGANGAHAR@anantops.com>

Sent: Thursday, March 5, 2026 12:30 PM

To: Roger Garcia (DC Commissioners) <roger.garcia@douglascounty-ne.gov>

Cc: Lindsay Huse (DCHD) <Lindsay.Huse@douglascounty-ne.gov>; Paul Morgan Jr. (DC Commissioners) <pj.morgan@douglascounty-ne.gov>; Chris Rodgers (DC Commissioners) <chris.rodgers@douglascounty-ne.gov>; Patrick Bloomingdale (DC Commissioners) <Patrick.Bloomingdale@douglascounty-ne.gov>

Subject: Re: Permit Follow-up

Dear Mr. Garcia:

Without getting into the specifics on the inaccuracies, the truth is that all deficiencies were corrected on the same day of inspection in December 2025 within a matter of couple of hours. Repeated requests to the Chief Inspectors, Mr. Eric Bradley, for reinspection were ignored and public campaign on Social Media to damage the reputation of the Hotel and put scare in the minds of our guests and public at large was begun.

I as an owner of our property, Downtown Holiday Inn Hotel with Waterpark, with some background in Medicine, shall never ever even in the remote compromise my legal and moral obligations to Public Health!

Today the State of Nebraska Team from Environment, Water and Energy Department shall be coming to inspect the Waterpark. Douglas County City Inspector has been invited, and we sincerely hope he is able to attend so we may address ALL of his concerns as well. We certainly can not afford to leave the Waterpark closed as long it meets all essential requirements and we are in compliance.

Thank you, Mr. Garcia, for providing an email for Dr. Huse, she has been a tremendous asset for the Douglas County! I will reach out to her next week and shall request for a meeting.

With kind regards,

Deepak

Deepak M Gangahar, MD

Principal

Anant Enterprises, LLC

Off: PO Box 3847, Omaha, NE 68137

Home: 215 S. 181st St., Unit 501, Elkhorn, NE 68022

Cell: 402-326-2221

Fax: 402-387-7272

[Website](#) | [LinkedIn](#) | [Facebook](#)

From: Roger Garcia (DC Commissioners) <roger.garcia@douglascounty-ne.gov>

Sent: Thursday, March 5, 2026 11:37 AM

To: DEEPAK GANGAHAR <DGANGAHAR@anantops.com>

Cc: Lindsay Huse (DCHD) <Lindsay.Huse@douglascounty-ne.gov>; Paul Morgan Jr. (DC Commissioners) <pj.morgan@douglascounty-ne.gov>; Chris Rodgers (DC Commissioners) <chris.rodgers@douglascounty-ne.gov>; Patrick Bloomingdale (DC Commissioners) <Patrick.Bloomingdale@douglascounty-ne.gov>

Subject: Permit Follow-up

Hello again Dr. Gangahar,

As a follow-up to our email yesterday, below you will find a timeline of the Health Department's communications with representatives from your hotel over the past couple of months and the actions taken.

If all deficiencies are fully corrected, the water park is brought into compliance, and it is re-permitted, the Health Department will inform the public that all steps have been taken to rectify the situation.

Depending on how your NDWEE inspection goes today, you could be on the path toward getting back your permit this month of March. Please focus on page 7 regarding steps to getting re-permitted.

Dr. Huse from the Health Department is very willing to discuss this process with you. Email is the quickest way to reach her. Lindsay.Huse@douglascounty-ne.gov

Thank you again for reaching out regarding this issue.

Roger Garcia

County Commissioner, District 1

Chair of the Board of Commissioners

Douglas County, Nebraska

roger.garcia@douglascounty-ne.gov

County Office: 402-444-7025

County Cell: 402-639-9666