

IN THE MATTER OF
THE APPLICATION OF
KIDS FIRST SWIM SCHOOL
9970 York Road
Cockeysville, MD 21030

Re: Health Code violations

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. CBA-14-014

* * * * *

ORDER OF DISMISSAL


This matter comes to the Board of Appeals by way of an appeal filed by Mark T. Mixer, Esquire as counsel for Respondent/Appellant, Kids First Swim School, from a final decision of the Administrative Law Judge dated August 29, 2013, upholding the violations under COBCR §1.05.02.20A92) and 1.05.02.311(1) and (2); BCC §3-6-203(e), 3-6-295(a) and 3-6-206(a); for excessively high water temperature, failure to keep pool records of testing every 2 hours, and combined chlorine in excess of County mandated maximum 2 parts per million (ppm), ordering the facility closed immediately and the Operating Permit be suspended until brought into compliance and imposing a penalty of \$20,000.00.

WHEREAS, the Board is in receipt of a letter of voluntary withdrawal of appeal filed on November 26, 2013, by Mark T. Mixer, Esquire, as counsel for Kids First Swim School Respondent/Appellant (copy of which is attached hereto and made a part hereof); and


WHEREAS, said Respondent/Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of November 26, 2013,

IT IS ORDERED this 26th day of November, 2013 by the Board of Appeals of Baltimore County that the appeal taken in Case No. CBA-14-014 be and the same is hereby **DISMISSED WITH PREJUDICE**.

BOARD OF APPEALS
OF BALTIMORE COUNTY


Wendell H. Grier, Panel Chairman


Wendy A. Zerwitz


David L. Thurston

THE LAW OFFICES OF MARK T. MIXTER
20 S. CHARLES STREET, 9th FLOOR
SUN LIFE BUILDING
BALTIMORE, MARYLAND 21201
410.539.8415
410.539.8560 (FACSIMILE)

RECEIVED
NOV 26 2013
BALTIMORE COUNTY
BOARD OF APPEALS

MARK T. MIXTER
mmixter@mixterlaw.com
JENNIFER J. KEHL
jkehl@mixterlaw.com

November 26, 2013

Via Hand Delivery
Clerk's Office
Board of Appeals of Baltimore County
Jefferson Building
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

RE: Kids First Swim Schools, Inc. v. Baltimore County
Case No.: CBA-14-014
Our File: 554-3430

Dear Clerk:

Enclosed please find a line dismissing the appeal in the above-captioned case which eliminates the need for a hearing today. Please file the line in the court's file. Thank you.

Very truly yours,



Mark T. Mixter

MTM/slb

Enclosure

cc: Johnny Akchin, Esquire/Via Email - Via Email @ jakchin@baltimorecountymd.gov
Ms. Sunny Cannington/Via Email - kcannington@baltimorecountymd.gov Board of Appeals
of Baltimore County

THE BOARD OF APPEALS OF BALTIMORE COUNTY

RECEIVED
NOV 26 2013
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF: *

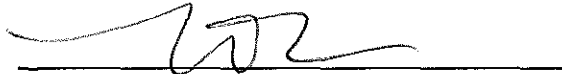
KIDS FIRST SWIM SCHOOLS
9970 York Road
Cockeysville, MD 21030

* CASE #: CBA-14-014

*

LINE

Kids First Swim Schools, Inc., respectfully dismisses the appeal in the above-captioned case.

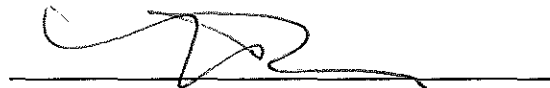


Mark T. Mixer
THE LAW OFFICES OF MARK T. MIXTER
20 S. Charles Street, 9th Floor
Baltimore, MD 21201
410-539-8415

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 26th day of November, 2013, Kids First Swim Schools' line was mailed to:

Jonny Akchin, Esquire
Baltimore County Department of
Permits, Approvals and Inspections/County Office Building
111 W. Chesapeake Avenue, Room 112
Towson, MD 21204



Mark T. Mixer



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

November 26, 2013

Mark T. Mixer, Esquire
20 S. Charles Street, 9th Floor
Baltimore, MD 21201

Jonny Akchin, Assistant County Attorney
Dept. of Permits, Approvals and Inspections
The County Office Building
111 Chesapeake Avenue, Room 112
Towson, MD 21204

RE: *In the Matter of: Kids First Swim School – Respondent/Appellant*
Case No.: CBA-11-014

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review** filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

Enclosure
Duplicate Original Cover Letter

c: Gary Roth
Paul McDermott
Charles Mooshian
Anna Blizzard, Dept of Health
William Bridges, Dept of Health
Gregory M. Branch, M.D., Director/Dept of Health
Lawrence M. Stahl, Chief Administrative Law Judge
Nancy West, Assistant County Attorney

Kids First Swim School
Ricardee Pearson
Clifford Mitchell, M.D.
Yvonne DeLoach, REHS/RS – Dept of Health
William Clarke, Department of Health
Lionel VanDommelen, Chief of Code Enforcement/PAI
Arnold Jablon, Director/PAI
Michael Field, County Attorney