

March 5, 2007

**In the Matter of the
Heating, Air Conditioning and Ventilating License
For Jeff Hertz, dba Hertz Mechanical
Located at 19561 Vernon Street
Elk River, MN 55330**

**Findings of Fact,
Conclusions, and
Recommendations**

This matter came to the attention of the Department through a complaint from two Minneapolis businesses. A License Settlement conference was held at 1 p.m. on Thursday, April 19, 2007. Jeffrey Hertz, owner of Hertz Mechanical, and his attorney, Geoffrey Miller were present. Mr. John Bartell also attended the hearing on behalf of his company VJB, Inc., d/b/a Commercial Designs.

FINDINGS OF FACT

1. Mr. Jeffrey Hertz d/b/a Hertz Mechanical was called to a License Settlement due to four business addresses where permits were not obtained prior to the start of the work.
2. Mr. Hertz, who is now doing business as Hertz Mechanical, Inc., is a subcontractor for VJB, Inc. VJB, Inc signed contracts with Yusef Properties on several dates in September, October and November 2006. Mr. Hertz admitted to putting roof curbs in before a permit was obtained. Inspector Casey issued an administrative citation for failing to obtain a permit. Mr. Hertz was in an appeal at the time of the meeting. A permit was being issued at the time of the hearing.
3. On January 12, 2007, Mr. Hertz was issued a criminal citation and stop work order for performing work without a permit at 1822 East Lake Street. Mr. Hertz eventually obtained the permit on February 23, 2007.
4. On February 23, 2007, Mr. Hertz was sent an order to obtain a permit at 4601 Grand Avenue. A permit was obtained on February 28, 2007.
5. On February 23, 2007, Mr. Hertz was sent an order to obtain a permit at 2107 West Broadway. A permit was obtained on February 29, 2007.

CONCLUSIONS

1. Mr. Hertz, dba Hertz Mechanical violated Minneapolis City Ordinance 105.20 by failing to obtain the appropriate permits prior to the start of the above referenced jobs.

RECOMMENDATIONS

Mr. Hertz agrees to the following conditions on his license.

1. The City will impose an \$800 sanction. \$500 of that amount is to be paid after approval of the city council and signature of the mayor. \$300 is stayed pending no further permit violations for a period of two years.
2. Mr. Hertz will abide by the Inspections Division policy on dealing with emergency repairs. The current policy is that the contractors call the area inspector and notify them of the repair. The contractor then must obtain the permit within 24 hours of the repair or the next available day the inspections division is open.
3. All permits must be obtained before any work is started at the jobsite.
4. Jeff Hertz shall be personally responsible for obtaining all permits on behalf of Hertz Mechanical, Inc.
5. Mr. Hertz shall work under a written subcontractor's agreement any time he is subcontracting work from a general contractor.
 - a. The subcontractor's agreement shall list all work to be performed by Mr. Hertz.
 - b. The agreement shall contain information on whether he is using used or new materials.
 - c. The agreement shall contain approximate beginning and ending dates. These dates can be changed by written notice.
6. Mr. Hertz shall communicate with the Inspections Division inspectors any time he is not sure about an ordinance/code requirements. Mr. Hertz shall also notify the inspectors when he has completed the work he wrote on the permit scope of work.

I have read the above report and recommendations. I agree with the report, and I agree with the above recommendations. I understand that failure on my part of the part of my business to adhere to this agreement with the Department may lead to further action against my license. I understand that this report must be accepted by the Minneapolis City Council and signed by the Mayor. I understand that future violations may put my license in jeopardy.

Jeffrey Hertz 5-18-07
Jeffrey Hertz, Hertz Mechanical **Date**

Miriam Anderson 5-18-07
Witness **Date**

Becky R. Anger 5-18-07
Witness **Date**