



# The Drawingboard

## Queens Chapter

New York State Society of Professional Engineers

May 2008

Volume 8, Number 5

### In This Issue

- President's Message
- Building Department Commissioner Requirements
- Queens City Council Members
- Special Inspections
- Meeting Information
- 2008 Ballot

### Board of Directors

Brian Flynn, P.E. President (718) 707-0416

George L. Tavoulareas, P.E. 1ST Vice Pres. (718) 894-7822

John Sgouros, P.E. 2ND Vice Pres. (718) 956-3488

Filolaos Kefalas, P.E. Treasurer (718) 224-9091

Secretary  
Tony Paolo

Editor/Publisher  
Tony DiRuggiero



### President's Message

*By Brian Flynn, P.E.  
President*

This past month, it became very clear how the NYSSPE helps to protect or license against those who would promote the unlawful practice of engineering. The mayor proposed eliminating the need for PE or RA as the head of the building Department. Their rational was simply that it was an unnecessary technical requirement that got in the way of finding a non technical manager. Many groups (AIA, ACEC, NY Building Congress) and individuals immediately jumped in to oppose this irresponsible legislation.

The NYSSPE originally sued the city over the position under **Mayor Lindsey's** term. After it was found the the state society had legal standing to bring a suit, the city made a settlement to codify the requirement's of either a PE or RA as commissioner. NYSSPE filed suit again during **Mayor Dinkins'** term when a lawyer was appointed acting commissioner. I am told that NYSSPE is ready to file a third suit if need be. NSPE and NYSSPE is the only engineering organization that is actively fighting to protect your license.

This month, in addition to our usually lively discussions, we will also have our annual elections. I look forward to seeing everyone at Fort Totten Thursday.



Immediate Past Presidents	
Chris Petallides, P.E.	2004/2005 1998/2000 (718) 961-4342
John Zurita, P.E.	2002/2003 (718) 756-0320
Sal Galletta, P.E.	2000/2002 (212) 788-8199
Joel Miele, Jr., P.E.	1996/1998 (718) 894-2222
Chris Sideris, P.E.	1994/1996 (718) 224-9091
Robert Lo Pinto, P.E.	1990/1992 (718) 746-7122
Directors 2006-2008	
Gregory Georges, P.E.	(718) 707-0416
Saeed Ainechi, P.E.	(516) 256-7780
Issam Abourafteh, P.E.	(718) 423-7924
Jose Velasquez, P.E.	(718) 343-6989
James Manoussoff, P.E.	(718) 746-7122
Jude Cozzolino, P.E.	(718) 956-3488
Directors 2005-2007	
Alex Constantinides, P.E.	(718) 707-0416
Miles Fisher, P.E.	(516) 256-7780
Tom Campagna, P.E.	(718) 423-7924
John Kepertis, P.E.	(718) 343-6989
Robert LoPinto, P.E.	(718) 746-7122
Bernie Haber, P.E.	(718) 956-3488

## BUILDING DEPARTMENT COMMISSIONER REQUIREMENTS

With the resignation of the Building Department Commissioner, the administration immediately announced that they would request to eliminate the need for a licensed PE or RA as a requirement for the commissioner's position. The New York Building Congress arranged for a sit down meeting with Deputy Mayor **Edward Skyler** on Friday, May 2nd. NYSSPE Executive Director **Kelly Norris**, myself and approximately 25 other representatives from the New York Building Congress, ACEC, AIA and NYSSPE met with Deputy Mayor Skyler to explain why the Commissioner must be a PE or RA by not only the NYC charter, but by the definition of the position and the definition of PE or RA in the State Education Law. The Deputy Mayor's response was simply that the administration doesn't believe that the position requires someone technically astute in charge, just someone who can manage people. Eliminating the bothersome technical competency requirement would enable the administration to find someone more to their liking.

There are a number of sections of the Building Code that define the Commissioner's technical responsibilities for safeguarding life, health, property and the public welfare. A number of the recent laws that have passed in both the City Council and the State Assembly, have increased the authority of the Commissioner over those who practice in NYC. The elimination of the the need for a PE or RA as head of the Department of Buildings places our licenses and our ethics in the hands of the unlicensed.

That day we learned the City Council Committee on Government Affairs was to conduct a hearing on Wednesday, May 7, to consider a local law, Intro No 755, to amend the City charter in relation to the qualifications of the commissioner of buildings. The legislation would remove the requirement that the commissioner shall be a registered architect or licensed professional engineer in good standing under the education law. The law would take effect immediately.

*Continued Next Page*

**Nominating Committee**

John Zurita, P.E.	Chair (212) 788-8199
Sal Galletta, P.E.	(212) 788-8199
Gregory Georges, P.E.	(718) 274-4800
Michael Karantinidis, P.E.	(718) 726-2226

Over 50 representatives of the AIA, NYSSPE, ACEC and the New York Building Congress came to the hearing to give testimony. Over 3,500 signatures on petitions were also gathered and presented. The members of the committee and other attending member's of the City Council made it all but plain that the felt that this was bad for the city and would politicalize the position. At one point Councilman Lui stated that it would be pure insanity to eliminate the PE/RA requirement for the DOB Commissioner. The audience was also cautioned by Chairman Felder that witnesses could not applaud in the chamber, but we could step immediately outside if they were so inclined. The concept that anyone could become the commissioner clearly gave them pause and made everyone uncomfortable.

The mayor's representative testified that the Mayor's office had already contacted all of the professional organizations in their search for a new commissioner. All of the attending representatives of the AIA, NYSSPE and other professional organizations testified that they were never contacted. As a result, Intro No 755 is currently stalled in committee. Later that afternoon, Kelly Norris, our NYSSPE Executive Director in Albany was contacted by the Mayor's Appointment Secretary. NYSSPE has now been asked to submit the names of viable candidates, ASAP. If you have any who are confirmed interested and are NYC Residents, please forward their name and contact information to Kelly Norris at NYSSPE.

*Continued Next Page*

## **Queens City Council Members**

**Thomas White Jr**

[whitejr@council.nyc.ny.us](mailto:whitejr@council.nyc.ny.us)

**David Weprin**

[weprin@council.nyc.ny.us](mailto:weprin@council.nyc.ny.us)

**Peter Vallone Jr**

[pvallonejr@council.nyc.ny.us](mailto:pvallonejr@council.nyc.ny.us)

**Helen Sears**

[sears@council.nyc.ny.us](mailto:sears@council.nyc.ny.us)

**James Sanders Jr**

[sanders@council.nyc.ny.us](mailto:sanders@council.nyc.ny.us)

**Hiram Monserrate**

[monserrate@council.nyc.ny.us](mailto:monserrate@council.nyc.ny.us)

**John C. Liu**

[liu@council.nyc.ny.us](mailto:liu@council.nyc.ny.us)

**Melinda Katz**

[katz@council.nyc.ny.us](mailto:katz@council.nyc.ny.us)

**Eric Gioia**

[gioia@council.nyc.ny.us](mailto:gioia@council.nyc.ny.us)

**James Gennaro**

[gennaro@council.nyc.ny.us](mailto:gennaro@council.nyc.ny.us)

**Leroy Comrie**

[comrie@council.nyc.ny.us](mailto:comrie@council.nyc.ny.us)

**Tony Avella**

[avella@council.nyc.ny.us](mailto:avella@council.nyc.ny.us)

**Joseph Addabbo Jr**

[addabbo@council.nyc.ny.us](mailto:addabbo@council.nyc.ny.us)

District 30 is currently not represented

## **SPECIAL INSPECTIONS**

As part of the new code that goes into effect on July 1st, the controlled inspections will now be known as Special Inspections. The Building Department is trying to add additional certification requirements as well as alternate certifications to the required qualifications. This goes against state law for the practice of both engineering and architecture. Some of the certifications proposed are only currently available on the west coast. Other requirements define State Engineering Licenses is specialties that the NYS Education law does not support. We will be discussing this important issue at the meeting.

# Upcoming Meeting Information

## *Our Next Chapter Meeting*

Date: ***Thursday May 22<sup>nd</sup>, 2008 – 6:30 PM***

Sponsor: [Total Green Savings, LLC.](#)

Presenters: Paul Auerbach, Managing Partner

Topic: **"Title: Geothermal – “The Convenient Truth” "**

1. Overview of Geothermal
2. Review Global Warming/Climate Change
3. Obsolete Building Practices
4. Rising Energy Costs – actual costs for heating and cooling
5. Oil and LNG supply chain
6. Localization of Energy
7. What is Geothermal Energy
8. How it Works
9. Financial Benefits
10. Emotional Benefits
11. Overview – All Types of Geothermal
12. Geothermal Technical Discussion
13. Price determinants
14. Q/A

***Location:***

***422 Weaver Ave., Fort Totten, New York***

## 2008 Chapter Election Ballot

### QUEENS CHAPTER-NYSSPE 2008-2009 ELECTION BALLOT

PLEASE COMPLETE AND RETURN THIS BALLOT BY MAY 22, 2008.

BALLOTS MAY BE EITHER:

MAILED TO: Mike Karantinidis, PE, NSPE  
34-01 Broadway  
Astoria, NY 11106

FAXED TO: (718)956 0274

E-MAILED TO: [info@internationalgeo.com](mailto:info@internationalgeo.com)

OR, VOTE IN PERSON AT THE MAY 22, 2008 MEETING

**\*\*\*NOTE: TO VOTE YOU MUST BE A MEMBER IN GOOD STANDING\*\*\***

President ☐ Chris Petallides, PE  
1<sup>st</sup> Vice Pres ☐ George Tavoulareas, PE  
2<sup>nd</sup> Vice Pres ☐ John Sgouros, PE  
Treasurer ☐ Jose Valasquez, PE

Directors 2008-2009 ☐ James Manoussoff, PE  
☐ Gregory Georges, PE  
☐ Mike Karantinidis, PE  
☐ John Kepertis, PE  
☐ Saeed Ainechi, PE  
☐ Issam Aburafteh, PE

Directors 2008-2010 ☐ Tom Campagna, PE  
☐ Bernis Haber, PE  
☐ Eliot Shapiro, PE  
☐ Xenophon Cavaris, PE  
☐ Peter Boudouvas, PE  
☐ Robert Weiner, PE

NOMINATING COMMITTEE:

Chaired by Immediate Past President Brian Flynn, PE  
Mike Karantinidis, PE  
John Zurita, PE  
Sal Galletta, PE

MEMBER'S NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

Lisette Camilo, Esq.  
Counsel to the Committee on Governmental Operations

Israel Rodriguez  
Legislative Policy Analyst to the Committee on Governmental Operations



THE COUNCIL

**BRIEFING PAPER OF THE GOVERNMENTAL AFFAIRS DIVISION**

ROBERT NEWMAN, LEGISLATIVE DIRECTOR  
ALIX PUSTILNIK, DEPUTY DIRECTOR, GOVERNMENTAL AFFAIRS

COMMITTEE ON GOVERNMENTAL OPERATIONS  
HON. SIMCHA FELDER

Int. No. 755: By Council Member Felder (by request of the Mayor)

Title: A Local Law to amend the New York city charter in relation to the qualifications of the commissioner of buildings.

May 7, 2008

## **Introduction**

On Wednesday, May 7, at 1pm, the Committee on Governmental Operations chaired by Council Member Simcha Felder, will consider Int. No. 755-2008. Int. 755 would amend section 641 of the New York City Charter ("Charter"), which relates to the qualifications of the commissioner of buildings. Specifically, Int. No. 755 would remove the requirement that the commissioner of the department of buildings be either a registered architect or a licensed professional engineer.

## **BACKGROUND**

The Department of Buildings ("DOB") ensures the safe and lawful use of buildings and property in New York City. The DOB enforces the Building Code, including the electrical and plumbing codes, Zoning Resolutions, the State Multiple Dwelling Law, and other energy, labor and local laws related to building demolition, excavation, construction and alterations within the City.<sup>1</sup> Additionally, the DOB reviews applications, issues permits, and inspects work relating but not limited to specific building systems such as plumbing, elevators, electrical, and heating, ventilation and air conditioning systems.<sup>2</sup> DOB also licenses individuals involved in building and construction-related trades such as plumbers, welders, boiler operators, riggers and hoisting machine operators.<sup>3</sup> The various responsibilities with which the DOB is charged are designed to protect the general public and the workers in this field and assure that buildings will be properly constructed to protect their occupants.

---

<sup>1</sup> See About the Buildings Department, available at, <http://www.nyc.gov/html/dob/html/about/about.shtml>.

<sup>2</sup> Id.

<sup>3</sup> Id.



The DOB is headed by a commissioner that is appointed by the Mayor<sup>4</sup> without counsel by the New York City Council.<sup>5</sup> The Charter specifically charges the DOB commissioner with a number of duties, a sample of which includes: the examination for approval or disapproval of plans for the construction or alteration of any building or structure;<sup>6</sup> the enforcement of applicable laws, rules, regulations and orders for the construction or alteration of any building or structure;<sup>7</sup> the issuance of certificates of occupancy;<sup>8</sup> and the conduct of investigations.<sup>9</sup>

### **Int. 755**

Section 641 of the Charter requires that the DOB commissioner either be a registered architect or a licensed professional engineer in good standing under the education law. Int. 755 removes the professional qualifications as requirements for the position of commissioner.

The removal of the professional qualifications requirement for the commissioner of buildings will give the Mayor the broadest of fields from which to fill the position. The removal of such requirements does not prevent the Mayor from appointing a DOB commissioner that is a registered architect or a licensed engineer. However, the change allows the Mayor to choose someone who, though qualified to do the job of commissioner, does not possess the professional credentials that section 641 of the Charter currently mandates.

---

<sup>4</sup> NYC Charter §6(a).

<sup>5</sup> NYC Charter §31.

<sup>6</sup> NYC Charter §645(b).

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> NYC Charter §646.

The Charter charges the heads of all agencies with a number of managerial and advisory duties, a sample of which include: the review, analysis and evaluation of the needs of the city on the subject matter under the agency's jurisdiction;<sup>10</sup> the submission to the Mayor of plans and programs to meet the needs of the city;<sup>11</sup> the supervision of the execution and management of all programs and activities of the agency and the possession of cognizance and control of the government, administration and the discipline of the agency;<sup>12</sup> and financial management of the agency.<sup>13</sup>

Though the Charter requires professional credentials for some City agency commissioners,<sup>14</sup> it does not require them for all agencies. For example, the Charter does not require that the commissioner for the Department of Design and Construction ("DDC"), the City agency charged with designing and building City structures and infrastructure projects, have any professional qualifications.

Other jurisdictions do not require that commissioners to the DOB, or their equivalent, possess particular professional credentials. For example, the city charters of Los Angeles, Chicago and Boston do not require professional credentials for the heads of their respective Departments of Buildings.

Nonetheless, some groups oppose the removal of the professional requirements for the DOB commissioner. Professional groups representing architects and engineers are concerned that removing the professional credential requirement compromises public

---

<sup>10</sup> NYC Charter §386(a).

<sup>11</sup> Id.

<sup>12</sup> NYC Charter 387.

<sup>13</sup> NYC Charter 388.

<sup>14</sup> Corporation Counsel must be an attorney. NYC Charter §394. The commissioner of the Department of Health and Mental Hygiene must be a medical doctor and have either: (i) a master's degree in public health or business administration with a concentration in the health field and five years' experience in a higher education public health teaching, or (ii) five years experience in public health administration. NYC Charter §551.

safety.<sup>15</sup> According to the groups, the commissioner should possess the specialized knowledge required to comply with all of the mandates that the Charter imposes on the DOB. Furthermore, the NYS Society of Professional Engineers states that the execution of duties by the DOB commissioner falls within the definition of the practice of professional engineering and architecture under the State Education Law<sup>16</sup> which requires a license, regardless of what the Charter directs.<sup>17</sup>

Int. No. 755

By Council Member Felder (by request of the Mayor)

A Local Law to amend the New York city charter in relation to the qualifications of the commissioner of buildings.

Be it enacted by the Council as follows:

Section 1. Section 641 of the New York city charter, as added by local law number 29 for the year 1977, is amended to read as follows:

§641. Department; commissioner. There shall be a department of buildings, the head of which shall be the commissioner of buildings. [The commissioner shall be a registered architect or a licensed professional engineer in good standing under the education law.]

§2. This local law shall take effect immediately.

---

<sup>15</sup> Letter to Mayor Michael Bloomberg from Robert Stelianou, President of the New York State Society of Professional Engineers, Inc. (April 28, 2008) and open letter to the New York City Council from the Architects Council of New York City, Inc. (April 29, 2008) (both letters on file with the Committee of Governmental Operations).

<sup>16</sup> State Education Law §7201 and §7301.

<sup>17</sup> Letter to Mayor Michael Bloomberg from Robert Stelianou, President of the New York State Society of Professional Engineers, Inc. (April 28, 2008) (on file with the Committee of Governmental Operations).



**TESTIMONY OF ANTHONY W. CROWELL, COUNSELOR TO THE MAYOR,  
ON INTRO. 755 BEFORE THE NEW YORK CITY COUNCIL  
COMMITTEE ON GOVERNMENTAL OPERATIONS**

**MAY 7, 2008**

Good afternoon Chair Felder and members of the Committee on Governmental Operations. My name is Anthony Crowell and I am Counselor to Mayor Michael R. Bloomberg. In that capacity, I work closely with the Mayor's Appointments Office which identifies, among other things, candidates to fill agency head positions. I am here today on behalf of the Administration to testify in strong support of Intro. 755 to amend the City Charter to remove the requirement that the Commissioner of the Department of Buildings either be a registered architect or a licensed professional engineer.

It goes without saying that managing the Department of Buildings is one of the toughest jobs in City service. Having assisted in the screening process to fill the position of Buildings Commissioner in 2002, I can tell you it took a very long time to find the right candidate who not only met the credential and City residency requirements, but who also had the managerial track record to take on the job. In fact, because of the challenge in recruiting, this agency head position was one of the last to be filled by the Mayor after he took office. I recall being asked during this difficult search process whether the credential requirement for the Commissioner could be waived. It could not be absent a change in local law.

As the Administration now turns to recruiting a new Commissioner, it finds itself in a position similar to the one it faced in 2002. However, this time, there are only 603 days left in the Administration and we need to identify someone with the right experience and skills to manage the agency's core functions, continue to reform the agency's operations, begin to implement the newly adopted Building Code, and enhance the agency's enforcement apparatus to maximize public safety.

Indeed, New York City's construction industry is among the most diverse and talented in the world, from the architects who design buildings to the engineers, laborers and specialized contractors who build them, to the private and City safety experts who ensure, to the extent possible, that all of this activity happens safely. The regulation of all of this activity must be undertaken by an agency overseen by a seasoned, professional manager with experience in the field—but the Charter should not be dispositive that that experience be necessarily as a registered architect or a licensed professional engineer. That is, of course, not to say that potential candidates with these credentials are not being sought and seriously considered. They certainly are.

Each year, the Department is responsible for enforcing the safe and lawful use, construction and demolition of the City's more than 950,000 buildings. The Department's 1,200 employees achieve this by enforcing the Building Code, the Zoning Resolution, the Multiple Dwellings Law, portions of the Fire Code, and numerous other State and federal laws relating to construction; and this enforcement requires varying degrees of technical

and professional skill that is dependent on the activity being performed. The Buildings Department:

- Processes applications for development;
- Reviews architectural drawings and designs for building construction;
- Issues and renews work permits for construction, demolitions and alterations throughout the five boroughs;
- Monitors insurance requirements;
- Performs more than 400,000 site inspections each year to enforce the safety requirements of the Building and Fire Codes, including high-rise construction and demolition projects, crane inspections, residential construction, and other activities. In connection with these inspections, DOB inspectors require owners/developers/contractors to correct hazardous or violating conditions and monitors compliance with violations that have been issued;
- These inspections include Department oversight of regular maintenance requirements for elevators, boilers, facades, sidewalk sheds and amusement rides;
- Issues or renews more than 12,000 licenses every year for 18 trades that fall into 27 different categories;
- Responds to emergencies and conducts forensic investigations of accidents and other incidents at buildings and construction sites under its jurisdiction.

The breadth and depth of activity undertaken by the Department is truly staggering. For example, in 2007, DOB issued approximately 160,000 permits; conducted 400,000 site inspections; licensed or renewed 12,935 tradespeople; and approved 70,597 building applications. The Buildings Commissioner must understand all of these processes and exercise effective oversight of the various technical and professional experts who review plans, issue permits, and conduct inspections. But exercising effective oversight does not require that the Commissioner him- or herself

approve a particular plan, or personally inspect properties to identify a specific structural defect. Above all, the Buildings Commissioner must be a manager who can effectively cause the many specialized disciplines necessary to regulate construction in this City to work in concert to keep the City's construction workers, first responders and all New Yorkers safe. Broadly defined, the job of the Commissioner of Buildings is to develop and enforce an efficient regulatory framework for this highly complex industry—a task that requires skills not necessarily associated with a particular trade license or technical pedigree. While a registered architect or licensed professional engineer may possess these qualities, people with experience in business, law and/or public administration could be equally qualified to manage this agency and incentivize the various professions and industries it regulates to comply with the law and act safely.

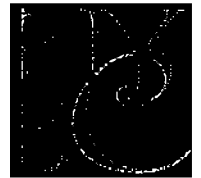
I would like to make clear that it will always be the case that the Department of Buildings will be an agency that employs numerous credentialed professionals on whose expertise the Commissioner will rely, including each borough commissioner, all of whom either are currently a registered architect or a licensed professional engineer, as is the Deputy Commissioner for Technical Affairs and Chief Code Engineer. These are the professionals whose expertise and judgment *any* Commissioner, regardless of his or her credentials, would continue to rely on in ensuring the agency carries out its mandates. And, it is the Commissioner's job to ensure that each of these staffers can undertake their function in a supportive environment where highest degrees of professionalism and accountability are fostered.

On a final note, we believe it is also important to point out that several other major cities, including Los Angeles and Chicago, do not require the heads of their buildings/construction agencies to be registered architects or licensed professional engineers.

In conclusion, we believe that the Commissioner of Buildings must have a strong and diverse skill-set and the professional experience necessary to understand the work of the agency and how it is performed, as well as be a manager and administrator of the highest order. But, the Commissioner need not be a registered architect or licensed professional engineer. This proposed legislation will allow us to cast as wide a net as possible in our search for a new Commissioner, and thus allow us to attract the best candidate possible. Accordingly, we request that the Committee and Council approve Intro. 755 expeditiously. Thank you for the opportunity to testify and I would be happy to address any questions you may have.



**Testimony of  
Richard T. Anderson, President  
New York Building Congress  
Before the  
New York City Council  
Committee on Government Affairs  
on  
Int. No. 755  
City Hall**



**NEW YORK  
BUILDING  
CONGRESS**

**May 7, 2008**

The New York Building Congress appreciates this opportunity to urge the City Council to retain the requirement in Section 641 of the New York City Charter that the commissioner of the Department of Buildings be a registered architect or licensed professional engineer in good standing under the state education law. This requirement would be eliminated by Int. No. 755, which is being introduced to the Council at the request of the Mayor's Office.

The Building Congress understands that the recent resignation of Patricia Lancaster with only 18 months remaining in the Bloomberg administration, together with the criticism surrounding the Department in the wake of several tragic construction-related accidents and deaths, leaves the Mayor's Office with an important vacancy to fill under difficult circumstances. However, every effort to fill that vacancy by a licensed professional, as the existing law requires, should be exhausted and so demonstrated to the City Council before any long-term

measures – like amending the City Charter - are taken to widen the pool of potential candidates.

Surely the Department needs a good manager to administer its operations, but the responsibilities of and authority granted to the commissioner demand that the position be held first and foremost by a licensed professional. As the final authority on the evaluation and approval of construction plans and interpretation of the Building Codes, the commissioner must exercise judgment on highly technical matters. The expertise needed to make the “close calls” and set important Department policy affecting public health and safety requires the kind of specific training and experience that only the rigors of professional licensure – through its standards and testing - can provide.

The entire building industry values and relies upon that expertise. The Building Congress urges the City Council to ensure that this critical qualification remain in place by rejecting Int. No. 755. A long-term measure – amendment of the City Charter - should not be used in this case to solve what may be a short-term problem.

**QUEENS COUNTY CHAPTER**  
**OF**  
**THE NEW YORK STATE SOCIETY OF PROFESSIONAL ENGINEERS**

78-66 79<sup>th</sup> Place, Glendale NY 11385

Tel. No. (718) 894-7822

Fax: (718) 894-7833

e-mail: [BEFlynnPE@aol.com](mailto:BEFlynnPE@aol.com)

website: [www.nspequeens.org](http://www.nspequeens.org)

**OFFICERS:**

**BRIAN FLYNN, PE**  
President

**GEORGE TAVOULAREAS, PE**  
1<sup>st</sup> Vice President

**JOHN SGOUROS, PE**  
2<sup>nd</sup> Vice President

**FILOLAOS KEFALAS, PE**  
Treasurer

May 7<sup>th</sup>, 2008

Governmental Operations Simcha Felder, Chair  
New York City Council

Re: Int 755 - By Council Member Felder (by request of the Mayor) - A Local Law to amend the New York City charter in relation to the qualifications of the commissioner of Buildings

Dear Mr Felder,

The Queens Chapter of the New York State Society of Professional Engineers unilaterally opposes the elimination of the licensure requirement for the Building Commissioner. Currently, the Building Commissioner must be licensed by the New York State Education Department as either a Professional Engineer or a Registered Architect.

The city charter charges the position of the Building Commissioner with technical responsibilities that are defined by the NYS Title VIII Education Law as the practice of Architecture and Engineering. Such duties are defined by the Building Code as follows:

“With respect to buildings and structures, the commissioner shall have the following powers and duties exclusively”...“to examine and approve or disapprove plans for the construction or alteration of any building or structure, including the installation or alteration of any service equipment therein, and to direct the inspection of such building or structure, and the service equipment therein, in the course of construction, installation or alteration;”...and “The commissioner shall review and certify any proposed subdivision of a zoning lot with any building thereon, in order to ensure that the subdivision will not result in any violation of the applicable zoning laws”

The administration and enforcement of the Building Code in NYC is both a highly technical as well as managerial position. It is the role of the commissioner to lead by example and by professionalism. As licensed individuals, Engineers and Architects are held accountable to a higher standard that is defined by Part 29, Unprofessional Conduct (of the professions). We are charged with the safeguarding of life, health and property and held accountable to that standard. Why would you want the Commissioner to be held to anything less?

Brian E. Flynn, PE  
President, Queens Chapter NYSSPE

**Title VIII Education Law**

**Article 145, Professional Engineering and Land Surveying**

§7201. Definition of practice of engineering. The practice of the profession of engineering is defined as performing professional service such as consultation, investigation, evaluation, planning, design or supervision of construction or operation in connection with any utilities, structures, buildings, machines, equipment, processes, works, or projects wherein the safeguarding of life, health and property is concerned, when such service or work requires the application of engineering principles and data.

**Article 147, Architecture**

§ 7301. The practice of the profession of architecture is defined as rendering or offering to render services which require the application of the art, science, and aesthetics of design and construction of buildings, groups of buildings, including their components and appurtenances and the spaces around them wherein the safeguarding of life, health, property, and public welfare is concerned. Such services include, but are not limited to consultation, evaluation, planning, the provision of preliminary studies, designs, construction documents, construction management, and the administration of construction contracts.



## ***The New York State Society of Professional Engineers, Inc.***

*The Founding Society of the National Society of Professional Engineers*

**President**

**Robert P. Stellanou, PE**

**President-Elect**

**John Przepiora, PE**

**Vice Presidents**

**Vacant**

**Long Island Region**

**Thomas Szekely, PE**

**New York City Region**

**Louise Carol Doyle, PE**

**Mid-Hudson Region**

**Keith F. Lashway, PE**

**Northeast Region**

**Michael R. Hayes, PE**

**Central New York Region**

**John Frandina, PE**

**Western Region**

**Kespeil R. Thumma, PE, Ph.D**

**PE's In Construction**

**Vacant**

**PE's In Education**

**Richard Lenz, PE**

**PE's In Government**

**Frank P. Roma, PE**

**PE's In Industry**

**Thomas J. Petrecca, PE**

**PE's In Private Practice**

**Treasurer**

**Donald P. Nims, PE**

**Assistant Treasurer**

**Walter C. Waldelich, PE**

**Immediate Past President**

**William Prazerka, Jr., PE**

**Executive Director**

**Gailly K. Norris, CAE**

**Legal & Legislative Counsel**

**Mark C. Kriss, Esq**

**The Honorable Michael R. Bloomberg**

**Mayor of the City of New York**

**City Hall**

**New York, NY 10007**

**April 28, 2008**

**RE: NYC Department of Buildings Commissioner**

**Dear Mayor Bloomberg:**

Please allow this letter to express our deep concern about two matters of critical importance relative to the health, safety and welfare of the more than 8 million residents of New York City, the most complex and densely populated city in the United States.

1. The immediate need to fill the position of Department of Buildings Commissioner with a licensed design professional.
2. Reports of considerations to downgrade the existing City Charter requirement that the position be held by a licensed design professional.

Execution of the duties of Buildings Commissioner absolutely constitutes the practice of professional engineering or architecture as defined by the New York State Education Law. The functions and duties of the Commissioner of Buildings fall within the definition of the practice of professional engineering and architecture requiring a license irrespective of the language of the Charter. While we consider the temporary or permanent dismissal of this fact to be a violation of law, the resultant compromise to safeguarding of life, health and property is our real concern. Leadership of New York City's Division of Buildings must be provided by a qualified licensed design professional.

The existing licensure requirements for this position are founded on the important basic protections afforded to the residents of New York City. Licensed design professionals are uniquely qualified to provide leadership to the Department of Buildings due to rigorous education, examination and experience requirements prescribed by law. Additionally, regulations governing New York design professionals include specific provisions relative to their obligation to safeguard public safety as well as maintaining strict standards of professional conduct and moral character.

Having the Department of Buildings led by anyone other than a licensed design professional jeopardizes public safety in a manner equivalent to having the Department of Health led by anyone other than a medical doctor. Similarly, the appointment of a non-lawyer as the chief legal official in the Corporation's Counsel's Office simply would not be countenanced.

In the past, the New York State Society of Professional Engineers has been vigilant about this position, having litigated the issue at least twice. The Society will give strong consideration to the use of all avenues at its disposal to insure that existing laws are enforced.

We urge you to fill the vacant position with a licensed design professional and cease all consideration of downgrading of the position requirements.

Thank you for your attention to this matter and feel free to contact me if we can be of any assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "R.P. Stellanou". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert P. Stellanou, PE  
President

Copy – New York City Council Members



# AIA New York State, Inc.

An Organization of The American Institute of Architects

## Executive Committee

**Orlando T. Maione, AIA**  
President  
Long Island

**Burton L. Roslyn, AIA**  
President Elect  
New York

**Russell A. Davidson, AIA**  
Immediate Past President  
Westchester/Mid-Hudson

**Michael Shilale, AIA**  
VP Government Advocacy  
Westchester/Mid-Hudson

**David L. Businelli, AIA**  
VP Public Advocacy  
Staten Island

**John Notaro, AIA**  
Treasurer  
Long Island

**Lawrence Liberatore, AIA**  
Secretary  
Central New York

**Terrence E. O'Neal, AIA**  
Regional Director  
New York

**Levi Kell, FAIA**  
Regional Director  
New York

**Dennis A. Andrejko, AIA**  
Regional Director  
Buffalo/Western New York

**Edward G. Farrell**  
Executive Director

May 6, 2008

To: Members of the City Council

Re: Commissioner, Department of Buildings

AIA New York State, representing 6,200 architects, half of whom are in the City of New York, strongly objects to the proposed local law which would repeal the requirement that the Commissioner of the Department of Buildings be either a registered architect or a professional engineer. If enacted, such local law would threaten the health, welfare, and safety of residents of the City of New York.

The duties of the Commissioner, as outlined in the City Charter, require that he or she make the final decisions regarding the construction or alteration of any building or structure. To carry out that duty, the Commissioner must have the required education, training and background that, by definition, can ONLY be provided by a registered architect or professional engineer. The licensing requirements for such professionals ensure that the ability to fulfill the duties of Commissioner is entrusted to someone with the proper training, rather than merely an administrator. The residents of the City of New York should have the security that a licensed design professional is making the final decisions regarding the built environment.

Finally, we acknowledge that all is not perfect within the Department of Buildings, nor in other departments as well. However, we remind you that in recent years, unprecedented building activity has been on-going in the City with an overwhelming rate of success in ensuring a safe built environment for the residents of New York. That success will continue only with a licensed design professional as Commissioner.

We urge you to defeat the proposed local law.

*Orlando T. Maione*

Orlando T. Maione, AIA  
2008 President

Burton L. Roslyn  
2009 President



# AMERICAN ENGINEERING ALLIANCE

BOWLING GREEN STATION □ P.O. BOX 1446 □ NEW YORK, NEW YORK 10274-1446 □ (212) 606-4053 □ [WWW.AEAWORLD.ORG](http://WWW.AEAWORLD.ORG)

May 7, 2008

Board of Directors

Salvatore R. Galletta, P.E.  
Chairperson

Ahmed Shakir, P.E.  
Vice Chairperson

Louis R. Camunelli, P.E.  
Secretary

Marc A. Matalon, P.E.  
Treasurer

Brian Gill, P.E.

Robert F. Waite, P.E.

Special Advisor  
Samuel I. Schwartz, P.E.

**Testimony at City Hall**

**Re: Intro. 755-2008 – Repealing the Requirement for the DOB  
Commissioner to be a P.E. or R.A.**

**AEA Testimony at City Hall  
Opposing Intro. No. 755-2008**

The impetus behind the proposed removal of the legal requirement to have a licensed Professional Engineer or Registered Architect is based on a erroneous argument, which is that there are not enough individuals with these qualifications from which to select a Commissioner for the Department of Buildings. The City has an unusually large pool of such individuals, who also possess the requisite management and leadership skills. In fact, New York City technical professionals are actively sought out to provide services for public and private clients all over this country and all over the world.

The existing law was not a result of whim or fancy, but of the recognized necessity of protecting the public health, safety and welfare by ensuring that its public servants had the requisite qualifications to carry out its intent. The law was intended to be, and is, in full compliance with the State laws governing the practice of Engineering. Any rescission of that requirement would be contrary to State Law, and a capricious disregard for the public health and safety. This is so because:

- The DOB Commissioner is the final authority on making Engineering judgments on the efficacy of building designs and the manner in which buildings are constructed and renovated.
- Any effort to place such responsibilities on a subordinate who possesses an appropriate license would just be adding a figurehead to the City's payroll, who could also place undo political influence on the legal practice of Engineering and so jeopardize the public safety.



The proposed Intro. 755 poses a potentially serious threat to public safety. The threat comes from the watering down of standards. Instead of increasing the control over our infrastructure, this legislation actually lessens it; thus inviting even greater disasters than the ones we have recently witnessed.

This situation did not happen overnight. Problems with our infrastructure have been steadily increasing for over fifty years, and simply making a few heads roll will only serve as a transitory solution to an image problem, but will not fix what is wrong. Our infrastructure has become increasingly more complex and its management requires increasing technical expertise. The major problem is rooted in the by-passing of technical professionals and removing them from their proper decision-making roles in the management of our infrastructure. Individuals trained in other disciplines do not have the background to properly weigh the governing Engineering factors in determining the best courses of action to optimally manage our infrastructure, which is primarily a technical endeavor.

In recognition of the need to properly manage our complex infrastructure and to address the need for competent management that Intro 755 is purportedly attempting to address, the American Engineering Alliance, along with the other major technical societies of the City, has introduced Resolution 195-2006 which is presently languishing in this very committee. The Resolution calls for the appointment of a Deputy Mayor for Infrastructure who is a Licensed Professional. The introduction of a Licensed Technical Professional as a Deputy Mayor in charge of our infrastructure is a necessary first step in the right direction. The American Engineering Alliance additionally proposes that the requirement for technical professional licensing be expanded to include other city agencies that have a technical mission such as DOT, DEP and DDC.

We therefore urge you to reconsider this ill-advised legislation presently before you, and instead allocate additional resources to Department of Buildings so that it can truly fulfill its mission to safely facilitate the construction and maintenance of our infrastructure.



**Testimony of Kenneth Eipel, P.E., President  
ACEC New York/Metropolitan Region  
Before the New York City Council  
Governmental Operations Committee  
May 7, 2008**

Good afternoon Mr. Chairman and Members of the Committee, my name is Ken Eipel.

I am president of the American Council of Engineering Companies of New York, Metropolitan Region and a licensed Professional Engineer. The Council represents over 240 consulting engineering firms throughout New York State with the largest concentration of firms being located in the five boroughs of New York City.

ACEC New York is strongly opposed to Intro. 755, the local law to amend the New York City Charter by eliminating the requirement that the Commissioner of Buildings be a licensed professional engineer or registered architect.

The Commissioner of the Buildings Department is charged with interpreting as well as enforcing the City's building codes and zoning regulations, and numerous state laws concerning the construction and alteration of buildings in New York City. As such, the Commissioner is required to exercise judgment on highly technical matters that require specific training and experience. In recent years, nearly 60 ACEC New York members donated thousands of hours to New York City when they volunteered to sit on the technical code committees that would revise and update the building code. It was a massive undertaking, involving hundreds of professionals and many different groups, but the design professionals respected the decisions that the Commissioner made to reconcile

conflicting technical opinions because we knew that she had the professional qualifications to make informed judgments.

The Administration makes two arguments in favor of the bill. Both are flawed. First, they argue that the technical training can reside in staff on whom the Commissioner can rely. Having worked with hundreds of owners, managers and developers throughout my 47 year career, I can assure you that even the most talented of them can rarely reconcile conflicting technical approaches presented by licensed professionals.

Second, they argue that the talent pool is too small to provide the leadership the agency needs, particularly given that the Administration has only a year and a half left. That argument would have carried more weight had it been made at the end of a thoughtful search, rather than simultaneously with the announcement of the vacancy. There are many qualified professionals, including in senior positions at City agencies, who will step forth to be considered, but only if they believe they would have a fair shot at being considered, that the Council and the Mayor appreciate their professional training, and most importantly, that they will be given the resources necessary to bring the DOB to the level that New Yorkers deserve. Don't blame the professionals because the City has chosen not to give the agency the resources it needed to keep pace with the incredible pace of construction experienced in the last few years.

And please don't make policy for the future based on short term needs. The license rule was put into effect specifically because of the risk that a Mayor –perhaps not this one- would make an unqualified political appointment. Once you take this requirement out of the Charter – a diminution of the Mayor's power- a Council effort to reinstate it would require a referendum.

**I can tell you that it is incredibly difficult to secure and maintain a professional license in engineering and architecture. Licensure means that you are held to the highest professional ethical standards, must adhere to ethical standards appropriate to the profession and complete on-going professional education. It is only appropriate for an agency that is responsible for overseeing the work of thousands of professional engineers and architects in New York to have at its helm a leader who is also a licensed professional. To do anything less, will simply lower the standards for appointment of the New York City Commissioner of Buildings and put the health, safety and welfare of more than 8 million New Yorkers at risk.**

**We ask that you say no to Intro. 755.**

**Thank you.**



CITY RECORD

7 May 2008

Honorable Simcha Felder  
Chair, Government Operations Committee  
New York City Council  
250 Broadway, 17<sup>th</sup> Floor  
New York, NY

RE: Int. 755-08  
Hearing Testimony

Dear Councilmember Felder and Committee Members:

Thank you for this opportunity to speak in regard to the proposed legislation related to eliminating the requirement for the Commissioner of Buildings to be either a registered architect or licensed professional engineer.

I appreciate the efforts of the city government to address the current situation at the Department of Buildings, and the need to respond to the many changes in the design and construction environment in our City. The complexity of our industry and its regulation requires vigilant oversight.

That said, I oppose this legislation as proposed. The Commissioner of Buildings is charged with making interpretations of the Zoning Resolution and determinations related to the Administrative Code of the City of New York that require both professional experience and technical expertise. As a former commissioner, I completely understand the need to rely on advice of the staff of the agency, but this Commissioner is required to make these decisions and stand behind them. As the law is currently proposed, there is no provision for the necessary professional expertise that the public must rely upon, and a likely further loss of confidence in these decisions.

Sincerely,

A handwritten signature in black ink, appearing to read "Sherida E. Paulsen".

Sherida E. Paulsen, FAIA

HENRY K. STOLZMAN, FAIA  
SHERIDA E. PAULSEN, FAIA

PKSB ARCHITECTS  
330 W42 STREET  
NEW YORK NY 10036  
212 594 2010  
WWW.PKSB.COM

# AIA New York Chapter

The Founding Chapter of The American Institute of Architects



Hon. Simcha Felder, Chair, Governmental Operations Committee  
City Council, City Hall  
New York City

Dear Chair Felder and Members of the Governmental Operations Committee:

On behalf of the American Institute of Architects New York Chapter and its 4,200 members in New York, we are here in opposition to Intro 755. The Commissioner of the Department of Buildings must be a registered architect or professional engineer. The current law is logical and necessary.

By letters, e-mails and petitions, you have heard from many of your constituents about the reasons why the head of the agency that guarantees safety on construction sites must be trained and tested in how buildings come together, how they rise, and how they stand. The process by which an architect or engineer becomes licensed by the State of New York is arduous, arguably even harder than passing the bar exam in our State. It tests comprehensive knowledge of codes, zoning, building practices and environmental standards, to name but four of the many constituent issues that are important in neighborhoods from Co-op City to Gravesend, from Midwood to Central Harlem, from Ozone Park to East New York.

In addition to our technical training, architects, by law, are personally responsible for our work and have a fiduciary responsibility to maintain the health, safety, and welfare of the public. As licensed professionals, we bring to the task a special degree of commitment that we believe is crucial to the position of Buildings Commissioner.

The City Council has taken the lead in bringing a modern building code to the City of New York. We need an architect or engineer at the head of the department that interprets the code, guaranteeing building safety in all of our neighborhoods.

The City Council has taken the lead in stopping over-development in our communities, asking whether developer rapacity has led to deliberate misinterpretation of the Zoning Resolution. We need an architect or engineer at the head of the department that enforces the City's zoning, guaranteeing that political pressures and expediency do not engender neighborhood-busting mistakes.

The City Council, receiving testimony yesterday at the Housing & Buildings Committee, has taken the lead in pushing for progressive reform of Building Department operations, enforcement and communications, insisting that building practices be forcefully regulated. We need an architect or engineer at the head of the department that by its actions gives our communities appropriate scale and comfort, someone who knows about the economic and material determinants of buildings, not just how to manage a large and complicated bureaucracy.

536 LaGuardia Place  
New York, New York 10012  
212.683.0023  
212.696.5022 fax  
e-mail: [info@aiany.org](mailto:info@aiany.org)  
web site: [www.aiany.org](http://www.aiany.org)

The City Council, by Local Law and leadership in setting environmental priorities, has insisted that New York City attain a greener future and carbon footprint reduction by regulating building materials and construction processes. We need an architect or engineer at the head of the department that enforces these laws, and assures our children and our children's children that their future will not be green-wash rhetoric, but actually achieve through aggressive action significant change in how our buildings help, not hurt, the environment.

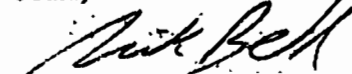
There are some in this building who insist that the business of New York is business; that any agency, any department, can be run like a Fortune 500 company; that good management skills are more important than mere credentials, stale tradition, or a philosophy that knowledge matters. They are half right. This is not about tradition, or a return to the bow-tied past. This is not about credentials or elitism or silly glasses. This is all about professionalism, and the knowledge needed for the person heading the Buildings Department to make the tough decisions when there is nobody else to call, nobody else to consult.

You would not want your kids treated by doctors who learned their medical skills by watching Grey's Anatomy on television; you want the real thing for your children and for our Health Commissioner. You would not want the public defenders and advocates working over at Foley Square to have learned their legal skills watching re-runs of Law & Order; you want the real thing for your constituents and for our Corporation Counsel.

You cannot want the person who oversees all aspects of zoning, site safety and the quality of construction in our City to have borrowed their word choice from management case studies at Harvard Business School or Brooklyn College; you need the real thing for your neighbors and for our Building Commissioner.

I urge you to send this Intro back where it came, and, in so doing, to positively assert to the Mayor and the Deputy Mayor for Operations that the City Council and its Committee on Governmental Operations demands a Buildings Commissioner who not only knows how the government operates, but how buildings stand up.

Yours,



Fredric Bell, RA  
Executive Director, AIA New York

cc: Council Member Joseph P. Addabbo, Jr. (District 32, Queens)  
Council Member Inez E. Dickens (District 9, Manhattan)  
Council Member Erik Martin Dilan (District 37, Brooklyn)  
Council Member Dominic M. Recchia, Jr. (District 47, Brooklyn)  
Council Member Larry B. Seabrook (District 12, Bronx)  
Council Member Peter F. Vallone, Jr. (District 22, Queens)



## **AIA New York Chapter**

The Founding Chapter of  
The American Institute of Architects

Contact: Laura Manville  
[lmanville@aiany.org](mailto:lmanville@aiany.org)  
(T) 212-358-6116

### **FOR IMMEDIATE RELEASE**

#### **The American Institute of Architects New York Chapter Opposes Intro 755**

(May 7, 2008) The American Institute of Architects New York Chapter and its 4,200 members in New York are strongly opposed to Intro 755. The Commissioner of the Department of Buildings must be a registered architect or professional engineer. The current law is logical and necessary.

By letters, e-mails and petitions, the City Council and Mayor's Office has heard many of the reasons why the head of the agency that guarantees safety on construction sites must be trained and tested in how buildings come together, how they rise, and how they stand. The process by which an architect or engineer becomes licensed by the State of New York is arduous, arguably even harder than passing the bar exam in our State. It tests comprehensive knowledge of codes, zoning, building practices and environmental standards, to name but four of the many constituent issues that are important in neighborhoods from Co-op City to Gravesend, from Midwood to Central Harlem, from Ozone Park to East New York.

In addition to our technical training, architects, by law, are personally responsible for our work and have a fiduciary responsibility to maintain the health, safety, and welfare of the public. As licensed professionals, we bring to the task a special degree of commitment that we believe is crucial to the position of Buildings Commissioner.

The City Council has taken the lead in bringing a modern building code to the City of New York. We need an architect or engineer at the head of the department that interprets the code, guaranteeing building safety in all of our neighborhoods.

The City Council has taken the lead in stopping over-development in our communities, asking whether developer rapacity has led to deliberate misinterpretation of the Zoning Resolution. We need an architect or engineer at the head of the department that enforces the City's zoning, guaranteeing that political pressures and expediency do not engender neighborhood-busting mistakes.

The City Council, receiving testimony yesterday at the Housing & Buildings Committee, has taken the lead in pushing for progressive reform of Building Department operations, enforcement and communications, insisting that building practices be forcefully regulated. We need an architect or engineer at the head of the department that by its actions gives our communities appropriate scale and comfort, someone who knows about the economic and material determinants of buildings, not just how to manage a large and complicated bureaucracy.

The City Council, by Local Law and leadership in setting environmental priorities, has insisted that New York City attain a greener future and carbon footprint reduction by regulating building materials and construction processes. We need an architect or engineer at the head of the department that enforces



these laws, and assures our children and our children's children that their future will not be green-wash rhetoric, but actually achieve through aggressive action significant change in how our buildings help, not hurt, the environment

There are some in this building who insist that the business of New York is business; that any agency, any department, can be run like a Fortune 500 company; that good management skills are more important than mere credentials, stale tradition, or a philosophy that knowledge matters. They are half right. This is not about tradition, or a return to the bow-tied past. This is not about credentials or elitism or silly glasses. This is all about professionalism, and the knowledge needed for the person heading the Buildings Department to make the tough decisions when there is nobody else to call, nobody else to consult.

You would not want your kids treated by doctors who learned their medical skills by watching Grey's Anatomy on television; you want the real thing for your children and for our Health Commissioner. You would not want the public defenders and advocates working over at Foley Square to have learned their legal skills watching re-runs of Law & Order; you want the real thing for your constituents and for our Corporation Counsel.

You cannot want the person who oversees all aspects of zoning, site safety and the quality of construction in our City to have borrowed their word choice from management case studies at Harvard Business School or Brooklyn College; you need the real thing for your neighbors and for our Building Commissioner.

The AIA New York Chapter is tell the City Council and the Mayor New York City Council needs a Buildings Commissioner who not only knows how the government operates, but how buildings stand up.

###

#### **About AIA New York Chapter**

The AIA New York Chapter is the oldest and largest chapter of the American Institute of Architects. We are dedicated to three goals: design excellence, public outreach, and professional development. The Chapter's members include more than 4,000 practicing architects, allied professionals, students, and public members interested in architecture and design. To fulfill its mission, the Chapter sponsors an array of programs that explore the role of architects in housing, planning, historic preservation, and urban design among other topics, as well as our annual Design Awards Program for architecture, interior architecture and unbuilt projects. In addition, the Chapter publishes a magazine, OCULUS, coordinates 24 committees and works with its charitable affiliate the Center for Architecture Foundation to provide scholarship and educational opportunities for students and the general public.

For more information on the American Institute of Architects New York Chapter, visit the website [www.aiany.org](http://www.aiany.org) or contact Barb Steffen at AIA New York, 212-683-0023, [bsteffen@aiany.org](mailto:bsteffen@aiany.org).



May 7, 2008

## **Why the NYC Buildings Commissioner needs to be a Licensed Professional Engineer or Registered Architect.**

*Presented to the Governmental Operations Committee*

*By Marc A. Chiffert, P.E.,*

*President-elect of the NY Chapter of NYSSPE*

*NYSSPE is a statewide professional organization with 23 local chapters and more than 2,300 members, representing Professional Engineers in all engineering disciplines in five practice divisions: construction, education, government, industry and private practice.*

Dear Council Members:

There is no question in everyone's mind including some of NYC's most prominent professional trade and professional organizations, that the NYC DoB needs to be reformed and possibly restructured. We applaud Mayor Bloomberg and his administration for recognizing this and wanting to take immediate action. The NYSSPE is prepared to volunteer and assist in this effort.

However, proposed Local Law 755 introduced by Council Member and Chairperson Simcha Felder (district 44) is not a move in the right direction. To lower the qualifications standard for the appointment of the Buildings Commissioner does not advance any purpose other than permitting the acting Commissioner who is not licensed to remain and to allow future mayors to make of the chief building inspector a strictly political appointment.

Here are ten reasons why it is essential to keep in the NYC Charter the requirement that the DoB commissioner be a licensed professional engineer or registered architect.



1. Final decisions regarding Building Code interpretation, public health and safety and construction site safety procedures rest with the DoB Commissioner. This authority to provide a final interpretation of the building and construction codes does constitute the practice of Engineering and by NYS statute must be performed by a NYS licensed professional engineer.
2. The ultimate responsibility for the safety of the public, construction site safety and code enforcement vests with the DoB Commissioner. To lower the qualification standard for the appointment of the DoB Commissioner would effectively diminish the importance of code enforcement and site safety in New York City.
3. The DoB Commissioner must be a highly knowledgeable individual, and be able to discuss technical, engineering and construction related matters with its staff, trade agencies and other City officials including the Mayor. A PE or a RA license does confer such competence and experience.
4. The DoB's ability to monitor construction sites and to maintain a fair and reasonable approval process has gone astray. The NYC DoB needs new leadership who has an in-depth understanding of the nuances of the practice of engineering and understands the subtleties of the business of Professional Engineering and Registered Architecture. The DoB Commissioner must understand first-hand the contractual relationships among expeditors, shop drawing designers, crane and scaffolding support designers, and other professionals in the construction inspection process. In order to be able to reform the department, including managing these contractual relationships to avoid conflicts of interest, the DoB Commissioner will need to be, and have been, practicing as a licensed professional engineer or architect.
5. The DoB relies heavily on the integrity and ethical values of licensed professionals during the reviews of the hundreds of applications submitted daily. The DoB Commissioner must be a role model in terms of both competency and ethics to



these licensed professionals and must be held to the same ethical and professional standards.

6. The DoB has the primary technical oversight responsibility for building codes, construction safety codes and energy codes as well as the application of new engineering principles. As part of this process the DoB Commissioner has the ultimate decision power to appoint and promote qualified technical managers, many of whom are PEs and RAs. It is important from a management standpoint and to foster employee morale and respect for the head of the Agency that its Commissioner be a licensed professional.
7. There are many qualified PEs and RAs in NYC who have demonstrated both technical and managerial expertise, and the ability to be effective communicators. PEs and RAs regularly make presentations to community boards as well as technical advisory boards. There are licensed professionals who can be great public spokespersons for this administration.
8. We understand that the size of the position of DoB Commissioner requires strong management skills. We also know that some of the largest companies in the world are engineering companies that are led by PEs. We have submitted potential qualified candidates who are PEs to the Mayors Office for his consideration, and I know that the architectural societies have done the same.
9. As business owners, we understand and sympathize with the Bloomberg administration's difficulty to recruit a qualified Professional Engineer to fill this post. Last year, the main theme of the annual convention of the National Society of Professional Engineers was the difficulty in recruiting young engineers. Presently, our country is in great need of engineers and Professional Engineers. The stature of the licensed professional engineer is important to our society. It is important as a matter of public policy to value the PE license, today and for future



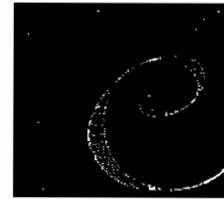
generations. To remove the licensure requirement for the NYC DoB Commissioner is not good public policy.

10. The NYC Charter requiring that the DoB Commissioner be a licensed PE or RA is similar to other New York City laws, such as those governing the Board of Standards and Appeals. These laws recognize the importance not only of technical competence, but also of the ethical and moral aspects in the application process relating to building design, construction and development. This ethical aspect is governed by the professional oath and obligations undertaken by the licensed professional engineer or registered architect.

In conclusion, reforms are needed at the DoB, maybe even structural reforms, such as possibly splitting the DoB into various agencies as suggested by some trade and labor organizations. But the need for reform does not preclude the need for the head of the Buildings Department to be an individual whose professional ethics and competence are governed by statute and by a professional oath.

On behalf of my fellow professionals, I urge the City Council not to modify the present charter, not to eliminate the professional licensure required of the individuals in charge of the construction of our city and ask the administration to find the most qualified individual who also is a licensed professional.

Marc A. Chiffert, P.E.  
NYSSPE, NY Chapter President  
AEC Engineering Design & Construction Services PLLC  
New York, NY 10021 Tel: 212-879-7300 Ext 15  
Southampton, NY 11969 Tel: 631-446-4012



NEW YORK  
BUILDING  
CONGRESS

**MEETING WITH DEPUTY MAYOR EDWARD SKYLER**

**TO DISCUSS**

**PROPOSED LEGISLATION TO AMEND QUALIFICATIONS FOR**

**NYC BUILDINGS COMMISSIONER**

**CITY HALL – COW CONFERENCE ROOM**

**2<sup>ND</sup> FLOOR**

**FRIDAY, MAY 2, 2008**

**10:30 a.m.**


**Expected Attendees:**

Richard T. Anderson, President, New York Building Congress  
Rick Bell, Executive Director, AIA NY Chapter  
Marc Chiffert, President, New York State Society for Professional Engineers, NYC Chapter  
Brian Flynn, President, NYSSPE Queens Chapter  
Ken Fisher, WolfBlock, Municipal Affairs Counsel for ACEC New York/Metro Region  
Laura Gallo, Vice President, New York Building Congress  
Michael Green, Co-Chairman, New York Building Congress Architects Leadership Council  
Lisa Greenberg, Executive Director, AIA Queens Chapter  
Nick Ivanoff, P.E., Vice President, ACEC New York Metro Region Board of Directors  
Gregory Kelly, President, ACEC for NY State  
Michael Macaluso, President, Architects Council  
Marcus Marino, President, AIA Staten Island, NYC Chapter  
Kelly K. Norris, Executive Director, New York State Society of Professional Engineers, Inc.  
Hannah O'Grady, Deputy Executive Director, ACEC New York  
Sherida Paulsen, President-elect, AIA NY Chapter  
Anthony P. Schirripa, Vice Chairman, New York Building Congress  
Alan Weinstein, President, AIA Queens Chapter

**We will assemble at 10:20 a.m. in the City Hall vestibule on the Mayor's side (left as you enter)**






## : Professional Services Directory

The Queens Chapter of the NYSSPE recommends the advertisers listed below for their respective products or services. However the Queens Chapter does not take responsibility for these advertisers' products or services.

<p><b>Miles Fisher, P.E.</b> President Tel: 516-256-7780 Fax: 516-256-7783 e-mail: miles@firecodeservices.com</p> <p><b>Fire and Building Code Services, Inc.</b> Design, File, Inspect and Certify Building Systems</p> <p><b>10 East Merrick Road, Suite 308 Valley Stream, New York 11580</b></p>	<p><b>SHAPIRO ENGINEERING, P.C.</b> ENVIRONMENTAL ENGINEERING • ENVIRONMENTAL LABORATORY</p> <p><b>ELLIOT J. SHAPIRO, P.E.</b> Chairman, Board of Directors <b>ROBERT A. LO PINTO, P.E.</b> President 181 SOUTH FRANKLIN AVE., SUITE 305 VALLEY STREAM, NEW YORK 11581-1101 516 791-2300 (FAX) 516 791-0782 Email: <a href="mailto:shapiroengineers@worldnet.att.net">shapiroengineers@worldnet.att.net</a></p>
<p><b>(718) 274-4800 FAX (718) 274-4849</b></p> <p><b>VALUE ENGINEERING</b> Consulting, P.C. Engineers and Designers</p> <p>GREGORY G. GEORGES, P.E. 30-05 30th AVENUE PRESIDENT LONG ISLAND CITY, NY 11102</p>	<p><b>ISSAM M. ABOURAFEH, P.E.</b> PROFESSIONAL ENGINEER</p>  <p>ARCHITECTS ENGINEERS PLANNERS CROSS ISLAND PLAZA 133-33 BROOKVILLE BLVD., SUITE 208 ROSEDALE, NY 11422 EMAIL: ISSAM@IMA-ARCHITECTS.COM TEL (718) 276-9200 FAX (718) 276-0722</p>
 <p><b>Derek Pukash</b> Professional Design Consultant <a href="mailto:derek.pukash@unilock.com">derek.pukash@unilock.com</a></p> <p>Unilock, New York 51 International Blvd. Brewster, NY 10509 1-800-UNILOCK T 845-278-6700 F 845-278-6788 C 201-481-6999 <a href="http://www.unilock.com">www.unilock.com</a></p>	<p><b><i>Instant Microfilm Associates Inc</i></b></p> <p>*Microfilming*Copies of Plans* *PC Filing*DOB Forms*Typing *Notary*Facsimiles*St Obstruction Bonds* *Engineering &amp; Architectural Services*</p> <p>123-23 82 Avenue Kew Gardens NY 11415 Tel: 718 268 8600 Fax: 718 793-5247</p>
<p><b>Tebulco</b> Services Incorporated 39-15 29th Street Long Island City NY 11101-3707</p> <p><b>tebulco</b> Engineers &amp; Constructors</p> <p>TEL 718-707-0416 FAX 718-707-0418 <a href="mailto:wilson@tebulco.com">wilson@tebulco.com</a></p> <p><b>Wilson Constantinides</b> President &amp; CEO</p>	<p><b>SIDERIS ENGINEERS P.C.</b> <i>Consulting Engineers</i></p> <p>217-22 Northern Boulevard Bayside, New York 11361 Tel 718-224-9091 Fax 718-224-9143</p> <p><b>Chris M. Sideris, P.E. Filolaos T. Kefalas, P.E.</b> T.C. Sideris, P.E. (1923-2005)</p>



The Queens Chapter of the NYSSPE recommends the advertisers listed below for their respective products or services. However the Queens Chapter does not take responsibility for these advertisers' products or services.

<p>Tel: 718-544-5105 Fax: 718-544-0031</p> <p><b>JOSEPH HOROWITZ</b> <i>Professional Engineer</i></p> <hr/> <p>ENVIRONMENTAL CONSULTING ENVIRONMENTAL PROJECT MANAGEMENT</p> <p>76-06 137<sup>TH</sup> Street Flushing, NY 11367</p>	 <p><b>A&amp;A Consulting Engineers, P.C.</b></p> <p><b>SAM S. AINECHI, M.S., P.E.</b> Licensed Professional Engineer</p> <p>125-10 Queens Blvd. Suite 318, Silver Towers Kew Gardens, NY 11415</p> <p>Tel: 718-544-7878 Fax: 718-544-7884</p>
<p><b>CHRIS PETALLIDES, P.E., N.S.P.E.</b> <i>CONSULTING ENGINEER</i></p> <p>Tel: 718 961 4342 Fax: 718 321 3929 Email: <a href="mailto:PetallidesPE@aol.com">PetallidesPE@aol.com</a></p> <p>149-14 45<sup>TH</sup> AVENUE FLUSHING, N.Y. 11355</p>	<p>Tel: (718) 323-0754 130-08 122nd Street, 2nd Fl. Pager: (917) 429-7480 South Ozone Park, NY 11420 E-Mail: <a href="mailto:JAVBINTGRO@AOL.COM">JAVBINTGRO@AOL.COM</a></p> <p><b>Jose A Velasquez, P.E.</b> Master of Civil Engineering Master of Economics New York State Licensed Professional Engineer</p> <ul style="list-style-type: none"><li>● Consultant</li><li>● Building Inspections</li><li>● Certificates of Occupancy</li><li>● Engineering Reports</li><li>● Permits And Alterations</li><li>● Structural Design</li><li>● Legalizations</li><li>● Removal of Violation</li></ul>
 <p>N.Y.S. P.E. License # 069956 Cell (347) 528-6038</p> <p><b>Brian E. Flynn</b> <i>Professional Engineer</i> <b>Home &amp; Building Inspections</b></p> <p>78-66 79th Place Glendale, NY 11385</p> <p>Phone (718) 894-7822 Fax: (718) 894-7833 <a href="mailto:BEFlynnPE@aol.com">BEFlynnPE@aol.com</a></p>	 <p><b>HERMES/Hephaistos</b> <i>Manufacturer of c-joists, metal studs &amp; accessories</i></p> <p><i>A Division of Hephaistos Building Supplies</i></p> <p>Warehouse: 24-02 37th Avenue Astoria, NY 11101 Office: 34-01 Broadway Astoria, NY 11106</p> <p>Tel: (718) 482-0800 Fax: (718) 482-0581 Michael Karantinidis P.E. President</p>
<p><b>INTERNATIONAL GEOTECHNICAL/STRUCTURAL LABORATORIES INC.</b></p>  <p><a href="http://www.internationalgeo.com">www.internationalgeo.com</a> GEOTECHNICAL &amp; ENVIRONMENTAL TESTING</p> <hr/> <p><b>MICHAEL KARANTINIDIS, P.E.</b> STRUCTURAL ENGINEER</p> <p>OFFICE: 31-87 34TH STREET, ASTORIA, NY 11106 TEL: (718) 726-1527 FAX: (718) 956-0274 <a href="mailto:info@internationalgeo.com">info@internationalgeo.com</a></p>	<p><b>SIDDIQUE ENGINEERING, P.C.</b> <i>Professional Engineering Services</i></p> <p><b>MAHATAB ALAM SIDDIQUE, P.E., N.S.P.E</b></p> <ul style="list-style-type: none"><li>● Engineering Reports</li><li>● MEP Consulting Services</li><li>● Engineering Cost Estimate</li><li>● Steam Piping Stress Analysis</li><li>● Shop Drawings/Piping &amp; Sheet Metal</li><li>● Legalizations</li><li>● Removal of Violations</li><li>● Permits &amp; Alternations</li><li>● Certificate of Occupancy</li></ul> <p>Tel: (718) 737-4501, Fax: (718) 657-2447 140-23 Queens Boulevard MSIDD43390@AOL.COM Jamaica, New York 11435</p>  <p><b>National Society of Professional Engineers*</b></p>



## Sponsors

The Queens Chapter of the NYSSPE recommends the advertisers listed below for their respective products or services. However the Queens Chapter does not take responsibility for these advertisers' products or services.

### Material Engineering and Services

Please Patronize our Sponsors!

 <p><b>BOCCIA Inc.</b> Established 1955</p> <p>WATERPROOFING, MASONRY, STUCCO &amp; ROOFING (516) 747-7727 • (718) 343-7707 • FAX (516) 747-7448 168 Broadway Garden City Park N.Y. 11040</p> <p><i>Frank Boccia</i> www.bocciabros.com</p>	 <p><b>DOUGLAS R. HALSTROM</b> ATTORNEY AT LAW</p> <p><b>L'ABBATE, BALKAN, COLAVITA &amp; CONTINI, L.L.P.</b></p> <p>1050 FRANKLIN AVENUE, GARDEN CITY, NY 11530 TEL: 516.294.8844 • FAX: 516.294.8202 law@labbatebalkan.com</p>
<p><b>PROSURANCE REDEKER</b> Professional Liability Insurance</p> <p><b>Greg D. Kumm</b></p> <p>111 Broadway 14th Floor New York, NY 10006-1901 Tel: 212-693-1550 Fax: 212-406-0924 gkumm@proredinsure.com</p>	<p><b>Ryan Fenstermaker</b> Sales Representative Fire Protection Products</p> <p><b>3M</b></p> <p><b>3M Consumer Safety and Light Management Department</b> 602 Commons @ Kingswood East Brunswick, NJ 08816 800 942 7229 Voice Mail 732 432 0616 Fax 732 921 1503 Cellular rfenstermaker@mmm.com www.3M.com/firestop</p>
 <p><b>David Johns</b> Technical Sales Representative</p> <p><b>NORTHEAST REGION</b> 5160 Main Street, Whitehall, PA 18052 Office: (800) 523-9211 Fax: (610) 261-9020 Mobile: (484) 695-5902 Email: david.johns@lafarge-na.com</p>	 <p><b>THOMAS A. FARAONE, P.E.</b> Senior Regional Engineer 631.654.4092 (direct) 631.654.4093 (fax) 631.398.2207 (mobile) faraone@aisc.org</p> <p><b>AISC MARKETING, LLC.</b></p> <p>127 S. Ocean Avenue • Suite F • Patchogue, NY 11772-3704 www.aisc.org</p> <p><b>structural steel: the material of choice</b></p>
 <p><b>Marc A. Lordi</b> Sales Representative Direct: 614-850-4075 Email: mlordi@strongtie.com</p> <p><b>SIMPSON STRONG-TIE CO., INC.</b> 2600 International Street Columbus, Ohio 43228 Toll Free: 800-999-5099 614-876-8060 Fax: 614-876-0636 www.strongtie.com</p>	 <p><b>Mark Agulles</b> Engineering Sales</p> <p><b>A.D.E. SYSTEMS, INC.</b> <b>AIR DISTRIBUTION ENTERPRISES, Inc.</b></p> <p>19 Wilbur Street • Lynbrook, NY 11563 Tel: (516) 568-6500 Ext. 510 Fax: (516) 256-FAXX Direct Tel: (516) 568-6510 Direct Fax: (516) 568-6581 Cell: (516) 322-2912 e-mail: magulles@airdist.com www.airdist.com</p>

The Queens Chapter of the NYSSPE recommends the advertisers listed below for their respective products or services. However the Queens Chapter does not take responsibility for these advertisers' products or services.

 <p>Distributors of <b>MARVIN</b> Window &amp; Door Products</p>  <p><b>Robert Barbone, CDT</b> Architectural Consultant</p> <p><a href="http://www.supermarvin.com">www.supermarvin.com</a></p> <p>126 Spagnoli Road Melville, NY 11747 rbarbone@supermarvin.com</p> <p><b>631-777-3544 ext. 613</b> <b>631-979-4545 (fax)</b> <b>516-672-8459 (cell)</b></p>	 <p>Distributors of <b>MARVIN</b> Window &amp; Door Products</p>  <p><b>Jeffrey R. Donlon</b> Architectural Consultant AIA Assoc., CDT</p> <p><a href="http://www.supermarvin.com">www.supermarvin.com</a></p> <p>126 Spagnoli Road Melville, NY 11747 jdonlon@supermarvin.com</p> <p><b>631-777-3544 ext. 689</b> <b>631-244-9483 (fax)</b></p>
 <p><b>Scott J. Tobias, AHC, CSI, CDT</b> Senior Specification Consultant - Northeast</p> <p><u>Door Security Solutions</u> 12 Phyllis Lane, Rock Tavern, NY 12575 Phone: 845-427-0853 • Fax: 845-427-9043 • Cell: 845-742-4827 Email: stobias@assaabloydss.com</p>	 <p><b>Brian L. Fitzsimmons</b> President</p> <p>Tel: (914) 772-3736 Fax: (845) 986-1194</p>  <p><b>Lightscapes Automation Inc.</b></p> <p><b>Manufacturers Representative</b> Specializing in Lighting Controls &amp; Automation</p> <p>2 Iron Forge Road Warwick, N.Y. 10990</p> <p>E-Mail: <a href="mailto:Brian@LightscapesAutomation.com">Brian@LightscapesAutomation.com</a> Website: <a href="http://LightscapesAutomation.com">LightscapesAutomation.com</a></p>
 <p><b>expertise. in every case.</b></p> <p><b>TOM FLETCHER</b> Sr. Fire Protection Specialist New York City <b>(800) 879-6000 ext. 7223</b></p> <p>Hilti Center: 40-15 Northern Blvd. Long Island City, NY Corporate Address: P.O. Box 21148; Tulsa, OK 74121 Fax (800) 879-7000 E-Mail: <a href="mailto:flettho@us.hilti.com">flettho@us.hilti.com</a> <a href="http://www.us.hilti.com">www.us.hilti.com</a></p> <p>ISO 9001 / ISO 14001 REGISTERED</p>	

---

## Order Form

The Queens Chapter of the National Society of Professional Engineers will publish the chapter's 2007 Annual Membership Directory. Our members are found in key government agency positions, as well as senior and partner positions in private engineering firms, which design, specify and consult on Construction projects throughout the Metropolitan area. When they need to find a source for specific requirements they turn to their annual Queens NSPE Membership Directory. Now you and your firm can reach these key decision making individuals when they are looking for your services by placing an ad in the up coming 2006 Queens NSPE Membership directory.

Attached is an order form to place an advertisement in the 2007 Membership Directory.

In addition to our annual journal, the Queens Engineering Society Sponsors numerous events and seminars to further inform our members of the new developments in industry. We hope that you will help support our efforts. Please see the order form on the next page

**QUEENS COUNTY CHAPTER  
OF THE NEW YORK STATE SOCIETY OF PROFESSIONAL ENGINEERS**

**OFFICERS:**

BRIAN E. FLYNN, PE	GEORGE L. TAVOULAREAS, PE	JOHN SGOUROS, PE	FIL KEFALAS, PE
President	1 <sup>st</sup> Vice President	2 <sup>nd</sup> Vice President	Treasurer

Please reserve an ad as indicated below in the 2007 Queens Chapter Membership Directory.  
Enclosed is our check in the amount of \$\_\_\_\_\_ for the size ad selected below:

**(STANDARD AD POSITIONS (BLACK & WHITE ADS))**

- ☐ Full Page Ad (7-1/2" deep x 4-1/4" wide) .....\$ 400.00
- ☐ One-Half Page Ad (3-3/4" deep x 4-1/4" wide).....\$ 300.00
- ☐ One-Third Page Ad (2-1/2" deep x 4-1/4").....\$ 165.00

**(SPECIAL POSITIONS (BLACK & WHITE ADS))**

- ☐ Back Cover (7-1/2" deep x 4-1/4" wide) ..... \$ 800.00
- ☐ Inside Front Cover (7-1/2" x 4-1/4" wide)..... \$ 700.00
- ☐ Inside Back Cover (7-1/2" x 4-1/4")..... \$ 600.00
- ☐ Page 1 (7-1/2 x 4-1/4") ..... \$ 550.00
- ☐ Forward (7-1/2" x 4-1/4") (Before Member Section)..... \$ 500.00

**(ADDITIONAL CHARGES)**

- ☐ Spot (Single) Color (Each Color) Please choose color below..... \$ 160.00  

☐ Red    ☐ Blue    ☐ Green    ☐ Yellow
- ☐ Four-Color Process (Full Color Ad with red, blue, green and yellow)\$ 800.00

**Company/Organization** \_\_\_\_\_

Individual \_\_\_\_\_

Address \_\_\_\_\_

City, State & Zip \_\_\_\_\_

Telephone \_\_\_\_\_

Fax \_\_\_\_\_

Signature \_\_\_\_\_

Please make your checks payable to the Queens Chapter – NYSSPE. Mail your check with this order form to:  
Queens Chapter NYSSPE Reference & Membership Directory  
C/O Brian E. Flynn, P.E.

***President, Queens Chapter NYSSPE  
78-66 79<sup>th</sup> Place, Glendale, NY 11385  
Telephone (718) 894-7822 Fax (718) 894-7833***

Please include your Artwork or camera ready copy. **Artwork Specifications** (Computer Formats): PDF; P65; EPS (INQUIRE); TIF; BMP; Others. Camera ready copy accepted OR We'll Make Your AD for You. Please email your computer format artwork to: [BEFlynnPE@aol.com](mailto:BEFlynnPE@aol.com) or mail it on computer media in PC format to our office: 78-66 79<sup>th</sup> Place, Glendale, NY 11385. In order to meet the printing schedule, all ads & order forms must be received no later than **October 31<sup>st</sup>, 2007**