



The Drawingboard

Queens Chapter

New York State Society of Professional Engineers

June 2008

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President's Message

By Brian Flynn, P.E.
President

"Change the Licensing Qualifications for the Commissioner. The Mayor and Speaker Quinn also committed to move forward with the Administration's proposal to change the qualifications for the Buildings Commissioner to require that either the Buildings Commissioner or the First Deputy Commissioner be a registered architect or licensed engineer. This change will provide the flexibility necessary to recruit a Commissioner with the necessary managerial skills to do the job."



"Over the past five years, the Bloomberg Administration has worked to overhaul the Buildings Department. Last year, the Mayor and the Council enacted a comprehensive overhaul of the City's Building Code and announced a three-phase "Special Enforcement Plan" to make construction sites safer."

Despite all of this effort, expeditors are still free to offer professional services illegally and contractors still do not need to know how to read plans. Architects and engineers are receiving ECB fines for failing to sign a Directive 14 Final Inspection, but there is no prescribed alternative if it can't be signed off.

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As we all know, the many duties of the commissioner includes the power of final reconsideration to adjust the building code and zoning resolutions for any particular case. The commissioner is also the judge and jury for design professionals who have been accused of knowingly or negligently filing false statements.

In spite all of this, the Mayor still wants to appoint someone who is not a design professional, who has never had the responsibility of a license and who has never had to protect their personal integrity against the wanton needs of clients, contractors and the Building Department itself. That person will be in charge of the technical judgments of the Building Department and the professionally moral judgments that affect all licensed professional on both sides of the Building Department's counters. The only qualification that the Mayor feels is necessary for this important position is to be a political hack for now and in the future. This person, who the Mayor feels does not need any qualifications, will now oversee and make the final technical and professionally moral decisions on the implementation of the biggest code change in the history of New York City.

This has been a tough year for design professionals in New York City. I don't envy the person who will take over my role as guardian of the profession and President of the Queens Chapter. However, I have faith in his integrity, judgement and determination to carry us forward in these interesting times. I wish to congratulate **Chris Petallides PE, George Tavoulareas PE, John Sgouros PE** and **Jose Valasquez PE** as our new Queens Chapter Officers. Please join me in giving them your full support and encouragement that you have given me these past two years. Being your President has been a enlightening and rewarding experience. I thank you all.

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DOB PUBLIC HEARINGS

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Three public hearings were held in the past week on Rule 101-06 Special Inspectors and Special Inspection Agencies, Rule 101-07 Approved Agencies and Rule 101-10 Final Inspection and Sign Off. All three are expected to in effect on July 1st, which allows scant time for the evaluation of the comments and testimony made. Given the critically tight deadline imposed, it is hard to believe that any of it will make any impact.

Rule 101-06 Special Inspectors and Special Inspection Agencies introduces classifications of engineers and their experience that is not supported by the New York State Education Law. It also prescribes additional certification requirements for both the engineer and those in their direct charge.

Rule 101-07 Approved Agencies introduces the four types of agencies that test and inspect material, equipment and construction relate activity. These agencies are Approved Testing Agencies, Concrete Testing Laboratories, Approved Inspection Agencies and Approved Progress Inspection Agencies. It requires these agencies to have a licensed design professional as its full time director. It also requires these agencies to be formed and structured in compliance with the NYS Education Law. The only purpose of any of these agencies is to provide signed and sealed documents by a licensed design professional, therefore, they must be professional organizations as per the Education Law requirements.

Rule 101-10 Final Inspection and Sign Off codifies the Building Departments desire to have the final inspection performed within 12 months of the expiration of the last valid permit. The inspection report shall be filed within 30 days of that inspection to attest that the work is substantially compliant with the approved construction documents. Unfortunately, it does not allow for jobs that are incomplete or incorrect. It also requires the inspector to track the permits.

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Members of our chapter testified at all three hearings that were held on this past Friday and Monday. Our State President, Robert Stelianou PE also testified by letter at these hearings. The prepared testimony that was presented will be available on the web site.

INTRODUCTION BILL 755

Despite the trouncing that this bill received from both the public and every city council person who spoke at the Public Hearing on May 7th, the Mayor and **Speaker Quinn** are still committed to move forward with the Administration's proposal to change the qualifications for the Buildings Commissioner to require that either the Buildings Commissioner or the First Deputy Commissioner be a registered architect or licensed engineer. The Mayor states that this change will provide the flexibility necessary to recruit a Commissioner with the necessary managerial skills to do the job. There are rumors afloat that this bill may be pushed into the full council for a vote. Please contact every Council person that you can, especially those from your neighborhood to let them know what a disastrous idea this is.

THE NEW CONSTRUCTION CODE

For those who have been overseas for the past several years, July 1st is the day that the earth, or at least the Building Department will stand still as the new Construction Code goes into effect. Over the past week, there have been two and a half hour waits just to get a ticket in the Building Department. On Friday, June 27th, the Building Department will not accept any new filings. On Monday, June 30th, only the new forms can be used to file jobs. Yes there are new forms, lots and lots of new forms, some of which aren't even available yet.

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Engineer Is Charged in Fatal Wall Collapse

From the New York Times, June 19, 2008

As reported by Sewell Chan in the NY Times, a licensed engineer has been charged with filing fraudulent plans with the Department of Buildings in connection with a Brooklyn construction site where a day laborer died in March when earth and debris collapsed on him. The engineer, Abraham Hertzberg, 86, of Kings Point, on Long Island, faces nine first-degree counts of offering a false instrument for filing in the first degree, a felony. If convicted, he could face up to three years in prison on each count. According to the indictment, Mr. Hertzberg had previously lost his authority to self-certify architectural designs and used a stamp belonging to his partner, Louis Sanchez, to certify them in Mr. Sanchez's name. He also placed Mr. Sanchez's signature on several documents filed in support of the client's applications for building permits, according to the Brooklyn district attorney, Charles J. Hynes.

Upcoming Meeting Information

Our Next Chapter Meeting

Date: *Thursday June 26th, 2008 – 6:30 PM*

Sponsor: [Georgia-Pacific Gypsum LLC](#)

Description: A discussion comparing paper faced to fiberglass mat gypsum wallboard technology and how these two different technologies address moisture management issues.

Objectives: The primary lesson learned will be how to effectively design durable wall systems for commercial construction by protecting the walls from potential damaging moisture intrusion. At the end of the program the participants will understand the performance differences between paper faced and fiberglass mat gypsum wallboard technology in high moisture conditions, and understand how educated product choices and fiberglass mat design decisions can assist with moisture management.

Location:






[422 Weaver Ave., Fort Totten, New York](#)

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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

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OF THE NEW YORK STATE SOCIETY OF PROFESSIONAL ENGINEERS**

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- ☐ Page 1 (7-1/2 x 4-1/4") \$ 550.00
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Individual _____

Address _____

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Telephone _____

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Signature _____

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