



The Drawingboard

Queens Chapter

New York State Society of Professional Engineers

March 2008

Volume 8, Number 3

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President's Message

*By Brian Flynn, P.E.
President*

"It is unfortunate that some professionals act less than professional. Last summer, the NY State legislature enacted legislation to get tough on professionals who fail their obligations. They did not bother to license contractors who make the money and actually create all of the damage. Nor did the legislature fund the State Education Department to go after those who practice engineering and architecture without a license. As an agency, the DOB has gone



to great lengths to work with professionals to raise the bar as well as to punish those who fail. Construction involves not just the professionals, but the owners and contractors as well." As posted on <http://imby.blogspot.com/> (March 13, 2008)

The Building Department has been empowered by the Mayor and by Albany and it is fully intent on disciplining those licensed professionals who abuse professional certification and falsify documents. Over the past month alone, three engineers have been in the news and were sanctioned by the Building Department. A fourth professional engineer is in the news because he was indicted on 3 counts of perjury.

Since the launch of Phase I of the Special Enforcement Plan in July 2007, the Buildings Department has identified 62

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(President's Message Continued)

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individuals or companies for possible disciplinary action. A lot has been said about going after unscrupulous developers and contractors, but only the licensed professionals, unfortunately all engineers, seem to be making the news. The licensed professionals are now the "fall guys" for many of the construction problems. It doesn't help if some professionals have become lazy, cut corners or rubber stamp plans and documents without any responsibility. It is time for everyone of us to reexamine our professional practices to be confident that we are complying with the requirements that we are attesting to.

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The Building Department currently provides any architect or engineer holding a license and current registration with the State the privilege of waiving a plan examination by professionally certifying with their signature and seal that applications and plans for permits comply with the Building Code and Zoning Resolution. Data accumulated by the DOB indicate that many licensed architects and engineers utilize this privilege; in 2007, licensed architects and engineers professionally certified 37,383 applications for building permits. Phase II of the DOB's Special Enforcement Plan allocates three new staff positions to develop groundbreaking qualifications that licensed architects and engineers must meet and maintain to enter and participate in the City's professional certification program. This was made possible with the enactment of the New NYC Construction Codes in July 2007, the qualification standards will be designed to infuse integrity into the professional certification program by preventing repeat offenders from participating in it.

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Since the launch of Phase I in July 2007, the Building Department has laid the foundation upon which the Special Enforcement Plan is built. Three new Special Enforcement teams have inspected 2,438 construction sites, identified 62 individuals or companies for possible disciplinary action, and reviewed 1,040 professionally-certified plans for compliance with the Building Code and Zoning Resolution. From September 2007, the three teams have issued 773 Stop Work Orders and 1,617 violations.

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(President's Message Continued)

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Phases I and II of the Special Enforcement Plan are complemented by recently-enacted legislation that enables the Buildings Department to further deter abuses of the professional certification program and hold repeat offenders accountable for their actions. The New York State Assembly signed [Assembly Bill 7746](#) into law on August 17, 2007, bolstering the Department's enforcement and operational tactics by empowering the Buildings Commissioner to refuse applications filed by professionals who, after due process, are found to have filed false or fraudulent documents.

Engineer Indicted for Perjury

The Bronx district attorney's office has decided to pursue criminal charges against an engineer whose failure to fully inspect a Bronx construction job was cited in a Fire Department report on the deaths of two firefighters, according to a person who has been briefed on the investigation. Prosecutors said, that Mr. **Vargas** had misled investigators who studied the collapse, telling them that he had inspected the building and that he had seen the steel called for in the roof renovations when no steel was ever installed. The charges represent the most significant law enforcement action taken against a professional involved in a program that gives engineers and architects the authority to approve construction projects without city oversight.

A press release by Commissioner **Lancaster** stated:

"Architects and engineers must be held accountable when they fail to uphold their responsibilities as licensed professionals – responsibilities that have serious implications for the safety of the public and our public servants. The tragic fire on Walton Avenue highlights the vital importance of our Special Enforcement Plan that substantially increases oversight of architects and engineers who professionally certify. The Plan is about safety; it ensures architects and engineers submitting architectural plans and signing off on construction performed is safe and compliant. The joint investigation by the Buildings Department and the Fire Marshals into the facts and circumstances leading to the collapse during the fire, as well as today's indictment by the District Attorney all send a strong message putting architects and engineers on notice: the City has zero tolerance for unsafe construction and responsible parties will be held accountable."

Engineers Sanctioned by the DOB

Over the past month alone, three engineers have been in the news and were sanctioned by the Building Department. They are:

Louis Sanchez, P.E. #046307 of Hertzberg & Sanchez/P.C.
Surrendered ability to make any filing.

Abraham Hertzberg P.E. #029007 of Hertzberg &
Sanchez/P.C.
Surrendered ability to make any filing.

Leon St. Clair Nation, P.E. #065052 of Geezman Company
Two year revocation of filing privileges.

Two more engineers were sanctioned this year. One surrendered his Self Certification and Directive 14 privileges. The other was banned from filing any documents.

Construction Accident May Lead to Criminal Charges

A 30-year-old construction worker died in Brooklyn on March 12 after a wall collapsed on him. The workers were digging the foundation of a commercial building at 791 Glenmore Avenue in East New York when a neighboring wall collapsed. Buildings Commissioner Patricia Lancaster said there was "evidence of shoddy work conditions" and that the wall should have been shored up. **William Lattarulo** owns both the building under construction and the neighboring residential building, 795 Glenmore Avenue, which authorities pulled down.

According to the DAILY NEWS story writers MATTHEW LYSIAK and TINA MOORE, Lancaster said her office was talking to Brooklyn District Attorney **Charles Hynes** about criminal charges for both Lattarulo and the project's engineer, Louis Sanchez of Sanchez Associates PC.

A spokesman for Hynes said the two men could face a "wide range" of criminal charges, including reckless endangerment. Sanchez had lost his privilege to perform engineering jobs in the city a week earlier because of "questionable practices,"

(Continued on Next Page)

(President's Message Continued)

Lancaster said. The department penalized him after a new special enforcement team found he was allowing his business partner to use Sanchez's professional stamp to submit applications. His partner surrendered his privileges in 2002.

"The excavation team is tracking excavation sites across the city and holding engineers and contractors to a higher standard than ever before," Lancaster said.

Posted on <http://imby.blogspot.com/>

Upcoming Meeting Information

Our Next Chapter Meeting

Thursday March 27th, 2008 – 6:30 PM

The [CertainTeed Corporation](#) will present an overview of vinyl siding and accessories. It will assist design professionals in discerning the appropriate use of vinyl siding with respect to design and historical considerations, quality issues, proper installation techniques and manufacturing processes.

Location:

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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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