

Queens Chapter

New York State Society of Professional Engineers

The Drawingboard

October 2012

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President's Message

*By George Tavoulaareas, P.E.
President gltpe@msn.com*

I am pleased to announce that **Richard Berkenfeld, PE** has volunteered to become 1st vice president of the Chapter. Richard has been active in our society for many years. In order for our society to be successful, we need volunteers like Richard to step up to the plate. Ask not what the society can do for you but ask what you can do for the society. **John Sgouros, PE** will be our new treasurer, replacing treasurer **Jose Velasquez**.

Earlier this year, **Gov. Cuomo** signed into law allowing non design professionals to own up to 25% of an engineering/architectural firm. Many firms did not go through with allowing non design professional to own shares of their company because the language of the law made it expensive for them to do so, ie. they would have to dissolve and re-incorporate, a costly process. On October 4, 2012, Gov. Cuomo signed a bill that amends the law and simplifies the process of allowing non design professionals to own a piece of the design firm.

The NYC Dept. of Buildings is requesting volunteers to serve on the 2013 Master Plumbers and Master Fire Suppression Piping Contractors License Board, Electrical License Board (reviews applications for electrical licensure and licensee compliance with Electrical Code administrative provisions), Electrical Advisory Board (reviews applications for installations over 1000kva & electrical equipment) and Electrical Code Revision & Interpretation Committee.

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If you are interested in serving, please let me know. We need you to step up to the plate and serve. You can read more about these positions in this newsletter.

The MCPC and the Chapter also provided testimony at the NYC DOB regarding the proposed Expeditors rule: Our concerns addressed the following:

- A Class 2 registered filing representative should NOT be referred to as a "code and zoning representative" as this implies that the individual has a NYS Department of Education license to practice Professional Engineering or Architecture.
- A Class 2 registered filing representative should NOT be allowed to answer or argue technical questions as they are not a licensed Registered Architect (RA) or Professional Engineer (PE).
- Class 2 registered filing representative should be allowed to provide the necessary documents that require a plan exam to have them entered into the Building Information System (BIS) for the DOB job. They should also be allowed to receive objections that would require a design professional to discuss technical objections at a subsequent meeting.
- The applicant of record (PE or RA) or their designated design professional (PE or RA) should be required to discuss the technical issues in a plan exam, plan review, audit review predeterminations and determinations. A Class 2 registered filing representative could be allowed to accompany the design professional in these technical meetings.
- Plan examiners should be given a list of the technical items that require a licensed Registered Architect or Professional Engineer to discuss the technical issues. Technical Issues include the NYC Building Code, NYC Energy Code, NYC Zoning Resolution and relevant provisions of the NYC Administrative Code and department practices. These objections are in accord with the NYS Education Laws for Design Professionals (PE and RA) and the DOB Commissioner **Joel A. Miele, Sr, PE's** memo dated April 21, 1994, "Revision of Rules and Regulations Pertaining to Code Consultants/Expeditors". A copy of DOB Commissioner Miele's memo is attached.

I look forward to seeing you at our meeting on Thursday October 25, 2012.

Next General Membership Meeting

The next general membership meeting will be held on Thursday October 25, 2012 6:15pm. at 422 Weaver Ave in Ft.Totten, NY

Sponsor: Alexander Weiss, PE

High efficiency and condensing boilers installation. Code requirements and proposed

New York City Construction Code changes. The presentation will include basic requirements for boiler installations, compliance with Codes and review of proposed Code changes related to boiler installation, boiler room enclosure, venting, ventilation and combustion air.

Limitations on condensing boiler installation in apartments

Admission is \$10 for NSPE members and \$20 for non-members.

Students are free. 1 PDH Credit

Mathcounts

Every year past President Robert LoPinto organizes and runs the Chapter's MathCounts competition. This year's competition will be held in February. MATHCOUNTS is a national math competition that promotes middle school mathematics achievement through grassroots involvement in every U.S. state and territory. Winners at the local level proceed to state competitions, where the top 4 Mathletes® and top coach earn the right to represent their state or territory at the level. At all levels, MATHCOUNTS challenges students' math skills, develops their self-confidence, and rewards them for their achievements. Scholarships are given out at the national competition. **WE NEED VOLUNTEERS TO ASSIST IN RUNNING THE COMPETITION.** Please call Robert LoPinto at 516-816-3800 and volunteer.

Engineer's Week

Save the date, Engineers Week is being celebrated on Feb. 13, 2013. The program is currently being finalized. The Chapter is currently planning a major activity in Manhattan and we will notify our members by e-mail when the program is finalized.

Proposed New York City Rules

Proposed Rules Governing the City of New York can be viewed at:

<http://www.nyc.gov/html/nycrules/html/proposed/proposed.shtml>



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

**METROPOLITAN CHAPTER PRESIDENT'S COUNCIL (MCPC)
Professional Engineers in Private Practice (PEPP)
Professional Engineers in Construction (PEC)**

September 21, 2012

**Adam Goold
Assistant General Council
NYC Dept. of Buildings
280 Broadway
New York, NY 10007**

Ref: Proposed Rule for Registration of filing representative. (IE Expeditors)

Dear Mr. Goold:

The Metropolitan Chapters President's Council of NYSSPE in conjunction with Professional Engineers in Private Practice and Professional Engineers in Construction would like to submit the following comments concerning the above proposed rule.

We have reviewed the proposed rule concerning the registration of filing representatives into two different classes and applaud the department's efforts in trying to bring more experience, training and accountability into what is basically an unregulated practice. While the proposed rule is a good step in the right direction it does not go far enough.

When the filing representative program was first introduced, filing representatives were never meant to meet with plan examiners to go over technical objections on design documents. That is the job of a Professional Engineer, Architect or one of the full time employees working under their direct supervision as dictated by NYS Education Law covering the Practice of Professional Engineering and Architecture. The DOB Commissioner at the time Joel Miele SR. PE even issued a memo to that effect, a copy of which is attached to this letter. The original intent of the filing representative program was for them to do only what the proposed rule allows a Class 1 Filing Representative to do. The requirements of a Class 1 Filing Representative is fine, and it is what the original intent of what an expeditor was suppose to do, which is to wait on line and file forms.

The meeting with plan examiners to review technical objections on submitted design documents is the practice of engineering and architecture and as such, in addition to the training requirements the proposed rule requires of Class 2 expeditors, we would like to suggest that the following also be added:

"Any Class 2 filing representative will be required to be a full time employee of the Design Firm for the project or the Design Professional of Record for the project, working under their direct supervision, in order to meet with a plan examiner to discuss technical objections on design documents. Including any filing representative that is grandfathered in under the proposed rule. "

This additional provision would increase the health, safety and welfare of the public by ensuring that the either the Design Professional of Record or one of the full time employees, who can be also be an filing representative has a direct hand in the approval of design documents when meeting with plan examiners.

The current system that allows filing representatives to meet with plan examiners to review technical objections on plans is one of the primary reasons for widespread plan stamping and illegal practice. It has created a system where filing representative who have a background in drafting or construction are setting up their own illegal design firms and selling renovation projects to unsuspecting home owners. They draw up basic plans and then work with an unethical design professional who is willing to stamp off on it for a quick buck. The unethical design professional can afford to work cheaply because he knows under the current system he never even has to leave his office, because the filing representative can do it all.

Please see the following example of a website for a practicing company that I have found:

www.GrandExpeditorsNYC.com

Their website even says that they offer design services.

In our opinion the meeting with plan examiners to review technical objections on submitted design documents is the practice of engineering and architecture and should only be done by the design professional of record or one of their full time employees as currently required by State Education Law.

The addition of this requirement, in our opinion is critical in that we think this will eliminate much of the plan stamping and illegal practice activities that take place today. We have seen too many expeditors who work for contractors, home owners or themselves, who develop plans and have a design professional stamp them for a couple of hundred dollars. This requirement will ensure that it's the design professional of record or one of his full time employees that has to meet with DOB Plan Examiners. We truly feel this will go a long way to eliminating plan stamping and fee splitting in the industry. This one provision would also go a long way in reducing the amount of fraudulent and improper documents that the NYC Building Department has long acknowledged is filed on a daily basis.

I hope you will consider that this additional requirement be added to the proposed rule. The Metropolitan Chapters President's Council of NYSSPE as well as Professional Engineers in Private Practice and Professional Engineers in Construction look forward to continuing our productive relationship with the NYC DOB in increasing the safety of public in the construction industry. We would be happy to meet at your convenience to discuss this further. Please do not hesitate to contact us if we can provide you with any additional information.

Professionally yours,

**Joseph A. Pasaturo PE
Chairman - Metropolitan Chapters President's Council NYSSPE
President - Richmond County Chapter NYSSPE
Vice President - Professional Engineers in Private Practice NYSSPE**

**8320 13th Avenue # 291
Brooklyn, NY 11228-0291
718 720-5088**

Dear Sir /Madam:

Please note we have extended our submission date to October 26, 2012

The Department is preparing to select members for the 2013 Master Plumbers and Master Fire Suppression Piping Contractors License Board. We are requesting applications from the plumbing, and sprinkler /fire suppression industries, real estate, architectural and engineering community.

The Board is comprised of:

Licensed Master Plumbers- Association of Contracting Plumbers of the City of New York, Inc. or Master Plumber's Council of the City of New York, Inc.*

Licensed Master Plumber with Fire Suppression License (Class A or B) – Association of Contracting Plumbers of the City of New York, Inc.

Licensed Master Fire Suppression Piping Contractors (Class A) - Mechanical Contractors Assoc. of New York Inc.*

Registered Journeyman Plumbers –United Association of Plumbers, Local 1*

Registered Journeyman Fire Suppression Piping Installers –United Association of Steamfitters' Local Union 638*

Engineer with five years' experience designing plumbing systems

Registered Architects

Engineer - with full membership in Society of Fire Protection Engineers

Real Estate Owner/Manager – or their representative

Please identify representatives to be nominated for membership to this Board. This is an opportunity for your members to give back to the profession, and your community with experienced participation. The time commitment is, at most, twice a month for approximately three hours.

Dear Sir/Madam:

Please note we have extended our submission date to October 26, 2012.

The Department is preparing to select members for the 2013 Electrical Boards and Committee. We are requesting applications from the electrical industry, real estate, architectural and engineering community and other industry stakeholders.

We are seeking members for:

Electrical License Board (reviews applications for electrical licensure and licensee compliance with Electrical Code administrative provisions)

Licensed Master Electricians actively engaged in the trade

Electrical Journeyman

Electrical Inspector employed by an inspection agency

Electrician employed by a Public Service Corporation (utility)
Registered Architect or Licensed Engineer with five years' experience
Real Estate Owner/Manager

Electrical Advisory Board (reviews applications for installations over 1000kva & electrical equipment)

Electrical Consulting Firm Representatives
Electrical Manufacturing Representatives
Electrical Technical Organization Representatives
Electrical Utility Representatives
Electrical Contractors (union and non-union)

Electrical Code Revision & Interpretation Committee (assists in the interpretation of Electrical Code technical provisions)

Electrical Consulting Firm Representatives
Electrical Manufacturing Representatives
Electrical Technical Organization Representatives
Electrical Utility Representatives
Electrical Contractors (union and non-union)
Electrical Contractor Association Representative/Electrical Contractor
Real Estate Owner/Manager

Please identify individuals for nomination to these Boards or Committee. This is an opportunity for you or one of your organizations' members to give back to the profession, and your community with experienced participation. Required time commitments will depend upon the Board/Committee chosen.

Applicants must indicate to which Board/Committee they are applying with the attached form and provide a current resume. If applicable, please provide a nomination letter from an officer of the organization they intend to represent on the Board/Committee.

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