

# Queens Chapter

*New York State Society of Professional Engineers*

## The Drawingboard

September 2011

Volume 11, Number 9

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### President's Message

**By George Tavoulareas, P.E.**  
**President**  
[gltp@msn.com](mailto:gltp@msn.com)

I hope everyone had a safe and healthy summer. Last month another testing laboratory was indicted by the district attorney for falsifying inspection test reports at various construction sites throughout the city. The testing company is being accused of falsifying concrete test reports and not performing the required special inspections. The testing lab was operating as an INC and is not a Professional Corporation (PC). The state society and our chapter has repeatedly requested that the Building Department only allow PCs or firms with a Certificate of Authorization from the NY State Education Department to perform special inspections. We as well as the NY State Education Dept. believe these special inspections constitute the practice of engineering.

Several months ago the NYC Dept. of Building Commissioner appointed a non licensed individual to a position (deputy borough commissioner) that was generally held by a license design professional, ie. RA or PE. Our state society has written a letter to the NYC attorney expressing the society's concerns with the appointment of a non license design professional. The NY City attorney wrote back that the job description was changed to preferred PE/RA from required PE/RA and that he knows of no law that requires a license for this position. According to members who practice at the Building Department, this position requires engineering decisions such as review of variances, Certificate of Occupancy, code interpretation, etc.

NYSERDA is providing an 8 hour session for professionals involved in reviewing modeling-based submittals or looking for an introduction to the exciting and rapidly growing field of energy modeling. The training discusses the modeling protocols of

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ASHRAE Standard 90.1 2007. Please follow the link if you are interested: [www.nyserdacodetraining.com/seminar.php?s=43&d=189](http://www.nyserdacodetraining.com/seminar.php?s=43&d=189)

**Our next meeting is scheduled for Thursday September 22, 2011 at 6:30am. I look forward to seeing you .**

## SPONSOR INFORMATION

Thursday September 22, 2011 6:30PM

Title: **Emergency Generators and Power Systems**

Presented by: [Atlantic Detroit Diesel](#)

Instructor: Jay O' Neill

1 continuing education credit for engineers and architects;

**\$20 p/person, free hot buffet meal**

## PROPOSED CITY LAWS:

1. The allow appeals of BSA decisions to the City Council -  
<http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=967769&GUID=86519EC2-16D7-4C44-AA6D-7205F378008D&Options=ID|Text|&Search=>
2. Section 504.3 of DOB code proposed change to add greenhouses to rooftop structures -  
<http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=775413&GUID=ACFCEAC6-FC38-4E32-9AB0-FAD914B2BBB4&Options=ID|Text|&Search=>

## NYC RULES PAGE

Rules and regulations of the City of New York can be viewed at the following link:

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

[§101-07](#) Approved Agencies Amendment;  
<http://www.nyc.gov/html/dob/html/reference/rules.shtml>

## Link of the Month:

<http://www.wtc.com/media/>



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Mr. Michael Cardozo  
Corporation Counsel  
The City of New York  
100 Church Street  
New York, New York 10007

May 17, 2011

**SUBJECT: Acting Deputy Borough Commissioner of Brooklyn position**

Dear Mr. Cardozo:

On behalf of the New York State Society of Professional Engineers, Inc., an organization representing over 20,000 professional engineers statewide, I am writing to advise you of our concern regarding the recent appointment of Frank Marchiano as the Brooklyn Deputy Borough Commissioner at the Department of Buildings. It is our opinion that this position requires the expertise of a licensed design professional (professional engineer or a registered architect). This position requires interaction with licensed design professionals and the public seeking assistance with specific technical matters pertaining to the NYC Building Codes. These technical matters include acting upon design reconsiderations, interpreting the NYC Building Codes, reviewing construction documents for code compliance, and various other issues that affect the health and safety of the public. Customarily this position has been filled by a licensed professional, and not surprising, the attached NYC job description actually requires the Deputy Borough Commissioner to be either a PE or an RA because it involves the practice of engineering/architecture.

I have attached the Department of Buildings organizational chart, which shows Acting Deputy Commissioner Frank Marchiano as a registered architect, RA. Our research on the NYS License Verification website does not include Mr. Marchiano on the list of registered architects. If this correct, we believe that the acting DOB Deputy Borough Commissioner of Brooklyn, Mr. Frank Marchiano should be removed immediately from this position and a qualified licensed candidate currently registered to practice in New York State be considered.

Sincerely,

Louise Carosi Doyle, PE, F.NSPE  
President

CC: Spencer Tucker, Commissioner DCAS  
Matthew Margolin, Mayor's Office of Operations





JUN 06 2011  
BY: \_\_\_\_\_

MICHAEL A. CARDOZO  
Corporation Counsel

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mcardozo@law.nyc.gov

June 2, 2011

Ms. Louise Carosi Doyle, PE, F.NSPE  
NYS Society of Professional Engineers, Inc.  
6 Airline Drive  
Albany, NY 12205

Dear Ms. Doyle:

I write in response to your May 19, 2011 letter regarding the appointment of Frank Marchiano as the Department of Buildings' Deputy Brooklyn Borough Commissioner. In your letter, you contend that (1) this position must be filled by a New York State licensed professional engineer ("PE") or registered architect ("RA") because it is a position that involves interaction with licensed design professionals and the public pertaining to technical Building Code matters; (2) the posting for the position required that the Deputy Borough Commissioner ("DBC") be a PE or RA; and (3) the Department of Buildings' organizational chart shows Acting DBC Marchiano to be registered architect, whereas he is not a registered architect.

I am advised that, as a threshold matter, the Department of Buildings is well acquainted with the quality of Mr. Marchiano's work and skills and considers him to be fully competent to handle the position of Acting DBC in Brooklyn. I note that there is no legal requirement that that such a position be filled by a New York State licensed PE or RA.

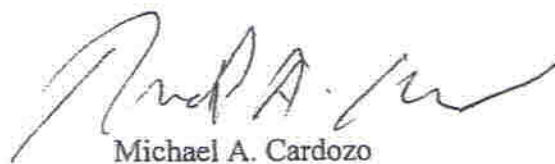
Moreover, I am told that the posting you appended to your letter, dated November 3, 2010 and posted on the Department's internal website, was in fact superseded by a subsequent internal job posting, dated May 6, 2011, pursuant to which Acting DBC Marchiano was appointed. This more recent posting (a copy of which is attached) did not specify that the qualified individual was required to be a New York State licensed PE or RA; rather, as you can see, it stated that "[s]trong preference will be given to Registered Architects and Professional Engineers in the state of New York."

Finally, I am told that there was a clerical error on the Administration page of the Department of Buildings' website that included "RA" after Acting DBC Marchiano's name. This

has been corrected on the website by removing the "RA" notation, and the agency appreciates your pointing out that error.

I trust this is responsive to your concerns.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael A. Cardozo", with a stylized flourish at the end.

Michael A. Cardozo

Cc: Deputy Mayor Stephen Goldsmith  
Commissioner Robert LiMandri



**City of New York  
DEPARTMENT OF BUILDINGS  
Job Vacancy Notice**

<b>Civil Service Title:</b> ADMINISTRATIVE STAFF ANALYST (M2)	<b>Office Title:</b> Deputy Borough Commissioner
<b>Title Code No:</b> 10026	<b>Salary:</b> Commensurate with experience
<b>Division/Work Unit:</b> Various Locations	<b>Work location:</b> Various Locations
<b>Hours/Shift:</b> 35 Hours (Minimum)	<b>Number of Positions:</b> 1

**Job Description**

The selected candidate for the Deputy Borough Commissioner position will be responsible for, but not limited to the following:

- Working directly with the Borough Commissioner and Strategic Planning Specialist in identifying operational problems, providing recommendations for improving the day-to-day operations and enhancing service delivery, prioritizing assignments and successfully implementing special projects and departmental goals.
- Ensuring consistency among the five borough offices.
- Supervising the Borough Manager and Borough Chiefs, and unit supervisors responsible for the daily administrative operations of the borough office including, but not limited to: application processing and fee collection of construction applications, violation and variances, Data Entry and Research (DEAR), permit issuance, Certificate of Occupancy, disposition and data entry of violations, records management, facility maintenance and customer service correspondence (complaint/ referral) tracking inspections
- Identifying operational needs and preparing requests in coordination with the central units responsible for those areas
- Working with Human Resources to manage staffing issues.
- Compiling data and reports to identify trends and determine possible areas for streamlining and/or initiatives for reengineering
- Working with the Information Technology unit to address borough-wide technology issues.
- Representing borough and agency in public and interagency meetings and forums.
- Conduct emergency response and field inspections as required by the agency during business hours and after hours.
- Meet with the public, professionals and others to resolve technical and operational issues involving audits, complaints, applications, permits and certificate of occupancies.

**Qualification Requirements**

1. A master's degree from an accredited college in economics, finance, accounting, business or public administration, human resources management, management science, operations research, organizational behavior, industrial psychology, statistics, personnel administration, labor relations, psychology, sociology, human resources development, political science, urban studies or a closely related field, and two years of satisfactory full-time professional experience in one or a combination of the following: working with the budget of a large public or private concern in budget administration, accounting, economic or financial administration, or fiscal or economic research; in management or methods analysis, operations research, organizational research or program evaluation; in personnel or public administration, recruitment, position classification, personnel relations, employee benefits, staff development, employment program planning/administration, labor market research, economic planning, social services program planning/evaluation, or fiscal management; or in a related area. 18 months of this experience must have been in an executive, managerial, administrative or supervisory capacity. Supervision must have included supervising staff performing professional work in the areas described above; or

2. A baccalaureate degree from an accredited college and four years of professional experience in the areas described in "1" above, including the 18 months of executive, managerial, administrative or supervisory experience, as described in "1" above.

**Essential Skills**

- Strong preference will be given to Registered Architects and Professional Engineers in the state of New York
- Extensive knowledge of the NYC Building Code and Zoning Resolution.
- Strong managerial skills, including leadership, organizational and communication skills.
- Experience managing significant operations is required.

**To Apply:**

For more information, please visit the DOB website at [www.nyc.gov/buildings](http://www.nyc.gov/buildings).

In order to receive proper consideration for this position, please submit your resume and cover letter in confidence indicating JVN# 810-2011-82966 by the date below.

**Preferred Method:** Email resume and cover letter to: [Recruit@buildings.nyc.gov](mailto:Recruit@buildings.nyc.gov). Indicate the JVN# in the subject line of the email.

Please review your resume to ensure it clearly indicates that you meet all of the qualifications required for the position posted. Resumes that don't clearly show this information will not be forwarded to the hiring manager for consideration. While we appreciate every applicant's interest, only those under consideration by the hiring manager will be contacted. No phone calls please.

<b>Post Date:</b> 05/06/2011	<b>Post Until:</b> 05/20/2011	<b>JVN:</b> 810-2011-82966
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**The City of New York is an Equal Opportunity Employer.  
New York City Residency will be required within 90 days of appointment.  
Special accommodations will be provided for disabled applicants.**



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Queens Chapter

NYS Society of Professional Engineers

2011

P D C Lecture Series

2-11

# Lecture

Date: Wed. October 19, 2011 tentative;  
call to confirm  
Time: 7:00PM to 9:00PM

At

422 Weaver Ave. Fort Totten, Bayside, Queens

## 2 Continuing Education Credits

Admission fee is \$40 for AIA & NYSSPE members; \$50 for non-members.  
Please RSVP to : George Tavoulareas, 98 Mulberry Ave Garden City, NY 11530  
by 10/10/2009

### PRESENTED BY:

Tim Lynch, PE; Director of the Forensic Unit, NYC Dept. of Buildings  
Bob LoPinto, PE, President of the Professional Design Center

**Program to be developed**

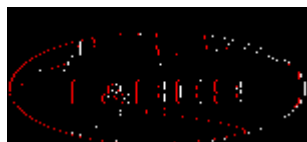
**Buffet dinner 6:15 pm-7:00pm included**

**Contact George Tavoulareas, PE at 347-387-1649 for further information**

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