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The Founding Society of the National Society of Professional Engineers

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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. Stelianou". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert P. Stelianou, PE
President

Copy – New York City Council Members