

What disciplinary action is the Department presently unable to take against a qualified inspector that this registration scheme would enable?

I am a New York State licensed professional engineer, License No. 107881, commenting in an individual capacity on proposed rule DOB-216 / 2026 RG 048. No allegation of misconduct by any individual is made or implied.

The Statement of Basis and Purpose gives one reason for the registration requirement. It states that Rule 101-07 is amended to require registration of QEWs, QRWs and QPSIs "to allow the Department to more easily take any necessary disciplinary action against them."

I am not opposed to the Department holding disciplinary authority over these inspectors. It should have it, and it should use it. My comment is that the stated justification is not supported on the Department's own record.

Following the partial collapse at 1915 Billingsley Terrace on December 11, 2023, the City announced that it had suspended the associated professional engineer's authority to inspect exterior walls of buildings and was seeking to permanently revoke that authority through the Office of Administrative Trials and Hearings. That engineer was subsequently suspended from conducting facade inspections for two years and fined \$10,000, and the matter was referred to State authorities for possible further disciplinary action.

All of that occurred under the existing framework, before any registration scheme existed, and the suspension was announced within days of the incident.

If registration would have made that process faster, cheaper, more certain, or more durable, the Department should say how, and identify the specific limitation in the existing framework that this proposal cures. That statement would strengthen the rule considerably and would cost the Department a paragraph.

If the actual difficulty lies elsewhere, the remedy may lie elsewhere too. If the difficulty is that the Department cannot reliably determine who currently holds a designation, that is the register problem I described in my first comment on this rule, and it is solvable by publishing a structured, status-bearing, machine-readable register synchronized against the State Education Department's authoritative license data. That does not require an annual fee. If the difficulty is that contact information for designees is stale, an annual renewal cycle would indeed cure it, and the Department should say so, because that is a real and modest justification that the present text does not offer.

I raise one further point about proportionality. Subparagraph (ix) of each amended paragraph invokes Administrative Code Section 28-401.19.1, and subparagraph (viii) invokes Section 28-401.19, which authorizes a fine of up to twenty-five thousand dollars for each finding of violation. The rule does not state whether that monetary exposure is imported along with the grounds. In the Billingsley matter the Department imposed a fine of \$10,000 under the existing framework. If this rule creates exposure of up to twenty-five thousand dollars per violation for individual licensed professionals, that is a substantial change and the Mayor's Office of Operations certification that the rule minimizes compliance costs should address it.

REQUESTS

State specifically what disciplinary action the Department is presently unable to take, or can take only with difficulty, that this registration scheme would enable, and identify at least one concrete limitation in the existing framework that the proposal cures.

State whether the monetary penalty authorized by Administrative Code Section 28-401.19 applies to these registrations.

If the operative difficulty is the currency or reliability of the Department's designation records, state that, and state whether a structured public register synchronized against State license data would address it without an annual charge.