



NEW YORK STATE SOCIETY OF
PROFESSIONAL ENGINEERS

April 3, 2019

Memorandum in Opposition

**RE: Intro Res. No. 1312 – 2019
Proposed Suffolk County Charter Amendment by County Executive Steven
Bellone Eliminating Professional Engineering Qualification
Suffolk County Commissioner of Public Works**

On behalf of the New York State Society of Professional Engineers (NYSSPE), and in furtherance of public health, safety and welfare, we are urging that the forgoing proposal be withdrawn or defeated for the reasons set forth below. NYSSPE is a professional association representing the interests of all professional engineers (totaling more than 25,000 licensees in New York State) practicing in all disciplines (civil, structural, mechanical, electrical, geological, environmental, etc.) and practicing in all practice settings (private sector consulting, industry, government, and education.)

The New York State Society of Professional Engineers is charged with the responsibility of upholding the integrity of the professional engineering license and its primary function to protect the health, safety, and welfare of the public.

The County's website sets forth a Mission Statement for the Department of Public Works. According to its Mission Statement the Department of Public Works "constructs, maintains and operates county properties and designs, constructs and maintains county roads, sewerage systems, building and other facilities, such as waterways, bridges, docks and marinas...."

Clearly *the Department **provides engineering services** for various highway safety and construction projects, as well as other county owned projects and facilities. **The Commissioner of Public Works has direct supervision over all professional engineering services**, in addition to having administrative oversight responsibility.*

It appears from the foregoing that the Department is providing professional engineering services as defined within Education Law section 7201. Assuming this is the case, New York State Education Law requires that a licensed

professional engineer be in responsible charge of the work. It is inappropriate for a non-licensed individual to have oversight of department personnel who are providing professional engineering services. While oversight by non-licensees respecting purely administrative functions is permissible, it appears that the structure contemplated to be employed within this Department is not so limited.

Positions within a Department of Public Works, which include the oversight and/or performance of duties falling within the definition of the practice of professional engineering, require the employ of a duly licensed and registered professional engineer in furtherance of public health, safety and welfare.

Moreover, efforts to bifurcate the responsibilities within the Department of Public Works between purely administrative matters and professional engineering matters, while potentially lawful, would impair the ability of the Department to carry out its responsibilities efficiently and effectively. By insuring that a single individual be in responsible charge of both functions (administrative and professional) an organization can avoid a host of line drawing complications and the dangers inherent in the practice of engineering by parties not authorized to practice. Moreover, there is simply no deficiency in the number of professional engineers who are also skilled administrators. The proper administration of the design maintenance and operations of public works requires the technical skills possessed by a licensed professional engineer. By way of analogy would the County contemplate filling the role of the Commissioner of Health by a party who is not a physician licensed to practice medicine? Would the County contemplate permitting a non-lawyer to oversee the Law Department? Of course not.

If you have questions regarding the proper utilization of professional engineers within the structure of your organization, we would be more than happy to meet with you to discuss this very important issue.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "James Kuhn".

James Kuhn, P.E.
President