

BOX
025
FOLDER
231

**Examining, Board of
Plumbers**

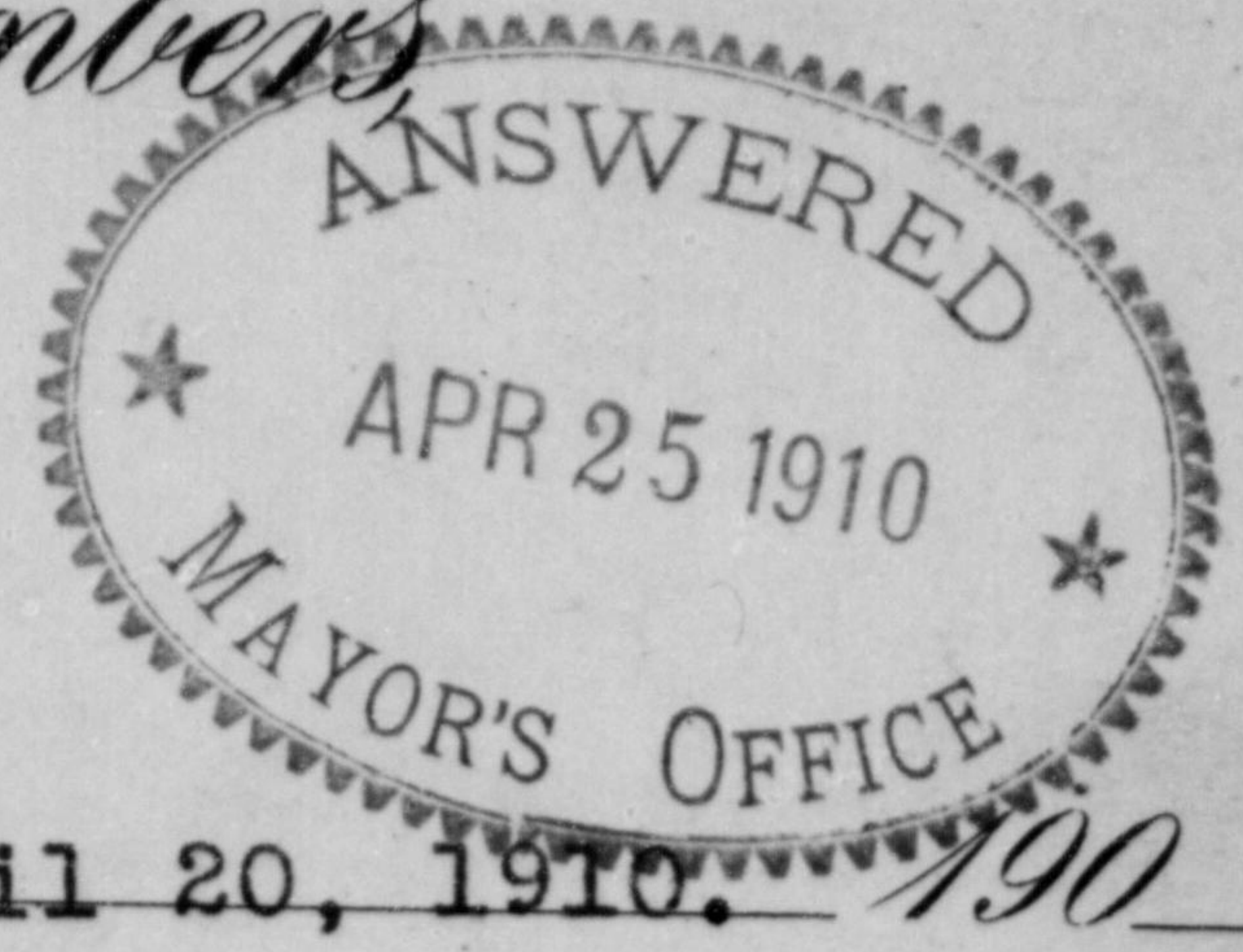
1910

From Edwin Hayward, President of the Examining Board of Plumbers, reporting on a hearing that this Board gave to J.G.Higgins and Matthew Murray of the Journeymen Plumbers(Local Unions of the City of New York. Messrs. Higgins and Murray claimed that many certificates to plumbers had been improperly issued; that many uncertified and unregistered plumbers were unlawfully conducting business; and that the Examining Board might cure these evils.

Mr. Hayward says that from an examination of the figures, showing the total number of certificates issued, he is convinced that many certificates are in the hands of persons other than those for whom they were issued, and that many uncertified and unregistered plumbers are openly conducting the business of plumbing. He says he is unable to find in the law any power in his Board to correct this condition. He has applied to the Corporation Counsel for advice.

R.A.

Office
Examining Board of Plumbers
City of New York
149 Church Street,
New York



April 20, 1910. 190

Hon. William J. Gaynor,
 Mayor, City of New York,
 City Hall, City.

Honorable Sir:-

On April 7th Messrs. Matthew Murray and J.G. Higgins called upon the Examining Board to explain that they represented the Journeymen's Plumbers Local Unions of the City of New York; that they had been granted an interview by your Honor, at which they stated the object of their call; that you had advised them to lay before this Board the matter they wished to have considered and that the Board might afterwards confer with or report to you.

We fixed April 12th as a date when these representatives might appear in the presence of the full Board, we requesting the ex-officio members to be present. At this conference the above mentioned gentlemen appeared together with several associates.

Law requires that all persons intending to engage in business as master plumbers shall obtain certificates of competency from the Examining Board of Plumbers, and, in the City of New York, to register at the office of the Department of Buildings annually.

Office
Examining Board of Plumbers,
City of New York.
149 Church Street,
New York, _____ *190*
-2-

Messrs Murray and Higgins represented to the
Board:

1. That it is well known that many certificates of competency had been improperly obtained.
2. That many uncertified and unregistered plumbers were unlawfully conducting the trade of plumbing.
3. That they believed that the Examining Board might correct these evils and that it should obtain authority to re-examine plumbers now holding certificates of competency and to re-issue certificates only to those now found competent and worthy.

The delegation had no specific instances of improper issue of certificates to relate, they expressing only a belief which they said largely prevailed in the trade.

Since the beginning of the Greater City, January, 1898, the Examining Board has issued 2,512 certificates of competency. There had been issued previous to consolidation by the Examining Boards of the several cities about an equal number, making, approximately, a total of 5,000 or more now out.

During the year beginning March 1, 1909, ending February 28, 1910, 2,777 master plumbers registered at the several building departments obtaining their registration, presumably, by virtue of possession of a certificate of competency. The large difference between the number of cer-

Office
Examining Board of Plumbers,
City of New York.
149 Church Street,
New York, _____ *190*_____
-3-

tificates issued and the number of annual registration, suggests to some minds that many certificates are in the hands of others than those to whom they were granted and that registration is obtained with them by some plumbers not certified.

It is known to this Board that many uncertified and unregistered plumbers are openly conducting the business of plumbing. During the short period your appointees have held office a number of applicants for examination have stated to us verbally and written into their applications, the fact that they have had shops for various lengths of time. We believe, however, that in many instances it has not been their purpose to violate law but have started business anticipating success in passing their examination, in which they failed, and appeared again after a length of time for re-examination, running their shops in the meantime.

This Board does not find in the Examining Board law any authority by which it can initiate corrective action. Chapter 327, laws of 1900, provides that registration may be canceled by Boards of Health, but that such revocation shall not be operative unless concurred in by the local Board of

Office
Examining Board of Plumbers,
City of New York.
149 Church Street,
New York, _____ 190__

-4-

Examiners. We do not know of any corrective authority given us other than this affirmative and veto action.

We have sought advice from the Corporation Counsel regarding this subject matter and herewith enclose a copy of our letter to him.

Should Your Honor desire further information in the matter we shall be pleased to wait upon you as you may direct.

Very respectfully,

Edwin Raymond
PRESIDENT.

Office
*Examining Board of Plumbers,
City of New York.
149 Church Street,*

Carbon Copy.

New York, April 18, 1910. *190*

Hon. Archibald R. Watson,
Corporation Counsel, City of New York,
Hall of Records, Chambers St., City.

S i r:-

Complaint has been made to the Examining Board of Plumbers by representatives of the Journeyman Plumbers' Unions of the City of New York, that many men are doing business as master plumbers in violation of law; many not having obtained certificates of competency from the Examining Board; some holding certificates that were not issued to them; and still others whom it is believed obtained certificates in their own names unworthily regardless of chapter 803, laws of 1896 and chapter 327 laws of 1900.

We are led to ask you to advise the Examining Board of Plumbers as to its powers, as follows:

- 1st- Has the Board authority to cancel certificates of competency?
- 2nd- Has the Board authority to require re-examinations and to re-issue certificates to plumbers found competent and worthy?
- 3rd- Where does authority lie to enforce the laws against the violation of the plumbing rules by plumbers both registered and unregistered?

Office
*Examining Board of Plumbers,
City of New York.
149 Church Street,*

New York, _____ 190____
-2-

- 4th- Having in mind the changes due to consolidation of the several cities into the Greater City, has the Examining Board law become obsolete?
- 5th- Would you advise the preparation of a bill by which a law could be enacted that would be better adapted to the requirements of conditions now existing?

We await your early reply, and remain-

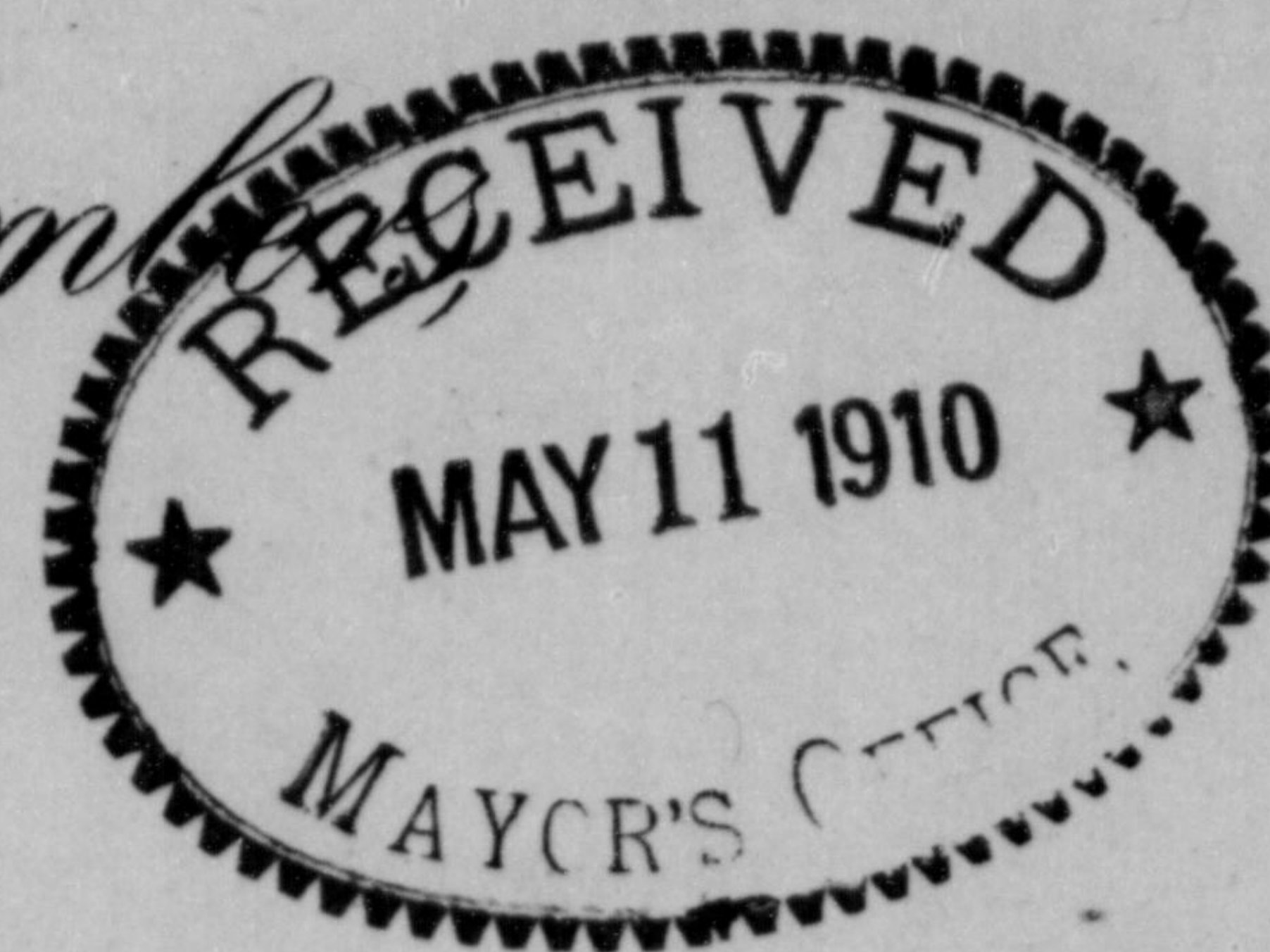
Very respectfully,

PRESIDENT.

This is a letter from EDWIN HAYWARD, president of the Examining Board of Plumbers, answering your letter of May 9th as to one Harry Dodds. Hayward says, as to "William Wilkens", that he would like to get at Wilkens and his proofs or evidence about the \$150 bonus. ^{that} Wilkens' name does not appear in the Board's records.

W.B.M.

Office
Examining Board of Plumbers
City of New York.
149 Church Street,
New York,



May 11, 1910. 190

Hon. William J. Gaynor,
 Mayor, City of New York,
 City Hall, City.

Sir:-

In reply to your letter of May 9th, accompanied by one addressed to you by William Wilkens, I beg leave to inform Your Honor that the Examining Board has not received any application for a certificate from Harry Dodds.

Mr. William Dodds obtained a certificate in 1893. Our Mr. Murphy has learned of the recent death of this Mr. Dodds and believes that the Harry Dodds of your informant is a son of the deceased who may intend applying for a certificate to enable him to lawfully continue his father's business.

I would like to get at Mr. Wilkens and his proofs or evidence about the \$150.00 bonus. We do not find his name on our records and he does not give you his address.

Office
Examining Board of Plumbers,
City of New York.
149 Church Street,
New York, _____ 190__

No. 2-

If Mr. Harry Dodds applies to us for a certificate
I will have a talk with him and inform you of what
information we may glean from him if it should prove
of a character to be regarded as seriously significant.

Very respectfully,

Edwin Hayward, Pres.

Office
Examining Board of Plumbers,
City of New York.
149 Church Street,
New York, May 25, 1910. 190

Hon. William J. Gaynor,
Mayor, City of New York.

Sir:-

In view of the disclosures made public yesterday of the doings of certain members of the last Board of Examiners, it is a fitting time, perhaps, to relate to your honor that very soon after your appointees took office they learned that the retired members had in their possession each a gold badge of office. The badges had been obtained through aldermanic action at a cost to the city of \$75.00. We mailed a request individually to Messrs. Donohoe, Moore and Dunn for them. Donohoe speaking for himself and Moore, in our office, claimed that the badges were their personal property. We afterwards sent a demand to each of them for the return of the badges. Mr. Dunn shortly afterwards brought his in. Donohoe and Moore have paid no heed to our demands.

On March 15th we brought the matter to the attention of Hon. Archibald R. Watson, Corporation Counsel, asking that advice be given us or steps be taken by which we, as their proper custodians might recover the badges.

Office
Examining Board of Plumbers,
City of New York.
149 Church Street,
New York, _____ *190*____

-2-

The intrinsic value of the badges aside, they bear the coat of arms of the great city of New York and it is likely that they will be made a base use of, or found in a pawn shop. This humiliation we feel it our duty to prevent if we can. The corporation counsel's office has not yet reached the matter but we learn that it will soon.

Referring to our letter of April 20th and your kind favor to us of April 25th, we wish to explain that the subject matter is constantly in mind. Why we have not communicated with you further upon it is due to delay in obtaining from the corporation counsel the opinions and advice requested in our letter, a copy of which we sent you.

Very respectfully,

Edwin Hayward

PRESIDENT.

Office
Examining Board of Plumbers,
City of New York.
149 Church Street,

New York, June 15, 1910. *191*
A

Hon. William J. Gaynor,
Mayor, City of New York,
City Hall, City.

Sir:-

Referring to your letter of June 3rd, enclosing therewith a complaint by "A Boss Plumber" that certain individuals were unlawfully carrying on business as plumbers in Amsterdam Avenue, Borough of Manhattan, we have to report handing the complaint to Superintendent Miller of the Manhattan Bureau of Buildings. He in turn informs us that he has investigated each case. In two of them signs have been removed "leaving no evidence on which to start an action." The third case Mr. Miller is presenting to the Corporation Counsel for prosecution.

Very respectfully,

Edwin Hayward
PRESIDENT.

From Edwin Hayward, President of the Examining Board of Plumbers, saying he has received an opinion from the Acting Corporation Counsel, G.L. Sterling, which is apparently to the effect that his Board has no authority to enforce the plumbing laws whatever, and no authority to cancel certificates of competency except when "a certificate has been obtained by fraud, collusion or even mistake."

The Department of Buildings, under the Borough President, has to be called upon to proceed against violators of the plumbing rules by plumbers, both registered and unregistered. He states that his Board is willing to cooperate with the building superintendents.

Apparently under this opinion of the Corporation Counsel the Board would have the power to cancel any certificates granted through fraud by the previous Board.

R.A.

Office
Examining Board of Plumbers,
City of New York.
149 Church Street,

New York, June 1, 1910.

190

Hon. William J. Gaynor,
 Mayor, City of New York.

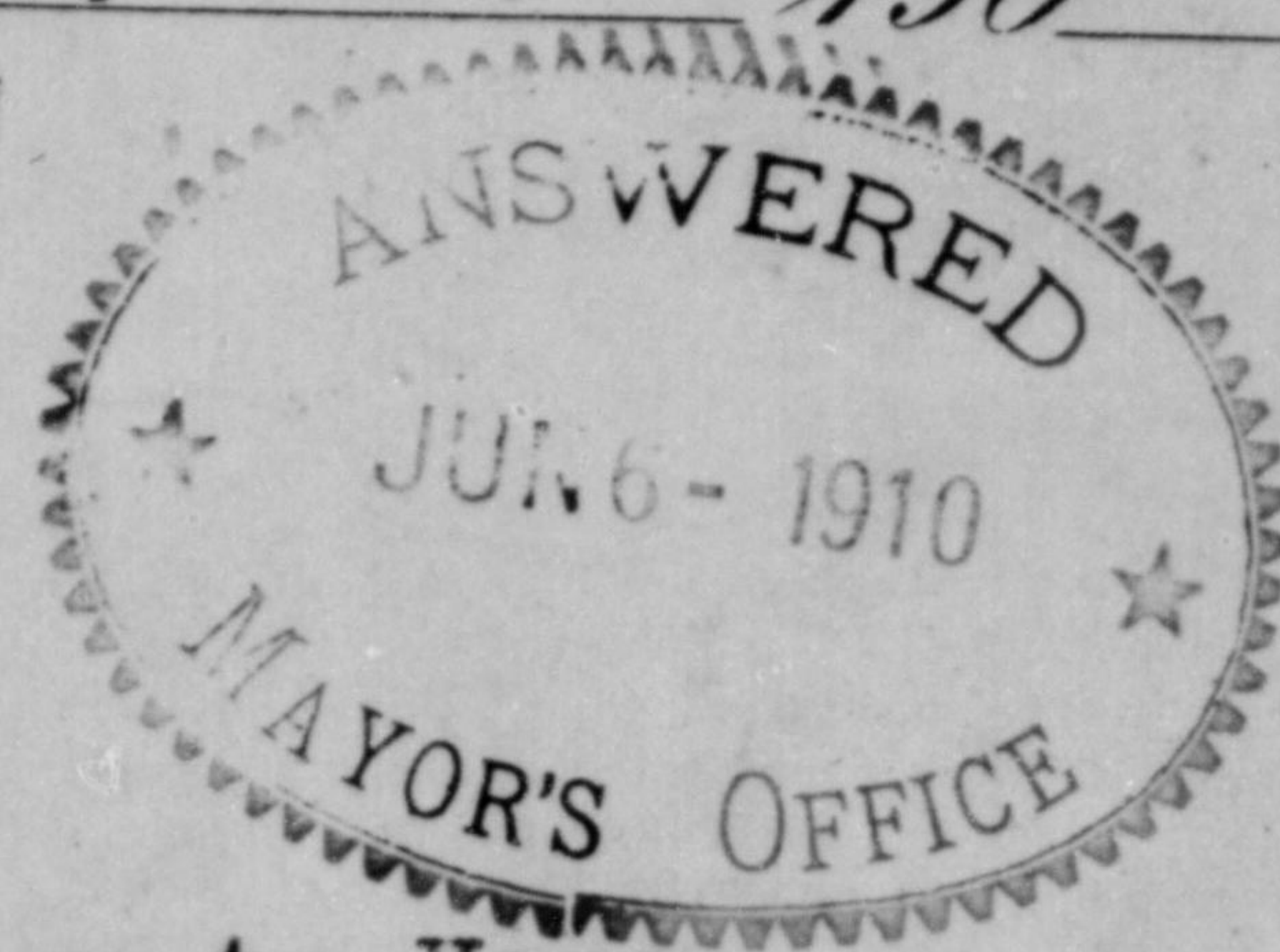
Sir:-

We beg leave to refer again to our letter to Your Honor of April 20th last relating to the powers of the Examining Board of Plumbers and to our request upon the Corporation Counsel for his opinion and advice, a copy of which was enclosed with our letter to you.

We have received the opinion from Acting Corporation Counsel, Mr. G.L. Sterling, a copy of which we herewith enclose.

After a careful reading of this opinion there would seem to be no authority possessed by our Board to enforce the plumbing laws; no authority to cancel its certificates of competency, except when "a certificate has been obtained by fraud, collusion or even mistake."

Authority to enforce the laws against the violation of the plumbing rules by plumbers both registered and un-registered "lies in the Department of Buildings." It is also seen "that the powers which were once possessed by the Board of Health regardingplumbing and drainage are now vested in the Department of Buildings."



Office
Examining Board of Plumbers,
City of New York.
149 Church Street,
New York, _____ *190*
-2-

We have no desire to unduly magnify our office, but we are anxious to do anything within our province that may be helpful in the matter before us, and we propose writing copies of the Corporation Counsel's opinion and in person presenting one to each borough superintendent of Buildings, explaining, as may be desired by them, the occasion of it.

We shall still be concerned then in the matter and ready at all times to co-operate with any department in any way that we may in enforcing a due regard for law.

Your favor of May 26th was received by us on the 31st A.M. We, with Your Honor, deplore the doings of the past referred to. We have heard many ugly, but vague statements of them. We have not been told anything specific by which a charge could be laid against anyone. But it looks as though too many have been engaged together in fraudulence to shield themselves from the consequences of it.

Very respectfully yours,

Edwin Hayward PRESIDENT.

C O P Y.

L A W D E P A R T M E N T,
OFFICE OF THE CORPORATION COUNSEL.

New York, May 26, 1910.

Edwin Hayward, Esq.,

President of the Examining Board of Plumbers.

S I R:

I have received your letter dated April 18th, 1910, the material part of which is as follows:

"Complaint has been made to the Examining Board of Plumbers by representatives of the Journeymen Plumbers' Unions of the City of New York, that many men are doing business as master plumbers in violation of law; many not having obtained certificates of competency from the Examining Board; some holding certificates that were not issued to them; and still others whom it is believed obtained certificates in their own names unworthily regardless of Chapter 803, laws of 1896 and Chapter 327, laws of 1900.

We are led to ask you to advise the Examining Board of Plumbers as to its powers, as follows:

- 1st- Has the Board authority to cancel certificates of competency?
- 2nd- Has the Board authority to require re-examinations and to re-issue certificates to plumbers found competent and worthy?
- 3rd- Where does authority lie to enforce the laws against the violation of the plumbing rules by plumbers both registered and unregistered?
- 4th- Having in mind the changes due to consolidation of the several cities into the Greater City, has the Examining Board law become obsolete?
- 5th- Would you advise the preparation of a bill by which a law could be enacted that would be better adapted to the requirements or conditions now existing?"

In the City of New York, the control and supervision of plumbers are vested in the Examining Board of Plumbers and in the Department of Buildings, the head of which is the Superintendent of Buildings. The powers and duties of the Examining Board of Plumbers are now prescribed in what is known as "General City Law", which is laws of 1909,

Chapter 26, being a part of the Consolidated Laws of the State of New York enacted in 1909. The part of "General City Law" which relates to plumbing and drainage is contained in Sections 41 to 57 inclusive.

Chapter 327 of the Laws of 1900 referred to in your communication has been repealed, but is re-enacted in General City Law, and in the sections just referred to. These sections contain all of the existing law as to the powers and duties of the Examining Board of Plumbers, and should be carefully read and studied by the members of the Board.

There is another statute dealing with the subject of plumbing in the City of New York, and that is Chapter 803 of the laws of 1896. This statute relates mainly to the registration of plumbers and to their discipline which are in the hands of the Department of Buildings.

In answering your first and second questions, it will only be necessary to examine Sub-Division 2 of Section 44 of General City Law, which is as follows:

"The Board has power and it is its duty.

"2. To have jurisdiction over and to examine all persons desiring or intending to engage in the trade, business or calling of plumbing as employing plumbers in the city in which such board shall be appointed with the power of examining persons applying for certificates of competency as such employing or master plumbers or as inspectors of plumbing, to determine their fitness and qualifications for conducting the business of master plumbers or to act as inspector of plumbing, and to issue certificates of competency to all such persons who shall have passed a satisfactory examination before such board and shall be by it determined to be qualified for conducting the business as employing or master plumbers or competent to act as inspectors of plumbing."

There is thus no provision conferring upon the board the power to revoke a certificate which has once been given.

The function of the board is to ascertain whether or not a person applying for a certificate of competency has the proper degree of skill in the trade, the expressions employed in the statute being "competency," "fitness" and "qualifications". The general rule of law in such cases is that where a certificate has once been regularly given, there is no power to revoke or change it, unless by virtue of an express provision to that effect in the law.

There are, however, no doubt, exceptions to this general rule. For instance, if a certificate has been obtained by fraud, collusion or even mistake, such as gross irregularity in procedure or mis-statement of facts or false impersonation, I think it would be the duty of the board to revoke or cancel it. But the board would not be authorized to revoke or cancel a certificate once duly and regularly obtained, because it desired to reconsider its own action or differed in opinion as to the competency, fitness and qualifications of a person who had received a certificate from another board. Nor would it be authorized to revoke or cancel a certificate because the holder thereof turned out to be unworthy of holding such a certificate, the disciplinary power in such cases as already intimated being in the Department of Buildings.

It follows that subject to the qualifications above mentioned, the answers to your first and second questions should be in the negative.

Your third question is: "Where does authority lie to enforce the laws against the violation of the plumbing rules by plumbers both registered and unregistered?"

The answer to this question is, it lies in the Department of Buildings and in the Superintendent of Buildings, the chief officer of that department. The authority for this is Chapter 803 of the Laws of 1896. This statute

relates specifically to plumbing in the City of New York, and it is provided in Section 57 of General City Law that nothing contained in the sections thereof, to which I have referred above, shall affect or supersede any of the provisions of Chapter 803 of the Laws of 1896. It is also to be observed that Section 1610 of the Greater New York Charter makes the provisions of Chapter 803 of the Laws of 1896 applicable to the City of New York as at present constituted.

The general result is that the authority to enforce laws against the violation of the rules and regulations relating to plumbing is vested in the Department of Buildings. It would seem that there is ample authority in the Department of Buildings to remedy and punish any misconduct on the part of plumbers, in fact it is provided in Section 8 of the Act that the attorney for the Department of Buildings shall prosecute all persons violating the provisions of the act, and such persons are guilty of misdemeanor and can be fined and imprisoned on conviction.

Your fourth question is as follows: "Having in mind the changes due to consolidation of the several cities into the Greater City, has the Examining Board become obsolete?"

I have in effect already answered this question. As stated above, Chapter 327 of the Laws of 1900 has been repealed, but has been re-enacted in Sections 40 to 57 inclusive of General City Law. It is to those sections that you are to look for the present law and not to the statute of 1900. Those sections as already stated are in force.

Your fifth question is as follows: "Would you advise the preparation of a bill by which a law could be enacted that would be better adapted to the requirements of conditions now existing?"

This is a question of practical administration rather than of law. The system explained above would seem on its face to give adequate control over the plumbers of the City, and there would seem to be sufficient means of compelling good plumbing work by persons possessing sufficient competency, fitness and qualifications.

Whether in practice this system works well or not, or whether a better one could be devised, is entirely a question for experts and practical men engaged in the business of plumbing and other kindred occupations, and is thus one on which the Corporation Counsel could hardly be expected to express an opinion.

It may be observed here that the powers of the Health Department of the City of New York so far as concern "all matters under control of the Board of Health in regard to light, ventilation, plumbing and drainage" were vested in the Department of Buildings by Laws of 1892, Chapter 275, Section 2.

Section 4 of that Act provides as follows:

.....Also all matters now in the Board of Health referring to light, ventilation, plumbing and drainage shall be transferred by the said.... Board of Health to the Department of Buildings hereby created."

Section 5 of the Act provides as follows:

"Whenever in any act applicable to the City of New York and relating to the subject matter of this act, the words 'Board of Health' or 'Health Department' shall occur, the same shall be taken to mean the Department of Buildings and superintendent herein authorized."

I have thus answered the questions which you asked, but shall be glad to advise you further if anything remains as to which you wish to consult me.

Very respectfully,

(Signed) G.L. Sterling,

Acting Corporation Counsel.

V

This is the Quarterly Report of the Examining Board of Plumbers, and it enters into a discussion of the duties of the Board today, as compared with its duties in the past. Under the present law the Members of the Examining Board are not entitled to compensation in excess of \$20 a month in cities of the first class.

"The necessity of providing other compensation than this being seen the municipal authority since consoludation has annually made an appropriation for it, it being now based upon a per diem for all the working days of the year. Whatever the amount of the appropriation for compensation may be it is desirable that it be regarded as annual salary, not subject to deduction for necessary absences."

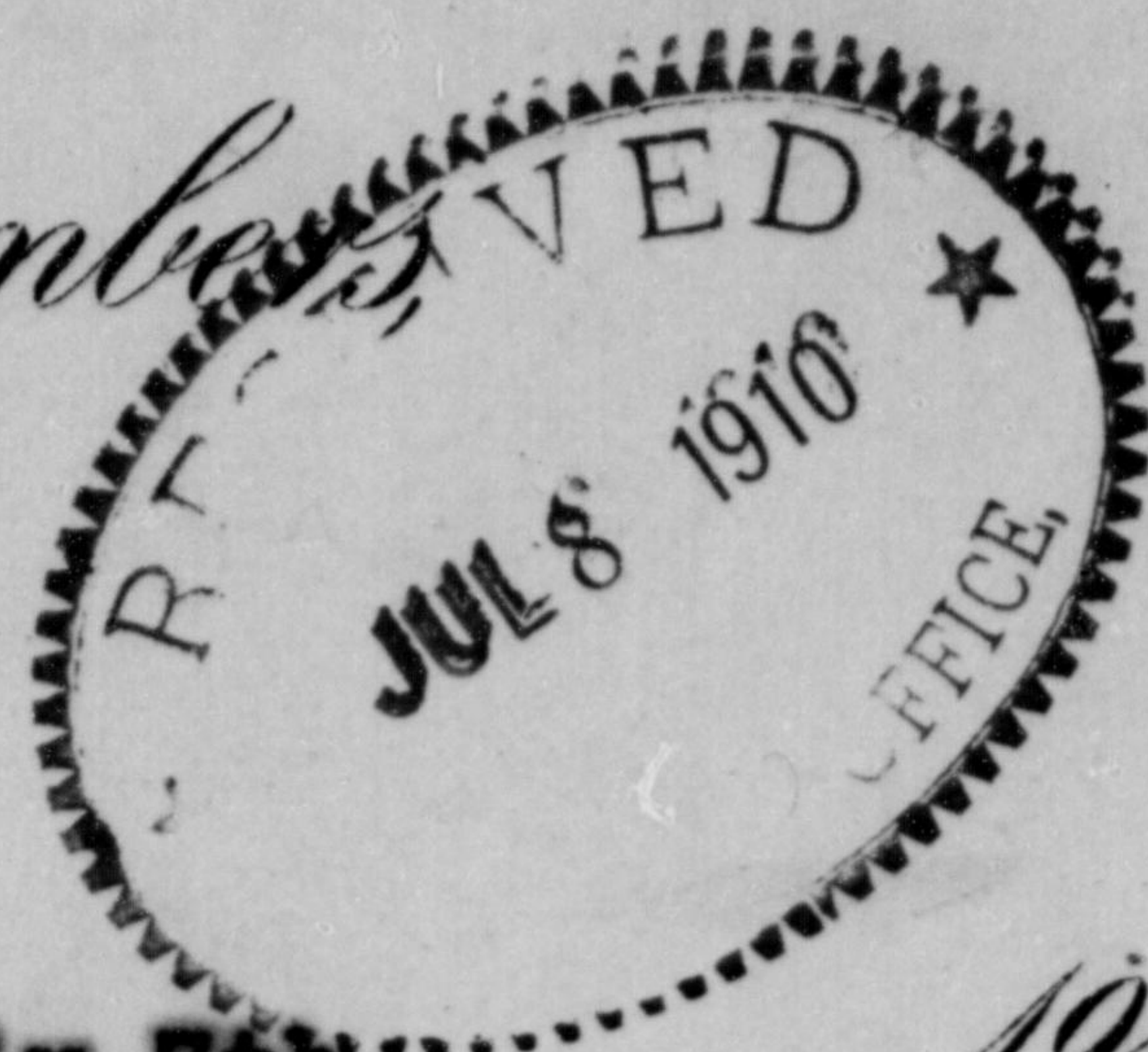
It is urged that the business of the office requires the presence of the entire Board daily, and asks if members of the Board in order to remedy the existing conditions should seek legislation therein.

A handwritten signature in dark ink, consisting of stylized, overlapping loops and a long horizontal stroke at the bottom.

*Office**Examining Board of Plumbers**City of New York.**149 Church Street.**New York,*

July 7th,

1910



Hon. Wm. J. Gaynor,

Mayor, City of New York.

S i r:-

In submitting the report of the work of the Examining Board of Plumbers of the City of New York for the quarter ending with June 30th, 1910, we beg leave to present the following:

The expenditures of the Examining Board for the
year 1909 was the sum of.....\$6,946.74

The receipts, all examination fees.....\$1,895.00

Net cost to the City of New York.....\$5,051.74

We have been considering these figures of costs and income and believe that the income may be justly made to make the Board more nearly self sustaining.

While the Examining Board Law was enacted to promote the general welfare, which it undoubtedly does, it also operates specially to the benefit of the people who take the examinations. The examination is education to the majority of them, and to those who become possessed of a certificate of competency and engage in business, it should secure a business advantage not possessed by every class of tradesmen, and the whole cost of the certificate may well be charged to any paid for by them.

*Office**Examining Board of Plumbers,
City of New York.**149 Church Street,**New York, _____ 191*

-2-

The Examining Board law requires a fee of \$5.00 for each examination. This is paid before the examination. After examining and passing the successful applicants, the board has to spend much time and some money for fares in inspecting shops and making investigations to see that the desired certificate is to be used only by the applicant examined and passed, and not for the benefit of another person or firm. Satisfied as to this the board issues the certificate.

We have asked the Corporation Counsel whether the board may lawfully make a fee for issuing the certificate in addition to the examination fee. He advises us that we cannot, that the law restricts us to the one fee of \$5.00.

There has been no charge in the past for duplicate certificates when issued. Your appointees to this office have fixed a charge of \$2.00 for them. The duplicate is granted only after loss of the original is sworn to and on condition that it be promptly returned when the original is found.

We have made inquiry as to the fees for examinations and certificates prevailing in a number of the principal cities of the country. They vary from \$1.00 to \$50.00 for the certifi-

Office
Examining Board of Plumbers,
City of New York.
149 Church Street,

New York, _____ *191*

-3-

cate or license with annual renewal fees of from \$1.00 to \$10.00. There is no annual renewal fees charged plumber by the City of New York.

The Examining Board law provides that the Chief Engineer of the Sewer Department and Chief Inspector of Plumbing shall be ex-officio members of the Examining Boards. This was applicable to the several cities which are now boroughs of the Greater City of New York. There are now as many officials of said title of the City of New York, as there are boroughs. Manhattan Borough has thus far furnished the ex-officio members but a doubt has been expressed by one as to his right to act in such capacity.

The Examining Board law provides that "The Master and Journeymen Plumbers serving as members of such boards shall severally be paid at the rate of five dollars per day for each days' service when actually engaged in the performance of the duties pertaining to the office * * * but such compensation shall not exceed * * * the sum of twenty dollars per month in a city of the first class."

The necessity of providing other compensation than this being seen the municipal authority since consolidation has

4)

Office
Examining Board of Plumbers,
City of New York.
149 Church Street,
New York, _____ *191*

-4-

annually made an appropriation for it, it being now based upon a per diem for all the working days of the year. Whatever the amount of the appropriation for compensation may be it is desirable that it be regarded as annual salary, not subject to deduction for necessary absences.

The business of the office requires the presence of the board daily. It is in daily attendance, the business having outgrown the conditions contemplated when the Examining Board law was enacted.

Should we, your Honor, seek for legislation making provisions better fitted to present conditions and requirements than the present law provides for the Examining Board of the City of New York?

Respectfully submitted,

Edwin Raymond
President.

*Office**Examining Board of Plumbers**City of New York.**149 Church Street,**New York,*

JUL 6, 1910

*191*REPORT FOR THE QUARTER ENDING JUNE 30, 1910.

Applications for certificates of competency filed-	72
Examinations given- - - - -	66
Applicants passed, - - - - -	29
Applicants rejected, - - - - -	40
Examinations pending, - - - - -	17
Certificates issued- - - - -	24
Duplicate certificate issued- - - - -	1 (\$2.00)
Amount of money received- - - - -	\$362.00
Deposited with City Chamberlain, - - - - -	362.00

Office
Examining Board of Plumbers,
City of New York.
149 Church Street,

New York, October 17, 1910 *191*

Robert Adamson, Esq.

Secretary to the Mayor.

Dear Sir:-

We acknowledge the receipt of your favor of the 15th inst., enclosing letters from Mr. Henry Pape, Stapleton, N.Y. and Borough President Cromwell of Richmond, which are herewith returned, as requested.

Mr. Pape's statement that he got a rating of 78-2/3% on his last examination is an erroneous one. As a matter of fact on his last examination Mr. Pape received a rating of 70%, whereas, to entitle him to a certificate he should receive 80%. According to our rules, a copy of which we enclose, Mr. Pape will not be eligible for re-examination until November 11th.

Yours respectfully,

EXAMINING BOARD OF PLUMBERS

Jas. J. Donahue
SECRETARY.

Office
Examining Board of Plumbers,
City of New York.

File 149 Church Street,

New York, November 17, 1910. *191*

Robert Adamson, Esq.,
Secretary to the Mayor,
New York City.

Dear Sir:-

I have conferred with Mr. Rudolph Miller, Superintendent of Buildings, Manhattan Borough, about the Milton Schnaier circular matter. We do not see where, within the jurisdiction of the Building Department or of the Examining Board of Plumbers, either may take corrective, official action in relation to it, the statutes limiting such authority of the departments over plumbers, to cases of violation of the plumbing laws, which this circular does not seem to come within.

We do not see how we could have taken any other course better, in handling the matter, if it had come first to either of these departments, than that which you have informed me has been already taken.

I am, very respectfully yours,

Edwin Hayward

PRESIDENT.