

**BOX
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**Examining, Board of
Plumbers**

1913

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

New York, Jan'y 2, 1913. *191*

James Matthews, Esq.,
Executive Secretary,
Office of the Mayor.

My dear Mr. Matthews:- In re I. HERMAN:

With further reference to the anonymous letter transmitted to this Board under date of Dec. 23rd, I beg to state that the matter was referred to the Superintendent Bureau of Buildings, Borough of Brooklyn, for information. He reports under date of Dec. 27th, as follows:

"Replying to your communication of the 24th inst. re unlicensed plumber I. Herman, 181 Rockaway Avenue, Brooklyn, I have to report as follows: (Inspector's report No. 7163)

'On June 18th, 1912, I noticed the existence of a plumbing shop at premises 177 Rockaway Avenue, operated by Israel Herman, whose name, and sign of plumbing, etc. were displayed upon the window of said premises.

Charged with a violation of Chapter 803, laws of 1896, he was arrested and on Aug. 23, 1912, he was found guilty and fined \$25.

The sign was thereafter removed and no further action has been taken in his case, as no new facts that would prompt further action have come to the attention of this Bureau."

I have asked Mr. Carlin to keep watch of this man and we will co-operate with the Bureau of Buildings in their enforcement of the law.

Yours very truly,

Edward J. Kane
SPECIAL CORPORATION COUNSEL.

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

New York, January 3, 1913.

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

Sir:-

I have the honor to submit herewith, in
'compliance with your request of the 2" inst., de-
signations of the ex-officio members of this Board.

Respectfully yours,

Wm. de Ruvo

SPECIAL CORPORATION COUNSEL

*Returned
to
de Ruvo
1/6/13*

Copy

January 3, 1913.

Mr. Edwin J. Fort,
Engineer in Charge of Sewers,
Borough of Brooklyn.

S i r:

In accordance with the provisions
of Article IV, Section 40 of the General City
Law, I hereby designate you as an ex-officio
member of the Examining Board of Plumbers.

Yours very truly,

W. J. Gaynor

Mayor.

Similar letter to
Hon. Rudolph P. Miller,
Superintendent of Buildings,
Manhattan.

JAN 11 1913

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

New York, January 3, 1913.

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

My dear Mr. Mayor:-

I have your kind note of the 2 " inst. Let us leave the matter of compensation for the present at the terms suggested in my letter. If later, you should think my services worth more to the City, I am not unworldly enough to refuse a higher compensation.

As to the employees of the Board, I beg to advise you that there is only one regular employee, a Miss Glendenning, who has been here some six years. She was selected from the Civil Service list, and has had charge of the routine of the office. I believe her to be trustworthy, and as far as I can discover, she did not participate in the misconduct of the former members of the Board. She has been of assistance to me, and is very willing. I am further advised by the office of the Corporation Counsel that they have discovered nothing reflecting on Miss Glendenning's character in the performance of her duties here. Miss Glendenning is a lady of some forty-two or three years, and has a sister in the office of the Corporation Counsel. From what little I have seen of her, I cannot conceive of her being a party to any of the acts of the former Board. Although she had certain dislikes and possibly suspicions as to previous members of the Board, I do not think she was in a position to do anything. I know she worried over affairs as they were being run, but since the change, she has brightened up considerably.

Faithfully yours,

Wm. de Roda

SPECIAL CORPORATION COUNSEL

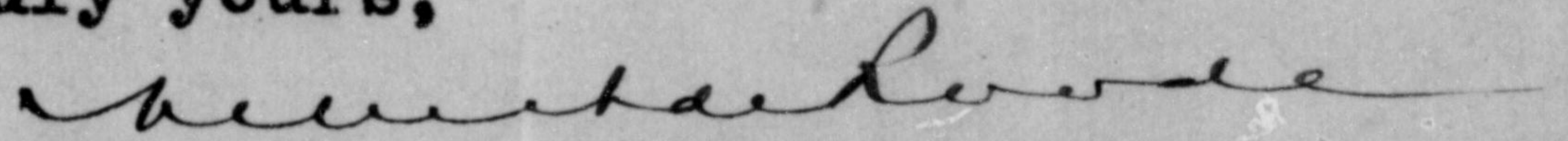
Office
Examining Board of Plumbers,
City of New York,
149 Church Street,
New York, Jan'y 6, 1913. *191*

My dear Mr. Adamson:-

I beg to acknowledge the receipt of letter from Borough President Miller recommending Mr. J.F. Kelly as a member of this Board. The matter of course will have my earnest consideration.

I also acknowledge the receipt of a communication from one- A.C. Hessler of Chicago, Ill., to whom the desired information has been sent.

Very truly yours,



SPECIAL CORPORATION COUNSEL.

Mr. Robert Adamson,
Secretary to the Mayor,
City Hall, N.Y.

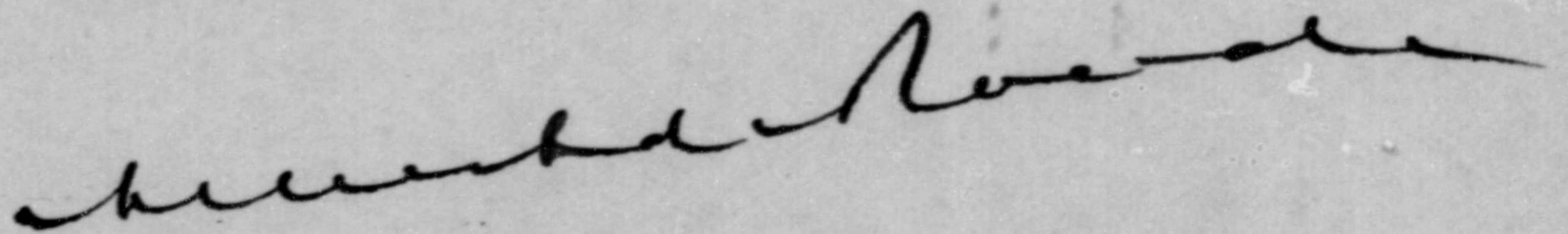
Office
Examining Board of Plumbers,
City of New York,
149 Church Street,
New York, January 7, 1913.

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

My dear Mr. Mayor:-

I enclose herewith for your information copy of a letter sent to the Corporation Counsel, and copy of my opinion as to the compensation of members of the Board.

Faithfully yours,



Attorney for the Board

2 Encl.

(COPY)

For Mayor Gaynor's information:

"December 27th, 1913.

Hon. A. R. Watson,
Corporation Counsel,
Hall of Records,
New York City.

My dear Sir:-

I return herewith the copy of the opinion of Mr. Sterling, dated June 7th, 1910, regarding the compensation of the members of this Board.

I regret very much that I cannot concur in this opinion, and venture, therefore, to submit another opinion, which I hope may receive your sanction and be ordered to supersede the opinion of June 7th, 1910.

I have suggested to the present Board that they are not allowed to draw more than \$20. a month, and the Board, at its first meeting, voted not to draw more than this amount. Indeed, the character of the men who have thus far been secured for the new Board could not afford to attend daily for the small sum of \$5., whereas they are perfectly willing to give four sessions a month, and I have no doubt more, in case of necessity, to the work, as a matter of public pride, considering the \$5. per session as an honorarium rather than as compensation. I think under our proposed plan of re-organization, the work will be more effective than under the old plan of puttering around and attending each day in order to draw the \$5.

Very respectfully yours,"

AdeR-F
Encl.

O P I N I O N

In Re Compensation of Mem-
bers of "THE EXAMINING-
BOARD OF PLUMBERS".

Hon. Examining Board of Plumbers.

Gentlemen:-

Under date of June 7th, 1910, an opinion was rendered by the Corporation Counsel's office to the Comptroller holding in effect that members of this Board could obtain for their services such sum as might be appropriated for that purpose by the Board of Estimate and Apportionment and the Board of Aldermen, in spite of the provision of Section 42 of the General City Law which provides that members of the Examining Board of Plumbers in cities of the first class (and the City of New York is a city of the first class) shall not receive more than the sum of Twenty Dollars (\$20.) per month.

I am unable to concur in this opinion and beg to advise you that each of the master and journeyman plumber members of the Board cannot draw more than Twenty Dollars (\$20.) per month.

Without going into details of the history of the law affecting the Examining Board of Plumbers; and without going into the question of former opinions of the Corporation Counsel or former practices of the Examining Board of Plumbers and the appropriating authorities of the City, (for I know of no prescriptive justification of an illegal act), the situation is that upon consolidation of the various districts into the Greater City of New York the functions of the separate Examining Boards of Plumbers were merged (Section 1, Greater New York Charter). Thereafter, in 1900, the General City Law was passed, and the prior law, under which the Examining Board of Plumbers was created, was by that Law repealed. This General City Law was re-enacted in 1909 (Chapter 26 constituting Chapter 21 of the Consolidated Laws). The only provision in these two enactments of the General

City Law regarding the Examining Board of Plumbers which excepts from its general operation the City of New York is Section 57, which provides that nothing in that General City Law shall affect or supersede any provision of Chapter 803 of the Laws of 1896. Chapter 803 of the Laws of 1896 contains only incidental reference to the Examining Board of Plumbers, and deals chiefly with the giving to the Bureau of Buildings certain jurisdiction and power as to the inspection of plumbing in buildings.

I hold, therefore, that the provisions of the General City Law, in-so-far as they are not superseded by special law subsequently enacted, must govern. The Charter of the City of New York contains no reference to the Examining Board of Plumbers. The only legislative authority for the existence of the Board is contained in the General City Law, and the right to receive compensation must arise out of that law and be governed strictly by that law.

The Constitution prohibits the municipal legislative authorities from increasing the compensation of public officials during the term for which they were appointed, and also prohibits them from granting extra compensation to public officials. The Board of Estimate and Apportionment and the Board of Aldermen, therefore, have no power to increase your compensation over the limitation prescribed by the statute under which you derive your powers and to which you owe your existence.

A controlling authority upon the subject is People ex rel. Van Deren, 78 App. Div. 28 (December Term, 1902)

This was an action brought to compel the appointment by the Mayor of Geneva of an Examining Board of Plumbers. It was set up in defence that there was no provision in

the Geneva Charter for an Examining Board of Plumbers. The Court held that the General City Law applied to the City of Geneva and that they were required to appoint an Examining Board of Plumbers.

It seems quite obvious to me that there is no authority for your receiving more than Twenty Dollars (\$20.) a month.

Yours respectfully,

ALBERT DE ROODE

Special Corporation Counsel

Office
Examining Board of Plumbers,
City of New York,
149 Church Street,
New York, January 11th, 1913.

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

My dear Mr. Mayor:-

Our first practical test will be held at Pratt Institute, Brooklyn, from ten to one o'clock on January 17th. Another test will be held at the New York Trade School on Saturday ^{January 18th} afternoon from one to four. At the Pratt Institute test we expect to have about twenty-one applicants examined. At the New York Trade School there will be about sixteen applicants.

If your engagements allow you to be present at any of these tests I am sure the Board, and I know that I, would be happy to have you present during one of the first attempts to conduct these examinations in the open.

Faithfully yours,

Herbert Roode

AdeR-F

CITY OF NEW YORK,
BOROUGH OF BROOKLYN,
BUREAU OF SEWERS,
OFFICE OF CHIEF ENGINEER.

EDWIN J. FORT,
CHIEF ENGINEER.

ROOM 1013-1014 MECHANICS BANK BUILDING. Jan. 13/13. 191

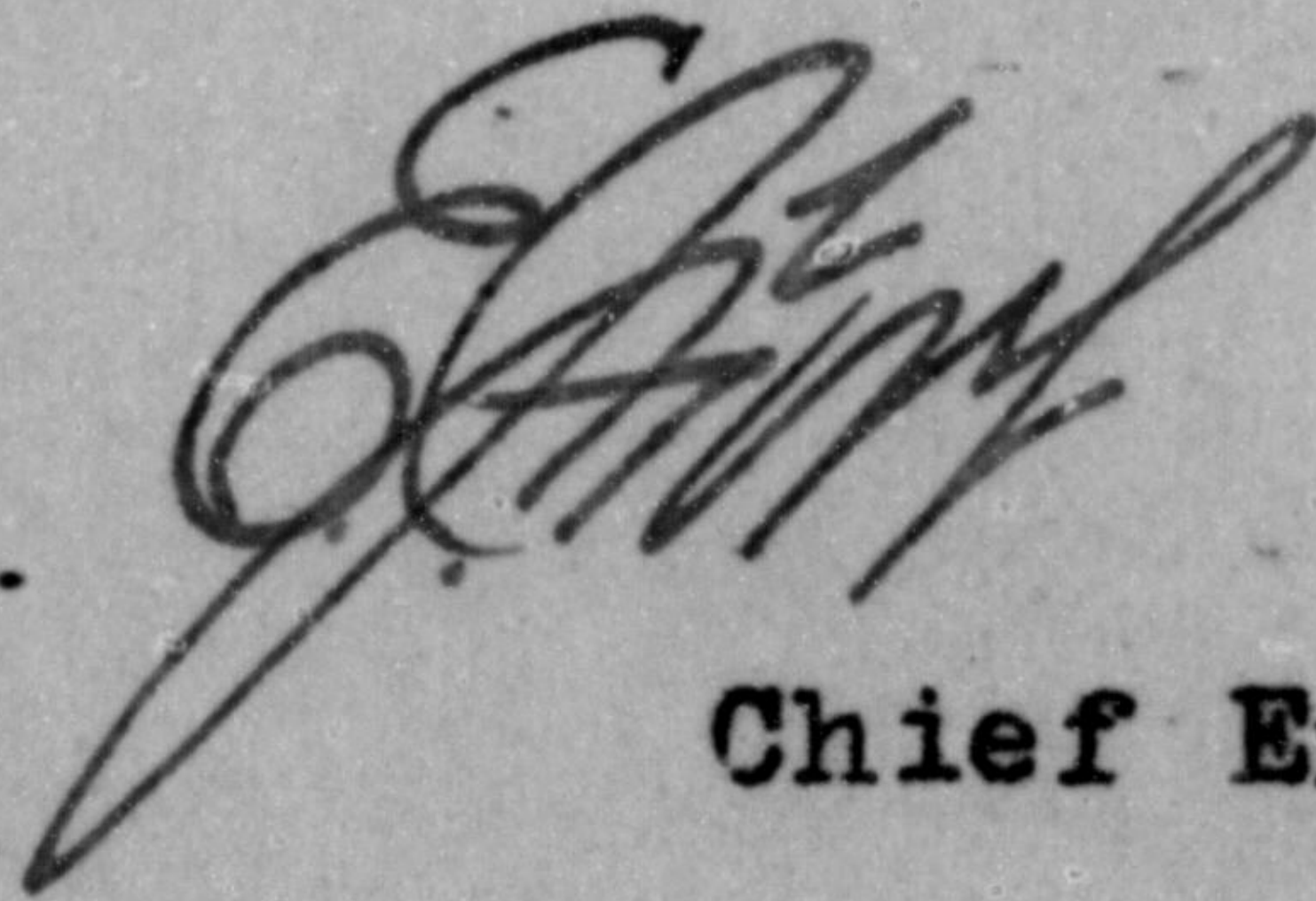
Hon. W. J. Gaynor, Mayor,
City Hall, N. Y.

Dear Sir:-

I beg to acknowledge receipt of yours of January 3rd,
designating me as an ex-officio member of the Examining Board of
Plumbers.

I shall be pleased to accept this designation and to
assist the Board to the best of my ability in performing what I
believe to be a valuable public service.

Yours very truly,



Chief Engineer of Sewers.

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

New York, Jan. 15, 1913. *191*

My dear Mr. Adamson:-

In re application of EDWARD GREENE, endorsed by Fred'k R. Coudert, I am advised by the Bureau of Buildings, Borough of Manhattan, with respect to this man that he was formerly an inspector of plumbing and was dismissed on April 1, 1903, the record of dismissal being as follows:

"Dismissed April 1, 1903, for endorsing a patent watercloset by letter, in violation of Rule 1., Article 7, of the Rules and Regulations of the Bureau."

I think you will agree with me that this precludes Mr. Greene from consideration as a member of the Board.

Faithfully yours,

Wm. de Ruode

SPECIAL CORPORATION COUNSEL

Attorney for the Board

Robert Adamson, Esq.,
 Sec'y to the Mayor,
 City Hall, N.Y.

Office
Examining Board of Plumbers
City of New York
149 Church Street
New York, Jan. 21, 1913. 191

James Matthews, Esq.,
Executive Secretary,
Office of the Mayor.

Dear Sir:-

I have your letter of the 20th inst., transmitting letter from James C. Feinstein, 1753 Pitkin Avenue, B'lyn.

Feinstein's certificate as a master plumber issued by this Board has not been revoked. The Board has no authority under the statutes to revoke certificates for mis-conduct after they are issued (I am planning to draft some legislation to strengthen our powers a little bit. This will of course be submitted to the Mayor).

I am advised by the superintendent, Bureau of Buildings, Borough of Brooklyn, that Feinstein's registration with the Building Department was cancelled for failure to comply with a certain rule of the plumbing regulations. I am writing to Mr. Carlin to get all the facts and will then make further report.

Very truly yours,



SPECIAL CORPORATION COUNSEL
Attorney for the Board



Jan. 22, 1913.

Mr. Edward Greene,
75 Market St., City.

My dear sir:-

I have your letter of the 21st inst.

It is naturally embarrassing to discuss the question of your fitness with you, either personally or by letter. I had not supposed that my letter to Mr. Adamson would have reached your hands in the normal course of events, but I am perfectly willing that it should have.

So far as my opinion is of weight with the Mayor in the matter of the selection of another member of the Board, I should have to advise against your selection, not only on the ground of your dismissal from the Bureau of Buildings, but because, according to your other letters applying for the position which have been submitted to me, you have taught applicants who were to appear before the Examining Board of Plumbers for certificates of competency. My objection to your candidacy is not based upon the right or wrong either of your dismissal or of your coaching candidates, but merely upon the basis of public policy. We

must have on this Board persons who are above suspicion, whether that suspicion be well or ill-founded. Assuming that your dismissal was unfair, or at least an excessive punishment for a foolish action, the record shows that you

Mr. Edward Greene

2

were dismissed. Your coaching of applicants for examination for certificates I have not the slightest doubt was honestly done, but, as you are doubtless aware, much of what is generally believed to have been improper practice in procuring certificates hitherto was carried on under the guise of instruction for passing the examination and I fear the public, or at least that portion of it interested in the proper conduct of this particular branch of the city government, will not be able to distinguish between your conduct and that of the other sort of coaching.

The Mayor, I think, in the appointment of the former members of this Board was misled. It would be improper on my part to recommend to him anyone to whom, either justly or unjustly suspicion might attach.

What I have said I do not wish to be considered in any way as reflecting upon your personal integrity, but in the selection to public office more than personal integrity is involved.

I cannot, under all the circumstances, recommend your appointment, in fact, I would feel constrained to oppose it.

As I started out, this is embarrassing, but I thought it best to be frank with you and I trust that you will save me from further embarrassment by not pressing the question of a personal interview.

With a full appreciation of your motive in seeking this appointment, believe me,

Very truly yours,

(Signed) Albert de Roda

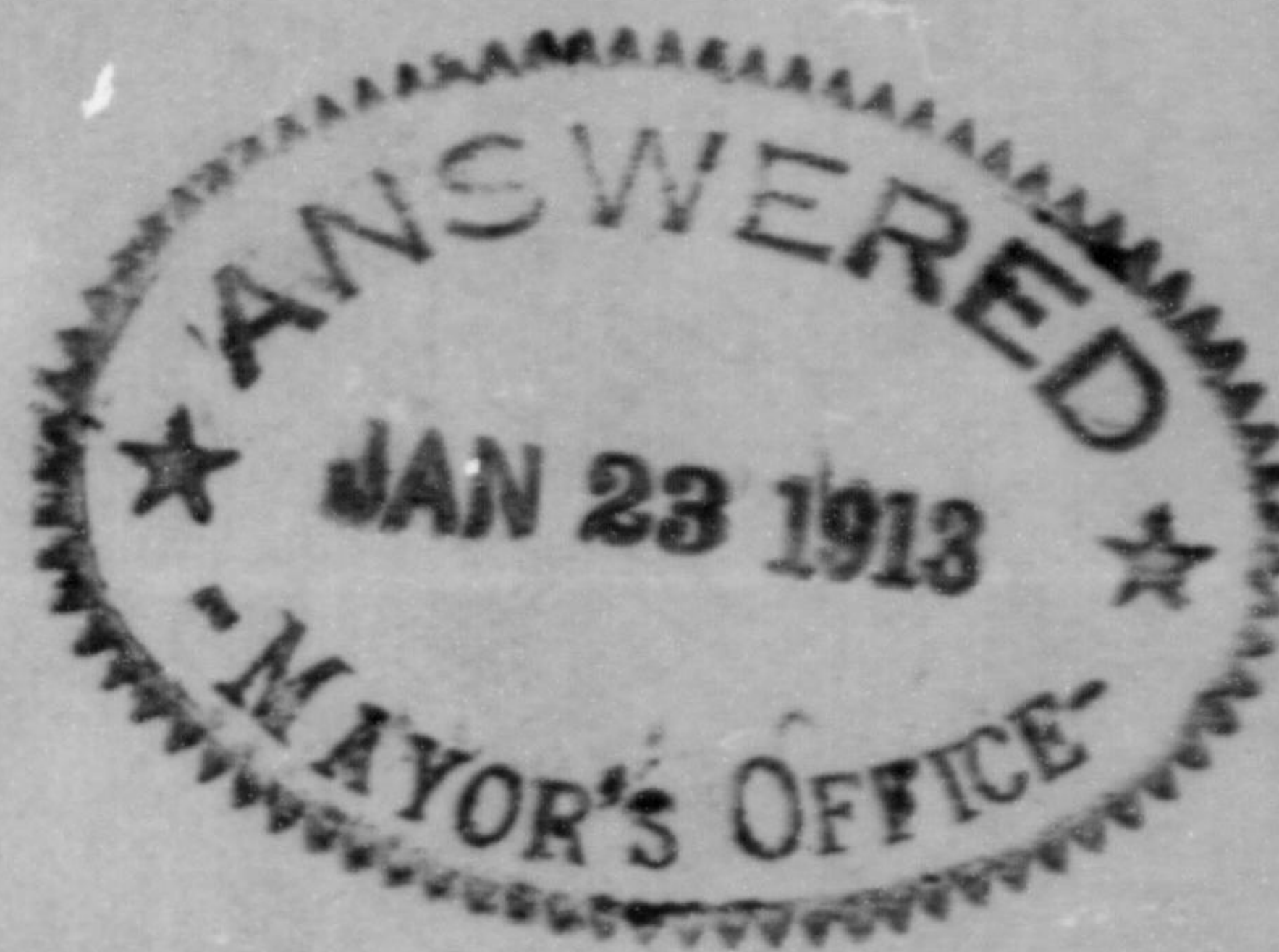
SPECIAL CORPORATION COUNSEL
Attorney for the Board

4576-12 (20) 100

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

New York, January 23rd, 1913.

James Matthews, Esq.,
Executive Sec'y to the Mayor,
City Hall, New York.



My dear Mr. Matthews:-

I enclose herewith copy of a report from the Superintendent of Buildings, Borough of Brooklyn, regarding the case of James C. Feinstein, whose recent complaint to the Mayor was referred to me.

As you will see, the revocation of his registration is none of our doing, nor is it a matter with which we have any legal concern.

I am happy to report, and I should be glad if you would call the matter to the Mayor's attention, that the Bureaus of Buildings in the Boroughs of Brooklyn, Manhattan and the Bronx are cordially co-operating with us and we are here getting together an information file as to the conduct of the plumbing business which will be of great service in the future in the matter of investigating the character and fitness of applicants for masters' certificates.

Yours very truly,

Wm. A. R. F.

AdeR-F

C O P Y .

January 22nd, 1913.

Hon. Albert De Roode, Atty. for
Examining Board of Plumbers,
149 Church Street, N.Y.

Dear Sir:-

In reply to your request of the 21st inst., I subjoin the following report with reference to the case of Feinstein.

James C. Feinstein, 1753 Pitkin Avenue, Brooklyn, was a registered plumber, and in violation of Section 9 of the Plumbing Rules of the City of New York, made use of his license to cover work done by unlicensed plumbers. This particular case is one of the several that we know of that he had assisted in.

The records of this Bureau show that on Oct. 8th, 1912, James C. Feinstein then residing at 371 Wyona Street, this Borough, a duly registered master plumber, signed permit No. 5067/12, and made affidavit that he was authorized by Mr. William Pfeifer, owner of premises 314 S. 4th St., to proceed with the alteration of the plumbing and drainage system of said premises, for which the above mentioned permit was granted. The investigation brought forth the fact that Mr. Feinstein was unknown to Mr. Pfeifer, and that Mr. Pfeifer did not authorize or employ Mr. Feinstein to alter the plumbing of the premises described in said permit. We have Mr. Pfeifer's affidavit to that fact. We have the contract made between Mr. Feinstein and Mr. Edelstein who was employed to do, and who did do, the work, al-

though James C. Feinstein, in this Bureau, had signed for the work as a registered plumber. This is in violation of Section 9 of the Plumbing Rules and Regulations of the City of New York.

Section 1, Chapter 803, of the Laws of 1896, provides that the Superintendent of Buildings, for a violation of said Rules and Regulations for Plumbing & Drainage of said City, etc. and in accordance with the above quoted law a notice of the charges was served upon Feinstein, as provided for in Chapter 803, Section 141 of the Building Code, and a hearing was given him, in which Feinstein had ever opportunity of meeting the charges. The charges were filed Oct. 25th, 1912, and the hearing was held November 19th, 1912. The above facts having been proven to my satisfaction, I ordered that the registration of James C. Feinstein be cancelled.

The man Edelstein, to whom Feinstein refers as a general contractor, is an unlicensed plumber, with a shop at 38 Montrose St., this Borough. He is now under arrest for displaying a sign of plumbing without a certificate of competency.

The story told by Feinstein to his Honor, the Mayor, is entirely at variance with the facts, and we know that this man Feinstein has repeatedly been guilty of the same infraction of the Rules.

If there is anything further that I can do for you in this line I should be pleased to hear from you at any time.

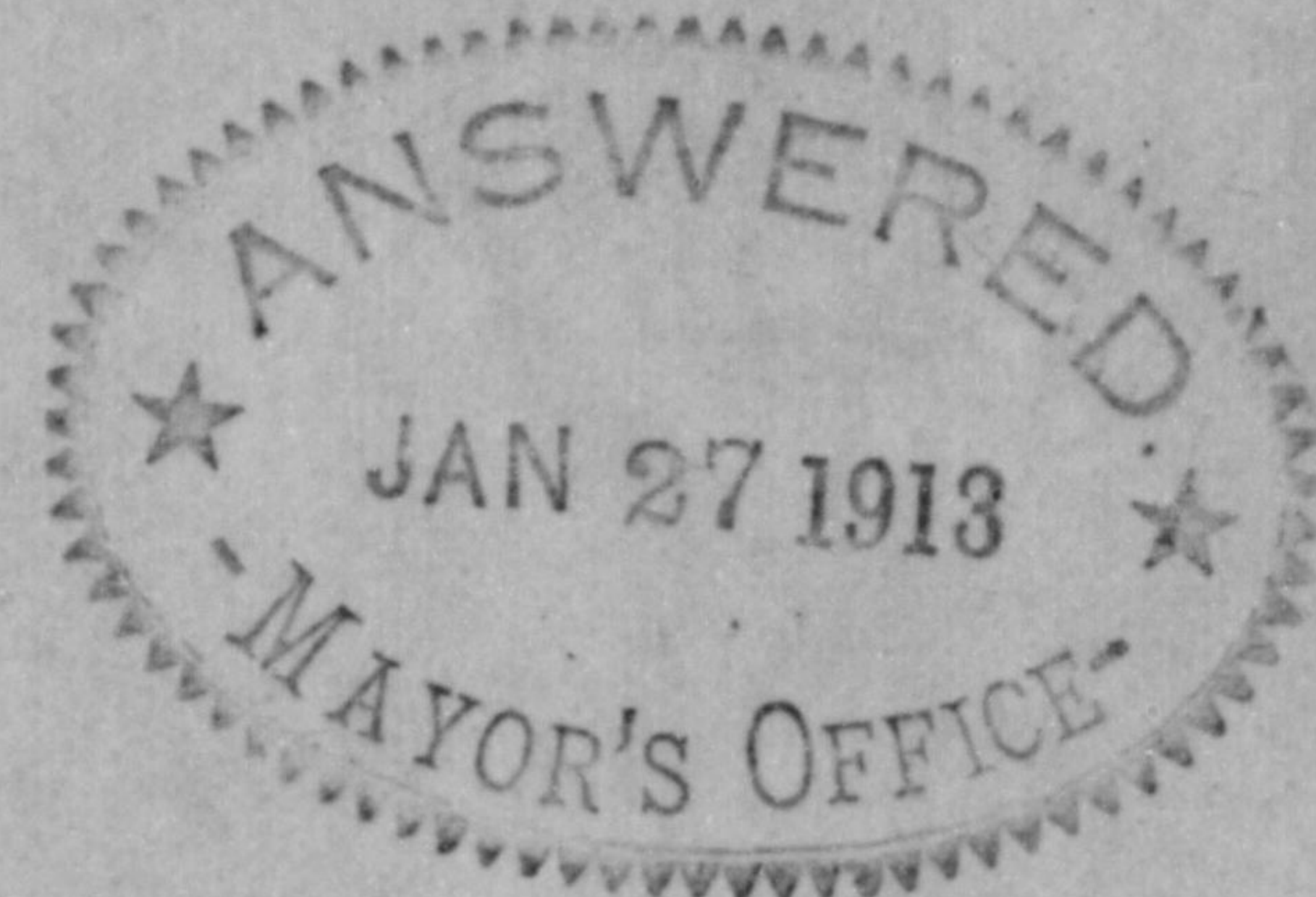
Yours respectfully,

P. J. Carlin,

Superintendent.

Office
Examining Board of Plumbers,
City of New York,
149 Church Street,
New York, Jan. 24, 1913.

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



My dear Mr. Mayor:-

I have from time to time been looking up the numerous applications for appointments to this Board which Mr. Adamson has sent me. It is curious to note the number of persons who have been eager to be on the Board. I have reported from time to time to Mr. Adamson, what I have been able to find out and my impression of these persons whom I have interviewed. I have finally reported on all of them, and I have been unable to endorse any of them.

I have been perhaps somewhat particular because I wanted to justify the confidence you have placed in me. It is a difficult problem, dealing with appointments. It is often easy to let things slide, but this little corner of city government has been corrupt and discredited for so long a time that I feel it is necessary to put, not merely a good man, but the best man possible, into the vacancy. We have been fortunate, I think, in getting the services of the men who now are on the Board. The more I have worked with them, the more confidence I have felt in them.

We have now a legally constituted Board, and we can go ahead with our work, and while there is one vacancy left, my suggestion is, for some little while at any rate, that there should be no attempt made to fill it. I am gradually meeting the men who are prominent in plumbing circles, and the better element is welcoming the change, and I hope and believe that through meeting these persons, I shall be able to find for you just the man for the position.

Faithfully yours,

Hubert H. H. H. H.
 SPECIAL CORPORATION COUNSEL

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

New York, Jan'yb30, 1913. *191*

My dear Mr. Mayor:-

I am enclosing herewith a copy of a letter which I received to-day from one, Ernest Harvier, together with a copy of my answer.

You doubtless know the character of this man Harvier. I consider him sort of a carrion bird in politics in this city. Is he not an impudent scoundrel?

The Larney case to which he refers was a suit for a reinstatement which I brought against the Fire Commissioner who removed Larney. I brought the case up to the point of a trial of the alternative writ when Larney refused to proceed further and authorized its dismissal. Prior to proceeding with the case, in order to protect myself, I had Larney make an affidavit as to the facts which he alleged to be true. In this affidavit Larney stated that he had been to see you prior to his removal and that you had referred him to Mr. Hyde, and later (as I recall it) upon his complaint that his removal was sought by Charles F. Murphy, had advised him to make his peace with Murphy. I assume that it is this point that Harvier has reference to when he mentions the case in his letter to me. From what I have seen of this man and from what I have heard of him, I think he means to intimate that

Letter to Hon. Wm. J. Gaynor.

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you might be influenced because of a statement made by a client of mine in a suit for reinstatement. The curious part is, that Larney never paid me a cent for my services, still owes me money and I have a judgment against him on a fraudulent check for \$100.00.

As to Harvier, I should not be at all surprised to find that he had his finger in the plumbing pie.

Faithfully yours,

Albert de Roode

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

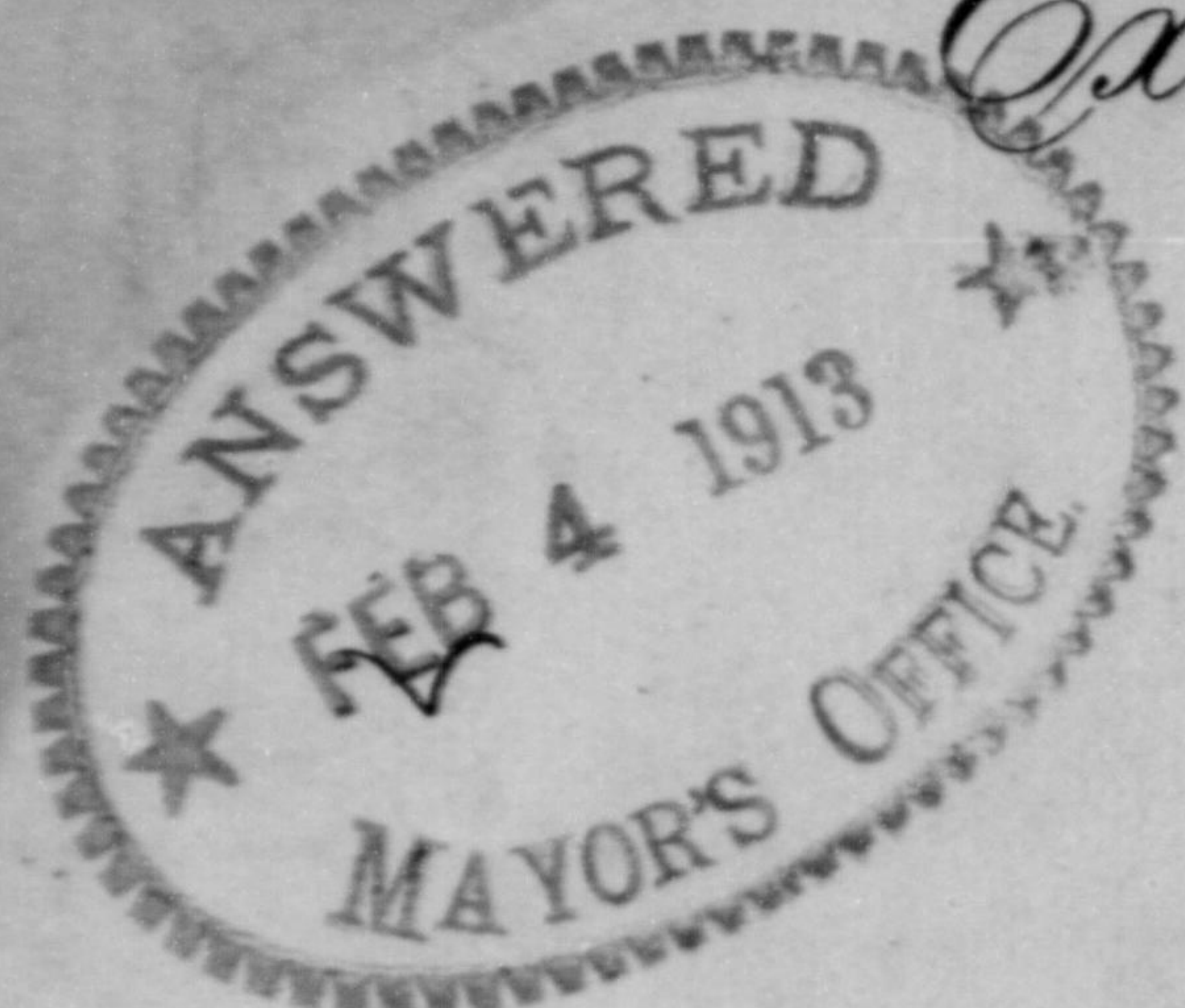
Office

*Examining Board of Plumbers,
City of New York,*

149 Church Street,

New York,

February 3, 1913.



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

My dear Mr. Mayor:-

I was very glad to get your note approving the proposed pension law.

I am going to see Mr. McGoldrick and talk over with him the best time to introduce it.

Mr. Haag, Secretary to the Board of Estimate and Apportionment called me up the other day and spoke to me about this bill, and said that he was anxious to go over the matter with me. As you know, Mr. Haag has taken an interest in pensions for some time past. I lunched with him the other day, and we went over the bill. There were two features to which he objected, (1) the limitation of \$2000.00 for a pension, and (2) the repeal of the existing pension system which gives discretion to the Board of Estimate and Apportionment.

As to the \$2000.00 feature, I confess I put this in because I thought that was the present limitation, and that under the old law, it was at least the policy heretofore adopted by the Board of Estimate and Apportionment, this maximum having been determined upon in a report dated July, 1912, of the Select Committee on Salaries and Grades. Personally, I think that \$2000.00 is a safe limit, as this enables the adoption of a system permitting the retirement on half pay of the lower paid employees. But I see no reason why this matter should not be left to the Board of Estimate to decide and I have no objection to Mr. Haag's suggestion.

There is serious objection, however, to not repealing the present law, for what is the use of having a new law along proper lines if the old law is to remain in force to take care of individual cases as they come up? The only reason I can see for wishing the old law to remain in force would be that there are certain persons now in the city's service who might be retired

Letter to Hon. W-J-G

Page 2

under the present law, if the Board of Estimate saw fit, but who would not be retired so advantageously to themselves under a general plan adopted by the Board of Estimate and Apportionment under the proposed law.

Mr. Haag told me that unless we struck out the repeal of the present law, he would use his influence and work against the passage of the bill.

Faithfully yours,

Hubert H. H. H. H.

SPECIAL CORPORATION COUNSEL

Office
Examining Board of Plumbers,
City of New York,
149 Church Street,
New York, February 4, 1913.

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

My dear Mr. Mayor:-

Perhaps you may recall that in December you asked me to look up when I had time the question of what constitutes conduct unbecoming an officer with reference to dismissals from the police department. I have been unable to give as much time to this as I should have liked, but I ^{state} have had a careful search made of the cases in New York City, bearing on this question, and have myself read the more important cases, or pertinent extracts therefrom, and I give you herewith the results:

I have been unable to find any decision in New York State which actually defines conduct unbecoming an officer. The decisions dealing with this question are as to whether a specific act constituted conduct unbecoming an officer.

The attitude of the courts with respect to this matter is, I think, best set forth in *People ex rel. Berlin - Bingham* - 124 App. Div. 553, in which the court said:

"nor should we interfere with the judgment of the commissioner as to what acts constitute conduct unbecoming an officer, further than to see that the conduct proven fairly required the exercise of his judgment. While the general charge is flexible, and properly so, the specific act was alleged and proved, and we need only to determine that that act was of such a character as justified the commissioner in deciding that it came within the definition of the charge of conduct unbecoming an officer."

The following acts and circumstances have been held to constitute conduct unbecoming an officer:

Letter to Hon. W-J-G

Page

- 1 - Engaging in an altercation with another sergeant at the station house.
- 2 - Assault upon federal secret service agent.
- 3 - Assaulting a citizen
- 4 - Insubordination
- 5 - Offering insults to wife of citizen
- 6 - Intoxication

In other cases, where specific acts did not sustain a dismissal on the charge of conduct unbecoming an officer, there was generally a question as to the weight of evidence. It has been held, however, that the following acts do not constitute conduct unbecoming an officer:

- 1 - Striking another officer in self defence.
- 2 - Exercise of official functions by one holding his position under color of appointment.
- 3 - Preventing escape of prisoner although officer himself was technically under arrest.
- 4 - Intoxication in a single instance resulting from use of intoxicant as a medicine.
- 5 - Intoxication resulting from intoxicant given officer by citizen to revive him when he had fallen from his horse.

In the absence of any precise definition by the courts, I venture to suggest the following definition, which might be used in guiding a police commissioner in determining what acts do constitute conduct unbecoming an officer. I have in mind your query to me as to whether any violation of a police rule does not constitute conduct unbecoming an officer.

DEFINITION

Conduct unbecoming an officer is such positive conduct on his part, which, apart from such conduct being a violation of the rules of the department:

- (a) Would be disgraceful or cause a person to be shunned or avoided as a private citizen.

Letter to Hon. W-J-G

Page 3

- (b) Tends to lessen the respect in which the officer is held by his subordinates, equals or superiors.
- (c) Tends to discredit the officer as an officer or the police force as such in the eyes of the public.
- (d) Tends to impair the morale of the force.
- (e) Shows a complete disregard of the duties and responsibilities of his position.
- (f) Habitual or continuous practice of acts which, though no one act may constitute conduct unbecoming an officer, yet the cumulation of such acts does constitute such conduct.

As a matter of practice, the charge of conduct unbecoming an officer should not be employed where a charge on any other ground would warrant dismissal. The courts naturally view with suspicion a charge of conduct unbecoming an officer where this charge is used to make appear more flagrant the specific act complained of.

Nor should the charge be used except in instances of a flagrant character, the wording, "conduct unbecoming an officer" implying something more than the commission of a single act.

Nor should neglect of duty or improper exercise of official functions be used to support a charge of conduct unbecoming an officer unless such neglect or improper exercise involves personal delinquency.

In other words, the charge of conduct unbecoming an officer should be based upon personal fitness for his position rather than upon official shortcomings.

As I have said, the courts have not given any particular definition, but have simply decided whether a specific act could be fairly held to constitute conduct unbecoming an officer, so that the definition here given is merely suggested as a policy which might be followed, I think, by a police commissioner.

Faithfully yours,

Alfred Rode

SPECIAL CORPORATION COUNSEL

Office
Examining Board of Plumbers,
City of New York,
149 Church Street,
New York, Feb. 8, 1913

Mr. Harry C. Beckmann,
465 -46th Street,
Brooklyn, N.Y.

Dear Sir:-

Upon going over your application for a plumber's certificate we find, according to your sworn statements made thereon, that you are not yet 24 years of age. Under the rules of our Board, persons under 25 years of age must have had 5 years' experience as a journeyman plumber.

We regret very much that we cannot admit you to the examination.

Yours truly,

J. A. Glendinning
SECRETARY

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

New York, Feb. 13, 1913. *191*

Robert Adamson, Esq.,
Secretary to the Mayor,
City Hall, City.

Dear Mr. Adamson:

I have your letter of the 11th inst., regarding Harry C. Beckmann. The statement which seems to have been mis-understood is not that a person under 25 years of age may not obtain a certificate, but that if a man is under 25 years of age he must have had 5-years experience as a journeyman; over 25-years of age, 3-years of experience as a journeyman is sufficient.

Our purpose in this requirement is to give a little weight to practical experience in order to prevent persons who have obtained a book-knowledge of plumbing from getting certificates at an early age and using them to protect others.

On his application Beckmann stated that he had been employed as a journeyman only four years. I was subsequently advised that he really had been employed longer and I told the person who brought it to my attention (I think it was his father whom I met through Commissioner of Accounts

Letter to Robert Adamson, Esq.

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Mahoney) to have Beckmann come down and produce evidence showing the length of his experience as a journeyman.

Very truly yours,

Alber de Rode
SPECIAL CORPORATION COUNSEL

Attorney for the Board

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

New York, August 28, 1913. *191*

My dear Mr. Mayor:-

I think I shall be able to leave the plumbing situation in good shape about the 1st of October with a feeling that something of value has been done.

You will recall, upon reference to the budget for next year, I suggested the regular appointment to the Board of a junior assistant from the corporation counsel's office, a suggestion which you were good enough to approve.

I saw Mr. Watson the other day and spoke to him of the desirability of getting one of his juniors in now that I could train him in and acquaint him with the situation before I left and that he could continue during the balance of the year. Mr. Watson said that he would see what he could do and this letter is merely to acquaint you with this fact and ask if you have any objection to such an arrangement? If you feel so inclined I should be glad to have you advise Mr. Watson that such proposed arrangement meets with your approval.

Faithfully yours,

Wm. J. Gaynor

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