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Plans approved for construction of new schools in Massachusetts no longer have plumbing engineer signatures, despite state law to the contrary.

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Legality of state licensing board at issue

Plans used for state funded schools lacking key engineers signature

Paul DiModica
Co-Publisher

The building of any school, especially a high school, is complicated on many levels, both structurally and aesthetically. Proper design and installation of system utilities is fundamental in maintaining safety and longevity. Plumbing designs are particularly important given the complexities of supplying science lab gases and the neutralization and disposal of the lab's chemical waste systems in order to protect the environment. However, plans approved for construction of new schools in Massachusetts no longer have plumbing engineer signatures, despite Massachusetts Law to the contrary. And despite repeated requests, no one has properly answered why.

The Massachusetts State Model School Program, instituted in order to help cut the cost of state aid provided for new construction by using previously designed plans for new elementary, middle and high schools, is a primary example. Templates currently being used across the state do not have plumbing engineering signatures, which means, according to some experts, that at least one school already built and future schools are not in compliance and the potential could exist for unsafe conditions.

This newspaper has spent almost a year questioning the Massachusetts School Building Authority (MSBA), and the Board of Registration of Professional Engineers and of Land Surveyors (the engineering board) why Massachusetts law relative to plumbing is no

longer enforced. The engineering board finally answered back stating that they voted back in 1998 to no longer consider plumbing engineering a "fundamental branch of engineering." Apparently, based on that decision, the board also stopped issuing plumbing engineering licenses to all new applicants, but continue to renew existing licenses prior to and including 1998.

The engineering board did provide names of several individuals who had been denied plumbing engineering licenses since 1998, including David DeBord, who applied for his plumbing engineering license in 2002. Mr. DeBord is a Certified Plumbing Designer, a LEED Accredited Professional, a past President of the Chicago Chapter of the American Society of Plumbing Engineers (ASPE), and is Vice President Legislative of ASPE National.

Mr. DeBord, when questioned by this newspaper, said that the board had him fly in from Chicago, Illinois to appear before them. He stated that when he appeared, "Two board members asked me why I was here, and then told me that the board was not granting plumbing engineers licenses and that I was wasting my time." Mr. DeBord questioned why he was not told this ahead of time since he flew in from Chicago and had other expenses, i.e. hotel costs. Mr. DeBord also stated that he did not recall his receiving his application fee back.

Another name the board provided was Joseph Vela, who had sued the registration board in August 2007 over not issuing him a plumbing engineers license. As a Certified Plumb-

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Plumbing Engineering Licenses

continued from page 2

ing Designer himself, Mr. Vela is a past President of the Boston Chapter of the ASPE, a past co-chair of several ASPE National Technical Symposiums, and was inducted into the American Society of Plumbing Engineers College of Fellows.

What Mr. Vela did provide when questioned was detailed documentation of why the state engineering board is in non-compliance with state law and further alleges that the board continues to accept application monies from legally-qualified people who have applied for plumbing engineering licenses over the last 14 years without any plans to issue any new licenses. And by continuing to renew existing licenses, according to Mr. Vela, are maintaining a monopoly of plumbing engineering work for those licensed.

Mr. Vela said, "When the board asked me to appear, they asked me to tell them why there should be plumbing engineers in Massachusetts. I explained that first and foremost, plumbing engineers are required by Massachusetts General Law, that by code all commercial plumbing plans and specifications must be stamped by a registered professional engineer, and that by law, you cannot be a plumbing engineer without a license." Mr. Vela then said he did not receive his application money back.

Because the board refused to verify their claims made against his licensure, Mr. Vela filed a court appeal against the board in August, 2007 for refusing to issue him a plumbing engineering license. The court records show that Mr. Vela lost

his case. When we contacted Mr. Vela, he provided us with detailed files including a copy of the court briefs, the decision, and the board's 1998 certified meeting minutes. He also provided us with evidence to show why he believes that the board is not in compliance with state law.

Mr. Vella claims that because the registration board has refused to issue any new licenses for Plumbing Engineering, nobody can bid for the state work except holders of the licenses prior to 1998.

Mr. Vela used an example, citing a solicitation to bid by Massport in 2012 for professional consulting services for MPA CONTRACT NO. A302-D1, FY13-15 ARCHITECTURAL / ENGINEERING SERVICES. "The Authority is seeking a multi-disciplinary firm or team to provide professional services with an emphasis on architectural design. The Consultant shall demonstrate expertise in the following disciplines including but not limited to architecture, civil, structural, HVAC, fire protection, plumbing, electrical, geotechnical, marine engineering, architecture, landscape architecture and sustainable design." The bid specifically states that all individuals responsible for technical disciplines shall, upon commencement of the project, be registered Architects or Engineers, in that discipline, in the

Commonwealth of Massachusetts.

Mr. Vela was not the only one questioning the current practices of this state's engineering board. In a November 2009 newsletter, the American Society of Plumbing Engineers asked why Massachusetts stopped issuing Plumbing Engineering licenses. In excerpts from their article, they state: "Plumbing engineers are responsible for designing water systems that provide clean, potable water, so when you turn on a faucet, you know you'll be safe. "Plumbing engineers design piping systems that deliver life-saving medical gases to those undergoing surgery, as well as systems that safely transport toxic and sanitary wastes to disposal areas."

The new Norwood High School was the first school built using the Massachusetts State Model School Program, or "boiler plate" construction plans which then State Treasurer Timothy Cahill required all cities and towns to use. Norwood High School was modeled after the Whitman-Hanson Regional School.

The Norwood PBCC was already in the process of soliciting bids for the design of the Norwood High School when the MSBA offered the town additional state funding by using the boiler plate plans. The new Norwood High School was projected to have a cost of over \$100 million dollars if the "boiler plate" plans were not used. The cost with the boiler plate plans saved the state and the town over \$30 million dollars, bringing the cost to build the school down to about \$68.6 million dollars.

So, was Norwood High School designed, engineered and built according to state law and per the state's plumbing code? Neither the board nor the MSBA will provide any documentation showing that Massachusetts General Law c. 7; § 38A1/2 mandating that every public plumbing engineering project in the Commonwealth must have the plans and specifications designed and stamped by a registered professional plumbing engineer was re-

scinded or that any new law was enacted.

To date the Division of Professional Licensure and the Massachusetts State Ethics Commission have refused to answer these, as well as virtually all of this newspaper's questions relative to the matter.

The engineering board has also refused to explain what changed back in 1998 to stop them from licensing plumbing engineers. After reviewing the board's 1998 certified minutes, there is no indication that there was ever a vote taken in open session during that entire year to suspend the issuing of plumbing engineering licenses to anyone.

When the board finally did respond to questions on April 27, 2012, virtually all answers were that the "Board is not obligated to answer questions or create a new record in response to a request." However, according to the state's open meetings laws and the Attorney General's Open Meeting Law Guidelines (the OMLs), every governmental body is required to maintain accurate minutes of all its meetings, setting forth the date, time, and place of the meeting, the identity of the members present or absent, and all action taken. "Action taken" includes not only votes and other formal decisions made at a meeting, but also discussion or consideration of issues for which no vote is taken or final determination is made. If votes are taken at a meeting, the minutes must record each vote exactly as it occurred. The state's public record laws mandate that all public records of all state boards and commissions must exist and must be open and available for public inspection.

Although the board did not provide any evidence or minutes reflecting their new position on plumbing engineering licenses since 1998, they continue to deny new applications for licenses and continue to renew existing licenses for those who already hold them, which is difficult to understand given that the board no longer considers plumbing engineering licenses necessary at all.

Selectmen *continued from page 3*

and that he felt that Norwood should do so.

Plasko said any regulations enacted by the town should be kept simple and straightforward. He suggested that they indicated that food trucks cannot stop in public ways or spaces without a permit from the

Board of Selectmen, or words to that effect.

No action was taken on the matter that night. Plasko said he would draft a rough set of regulations for the Board to consider at a meeting in the near future. However, no date was set for that discussion.

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