



WEEKLY UPDATE

February 10 - 14, 2020

The plumber exists to protect the health of the nation.

The MPC exists to protect the plumber.

UPCOMING EVENTS:

MARCH

March Chapter Membership Meeting

Tuesday, March 3, 2020

Join us for updates on LL 152! Also learn how the MPC helps members resolve DOB issues!

Douglaston Manor, Douglaston

[Register Here](#)

Basic I Gas Appliance Class

Saturday, March 7, 2020

Robert John Daly Memorial Training Center

12 Spots Available

[Register Here](#)

Next Generation Event

Thursday, March 26, 2020

Daniel Misa will be joining us to discuss the NYC Backflow Program from 1984 up until present time. He will also be discussing the different types of training you can obtain as a plumber.

Robert John Daly Memorial Training Center

[Register Here](#)

Basic II Hands On Gas Appliance Class with Actual Control Systems

Saturday, March 28, 2020

Robert John Daly Memorial Training Center

7 Spots Available

[Register Here](#)

APRIL

SUNY Empire State College/ CTLTC 7-hour Live License Renewal Course

Thursday, April 2, 2020

Don't miss this live course prepared and presented by members of our DOB committee.

8:00 AM – 4:30 PM

LaGuardia Airport Marriott

[Click here to register.](#)

6th Annual Affiliate Appreciation Night

Tuesday, April 7, 2020

6 – 8 PM

Vetro Restaurant, Howard Beach

All members & employees are welcome!

[Click here to find out more!](#)

Basic I Gas Appliance Class

Saturday, April 18, 2020

Robert John Daly Memorial Training Center

15 Spots Available

[Register Here](#)

Basic II Hands On Gas Appliance Class with Actual Control Systems

Saturday, April 24, 2020

Robert John Daly Memorial Training Center

10 Spots Available

[Register Here](#)

HELPFUL LINKS:

- **Contact the Association:** [Click here](#) for our Association Directory.
- **Weekly Update Archive:** [Click here](#) for the archive of weekly updates.

*The Weekly Update is intended for **Members Only**.*

Master Plumbers Council of the City of New York | www.nycmpc.org

ASSOCIATION UPDATE:

Members, please note that this will be that final update that is sent in this format where you do not need to be logged in to the website in order to access the update. Moving forward, in order to access the Weekly Update, you must be logged into our new website.

If you have not yet logged into our new website, please [click here](#) for more information on how to access your account. We do not want you to miss important information like what is featured in this update, so be sure to log in ASAP!

Once logged into the website, you will be able to access the weekly updates, as well as register for meetings and classes, renew your membership and more!

If you have any issues logging into your account, please contact the association office.

DOB UPDATES:

Updated February 14, 2020

DOB AUDITING OP-128 SUBMISSIONS

As we stated in prior updates, DOB Plumbing Enforcement Unit has audited OP-128 submissions and issued violations to licensed plumbers. The violations for these submissions have been for work without a permit and making a materially false statement.

What is the basis for these violations?

It appears that the DOB has taken the position that if an existing building does not have any records available showing a prior filing for an existing appliance then that appliance is considered to be non-Code compliant (Installed without any permits or required inspections). Therefore, the replacement of that appliance is not permitted as Ordinary Plumbing Work. The Code states that any work completed that exceeds the work permitted as Ordinary Plumbing Work would result in the issuance of a violation for work without a permit.

In cases where the false statement violation is being issued, we assume that, since the DOB believes an OP-128 filing is not permissible in these instances, submitting one is a materially false statement (violation of NYC Administrative Code section 28-211.1).

DOB Committee Notes:

We are trying to determine how many licensed master plumbers have been violated so far.

From reports we have received, the audit period appears to be May 2019 - December 2019. Please check your OP-128 submissions for that time frame that contain 5A (boiler) and 5B (water heater) submissions. Check the BIS system for jobs where you replaced an existing appliance, to see if there is a violation issued. If you see a complaint issued that means the DOB has not accessed the site or not yet issued a violation.

If you discover that you have any violations or complaints, please contact the office immediately by emailing OP128@nycmpc.org.

These violations have the potential to negatively impact your license. Doing any kind of gas work without a permit or submitting a materially false statement can lead to charges by BSIU. If you are found guilty or plead to the charges the penalties ranges from a fine, fine and probation or even license revocation.

The association is working on this very important issue and will address membership officially at the next **General Membership Meeting on Tuesday March 03, 2020**. To register to attend that meeting and get the most up to date information [click here](#).

Executive Board Comments:

The first question people are going to ask is what changed after twelve years? Why is this an issue now? In the past, if a licensed master plumber made an honest mistake on a submission the LAA Division would call them up and ask them to file an LAA permit for a particular job. Several years ago, violations were issued for gas appliance work that exceeded the Code based limitations (mostly for submitting reports for a six-family house).

Members are asking what they should do if they have to replace a boiler or water heater now that falls within the parameters of Ordinary Plumbing work. Our answer is that members should always follow the Code. Section 28-105.4.4 of the NYC Administrative Code permits the replacement of certain gas appliances under the parameter set forth in the Code.

If you choose not to follow the Code, you are subject to being violated and have disciplinary actions taken against your license.

We realize that everyone wants to hear more than “follow the Code” and want to know what we are doing about this. All we can say for now is first we need to define what “**this**” is and why “**this**” is happening. Once we do that, we promise it will be addressed with the DOB directly.

Attend the March General Membership Meeting to find out more.

Very Important to Remember:

- 1- If work scope performed exceeds the limitations of Administrative Code Section 28-105.4.4 requires then a work permit must be obtained.
- 2- No gas work upstream of the appliance valve is permitted whatsoever.
- 3- You are certifying that the chimney is in good working condition.
- 4- Falsification of any statement is a misdemeanor under Administrative Code sections 28-201.2.1.2; 28-203.1.1 ;28-211.1

[Click here to read more.](#)

Most Important Thing to Know:

If any members receive violations for submissions of an OP-128 form, please contact us **immediately** at this new email address OP128@nycmpc.org.

Our Committee Members will be made available to review the work scope and violation and provide you with guidance on proper compliance.

These violations, if issued, are very serious and can lead to disciplinary actions against your license. Contact us immediately.

DOB Committee Notes and Recommendations:

Issuance for violations against “*defective*” OP-128 submissions can be very serious. This is especially true if you receive more than one violation. In

addition to the costs required to resolve the violations, you may be referred to BSIU for an investigation regarding your business practices.

We want all of our members to know that no matter what happens, your association will stand by you and do our best to help you work through this.

In order for you to have the best possible outcome, we need you to help us by reporting the incidents to us as soon as you become aware of them. All information is kept confidential.

Even if only one member is affected by a problem, we treat it as if everyone is. Many of us have been in the position of facing ECB violations and know just how you feel. We are here to help and guide you!

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INDUSTRY UPDATES:

IS THE PENDULUM SWINGING TOWARD DEFENDANTS ON NEW YORK LABOR LAW CLAIMS?

Below is a clip of an article from Insurance Journal

Generally speaking, Labor Law Section 240(1) ("240") imposes strict liability on owners and general contractors for certain height/gravity-related accidents that occur at construction projects. Establishing a height/gravity-related risk should not be enough for a plaintiff to prevail. Under the statute, a plaintiff must also show that he was not provided with a proper safety device and that the lack of a proper device caused the occurrence of the accident. Until recently, courts have looked past this second critical element of 240 claims. [Click here to continue reading.](#)

HOW NEW YORKERS ARE MAKING BANK RATting OUT IDLING DRIVERS

Below is a clip of an article from the NY Post

Dropping a dime on trucks and buses that keep their engines running while parked is paying big bucks to some New Yorkers. The number of summonses issued for violating the city's anti-idling law skyrocketed to 1,038 last year — up from just 24 in 2017 — [following the creation of a reward program](#) for ratting out offenders, The Post has learned. Meanwhile, the city Department of Environmental Protection has handed out nearly \$20,000 to 13 whistleblowers who each got a 25 percent share of the fines generated by their tips, according to official data. [Click here to continue reading.](#)