

Transcript of the Meeting of the  
CHARTER REVISION COMMITTEE  
held on Thursday, August 9, 2001  
at Fordham University, McGinley Hall,  
Borough of Bronx

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Meeting convened at 6:20 p.m.

P R E S E N T

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Chairman

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VINCENT ROBERTS

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HERBERT RUBIN

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EXPERT WITNESSES

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CHAIRMAN MASTRO: Good evening ladies and gentlemen. We'll get started. First tonight we're going to hear from some very distinguished guests, expert panels on two issues; school crime reporting and then the Fire Department being authorized to oversee certain building inspections that are currently being performed by the Department of Buildings.

We'll hear first on the school crimes reporting issue. There are two panelists we'll be hearing from on that issue, Ed Stancik and Jerry Cammarata.

MR. STANCIK: Let me begin by thanking the Commission for giving me this opportunity to speak with you today. I'm here to testify in support of the revision to the City Charter as it relates to the reporting of school crime to law enforcement authorities. Let me begin by reviewing the history of my office's involvement with serious criminal investigations, and focus in particular on the area of sexual abuses that has played a key role in bringing us to this table tonight.

Before becoming Special Commissioner, I spent years investigating homicides in some of Manhattan's highest crime areas, then I became deputy chief of the Rackets Bureau, from the Manhattan's DA's office, before I worked on political corruption and also organized crime. When I took this job in 1990, I really read all there was

to read about problems in the school system that led up to the creation of my office, and nowhere in that research was there the slightest indication that sexual abuse of students or serious criminal activity directed at students was the significant problem that it turned out to be, but I brought a good chunk of the Rackets Bureau with me when I started the Special Commissioner's office, and these were experienced prosecutors who had worked on some of the most violent and complicated crimes one sees in America.

We brought in detectives from PD that we knew to be absolutely top rate. We have arrest and subpoena power. All in all, it was not a group that would be easily surprised by much it saw. But when we started seeing the sex abuse allegations and started making the cases, we recognized that this is a problem that had been seriously underappreciated. And this kind of work, where you try to make criminal prosecutions where you can and where you seek disciplinary action to remove offenders where there's not enough evidence, is not as simple as pulling a teacher from a classroom. The case has to stick, and many school employees have tenure rights or other job protection rights. If an arbitrator does not like a case, the accused will go right back into the classroom.

And yet eleven years later, we've learned that success is possible, we've learned what makes

success. We substantiated almost 500 cases of sexual misconduct and well over 200 educators have been fired for their actions. We've made 61 arrests and the misconduct covers a wide range of actions of the nature of sexual misconduct from inappropriate remarks to forcible rape and sodomy; additionally, many other cases of other serious and violent crimes committed against children.

There is no way of knowing how many children have been spared the anguish of sexual abuse, because we were able to remove these predators from the school, from the schools. I feel certain, however, that the number reaches into the thousands.

From the moment we knew what we were dealing with, we made these investigations a top priority.

Now, that brings me to the issue of a failure of school officials to report sexual abuse or other serious crimes to the police. Let me immediately rebut the cynical argument that this bill is an overreaction--I'm sorry, that this revision is an overreaction to a single tragic case. From our earliest days at the Special Commissioner's office, we saw how often school officials tried to sweep serious crimes, especially those that were sexually related, under the carpet. Now, many other school officials have reported those cases immediately, but this is a significant problem.

In the 1994 report of the Joint Commission on the Prevention of Sexual Abuse in School sponsored by my office and then Chancellor Cortinez, we stated how critical it was that, quote, "a child's allegation immediately be in the hands of law enforcement professionals." And, further, that incidents of child abuse are not being reported consistently by many school employees. That was 1994.

On May 5th, 2000, before my first substantive meeting with Chancellor Levy, I wrote to him to express my concern that the failure of school officials to report serious crimes to the police was a significant problem. I sent him a package of cases that we had done over the years illustrating it, and I stated to him at that time, quote, "In my judgment, these cases also reflects an ongoing problem that too many administrators are too hesitant to call the police or my office." I singled out this area, because I felt then, as I do now, that whether--that this hesitancy to report, whether in good faith or for the purposes of avoiding a scandal, presented a major danger to the safety of New York City's school children.

As I have said, sometimes the child will simply not come forward to report his abuser, but to me the most heartbreaking cases are those where the children summon the courage to come forward, only to be failed by the adults they are depending on, and

it is those cases and that problem that brings me here to speak with the revision committee today.

People wonder how can it be that school officials will let down a victimized child by not reporting sex abuse to law enforcement, and after eleven years, I know some of the reasons. Speaking in the most general terms, some school employees recognize immediately the seriousness of sex abuse allegations, and always put the interests of their students ahead of their own. But others put their own interests first and seem more worried that a scandal will hurt their own career or the school's reputation. Some even demonstrate an outright hostility to law enforcement. Last year, we reported on a case at a Brooklyn high school that failed to report a number of armed robberies to the police, and one of the guidance counselors who refused to call the police told us outright, and I'm quoting, "The police don't have a right to investigate in the schools."

Now, there are others who were well meaning but overwhelmed when a sex abuse allegation surfaces. They know the parents will be furious, that the media will be bearing down and they often wish the whole mess would just go away. Even those who want to do the right thing will often take the easy way out if they can avoid a public relations disaster, and unfortunately, there is no easy way out for a child who is sexually abused, and there

will be no easy way out for the next victim if the abuser is not stopped right then and there.

I think the purpose of this revision is to say to all school employees simply this: The children come first. When there is an allegation of a crime affecting the welfare of children, the revision requires that school employees report it to law enforcement authorities immediately. Implicit in this is the promise that we will not let sexual abuse allegations unfairly tarnish the reputation of schools and staff that do the right thing and report the abuse. This can permanently alter the dynamic of a certain sex abuse or violent crime allegation. Staff will know that not reporting sex abuse or a violent crime can hurt them much more than reporting it; that not reporting abuse itself is prohibited, and the point is not to send large number of school employees to jail, the beauty of this revision is that it can work without prosecution if school employees take heed and understand that reporting serious crime to the police is not just an option, it is the law.

For those who refuse to obey and knowingly violate the provisions, they cannot complain that the consequences were not made clear enough.

What I have been saying in my position for eleven years is that sex abuse and violent crime against children is not a pleasant issue, but it is

one that we must deal with. The Joint Sex Abuse Commission stated this position very clearly. "The members of this Commission feel strongly that the way to address the problem of sex abuse is not to hide from it, but to face it head on, to develop a comprehensive approach to every facet of the problem."

By passing this revision, you are saying to the people of the City of New York that we are facing this problem and in fact we are. Because if we face it, we can then use the many assets the City has in fighting it. First I can assure you, we know more about this problem here than anyplace in the country because of the cases that we have done in the last eleven years. They have taught us much about these problems. And we have also learned that abuse by adults rarely starts with an outright demand for sexual favors, but usually will involve the targeting of vulnerable children, engaging them in sexual conversation, and sometimes showing them pornography. They watch for children who are troubled, who are having trouble coming to grips with their own sexuality, with younger children, they prey on their naivete, their confusion or misplaced guilt. It is for this reason that it's so important for us to step in before the conduct gets to outright sexual abuse.

If we see the warning signs, we can avoid the abuse, and this is why it's important to make

cases where inappropriate sexual behavior falls short of criminal behavior. A good case can get a potential abuser out of the system before a child is hurt.

Second, let me point out that we have an electronic database of all the allegations we have received in the last eleven years, numbering in the thousands. This allows us to check whenever we receive a new allegation if there were previous complaints against the same individual. The police often call my office when they receive a sex abuse allegation to check if there have been previous accusations. This database is a tremendous asset in fighting sexual abuse, and to my knowledge, there is no similarly extensive database anywhere in the country.

It is my opinion that a clinician can benefit from our experience in the last eleven years from the database we have assembled from the sex abuse Commission report, as well as the skills of the New York City Police Department in fighting sexual abuse. We are not helpless, we don't have to start from square one, but we do have to move and I can think of no better way to create that momentum than for you to pass the proposed revision that will make it clear that it is not just an option to report this criminal activity to the police, but it is the law.

I want to thank you again for the

opportunity, the invitation to speak here today, and I'll be happy to take any questions, if there are any.

CHAIRMAN MASTRO: Thank you very much, Mr. Stancik, we really appreciate you being here. Any questions that the Commission members have for Mr. Stancik? Thank you very much. Mr. Cammarata.

MR. CAMMARATA: Thank you, ladies and gentlemen of the Commission. Good evening, my name is Jerry Cammarata, and I'm here tonight as a member of the Board of Education to testify in support of the proposed amendment to the City Charter that would require officers and employees of the City's public schools to report any knowledge or evidence of a sex crime or other violent criminal acts directly to the Police Department. It should also be noted that I serve as the City's Commission of Youth and Community Development, known as DYCD. My role as both a member of the Board of Education and DYCD Commissioner provides me with a unique perspective on ensuring a safe environment for children in the public schools, because many of the same students are attending the afterschool programs funded by my agency in those same schools or at neighborhood community based organizations.

For years, many City leaders have demanded greater accountability from the Board of Education. This proposed amendment would bring a measure of accountability to the Board and its

employees in the critical area of crime reporting. Over the course of the last several months alone, New Yorkers have been bombarded on a nearly daily basis by stories of unreported and mishandled criminal offenses in our public schools. For example, there was widespread outrage recently when a teacher, who may be HIV positive, was accused of sexually abusing a nine year old student. Three years prior, the same teacher was accused of making inappropriate sexual overtures to a student at the same school. Although school officials investigated, no action was taken, and the police were never notified. As a result, this teacher remained in the system free to strike again.

Unfortunately, this tragic case is not an isolated incident. Several other cases in recent years, where the school officials in charge mishandled allegations of misconduct against students, highlight the need for this proposed reform. And these incidents are as follows:

In October, 1997, school officials did not call the Police Department when they learned that an eleven year old male special education student had been sexually abused by another child in a closet at the school.

In fall of 1999 the school safety Division's assessment unit conducted a security assessment of a certain school. The assessment disclosed that between September, 1999 and November,

1999, the school's principal did not promptly report seven incidents of weapon possession in the school.

And in June, 2000, there were two separate but similar incidents where male students sexually abused female students during school hours. Each time, the girls promptly reported the misconduct to educators who failed to take appropriate action.

Now, at one time, the City's public schools were known as safe havens for children. For many reasons, that is no longer the perception or, too often, truly the reality. The individuals who work in the City's school system have a unique responsibility to our children, and we must insure that they take appropriate action when they know that a child may be in serious danger.

Unfortunately, the recent events that I have just mentioned show that our City schools do not have the crime fighting capacities to effectively investigate allegations of serious misconduct against our students. The Police Department, of course, has superior investigative skills, and should be involved in sorting out any allegations of criminal conduct. This Charter amendment will help to insure that public school officers and employees adequately fulfill their responsibilities to students and that all allegations of sexual misconduct and violent criminal activity are handled by the appropriate law

enforcement professionals in the Police Department.

At a time when school reform is becoming the mantra of our public officials, the Board of Education should hear the message; stay to its core mission of providing instruction and allow other agencies like the New York City Police Department to use its skills and its resources on behalf of protecting young people.

I support the work that this Charter Revision Committee is doing and do hope that with your ability to put the words of the people and the City together, we may find additional reform to the way we manage and we conduct ourselves as a City Government of New York City.

I'd be only too happy to answer any questions if you would have any.

CHAIRMAN MASTRO: Thank you, Mr. Cammarata. Any questions by Commissioners?

MR. CAMMARATA: Send me out to the heat. I understand.

CHAIRMAN MASTRO: Thank you very much.

MR. CAMMARATA: Thank you, ladies and gentlemen.

CHAIRMAN MASTRO: We appreciate you being here.

Next we will hear expert presentations on issues relating to the Charter revision proposal to have the Fire Department authorized to conduct certain inspection activities that are currently

conducted by the Buildings Department, and we will hear from Dennis Curran and Bob Brugger on those issues. Mr. Curran. Thank you for being here.

MR. CURRAN: Good evening. Thank you for the opportunity to address the Commission, and let me give you a little background as to who I am and where I come from. I've been with the Department of Investigation for fourteen years. Prior to that, for seventeen years I was a detective doing organized crime and labor racketeering work. Basically, what I'd like to talk about tonight is a very simplified approach towards the question of the merging or the joining of the Fire Department and Buildings Department and I basically want to rely on two adages: One is, if something is broken, let's fix it, and the other is, let's learn from our mistakes.

Very simply put, the last fourteen years, our office has been involved in four significant large scale corruption investigations; 1990-1991, we arrested 33 construction inspectors for the acceptance of bribes and illegal payments.

1993-1994, working in conjunction with the Manhattan District Attorney's office, we arrested 27 plumbing inspectors for accepting illegal payments and bribes.

1997 and 1998, another investigation uncovered wide scale corruption in the elevator division. 33 elevator inspectors were prosecuted

and convicted.

Recently, there's been an investigation that has gained some noteworthy news coverage, which was done in conjunction with the Manhattan District Attorney's office, and that investigation centered on the illegal activities of an expediter and his ability to provide payments and other forms of benefits to high ranking Department of Buildings officials; Deputy Commissioner, Borough Commissioner, plant examiner, director of units, and a plans examiner.

CHAIRMAN MASTRO: Mr. Curran, just so the record is clear, you're with the City's Department of Investigation and you're Inspector General.

MR. CURRAN: That is correct.

As a result of all of these investigations, what have we learned? What should we take away from them? Well, for the fourteen years that I've been at the Department, what I noted, we've always been involved in, is a series of recommendations or reforms. I don't think we've been too successful in implementing these reforms, because I'm back again every three years in Court or with another prosecutor presenting more cases. I think my career is successful, but I don't want to continue every three years going through the same mop-up of the same people who have little ethics, little responsibility or little accountability for their actions.

So I basically think what we have to try and do now is give strength and give teeth to the reforms. When we first started talking about the reforms after the first investigation, what we did is, we relied on middle managers, supervision, to try and pass the message along to the corrupt inspectors. Well, there's two stories that really stick out in my mind regarding some of the culture of corruption that exists at the agency. One is, we were arresting an individual in one of the cases, he had handcuffs on in front of his four and his six year old daughter. I don't think it was a proud moment for either him or his family. As he was being placed in the car by the FBI agents, he turned around and asked them, "Do you mind if we stop off and get a pack of cigarettes and a cup of coffee before I go into jail?" And of course the officers said no. Later on, this inspector who became a cooperator in our investigation, told us the reason he wanted to stop is that he had a thousand dollars payoff waiting for him and he wanted to go inside the delicatessen to tell the deli owner he would be back in a couple of days to pick up the thousand dollars.

That's a tough thing to try and fight when you're looking at how greedy these individuals can be.

Second story, young inspector, six months on the job. Wife calls him one day and she says, "I

need Pampers, I need milk." He has \$4 in his pocket. His supervisor comes walking over to him and his supervisor says, "How was your week?" The guy being relatively naive at the time, says, "Oh, I did a lot of inspections, I issued a lot of violations." And the supervisor turned around, he said, "No, no, no, I'm talking about this," motioning his fingers together, indicating money he had collected.

What was even more disturbing to this young inspector at the time, wasn't too young, because later on he became principal orchestrator of some payments himself, was he looked over at his supervisor that specific day and his supervisor had a wad of hundred dollar bills.

It's tough to be a buildings inspector. It's very hard, it's a difficult industry to work in, and as we all know in the construction industry, time is money.

So I guess when we look at our last investigation, going back to that one, the Mayor finally decided that it's time for serious reform. We formed a Mayor's task force, we sat for countless hours trying to come up with a system or ways of revising the agency, giving it some credibility, giving it some accountability. Well, the plan that I think will work, should work and could work, is to merge, to let the Department, the Fire Department supervise the activities of the Buildings

Department.

Why would we pick the Fire Department?

Well, I know when I was a kid growing up, I always had a respect for the firemen. I loved that uniform and I looked at those guys and I said, "They're my heroes." The Fire Department has basically been corruption free for many years, and in addition to that, the Fire Department and the Buildings Department share similar responsibilities and functions. So I feel in my position as the Inspector General, that I've learned from my mistakes, and I've also learned that I can fix things that are broken, and I think the way to fix this problem is to let the Fire Department supervise, regulate and oversee specific functions of the Department of Buildings.

I thank you very much. Any questions?

CHAIRMAN MASTRO: Any questions? Thank you very much, Mr. Curran. Next we'll hear from Bob Brugger. Would you please identify yourself for the record?

MR. BRUGGER: Good evening, I'm Bob Brugger, I'm Deputy Commissioner for the New York City Fire Department in charge of Bureau of Fire Prevention and I'm also Deputy Commissioner for the Department of Buildings in charge of inspection and enforcement. I joined the City Fire Department and the Buildings Department approximately four months ago. Prior to that, I've had 30 years experience in

the construction industry in both the public and private sectors. Some of the positions I've held as director of design and construction for Columbia University Medical Campus, vice president of the architecture firm HOK, and senior vice president for design and construction at the New York State Urban Development Corporation.

I'm here tonight to talk about the merger of the Building Department inspections into the Fire Department and supporting that initiative, and I have been working to try and stimulate that for the past four months, and I have testimony which I'd like to read.

Approximately one year ago, in the wake of the indictments that we heard about, of the key New York City Department of Buildings personnel for corruption related offenses, Bart Schwarz chaired the Mayor's task force examining operations of the Department of Buildings. Other members of the task force included the Commissioner of the Fire Department, the Acting Department of Buildings Commissioner, Corporation Counsel, Commissioner of the Department of Investigations, Commissioner of the Department of Information Technology and Telecommunications and director of the Mayor's Office of Operations.

Task force members were aware that during the past two decades, corruption scandals involving employees at the Department of Buildings had caused

widespread concern, compromised the integrity of the Department and essentially put the public safety at risk. For instance, in 1975, 95 persons, including the Department of Buildings inspector and private expeditors, were indicted following a probe by the Manhattan District Attorney of corruption in DOB resulting in 69 convictions. In 1991, Operation Jericho resulted in the arrest of 32 construction inspectors, including two chief inspectors and five supervisors. In 1993, Operation Motown resulted in the arrest of 25 plumbing inspectors, including three chief inspectors of Brooklyn, Queens and Manhattan, and in 1996, Operation Up/Down resulted in the arrest of 29 elevator inspectors, including the acting director, three of four chief inspectors and eight of nine supervising inspectors.

Most recently, Department of Buildings Deputy Commissioner, Borough Commissioner, Executive Chief Inspector and Borough Chief Inspector were indicted for crimes ranging from accepting gifts to falsifying documents. These facts make clear that a major overhaul of the Department of Buildings is essential to approve operations and eliminate corruption while insuring public safety and confidence. The task force members extensively reviewed Department of Buildings management and operational responsibilities, practices, procedures; conducted public hearings, held numerous focus groups and examined relevant roles and

responsibilities of New York City agencies and other Building Departments across the country in an effort to discern how the Department of Buildings can be professionalized.

The task force found that DOB was antiquated, overly bureaucratic, in need of well defined mission, needing strong leadership and additional resources and the report detailed a set of recommendations to revamp Department of Buildings and address these insufficiencies. An essential component that would enable the City to significantly improve building inspection and enforcement functions, ensure public safety and eliminate corruption at DOB was to transfer construction and safety inspections and enforcement functions from the Department of Buildings to the Fire Department.

The task force observed that rather than integrating DOB's inspection functions, senior managers at Department of Buildings had created confusing supervisory titles, duplicative inspection units and inconsistent reporting systems. Some inspection units were centralized while others were decentralized in the borough offices. While the groups and examined relevant roles and responsibilities of New York City agencies and other Building Departments across the country in an effort to discern how the Department of Buildings can be professionalized.

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The task force observed that rather than integrating DOB's inspection functions, senior managers at Department of Buildings had created confusing supervisory titles, duplicative inspection units and inconsistent reporting systems. Some inspection units were centralized while others were decentralized in the borough offices. While the structure was intended to enhance oversight, in fact it only confused things and it made it more difficult to actually oversee anticorruption and to make it more difficult to supervise their activities.

Dual reporting effectively meant that no one was responsible for the accountability, management and oversight of the Bureau of Inspections and it was not done well. Additionally,

systematic corruption still occurred.

In an effort to address the deficiencies that were discovered, the Fire Department has reviewed the operations of the Department of Buildings and developed a strategic implementation plan of major initiatives which are now going forward. The Fire Department has conducted a series of meetings with Department of Buildings inspectors, inspection supervisors, chief inspectors, directors, senior management and I might add, some of the construction industry officials also are going to have to deal with the Department of Buildings, and these meetings were to address systemic problems and the very specific systemic problems in the Department of Buildings.

In addition, to standardize process and understand the process of every one of the borough offices, full diagrams illustrating the review functions of each inspection discipline such as elevators and electrical units were documented.

Through this extensive exercise, the Fire Department has identified areas where consolidation and streamlining can occur, resources can best be utilized and technology improvements can be accomplished. For example, the decentralization of centralized inspections has already begun. Things like elevator inspections, boiler inspections, school safety, which are now centralized, are being, will be decentralized and it will make it the

reporting more streamlined, they're being decentralized to the borough offices, and the chiefs of each one of those will be reporting to one central Citywide inspector who will be able to insure consistently among the boroughs and make sure that they are being held accountable for the inspections that are under their responsibility.

In addition, the consolidation of the Department of Building inspection force and the Fire Department has the potential for further efficiency and public safety gains that can only be achieved by transferring Department of Buildings inspections and enforcement functions to the Fire Department. The Fire Department already performs inspections of fire alarm systems, fire suppression review, initial public assembly inspections and inspection of schools. For example, Department of Buildings approves construction of restaurants, but the Fire Department while it does that, it also requires a permit for range hoods, open flame, public assembly, fire alarm, fire safety plans, air conditioning and other equipment in addition to any hazardous materials that may be stored in the restaurant. So we are both going to the same facility.

At present, there is no formal mechanism to notify the Department if those buildings are being renovated. This deficiency could be addressed by giving the Fire Department jurisdiction over these inspections.

Another example emerges in the context of one and two family homes, where the majority of the fire fatalities in New York City occur. The Fire Department's fire prevention jurisdiction does not extend to one or two family homes and therefore the Fire Department essentially never goes into these premises until there is a fire, and then we have problems.

The Department of Buildings, on the other hand, in their, one of their units, the quality of life unit that is based in Queens, they go and they visit one or two family homes very frequently in response to complaints of people of overcrowding and when they go there, they look at to try to correct the problems of illegal conversions where there is overcrowding and more than one family living in what should be a one family occupancy.

Providing the Fire Department inspectional jurisdiction with fire safety awareness could likely decrease fire fatalities in New York City. Civilian fire inspectors would also absorb construction knowledge with contact with building officials.

The Fire Department is currently investigating how to more effectively route inspectors, make systematic use of followup inspections, how to undertake more effective auditing of certificates of correction, how to refer repeat offenders for criminal summonses and how to

expand the use of periodic spot check inspections. The Fire Department has also begun an extensive review of Department of Buildings current staffing, as well as personnel related issues and has developed a double check program to help reduce corruption through the agency. The Fire Department has also begun developing an extensive training program for the Department of Building inspectors which hasn't been done for many years, and that includes training in management leadership, technical training, anticorruption training and employee development courses. These advances must be supported so that further streamlining of the inspection and enforcement process can be accomplished and for these reasons, the proposal to transfer Department of Buildings inspection and enforcement functions should be included in the Commission's proposals.

The Fire Department's up to date technology and first rate oversight of personnel would produce a more professional cadre of inspection and enforcement staff, better employed department programs, more career paths, significant operational reforms, enhanced customer service delivery, safer structure and less corruption. I anticipate that the elimination of corruption will eventually lead to a reduction of the cost of doing business in New York City, as pointed out by Robert Morganthau in his recent investigation of interior

construction and contractors. Everybody, I think, is aware of that report which points out that corruption in the City has cost us a great deal, costs everybody in the City a great deal. The component of the task force plan should be made permanent by amending the Charter to grant Fire Department jurisdiction over building inspections and enforcement initiatives.

Lawyers who worked with the task force were asked to draft legislation enabling the Fire Department to have jurisdiction over the Department of Building inspections, but the City Council has refused to enact it.

Commission staff recommendations for reforming the Department of Buildings by giving the Fire Department jurisdiction over building inspections, amending the qualifications for employment, employment as a building inspector, and clarifying the powers of building inspection officials to inspect properties are all steps in the right direction. In light of the fact that proposed legislation consistent with the task force recommendations has language before the Council, I ask the Commission to adopt this proposal so that the voters may endorse this improvement and code enforcement with respect to building construction safety.

If there are any questions, I'll be glad to answer them.

CHAIRMAN MASTRO: Any questions? Thank you very much, sir.

Okay, we will take a brief recess and then we will commence the public hearing portion of the evening. Thank you.

(Time noted: 7:07 p.m.)

C E R T I F I C A T I O N

I, LINDA FISHER, a Certified Shorthand Reporter and Notary Public, do hereby certify that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

LINDA FISHER, CSR