May 23, 2008

To the Honorable Senate and House of Representatives:

Pursuant to Part the Second, Chapter I, Section I, Article II of the Constitution of the Commonwealth, I am returning unsigned Senate Bill No. 2458, “An Act Relative To The Certification Of The Inspector Of Buildings And Building Commissioner In The City Of Brockton.”

This legislation deems a specified individual as having met or exceeded all qualifications for the position of building commissioner under G.L. c. 143, § 3 and the State Building Code. The General Laws require every city and town to appoint someone to serve in this important public safety office and administer and enforce the State Building Code. To protect safety and ensure expertise, the General Laws state that building commissioners “shall be certified by the board of building regulations and standards in accordance with regulations promulgated by said board.” G.L. c. 143, § 3.

I understand that although Mr. Vasapollo was first appointed in May of 2003, conditionally, as the Brockton Building Commissioner, he has yet to become certified by the board. In order to become certified, a candidate must pass a series of examinations. Mr. Vasapollo has twice failed one of two remaining exams and has not taken the other. Accordingly, he lacks the statutorily required certification. Over the past five years, the board has provided Mr. Vasapollo with five extensions of time to allow him to take the necessary exams. The last extension granted him until August 31, 2008 to complete the exams, but indicated that he would not be granted any further extensions.

This legislation circumvents the certification requirements established by the board pursuant to its statutory power. The certification process is an important safeguard designed to protect public safety and elevate expertise over patronage. Further, the requirement that city and town building commissioners be certified ensures that buildings in our communities—including homes, hospitals, dormitories, restaurants and schools—are safe. I am concerned that this legislation jeopardizes public safety and sets a dangerous precedent.
For these reasons, I return Senate Bill No. 2458 unsigned.

Respectfully submitted,

Deval Patrick,
Governor.