

## About the Public Integrity Bureau

The Public Integrity Bureau ("PIB") investigates and seeks to vindicate the public's interest in honest government. When government actors, or private individuals acting in concert with them, engage in corruption, fraud or illegal behavior in the course of their public duties, the PIB may investigate or take enforcement action to restore the public's interest in honest government and the integrity of government officials at the state and local level. Specifically, PIB handles complex investigations into government corruption, fraud and abuse of authority. Although PIB is part of the Criminal Division, PIB brings cases pursuant to both civil and criminal authority. The Bureau can also issue reports about its investigations and findings.

Attorney General Schneiderman has made cracking down on corruption and restoring the public's trust in government a top priority for the Office. In 2011, the Attorney General launched a groundbreaking initiative expanding his office's authority to investigate public corruption involving taxpayer funds by partnering with the state Comptroller. In addition, the Attorney General designated public integrity officers in every region of the state to give New Yorkers a place to go to report complaints of government corruption without the fear of local politics influencing the outcome.

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May 23, 2011

## **Accord With Comptroller Will Help Attorney General Pursue Corruption Cases**

NICHOLAS CONFESSORE · New York Times

Attorney General Eric T. Schneiderman and Thomas P. DiNapoli, the state comptroller, have entered into an agreement that will grant Mr. Schneiderman powers to criminally prosecute corruption involving taxpayer money, significantly expanding the attorney general's authority to pursue public integrity cases.

Under the agreement, the comptroller and the attorney general will establish a joint task force on public integrity. Mr. Schneiderman's prosecutors will work with Mr. DiNapoli's investigators and auditors looking into legislative earmarks, state pensions and government contracts.

But in a twist, Mr. DiNapoli has also agreed to employ a little-known provision of state law to refer any findings from joint investigations to Mr. Schneiderman for criminal prosecution.

"We'll coordinate our respective roles to uncover and prosecute government waste, fraud and abuse," Mr. DiNapoli said in a statement. "This is a powerful message: New York's two independently elected oversight officials are partnering together to ensure integrity and accountability to every level of government in New York State.

The arrangement could make it easier for Mr. Schneiderman to investigate and root out certain kinds of public corruption than past attorneys general. And it comes as Gov. Andrew M. Cuomo is seeking more aggressive and independent enforcement of state ethics laws and broader disclosure of lawmakers' outside employment.

"It could be a very effective approach," said Eric R. Dinallo, who headed the securities bureau in the attorney general's office under Eliot Spitzer and was later superintendent of the State Insurance Department. "If you can't get legislative relief around ethics issues in government and you're trying to get jurisdiction, sometimes the law has all the jurisdiction you need — if you look at it in a creative way."

The agreement between Mr. Schneiderman and Mr. DiNapoli has significant limits: The attorney general will still lack standing to investigate allegations of criminal violations of election law, or to investigate the Legislature for offenses unrelated to the expenditure of state money, like a lawmaker's failure to disclose outside income. Mr. Cuomo is hoping to increase scrutiny in some of those areas through a comprehensive ethics deal with the Legislature; failing that, he could appoint an investigative commission under the state Moreland Act, though such a commission would be unable to bring criminal prosecutions.

But the new joint task force will give Mr. Schneiderman powerful legal tools to tackle a host of other problems that have sullied New York government in recent years: pension padding, no-show jobs, abuse of legislative earmarks, and fraud at the state's secretive public authorities.

"Expanding the attorney general's power to prosecute public corruption will be a major element of our comprehensive approach," Mr. Schneiderman said in a statement.

Under the agreement, which was reached last week, Mr. Schneiderman subpoenaed a local development corporation in Monroe County and its prime contractor over a \$224 million upgrade of the county's emergency communications system. Some local Democratic officials have criticized the project, approved in 2009 by the Republican county executive and Republican-controlled County Legislature, alleging secrecy and potential conflicts of interest.

Mr. Schneiderman's subpoenas were accompanied by a notice from Mr. DiNapoli's office, informing officials of an impending audit.

Under state law, the attorney general cannot unilaterally investigate public officials for breaking campaign finance rules, violating ethics laws or even taking bribes. As a result, major investigations of New York officials in recent years have been conducted chiefly by district attorneys or federal prosecutors with jurisdiction over bribery, kickbacks, and other criminal forms of corruption.

Attorneys general have been able to pursue some corruption cases. Mr. Cuomo, for example, investigated the state pension fund and Pedro Espada Jr., the former state senator from the Bronx, using laws that give the attorney general jurisdiction over securities fraud and charities. Mr. Cuomo sought legislation to expand the attorney general's criminal powers to investigate other forms of political corruption but was rebuffed by the Legislature.

The agreement between Mr. Schneiderman and Mr. DiNapoli solves the jurisdiction problem by, in effect, going around it. As comptroller, Mr. DiNapoli has broad authority to audit state and local government spending and the ability to refer to the attorney general "any indictable offense" uncovered by those audits.

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Mr. Schneiderman — like Mr. DiNapoli, a former state legislator — campaigned on ethics issues and pledged to

appoint assistant attorneys general around the state to tackle public integrity cases. He has also established a Taxpayer Protection Bureau to work on cases involving state and local government contracts, pension fraud and tax fraud.

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May 30, 2011

## **AG, comptroller partnership a no-brainer**

Fred LeBrun · Albany Times Union

In New York as elsewhere, bringing public corruption to justice relies far more on the skills of lawyers and accountants than of G-men with their guns drawn.

So when the state's chief accountant and top lawyer announced last week an unprecedented partnership to root out public corruption, eyebrows went up. It's the stuff of real, 21st century, white collar crime-stopping. Why didn't anybody think of this before?

As a practical matter, the collaboration between state Comptroller Tom DiNapoli and Attorney General Eric Schneiderman means that for the first time these two independently elected officials will work in tandem on public corruption, greatly enhancing their individual effectiveness.

To the great frustration of every state attorney general in memory, New York's top lawyer lacks the authority to criminally investigate or prosecute public integrity offenses in government without a "referral" from an executive agency, which almost always means the governor himself. Governors are loathe to involve the attorney general of the moment in any such investigation unless the referral is very narrow and specific. It's all about political damage control, and control period.

A classic example is Troopergate. Gov. Eliot Spitzer gave then-Attorney General Andrew Cuomo a narrow referral to look into certain matters concerning Senate Majority Leader Joe Bruno and the governor's staff. Cuomo produced an incendiary report.

What Spitzer would not do was grant the attorney general a broad referral as special prosecutor with subpoena

powers to look into every aspect of Troopergate. Steve Cohen, Cuomo's chief of staff at the time, complained about the limitation. But Spitzer was no different from other governors who have not wanted eager beaver attorneys general fishing for corruption in high places where governors and their appointees sit.

While Gov. Cuomo has not granted the attorney general a blanket referral to do just that, he is, to his credit, on record in support of the concept -- if his pending crusade for far-reaching ethics and election finance reform fall short of expectations.

Only the attorney general presently has the authority and as a practical matter the resources to investigate the state Legislature, but that is unleashed only if the governor empowers him to do so. To do so, of course, is a declaration of war.

So what makes the new AG-comptroller collaboration so special? It's that the attorney general found a way around the need for a governor's referral in many instances. Instead, he will work from a comptroller's referral.

The comptroller has an enormous range of powers to audit authorities, state agencies, local governments and school districts. He can refer any "indictable offense" to the attorney general. Now, through a formal exchange of executive orders, an AG public integrity lawyer and staff will join the comptroller's investigators and auditors when a sniff test fails.

What will this cover? Anything to do with state funds, including legislative pork, no-show jobs, pension padding, double-dipping, kickbacks, bid-rigging. Whatever turns up in terms of waste, fraud and abuse.

Not covered, since they lie beyond the comptroller's purview, are potential criminal violations of the election law, ethics abuses or even bribes.

So the new partnership is not a replacement for critically needed governmental ethics overhaul that the governor is justifiably after. Ethics and corruption are different matters, although there is certainly overlap. Albany County District Attorney David Soares has made the point forcefully that no ethics reform can be complete without substantially increasing the penalties for theft of services. In more than a few instances, sadly, we define our ethics by how we define our crimes. There are many pieces to the puzzle to be filled in to close loopholes, establish ethical conduct, provide new independent oversight and appropriate punishment, and make prosecution easier and simpler.

What you, I and the governor want to see occur with a higher level of ethical behavior by legislators and state officials will not come about with one piece of legislation.

Which doesn't take away from the significance of what Schneiderman and DiNapoli have come up with. To the contrary, it shows how easy shining the corruption-killing light of transparency can be if those in power really want it to happen. As David Grandeau, former head of the defunct state Lobbying Commission, has repeatedly observed, it's all about the people administering the law. There are plenty of applicable laws already out there.

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