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Structural Obstacles to Government Oversight in New York

NY Has Many Watchdog Agencies, But Deprives Them of Independence, Resources, and Authority Needed to Effectively Combat Corruption and Misconduct

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About the Authors

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The State Policy Advocacy Clinic is an academic course designed to teach students public policy research, design, and advocacy skills. The Clinic does not represent or speak for Cornell University or the Jeb E. Brooks School of Public Policy. Inquiries regarding this report should be directed to Professor Alexandra Dufresne at alexandra.dufresne@cornell.edu.

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Introduction

As the United States commemorates its 250th anniversary, it is worth reflecting on the constitutional vision that shaped American government. The Founders designed a system of federalism, separated powers, and checks and balances to prevent the concentration of authority, protect individual liberty, and ensure that government remained accountable to the public it serves. Over the past two and a half centuries, states have adapted these principles to meet new challenges, creating institutions and oversight mechanisms intended to promote transparency, accountability, and ethical governance. Yet as government has grown more complex, so too have the institutional arrangements responsible for ensuring public integrity. This paper examines New York State's current oversight architecture, providing a survey of the various oversight bodies, and then explores whether these entities remain well-suited to fulfilling the constitutional objective of accountable government.

New York State has developed one of the most expansive oversight and accountability infrastructures in the United States. A broad network of institutions exists as part of the oversight landscape in New York that oversee ethics, financial integrity, lobbying, elections, procurement, and government conduct across state government. This report maps out these institutions in six categories: (1) ethics and lobbying; (2) fiscal and legal accountability; (3) inspectors general; (4) judicial and legal profession; (5) elections and campaign finance; and (6) public authorities and transparency.

Despite its robust oversight landscape, New York has repeatedly experienced major corruption scandals and failures of public accountability across multiple administrations, agencies, and political eras. These recurring failures raise a central question: What factors limit the effectiveness of New York State's network of oversight bodies in preventing misconduct and corruption?

While this question is broad and there are many ways that it could be answered, this paper examines three obstacles to effective oversight that contribute to New York's ineffectiveness at rooting out corruption:

1. budget dependence;
2. appointment and removal authority; and
3. jurisdictional fragmentation.

It is important to distinguish between institutional design and institutional performance. This paper does not argue that New York's public servants working in oversight capacities lack integrity or fail to carry out their responsibilities. To the contrary, many oversight officials work diligently within the authorities available to them. Rather, this paper examines whether the design of New York's oversight system equips those institutions with the independence, authority, and coordination necessary to function effectively.

The effectiveness of oversight depends not simply on the existence of oversight bodies, but on the structure of the oversight system itself. Oversight functions as a governance process requiring institutions to accurately detect misconduct, investigate wrongdoing, disclose findings, and enforce consequences. When institutional design weakens or interrupts any stage of that process, structural "obstacles" emerge that can undermine accountability even in systems with numerous formal oversight mechanisms.

The State of New York State Integrity

According to the Center for Public Integrity (CPI), New York State ranked 31st in its 2015 State Integrity Investigation, earning an overall D-minus (Krupnick). This investigation was completed using reporters in each state as researchers (Kusnetz). These researchers interviewed state government experts such as public officials, public advocates, and academics. New York received a D in 2012 and a D-minus in 2015. CPI characterized the later results as reflecting little overall change, noting that the score should not be treated as perfectly comparable because the project's methodology changed between assessments (Simms). There are relatively few reports rating corruption across the states, even fewer in recent years. These CPI reports are some of the most comprehensive compilations of independent data. In 2025, the CPI closed its doors permanently, yet another sign of the recent shift away from oversight and accountability, in New York and across the country.

There have been some changes to the structure and appointment of New York State oversight bodies since the publication of these evaluations. Notably, in 2022, the Commission on Ethics and Lobbying in Government (COELIG) replaced the Joint Commission on Public Ethics (JCOPE). This change reduced the control that the Governor and other officials previously had over the ethics commission. While these rankings do not measure every aspect of governmental integrity, they illustrate the broader challenge motivating this paper: an extensive oversight infrastructure does not necessarily guarantee effective oversight.

Center for Public Integrity (CPI) Investigation:
New York State Rankings (2015)

Public Access to Information	GRADE: F (55)	RANK: 11th
Political Financing	GRADE: D- (62)	RANK: 24th
Electoral Oversight	GRADE: F (39)	RANK: 49th
Executive Accountability	GRADE: D+ (68)	RANK: 15th
Legislative Accountability	GRADE: D- (62)	RANK: 26th
Judicial Accountability	GRADE: F (43)	RANK: 48th
State Budget Processes	GRADE: F (52)	RANK: 50th
State Civil Service Management	GRADE: C- (72)	RANK: 1st
Procurement	GRADE: F (49)	RANK: 48th
Internal Auditing	GRADE: B+ (89)	RANK: 1st
Lobbying Disclosure	GRADE: C+ (77)	RANK: 5th
Ethics Enforcement Agencies	GRADE: F (51)	RANK: 38th
State Pension Fund Management	GRADE: C+ (77)	RANK: 10th

The Oversight Landscape in New York State

For the purposes of this paper, New York's oversight institutions can be organized into six functional groups: (1) ethics and lobbying; (2) fiscal and legal Accountability; (3) inspectors general; (4) judicial and legal profession; (5) elections and campaign finance; and (6) public authorities and transparency. Although oversight entities can be siloed, there are some binding agreements and memoranda of understanding between them, which govern their coordination (Barclay Damon; DOL Construction Task Force). For example, the Comptroller has an agreement with the Attorney General's public integrity division for public corruption cases involving taxpayer funds (Confessore).

One criticism of these oversight bodies is that they often pursue smaller-scale cases rather than review systemic problems or uncover high-profile corruption cases. One example is the case of the "MTA Man Cave" in 2020 (MTA Inspector General; Parker). However, there are instances of these bodies investigating high-profile cases, like the Commission on Lobbying and Ethics in

Government's ongoing investigation into former Governor Cuomo's book deal, which is currently under legal challenge (Golden 2025). In general, these oversight bodies within New York State face the challenge of sending the message of accountability and consequences while lacking a functional, resourced system through which they can tackle the most important cases of corruption and fraud.

Ethics and Lobbying:

The Commission on Ethics and Lobbying in Government (COELIG) replaced the Joint Commission on Public Ethics (JCOPE) as the primary enforcer of civil penalties in 2022 for executive employees and officials (New York State Commission on Ethics and Lobbying in Government). While COELIG can issue civil penalties, it must refer potential criminal conduct to the OAG or DAs. The Legislative Ethics Commission (LEC) retained the authority to provide guidance and issue penalties for the legislative branch, though COELIG is authorized to conduct investigations of legislators and/or legislative staff (NYS Legislative Ethics Commission). The Moreland Commission was created to investigate corruption, but was disbanded, showing how fragile ad hoc oversight is, especially when it relies on the cooperation of the executive (Columbia Law).

Fiscal and Legal Accountability:

The Office of the State Comptroller (OSC) audits state spending and pension funds, referring irregularities to the Office of the Attorney General (OAG) or others (DiNapoli). OSC's own enforcement authority largely is centered on payments of state funds, and recovery of funds owed to the state by vendors. The OAG has broad civil-enforcement authority and criminal jurisdiction in areas authorized by statute, referral, or other legal authority (James). This office has the authority to prosecute, both civilly and criminally. It houses the Public Integrity Bureau (PIB) and the Medicaid Fraud Control Unit, among other units.

Inspectors General:

The Office of the New York State Inspector General (NYSIG) investigates corruption, fraud, and conflicts of interest in the executive branch, issuing reports and recommendations, referring to the OAG or District Attorney (DA) (New York State, "Office of the Inspector"). The Office of the Medicaid Inspector General (OMIG) investigates Medicaid fraud, referring criminal activity to a fraud unit in the OAG (New York State, "About OMG"). The Office of the Welfare Inspector General (OWIG) also refers to the OAG or the DA if they uncover fraud in welfare programs and social services (New York State, "Office of the Welfare"). The Workers' Compensation Fraud Inspector General (WCFIG) holds the same responsibilities and abilities, in the jurisdiction of workers' compensation laws and paid family leave systems (New York State, "Office of the Workers").

Judicial and Legal Profession:

The Commission on Judicial Conduct (CJC) investigates complaints about New York judges; it may discipline, censure, or even remove judges (New York State Commission on Judicial Conduct). The Advisory Committee on Judicial Ethics (ACJE) serves an advisory role, interpreting rules governing judges and other judicial officers (New York State Unified Court System, "Advisory Committee"). The Attorney Grievance Committees (AGCs) investigate attorneys, and they can file charges and litigate cases; though they initiate independently, they refer to the Appellate Division (New York State Unified Court System, "Attorney Grievance"). The State Commission on Prosecutorial Conduct (CPC) investigates misconduct by state and local prosecutors, referring findings to the AGCs (New York State, "Commission on Prosecutorial Conduct").

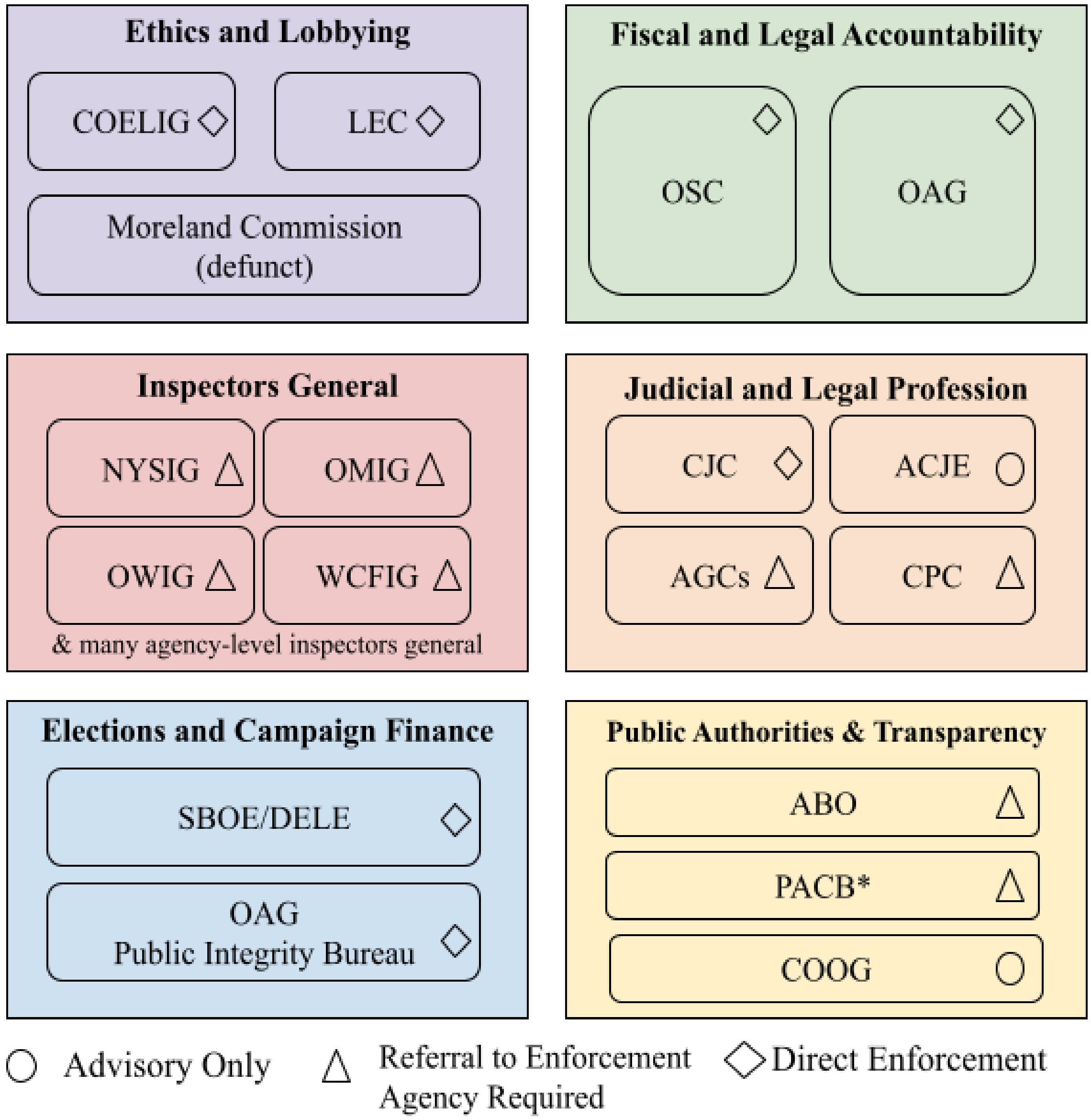
Elections and Campaign Finance:

The State Board of Elections (SBOE) and the Division of Election Law Enforcement (DELE) within it oversee elections and campaign finance (New York State, "State Board"; New York State, "Division of Election Law Enforcement"). The DELE has enforcement authority within the SBOE, and is able to enforce penalties, but criminal matters are referred to the Attorney General or District Attorneys. The Office of the Attorney General's Public Integrity Bureau (OAG-PIB) investigates public corruption, with the authority to prosecute, both civilly and criminally, making their jurisdiction overlap with the SBOE (James).

Public Authorities and Transparency

The Authorities Budget Office (ABO) monitors compliance, issuing responses, reports, and recommendations regarding state and local public authorities (New York State, "Authorities Budget Office"). Its only enforcement ability is to temporarily remove members of local public authorities for failure to file required reports. Its relatively small staff refers cases to the OSC, OAG, and the LLegislature. The Public Authorities Control Board (New York State, "About the") reviews the financial projects of some state public agencies, particularly those which are engaged in development. Its members hold de facto veto power over these projects. The Committee on Open Government (COOG) interprets open government laws like FOIL and Open Meeting Laws, serving a mostly advisory role (New York State, "Open Government").

**Further details about each organization can be found in the appendix.*



Advisory Only: The body issues opinions or recommendations but holds no enforcement power.
Referral to Enforcement Authority Required: The body can investigate, but must refer findings to another authority, such as the Attorney General or a district attorney, to prosecute or impose sanctions.
Direct Enforcement: The body can investigate and impose penalties without referring to another actor to act on its findings. In many cases, however, such as for COELIG and the SBOE, direct enforcement is only for civil penalties and criminal findings must be referred to DAs or the OAG.

*The PACB lies outside of these three categories. It does not investigate, but reviews applications for authority projects, holding the power to approve or deny.

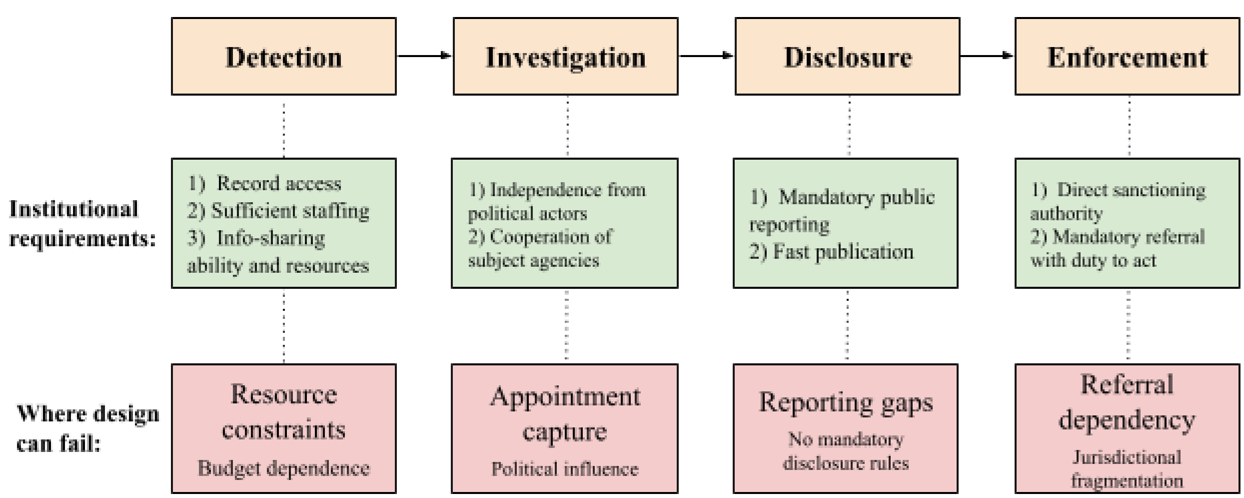
Oversight as a Process

Effective oversight depends on whether institutions can collectively execute a coherent sequence of functions, from the initial detection of misconduct to enforceable consequences (Schuh and Benton). Standards for functional oversight are provided by organizations such as the Center for Public Integrity and the National Association for Civilian Oversight of Law Enforcement. Governance scholars and oversight practitioners have identified a set of core principles that distinguish functional oversight systems. The National Association for Civilian Oversight of Law Enforcement (NACOLE) identifies several prerequisites for effective oversight, including (NACOLE):

1. *clearly defined and adequate jurisdiction and authority*
2. *unfettered access to records*
3. *independence from political actors*
4. *adequate funding and operational resources*
5. *public reporting and transparency*

Though NACOLE's framework was developed in the context of law enforcement accountability, its core principles reflect widely shared standards in public sector oversight more broadly (NACOLE). These principles can be organized around a sequential oversight process, as shown below. Each stage of the process has requirements and design failures that create obstacles.

The oversight process can only be as strong as its weakest stage. An oversight body that can detect and investigate misconduct but lacks enforcement authority (or that depends on a separate agency's discretionary decision to act) faces a structural gap between detection and consequence. New York State's oversight architecture creates these kinds of gaps through features of institutional design that interrupt the oversight process.



Institutional Independence

Institutional independence is a foundational principle of effective public sector oversight. Oversight bodies must be able to investigate misconduct, audit government operations, and enforce legal and ethical standards without undue dependence on the officials or institutions they oversee. Independence does not require complete insulation from government. Rather, it requires governance arrangements and funding mechanisms that minimize conflicts of interest, preserve objective decision-making, and provide enough resources to enable oversight institutions to exercise their statutory authority effectively. Because oversight institutions do not operate in isolation from the political systems in which they are embedded, they must interact with elected officials and other public institutions in carrying out their statutory responsibilities, making the design of those relationships central to effective oversight.

The Organisation for Economic Co-operation and Development (OECD) identifies independence as a function of institutional design, emphasizing that oversight institutions should be able to exercise their authority objectively, impartially, and consistently, free from conflicts of interest, bias, and undue influence (OECD). When oversight institutions depend on political actors for appointments, removal, funding, access to information, or enforcement cooperation, those relationships can create structural vulnerabilities even in the absence of direct political interference. Such dependence does not imply misconduct, bias, or improper influence by public officials, nor does it suggest that oversight personnel fail to perform their duties in good faith. Instead, these arrangements may create structural incentives that make vigorous oversight more difficult, particularly when investigations involve officials who influence an oversight body's leadership, resources, or operational capacity.

Institutional independence serves not only to protect oversight from undue influence but also to reinforce the credibility and deterrent value of accountability systems. Oversight is most effective when those subject to ethics and integrity laws can reasonably expect that allegations of misconduct will be investigated objectively and pursued consistently, regardless of political considerations. Institutional arrangements that create actual or perceived dependence on political actors may weaken the deterrent value of oversight, even where no improper influence has occurred.

In New York State, these principles are reflected in the institutional design of the oversight system, where funding arrangements, appointment structures, and interagency enforcement relationships shape the practical exercise of oversight authority. These governance relationships form the basis of the structural analysis that follows. The following sections examine three features of New York State's oversight architecture that may constrain institutional independence. None of these design features necessarily results in political interference or oversight failure. Rather, they create structural conditions that may reduce the ability of oversight institutions to exercise their statutory authority independently, consistently, and effectively.

Structural Obstacles

The following section examines three structural obstacles within New York State's oversight architecture. Each reflects a feature of institutional design that may constrain institutional independence or interrupt the oversight process, limiting the ability of oversight institutions to carry out their statutory responsibilities effectively.

Obstacle 1: Budget Dependence

The New York State Division of the Budget (DOB) is an executive agency responsible for "executing the Governor's constitutional fiscal duties… and considering competing demands on State resources" (New York State, "About Us"). Through the DOB, the executive branch introduces executive budget legislation and negotiates the state budget with the Legislature, and exercises substantial control over budget execution, including cash management and spending approvals. The DOB determines whether to withhold, delay, or approve funds, manages cash flow between and out of state agencies, controls hiring requests, approves contracts and large expenditures, and negotiates the executive budget.

The Director of the DOB is appointed directly by the Governor, requiring no approval or confirmation process from the New York State Legislature. Given that the Director of the DOB serves at the "pleasure" of the Governor, they may replace the Director for any reason at any time (New York, Executive Law § 180). Furthermore, the Director's salary is fixed by the Governor up to the amount appropriated by the Legislature.

An appropriation approved in the final state budget legislation provides legal authority to spend a specified amount for a designated purpose; it does not necessarily require the immediate expenditure of the full amount. The timing and administration of appropriated spending may remain subject to statutory conditions, agency requests, cash management procedures, and Division of the Budget approvals. These administrative controls give the executive branch substantial influence over budget execution, although the scope of that influence depends on the language of the appropriation and other applicable law.

This concentration of administrative authority over the budgetary process can easily be taken advantage of. For example, in April 2020, the Legislature gave Governor Cuomo broad authority to withhold or delay appropriated spending due to emergency spending in response to the COVID-19 pandemic. Using this authority, Cuomo's Division of the Budget withheld money previously appropriated for state agencies such as the MTA and used it to stabilize the general fund (Fauss). The amount of money being withheld and whether it was a temporary or permanent withdrawal was not transparently released to the public, making it difficult to show the extent of the impact.

For those agencies or outside stakeholders without an independent stream of revenue, appropriated funds administered through the Division of the Budget are essential for functioning. Returning to the MTA example, the agency, despite having $145 million withheld from dedicated funds, declined to publicly antagonize the DOB, reportedly because of concerns about future funding consequences (Colon). Instead, MTA leadership supported Governor Cuomo's $15 billion request to the federal government for additional funding. The example is particularly notable because the MTA also receives independent revenue through fares and tolls. If an authority with independent revenue remains reluctant to challenge DOB publicly due to financial considerations, agencies that depend more fully on state appropriations may face even stronger incentives to avoid conflict with the executive budget process.

These budgetary dependencies also extend to institutions responsible for overseeing ethics and integrity within the executive branch. During the 2026 Joint Legislative Budget Hearing, the Executive Director of COELIG testified that the commission has no independent sources of revenue, meaning that all money must be appropriated through negotiations with the Governor and authorized via the unitary DOB process (Berland). The Executive Budget proposed funding levels that COELIG indicated were insufficient to meet its operational needs. As a result, oversight institutions may remain financially dependent on the same executive budget process over which they exercise limited control, creating a structural vulnerability that can affect institutional independence.

These arrangements raise a broader question about the fiscal independence of executive-branch oversight bodies. Independently elected constitutional officers, including the Comptroller and Attorney General, possess greater institutional independence from the Governor because they do not depend on the executive for appointment or continued tenure. Their offices nevertheless remain funded through the state budget process. Therefore, their elected status provides an important form of institutional independence, but not complete insulation from budgetary decisions.

- Article V, §1 establishes the Comptroller as an independently elected constitutional officer and assigns core responsibilities relating to the audit of state revenues, expenditures, and accounts. This institutional design provides an important degree of independence from gubernatorial appointment and removal.
- Article V establishes the Attorney General as an independently elected constitutional officer, while the Legislature defines much of the office's authority by statute.

Obstacle 2: Concentrated Appointment and Removal Authority

A second structural obstacle arises from the concentration of appointment and removal authority over oversight institutions in the hands of political actors whose offices may themselves be subject to oversight. Oversight institutions are intended to exercise their statutory responsibilities independently, yet many rely on elected officials for leadership appointments and, in some cases, continued tenure. This arrangement on its own does not mean that appointments are made improperly or that oversight officials will fail to act impartially. Rather, it creates an institutional structure in which regulators are often appointed by those they are required to regulate. Independence depends partly on governance arrangements established by the same political system the institution is responsible for overseeing.

Across New York's oversight landscape, appointment authority follows several recurring institutional models.

- Many executive branch oversight officials, including the State Inspector General and numerous agency-level inspectors general, are appointed directly by the GGovernor.
- Other institutions employ shared appointment structures intended to distribute appointment authority among multiple constitutional officers. COELIG, for example, is composed of commissioners nominated by the Governor, attorney general, comptroller, and legislative leaders. Unlike its predecessor, however, those nominees must first be reviewed and approved by an Independent Review Committee composed of New York law school deans or their designees before appointments become effective. This additional review mechanism was created specifically to strengthen the Commission's independence following criticism of the prior ethics commission. Even so, the initial nomination authority remains vested in elected officials whose offices may themselves fall within COELIG's jurisdiction. Judicial oversight bodies similarly rely on mixed appointment structures involving the executive, Legislature, and judiciary rather than entirely independent appointment mechanisms.

These appointment models differ considerably across institutions, but they share a common characteristic: leadership selection ultimately occurs through elected officials rather than through a wholly independent process. Institutional independence, therefore, depends not only on the legal authority granted to oversight bodies but also on whether appointment structures sufficiently reduce actual or perceived conflicts of interest while maintaining public confidence in impartial oversight.

New York's recent experience illustrates that appointment structures themselves have become recurring subjects of institutional reform and constitutional debate. Ethics oversight has undergone repeated restructuring, evolving from the Commission on Public Integrity to the Joint

Commission on Public Ethics (JCOPE), and most recently to COELIG. Each restructuring reflected legislative efforts to strengthen public confidence in ethics oversight by modifying appointment procedures and governance structures. More recently, the appointment framework established for COELIG became the subject of constitutional litigation in *Cuomo v. Commission on Ethics and Lobbying in Government.* Although the New York Court of Appeals ultimately upheld the statute, the closely divided decision reflected continuing disagreement over how institutions should be structured to balance independence with constitutional constraint. Rather than demonstrating institutional failure, these recurring reforms and legal challenges illustrate the importance of institutional design and maintaining both legitimacy and public confidence.

The Moreland Commission to investigate Public Corruption provides a different illustration of how appointment and removal authority can affect institutional independence. Created by executive order under the Moreland Act, the commission had broad investigative authority to examine public corruption across state government. However, because its existence depended upon executive authority, it also remained subject to executive termination. The commission was dissolved before completing its work, demonstrating that temporary oversight bodies created through executive authority may lack the institutional permanence necessary to pursue long-term investigations independently. Regardless of the motivation surrounding the commission's dissolution, the episode illustrates how oversight institutions whose leadership or continued existence depends upon political actors may be structurally vulnerable.

Governance and public administration scholarship consistently recognizes that appointment and removal mechanisms influence institutional independence. When oversight officials depend upon political actors for appointment, reappointment, or continued tenure, institutional incentives may arise that encourage caution in politically sensitive matters. These political incentives do not automatically result in political interference, improper conduct, or bad faith by public officials. Rather, they reflect structural features of institutional design that may influence how oversight bodies exercise their authority over time.

These concerns may be amplified where oversight officials lack meaningful protection against removal without cause. Although removal standards vary across New York institutions, limited tenure protections can reduce institutional stability and reinforce perceptions that oversight leadership remains dependent upon political actors. Even where removal authority is constrained by statute, the possibility of restructuring institutions or replacing leadership may produce similar institutional effects.

Not all institutions are affected equally. Independently elected constitutional officers, such as the Attorney General and Comptroller, operate outside direct executive appointment structures and therefore possess a different form of institutional independence. At the same time, electoral accountability introduces its own incentives and constraints. The broader pattern remains that

New York employs a variety of appointment models, each balancing institutional independence and democratic accountability in different ways.

Ultimately, appointment and removal authority create a structural obstacle because they shape the institutional conditions under which oversight is exercised. When oversight leadership is selected through political processes, independence depends not only on statutory authority but also on governance arrangements that promote stability, impartiality, and public confidence. Strengthening those arrangements can improve the credibility and consistency of oversight regardless of who occupies public office.

Obstacle 3: Jurisdictional Fragmentation

Oversight authority in New York is distributed across numerous institutions with overlapping responsibilities. Observed patterns include 1) ethics matters being handled administratively while potential criminal issues fall under different authorities, 2) public authorities' oversight being divided between fiscal monitoring and approval boards, and 3) investigative findings requiring discretionary referrals to enforcement agencies.

Jurisdictional fragmentation creates a problem in that responsibility is overly diffused. When jurisdiction is split across several bodies and organizations, it may be difficult to investigate and enforce regulations. In theory, effective oversight would require interagency coordination. Below are three main structural mechanisms that create this jurisdictional fragmentation.

Referral Dependencies:
New York's investigative bodies are structurally separated from enforcement authority. An inspector general office or oversight body can investigate, find misconduct, and produce a report. However, converting that finding into legal consequence requires a separate institution, such as an Attorney General (OAG), a District Attorney (DA), or a federal prosecutor, to independently decide to act.

This architecture is consistent across the oversight system. NYSIG investigates executive branch corruption but cannot prosecute: findings are referred to the OAG or a relevant district attorney at their discretion. OMIG investigates Medicaid fraud but must coordinate with the OAG's Medicaid Fraud Control Unit for any prosecutorial action. COELIG investigates ethics violations, but criminal referrals proceed to the OAG or other prosecutors, and action is taken only if those offices agree to proceed with their own investigations. Agency-level inspectors general occupy an even more constrained position, referring matters up to NYSIG or OAG with no procedural guarantee of follow-through. In each case, the investigative function and the enforcement function are held by separate institutions connected only by a discretionary referral that the receiving body may decline.

There is plenty of evidence documenting the consequences of this structure. In one recorded instance, NYSIG investigated a DMV clerk for soliciting bribes and referred the matter to the District Attorney's office, which declined to prosecute. The case was then referred to JCOPE, which imposed a $2,000 administrative fine (Joint Commission on Public Ethics, Report and Settlement Agreement in the Matter of Sam Alexis). This matter illustrates that an inspector general's factual findings do not necessarily result in criminal prosecution and that administrative sanctions or penalties may remain available when prosecutors decline to proceed with criminal charges.

Referral dependency, however, only partially accounts for New York's accountability failures. It explains cases where a finding exists but enforcement does not follow. It does not explain cases where the fragmentation is more fundamental, where no single institution ever develops a complete picture of the misconduct in the first place.

Parallel Jurisdiction Without Coordination:

Ethical, fiscal, and criminal angles of the same corrupt act all fall under the jurisdiction of different bodies. The OSC holds fiscal oversight authority. The OAG and federal prosecutors hold criminal jurisdiction. COELIG holds jurisdiction over ethics violations, in parallel with the Legislative Ethics Commission (LEC)—both issue guidance to different branches for the same provisions of the Public Officers Law. These bodies do not necessarily need to share information between themselves, creating barriers to accountability and transparency.

The federal prosecutions of former Assembly Speaker Sheldon Silver and former Senate Majority Leader Dean Skelos illustrate this failure directly. Both cases involved conduct that was visible, in fragments, across multiple oversight domains simultaneously. They received improper outside income, created unethical lobbying relationships, and gave legislative favors that implicated ethics, fiscal, and criminal law at once. New York's fragmented institutions, each operating within its own jurisdictional lane, produced no coordinated state-level response.

JCOPE, which had ethics jurisdiction, ultimately declined enforcement action on the grounds that federal criminal punishment had already been applied, effectively treating federal prosecution as a substitute for independent state accountability rather than a complement to it. The conduct that sent two of the most powerful legislators in New York to federal prison was addressed not by the state's own oversight architecture but by federal prosecutors who faced no jurisdictional boundary between the ethics, fiscal, and criminal dimensions of the same course of conduct. This is not accidental. The fragmentation of jurisdiction across functional domains means that a sophisticated corrupt actor need only ensure that no single institution accumulates enough of the picture to act. This task is made easier when those institutions have no duty to share what they each know.

Federal action used to fill the gaps left by the New York State bodies. Now, federal bodies have come into question. This summer, the Brennan Center found that 92% of Americans see corruption as a "big problem that permeates every government institution (Brunet and Pino)." More than 80% see corruption as the reason why the government does not address everyday concerns of average Americans. More than 80% support reform efforts, including laws to prevent conflicts of interest and hold politicians to strong ethical standards (Waldman). Their worries are well founded: Donald Trump has demonstrated an "unprecedented number of conflicts of interest (Yourish, Lipton, and Gamio)," the Supreme Court continues to "destroy anti corruption guardrails (Weiner and Zdanys)," and the Public Integrity Section of the Justice Department has been reduced to nearly nothing (Reilly, Fitzpatrick, and Rohde).

New Yorkers can no longer rely so heavily on federal systems, agencies, and officials to fill in the gaps of our accountability measures. This lax attitude towards corruption at the federal level widens the cracks into which state corruptions can fall. For example, in 2025, the United States Department of Justice ordered the Eric Adams corruption case to be dropped (U.S. Attorney's Office, Southern District of New York, "New York City Mayor"). These developments at the federal level underscore the importance of maintaining effective state-level oversight institutions independent of federal enforcement priorities.

Executive Discretion:

The third mechanism concerns not the gaps between permanent institutions but the conditions under which temporary bodies with broad investigative authority can be created and terminated at executive discretion, with no permanent institution positioned to inherit their jurisdiction. Bodies with any real teeth can be dissolved or redirected, and there is no system by which another body automatically picks up the responsibility.

For example, the Moreland Commission to Investigate Public Corruption was created by Governor Andrew Cuomo. The Commission was empowered to investigate violations of state ethics and election laws, issue subpoenas, and recommend legislative reforms. Its mandate was broad because standing institutions lacked the jurisdiction or independence to conduct the kind of cross-cutting investigation the Commission was designed to perform (Columbia Law School).

Within approximately one year of its creation, the Commission was disbanded. Under the Moreland Act, a commission created by executive order is subject to termination by the same authority that created it, with no procedural requirement to transfer its open inquiries or evidence to any continuing body.

The consequences of dissolution were not merely administrative. Because no standing institution held equivalent jurisdiction over the matters the Commission had begun to examine, its disbandment did not redirect that work; instead, the investigations halted. A subsequent federal investigation by the U.S. Attorney's office examined whether the Commission's shutdown had itself obstructed justice, highlighting that the structural vulnerability of the Governor having ultimate authority over the commission had real investigative costs.

Referral dependency and parallel jurisdiction are features of permanent institutional design: they exist regardless of the conduct of any particular officeholder. Executive discretion over investigative scope, by contrast, is a vulnerability that becomes consequential only when an oversight body begins to threaten the interests of the executive who controls it. That conditionality makes it harder to observe in normal times and more damaging when it occurs.

Policy Recommendations

Recommendation 1: Establish Independent Funding Mechanisms for Oversight Bodies

The Legislature and Governor should establish an **independent statutory funding mechanism**, in particular for agencies whose primary mission is enforcing ethics and campaign finance laws, including COELIG. Otherwise these oversight bodies are vulnerable to political pressure during the annual budget appropriation process.

One potential model is the funding structure of the Consumer Financial Protection Bureau (CFPB). Congress authorized the CFPB to receive funding through a standing statutory mechanism rather than through the annual appropriations process, providing stable funding insulated from routine political budget negotiations. The United States Supreme Court upheld this funding structure, recognizing Congress' authority to establish such a mechanism (*Consumer Financial Protection Bureau v. Community Financial Services Association of America, Ltd.,* 601 U.S. 416 (2024)). While New York need not replicate the CFPB model exactly, the same principle could be adapted by creating a dedicated oversight fund or another automatic statutory funding mechanism that reduces dependence on executive budget administration.

In addition, **the Legislature should prohibit the executive branch from delaying, withholding, or impounding funds appropriated for independent institutions** except under narrowly defined fiscal emergencies authorized by statute. Once appropriated, those funds should be released according to the statutory timelines rather than executive discretion.

Finally, **the Legislature should provide designated oversight agencies with multi-year operating budgets, statutory appropriation floors, or guaranteed minimum funding levels** to promote long-term planning and institutional continuity. Stable funding would reduce uncertainty surrounding annual budget negotiations while ensuring that politically sensitive investigations are not affected by short-term fiscal decisions. Collectively, these reforms would address the budget dependence obstacle by reducing the executive's ability to influence oversight institutions through fiscal administration while preserving the Legislature's constitutional authority over public expenditures.

Recommendation 2: Modify Appointment and Removal Structures

The Legislature should expand independent nomination review procedures for leadership appointments across New York's principal oversight institutions. The Ethics Commission Reform Act of 2022 provides one model. Rather than permitting direct political appointments, nominees to COELIG are first evaluated by an Independent Review Committee composed of New York law school deans, which evaluates nominees under statutory criteria and determines whether each nominee should be approved for appointment (COELIG Commission). Similar independent review processes should be extended to other oversight agencies whose leadership is currently appointed solely through political actors.

Appointment authority should also remain distributed among multiple constitutional actors rather than concentrated in a single office. Shared appointment authority reduces the risk that any one elected official exercises disproportionate influence over institutions that may later investigate that official or members of the same branch of government. The current COELIG structure, which distributes nomination authority among the Governor, legislative leaders, the Attorney General, and the Comptroller, illustrates one approach that could be adopted elsewhere. Where appropriate, legislation should also require confirmation by the Senate or another legislative body before appointments become effective. Shared confirmation authority provides an additional layer of accountability while reducing unilateral executive influence over oversight leadership.

Finally, **oversight officials should serve fixed terms** and be removable only for cause, such as neglect of duty, misconduct, or incapacity. For offices whose independence is particularly important, **removal should require the concurrence of another constitutional actor** rather than unilateral executive action, provided that the mechanism is carefully drafted within constitutional separation of powers parameters. Comparable confirmation requirements already exist for the New York City Department of Investigation Commissioner, who is appointed by the Mayor subject to City Council approval, demonstrating that shared appointment authority can strengthen institutional independence while preserving democratic accountability. Together, these reforms would reduce the appointment and removal obstacle by strengthening institutional independence while maintaining public accountability through elected government.

Recommendation 3: Strengthen Coordination Across Oversight Institutions

To reduce jurisdictional fragmentation, **the Legislature should establish statutory coordination requirements** among oversight institutions whose jurisdictions overlap. While New York's oversight system appropriately distributes responsibility across specialized agencies, coordination between those agencies is often discretionary rather than required. Formalizing coordination would strengthen accountability while preserving the distinct expertise and statutory responsibilities of existing institutions.

The Legislature should require **mandatory referrals whenever an oversight body develops evidence of potential criminal conduct outside its jurisdiction**. Upon receiving a referral, the Office of the Attorney General or the appropriate District Attorney should be **required to acknowledge receipt, evaluate the matter within a specified time frame, and provide written notice of whether the matter will proceed** or be declined. This would preserve prosecutorial discretion while ensuring that referrals do not disappear without review.

The Legislature should require oversight agencies with overlapping jurisdiction to enter into formal memoranda of understanding governing information sharing, joint investigations, and case coordination where legally appropriate. Existing coordination agreements between the Office of the State Comptroller and the Office of the Attorney General demonstrate that structured interagency cooperation can be successfully implemented. Expanding these requirements would reduce the likelihood that separate agencies each possess only part of a larger pattern of misconduct while no single institution develops a complete understanding of the case.

Comparable approaches also exist in other jurisdictions. New Jersey law provides for formal referrals between oversight bodies and prosecutorial authorities, requires prosecutors to notify referring agencies regarding the disposition of referred matters, and directs coordination among key oversight entities to reduce duplication and improve oversight effectiveness (NJ State Comptroller). These provisions demonstrate that structured coordination can strengthen accountability while preserving the distinct statutory responsibilities of individual oversight institutions.

The Legislature should also require continuity of investigations whenever temporary investigative commissions are dissolved or their statutory authority expires. Legislation should require the transfer of all investigative records, evidence, and pending matters into a permanent oversight institution with appropriate jurisdiction. This continuity requirement would ensure that investigations cannot terminate solely because an ad hoc commission ceases to exist, preserving the public interest in ongoing accountability regardless of changes in political leadership. Together, these reforms would reduce jurisdictional fragmentation by replacing discretionary coordination with predictable statutory processes that move investigations more consistently from detection to enforcement.

Conclusion

New York has built one of the nation's most extensive oversight systems, reflecting a longstanding aspiration to promote transparency and accountability. Yet the effectiveness of any oversight system depends not simply on the number of institutions it contains, but on how those institutions interact. The serious structural obstacles identified in this paper show areas where statutes creating an oversight agency and the budget process may impinge on independent and effective oversight. Strengthening institutional independence, improving coordination, and reducing structural vulnerabilities would better equip New York's oversight system to fulfill the constitutional promise of accountable government envisioned by the Founders while reinforcing public confidence in New York's institutions.

Appendix

ORG	Jurisdiction	Function	Enforcement Authority?	Referral?	Notes
COELIG Commission on Ethics and Lobbying in Government	State officers, employees, legislators, lobbyists, some public authorities	Investigate ethics and lobbying violations; advisory opinions; financial disclosure	Some, civil penalties, fines	refers criminal matters to prosecutors	Replaced JCOPE; created by Ethics Commission Reform Act of 2022
LEC Legislative Ethics Commission	Members of Senate and Assembly and their staff	Interprets legislative ethics rules; conflicts of interest, outside income, gifts	Issue penalties and sanctions	refers to Legislature for discipline	Coexists w/ COELIG; Legislature controls own ethics body
OSC Office of the State Comptroller	State agencies, public authorities, local governments, pension funds	Audits state spending; oversee pension funds; operates transparency systems	Some, contract authority such as recovery of state funds from vendors, rejection of contracts	Refers criminal matters to OAG or others	Independent elected official; runs Open Book New York portal
OAG Office of the Attorney General	Statewide civil enforcement; some criminal jurisdiction, enumerated	Enforces civil fraud and corruption law; prosecutes some criminal matters	Yes, civil and criminal prosecution	Can initiate independently	Houses Public Integrity Bureau, Medicaid Fraud Unit
NYSIG Office of the New York State Inspector General	Most executive branch agencies, depts, public authorities	Investigate corruption, fraud, criminal activity, conflict of interest in exec branch	No, issues reports and recommendations	Refers to OAG or DA	findings require OAG or DA to act, but prosecution is discretionary

ORG	Jurisdiction	Function	Enforcement Authority?	Referral?	Notes
OMIG Office of the Medicaid Inspector General	Medicaid program providers, recipients, agencies	Investigate Medicaid fraud and abuse; audits and compliance reviews	Civil and admin enforcement	Criminal referral to OAG MFCU	Coordinates with OAG Medicaid Fraud Control Unit
OWIG Office of the Welfare Inspector General	Public assistance programs and local social services districts	Investigate fraud in welfare programs; recommend policy changes	Investigatory and advisory only	Can refer to DA or OAG	
WCFIG Workers' Compensation Fraud Inspector General	Workers' compensation and Paid Family Leave systems	Investigate violations of workers' compensation laws; oversee fraud prevention	Recommendations only	Refers to DA or OAG	
CJC New York State Commission on Judicial Conduct	All New York State judges	investigate complaints; discipline judges including removal	admonish, censure, remove	(Quasi) direct authority	subject to Court of Appeals
ACJE Advisory Committee on Judicial Ethics	Judges, quasi-judicial officers, judicial candidates	Interprets rules governing judicial conduct	advisory only	None	Opinions treated as guidance in Judicial Conduct proceedings
AGCs Attorney Grievance Committees	Attorneys admitted to practice in New York	Investigate and prosecute attorney disciplinary proceedings	Can file charges and litigates hearings	Initiates independently, refers to Appellate Division for discipline	Four regional committees aligned with Appellate Division departments
CPC State Commission on Prosecutorial Conduct	State and local prosecutors	Investigate prosecutorial mis-conduct; recommend sanctions	Issues findings and referrals	refers to AGCs	Delayed implementation and limited enforcement power
SBOE / DELE State Board of Elections / Division of Election Law Enforcement	Candidates and committees for statewide campaign finance	Oversees elections and regulates campaign finance	administrative enforcement; civil penalties	criminal referral to OAG or DA	DELE has enforcement authority within SBOE
OAG-PIB Office of the Attorney General: Public Integrity Bureau	Public officials, election fraud, grant fraud, petition fraud	Investigates public corruption; brings civil action and criminal prosecutions	civil and criminal prosecution	Can initiate independently, subject to prosecutorial constraints	overlapping jurisdiction with SBOE

ORG	Jurisdiction	Function	Enforcement Authority?	Referral?	Notes
ABO Authorities Budget Office	state and local public authorities	Monitors compliance, responds to complaints, issues oversight reports	Temporary removal of authority board members, reports and recommendations	refers to OSC, OAG, or Legislature	Small staff relative to scale of spending and debt in NYS
PACB Public Authorities Control Board	Some large state public authorities engaged in development and finance	Reviews financial and capital projects of some public authorities	De facto veto power over projects	N/A, save for gatekeeping function	Created during '70s fiscal crisis; members hold effective veto
COOG Committee on Open Government	All state and local government entities subject to FOIL and OML	interprets FOIL and Open Meetings Law; issue advisory opinions; publish guidance	Advisory only; no enforcement power	Can advise in judiciary and agency compliance contexts	Advocates transparency practice reforms and stronger enforcement

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