

## The Curious World of Inspectors General



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One government agency type that has gathered increasing attention in the last several years is that of the Inspector General. Inspectors General are found at both the federal and state level. Some have broad-based powers extending over entire branches of government, while others are tethered to a particular agency.

But what is an Inspector General (or “IG”) and what are their responsibilities? An Inspector General may serve as a kind of internal affairs office for the government. In some cases, as in the New York State Offices of the Inspector General, the agency is charged with the responsibility to receive and investigate complaints regarding allegations of corruption, fraud, criminal activity, conflicts of interest or abuse. The New York IG also has responsibilities to review policies and procedures of government agencies under their purview and make recommendations for remedial action. Inspectors General often partner with traditional law enforcement agencies in cases where there may be evidence of criminal conduct.

In New York, the Office of the Inspector General consists of an amalgamation of four separate and distinct IGs. They are the State Inspector General, the Welfare Inspector General, the Workers’ Compensation Fraud Inspector General and the Gaming Inspector General. Outside of this rubric, other Inspectors General exist in New York

including the IG for the Metropolitan Transportation Authority (MTA) and the Port Authority of New York New Jersey.

An Inspector General often has significant tools at its disposal, most notably the power to issue subpoenas for documents and investigative interviews. This power can create resource hardships to subjects or targets of an IG inquiry and bring other concerns surrounding the disclosure of material that may be unfavorable or even incriminating. Another added complexity is the prospect of facing an IG inquiry while managing simultaneous investigations by other government agencies.

The Inspector General model is not without its critics. In 2011, the New York State Bar Association issued a report from the Task Force on Government Ethics. In the report, the Task Force recommended greater independence of the Inspector General and an opportunity for a formal response to an IG report (similar to the New York State Comptroller process). The Task Force expressed concerns with a structure that lends itself to one-sided reports authored by the IG, which may be incomplete or unbalanced, and may be issued without any notice to the subject of the report. Today, the permanency of IG reports on government websites and social media platforms can have long-lasting negative impacts for the subjects of the reports.

Inspectors General do have limitations. They do not have the power to bring criminal charges or file civil complaints on their own. They generally do not have the ability to unilaterally terminate government employees outside of their agency, or issue civil penalties and fines. Their reports contain recommendations to other agencies which may or may not be implemented.

If a business entity or individual is contacted by an Inspector General it is important to understand the impact and the possibility that other government agencies may be involved, presenting added risks to the subjects of the inquiry. If contacted by an Inspector General, it is also important to discuss the matter with experienced legal counsel before responding. Failure to do so could result in unintended consequences creating increased legal jeopardy in the future. For questions or concerns regarding such inquiries by an Inspector General, contact Lippes Mathias [Government & Corporate Investigations Practice](#) Group Team members [Karl J. Sleight](#) ([Ksleight@lippes.com](mailto:Ksleight@lippes.com)), [Joan P. Sullivan](#) ([Jsullivan@lippes.com](mailto:Jsullivan@lippes.com)), or [Dennis C. Vacco](#) ([dvacco@lippes.com](mailto:dvacco@lippes.com)).