



# STATE OF CONNECTICUT

## OFFICE OF STATE ETHICS

### Draft Advisory Opinion No. 2023-2

April 13, 2023

**Question Presented:**

Is a Statement of Financial Interests (“SFI”) filer required to report student loans, refinanced with the Connecticut Higher Education Supplemental Loan Authority (“CHESLA”) and executed via promissory note, as a contract with a quasi-public agency on her SFI filing?

**Brief Answer:**

We conclude that, under General Statutes § 1-83 (b) (1) (G), which requires SFI filers to disclose “any . . . contracts with . . . a quasi-public agency held or entered into by the individual,” an SFI filer must report student loans refinanced with CHESLA via a promissory note as a contract with a quasi-public agency.

At its March 16, 2023 regular meeting, the Citizen’s Ethics Advisory Board granted the petition for an advisory opinion submitted by Emily Burnett, a Connecticut Career Trainee Planning Analyst at the Office of Policy and Management (“OPM”), and it now issues this advisory opinion under General Statutes § 1-81 (a) (3) of the Code of Ethics for Public Officials.

### **Background**

There are no factual disputes here, and Ms. Burnett asks the following purely legal question:

Statement of Financial Interest (“SFI”) requirements for reporting a student loan refinanced with the Connecticut Higher Education Supplemental Loan Authority (“CHESLA”), which is defined as a “quasi-public agency” under the Code of Ethics for

Public Officials. General Statutes § 1-79 (12). Should student loans through CHESLA be reported on the Leases & Contracts tab of the Office of State Ethics Statement of Financial Interest form?

### Analysis

Concerning jurisdiction, persons generally subject to the Code are described as either “Public officials” or “State employees.” The Code defines the latter to include (among others) “any employee in the executive . . . branch of state government, whether in the classified or unclassified service and whether full or part-time . . .” General Statutes § 1-79 (13). It follows that, as an OPM employee, Ms. Burnett is a “state employee” and thus subject to the Code.

Under General Statutes § 1-83, certain public officials and state employees must file SFIs for the preceding calendar year with the Office of State Ethics. Among other items that must be disclosed on the SFI are “*any leases or contracts with the state or a quasi-public agency held or entered into by the individual or a business with which he or she was associated . . .*” (Emphasis added.) General Statutes § 1-83 (b) (1) (G). Subdivision (G) contains no exceptions.

CHESLA, as noted above, is a quasi-public agency for purposes of the Code, and under the Connecticut Higher Education Supplemental Loan Authority Act, specifically, General Statutes § 10a-225 (d) (1), CHESLA

may develop and require the use of a master promissory note for education loans. Each master promissory note shall allow borrowers to receive, in addition to initial education loans, additional education loans for the same or subsequent periods of enrollment. Each master promissory note shall include a provision stating that the note shall be governed by and construed pursuant to the laws of the state of Connecticut.

According to CHESLA’s General Counsel, “[w]hen an individual refinances a student loan with CHESLA, they sign a promissory note for the loan agreeing to pay the loan pursuant to the terms of the note.” And a promissory note, under Connecticut law, “is nothing more than a written *contract* for the payment of money.” (Emphasis added.) *Appliances, Inc. v. Yost*, 181 Conn. 207, 210–11 (1980).

Applying this to the question here, because an individual who signs a promissory note with CHESLA to refinance a student loan enters or holds a

contract with a quasi-public agency, an SFI filer must disclose such a contract under the “Leases and Contracts” section of the SFI, pursuant to subdivision (G) of subsection 1-83 (b) (1). As noted earlier, subdivision (G) contains no exceptions, and we cannot conjure an exception where none exists. See *Doe v. Manson*, 183 Conn. 183, 188 (1981) (“[i]t . . . is not our function to attempt to improve upon the actions of the legislature by reading into a statute what is clearly not there” [internal quotation marks omitted]); *Evans v. Admin., Unemployment Comp.*, 135 Conn. 120, 124 (1948) (“[w]e are not at liberty to . . . indulge in the license of striking out and inserting, and remodeling, with the view of making the letter express an intent which the statute in its native form does not evidence” [internal quotation marks omitted]). The appropriate avenue for seeking amendments to the statute is through the General Assembly, not the Board.

Finally, we note that, if the amount of a student loan—with CHESLA or with any other entity—exceeds \$10,000, an SFI filer is required to report the student loan under the SFI form’s “Creditor” section. See General Statutes § 1-83 (b) (1) (F) (“[t]he statement of financial interests . . . shall include the following information for the preceding calendar year in regard to the individual required to file the statement . . . (F) the names and addresses of creditors to whom the individual, the individual’s spouse or dependent children, individually, owed debts of more than ten thousand dollars”).

**Conclusion**

Based on the facts presented, we conclude that, under § 1-83 (b) (1) (G), which requires SFI filers to disclose “any . . . contracts with . . . a quasi-public agency held or entered into by the individual,” an SFI filer must report student loans refinanced via promissory notes with CHESLA under the “Leases and Contracts” section of the form.

By order of the Board,

Dated \_\_\_\_\_

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Chairperson