



STATE OF CONNECTICUT

OFFICE OF STATE ETHICS

Draft Advisory Opinion No. 2025-4

December 11, 2025

Question Presented:

Whether the two student members, a faculty member, and the designee of the Secretary of the Office of Policy and Management must, as members of the Board of Regents for Higher Education, each file a Statement of Financial Interests under General Statutes § 1-83.

Brief Answer:

We conclude, for purposes of § 1-83, that the student members of the Board of Regents are not required to file a Statement of Financial Interests, and that the faculty member and the Secretary's designee are required to file, in their capacity as members of the Board of Regents, only if, as non-voting members, they are deemed by the chairperson of the Board of Regents to meet the Governor's Standard and are thus designated to file.

At its November 20, 2025 meeting, the Citizen's Ethics Advisory Board granted the petition for an advisory opinion submitted by Michael Lopez, Director of Human Resources Administration at Connecticut State Colleges and Universities, and it now issues this advisory opinion under General Statutes § 1-81 (a) (3) of the Code of Ethics for Public Officials (Code).

Background

The petitioner provided as follows:

Connecticut State Colleges and Universities' (CSCU) Board of Regents [for Higher Education] has four newer members; 2

student representatives and 2 Ex-Officio, non-voting representatives. Can you please confirm if all four are required SFI [i.e., Statement of Financial Interests] filers? After reviewing the Code of Ethics section 1-83(a)(1) and the SFI Standards and Designation Guidelines, I remain uncertain.

Under General Statutes § 10a-1a (a), the Board of Regents for Higher Education (Board of Regents)—which “serve[s] as the governing body for the Connecticut State Community College, the Connecticut State University System and Charter Oak State College”—consists of the following members:

- Nine appointees of the Governor;
- four appointees of certain General Assembly members;
- “[t]he Commissioners of Education, Economic and Community Development and Public Health, the Labor Commissioner, the Secretary of the Office of Policy and Management [OPM], *or the secretary’s designee*, and the Chief Workforce Officer”, who “shall serve as ex-officio, nonvoting members of the board”; (emphasis added);
- “[*t]he chairperson and vice-chairperson of the student advisory committee* created under section 10a-3”; (emphasis added); and
- “[*t]he chairperson and vice-chairperson of the faculty advisory committee* created under section 10a-3a”, who “shall serve as ex-officio, nonvoting members of the board . . . and, in their respective roles as chairperson and vice-chairperson, may be invited to any executive session, as defined in section 1-200, of the board by the chairperson of the board.” (Emphasis added.)

It is the last three bullet points—particularly those individuals serving in the italicized positions—that pertain to the petitioner’s question, namely, whether the following individuals must each, by virtue of this position, file a Statement of Financial Interests (SFI) under § 1-83: (1) the OPM Secretary’s designee, who is the OPM Undersecretary for Strategic Initiatives (OPM Undersecretary), (2) the chair and vice-chair of the student advisory committee (student members), and (3) the chair of the faculty advisory committee (faculty member).

Analysis

To answer the petitioner’s question, we turn to the pertinent statutory

provision, § 1-83 (a) (1), which lists the individuals who must file an SFI “with the Office of State Ethics . . . under penalty of false statement . . . for the preceding calendar year on or before the May first next in any year in which they hold such an office or position.” That list includes:

- state-wide elected officers,
- members of the General Assembly,
- department heads and their deputies,
- members or directors of each quasi-public agency,
- members of the Investment Advisory Council, and
- *such members of the Executive Department and such employees of quasi-public agencies as the Governor shall require* (i.e., members and employees subject to the Governor’s Standard).

1. Student members

Starting with the two student members of the Board of Regents, we can quickly dispense with the first five categories on the list, for they do not fit within any of them: they are not state-wide elected officers (like the Governor or Attorney General); they are not General Assembly members (i.e., state legislators); they are not “Department heads”, as defined in General Statutes § 4-5, or their deputies; they are not members or directors of a “Quasi-public agency”, as defined in General Statutes § 1-79 (12); and they are not members of the Investment Advisory Council, as set forth in General Statutes § 3-13b.

We are left, therefore, with the sixth category and the question of whether, as members of the Board of Regents, the student members are “members of the Executive Department” or “employees of [a] quasi-public agenc[y]” (and thus subject to the soon-to-be-discussed Governor’s Standard). We can further whittle down the question, for as noted above, the Board of Regents is not a “Quasi-public agency”, as defined in § 1-79 (12), meaning that its members cannot be deemed employees thereof. What remains of the question is this: Are the student members of the Board of Regents “members of the Executive Department”?

The Board of Regents is listed in General Statutes § 4-38c as one of the

“Departments within the executive branch”—and is thus within the “Executive Department”—and so we need only determine whether the student members are “members” thereof, as that word is used in § 1-83 (a) (1)’s phrase “members of the Executive Department.” Luckily for us, our predecessor (the State Ethics Commission), more than three decades ago, defined the term “members” in this context, concluding as follows: “without question . . . the term ‘members’ as used in §1-83(a) encompasses both public officials and state employees.” Advisory Opinion No. 91-17. So, to be “members of the Executive Department”, the student members of the Board of Regents must be “State employees” or “Public officials”.

Starting with the term “Public official”, the Code defines it, in relevant part, as follows:

any state-wide elected officer, any member or member-elect of the General Assembly, *any person appointed to any office of the legislative, judicial or executive branch of state government by the Governor or an appointee of the Governor, with or without the advice and consent of the General Assembly*, any public member or representative of the teachers’ unions or state employees’ unions appointed to the Investment Advisory Council pursuant to subsection (a) of section 3-13b, *any person appointed or elected by the General Assembly or by any member of either house thereof*, any member or director of a quasi-public agency and the spouse of the Governor

(Emphasis added.) General Statutes § 1-79 (11). The student members of the Board of Regents are *not*—as is required under the italicized language—*appointed* (by the Governor, the General Assembly, or otherwise) to the Board of Regents. Rather, they serve by virtue of being, as set forth in § 10a-1a (a), “[t]he chairperson and vice-chairperson of the student advisory committee created under section 10a-3”, to which committee they are “elected by the student government organization of the institution of higher education they are to represent.” General Statutes § 10a-3 (b). Thus, the student members of the Board of Regents do not fit within the Code’s definition of “Public official”.

Nor do they fit within its definition of “State employee”, which includes “any *employee* in the executive, legislative or judicial branch of state government, whether in the classified or unclassified service and whether full or part-time, and any employee of a quasi-public agency” (Emphasis added.) General Statutes § 1-79 (13). We have defined the word “employee” to require remuneration (i.e., payment); Advisory Opinion No. 2015-4; which is something the student members do not receive for their service on the Board

of Regents or the Student Advisory Committee¹ (on which they serve by virtue of being students), meaning they cannot be deemed “State employee[s]”, concerning their service on the Board of Regents, for Code purposes.

Having concluded that the student members of the Board of Regents are not “Public officials” or “State employees”, it follows that they are not “members of the Executive Department”, are not subject to the Governor’s Standard, and, accordingly, are not required to file an SFI under § 1-83 (a).

2. Faculty member

As with the student members, we must determine whether the faculty member at issue on the Board of Regents is a “member[] of the Executive Department” and is thus subject to the Governor’s Standard.

We have already determined that the Board of Regents is part of the “Executive Department”, and that “members” thereof include both “Public officials” and “State employees”. It goes without saying that, as a faculty member of a Connecticut state university, he is a “State employee”, and it is by virtue of being a faculty member that he is a member of the Board of Regents. That is, under § 10a-1a (a), the faculty member at issue serves on the Board of Regents *because* he is “[t]he chairperson . . . of the faculty advisory committee”, to which committee he was elected in his capacity as a faculty member. See General Statutes § 10a-3a. Accordingly, the faculty member is a “member of the Executive Department”, and the only remaining issue with respect to him is whether he meets the Governor’s Standard—particularly given that, as a faculty member of the Board of Regents, he is (as noted above) a “nonvoting member”, but one who “may be invited to any executive session . . . of the board by the chairperson of the board.” General Statutes § 10a-1a (a).

As regards the Governor’s Standard, it was explained, in Advisory Opinion No. 2002-15, that § 1-83 (a) (1) “allows the Governor to impose the [SFI] filing requirement on certain employees [and officials] of the executive department and quasi-public agencies.” The process works as follows:

- The Governor establishes a standard—the so-called Governor’s Standard—requiring officials and employees of the Executive Department and employees of quasi-public agencies who exercise certain state authority to file an SFI.

¹In an email dated November 17, 2025, to the Legal Division of the Office of State Ethics, the petitioner provided that members of the Board of Regents are not compensated for their service.

- “Each such agency [is] apprised of this standard” Advisory Opinion No. 2002-15.
- “The decision to designate or remove a name from that list rests with the appropriate agency authority”, namely, the agency head. Id. (concluding that, “[w]ith regard to the selection of [University of Connecticut] Health Center employees to file, the appropriate decision-maker is the President of the University of Connecticut, who also heads the Health Center”).
- Each state agency “annually provides the [Office of State Ethics] with a list of the names of individuals designated by the agency to file the statement.” Id.
- The Office of State Ethics does “not . . . designate, or ‘un-designate,’ the positions to file, but . . . provide[s] certain notifications and . . . enforce[s] the designations made” Id.

In this case, the chairperson of the Board of Regents would appear to be the appropriate agency head to determine whether the faculty member at issue, a non-voting member of the Board of Regents, meets the Governor’s Standard, and, if so, to designate the faculty member as being required to file an SFI under § 1-83.

3. OPM Undersecretary

Unlike the others discussed above, the OPM Undersecretary likely must (and apparently already does) file an SFI by virtue of her OPM position. Nevertheless, under the instant petition, we must determine whether she is required to file *as well* for her service as the OPM Secretary’s designee on the Board of Regents.² To do so, we follow the same line of analysis as above in relation to the faculty member, but in condensed form, for the sake of brevity: The Board of Regents is part of the “Executive Department”; the OPM Undersecretary, as an appointee of the OPM Secretary under General Statutes § 4-65a (b), is a “Public official”, as defined in 1-79 (11); the OPM Undersecretary was designated to serve as a member of the Board of Regents by virtue of her position as an OPM Undersecretary; hence, the OPM Undersecretary is a “member of the Executive Department” and is subject to

²Note that, functionally, should the OPM Undersecretary be deemed required to file an SFI due to her service as the OPM Secretary’s designee on the Board of Regents, she will not have to file a separate statement in the SFI system.

the Governor's Standard; accordingly, she must file an SFI under § 1-83 only if the chairperson of the Board of Regents (as agency head) determines that, as a non-voting member, she meets the Governor's Standard and thus designates her as being required to file an SFI under § 1-83.

Conclusion

Based on the facts presented, we conclude, for purposes of § 1-83, that the student members of the Board of Regents are not required to file an SFI, and that the faculty member and OPM Undersecretary are required to file, in their capacity as members of the Board of Regents, only if, as non-voting members, they are deemed by the chairperson of the Board of Regents to meet the Governor's Standard and are thus designated to file.

By order of the Board,

Dated _____

Chairperson