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# EVALUATION REPORT

approved according to Article 40  
of the Rules of Organization and Functioning

**ANGELA BOSTAN**

judge of the Central Court of Appeal  
subject of evaluation under Article 3 para. (1) Law No. 252/2023

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**2 April 2025**

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The Commission established by Law No. 65/2023 on the External Evaluation of Judges and Candidates for Judges of the Supreme Court of Justice and discharging the powers under Law No. 252/2023 on the external evaluation of judges and prosecutors and amending some normative acts (hereinafter “Law No. 252/2023”) deliberated on the matter on 17 February 2025 and approved the following report on 2 April 2025. The members participating in the approval of the report were:

1. Scott BALES
2. Andrei BIVOL
3. Willem BROUWER
4. Lilian ENCIU
5. Iurie GAȚCAN
6. Lavly PERLING

Since there was no unanimous vote among the panel members assigned to evaluate the subject, the evaluation report was examined by the full Commission in accordance with Article 17 para. (3) of Law No. 252/2023.

Based on its work in collecting and reviewing the information, and the explanations provided in the public hearing and subsequent deliberations, the Commission prepared the following evaluation report.

## **I. Introduction**

1. This report concerns Mrs. Angela Bostan (hereinafter the “subject”), a Central Court of Appeal judge.
2. The Commission conducted its evaluation pursuant to Law No. 252/2023 and the Commission’s Rules of Organization and Functioning (hereinafter “Rules”).
3. The Commission concluded that the subject meets the criteria identified in Law No. 252/2023 for ethical and financial integrity.

## **II. Subject of the Evaluation**

4. The subject has been a judge at the Central Court of Appeal judge since 2015. This court was known as the Chișinău Court of Appeal until it was renamed on 27 December 2024.
5. Before being appointed to the Central Court of Appeal, the subject served as a judge at the Hâncești District Court and Cahul District Court.
6. The subject holds academic positions at the National Institute of Justice.

7. The subject received a bachelor's degree in law in 1999 from the Moldova State University.

### III. Evaluation Criteria

8. Under Article 11 para. (1) of Law No. 252/2023, the Commission evaluates the subject's ethical and financial integrity.

9. Under Article 11 para. (2), a subject:

"[...] does not meet ethical integrity requirements if the Evaluation Commission has determined that:

a) in the last 5 years, he/she seriously violated the rules of ethics and professional conduct of judges, or, as the case may be, prosecutors, as well as if they acted arbitrarily or issued arbitrary acts, over the last 10 years, contrary to the imperative rules of the law, and the European Court of Human Rights had established, before the adoption of the act, that a similar decision was contrary to the European Convention on Human Rights;

b) in the last 10 years, has admitted in his/her work incompatibilities and conflicts of interest that affect the office held."

10. Under Article 11 para. (3), a subject:

"[...] does not meet the criterion for financial integrity if the Evaluation Commission has serious doubts determined by the fact that:

a) the difference between assets, expenses and income for the last 12 years exceeds 20 average salaries per economy, in the amount set by the Government for the year 2023;

b) in the last 10 years, admitted tax irregularities as a result of which the amount of unpaid tax exceeded, in total, 5 average salaries per economy, in the amount set by the Government for the year 2023."

11. The applicable rules of ethics and professional conduct for judges in the relevant period were regulated by the:

- a. Law No. 544 of 20 July 1995 on Status of Judge;
- b. Law No. 178 of 25 July 2014 on Disciplinary Liability of Judges;
- c. Judge's Code of Ethics and Professional Conduct No. 8 of 11 September 2015 approved by the Decision of the General Assembly of Judges;
- d. Judge's Code of Ethics approved by the decision of the Superior Council of Magistracy no. 366/15 of 29 November 2007;

- e. Guide on the integrity of judges No. 318/16 of 3 July 2018 approved by the Superior Council of Magistracy.
12. The average salary per economy for 2023 was 11,700 MDL. Thus, the threshold of 20 average salaries is 234,000 MDL and the threshold of five average salaries is 58,500 MDL.
13. Article 11 para. (4) of Law No. 252/2023 allows the Commission to verify various things in evaluating the subject's financial integrity, including payment of taxes, compliance with the legal regime for declaring assets and personal interests, and the origins of the subject's wealth.
14. In evaluating the subject's financial integrity, Article 11 para. (5) of Law No. 252/2023 directs the Commission also to consider the wealth, expenses, and income of close persons, as defined in Law No. 133/2016 on the Declaration of Wealth and Personal Interests, as well as of persons referred to in Article 33 paras. (4) and (5) of Law No. 132/2016 on the National Integrity Authority.
15. In assessing a subject's compliance with the ethical and financial integrity criteria, the Commission applies the rules and legal regime in effect when the relevant acts occurred.
16. According to Article 11 para. (2) of Law No. 252/2023 a subject shall be deemed not to meet the ethical integrity criterion if the Commission has determined the existence of the situations provided for by that paragraph. Under Article 11 para. (3) of Law No. 252/2023, the Commission determines that a subject does not meet the financial integrity criterion if it establishes serious doubts determined by the facts considered breaches of the evaluation criteria. The Commission cannot apply the term "serious doubts" without considering the accompanying phrase "determined by the fact that". This phrase suggests that the Commission must identify as a "fact" that the specified conduct has occurred.
17. Regarding the standard of "serious doubts" in the context of the vetting exercise, the Constitutional Court noted that the definition of standards of proof inevitably involves using flexible texts. The Court also said that the Superior Council of Magistracy can only decide not to promote a subject if the report examined contains "confirming evidence" regarding the non-compliance with the integrity criteria. The word "confirms" suggests a certainty that the subject does not meet the legal criteria. Thus, comparing the wording "serious doubts" with the text "confirming evidence", the Court considered that the former implies a high probability, without rising to the

level of certainty (Constitutional Court Judgement No. 2 of 16 January 2025, §§ 99, 101).

18. Once the Commission establishes substantiated doubts regarding particular facts that could lead to failure of evaluation, the subject will be given the opportunity to oppose those findings and to submit arguments in defense, as provided by Article 16 para. (1) of Law No. 252/2023. After weighing all the evidence and information gathered during the proceedings, the Commission makes its determination.

#### **IV. Evaluation Procedure**

19. On 5 April 2024, the Commission received the information from the Superior Council of Magistracy pursuant to Article 12 para. (1) of Law No. 252/2023. The information included the subject to be vetted as a judge of the Central Court of Appeal.
20. On 11 April 2024, the Commission notified the subject and requested that she complete and return an ethics questionnaire and the declarations as provided in Article 12 para. (3) of Law No. 252/2023 within 20 days from the date of notification (hereinafter, both declarations are referred to together as the “five-year declaration”). The subject returned the completed five-year declaration and questionnaire on 30 April 2024.
21. On 13 August 2024, the Commission notified the subject that her evaluation file had been randomly assigned to Panel A with members Andrei Bivol, Lilian Enciu, and Lavly Perling. She was also informed that subjects may request, in writing and at the earliest possible time, the recusal of members from their evaluation.
22. Because the law sets different evaluation periods for the ethical and financial integrity criteria cited above, the Commission evaluated compliance with these criteria over the past five, ten, and 12 years. Due to the end-of-the-year availability of the tax declarations and declarations on wealth and personal interests, the financial criteria evaluation period included 2012-2023 and 2014-2023. The evaluation period for the ethical criterion includes the past five or ten years calculated backward from the date of the notification.
23. In the last 12 years of the evaluation period, the subject had an obligation to submit declarations, both under Law No. 133/2016 on the Declaration of Wealth and Personal Interests, and under Law No. 1264/2002 on the Declaration and Income and Property Control for persons with positions of Public Dignity, Judges, Prosecutors, Civil Servants, positions of Management.

24. The Commission sought and obtained information from numerous sources. No source advised the Commission of later developments or any corrections regarding the information provided. The sources sought to provide information on the subject included the General Prosecutor's Office, the Anti-Corruption Prosecutor's Office, the Prosecutor's Office for Combating Organized Crime and Special Cases, the Ministry of Internal Affairs, the National Anticorruption Center, the National Integrity Authority (hereinafter "NIA"), the State Fiscal Service (hereinafter "SFS"), the National Office of Social Insurance (in Romanian: *Casa Națională de Asigurări Sociale*, hence hereinafter – "CNAS"), the General Inspectorate of Border Police, banks (Energbank JSC, Eximbank JSC, Moldincombank JSC, MAIB JSC, Victoriabank JSC, Banca de Finanțe și Comerț (FincomBank) JSC, OTP Bank JSC, Banca Socială JSC, Banca de Economii JSC), Office for Prevention and Fight Against Money Laundering (in Romanian: *Serviciul Prevenirea și Combaterea Spălării Banilor*, hence hereinafter – "SPCSB"), and the Public Service Agency (hereinafter "PSA"). Information was also sought from other public institutions and private entities, open sources such as social media and investigative journalism reports. Several petitions were received from members of civil society, individuals and other entities. These have been included in the evaluation file. All information received was carefully screened for accuracy and relevance.
25. On 25 September 2024, the Commission asked the subject to provide additional information to clarify certain matters by 6 October 2024 (hereinafter the "first round of questions"). On 4 October 2024, the subject requested an extension to respond, which the Commission granted. The subject provided answers and documents within the extended deadline.
26. On 8 November 2024, the Commission asked the subject to provide additional information to clarify certain matters by 17 November 2024 (hereinafter the "second round of questions"). On 15 November 2024, the subject requested an extension to respond, which the Commission granted. The subject provided answers and documents within the extended deadline.
27. On 18 December 2024, the Commission asked the subject to provide additional information to clarify certain matters by 30 December 2024 (hereinafter the "third round of questions"). On 30 December 2024, the subject requested an extension to respond, which the Commission granted. The subject provided answers and documents within the extended deadline.
28. On 30 January 2025, the Commission notified the subject that it had identified some areas of doubt about the subject's compliance with the

financial and ethical integrity criteria and invited her to attend a public hearing on 11 February 2025. The subject was also informed that the evaluation report may refer to other issues that were considered during the evaluation.

29. As provided in Article 39 para. (4) of the Rules, the subject could have requested access to all the materials in her evaluation file at least seven days before the hearing. However, the subject decided not to exercise this right.
30. On 9 February 2025, the subject submitted additional information and documents. The Commission included them in the evaluation file.
31. On 6 February 2025, Panel A of the Commission held a public hearing. At the hearing, the subject reaffirmed the accuracy of her answers in the five-year declaration and the ethics questionnaire. She also stated that she did not have any corrections or additions to the answers previously provided to the Commission's requests for information. During the hearing, the subject requested that some aspects related to medical matters be examined in closed session, and the panel granted this request.
32. In the deliberation after the hearing, Panel A could not reach unanimity. Therefore, under Article 40 point (3) of the Rules, Panel A referred the evaluation to the Commission. The subject was informed about this and invited to attend a public hearing on 17 February 2025. The Commission also notified the subject that it would begin the hearing with the hearing of her brother in order to clarify certain issues on which the Panel had been unable to reach unanimity.
33. On 17 February 2025, the Commission heard the subject's brother in a closed session and then heard the subject again.

## **V. Analysis**

34. This section discusses the relevant facts and reasons for the Commission's conclusion.
35. The Commission acknowledges that another evaluation procedure was conducted by the Pre-Vetting Commission established under Law No. 26/2022 on Measures related to the Selection of Candidates for the Positions of Members in the Self-administration Bodies of Judges and Prosecutors. The Pre-Vetting Commission applies different criteria under Law No. 26/2022 and makes its own evaluation decisions.
36. Based on the information it collected, the Commission analyzed and, where necessary, requested further clarifications from the subject on the matters



which, upon initial review, raised doubts as to compliance with the criteria established by law:

- a. a potential violation of the regime of incompatibilities;
  - b. a potential ethical breach related to the decisions issued by the subject;
  - c. involvement in cases leading to violations of the European Convention on Human Rights;
  - d. potential difference between the assets, expenses and income (inexplicable wealth) for 2015, 2016, 2018, 2020 and 2021.
37. The issues of potential violation of the regime of incompatibilities and potential ethical breach related to the involvement in a case against the National Bank of Moldova (hereinafter “NBM”) were mitigated before the hearing. The last issue was discussed at the hearing.

#### **Potential violation of the regime of incompatibilities**

38. On 11 September 2024, an attorney submitted a petition alleging that, based on the subject’s declarations of assets and interests for 2022-2023, she violated the legal regime of incompatibilities. The subject was employed by the foreign organization “Deutsche Gesellschaft für Internationale Zusammenarbeit” GmbH based in Kazakhstan and received a financial remuneration. The petitioner claims a violation of Article 8 para. (1) lit. a) of Law No. 544/1995, stating that the office of judge is incompatible with any other paid office or activity, except for teaching, scientific, creative and educational activities, as well as activities in collegial bodies within public authorities or institutions.
39. In answer to the first round of questions, the subject attached the contract with the foreign organization. She was identified as a service provider and an expert to deliver seminars in Tajikistan. The contract explicitly outlined that she was to analyze the current situation and provide recommendations, share best European practices, discuss the experience of administrative courts in the Republic of Moldova, advise Tajik judges on handling administrative cases, and actively participate in discussions to propose solutions.
40. Both the Constitution of the Republic of Moldova and Law No. 544/1995 establish that the position of judge is incompatible with any other paid position or activity except for teaching, scientific, and creative activity.

41. The activities outlined in the contract strongly resemble teaching and educational work, which are explicitly permitted under the law and the Constitution. Neither the law nor the Constitution specifies that these activities must be conducted only within a specific type of institution (e.g. universities or research centers). According to the principle *ubi lex non distinguit, nec nos distinguere debemus*, if the law does not make a distinction, then the interpreter must not introduce one.
42. Therefore, the Commission considers that the activity with the foreign organization does not constitute a violation of the regime of incompatibilities.

#### **Potential ethical breaches related to the decisions issued by the subject**

43. In September 2024, the news reported that the NBM is seeking sanctions against six judges. One of these judges is the subject, and three others have resigned.<sup>1</sup> This concerned a dispute over NBM's efforts to regulate the transparency of actions by the shareholders of Energbank.
44. In January 2019, NBM found that several shareholders acted in concert<sup>2</sup> without prior approval (violating mainly Law No. 202/2017 on the activity of banks). NBM ordered, among other things, that the shareholders should sell their shares within three months. In March 2020, the Chişinău District Court dismissed the shareholders' lawsuit. In December 2020, the Chişinău Court of Appeal annulled the NBM's decision. The Supreme Court of Justice (hereinafter "SCJ") upheld the annulment by a 3-2 vote. In July 2023, the NBM Governor filed a disciplinary complaint, arguing that the decisions of the Court of Appeal and the Supreme Court of Justice harmed banking transparency. The SCM's Disciplinary Board dismissed the complaint in December, having identified no proven misconduct. The Governor appealed, and in September 2024, the SCM granted the appeal, sending the case to the Judicial Inspection for review. The case is pending.
45. According to the ECtHR case law, in cases involving the liability of a judge, a distinction is to be made between a disputable interpretation or application of the law, on the one hand, and a decision or measure which reveals a

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<sup>1</sup> [BNM cere sanctionarea a şase judecători, dintre care trei sunt în demisie onorabilă. CSM a admis o contestaţie şi a reîntors sesizarea la Inspectia judiciară – Ziarul de Gardă](#)

<sup>2</sup> Pursuant to Law No. 202/2017 on the activity of banks, persons acting in concert are persons in a situation where each of them decides to exercise the rights related to a shareholding acquired or to be acquired in accordance with an implicit or explicit agreement concluded between them.

serious and flagrant breach of the law, arbitrariness, a serious distortion of the facts, or an obvious lack of legal basis for a judicial measure, on the other hand. Furthermore, such cases require consideration of the mental element of the alleged judicial misconduct. A good-faith legal error should be distinguished from bad-faith judicial misconduct (*Mnatsakanyan v. Armenia*, 6 December 2022, § 88).

46. The panel of the Chisinau Court of Appeal (which included the subject) determined, among others, that:
  - the NBM's decision was based on conduct that preceded the effect date of the relevant provisions of law;
  - the NBM failed to adequately evaluate shareholders before annulling their rights; and
  - NBM's reasoning was contradictory. The Court of Appeal decision provides detailed reasoning regarding the relevant facts and applicable law.
47. The Commission notes that although the NBM may regard the Court of Appeal decision as controversial, this does not in itself indicate misconduct. A disagreement over legal interpretation is not evidence of judicial wrongdoing. NBM claimed that this decision overturned prior case law. Divergent case law does not *per se* imply misconduct, as complex legal issues can result in conflicting decisions. There was uncertainty about the legislative intent when the Court of Appeals issued its decision, which was confirmed by Parliament, later enacting Law No. 185/2023 on the interpretation of certain provisions of Law No. 202/2017 on the activity of banks.
48. According to the ECtHR standard in *Mnatsakanyan v. Armenia*, judicial liability requires a serious or manifest violation—which is absent here. A good-faith legal interpretation, even if controversial, does not constitute misconduct.

#### **Involvement in cases leading to violations of the European Convention on Human Rights**

49. According to the Government Agent, the subject was involved in four cases against Republic of Moldova which led to the finding of a violation by the ECtHR, *i.e.*:
  - *Girbu v. the Republic of Moldova (dec)*, 4 May 2023;

- *Stoianoglo v. the Republic of Moldova*, 24 October 2023;
  - *E.T. v. the Republic of Moldova*, 12 November 2024;
  - *Prodius & others v. the Republic of Moldova*, 19 October 2021.
50. Under Article 11 para. (2) lit. a) of Law No. 252/2023, a subject does not meet the criterion of ethical integrity if the Commission determined that he or she issued arbitrary acts over the last 10 years, contrary to the imperative rules of the law, and the ECtHR had established, before the adoption of the act, that a similar decision was contrary to the Convention.
51. By judgment No. 2 of 16 January 2025, the Constitutional Court declared the provision as being constitutional. It stated that according to this provision, to determine the arbitrariness of an act issued by a subject, the Evaluation Commission must establish that two cumulative conditions are met. The first condition is that the act in question is contrary to imperative rules of law. The second condition is that, prior to the adoption of the act, the ECtHR had found that a similar decision was contrary to the European Convention on Human Rights.
52. The Constitutional Court also noted that, in order to clarify the meaning of the concept of arbitrary acts, the addressees of the law may take into account, among others, the meaning attributed to this concept by the ECtHR. Thus, for example, in *Bochan v. Ukraine* (No. 2), 5 February 2015, § 62, the ECtHR stated that a judicial decision is arbitrary if, in essence, it has no legal basis in domestic law and does not establish any connection between the facts of the dispute, the applicable law and the outcome of the proceedings. The ECtHR considers such a decision to be a "denial of justice". Furthermore, in *Ballıktaş Bingöllü v. Turkey*, 22 June 2021, § 75, the ECtHR stated that a "manifest error" may be considered to have been committed by a judicial decision if the court has committed an error of law or of fact that no reasonable court could ever have made, and which may disturb the fairness of the proceedings.
53. The Commission notes that, in line with the first condition listed by the Constitutional Court and the provisions of the national laws, the Convention and the ECtHR case law may establish imperative rules for purposes of Article 11 para. (2) lit. a) of Law No. 252/2023. Article 4 of the Constitution provides that wherever disagreements appear between the international conventions and treaties on fundamental human rights to which the Republic of Moldova is a party and its domestic laws, priority shall be given to international law. In addition, in this analysis, the Commission considers

the ECtHR's interpretation of arbitrary acts, as is detailed in the above paragraph.

54. In *Girbu*, the case was settled through a unilateral declaration of the Government. In *Stoianoglo*, the ECtHR found that the applicant's suspension was automatic under national law. Since no legal remedy existed at the time, judges could not be held accountable for the lack of a challenge mechanism. Legislative amendments later addressed the issue. Similarly, in *E.T.*, the problem stemmed from domestic law, which rigidly imposed total incapacitation without considering varying degrees, limiting access to court. Therefore, the following analysis concerns only the *Prodius & others* case.
55. The case of *Prodius & others v. Republic of Moldova* concerns four applications. It relates to the non-enforcement of a final judgment obliging the national authorities to provide the applicants with housing, the insufficient damages awarded by the national courts based on Law No. 87/2011, and the lack of an effective remedy for non-enforcement of final decisions.
56. The subject served on a panel of the Chisinau Court of Appeal that issued a decision on 8 May 2018. This upheld the judgment of the first instance, awarding Mr. Cotovici 3,000 MDL as moral damages and 38,000 MDL as material damages for the non-performance of a court judgment.

#### *ECtHR findings*

57. The ECtHR found a violation of Articles 6 § 1, 13, and Article 1 of Protocol 1. Related to the subject's involvement, the ECtHR found that the amount of non-pecuniary damages was insufficient (see § 50 of the judgment in the case of *Prodius and Others*).

#### *Commission's assessment*

58. The subject was involved as a judge of the Court of Appeal and issued the decision of 8 May 2018, which dismissed the applicant's appeal and upheld the first-instance decision, awarding insufficient damages. The subject's decision falls within the 10-year evaluation period.
59. During the rounds of questions and at the hearing, the subject admitted that the amount offered for moral damages was lower than the amount identified by the ECtHR. She justified this by stating that in assessing the damage, she had considered SCJ's final judgments, in which Mr. Cotovici had been offered identical amounts of compensation for the damage caused by the non-enforcement of judicial decisions. The obligation to consider these final judgments, she said, derives from not only Article 120 of the Constitution but also from Article 123 para. (2) of the Code of Civil Procedure, which

generally provides that the facts established by an irrevocable judgment are binding.

60. Law No. 87/2011, which established a compensatory mechanism for non-enforcement of court decisions, was enacted after the pilot judgment *Olaru and others*, 28 July 2009. In that case, the ECtHR established that there was a systemic issue of non-enforcement or delayed enforcement of court decisions. It required, among other things, the authorities to set up a national compensatory mechanism to redress this issue.
  61. For several years after its adoption, the mechanism instituted by Law No. 87/2011 was considered a new law and a new tool, which the judges were “learning to apply”. SCJ in collaboration with the Governmental Agent even issued a recommendation on just satisfaction (No. 6). Nevertheless, the ECtHR continued to issue judgments, finding that the ECHR was breached because of non-enforcement of final judgments.
  62. The Commission notes that the amounts awarded by the subject for moral damage are lower than those the ECtHR generally awards in similar Moldovan cases (see, among others, *Botezatu v. Moldova*, 14 April 2015, § 42; *Mizernaia v. Moldova*, 25 September 2007, § 32; *Prodan v. Moldova*, § 82). Her decision perpetuated inadequate compensation, undermined the compensatory mechanism of Law 87/2011, and resulted in ECtHR violations.
  63. If the subject genuinely believed that the SCJ’s case law bound her, it may be considered a misinterpretation of legal obligations rather than misconduct. Although the subject may have erred by not aligning moral damages with ECtHR standards, this does not necessarily mean the subject’s decision was so irrational that no reasonable judge could have reached the same conclusion.
  64. Therefore, the Commission did not consider that the circumstances of the subject’s involvement in this case should be considered as a breach of the ethical integrity criterion provided by Article 11 para. (2) lit. a) of Law No. 252/2023.
- **Potential difference between the assets, expenses and income (inexplicable or unjustified wealth) for 2015, 2016, 2018, 2020 and 2021**
65. In analyzing the subject’s financial situation, the Commission preliminarily identified the following differences between income and expenses (negative balance): -58,311 MDL in 2016; -751,911 MDL in 2018 and -42,673 MDL in 2021.

66. In ascertaining the inexplicable wealth, the Commission also analyzed the manner of acquisition of two vehicles, namely a Honda CRV m/y 2009 and a Lexus NX200T m/y 2014. A preliminary analysis has raised doubts about the financial capacity of the subject at the moment of purchase of these cars in 2015 and 2020. The relevant circumstances concerning these acquisitions will be described below, after discussing the inexplicable wealth for the years identified above.
67. For the year 2016, the negative balance occurred as a result of attributing to financial outflows some expenses identified on bank accounts that did not include the transaction description. The subject explained that these transactions were payments for daily expenses. Furthermore, in 2016, the Commission identified approximately 134,000 MDL in potential cash expenses, excluding the CEP, compared to approximately 109,000 MDL cash available. The Commission excluded these expenses to avoid double-counting daily expenses as estimated by the CEP.<sup>3</sup> Excluding these expenses removed the concerns about a potential negative balance for 2016.
68. For the year 2021, the Commission attributed to the financial outflows the deposits identified on accounts belonging to the subject's son. The subject explained that her son provided tutoring services that generated income and that she and her son received financial support from the child's father. During the rounds of questions, the subject presented advertisements published by her son confirming that he provided such services. In addition, before the hearing, the subject submitted a statement signed by her son providing a list of 30 individuals to whom he provided tutoring services. The subject's son explained that he received either P2P transfers from the students or their parents for the services, but most often, he received cash and deposited it into his bank account.
69. Nevertheless, no such income was declared to tax authorities, and only minor sums were transferred to the son's accounts from identified third parties, which the Commission did not attribute to the subject's outgoing financial flows. The Commission cannot accept that income of approximately 56% of the national average income in 2021 originated from undeclared tutoring activities. Regarding the explanation that the subject's son received financial support from his father, the Commission could not

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<sup>3</sup> In estimating a subject's expenses related to daily maintenance, as per point 3.5 of the Annex to the Rules, the Commission employs the National Bureau of Statistics' estimations of Consumption Expenditures for Population ("CEP") to quantify expenditures for daily (non-declared) expenses



identify sufficient income for the child's father to carry out such payments. Accordingly, the Commission retained doubts about the negative balance in this year.

70. As can be observed, the most significant deficit was recorded in 2018. This was due to the allocation of certain expenses related to the purchase of an apartment that year. Therefore, the Commission will describe the circumstances and conclusions associated with the procurement of the apartment below.

*Procurement of the apartment in 2018*

71. On 2 October 2018, the subject's mother registered ownership over an apartment on Lev Tolstoy Street. According to the sales-purchase contract dated 8 August 2018, the apartment was acquired for 973,500 MDL. The subject's mother also acquired a non-residential property of approximately five sq. m. at the same address for 30,266 MDL. In the first round of questions, the subject described this as a deposit annexed to the apartment. Accordingly, in August 2018, the subject's mother would have expended at least 1,003,766 MDL.
72. According to the subject's 2021 – 2023 annual declarations, she has had habitation rights at this apartment since 2021. In the first round of questions, the subject confirmed that she resided in the apartment for 3 months in 2019, 4-5 months in 2020, 8-9 months in 2021, 9-10 months in 2022, and 5-6 months in 2023.
73. Additionally, the subject stated in the five-year declaration that, in 2022, she rented a parking space at the same address. Furthermore, in 2023, the subject held contracts for telecommunication services for the apartment.
74. In evaluating the subject's financial integrity, Article 11 para. (5) of Law No. 65/2023 directs the Commission also to consider the wealth, expenses, and income of close persons, as defined in Law No. 133/2016 on the declaration of wealth and personal interests, as well as the persons indicated in Article 33 paras (4) and (5) of Law No. 132/2016 regarding the National Integrity Agency. Under Article 33 para. (5) of Law No. 132/2016, if it appears that the assets of the subject have been registered in the name of other persons, the control will also extend to these assets and persons. If the subject possesses assets based on a free-of-charge lease, the control will also extend to the person who provided the goods free of charge.
75. Given the subject's extensive use of property, the Commission inquired about the sources of funds for its acquisition. In the first round of questions,



the subject stated that her mother contributed about 11-12,000 EUR, her brother contributed about 30,000 EUR, and her aunt contributed about 9-10,000 USD.

76. **Mother's financial capacity.** In the period 2007 – August 2018, the subject's mother received social security payments of 144,004 MDL. According to her tax records, no other sources of income could be identified.
77. On 19 January 2007, she received 108,756 MDL from the sale of property in Cahul inherited from her brother in 2007. The apartment in Chisinau was purchased only in 2018. However, during the rounds of questions and hearings, the subject explained that her mother and her aunt intended to buy an apartment in Chisinau after their brother's death. Based on these explanations, the Commission accepts that the money from the 2007 apartment sale was kept for this purpose.
78. Throughout prior rounds of questions and during the pre-vetting process, the subject consistently stated that her mother sold goods at the local market in Carpineni village until 2013. The Commission could not identify any entrepreneurial patents in the subject's mother's name valid within the evaluation period. In the pre-vetting process, the SFS identified only the existence of a single entrepreneurial patent valid for September – November 1999. The Mayor of Capineni stated that the subject's mother was active at the local market from 1999 – 2013 but could not produce any entrepreneurial patents or confirmatory documentation.
79. The subject could not provide any evidence or corroboration regarding the amount of funds received from her mother's activities at the local market. No significant bank deposits or other ancillary evidence have been produced.
80. Considering these facts, the Commission concluded that the subject's mother's activities at the local village market most likely could not contribute significantly to the apartment purchase in 2018.
81. According to data from Energbank, Victoriabank and MICB, in the period 2013 – August 2018, the subject's mother received 6,800 EUR and 500 USD (total 154,803 MDL) from her sister.
82. Further, the subject submitted cash withdrawal receipts from OTP Bank confirming that her mother received 5,300 EUR (117,189 MDL) from an unidentified third party, transferred through an Italian bank. Although the sender of these funds is not identified, the subject's brother A.B. uses this bank, as shown by a bank statement for A.B.'s account. These facts are consistent with A.B. transferring the funds to his mother.

83. However, the Commission doubted that all 5,300 EUR received from her son could have been used to purchase the apartment in 2018. Doubts arise from the fact that, in the period November 2018 – October 2019, according to data from MAIB, the subject's mother repaid a loan contracted by A.B, transferring 6,500 MDL to 7,200 MDL monthly (80,141 MDL total) to the creditor. During his examination, the subject's brother explained that it was a leasing contract through which he purchased agricultural equipment.
84. From August 2018 – October 2019 (from the date of the apartment purchase and repayment of the A.B.'s loan), the subject's mother received 23,041 MDL as social security and 1,250 EUR (24,724 MDL) from her sister. The CEP, calculated according to a household of one in rural settings, amounted to 34,653 MDL. Accordingly, of the sum received from her son in 2016, the subject's mother would need to retain some 67,000 MDL to repay her son's loan (24,724 + 23,041 – 34,653 – 80,141 MDL).
85. The foregoing suggests that, including all provable receipts of funds from the mother's son and sister, the mother could have had at her disposal no more than 233,243 MDL (12,172 EUR) in August 2018.

*Table of financial flows available to the subject's mother in the period 2007 – August 2018.*

Incoming financial flows MDL		Outgoing financial flows MDL	
Social security 2007 – August 2018	144,004	CEP	224,508
Sale of property January 2007	108,756	Savings in order to repay the subject's brother loan	67,000
International transfers from the subject's aunt 6,800 EUR and 500 USD	154,802		
International transfers from the subject's brother (5,300 EUR)	117,189		
<b>Total</b>	<b>+524,751</b>		<b>-291,508</b>
<b>Difference</b>	<b>+233,243</b>		

86. **Aunt's alleged contribution.** As established above, the subject's aunt provided the equivalent of 154,802 MDL (6,800 EUR and 500 USD) to the

subject's mother. These amounts have been confirmed and considered. Throughout the rounds of questions, the subject asserted that her mother received an additional 2,000 – 3,000 EUR from her sister in cash for the acquisition of the apartment.

87. In support of these contentions, the subject stated that her aunt has been a resident in the Russian Federation and worked there for an extended period. The subject provided the following documents in support of her aunt's contribution of funds:

- (1) a declaration signed by the aunt on 26 September 2022, echoing the subject's statements.
- (2) the aunt's work permit within the Russian Federation.
- (3) Russian Bank statements, alleged by the subject to confirm the aunt's availability of funds. However, these bank statements lack transaction descriptions or designations of whether identified amounts are deposits or withdrawals. Most significantly, they do not show withdrawal of funds before they entered into the Republic of Moldova. If the sums in said bank statements represent deposits, which is unclear, they only demonstrate that the aunt received 475,476 RUB (approximately 6,450 EUR) throughout 2018.

88. Accordingly, the documents presented by the subject do not establish the aunt's withdrawal of significant funds before August 2018. They also do not show any living expenses or other personal expenses that the aunt incurred. Therefore, the Commission could not accept the subject's contentions regarding her mother's receipt of an additional 2,000 – 3,000 EUR in cash from subject's aunt.

89. **The contribution of the subject's brother.** As established above, the subject's brother transferred 5,300 EUR to his mother in 2016. These amounts have been confirmed and considered. However, the subject argued that her brother contributed an additional 30,000 EUR to the purchase.

90. In response to repeated requests to substantiate her brother's contribution to the apartment purchase in question, the subject provided a document from the Italian Social Security Institute proving that her brother received 220,847 EUR in salary payments between 2005 and 2018.

91. The day before the hearing, the subject provided her brother's bank statement from an Italian Bank for the last 10 years. According to the subject, her brother could not acquire this document earlier because he was in the

Republic of Moldova and traveled to Italy specifically to obtain this document. The subject's statements about the brother's travel to Italy to acquire this statement are corroborated by her brother's crossing of the state border on 4 February 2025 using the Chisinau airport (flight Chisinau-Bologna) and his re-entry on 11 February 2025.

92. According to the bank statement, three years and seven months before the purchase of the apartment, the subject's brother received EUR 86,500 in salary payments and withdrew EUR 44,550 in cash, of which EUR 32,670 was withdrawn in amounts greater than EUR 200.
93. The same bank statement presents sufficient data on living expenses, including daily and rent expenses. This document reflects 25,241 EUR in daily expenses between 1 January 2015 and 1 August 2018, or 29% of income in this period. This document also reflects 21,141 EUR in rent expenses between 1 January 2015 and 1 August 2018, or 24% of his total income.
94. In addition, the subject's brother provided estimates of 200 EUR per month for his daughter's maintenance as of 2016, which has been paid in cash since 2016, resulting in approximately 6,400 EUR from 1 January 2016 to 1 August 2018. Also, during his examination, the subject's brother stated that he had no major acquisitions, such as real estate, in Italy or the Republic of Moldova.
95. Therefore, the Commission accepted the evidence of the availability of at least 26,270 EUR (32,670 - 6,400 EUR) by August 2018 if it considered only the cash withdrawn in amounts greater than 200 EUR. However, if the total amount of cash withdrawn is considered, the subject's brother would have EUR 38,150 (EUR 44,550 - 6,400) available by August 2018.
96. According to the document provided by the subject from the Italian Social Security Institute, the subject's brother received a further 123,244 EUR in salary payments prior to 2015. Accordingly, the Commission considers it possible that additional cash savings would have existed until 2015.
97. Considering the submitted documents reflecting the brother's lifestyle, including payments for daily living expenses, rent, and financial support for his child, as well as data on cash withdrawals before the purchase in question, the Commission considers that the subject's brother's funds are substantiated.
98. **Conclusion regarding the purchase of the apartment and inexplicable wealth for 2018.** The Commission considered the explanations the subject and her brother gave regarding the arrangements for the apartment purchase. According to them, their mother, who lived in a rural setting,

needed care due to her age and health. Therefore, the acquisition of an apartment was based on the intention that the subject's mother would move from the countryside to the city so that the subject could live with her and take care of her due to her age and health.

99. Therefore, the brother's contribution to the purchase of the apartment is not unreasonable and the Commission accepted as likely that the subject's brother contributed to the purchase of the apartment.
100. It follows that, as established at §§ 76 – 85, the Commission found that the subject's mother could have contributed some 12,000 EUR to the purchase of the apartment in question, whereas the subject's brother could have contributed at least 30,000 EUR. Nevertheless, doubts remain about the provenance of some 8,000 EUR when the property was acquired. This amount represents the difference between the total purchase price of the apartment and the legitimate sources of funding identified.
101. In this regard, the Commission notes that the subject has used the property until now, and it is possible that she contributed funds to its acquisition. Given the available information, the Commission could not reach a definitive conclusion as to whether the subject contributed approximately 8,000 EUR. At the same time, the Commission acknowledges that now determining the contributions of multiple family members involves approximations, and it is possible the brother contributed more than the sum he initially estimated of 30,000 EUR, as he had the means to do so. The Commission identified a negative balance between financial flows of approximately -751,000 MDL in 2018. Considering the established contribution of at least 30,000 EUR (585,000 MDL) by the subject's brother to the acquisition of this apartment, the subject's inexplicable wealth for 2018 is reduced to at most 166,000 MDL (751,000 – 585,000).
102. If the subject were not considered to have participated in the apartment's acquisition, she would have a positive balance between financial flows of approximately +18,000 MDL.

*Doubts regarding the acquisition of two vehicles*

*Acquisition of a Honda CRV m/y 2009*

103. In 2015, the subject purchased a 2009 Honda CRV for 175,000 MDL and registered her ownership of this vehicle on 3 February 2015.

104. According to the Commission's preliminary calculations, the subject would have had available only 156,490 MDL to carry out expenses of 177,772 MDL (175,000 MDL purchase price and 2,772 MDL in ancillary payments).
105. In the third round of questions, the subject did not contest the Commission's overview of figures. Additionally, the subject argued that she often relied on close acquaintances or friends for short-term loans for certain purchases (the subject referred to procuring an oven, a washing machine, and a television), with repayment soon after. She argued that this may have been the case with the Honda CRV. This raised doubts within the meaning of Article 11 para. (4) lit. (c) of Law 252.
106. According to point 3.1 of Annex 1 to the Rules, the fiscal year is the implicit period for calculating inexplicable wealth. However, the period may be shortened in the event of certain irregularities throughout the calendar year. Accordingly, the lack of funds for expenses incurred until 3 February 2015 may also amount to a difference between wealth, expenses, and income within the meaning of Article 11 para. (3) lit. (a) of Law 252/2023. At the same time, given the small deficit, the Commission also considered the subject's argument that she could take small loans from colleagues or close persons.
107. Even if the potential identified a deficit of 21,282 MDL for the purchase of the car in February 2015 were treated as inexplicable wealth, together with the misbalance noted at §69 & §101 above, it would not exceed the threshold of 234,000 MDL under Article 11 para. (3) lit. a) of Law No. 252/2023.

*Acquisition of a Lexus NX200T m/y 2014*

108. In 2020, the subject purchased the vehicle model Lexus NX200T m/y 2014 for 250,000 MDL. She registered her ownership of this vehicle on 2 September 2020. The sales-purchase contract for the subject's acquisition of the Lexus is also dated 2 September 2020. Shortly thereafter, on 12 September 2020, the subject incurred repair expenses of 21,500 MDL.
109. According to the Commission's preliminary calculations, by 12 September 2020, the subject had available a total of 187,645 MDL in cash from cash withdrawals, salary payments from the NIJ in cash, and cash savings.
110. However, by 12 September, the subject already would have incurred cash expenses totaling 309,362 MDL (of which 271,500 MDL was spent for the acquisition and final repairs of the Lexus NX200T and the remaining 37,862 MDL represent other expenses identified by the Commission and not challenged by the subject). Thus, the subject did not have sufficient cash

amounting to approximately 121,717 MDL (309,362 – 187,645) to carry out her acquisition of the Lexus NX200T.

111. Of further consideration is that the sales-purchase contract of 2 September 2020 included the typical statement for such agreements: the seller transmitted the vehicle to the buyer's possession, and the buyer received this vehicle and provided payment. While such a statement is standard for sales-purchase contracts for vehicles, it legally shielded the subject from further obligations to the seller.
112. In the second round of questions, the subject stated that she did not pay the full price of this vehicle when she concluded the sale-purchase contract on 2 September 2020. The subject stated that on 2 September 2020, she paid approximately 80,000 MDL to the former owner of the Lexus. The subject stated that only after selling the vehicle model Honda CRV, on 16 October 2020, did she transfer the remainder of approximately 170,000 MDL.
113. Indeed, the subject sold the vehicle model Honda CRV m/y 2009 on 16 October 2020, over six weeks after the subject acquired the Lexus. The subject attached a declaration signed by a D.R., dated 22 November 2024. According to this declaration, D.R. offered logistic support to his godson (V.B.), the then-owner of the Lexus NX200T, in selling this vehicle in the summer of 2020. D.R. stated that he agreed with the subject for the vehicle's procurement. Because the car had technical defects, it required repairs and was handed to a limited liability company operating on the car repairs market managed by D.R.
114. D.R. also stated that his godson had to go abroad and accepted the premature signing of the contract, with the condition of the advance payment of around 80,000 MDL as convened. D.R. also stated that as the Lexus was undergoing repairs, he provided consultations and support to the subject in selling the vehicle model Honda CRV. The remaining sum for the Lexus was paid after the sale of the Honda CRV.
115. In the third round of questions, the subject also provided a declaration signed by V.B., generally confirming the above events.
116. The Commission considered the subject's explanation that the Lexus was fully paid for only after the Honda was sold and that the seller accepted such payment. This was supported by declarations from D.R. and V.B., who stated that the sale was initially agreed upon with an advance payment of 80,000 MDL. The Lexus needed repairs at the time of purchase, which is confirmed



by a repair receipt dated after the sale. The seller's representative also helped facilitate the sale of the Honda CRV, which seemed to act as collateral.

117. Accordingly, this transaction appears to have been structured around good-faith negotiations and mutual understanding rather than financial impropriety. The subject and the seller (V.B., represented by D.R.) had the right, under the freedom of contract, to structure the payment in a way that suited their mutual interests.
118. In this regard, the Commission considers that it is most likely that the subject's ability to pay was anticipated and later fulfilled, thus indicating sound financial planning rather than misconduct. As a result, doubts about the Lexus acquisition have been mitigated.

*Conclusion regarding inexplicable wealth*

119. In light of the above, the Commission established that the subject incurred an inexplicable wealth of -42,673 MDL due to the misbalance of financial flows in 2021. If the subject participated in the acquisition of the Lev Tolstoy apartment in 2018 by providing the remainder of 8,000 EUR (166,000 MDL), the total inexplicable wealth incurred by the subject amounts to -208,673 MDL.
120. Identified inexplicable wealth:

Year	Inexplicable wealth
2018	-166,000 MDL (unsubstantiated payments for the apartment as described in §§ 101-102)
2021	-42,673 MDL (identified deposits on accounts belonging to the subject's son, as described in §§ 68-69)
<b>Negative balance</b>	<b>-208,673 MDL</b>

121. Should the Commission also consider the potential misbalance of funds identified in the subject's acquisition of vehicle model Honda CRV m/y 2009, regarding which there is some uncertainty as relayed at § 106, the negative balance incurred would still amount to only -229,955 MDL.
122. Thus, if all the identified negative cash flow was treated as inexplicable wealth, it does not exceed the threshold of 234,000 MDL, as mentioned in Article 11 para. (3) lit. a) of Law No. 252/2023.



## **VI. Conclusion**

123. Based on the information it obtained and that presented by the subject, the Commission proposes that the subject promotes the external evaluation made according to the criteria set in Article 11 of Law No. 252/2023.

## **VII. Further action and publication**

124. As provided in Article 40 point. (4) of the Rules, this evaluation report will be emailed to the subject and the Superior Council of Magistracy. The Commission will publish the evaluation's result on its official website the same day.
125. No later than three days after the approval, a printed paper copy of the report, electronically signed by the Chairperson, will be submitted to the Superior Council of Magistracy, along with the original electronic copy of the evaluation file containing all the evaluation materials gathered by the Commission.
126. This report will be published on the Commission's official website, with appropriate precautions to protect the privacy of the subject and other persons, within three days after the expiry of the appeal period against the decision of the Superior Council of Magistracy or after the Supreme Court of Justice issues its decision rejecting the appeal or ordering the promotion or non-promotion of the evaluation.
127. This evaluation report was approved by unanimous vote of the participating members on 2 April 2025 and signed pursuant to Article 8 para. (1) and (2) of Law No. 252/2023.
128. Done in English and Romanian.

Scott Bales

Chairperson