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# EVALUATION REPORT

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

**SILVIA CECAN**

judge of the Central Court of Appeal

subject of evaluation under Article 3 para. (1) Law No. 252/2023

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22 April 2025

## Contents

<b>I. Introduction.....</b>	<b>3</b>
<b>II. Subject of the Evaluation.....</b>	<b>3</b>
<b>III. Evaluation Criteria.....</b>	<b>4</b>
<b>IV. Evaluation Procedure.....</b>	<b>6</b>
<b>V. Analysis.....</b>	<b>8</b>
A. Compliance with the wealth and personal interests declaration regime	9
B. Inexplicable wealth (2016, 2020, 2021, 2022).....	12
<b>VI. Conclusion.....</b>	<b>25</b>
<b>VII. Further action and publication .....</b>	<b>25</b>

Evaluation Panel B of the Commission (hereinafter 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 5 February 2025 and approved the following report on 22 April 2025. The members participating in the approval of the report were:

1. Scott BALES
2. Willem BROUWER
3. Iurie GAȚCAN

Based on its work in collecting and reviewing the information, the subject’s explanations and its subsequent deliberations, the Commission prepared the following evaluation report.

#### **I. Introduction**

1. This report concerns Mrs. Silvia Cecan (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 does not meet the criteria identified in Law No. 252/2023 for financial integrity.

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

4. The subject has been a Central Court of Appeal judge since 2014. This court was known as the Chișinău Court of Appeal until it was renamed on 27 December 2024.
5. On 21 November 2012, the subject was appointed as judge at the Bender Court of Appeal. Between 2009 and 2012 she was a judge at the Bender Court. On 1 February 2006 the subject was appointed as judge at the Fălești Court. Between 2003 and 2006, the subject was a prosecutor in Anenii-Noi Prosecutor’s Office. Between 1999 and 2003, the subject worked as assistant prosecutor in the Căușeni, Tighina and Anenii-Noi Prosecutor’s Offices.
6. The subject received a bachelor’s degree in law in 1999 from Alecu Russo State University of Bălți.

**III. Evaluation Criteria**

7. Under Article 11 para. (1) of Law No. 252/2023, the Commission evaluates the subject's ethical and financial integrity.
8. 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."
9. 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."
10. 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 Judge;
  - 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.

11. 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.
12. 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.
13. 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.
14. In assessing a subject's compliance with the ethical and financial integrity criteria, the Commission applies the rules and legal regime that were in effect when the relevant acts occurred.
15. 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. According to 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.
16. Regarding the standard of "serious doubts" in the context of the vetting exercise, the Constitutional Court noted with reference to its previous decisions 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).

17. 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**

18. 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 as a Central Court of Appeal judge.
19. 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 referred together as the “five-year declaration”). The subject returned the completed five-year declaration and questionnaire on 30 April 2024.
20. On 13 August 2024, the Commission notified the subject that her evaluation file has been randomly assigned to Panel B with members Scott Bales, Iurie Gațcan and Willem Brouwer. She was also informed that subjects may request, in writing and at the earliest possible time, the recusal of members from their evaluation.
21. 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.
22. 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. The subject’s spouse also had an obligation to submit declarations in the last 8 years of the evaluation period.
23. 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 asked 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 General Inspectorate of Border Police, banks (Energbank JSC, Eximbank JSC, Moldinconbank JSC, MAIB JSC, Procredit Bank JSC, BCR Chișinău 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 obtained from other public institutions and private entities, open sources such as social media and investigative journalism reports. No complaints or information were received from civil society. All information received was carefully screened for accuracy and relevance.

24. On 27 September 2024, the Commission asked the subject to provide additional information by 8 October 2024 to clarify certain matters (hereinafter the "first round of questions"). On 4 October 2024, the subject requested an extension. On the same day, the Commission granted an extension until 15 October 2024. The subject provided answers and documents within the extended deadline.
25. On 12 November 2024, the Commission asked the subject to provide additional information by 21 November 2024 to clarify certain matters (hereinafter the "second round of questions"). The subject provided answers and documents within the deadline. On 25 November 2024, the Commission asked the subject to provide an answer until 29 November 2024 to the question relating to her and her family members vacations trips, which she previously omitted to do. The subject provided answers and documents within the deadline.
26. On 6 December 2024, the Commission asked the subject to provide additional information by 15 December 2024 to clarify certain matters (hereinafter the "third round of questions"). On 12 December 2024, the subject requested an extension. On the same day, the Commission granted an extension until 22 December 2024. The subject provided answers and documents within the extended deadline.

27. On 24 January 2025, the Commission notified the subject that it had identified some areas of doubt about the subject's compliance with the integrity criteria and invited her to attend a public hearing on 5 February 2025. The subject was also informed that the evaluation report may refer to other issues that were considered during the evaluation.
28. As provided in Article 39 para. (4) of the Rules, the subject sought and was provided access to all the materials in her evaluation file on 30 January 2025.
29. On 27 January 2025, the subject submitted a request to hold the hearing in a closed session. The subject did not present any arguments in favor of her request to hold the whole hearing in closed session. In case of a refusal she requested that only the issues relating to vehicles owned/used by her and her husband, mutual payments for bank loans, common vacations, and official residence at the same address be discussed in a closed session. She reasoned that these matters involve private life aspects. By a decision of 28 January 2025, the Commission granted the request and determined to conduct part of the hearing in a closed session.
30. On 4 February 2025, the subject submitted additional information and documents. The Commission included them in the evaluation file and considered them in its analysis.
31. On 5 February 2025, 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.
32. After the hearing, on 6 February 2025, the subject submitted additional explanations, rectifying an answer given during the hearing. The Commission included them in the evaluation file and considered them in its analysis.

## **V. Analysis**

33. This section discusses the relevant facts and reasons leading to the Commission's conclusion.
34. 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. compliance with the wealth and personal interests declaration regime;

b. inexplicable wealth (2016, 2020, 2021, 2022).

**A. Compliance with the wealth and personal interests declaration regime**

35. The Commission identified seven non-declarations that could have constituted potential breaches of the NIA declaration regime.

*The first instance of non-declaration*

36. According to the information obtained by the Commission, in the period 2013-2016 the subject and I.C. (her husband since mid-2020) were registered as the secondary beneficiary of the mandatory liability insurance policy for several vehicles.

No.	Vehicle	Insurance period	Declaration period
1.	BMW 320D	26.04.2013-25.04.2014	2013
2.	Lexus RX300, m/y 2004	04.09.2015-16.01.2020	2015-2018
3.	Volvo XC90, m/y 2004; I.C. had the usufruct right - (vehicle owned by I.C.'s father)	21.05.2015-06.09.2019	2015-2019

37. The Commission notes that the subject did not declare in her annual declarations to NIC/NIA a right of use over these vehicles. Although the liability insurance policy registered for the last vehicle expired on 6 September 2019, the Commission identified several payments at gas stations made by the subject during the 2019-2020 years. In the third round of questions, the subject acknowledged that she used the Volvo XC90, m/y 2004 several times in the period 2015-2019. Therefore, the subject had the obligation to declare its use, including for the year 2019.

*The second instance of non-declaration*

38. Examining the 2012-2015 annual declarations submitted to NIA, the Commission identified the following undeclared bank accounts owned by the subject:

No.	Bank account	date open	date closed
1.	MAIB, No.....659	3 December 2009	10 January 2019
2.	MAIB, No.....766	18 July 2014	n/a
3.	MAIB, No..... 164	23 June 2014	n/a
4.	MAIB, No..... 316	19 March 2015	n/a
5.	VICB, No.....505	28 February 2013	23 August 2023

39. The National Integrity Commission (hereinafter “NIC”) also found in 2015, when verifying the subject's declaration of wealth and personal interests for 2013, that she did not declare three bank accounts, and additionally, a commercial building and the share capital in an LLC, both owned by her ex-husband I.V. NIC found that there were no circumstances that would lead to an intentional breach of the legal regime of the declaration and consequently closed the verification.

*The third instance of non-declaration*

40. In response to the first round of questions, the subject identified her residences in each year of the period of evaluation. Between February 2013 - March 2017, she lived in an apartment in Chişinău on Busuioceşti Street. She clarified that she did not pay rent and lived in the apartment on the condition that she pay the utilities. The subject did not declare in 2013-2016 her right of habitation in the mentioned apartment.

*The fourth instance of non-declaration*

41. On 1 February 2013, the subject received 500 EUR donations from her brother S.G. This was to support her during her divorce. The subject admitted she did not include this income in her 2013 annual declaration to NIC.

*The fifth instance of non-declaration*

42. On 11 September 2015 the subject received agricultural land (around 3 ha) from her mother by donation. In her 2015 annual declaration, the subject did not declare the donation. The subject contended she had to declare the donation only after the registration of the ownership right over the immovable property. The property rights were registered on 27 June 2016. Although the donation was not declared in 2015, the land was declared in 2016.

*The sixth instance of non-declaration*

43. In her 2015 and 2016 annual declarations, the subject indicated a loan of 10,000 EUR contracted in June 2015 from an individual without providing all details. In response to the first round of questions, the subject answered that she received from L.C. 10,000 EUR in cash for a 5-year period, at zero interest rate. The subject clarified that the loan was fully repaid until 19 July 2020, in five instalments (2016 – 15,000 MDL; 2017 – 5,000 MDL; 2018 – 5,000 MDL; 2019 – 20,000 MDL; 2020 – 155,000 MDL).
44. The subject did not declare the loan in 2017-2019. In response to the third round of questions, the subject admitted she did not include this in her

annual declaration for those years. She added that the declarations in 2015-2016 proved she did not intend to conceal the loan.

*The seventh instance of non-declaration*

45. In response to the first round of questions, the subject declared that on 16 January 2023 her husband received 800 USD by bank transfer from his sister, who is living abroad. She added that this was a gift for the winter holidays. In response to the third round of questions, the subject reiterated that this was a gift and according to Article 4 para. (3) of the Law No. 133/2016, “gifts received by the subject of the declaration free of charge from family members, parents, brothers, sisters or children, the cumulative value of which does not exceed 10 average salaries per economy in the course of a year, are exempt from the declaration”.

*Commission’s findings*

46. The Commission notes that only the first (as concerns not declaring the use of Volvo XC90, m/y 2004 in 2019), the sixth (not declaring the loan in 2019) and seventh (the donation of 800 USD) non-declarations fall within the 5-year term provided by Article 11 para. (2) lit. a) of Law No. 252/2023. The Commission considered them from an ethical perspective.
47. In relation to the first and sixth non-declarations, according to Article 4 para. (1) lit. b) and e) of Law No. 133/2016, the subject was obliged to declare the debts in the form of loans and the use of vehicle.
48. In relation to the seventh non-declaration, according to Article 4 para. (1) lit. a) of Law No. 133/2016, the subject was obliged to declare the income (including the monetary donations) obtained by her and her family members in the previous fiscal year. The Commission notes that the legislator did not include “brothers-in-law/sisters-in-law” in the list from Article 4 para. (3) of Law No. 133/2016. Thus, even if applicable, this normative exception would not be applied in relation to the subject but only to her husband. At the same time, Law No. 133/2016 does not contain a provision as did Law No. 1264/2002 (version in force until 1 March 2012), which stated in its annex that “the owners of joint property submit a single declaration, the others referring to it”.
49. Monetary donations do not fall within the definition of “gifts” from Article 4 para. (3) of Law No. 133/2016. This was also confirmed in a letter by NIA to the Commission. Therefore, the 800 USD had to be declared by the subject in Chapter II, p. 5 of the declaration as income obtained from donations.

50. Law No. 133/2016 aims to establish measures to prevent and combat unjustified enrichment. In this regard, the Commission does not see how the above non-disclosures would have infringed the purpose of the law or otherwise endangered the public interest.
51. In this case, the Commission does not find that these formal breaches represent serious ethical breaches that would lead to the subject's non-promotion, according to Law No. 252/2023.

## **B. Inexplicable wealth (2016, 2020, 2021, 2022)**

### *Methodology in assessing of the subject's inexplicable wealth*

52. In its preliminary analysis, the Commission established an inexplicable wealth for the years 2016, 2017, 2018, 2020, 2021 and 2022. For each year within the evaluation period, the Commission attributed to the subject's living costs either the Consumption Expenditure for Population (hereinafter "CEP")<sup>1</sup> expenses, as per point 3.5 of the Annex to the Rules, or the retail expenses paid by card, selecting in each case the higher amount. The above approach reflects the Commission's concern to avoid any duplication in the

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<sup>1</sup> The Commission uses the NBS' estimations of consumption expenditure for the population ("CEP") to quantify expenditures on essential (non-declared) expenses. The CEP was chosen particularly due to the NBS' reliance on surveys of real expenses incurred by randomly selected individuals surveyed. Accordingly, the CEP provides reliable data on the annual expenses incurred according to demographic background, size of the household and geographic location (urban/rural).

The CEP for any year between 2006-2018 is calculated based on NBS methodology, available on the NBS website here: [Consumption expenditures average monthly per capita by Years, Expenditure group, Area, Children in household and Unit. PxWeb \(statistica.md\)](#). This link is reached from the home page of the NBS website following these steps (tabs): - Statistics by theme – Society and social conditions - Living standard of population - Stat bank - Population expenditure – Discontinued series - Household expenditures (2006-2018, based on resident population) - Consumption expenditures of population by purpose of expenditures, number of children in household and area, 2006-2018.

On the above link, the following variables were selected: Year - Consumption expenditures total – Area (Urban/Rural) – Number of children (if no children, without children is chosen) – Lei, average monthly per capita for one person. The generated result was multiplied by the number of family members and then was further multiplied by 12 calendar months.

The CEP for any year between 2019-2022 is calculated based on NBS methodology, available on the NBS website here: [Consumption expenditures average monthly per capita by Years, Expenditure group, Area, Children in household and Unit. PxWeb \(statistica.md\)](#). This link is reached from the home page of the NBS website following these steps (tabs): - Statistics by theme – Society and social conditions - Living standard of population - Stat bank - Population expenditure - Consumption expenditures of population by purpose of expenditures, number of children in household and area, 2019- 2023.

On the above link, the following variables were selected: Year - Consumption expenditures total – Area (Urban/Rural) – Number of children (if no children, without children is chosen) – Lei, average monthly per capita for one person. The generated result was multiplied by the number of family members and then was further multiplied by 12 calendar months.

living costs in cases where both CEP and retail expenses are included in the outgoing financial flow.

53. According to the Commission's calculations, the difference between the income and the expenses (negative balance) in these years was -691,334 MDL (2016: -69,669 MDL; 2017: -23,221 MDL; 2018: -23,386 MDL; 2020: -227,918 MDL; 2021: -296,720 MDL; 2022: -50,420 MDL).
54. Considering the explanations provided by the subject before the hearing and reiterated during the hearing, the Commission adjusted its approach.
55. In determining wealth discrepancies for the evaluation of subjects, the Commission employs different methods to assess lifestyle expenditures and identify imbalances. These methods are applied on a case-by-case basis depending on the types of expenditures (cash/ATM withdrawals, retail bank payments,) depending on their amounts compared to CEP, and the concern to avoid double counting.
56. In reply to the third round of questions, regarding the sources of funds, the subject was asked to justify the negative balance identified by the Commission. She contended that not all the retail expenses/payments by card identified by the Commission from her bank accounts should be included in the outgoing financial flow.
57. She explained that starting with 2018 she incurred expenses of -6,000 MDL per month related to her mother (-72,000 MDL annually). The subject initially paid these expenses by card. Subsequently her brothers, who are living abroad and are personally unable to care for their mother, reimbursed her annually +48,000 MDL in cash. She argued that these expenses should be excluded from the retail expenses category, or, if not accepted, it should be included as a separate income. In addition to her explanations, the subject provided the written explanations of her brothers, confirming the above. The subject did not present any other supporting documents that would confirm the reimbursement by her brothers or that would allow the identification of the expenses from her bank account made for the benefit of her mother.
58. Nonetheless, the Commission accepted the subject's explanation and included in the outgoing financial flow -24,000 MDL (i.e. one third from the declared by her 6,000 MDL per month, the other two thirds being reimbursed by the subject's brothers as per her explanations), as subject's expenses related to her mother, made by card payment, for each year within evaluation period, starting with 2018.

59. At the same time, the subject mentioned that from the total amount of her husband I.C.'s retail expenses for 2020 and 2021 should be excluded the amounts of 8,980.44 MDL and 6,339.68 MDL which were included in repair and furnishing expenses. This was accepted by the Commission.
60. She also argued that I.C.'s 36,000 MDL, as financial support to children for 2021 and 2022, should be considered as being included in the amount of his retail expenses for the corresponding years, as his support was via payment for the necessary goods for his children, by card, contrary to her reply to the first round of questions where she explained that I.C. was paying monthly the amount of 3,000 MDL for the benefit of his minor children, and also buying clothes and medicine when needed.
61. Despite the inconsistencies in the subject's replies, the Commission accepted her explanation and considered the financial support from I.C. to his children of 3,000 MDL per month, from the retail expenses identified on his bank accounts.
62. Given the adjusted approach, the Commission excluded the retail expenses and applied CEP exclusively to calculate living expenses. However, in addition to CEP, the Commission included several separate expenses identified by the Commission and communicated by the subject for items clearly not covered by the CEP categories (e.g. financial support from I.C. to his children, care-related expenses for the subject's mother).
63. Thus, the Commission established inexplicable wealth for the years 2016, 2020, 2021 and 2022. According to the Commission's calculations, the difference between the income and the expenses (negative balance) in these years was -488,127 MDL (2016: -41,351 MDL; 2020: -215,073 MDL; 2021: -187,745 MDL; 2022: -41,088 MDL).

*Regarding cash savings*

64. In the first round of questions, the subject presented the following information regarding her cash-savings for the evaluation period:

2011	2012	2013	2014	2015	2016	2017
35,000 MDL	51,226 MDL	92,719.2 MDL	97,430.2 MDL	5,248.4 MDL	none	16,093 MDL

2018	2019	2020	2021	2022	2023
21,718 MDL	17,651 MDL	6,644 MDL	129,939.5 MDL	148,500 MDL	175,500 MDL

65. For 2015, the Commission included in the outgoing financial flow -5,248 MDL as cash savings (as initially indicated by subject in the first round of questions) and -1,638 MDL as bank savings / balance on the bank account at the end of the year.
66. In the third round of questions, the Commission provided the subject with the inexplicable wealth charts. In response, the subject informed the Commission that her savings for 2015 constituted 48,999.16 MDL. The subject stated that this amount should have been included in her incoming financial flow for 2016. For the rest of the years, starting with 2016, the cash savings should be excluded as these amounts were wrongly calculated by her. She stated that only the bank savings, which are confirmed by information provided by the banks, should be retained. This request was reiterated as well in her additional explanations submitted in response to the notice of hearing and during the hearing.
67. The subject justified this change regarding 2015 as attributable to “erroneous calculations”. The same justification was given for the amounts declared for the remaining years. However, she did not provide alternative figures for those years, despite requesting the exclusion of the initially declared amounts.
68. The contradictions and inconsistencies in the subject's explanations have raised doubts for the Commission as to the veracity of the information presented and the subject’s credibility. Lack of pertinent and credible explanations as to why the amounts initially declared were incorrect or what were the sources of funds for the additional savings subsequently declared by the subject for 2015 have strengthened those doubts.
69. It appears highly incredible that the subject would have miscalculated or misstated the cash savings amounts in all the years in which the Commission identified a negative balance. Miscalculations were invoked even for the more recent years - 2021 and 2022, in which the amounts of the initially declared cash savings were significant (over 100,000 MDL).
70. The Commission notes that the responsibility for the timely submission of the requested information, as well as for its veracity and completeness, lies with the subject of the evaluation.

71. In light of the above, the Commission maintained the amounts of annual cash savings presented by the subject in response to the first round of questions.

*Inexplicable wealth for 2016*

72. According to the information from SFS, in 2016, the subject had a net salary of +175,865 MDL from the Chişinău Court of Appeal and a salary of +12,424 MDL from Department of Education, Youth and Sport. Also, she obtained an income from the lease of agricultural lands of +1,625 MDL.

73. In response to the first round of questions, the subject declared cash savings of +5,248 MDL. The bank savings identified by the Commission at the end of 2015 amounted to +1,638 MDL. Pursuant to the Annex of the Rules, these sums are considered incoming cash flow for 2016, as savings from the previous year. For brevity, in future years the Commission will no longer refer to the Annex to the Rules when dealing with the previous year's savings.

74. The subject contracted a loan from MICB bank of +280,000 MDL, which was included in the incoming financial flow.

75. According to the subject's response in the second round of questions, she received from the ex-husband I.V. +36,000 MDL annually as child support aid.

76. The incoming financial flow included +68,500 MDL from the sale of agricultural land. It also included +28,657 MDL from the sale of land resulting from the separation of common property with the subject's ex-husband I.V., in accordance with her response to the first round of questions.

77. Regarding the outgoing financial flow, based on the subject's responses and supporting documents submitted to the first round of questions, she incurred payments of -464,873 MDL for apartment and two parking spaces located in Chişinău, Ceucari Street.

78. According to the information from the banks, in 2016, the subject made loan repayments in a total amount of -89,123 MDL. At the same time, in response to the second round of questions, the subject stated that she made a loan repayment of -15,000 MDL to individual L.C.

79. Initially, the Commission attributed to the subject -22,057 MDL related to living expenses for her daughter (August-December 2016), who was studying abroad. Considering the subject's explanations before and during the hearing, and the confirmatory documents, the Commission included half

of these expenses as they were incurred together with her ex-husband I.V. Thus, the amount of -11,029 MDL was included in the outgoing financial flow for this year.

80. According to the Commission's calculations based on the National Bureau of Statistics (hereinafter "NBS") methodology, in 2016, the CEP of the subject's family (household) constituted -68,836 MDL. This was calculated for one adult and two dependents for 7 months of the year (2,127.9 MDL/month x 7 months x 3 persons) and for 5 months of the year, for one adult and one dependent (2,415 MDL/month x 5 months x 2 persons).
81. The Commission identified bank savings at the end of the year of -5,319 MDL.
82. Therefore, for 2016, the subject had a higher outgoing financial flow than the incoming financial flow, resulting in a negative balance of -44,223 MDL.

*Incoming and outgoing financial flows for 2016*

Income MDL		Expenses MDL	
Salary, Chişinău Court of Appeal	+175,865	Apartment, parking spaces payments (Ceucari Street)	-464,873
Salary, Department of Education, Youth and Sport	+12,424	Loan repayments (95,000 MDL loan, MAIB)	- 86,323
MICB loan	+280,000	Loan repayments (280,000 MDL loan, MICB)	- 2,800
Lease of agricultural lands	+1,625	Loan repayment to L.C.	- 15,000
Child support aid from ex-husband I.V.	+36,000	Living expenses daughter	- 11,029
Sale of agricultural land	+68,500	CEP	-68,836
Sale of land resulting from the separation of common property	+28,657	Bank savings at end of year	- 5,319
Bank savings at beginning of year	+1,638		
Cash saving at beginning of year	+5,248		
<b>Total</b>	<b>+609,957</b>	<b>Total</b>	<b>-654,180</b>
<b>Difference:</b>	<b>-44,223</b>		

*Inexplicable wealth for 2020*

83. According to the information from SFS, in 2020, the subject had a net salary of +210,629 MDL from the Chişinău Court of Appeal. According to the

information obtained by the Commission, she received an income from allowances of + 12,132 MDL.

84. In response to the first round of questions, the subject declared cash savings of 17,651 MDL. The bank savings identified by the Commission at the end of 2019 were 1,006 MDL.
85. According to the subject, in the second round of questions, she received from the ex-husband I.V. +36,000 MDL annually as child support aid.
86. According to the information from the banks, in 2020, the subject made loan repayments of -73,394 MDL. At the same time, in response to the second round of questions, the subject stated that she made a loan repayment of -155,000 MDL to individual L.C.
87. For reasons noted in §§ 57, 58, the Commission included -24,000 MDL, as the subject's expenses related to her mother, in the outgoing financial flow for 2020.
88. According to the response to the first round of questions, in 2020, the subject incurred, as well, repair and furnishing expenses (including repair services and materials, furniture, household appliances, etc.) of -77,000 MDL for her apartment located in Chișinău (Ceucari Street). The subject provided concrete amounts and things the money was spent on, mentioning that these amounts were approximate.
89. In the third round of questions, the subject stated that the amount of -77,000 MDL indicated by her in the first round of questions is erroneous. This amount was based on her recollections, since no invoices have been kept by her. After the review of the incurred expenses she concluded that only -45,000 MDL has been spent.
90. This change in declarations, unsupported by any confirmatory documents and resulting in such a significant discrepancy (32,000 MDL), cannot be accepted. It seems that the subject either did not take the evaluation process seriously or unjustifiably attempted to reduce the negative balance after being presented with the Commission's calculations.
91. At the same time, the subject neither contested nor presented any or similar arguments regarding this type of expenses for the remaining years. This raises doubts about the coherence and veracity of the subject's declarations.
92. The Commission notes that it relies on the subject's good faith and cooperation when accepting certain statements or information provided by

- the subject. Unpersuasive changes in statements affect the subject's credibility before the Commission and the fairness of the evaluation process.
93. As mentioned in the second round of questions, the subject incurred vacation expenses of -15,000 MDL. Later, in the third round of questions, the subject stated that this amount should be excluded from the outgoing financial flow, as it was covered by the ATM withdrawals. The Commission did not exclude this amount, based on the fact that, in the subject's case, no ATM withdrawals were included in the outgoing financial flow. Consequently, no doubling of the expenses has occurred. The Commission applied the same approach for the following years.
94. The Commission identified, within the subject's bank transactions, a donation made to her daughter of -734 EUR (-14,272 MDL). The subject confirmed this donation in the first round of questions.
95. The CEP of the subject's household for 2020 constituted -113,454 MDL. This was calculated for one adult and one dependent, for the first half of the year (3,781.8 MDL/month x 6 months x 2 persons) and for the second half of the year, for two adults and one dependent (3,781.8 MDL/month x 6 months x 3 persons).
96. The subject declared cash savings of -6,644 MDL and the Commission identified bank savings of -1,479 MDL at the end of the year (both from the subject's and her husband I.C.'s bank accounts).
97. The incoming and outgoing financial flows for 2020 included initially the subject's husband's income and expenses identified for the entire year, assuming that they had a common household. During the rounds of questions and at the hearing, the subject explained that their common household did not start until their marriage registration in July 2020. The Commission adjusted its calculation by considering the income and expenses of I.C. starting with July 2020.
98. Therefore, the Commission included in the incoming and outgoing financial flows for 2020, the husband's income in the amount of +57,109 MDL from the General Inspectorate of Police, loan repayments -51,356 MDL and financial support for children (from previous marriage) -18,000 MDL.
99. At the same time, the Commission included initially in the outgoing financial flow, donations made by the subject's husband I.C. to O.S. (-5,197 MDL) and T.E. (-4,462 MDL). In her response to the third round of questions and at the hearing, the subject stated that these were not donations (although so identified in the bank transfer destination), but loans. T.E. reimbursed

subsequently these loans to I.C. The subject provided written declarations of I.C. and T.E. who confirmed the affirmations made by the subject in this regard, although neither of them specified the year when it was reimbursed. The Commission decided to exclude these amounts from the subject's outgoing financial flow.

100. Consequently, for 2020, the subject had a higher outgoing financial flow than the incoming financial flow, resulting in a negative balance of -215,073 MDL.

*Incoming and outgoing financial flows for 2020*

Income MDL		Expenses MDL	
Salary, Chişinău Court of Appeal	+210,629	Loan repayments (200,000 MDL loan, MICB)	-32,542
I.C.'s salary, General Inspectorate of Police	+57,109	Loan repayments (280,000 MDL loan, MICB)	-40,853
Allowances	+12,132	Loan repayment to L. C.	-155,000
Child support aid from ex-husband I.V.	+36,000	Loan repayments (180,000 MDL loan, BCR)	-15,600
Bank savings at the beginning of year	+1,006	Loan repayments (16,965 USD loan, Credit Rapid)	-35,756
Cash saving at the beginning of year	+17,651	Care-related expenses for subject's mother	-24,000
		Repair and furnishing apartment (Ceucari Street)	-77,000
		Vacation	-15,000
		Donation to daughter	-14,272
		I.C.'s financial support for children	-18,000
		CEP	-113,454
		Bank savings at end of the year	-1,479
		Cash saving at end of the year	-6,644
<b>Total</b>	<b>+334,527</b>	<b>Total</b>	<b>-549,600</b>
<b>Difference:</b>	<b>-215,073</b>		

*Inexplicable wealth for 2021*

101. According to the information from SFS, in 2021, the subject had a net salary of +239,642 MDL from the Chişinău Court of Appeal. According to the information obtained by the Commission, she also received income from allowances of +16,608 MDL.
102. In response to the first round of questions, the subject declared cash savings of 6,644 MDL and the Commission identified bank savings of 1,479 MDL at the end of 2020.

103. According to the subject's answers to the second round of questions, she received from the ex-husband I.V. +36,000 MDL annually as child support aid.
104. The income of the subject's husband I.C. of +121,413 MDL from the General Inspectorate of Police, as well as income from allowances, as identified by the Commission of +1,527 MDL, were also included in the incoming financial flow.
105. According to the information from the banks, in 2021, the subject made loan repayments in a total amount of -72,630 MDL.
106. For reasons noted in §§ 57, 58, the Commission included -24,000 MDL, as subject's expenses related to her mother, in the outgoing financial flow for 2021.
107. According to the subject's answers from the first round of questions, in 2021, the subject incurred repair and furnishing expenses of -60,000 MDL for her apartment located in Chişinău (Ceucari Street).
108. As the subject mentioned in the second round of questions, she incurred vacation expenses of -20,000 MDL. Later, in the third round of questions, the subject stated that this amount should be excluded from the outgoing financial flow, as it was covered by the ATM withdrawals. The Commission decided not to exclude this amount for the reasons noted in § 93.
109. The CEP of the subject's household for 2021 constituted -136,202 MDL. This was calculated for two adults and one dependent (3,783.4 MDL/month x 12 months x 3 persons).
110. The subject declared cash savings of -129,940 MDL and the Commission identified bank savings of -1,440 MDL at the end of the year (both from the subject's and her husband's bank accounts).
111. The outgoing financial flow includes also the subject's husband loan repayments of -120.844 MDL and financial support for children (from previous marriage) of -36,000 MDL.
112. Therefore, for 2021, the subject had a higher outgoing financial flow than the incoming financial flow, resulting in a negative balance of -187,744 MDL.

*Incoming and outgoing financial flows for 2021*

Income MDL	Expenses MDL
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Salary, Chişinău Court of Appeal	+239,642	Loan repayments (200,000 MDL loan, MICB)	-32,460
I.C.'s salary, General Inspectorate of Police	+121,413	Loan repayments (280,000 MDL loan, MICB)	-40,171
Allowances	+16,608	Loan repayments (180,000 MDL loan, BCR)	-31,272
I.C.'s allowances	+1,527	Loan repayments (16,965 USD loan, Credit Rapid)	-89,572
Child support aid from ex-husband I.V.	+36,000	Care-related expenses for subject's mother	-24,000
Bank savings at the beginning of year	+1,479	Repair and furnishing apartment (Ceucari Street)	-60,000
Cash saving at the beginning of year	+6,644	Vacation	-20,000
		I.C.'s financial support for children	-36,000
		CEP	-136,202
		Bank savings at end of the year	-11,440
		Cash saving at end of the year	-129,940
<b>Total</b>	<b>+423,313</b>	<b>Total</b>	<b>-611,057</b>
<b>Difference:</b>	<b>-187,744</b>		

*Inexplicable wealth for 2022*

113. According to the information from SFS, in 2022, the subject had a net salary of +259,070 MDL from the Chişinău Court of Appeal. According to the information obtained by the Commission, she also received income from allowances of +18,858 MDL.
114. In response to the first round of questions, the subject declared cash savings of 129,940 MDL and the Commission identified bank savings of 11,440 MDL at the end of 2021.
115. According to the subject, second round of questions, she received from the ex-husband I.V. +36,000 MDL annually as child support aid.
116. The income of the subject's husband I.C. of +163,122 MDL from the General Inspectorate of Police, as well as income from allowances, as identified by the Commission of +3,496 MDL, were also included in the incoming financial flow.
117. According to the information from the banks, in 2022, the subject made loan repayments of -74,906 MDL.

118. For reasons noted in §§ 57, 58, the Commission included -24,000 MDL, as subject's expenses related to her mother, in the outgoing financial flow for 2022.
119. According to the subject's response from the first round of questions, in 2022, the subject incurred repair and furnishing expenses of -23,000 MDL for her apartment located in Chişinău (Ceucari Street).
120. As the subject mentioned in the second round of questions, she incurred vacation expenses of -51,000 MDL. Later, in the third round of questions, the subject stated that this amount should be excluded from the outgoing financial flow, as it was covered by the ATM withdrawals. The Commission decided not to exclude this amount for the reasons noted in § 93.
121. The CEP of the subject's household for 2022 constituted -182,448 MDL. This was calculated for two adults and one dependent (5,068 MDL/month x 12 months x 3 persons).
122. The subject declared cash savings of -148,500 MDL and the Commission identified bank savings of - 2,879 MDL at the end of the year, both on the subject's and her husband's bank accounts.
123. The outgoing financial flow includes also the subject's husband loan repayments of -120.280 MDL and financial support for children (from previous marriage) of -36,000 MDL.
124. In addition, the Commission included initially in the outgoing financial flow for 2022, donations made by the subject's husband I.C. to L.M. (-23,055 MDL) at T.E.'s request. In her response to the third round of questions, the subject stated that this was not a donation (although it was so identified in the bank transfer destination), but a loan. T.E. later reimbursed the loan to I.C. The subject provided written declarations of I.C. and T.E., who confirmed the affirmations made by the subject in this regard, although neither of them specified the year when it was reimbursed. The Commission decided to exclude these amounts from the subject's outgoing financial flow.
125. Therefore, for 2022, the subject had a higher outgoing financial flow than the incoming financial flow, resulting in a negative balance of -41,087 MDL.

*Incoming and outgoing financial flows for 2022*

Income MDL		Expenses MDL	
Salary, Chişinău Court of Appeal	+259,070	Loan repayments (200,000 MDL loan, MICB)	-32,729

I.C.'s salary, General Inspectorate of Police	+163,122	Loan repayments (280,000 MDL loan, MICB)	-42,177
Allowances	+18,858	Loan repayments (180,000 MDL loan, BCR)	-24,691
I.C.'s allowances	+3,496	Loan repayments (16,965 USD loan, Credit Rapid)	-95,589
Child support aid from ex-husband I.V.	+36,000	Care-related expenses for subject's mother	-24,000
Bank savings at the beginning of year	+11,440	Repair and furnishing apartment (Ceucari Street)	-23,000
Cash saving at the beginning of year	+129,940	Vacation	-51,000
		I.C.'s financial support for children	-36,000
		CEP	-182,448
		Bank savings at end of the year	-2,879
		Cash saving at end of the year	-148,500
<b>Total</b>	<b>+621.926</b>	<b>Total</b>	<b>-663,013</b>
<b>Difference:</b>	<b>-41,087</b>		

126. Thus, the subject's household incurred the following inexplicable wealth in the period 2012 – 2023:

Year	Amount in inexplicable wealth, MDL
2016	-44,223
2020	-215,073
2021	-187,744
2022	-41,087
<b>Total</b>	<b>-488,127</b>

127. The Commission has identified that the subject's household accumulated negative financial balance of -488,127 MDL which is above the threshold of 20 average salaries (234,000 MDL) required by Article 11, para. (3), lit. a) of Law No. 252/2023 to establish a subject's lack of financial integrity.
128. If the Commission had accepted the subject's declarations (from the third round of questions) regarding the error in the calculation of cash savings within the evaluation period and their exclusion, as well as the increase in cash savings at the end of 2015 (from 5,248 MDL to 48,999.16 MDL) the negative balance accumulated by the subject's household would have been – 325,307 MDL.

129. However, for the reasons stated above, the Commission concludes that the subject's inexplicable wealth is most likely 488,127 MDL. Even under the alternative scenario, the inexplicable wealth far exceeds the threshold.

## **VI. Conclusion**

130. Based on the information it obtained and the subject's explanations, the Commission proposes that the subject does not promote the external evaluation on the grounds of non-compliance with the criteria set in Article 11 para. (3) lit. a) of Law No. 252/2023.

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

131. As provided in Article 40 point (4) of the Rules, this evaluation report will be sent by e-mail to the subject and the Superior Council of Magistracy, and on the same day, the Commission will publish on its official website the information on the result of the evaluation.

132. No later than three days after the approval, a printed paper copy of the electronically signed report, 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.

133. 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 whereby it rejects the appeal or orders the promotion or non-promotion of the evaluation.

134. This evaluation report was approved by a unanimous vote of the Panel members on 22 April 2025 and signed pursuant to Articles 33 point (2) and 40 point (5) of the Rules.

135. Done in English and Romanian.

Scott Bales

Chairperson of the Commission

Chair of Panel B