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EVALUATION REPORT

approved according to Article 40

of the Rules of Organization and Functioning

RUXANDA PULBERE

judge of the Central Court of Appeal

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

13 May 2025

Contents

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 10 February 2025 and approved the following report on 13 May 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.

The Commission prepared the this evaluation report based on its work in collecting and reviewing the information, the subject's explanations, and its subsequent deliberations.

I. Introduction

1. This report concerns Mrs. Ruxanda Pulbere (hereinafter the "subject"), a judge of the Central Court of Appeal.
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 judge of the Central Court of Appeal since 2020. This court was known as the Chișinău Court of Appeal until it was renamed on 27 December 2024.
5. Between 2015 and 2020, she was a judge at the Botanica Chișinău District Court, and between 2011 and 2015, she was a judge at the Bender Court.

6. Between 2002 and 2011, the subject was attorney at law for two law firms, and between 1999 and 2007, she was a university lecturer.

7. The subject received a bachelor's degree in law in 1999 from the Free International University of Moldova (ULIM). Between 2007 and 2009, the subject was a student at the National Institute of Justice.

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 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.

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 that were 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 concerning 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).

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 under Article 12 para. (1) of Law No. 252/2023. The information included the subject 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 referred together as the "five-year declaration"). The subject returned the completed five-year declaration and questionnaire on 1 May 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. The subject's spouse also had an obligation to submit declarations in the years 2015 – 2018.

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 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 National Office of Social Insurance (in Romanian: *Casa Națională de Asigurări Sociale*, hence hereinafter – "CNAS"), the General Inspectorate of Border Police, banks (Eximbank JSC, Moldinconbank JSC, MAIB JSC, BCR Chişinău JSC, Victoriabank JSC, Banca de Finanțe și Comerț (FincomBank) 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. Several petitions were received from individuals and companies. These were included in the evaluation file. All information received was carefully screened for accuracy and relevance.

25. On 1 October 2024, the Commission asked the subject to provide additional information by 14 October 2024 to clarify certain matters (hereinafter the "first round of questions"). On 10 October 2024, the subject requested an extension, which the Commission granted until 21 October 2024. The subject provided answers and documents within the extended deadline.

26. On 11 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"). On 20 November 2024, the subject requested an extension, which the Commission granted until 29 November 2024. The subject provided answers and documents within the extended deadline.

27. On 18 December 2024, the Commission asked the subject to provide additional information by 30 December 2024 to clarify certain matters (hereinafter the "third round of questions"). The subject provided answers and documents within the deadline.

28. As provided in Article 38 point (8) of the Rules, because the Panel did not unanimously agree on the draft evaluation report, it referred the evaluation to the Commission. The subject was informed about this when she received the invitation to attend a public hearing.

29. 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 criterion and had preliminarily established a non-compliance with the ethical integrity criterion and invited her to attend a public hearing on 10 February 2025. The subject was also informed that the evaluation report may refer to other issues considered during the evaluation.

30. As provided in Article 39 point (4) of the Rules, the subject sought and was provided access to all the materials in her evaluation file on 5 February 2025.

31. On 9 February 2025, the subject submitted a request to the Commission to hold the hearing in a partially closed session. The subject stated that the donation received from her in-laws concerns aspects of their private life and their financial situation. The Commission granted the request to conduct a part of the hearing in a closed session.

32. On 10 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 had no corrections or additions to the answers previously provided to the Commission's requests for information.

33. On 12 February 2025, the subject requested that the Commission organize a new hearing so that her mother, R.S., could clarify the donation received by her husband from his parents. On 13 February 2025, the Commission informed the subject that it accepted her request. On 17 February 2025, the Commission held a closed hearing with the subject's mother and discussed the donation she had given to the subject's in-laws.

34. After the hearing, on 28 February 2025, the subject submitted additional documents. The Commission included them in the evaluation file and considered them in its analysis.

V. Analysis

35. This section discusses the relevant facts and reasons for the Commission's conclusion.

36. Based on the information it collected, the Commission analyzed and, where necessary, requested further clarifications 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. potential ethical breaches related to the subject's judicial decisions;

    c. difference between the assets, expenses, and income (hereinafter "unjustified or inexplicable wealth") for the years 2012-2015 and 2017.

37. The first two matters did not lead to the Commission's proposal of non-promotion of the evaluation. Conversely, the last one serve as separate ground for non-promotion.

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

38. The Commission identified five instances of non-declarations that could have constituted breaches of the NIA declaration regime.

The first instance of non-declaration

39. The subject failed to declare, for the period 2012-2015, her role as a founder of a company registered in the Russian Federation and her 33.3% share of this company's total share capital.

40. In response to the second round of questions, the subject confirmed this omission and said it was unintentional. She stated that her father-in-law and brother, the co-founders, had informed her that the company had not been registered since 2010.

41. During the hearing, the subject reiterated that she was unaware whether the company still existed. She clarified that the company had no income and she had verified that it was officially dissolved in 2015.

The second instance of non-declaration

42. The second instance concerns the failure to declare, in 2012, a donation of 761,454 MDL received from her parents. This amount formed part of the 990,000 MDL later declared under Fiscal Amnesty No. 1. The subject stated that the omission was due to a misinterpretation of the law and that she did not intend to conceal the income. She added that the amount had been declared to the SFS.

The third instance of non-declaration

43. The third instance involves the failure to declare the transfer of patrimonial rights in 2013 over an apartment on Trandafirilor Street to the subject's daughter by her parents. The subject claimed this was also due to a misinterpretation of the law. She explained that she declared her daughter's ownership of the apartment once the property right was officially registered in 2017.

The fourth instance of non-declaration

44. The fourth case concerns the failure to declare a donation of 158,014 MDL received from her godfather in 2020. The subject explained that she did not consider this a monetary donation, but rather a gift in the form of a tourist voucher. Her husband's name appeared on the contract with the travel agency because he was accompanying the godfather and may have needed to present identification for flight tickets. The subject submitted a declaration from her godfather confirming the subject's declarations.

The fifth instance of non-declaration

45. The fifth case refers to the failure to declare, in 2022, a donation of 90,000 MDL received from her parents. The subject claimed that this omission resulted from a misinterpretation of the law, stating that, according to Article 4, such donations were exempt from declaration. She asserted that she was unaware that the donation still needed to be reported as income.

The Commission's assessment regarding the five instances of non-declaration

46. The Commission notes that only the fourth (year 2020) and the fifth (year 2022) non-declarations fall within the 5-year term provided by Article 11 para. (2) lit. a) of Law No. 252/2023. The Commission will consider them from an ethical perspective.

47. Under Law No. 252/2023, the non-declaration of assets and personal interests is not, in itself, a reason to fail the evaluation. Article 11 para. (4) lit. b) of Law No. 252/2023 provides that, in the process of verifying financial integrity, the Commission may verify whether the subject has complied with the legal regime of declaration assets and personal interests.

48. According to Article 11 para. (2) of Law No. 252/2023, a judge does not meet the ethical integrity criterion if the Evaluation Commission has established that in the past five years, he/she seriously violated the rules of ethics and professional conduct of judges.

49. According to Article 15 para (1) lit. g) of Law No. 544/1995 on the status of judges and Article 13 para. (1) of Law No. 82/2017 on integrity, the judges

are obliged to submit the declaration of assets and personal interests to the NIA.

50. Under Article 4 para. (1) lit. a) of Law No. 133/2016, the subjects of declaration are obliged to declare the income obtained by themselves, their family members, and cohabitants during the previous fiscal year.

51. Moreover, the term "income," as defined by Article 2, includes any financial benefit, regardless of its source, obtained by the subject of the declaration, their family members, his/her cohabitant, both in the country and abroad.

52. According to Article 4 para. (3) of the same law, in force at the time, gifts received free of charge by the subject of the declaration from their family members, parents, siblings, or children, whose individual value does not exceed 10 average national salaries were exempted from declaration.

53. By a letter dated 18 March 2024, the NIA issued an advisory opinion regarding Article 4 para. (3) of Law No. 133/2016. According to this opinion, the exemption under Article 4 para. (3) does not apply to monetary donations, as they constitute income and must be declared under Article 4 para. (1) lit. a) of Law No. 133/2016.

54. The Commission notes that, based on the above provisions, the subject was obliged to declare both the touristic voucher received from her godfather and the monetary donation of 90,000 MDL received from her parents. Therefore, the Commission must determine whether these omissions rise to the level of seriousness required by Article 11 para. (2) of Law No. 252/2023. In this regard, the Commission will consider the purpose of Law No. 133/2016 and Law No. 252/2023, as well as the specific circumstances of the case.

55. With respect to the touristic voucher, the subject explained that she did not consider the voucher a monetary donation but rather a gift, and that she was unaware of its value at the time, as it had been a surprise. Although the law requires gifts with a determinable financial value to be declared, the subject's explanation shows a plausible misunderstanding rather than an intent to conceal. The informal nature of the gift, its familial context, and the lack of evidence of bad faith support this conclusion.

56. Regarding the 90,000 MDL donation from her parents, the subject stated that she misinterpreted the provisions of Article 4 para. (3) of Law No. 133/2016, believing that such gifts were exempt from declaration. She also pointed out that the advisory opinion clarifying that monetary donations must be declared was issued after the donation had taken place. Although the legal obligation to declare such donations existed at the time, the subject's

explanation appears credible, and there is no indication that she acted with the intent to hide the asset.

57. The Commission further established that both the godfather and the parents had the financial capacity to make the donations, thus reducing any suspicion of illicit enrichment. The omissions appear to result from a misinterpretation of the legal requirements rather than deliberate misconduct. Considering these factors, and the purpose of Laws No. 133/2016 and 252/2023, the Commission concludes the breaches identified do not rise to the level of seriousness required by Article 11 para. (2) lit. a) of Law No. 252/2023.

B. Potential ethical breaches related to the subject's judicial decisions

58. The Commission received several petitions complaining about certain decisions issued by the subject. Upon analyzing the cases, the Commission notes that, in general, the complaints reflect dissatisfaction with judicial outcomes rather than evidence of ethical misconduct. However, one case was further reviewed for potential ethical breaches.

Caravita Co LLC ("Caravita case")

59. This case involves Caravita, a company undergoing insolvency. The company owned 226 ha of agricultural land, which was auctioned and acquired by CVC "E." However, Caravita's founder, V.R., contested the auction results in court. On 4 November 2019, V.R. filed a statement of claims with the Anenii Noi Court, which dismissed it on 16 November 2020. He then appealed the judgment, and the Court of Appeal accepted the appeal for examination on 24 February 2021. Later, a different panel of the Court of Appeal (including the subject) reclassified the appeal, *ex officio*, as one on points of law (*recurs*), arguing that the auction, being part of enforcement proceedings, should have been addressed via a ruling (*încheiere*) rather than a judgment (*hotărâre*).

60. This re-registration led to the case being reassigned to another panel of judges. This panel ultimately annulled both the first instance judgment and the auction results. The annulment was based on the view that the auction had not complied with legal requirements. CVC "E." contested both decisions before the Supreme Court of Justice, arguing that serious procedural violations occurred during the appeal procedure.

61. The Supreme Court upheld the appeal on points of law on 3 November 2021, ruling that the Court of Appeal's reclassification of the case had no legal justification and was an abuse of procedure. It criticized the court for

denying the parties' fair access to justice, annulled the Court of Appeal's decisions, and returned the case for a fresh examination. Upon reconsideration, the Court of Appeal dismissed V.R.'s appeal, and the Supreme Court later upheld this final decision, affirming the auction's legality.

The Commission's assessment

62. In the context of the ethical integrity requirements under Article 11 para. (2) lit. a) of Law No. 252/2023, the Constitutional Court has clarified that the term "seriously violated" sets a high threshold for establishing breaches of ethical and professional rules applicable to judges and prosecutors (Constitutional Court Judgment No. 2 of 16 January 2025, § 185). Additionally, the Court has noted that the Commission should not rule on the legality of the decisions issued by the judges.

63. Considering the evidence provided by the petitioners or otherwise gathered by the Commission, while certain decisions rendered by the subject raise legitimate concerns, particularly regarding procedural irregularities and disregard of mandatory legal provisions, the Commission considers that these instances are more indicative of professional errors or performance issues than a serious violation of ethical standards as required under Article 11 para. (2) lit. a) of Law No. 252/2023.

C. Difference between the assets, expenses, and income (hereinafter "unjustified or inexplicable wealth") for the years 2012-2015 and 2017

64. The Commission has preliminarily established inexplicable wealth for the years 2012, 2013, 2014, 2015, and 2017. The difference between income and expenses (negative balance) in these years was -172,596 MDL, -247,942 MDL, -325,045 MDL, -355,686 MDL, and -460,361 MDL, thus forming a total inexplicable wealth of -1,561,302 MDL.

65. To assess the existence of inexplicable wealth, the Commission analyzed the following aspects:

- transactions involving vehicles at possibly undervalued prices;
- the source of funds declared in 2012 under the fiscal amnesty by the subject and her husband; and
- the source of funds used for the purchase of a BMW X4, m/y 2014, by the subject's daughter in 2017, as well as its actual value.

66. Each of these aspects is addressed below for the specific years in which the Commission identified elements of inexplicable wealth.

- **Vehicle' transactions at possibly undervalued prices**

67. In her 2012 annual declaration to the NIA, the subject declared ownership of a Porsche Cayenne, manufactured and purchased in 2011, for 1,180,832 MDL (approximately 71,652 EUR)[1].

68. According to the Customs Service database, the vehicle was imported on 25 July 2011 by the official importer of the Porsche brand in the Republic of Moldova and registered in the subject's name on 26 July 2011.

69. In the first round of questions, the subject stated that the source of funds for the purchase was her parents' savings, accumulated from their activities in the Russian Federation. Based on the supporting documents submitted, the Commission confirmed that her parents had the financial capacity to cover the cost of the vehicle.

70. On 7 October 2019, acting under a power of attorney, the subject's husband sold the Porsche Cayenne (m/y 2011) for 600,000 MDL (approximately 30,959 EUR).[2] On the same day, the subject purchased another vehicle of the same model, a Porsche Cayenne, m/y 2014, with half the mileage of the previous vehicle (48,000 km according to the periodic technical inspection report of 1 August 2019), for the same amount of 600,000 MDL.

71. According to the response of the official importer of the Porsche brand, the initial selling price of the Porsche Cayenne, (m/y 2014) in October 2014 was 1,373,429 MDL.

72. The Commission had doubts regarding the declared purchased price of the vehicle, considering that it was a newer model, had lower mileage, and had originally been sold at a higher price than the subject's previous Porsche Cayenne (m/y 2011).

73. In response to the Commission's questions concerning the potentially deflated price of the Porsche Cayenne (m/y 2014), the subject argued that several factors should be considered:

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[1] According to the average exchange rate for July 2011 (when the vehicle was purchased) for the EUR/ 16.48 MDL.

[2] According to the average exchange rate for October 2019 for the EUR/19.38 MDL.

- The price of a Porsche depends not only on the year of manufacture or mileage, but also on specific features and custom configurations, including interior comfort, technology, and safety systems. The subject stated that the Porsche (m/y 2014) was fitted with standard configurations and basic features, whereas the 2011 Porsche, although older, benefited from premium features and upgrades, which significantly enhanced its overall value and specifications.
- Economic factors significantly influenced the vehicle market.
- The Porsche (m/y 2014) had a technical defect that could not be resolved, despite an official request to the authorized dealer.
- At that time, sellers were often willing to offer significant price reductions when the buyer was paying in cash.

74. The Commission maintains its doubts regarding the actual purchase price of the Porsche Cayenne (m/y 2014). However, in assessing transactions that may involve undervalued prices, the Commission focuses on whether such discrepancies have an impact on the subject's inexplicable wealth**.** In this case, there is no direct evidence that a different price was paid by the subject, such as a subsequent resale at a significantly higher value, a higher insured value, or any other financial indicator, that would allow a recalculation of the subject's incoming and outgoing financial flows for the year 2019**.**

75. Therefore, in the absence of material evidence contradicting the declared transaction value, the Commission considers the price stipulated in the sale contract and declared to the NIA as the valid reference point for assessing the subject's financial situation.

- **The source of funds declared in 2012 under the fiscal amnesty by the subject and her husband (aspect relevant to inexplicable wealth for the years 2012, 2013, 2014, and 2015)**

First fiscal amnesty

76. On 20 December 2012, the subject declared to the SFS the possession of 990,000 MDL in cash as of 1 January 2012, under Fiscal Amnesty (No. 1).[3]

77. In the first round of questions (Q 3), the subject explained that this amount originated from a donation received from her parents, R.S. and S.S., who had

[3] According to the procedure outlined in the Order of the Minister of Finance no. 96 of 20 August 2012 OMF96/2012.

earned the money through their professional activity in the Russian Federation.

78. To support her explanation, the subject submitted documents confirming the official income of both parents. Specifically, she provided:

- accounting records from the workplaces where her mother had been employed;
- copies of anti-corruption declarations submitted by her mother as a public servant in the Russian Federation;
- statements confirming the mother's salary for each fiscal year.

79. Based on the submitted official documents and corroborating calculations, the mother's total income for the period from 1998 to 2012 amounted to a gross income of 29,894,750 RUB, equivalent to approximately 1,056,013.18 USD[4].

80. The subject also submitted an Excel table reflecting the income of both parents for the period 1998–2012, showing total accumulated savings of 528,976.79 USD. The subject explained that since 1998, her mother regularly sent a portion of her income for safekeeping, representing approximately 50% of her salary. This would have equaled approximately 6,335,201 MDL[5]. The subject further explained that the 990,000 MDL donation was made from these savings.

81. Regarding the transfer of funds into the country, the subject stated that the 990,000 MDL originated from two separate amounts introduced into the Republic of Moldova by her stepfather.

82. Specifically, on 19 December 2011, her stepfather declared 49,700 EUR upon entry into the country. The Customs Service confirms this through a TV28 declaration, certificate no. 937. From this amount, her parents donated 14,690 EUR (equivalent to 228,546 MDL) to the subject, while the remaining sum, 35,010 EUR (544,289 MDL), was given to her for safekeeping. Accordingly, the amount of 228,546 MDL constituted the first part of the total donation of 990,000 MDL.

83. On 9 January 2012, the subject's stepfather declared, upon entry into the country, an additional 49,997 EUR (equivalent to 761,454 MDL)[6]. This

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[4]Based on the average exchange rate for each year in which the income was obtained.
[5]Based on the average exchange rate for each year in which the income was obtained.
[6] Exchange rate MDL/EUR – 15.23 MDL per 1 EUR.

declaration is also confirmed by the Customs Service through a TV28 declaration, certificate no. 985. According to the subject, this entire amount was donated to her and constituted the second part of the 990,000 MDL donation.

84. The Commission notes that the documents submitted by the subject confirm the income obtained by her parents in the Russian Federation during the period 1998-2012. In addition, the subject submitted her mother's anti-corruption declarations, which she had filled out in her capacity as a public servant.

85. The subject also explained how the funds were introduced in the Republic of Moldova and presented confirmatory documents, namely, certificate no. 937 (regarding the declaration of 49,700 EUR) and certificate no. 985 (regarding the declaration of 49,997 EUR). Furthermore, according to information from the Customs Service, the subject's parents declared cash amounts upon entry into the country between 2011 and 2015, during which time the declaration threshold was set at over 10,000 EUR. The remaining savings were introduced gradually, under the legal limit.

86. Based on the above findings, the Commission accepts the amount of +990,000 MDL as an incoming financial flow for 2012.

Second fiscal amnesty

87. On 30 December 2012, the subject's husband, M.P., declared to the SFS the possession of 990,000 MDL in cash as of 1 January 2012, under Fiscal Amnesty (No. 2).

88. In the first round of questions, the subject explained that the source of 990,000 MDL originated from a donation (financial aid) provided by her husband's parents, V.P. and S.P. She stated that between 2008 and 2012, her husband did not have a stable income and he was obliged to accept his parents' financial help. She further explained that the donation source was the amounts of 998,000 MDL and 994,000 MDL declared by V.P. and S.P. on 28 December 2012 to the SFS under the Fiscal Amnesty (No. 3).

89. Regarding the origin of the funds declared under fiscal amnesty and subsequently partially donated to her husband, the subject, during the first and second rounds of questions, presented the following sources of income of her in-laws:

- income earned by her father-in-law as a head of a cattle farm in the kolkhoz "Patria" between 1971 and 1988;

- income received by her father-in-law between 1996 and 1999 from his work in the Russian Federation;
- income from the cultivation of agricultural plots (6.5 hectares), and after 2009, income from renting out these plots.

90. After the Commission presented the table of inexplicable wealth, the subject in the third round of questions, and again during the hearing, stated that her mother-in-law had admitted that the donation given to her husband had in fact originated from the subject's own parents, R.S. and S.S.

91. The Commission analyzed all the cited sources of funds to determine whether the 990,000 MDL donation received by the subject's husband can be accepted as an incoming financial flow. In addition, the Commission assessed the plausibility not only of the sources that funded this donation, but also of the remaining 998,000 MDL declared separately by her in-laws under the fiscal amnesty No. 3 (§ 88). This is particularly relevant because, according to the subject, a portion of that amount was used to purchase a vehicle for her daughter in 2017.

92. In the first round of questions, the subject mentioned that the information concerning her in-laws' income sources was based on what her mother-in-law had told her. She explained that her father-in-law passed away in 2023 and that she could not verify the information with him. Finally, she stated that she should not be held responsible for the accuracy of this information.

The income earned by her father-in-law as head of a cattle farm between 1971-1988

93. The subject stated that, according to her mother-in-law, her father-in-law's average monthly salary, as head of a cattle farm, was 250 Soviet rubles. She presented information from Wikipedia indicating that the exchange rate at the time gave the ruble an average value of 1.35 USD, meaning that 250 Soviet rubles would be approximately 337.5 USD. She further presented results from an inflation calculator, according to which the value of 337.5 USD in the 1980s would equal 1,283 USD today.

94. In the second round of questions, the subject stated that the reference to the exchange rate was not intended to suggest that her in-laws had actually converted rubles into USD, but rather to demonstrate the level of income and to argue that the funds were accumulated gradually. She also stated that, given that her father-in-law's activity took place over 40 years ago, she cannot provide any supporting evidence. She referred to the legal provisions concerning the time limits for retaining official documents.

95. The Commission notes that the subject did not provide any supporting documents, which might be understandable considering the significant amount of time since the events in question. However, following the dissolution of the USSR, citizens' savings were severely affected by hyperinflation and devaluation, and the conversion of Soviet rubles into new national currencies resulted in substantial financial losses. Moreover, the existence of savings from this source of income is implausible, as during the Soviet period, the possession or exchange of foreign currency was illegal, and the Soviet ruble was not internationally convertible. Notably, there is no evidence that the income received by the subject's in-laws could have been preserved until 2012.

96. These factors make the accumulation of substantial savings in foreign currency during the referenced period highly improbable. In the absence of corroborating documents demonstrating the traceability of funds allegedly derived from activities at the kolkhoz "PATRIA", this claimed source of income cannot be accepted.

The income received by her father-in-law between 1996 and 1999 from his work in the Russian Federation

97. In the first and second rounds of questions, the subject explained that her father-in-law worked in the Russian Federation between 1996 and 1999, in the field of deforestation, for approximately three to four months per year during the cold season. Her parents assisted him in finding employment through friends who owned enterprises named "I.P. B." and "I.P. C."

98. The subject stated that her father-in-law earned between 3,000 and 5,000 USD monthly, paid in cash. She explained that this level of income could be justified by the fact that the region in which he worked, Khanty-Mansi Autonomous Okrug, is known for its extremely harsh climate, resulting in higher salaries to attract and retain workers. In addition, her father-in-law was an electrician and was paid more than a general worker.

99. The subject mentioned that her stepfather, during the same period, had an annual salary of 86,000 RUB as a driver. Based on this comparison, her father-in-law's salary may be estimated at 172,000 RUB, representing approximately 17,677 USD per year.

100. According to her mother-in-law, they allegedly accumulated approximately 40,000 USD during that period. The funds were kept at home, as they chose not to deposit the money in banks due to a lack of trust, resulting from the devaluation of the Soviet ruble and the Moldovan leu in the 1990s.

101. In the second round of questions, the subject explained that she is unable to provide any supporting documents regarding her father-in-law's activity in the Russian Federation. She attempted to obtain such records, but the enterprise for which he worked entered insolvency in 2018 and was removed from the company register in 2020. However, her husband obtained a certificate from a company operating in the same field, where some of her father-in-law's former coworkers are currently employed. According to this certificate, the former coworkers confirmed that they knew her father-in-law, who had worked as a brigade member in forestry between 1997 and 1999.

102. In the third round of questions, the subject stated that it is illogical to accept that her father-in-law worked in the Russian Federation while rejecting the existence of the corresponding financial flows. She presented information from a Russian website indicating that the average monthly salary in the Khanty-Mansi Autonomous Okrug was as follows: 2,362.4 RUB (≈ 452.77 USD) in 1996; 2,959.2 RUB (≈ 512.37 USD) in 1997; 3,233.4 RUB (≈ 331.00 USD) in 1998; and 4,838.6 RUB (≈ 196.30 USD) in 1999. She stated that the Commission should at least accept the existence of an income based on the average monthly salary.

103. The Commission notes that the subject could not provide any supporting documents, such as a passport confirming travel to the Russian Federation, invoices, salary slips, or other payment records, except for a certificate stating that certain individuals confirmed they had worked with her father-in-law. The Commission acknowledges that the absence of such evidence may be understandable, given the significant time that has passed since then.

104. However, to accept such a substantial source of funds (40,000 USD), the Commission requires more concrete and verifiable evidence. Based on the certificate presented by the subject, the Commission does not exclude the possibility that her father-in-law may have worked in the Russian Federation. Nevertheless, in the absence of further supporting documentation, and considering that 13 years passed between the alleged final year of his work there (1999) and the fiscal amnesty (2012), the Commission cannot accept this source of income as substantiated.

The income derived from the exploitation and lease of agricultural lands

105. The subject stated that until 2008, her in-laws earned income from cultivating agricultural land and selling the harvest. Her mother-in-law explained that they worked 6.5 ha, with 0.33 ha allocated to an apple orchard, 0.60 ha to sugar beet, 1.84 ha to sunflower, and 3.73 ha to wheat. Most of the harvested crops were sold.

106. The subject estimated, based on National Bureau of Statistics data, that her in-laws could have earned approximately 166,740 MDL annually from their agricultural activity.

107. She further stated that since 2009, the land had been leased to two individual agricultural enterprises (gospodării țărănești), with rent paid 30% in kind and 70% in cash. Although she submitted supporting documents, they do not confirm monetary income from the lease; instead, they show payment in agricultural products.

108. The Commission requested detailed information about how the agricultural activity was organized, including its legal form, cultivation and processing expenses, use of equipment, labor sources, profit, and whether income was declared to fiscal authorities. Clarification was also sought on how, when, and to whom the products were sold.

109. The subject stated that her in-laws cultivated the land as private individuals and with help from other farmers and day laborers. She stated that agricultural activity was not well regulated at the time, so farmers organized their work as best they could. Her in-laws did not declare the income to the fiscal authorities, as this was common practice then. The harvested crops were sold directly to consumers or, occasionally, through intermediaries. She stated that she is unable to provide information regarding the profit, as this information was known only to her father-in-law, who passed away in 2023.

110. The City Hall of Plop village, where the subject's in-laws lived, confirmed that they owned agricultural land but do not possess any records regarding their income from leasing or selling agricultural or animal products. It also confirmed that they did not own domestic animals.

111. According to data from the SFS, the subject's in-laws obtained an income of 30,694 MDL between 1999 and 2012. The same data indicates that they also received income classified under the SERB category, which includes income from land leasing; however, this income was insignificant.

112. The submitted supporting documents show that one plot of land was leased between September 2012 and December 2017, and a second plot was leased between March 2018 and February 2023, while the fiscal amnesty was in December 2012.

113. The Commission notes that there is no evidence of significant or stable income earned from agricultural activity or land leasing. Official fiscal data does not reflect such income, and the subject's estimations, based on

statistical averages, are insufficient, as actual earnings depend on many factors.

114. Even if the in-laws had the undeclared income, living expenses would have had to be deducted, reducing the net available funds.

115. The subject could not provide details about the organization of the agricultural activity, including assets used, the number of laborers employed, operational expenses, or how the produce was processed and sold. Substantial income would have required significant commercial transactions, for which no supporting information was provided. Although the absence of documentation is understandable, given the time that has passed and the father-in-law's death, the Commission cannot rely solely on estimations with any corroboration.

116. The subject stated that when her husband received the donation from his parents, she did not verify the origin of their income. However, the Commission notes that she had been serving as a judge since 2011 and was therefore under an obligation to ensure that the financial means originated from a legitimate source.

117. Regarding the claim that fiscal amnesty declarations prove the existence and legitimacy of funds, the Commission notes that it has previously refused to accept such declarations as sufficient proof in the absence of corroborating evidence (see *Ion Buruiana* Report, §§ 101–102, *Mariana Ursachi* Report, §§ 178-181)[7].

Additional alleged income of the subject's in-laws based on a loan

118. In the second round of questions, the subject submitted a notarized declaration dated 19 November 2024, signed by B.R., a close relative of her in-laws, to support their alleged financial capacity. In the declaration, B.R. claimed to have borrowed 25,000 USD from the subject's in-laws in 2002,

[7] Under Article 226^7 of Fiscal Code (as in force on 1 January 2012), an individual that had available 500,000 MDL or more on 1 January 2012 was required to submit a "Declaration on the Availability of Funds on 1 January 2012" (Fiscal Amnesty Declaration) to tax authorities (Article 226^7 para. (1) of the same law). Only in the circumstances where this sum exceeded 1,000,000 MDL was the individual required to provide any proof of the availability of such a sum and, only implicitly, its origin (Article 226^7 paras. (1) and (4) of the same law). In accordance with Article 226^7 para. (3), no taxes were to be paid on the sums declared.

which she repaid in 2010. She stated that no written loan agreement had been concluded, citing mutual trust between the parties.

119. In the third round of questions, the subject also submitted a sale-purchase contract dated 15 July 2008, showing that B.R. sold an apartment in Chișinău for 397,900 MDL. The contract indicates that she had purchased the apartment in 2003.

120. The notary did not certify the existence of the alleged loan or confirm the financial means of the subject's in-laws. The notarial act merely authenticated B.R.'s signature. In the absence of corroborating documentation, the declaration alone is insufficient to prove the financial capacity of the in-laws.

121. According to the SFS, B.R. earned a gross income of approximately 47,694 MDL between 2002 and 2010, which further undermines the plausibility of her repaying such a significant loan during that period.

122. Regarding the 2008 apartment sale, there is no evidence that the proceeds were transferred to the subject's in-laws. This is particularly relevant given that the loan repayment allegedly occurred two years later, in 2010.

The Commission's conclusion as to the source of funds of the subject's in-laws for both fiscal declarations

123. The Commission finds that the subject failed to substantiate, with verifiable and credible evidence, the origin of the funds declared under fiscal amnesty by her in-laws. While the passage of time may justify the absence of certain documents, the Commission needs plausible and corroborated justifications to accept such an important source of funds.

124. The alleged sources, including Soviet-era savings, work in the Russian Federation, agricultural income, and a loan, lack documentary support and financial traceability. They are deemed implausible in light of the historical and economic context, legal restrictions, and fiscal data.

125. Moreover, the Commission reiterates that a declaration under fiscal amnesty cannot, in itself, prove the legality or existence of funds. Such declarations require corroborating evidence. In its absence, the Commission cannot accept the declared funds as lawful or justified.

The new source of funds for the donation made by the subject's in-laws to her husband

126. In the third round of questions, the subject stated that her mother-in-law acknowledged that, out of the funds declared under fiscal amnesty, only 998,000 MDL belonged to her and her husband. The remaining 994,000 MDL, from which the donation to the subject's husband was made, originated from the subject's parents.

127. The explanations provided by the subject and her mother during their respective hearings and the third round of questions can be summarized as follows.

128. The subject explained that neither she nor her husband knew that the 990,000 MDL donation from her in-laws to her husband had in fact come from her parents. She discovered this only in December 2024, when she asked her mother-in-law for documents confirming the source of their income used for the donation. Until then, they had no reason to doubt that the money came from her husband's parents, given that they had worked hard all their lives, making it plausible that they had accumulated such amounts.

129. The subject's mother explained that they wanted to help the subject's family. Although the couple divorced in April 2009, they continued living together. However, they were considering an effective separation by the time of the donation in December 2012. The couple's difficulties resulted from the husband's unstable income and the subject's increased expenses. He had been suspended from his duties since June 2008 due to criminal investigations against him.

130. The subject's mother was heard by the Commission. She stated that in December 2012, they came to the country and visited the subject's in-laws on 18 December 2012 for the subject's mother-in-law's birthday. During the visit, they discussed the couple's difficulties and sought ways to support them.

131. They learned about fiscal amnesty from a close acquaintance of the in-laws, who were interested in benefiting from it. The subject's mother decided to help both her daughter and her son-in-law. She donated 990,000 MDL directly to her daughter, which the latter declared to the SFS on 20 December 2012. As for the son-in-law, she proposed making the donation through his parents, believing he would not accept money feeling humiliated otherwise.

132. She explained that they had avoided giving the full amount to their daughter because they had already provided her with substantial support. She noted that the perceived financial imbalance and support coming only from her side caused tension in the marriage.

133. Regarding the source of the donation, the subject's mother stated that part of the money came from the sale of their house in Dondușeni and the sale of wood. They had entrusted this money to her mother until 2004, after which it was kept by her father-in-law, who lived near the subject's in-laws. Another portion was kept in the subject's apartment. She told her daughter the money was meant for her brother.

134. The money was held in various currencies (USD, EUR, and RUB) and, according to her, was handed to the in-laws on 19 December 2012 in foreign currency. The in-laws made the fiscal amnesty declaration in MDL, but she asserted the money had not actually been converted.

135. Finally, she reiterated that she had earned income in the Russian Federation (see §§ 79-81) and had financially supported both her children. She provided the subject with the donation, purchased an apartment and a vehicle, and bought an apartment for her granddaughter. For her son, she opened two insurance accounts for his daughters. They typically brought money into the country in sums under 10,000 EUR to avoid mandatory declaration. Larger sums were declared, and she also used her bank card for local expenses.

The Commission's assessment

136. The Commission notes that the subject provided conflicting explanations regarding the origin of her husband's donation during the evaluation procedure. In the first and second rounds, she stated that the funds originated from her in-laws. In the third round and during the hearing, after being presented with the table of inexplicable wealth, she claimed that the funds in fact originated from her parents.

137. The Commission has previously rejected sources of income introduced at a later stage of the procedure and not corroborated by additional evidence (see e.g. *Ion Tețcu Report*, §§ 69–70; *Alexandru Rotari* Report, § 66, confirmed by the Supreme Court of Justice judgment of 19 August 2024).

138. However, in the present case, the change of the declarations does not appear to be imputable to the subject. Accordingly, the Commission proceeded to assess the plausibility of the updated explanation.

139. To determine the plausibility of the 990,000 MDL donation received by the subject's husband, the Commission examined the financial records of the subject's parents, including their income, expenditures, and any supporting documentation of the alleged transfer.

140. The subject's mother claimed during the hearing that the funds given to the in-laws originated from the sale of a house in the village, the sale of wood, and cash savings kept in the subject's apartment. The Commission has no direct documentation concerning the proceeds from the house or wood sales.

141. Regarding the cash savings, as established in §§ 79-80, the subject's parents earned a total gross income of 1,056,013.18 USD between 1998 and 2012 in the Russian Federation. Of this amount, they reportedly accumulated savings of 528,976.79 USD, equivalent to approximately 6,335,201 MDL. The Commission identified the following expenses incurred by the subject's parents. See the table below.

Table No. 1. Expenses from the subject's parents cash savings

Total of cash savings of the subject's parents 1998-2012	**+6,335,201 MDL**
Donation to the subject (2012)	-990,000 MDL
The purchase of the subject's daughter appartement (2013)	-1,944,969 MDL
The purchase of the Porsche Cayenne m/y 2011 (2011)	-1,180,832 MDL
The remaining amount from the cash savings	**+2,119,400**

142. After accounting for these expenses, the subject's parents could have retained approximately 2,119,400 MDL. During the hearing, the subject's mother stated that she had also supported her son financially. In response to the Commission's request for an estimate, she explained that from the 50% of her total income that had been saved, amounting to approximately 6,335,201 MDL, around 30% was given to the subject and 20% to her son.

143. The Commission treats the 6,335,201 MDL in savings as representing 100% of the available funds. Accordingly, the 30% allocated to the subject corresponds to 60% of the savings (3.8 million MDL), and the 20% to the son represents the remaining 40% (2.53 million MDL). At the same time, based on the actual expenses listed in the table above, at least 4 million MDL appears to have been directed to the subject alone. Consequently, the remaining funds would not be sufficient at least to fully cover the 2.53 million allegedly allocated to the son. Therefore, based on these calculations,

it appears that the subject's mother would not have had sufficient funds to cover partially the 990,000 MDL donation to the subject's husband.

144. Moreover, the subject's mother indicated that the funds were handed over the day after the agreement was made, raising questions of accessing and transporting savings from the Chișinău apartment within such a short period.

145. A further concern relates to the currency in which the donation was made. The subject's mother indicated that the funds were given in USD, EUR, and RUB. However, the amount declared to the SFS under the fiscal amnesty was 990,000 MDL. The amnesty declaration form contains a distinct section for declaring foreign currency. It is therefore unclear why the donation was declared in MDL if the funds were initially held in foreign currency, unless a prior conversion took place. If so, supporting documentation such as currency exchange receipts would be required to verify a transaction of this scale.

146. The subject and her mother explained that the subject's husband did not want to accept financial support from her parents, as he reportedly felt humiliated and believed they had already contributed significantly. It appears that both families were willing to assist the couple during a financially difficult period. Nevertheless, it remains unclear why the subject's in-laws did not contribute to the donation, at least in part. They declared 998,000 MDL under fiscal amnesty, suggesting that they possessed sufficient means to assist. This is particularly relevant given that the subject's husband is their only child, whereas the subject's parents supported both their daughter and their son.

147. Finally, the Commission notes that the subject and her husband made fiscal amnesty declarations regarding funds that did not appear to meet the purpose or eligibility criteria of the amnesty scheme.

148. Under Article 226^7 of the Fiscal Code (as in force on 1 January 2012), individuals holding 500,000 MDL or more in available funds on that date were required to file a "Declaration on the Availability of Funds as of 1 January 2012." Supporting documentation regarding the origin of funds was required only if the declared amount exceeded 1,000,000 MDL. No tax was incurred for declared amounts.

149. The purpose of the amnesty was to allow individuals to regularize their financial situation, either free of penalties or with significantly reduced legal consequences.

150. Furthermore, under Article 20 of the Fiscal Code applicable at that time, donations were excluded from the category of taxable income. Accordingly, the subject and her husband could have lawfully reported the funds as non-taxable income derived from parental donations received in 2012.

151. Crucially, the fiscal amnesty applied solely to undeclared funds that were in the taxpayer's possession as of 1 January 2012. It did not cover funds obtained later in the year. Both the subject and her mother stated that the funds were received in December 2012, implying that they were not available on the relevant cutoff date. As a result, the amnesty declaration appears to be inaccurate or improperly filed.

152. A relevant precedent was examined by the Superior Council of Magistracy in its decision of 26 March 2024, concerning the evaluation of *Ion Buruiană*, a candidate for the position of judge at the Supreme Court of Justice. Mr. Buruiană had declared, under the fiscal amnesty, a sum of money that he did not actually possess as of 1 January 2012, but which he anticipated receiving later. The Council determined that this amounted to a misrepresentation of the facts and underscored that a judge must adhere to the highest standards of integrity and accountability to maintain public confidence in the judiciary. Consequently, invoking the fiscal amnesty to declare assets not genuinely held as of the legal reference date may cast doubt on the honesty of the person being evaluated.

153. In conclusion, the Commission finds that the 990,000 MDL donation declared by the subject's husband lacks sufficient probative value and cannot be accepted as an incoming financial flow for 2012. As stated in §§ 142-143, the existence of sufficient funds is not corroborated by the expenses incurred by the subject's parents. The advanced explanation is undermined by significant inconsistencies and the absence of supporting documentation. The changing narrative regarding the origin of funds, the implausible timeline of the alleged transfer, the mismatch in currency reporting, and the reliance on unverified cash sources collectively diminish the credibility of the statement. Such a transaction cannot be validated solely based on retrospective declarations and unverifiable claims.

- **Inexplicable wealth for 2012**

154. The subject recorded a negative balance between incoming and outgoing financial flows in 2012 of -172,596 MDL.

Incoming financial flow

155. According to the SFS, in 2012, the subject received a net salary of +54,340 MDL as a judge.

156. At the end of 2011 (i.e., at the beginning of 2012), the subject had cash savings of +10,000 MDL. According to the Rules, this sum is considered an incoming financial flow for 2012, as it represents savings from the previous year.

157. The subject held +990,000 MDL as a result of her own fiscal amnesty declaration made in 2012, which the Commission accepted as an incoming financial flow (§§ 84-86). As set out in §§ 136-153, the Commission did not accept the fiscal amnesty declaration made by the subject's husband as an incoming financial flow. Therefore, the subject's household had a total of +1,000,000 MDL in cash savings.

158. In addition, in June 2012, the subject's husband sold a 2010 m/y Mercedes E250CDI/2010 for 15,000 EUR (227,100 MDL)[8].

159. Accordingly, the total incoming financial flow of the subject's household in 2012 was +1,281,440 MDL.

Outgoing financial flow

160. 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 NBS' calculation of Consumption Expenditures per Population (hereinafter "CEP")[9].

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[8] According to the average rage exchange for June 2012 EUR/15,14 MDL.

[9] 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 National Bureau of Statistics (hereinafter "NBS") methodology, available on the NBS website at 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 at https://statbank.statistica.md/PxWeb/pxweb/en/30%20Statistica%20sociala/30%20Statistica%20sociala__

161. According to the PSA, the subject divorced her husband on 5 May 2009, but they continued to live together as a joint household. In 2020, they re-registered their marriage. Therefore, during the evaluation period, the subject's household consisted of two adults and one child.

162. In 2012, the CEP for a household consisting of two adults and one dependent child was -69,116 MDL (1,919.1 MDL /month x 12 months x 3 persons).

163. At the end of 2012, the subject declared cash savings of -1,800,000 MDL. This amount included 990,000 MDL declared by the subject under the fiscal amnesty and 850,000 MDL remaining from her husband's fiscal amnesty declaration. However, as set out in §§ 136-153, the Commission did not accept the husband's fiscal amnesty declaration as an incoming financial flow. Consequently, it will also not be treated as an outgoing financial flow.

164. In the first round of questions, the subject declared expenses of -140,000 MDL, incurred by her husband for vacation, their daughter's studies abroad and at a private lyceum, and extracurricular activities.

165. In addition, the subject's household incurred expenses of -7,193 MDL for their daughter subscription to the sports club, "N.F.C.".

166. In 2012, the subject's husband imported a Skoda Octavia m/y 2010, through a trustee, for -14,000 EUR (-213,080 MDL)[10]. According to the customs declaration, the beneficiary of the vehicle was the subject's husband. The customs value was 130,135 MDL, and the import tax was 36,966 MDL. The Commission will calculate the value provided by the subject.

167. The subject declared expenses of -34,647 MDL for diesel fuel used for her daily trip to the Bender District Court (Varnita).

168. Therefore, in 2012, the subject's household had an outgoing financial flow of -1,454,036 MDL. Consequently, the subject`s household outgoing financial flow exceeded its incoming financial flows by -172,596 MDL.

04%20NIV__NIV020/NIV020600.px/?rxid=b2ff27d7-0b96-43c9-934b-42e1a2a9a7740. 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.

[10] According to the average exchange rate for July 2012 (15.22 MDL)

Table no. 2: Incoming and outgoing financial flows in 2012

Income (MDL)		Expenses (MDL)	
Salary at Bender District Court	+54,340	CEP for 2012	-69,116
Bank and cash savings at the beginning of the year	+10,000	Bank and cash savings at the end of the year resulting from the subject's fiscal declaration	-990,000
Subject's fiscal amnesty declaration	+990,000	Expenses made by the subject's husband (vacation, daughter studies abroad and at a private lyceum, extracurricular activities)	-140,000
Income from the sale of the Mercedes E250CDI	+227,100	Daughter's subscription to a sports club	-7,193
		Purchase of a Skoda Octavia	-213,080
		Expenses for daily traveling to the Bender District Court	-34,647
			- 1,454,036
Total	**+1,281,440**		**- 1,454,036**
Difference	**-172,596**		

- **Inexplicable Wealth in 2013**

169. The subject recorded a negative balance between incoming and outgoing financial flows in 2013 of -247,942 MDL.

Incoming financial flow

170. According to the SFS, in 2013 the subject received a net salary of +61,700 MDL as a judge at the Bender District Court.

171. At the end of 2012 (i.e., at the beginning of 2013), the subject had cash savings of +990,000 MDL resulting from her fiscal amnesty declaration made in 2012.

Outgoing financial flow

172. In 2013, the CEP for a household consisting of two adults and one dependent child was -73,605 MDL (2,044.6 MDL /month x 12 months x 3 persons).

173. On 5 July 2013, the subject made a payment with her MAIB bank card of -1,390 MDL to one of the merchants ("M.V.").

174. In the first round of questions, the subject declared expenses of -200,000 MDL, incurred by her husband for vacation, their daughter's summer school abroad and at a private lyceum, and extracurricular activities.

175. At the end of 2013, the subject declared cash savings of -1,640,000 MDL. This amount included 990,000 MDL declared by the subject under fiscal amnesty, as well as 650,000 MDL remaining from her husband's fiscal amnesty declaration. However, as set out in §§ 136-153, the Commission did not accept the husband's fiscal amnesty declaration as an incoming financial flow. Consequently, it will also not be treated as an outgoing financial flow.

176. The subject declared expenses of -34,647 MDL for diesel fuel used for her daily trip to the Bender District Court (Varnita).

177. Therefore, in 2013, the subject's household had an outgoing financial flow of -1,299,642MDL. Consequently, the subject`s household outgoing financial flow exceeded its incoming financial flows by -247,942 MDL.

Table No. 3: Incoming and outgoing financial flows in 2013

Income (MDL)		Expenses (MDL)	
Salary at Bender District Court	+61,700	CEP for 2013	-73,605
Bank and cash savings at the end of the year resulting from the subject's fiscal declarations	+990,000	Bank and cash savings at the end of the year resulting from the subject's fiscal declarations	-990,000
		Expenses made by the subject's husband (vacation, daughter studies abroad and at a private lyceum, extracurricular activities)	-200,000
		MAIB bank payment	-1,390
		Expenses for daily traveling to the Bender District Court	-34,647
Total	**+1,051,700**		**-1,299,642**
Difference	**-247,942**		

- **Inexplicable wealth in 2014**

178. The subject recorded a negative balance between incoming and outgoing financial flows in 2014 of -325,045 MDL.

Incoming financial flow

179. According to the SFS, in 2014 the subject received a net salary of +97,039 MDL as a judge at the Bender District Court.

180. At the end of 2013 (i.e., at the beginning of 2014), the subject had cash savings of +990,000 resulting from her fiscal amnesty declaration made in 2012.

Outgoing financial flow

181. In 2014, the CEP for a household consisting of two adults and one dependent child was -76,464 MDL (2,124 MDL /month x 12 months x 3 persons).

182. In the first round of questions, the subject declared expenses of -300,000 MDL, incurred by her husband for vacation, their daughter's summer school abroad and at a private lyceum, extracurricular activities and some repair expenses for the apartment located on Decebal street.

183. At the end of 2014, the subject declared cash savings of -1,340,000 MDL. This amount included 990,000 MDL declared by the subject under fiscal amnesty, as well as 350,000 MDL remaining from her husband's fiscal amnesty declaration. As for 2012 and 2013, the Commission will not treat 350,000 MDL as an outgoing financial flow.

184. On 7 July 2014, the subject made a payment with her MAIB bank card of -1,285 MDL to one of the merchants ("Q.R.P.").

185. In addition, the subject's household incurred expenses of -9,688 MDL for their daughter subscription to the sports club, "N.F.C.".

186. The subject declared expenses of -34,647 MDL for diesel fuel used for her daily trip to the Bender District Court (Varnita).

187. Therefore, in 2014, the subject's household had an outgoing financial flow of -1,412,084 MDL. Consequently, the subject`s household outgoing financial flow exceeded its incoming financial flows by -325,045 MDL.

Table no. 4: Incoming and outgoing financial flows in 2014

Income (MDL)		**Expenses (MDL)**	
Salary at Bender District Court	+97,039	CEP for 2014	-76,464
Bank and cash savings at the beginning of the year	+990,000	Bank and cash savings at the end of the year resulting from the subject's fiscal declaration	-990,000

resulting from the subject's fiscal declaration			
		Expenses made by the subject's husband (vacation, daughter studies abroad and at a private lyceum, extracurricular activities, and repair works for the appartement on Decebal street)	-300,000
		Daughter's subscription to a sports club	-9,688
		MAIB bank payment to "Q.R.P."	-1,285
		Expenses for daily traveling to the Bender District Court	-34,647
Total	**+1,087,039**		**-1,412,084**
Difference	**-325,045**		

- **Inexplicable wealth in 2015**

188. The subject recorded a negative balance between incoming and outgoing financial flows in 2014 of -355,686 MDL.

Incoming financial flow

189. According to the SFS, in 2015 the subject received a net salary of +114,024 MDL as a judge (68,914 MDL from the Bender District Court and 45,110 MDL from the Botanica District Court, Chisinau municipality).

190. According to the SFS, the subject's husband received a net salary of +17,750 MDL from the Customs Service in 2015.

191. At the end of 2014 (i.e., at the beginning of 2015), the subject had cash savings of +990,000 resulting from her fiscal amnesty declaration made in 2012.

192. In addition, the subject's husband sold a Skoda Octavia, m/y 2010 in June 2015 for 11,000 EUR (227,700 MDL)[11]. In the second round of questions, the subject explained that the income from the sale remained as savings for the end of the year.

Outgoing financial flow

[11] According to the average exchange rate for June 2015 (1 EUR/20,70 MDL)

193. In 2015, the CEP for a household consisting of two adults and one dependent child was -86,814 MDL (2,411.5 MDL /month x 12 months x 3 persons).

194. On 12 December 2015, the subject made a payment of -7,000 MDL using her VICB bank card to one of the merchants ("D.").

195. In the first round of questions, the subject declared expenses of -350,000 MDL, incurred by her husband as an advance payment for repairs in their daughter's future apartment located on Trandafirilor street.

196. In addition, the subject declared that -300,000 MDL was used for repair works on the same appartement. This amount was used from the 990,000 MDL declared under the fiscal amnesty by the subject.

197. The subject's household paid -10,497 MDL for their daughter's studies at a private lyceum.

198. Furthermore, the subject's household incurred vacation expenses of -21,600 MDL.

199. The subject also declared expenses of -11,549 MDL for diesel fuel used for her daily trips to the Bender District Court (Varnita).

200. At the end of 2015, the subject declared cash savings of -690,000 MDL, representing the remaining balance from the 990,000 MDL declared by her under the fiscal amnesty.

201. Therefore, in 2015, the subject's household had an outgoing financial flow of -1,705,160 MDL. Consequently, the subject`s household outgoing financial flow exceeded its incoming financial flows by -355,686 MDL.

Table 4. Incoming and outgoing financial flows in 2015

Income (MDL)		Expenses (MDL)	
Subject's salary from Bender and Botanica District Courts	+114,024	CEP for 2015	-86,814
Subject's husband salary from Customs Service	+17,750	VICB bank payment to merchant "D."	-7,000
Bank and cash savings at the beginning of the year resulting from the subject's fiscal declaration	+990,000	Expenses made by the subject's husband as advance payment for the appartement of their daughter on Trandafirilor street	-350,000

Income from sale of Skoda Octavia	+227,700	Expenses for repair works on the appartement on Trandafirilor street	-300,000
		Payment for the daughter studies at a private lyceum	-10,497
		Expenses for vacation	-21,600
		Expenses for daily trips to the Bender District Court	-11,549
		Bank and cash savings at the end of the year	-917,700
Total	**+1,349,474**		**-1,705,160**
Difference	**-355,686**		

- **Inexplicable wealth in 2017**

202. The subject recorded a negative balance between incoming and outgoing financial flows in 2017 of -460,819 MDL.

Incoming financial flow

203. According to the SFS, in 2017 the subject received a net salary of +151,029 MDL as a judge (31,684 MDL from Botanica District Court and 119,345 MDL from the Chisinau District Court).

204. According to the SFS, the subject's husband received a net salary of +198,243 MDL from the Customs Service in 2017.

205. At the end of 2016 (i.e., at the beginning of 2017), the subject's husband had bank savings of +5,181 MDL in his MAIB bank account. In the first round of questions, the subject declared cash savings of +70,000 as of the end of 2016, resulting from the fiscal amnesty declaration, her salary savings and financial support received from her parents.

Outgoing financial flow

206. In 2017, the CEP for a household consisting of two adults and one dependent child was -92,156 MDL (2,559.9 MDL /month x 12 months x 3 persons).

207. In 2017, the subject's husband made the following payments to different merchants using his MAIB bank card: -4,482 MDL ("V-P"), -7,290 MDL ("C."), -1,221 MDL ("J-R"). The subject, in 2017, made the following payments to different merchants using her VICB bank card: -3,169 MDL ("O.B. and K."), -8,329 MDL ("M.").

208. In the first round of questions, the subject declared expenses of 3,099 EUR (approximately 63,622 MDL)[12] at an outlet in Italy. Global Blue Tax refunded around 22% of the purchase value, representing approximately 13,997 MDL. Accordingly, after deducting the refunded amount, the subject's actual expenditure would have been approximately -49,625 MDL.

209. The subject's daughter paid CASCO insurance of -25,953 MDL. Furthermore, the subject's household incurred vacation expenses of -23,000 MDL.

210. **The purchase of a BMW X4 by the subject's daughter in 2017.** To assess the impact of vehicle purchase on the subject's financial situation in 2017, the Commission analyzed the following aspects:

- the value of the vehicle;
- the source of the funds used for the purchase.

The value of the vehicle

211. Based on a sale-purchase contract of 24 July 2017, the subject's daughter purchased a BMW X4, m/y 2014, for 400,000 MDL (19,203 EUR)[13]. The subject declared the same price in her 2017 annual declaration to the NIA.

212. On 18 May 2018, less than a year later, the subject's daughter sold the vehicle for 600,000 MDL (30,379 EUR)[14]. The subject declared the same price in her 2018 annual declaration to the NIA.

213. According to information from the Customs Service, the vehicle was imported into the Republic of Moldova in October 2014, by AUTOSPACE LLC, the general importer of BMW Group vehicles in the Republic of Moldova. The company confirmed that it had imported the vehicle and

[12] According to the average annual rate of 2017 for the month of October for the EUR/20.53 MDL.

[13] According to the average exchange rate of July in 2017 for the EUR/20,83 MDL.

[14] According to the exchange rate average for the month of May 2018 for EUR/19.75 MDL.

further informed that it was sold in November 2014 for 1,026,430 MDL (50,069 EUR)[15].

214. According to the insurance company "A.G. LLC," the subject's daughter signed a CASCO insurance contract covering the period from July 2017 to July 2018 for the vehicle in question.

215. As stated in point 4.1 of the contract and in the annex titled "Fire, Theft, and Accidental Damage Policy for Motor Vehicles", the insured value of the vehicle was set at 30,000 EUR. Additionally, point 4.1.2 specified: "The conclusion of an insurance contract for a vehicle at a value exceeding its real value is not permitted. If the insured amount exceeds the real value of the vehicle, the contract shall be deemed invalid with respect to the portion exceeding the vehicle's actual value on the date the contract is signed."

216. On 13 February 2025, at the request of the Commission, the insurance company provided additional details regarding the contract. The company confirmed that the client initially requested CASCO insurance coverage for 20,000 EUR. However, given that the company assumes risks in proportion to the insurance premium collected, and considering the potential evolution of damage-related costs, it agreed to insure the vehicle for 30,000 EUR. This amount represented an estimated compensation value, consistent with the risk assumed and the corresponding premium.

217. According to information from ANTA, the odometer reading was 14,000 km at the time the subject's daughter purchased the vehicle. During the vehicle's periodic technical inspection of the vehicle, the recorded odometer reading was 14,412 km. In addition, during the period of use by the subject's daughter, the vehicle did not undergo any modifications or repair works.

218. According to the online marketplace www.999.md, only one current announcement closely matches the specifications of the vehicle in question: a 2014 BMW X4, petrol, 2979-cylinder capacity, with 123,000 km, priced at 19,500 EUR.

219. Based on the Car Devaluation Calculator, an annual depreciation rate of approximately 6.2% results in a total estimated depreciation of 11,000 EUR over 7 years. Accordingly, the indicative market value of the vehicle in 2017 would have been around 30,500 EUR.

[15] According to the average annual exchange rate in 2017 for November for EUR /20,50 MDL.

220. The website www.piataauto.md, contains historical vehicle announcements, featured an example of a BMW X4, petrol, m/y 2015, with a 2.0L engine (compared to 3.0L in the daughter's vehicle) and 58,700 km. On 23 April 2017, it was listed for 35,100 EUR, despite higher mileage and a less powerful engine, indicating a potentially higher market value for the daughter's vehicle.

221. During the rounds of questions and the hearing, the subject explained the difference between the purchase and sale prices of the vehicle based on two main factors. First, she referred to the price negotiation between the parties. According to her husband, the initial price was higher than 400,000 MDL (although he could not recall the exact amount), but he successfully negotiated a better deal. Additionally, she noted that the sellers were willing to reduce the price for cash payments.

222. Regarding the resale price, 200,000 MDL higher than the purchase price, the subject stated that the buyer was particularly interested in the vehicle. Although her daughter initially did not want to sell it, she agreed after her father found a new model for her. The buyer, a close acquaintance of the family, had the financial means to pay that price.

223. Concerning the higher value indicated in the CASCO insurance contract, the subject explained that the primary objective of insurance companies is to generate profit by balancing risk management, maximizing investments, and providing accessible and efficient products to clients. The source of profit is the insurance premium collected from clients. The CASCO insurance premium is calculated as a percentage of the vehicle's value, adjusted based on the risks covered, the driver's profile, the geographical area, and the desired level of protection. Therefore, according to the subject, it is important not to confuse the purchase price of the vehicle (the amount actually paid) with the value indicated in the CASCO insurance contract. She added that, according to her understanding, if a vehicle is under five years old, insurers often assign a higher value in case of total damage, as they must reimburse the full insured amount.

224. The subject also argued that the Commission's price calculation was general in nature and she claimed to have consulted OpenAI's ChatGPT, which estimated the 2017 market value of a 2014 BMW X4 to be between 25,000 EUR and 33,000 EUR.

225. The Commission notes that when the daughter bought the BMW X4, m/y 2014, it was 32 months old and had a mileage of only 14,000 km. There is no evidence that the vehicle was damaged or required repairs. Moreover,

during the 10 months of ownership, the subject's daughter did not carry out any repairs or improvements that could justify a subsequent increase in the vehicle's value.

226. The original buyer had purchased the vehicle for 1,026,430 MDL. Thirty-two months later, the same vehicle was sold for approximately 55–60% less than the original purchase price. While the Commission acknowledges that price negotiations and payment in cash can contribute to a lower sale price, such a significant reduction appears implausible without further justification.

227. Ten months after the purchase, and in the absence of any improvements or repairs, the subject's daughter sold the vehicle for 200,000 MDL more than she had paid, representing a 50% increase over the original purchase price.

228. Furthermore, the Commission notes that the CASCO insurance contract listed the insured value of the vehicle as 30,000 EUR. The additional explanations provided on 13 February 2025 regarding this valuation remain unclear, particularly in light of point 4.1.2 of the contract, which explicitly states that insurance coverage cannot be concluded for an amount exceeding the actual value of the vehicle.

229. The Commission has previously accepted discrepancies between sale and purchase prices, whether lower or higher, only in cases where there was evidence that the vehicle had been damaged and the subject incurred repair costs (see *Mihaela Pascal* Decision, §§ 42–49). In other cases, where a reasonable justification did not support a difference between the purchase and sale price, the Commission calculated the sale price (see *Ala Malîi* Report, §§ 132–139, not published as of the date of this report).

230. Considering the above findings, the Commission will calculate the purchase price of the vehicle BMW X4 m/y 2014 in accordance with the sale price in 2018, i.e. -600,000 MDL.

The source of funds

231. In the first round of questions, and reiterated thereafter, the subject stated the BMW X4 m/y 2014 was purchased by her in-laws as a graduation gift for her daughter. The subject explained that her in-laws used funds from the 998,000 MDL declared under the 2012 fiscal declaration.

232. As stated in §§ 123-125, the Commission did not accept the existence of these funds declared by the subject's in-laws under fiscal amnesty, due to the lack of supporting evidence and financial traceability.

233. On 28 February 2025, after the hearing, the subject submitted additional explanations and confirmative documents to demonstrate her in-laws' financial capacity. She claimed that her father-in-law sold a Skoda Octavia m/y 2008 on 1 June 2017 to the company "LLC C.A." for 195,000 MDL. According to the subject, although the contract was officially registered on 5 September 2017, the transaction took place on 1 June 2017. According to her, this transaction proves the financial capacity of her in-laws to purchase BMW X4 for her daughter. She provided a copy of the sale-purchase contract of the vehicle along with a receipt allegedly signed by her father-in-law.

234. The Commission notes that the sale-purchase contract of the Skoda Octavia m/y 2008 is dated 5 September 2017. Point II of the contract states that the buyer "assumes" the obligation to pay the amount of 195,000 MDL in cash. The wording implies that that payment was not yet made at the time of signing and does not indicate that any payment had occurred beforehand or that a receipt was acknowledged in the contract.

235. The receipt of payment indicating that the subject's father-in-law received 195,000 MDL on 1 June 2017 appears to bear his signature (although it is not verifiable). However, it lacks the signature of a representative of "LLC C.A.", the other party to the contract.

236. According to the PSA, the subject's father-in-law officially sold the Skoda Octavia m/y 2008 on 9 September 2017. Furthermore, on 25 July 2017, he purchased another vehicle, Skoda Octavia m/y 2015. In the first round of questions (Q4), the subject declared that her father-in-law paid 350,000 MDL for this vehicle. Notably, her daughter purchased the BMW X4 m/y 2014 on 24 July 2017.

237. Therefore, beyond the fact that the documentation suggests the subject's father-in-law may have received the 195,000 MDL payment only after the BMW acquisition (i.e., after 5 September 2017), the records also show that he incurred a substantial expense of 350,000 MDL on 25 July 2017. This purchase, for another vehicle, occurred just one day after the BMW was acquired for a reported amount of 400,000 MDL.

238. Finally, the subject claimed that her in-laws purchased the vehicle for her daughter. However, she never declared this donation to the NIA. While the subject and her husband reported their daughter's ownership of the vehicle in their annual declarations, they failed to disclose the source of income used for the purchase. .

239. Based on the above findings, the Commission does not accept 195,000 MDL as a source of income to cover the purchase of the BMW X4 m/y 2014.

240. Therefore, in 2017, the subject's household had an outgoing financial flow of -899,269 MDL. Consequently, the subject`s household outgoing flow exceeded its incoming financial flows by -460,819 MDL.

Table no.6. Incoming and outgoing financial flows in 2017

Income (MDL)		Expenses (MDL)	
Subject's salary from Botanica and Chisinau District Courts	+151,029	CEP for 2017	-92,156
Subject's husband salary from the Customs Service	+198,243	Bank and cash savings at the end of the year	-84,044
Bank and cash savings at the beginning of the year	+75,181	Purchase of BMW X4 m/y 2014	-600,000
Tax refund from Global Blue Tax	+13,997	CASCO insurance policy	-25,953
		Subject's payments by VICB card to different merchants	-11,498
		Subject's husband payments to different merchants by his MAIB bank card	-12,993
		Outlet payment	-49,625
		Vacation expenses	-23,000
Total	**+438,450**		**-899,269**
Difference	**-460,819**		

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

Year	Amount of inexplicable wealth, MDL
2012	-172,596
2013	-247,942
2014	-325,045
2015	-355,686
2017	-460,819
Total	**–1,562,088 MDL**

242. The Commission has identified that the subject's household accumulated a negative financial balance of -1,562,088 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.

243. Moreover, if the Commission had accepted the subject's husband's fiscal amnesty declaration of 990,000 MDL as an incoming financial flow and accounted for the purchase price of the BMW X4 as -400,000 MDL, the total inexplicable wealth would have amounted to -372,088 MDL.

VI. Conclusion

244. 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

245. 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. The Commission will publish the evaluation's result on its official website on the same day.

246. 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.

247. 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.

248. This evaluation report was approved by a majority of the participating members on 13 May 2025 and signed pursuant to Article 8 para. (1) and (2) of Law No. 252/2023.

249. The Commission member Lilian Enciu submitted a dissenting opinion. As provided in Article 40 point (2) of the Rules, this evaluation report was modified and therefore is considered approved by the majority of the participating members on 19 May 2025.

250. The dissenting opinion of the Commission Member Lilian Enciu is appended to this evaluation report as provided in Article 40 point (2) of the Rules.

251. Done in English and Romanian.

Scott Bales

Chairperson of the Commission

DISSENTING OPINION

concerning the Evaluation Report of Mrs. Ruxanda PULBERE,
judge of the Central Court of Appeal

In accordance with the provisions of Article 17 of Law No. 252/2023, as well as Article 25 point (2) of the Rules on the organization and functioning of the Independent Commission for the external evaluation of judges and candidates for the position of judge of the Supreme Court of Justice, I hereby express this dissenting opinion on the results of the evaluation of Mrs. Ruxanda Pulbere, judge of the Central Court of Appeal.

The majority of the members of the Evaluation Commission concluded that the subject does not meet the financial integrity criteria established by Law No. 252/2023. Thus, § 242 of the Report states that: "on the basis of the information obtained and the subject's explanations, the Commission proposes that the subject should not pass the external evaluation due to non-compliance with the criteria set out in Article 11 para. (3) lit. a) of Law No. 252/2023".

I emphasize that the Commission's conclusion is based on deductive and presumptive findings regarding the availability of certain financial means, as well as on the assessment of the plausibility of their origin (see § 91 of the Report). Accordingly, for the sake of clarity, these financial means should be divided into two categories:

a. Funds received by her husband, M.P., as a donation from Mrs. Pulbere's parents in the amount of 990.000 MDL *(declared during the 2012 fiscal amnesty)*;

b. Financial means declared by Mrs. Pulbere's in-laws in the framework of the 2012 fiscal amnesty *(relevant to the assessment in the context of the purchase of the BMW X4vehicle in 2017)*, in the amount of 994.000 MLD.

a. Assessment of the availability of financial means declared by M.P. in the 2012 fiscal amnesty

With reference to the ability of Mrs. Pulbere's parents to provide her husband with the amount of 990,000 MDL, the Commission found in § 153 of the Report that the donation has no probative value, and in order to support this conclusion, in §§ 142-143, it is stated that the existence of sufficient funds is not corroborated by the expenses incurred by the subject's parents.

Thus, I express my disagreement with the assessments set out in §§ 142-143 of the Report, as these calculations are focused exclusively on the income of 1,056,013.18 USD earned between 1998 and 2012 in the Russian Federation by Ms. Pulbere's parents. From that income, the Commission excluded the outflows (donation, purchases of movable and immovable property), and operated with the remaining amount, considering it insufficient to demonstrate the traceability of the donation of 990,000 MDL given to M.P.

In the process of assessing the financial capacity, traceability as well as the origin of the money, the explanations given by R.S. - Mrs. Pulbere's mother, according to which part of the money came from the sale of their house in Dondușeni and the sale of wood, were ignored. These funds were kept by her mother until 2004, after which they were kept by her father-in-law (who lived in the neighborhood). Another part of the funds was kept in the subject's apartment. Mrs. R.S. communicated to her daughter that the money was intended for her brother - V.S. Thus, I find that the Commission erroneously accepted and considered only the amount of 6,335,201 MDL as available funds, ignoring the real estate transaction as a source of income, as well as the sale of timber.

These findings distort the factual framework, affecting the quality and objectivity of the decision, or, ignoring the subject's family's financial availability leads to the conclusion of a negative balance between outgoing and incoming financial means.

b. Assessment of the availability of the financial means declared by Mrs. Pulbere's in-laws in the framework of the 2012 fiscal amnesty

Referring to the amount of 994,000 MDL declared separately by Mrs. Pulbere's in-laws within the fiscal amnesty *(relevant in the context of the 2017 purchase of the vehicle)*, the basis for the formation of this income being:

- income as a farm manager between 1971-1988;
- income from the activity in the Russian Federation from 1996 - 1999;
- income from agricultural land and;
- income from the repayment of a loan (2010), in which B.R. (Mrs. Pulbere's father-in-law) acted as creditor.

Similarly, income from the sources listed *above* has been disregarded, thus according to § 123 of the Report: "The Commission finds that the subject has failed to substantiate, with verifiable and credible evidence, the source of the funds declared by his in-laws under the fiscal amnesty. Although the passage of time may justify the absence of certain documents, the Commission needs plausible and corroborated justifications to accept such a significant source of funds."

Therefore, I disagree with these findings, as I identify both direct and indirect factual indicators that contradict the Commission's argument and point to the genuine nature of these savings. Thus, ***with reference to the activity of Mr. B.R. in 1971-1988***, Mrs. Pulbere rightly did not provide the Commission with any confirmatory documents concerning her father-in-law's income, any social security contributions or tax records, but to deny this income by simply denying it would amount to nothing other than *'argumentum ad ignorantiam'* (argument from ignorance), which means to reject an assertion simply because there is insufficient evidence in its favor, I consider that exercise unacceptable in the assessment of a magistrate's financial criteria, moreover, this method of argumentation may lead to false conclusions or logical fallacia *non sequitur*. Consequently, the Commission's findings subtly suggest that Mr. B.R. was either not remunerated at all or was insufficiently remunerated from the Commission's perspective, which essentially constitutes a false dilemma.

With reference to the income of Mr. B.R. between 1996 and 1999 from his work in the Russian Federation, which was rejected by the Commission, I emphasize that indeed no confirmatory documents regarding salary receipts, social contributions or tax records were submitted to the Commission, but both from the statements of Mrs. R.S. during the hearings (who contributed to the employment of B.R. in the forestry enterprise), as well as in the written reply to the request sent to the Russian Federation, the

"Certificate" signed by the economic agent states that Mr. B.R.'s colleagues at the construction site confirmed that they knew Mr. B.R., as he had worked as a member of a forestry team in the period 1997-1999. Ignoring these indications, and witness evidence, as well as circumstantial evidence, leads to distortion of the logical chain and generates erroneous conclusions. However, according to the line of reasoning accepted by the majority of the Commission, Mr. B.R. provided services as a volunteer in the Russian Federation, so if the Commission uses the hypothetical method to assess 'plausibility', then the dominant hypothesis is still that Mr. B.R. was paid for the work he did in the Russian Federation. This inductive reasoning is also confirmed by the fact that both Mr. B.R. and his family had a consumption basket, managed the household, and all this involved financial means.

With reference to the source of the money from the exploitation of agricultural land, in the evaluation process Mrs. Pulbere stated that until 2008, her in-laws earned income from the cultivation of agricultural land and the sale of the harvest. Her mother-in-law explained that they cultivated 6.5 ha of land, of which 0.33 ha were used for an apple orchard, 0.60 ha for sugar beet, 1.84 ha for sunflower, and 3.73 ha for wheat. Most of the harvested produce was sold. The majority of the Commission therefore considers that this income cannot be withheld. I emphasize in opposition to the arguments of the majority the fact that the Town Hall of the village Plop, where the subject's in-laws lived, confirmed that they owned agricultural land, likewise by indirect method we note that according to the data of the State Fiscal Service, the subject's in-laws earned an income of 30,694 MDL in the period 1999-2012. The same data shows that they also earned income categorized as SERB, which includes income from renting land; although, this income was insignificant. Rightly, the amount of the taxed income is insignificant if compared to Mrs. Pulbere's statements that her in-laws received on average 160 thousand MDL annually from the exploitation of land, but the complete denial of the income from that economic activity would mean that even the SFS records are insufficient to justify the traceability of financial means.

In addition, the reality of land legal relations in the Republic of Moldova cannot be denied, in particular its specificity in the reference period, the exploitation of agricultural land under agreements, verbal contracts probably remains valid today, and the realization of agricultural products at agricultural markets, or at processing entities remains a reality which is impossible to deny, but this dimension of the analysis goes beyond the scope of the Commission's investigation and therefore serves exclusively as indirect evidence confirming the probability of the sums indicated by Mrs Pulbere from the exploitation of the land and agricultural production *in dubio pro reo*.

With reference to the income obtained by Mr. B.R. from the receipt of the sum of 25,000 USD in 2010 following its repayment by his debtor (the loan was granted in 2002). For the assessment of this transaction the majority reported the amount to the official income in the records of the SFS, which led to the denial of the origin of the financial means. However, I consider that these financial means deserve to be taken into account and accepted, and the subject also submitted a sale-purchase contract dated 15 July 2008, from which it appears that B.R. sold an apartment in Chisinau for 397,900 MDL. The contract indicates that the apartment was purchased in 2003.

Thus, treating these amounts as unproved, and consequently not accepting them forms the negative financial flow for the years 2012, 2013, 2014, 2015, 2017, and *the* total amount constitutes in the majority's view 1,562,088 MDL. I consider that these findings represent an error built on invalid premises.

I note in the report, § 243 concludes that "even if the Commission had accepted the subject's husband's fiscal amnesty declaration of 990,000 MDL as incoming financial flow, and had retained the purchase price of the BMW X4 vehicle the declared -400,000 MDL, the inexplicable wealth would have constituted - 372,088 MDL." The aforesaid statement denotes the willingness of the Commission to accept and alternatively assess the candidate's income and expenses.

Thus, with reference to the purchase of the BMW X4 vehicle declared at 400,000 MDL, the subject mentioned that the BMW X4, m/y 2014, was purchased by his in-laws as a graduation gift for her daughter. The subject explained that the in-laws used funds from the amount of 998,000 MDL, which was declared as part of the 2012 fiscal amnesty. I consider that the purchase by B.R. on 25 July 2017 of a vehicle, Skoda Octavia m/y 2015 in the amount of 350,000 MDL does not compromise the possibility of paying the price for the BMW X4, in light of the financial availabilities described *above*.

I emphasize that the rejection of Mrs. Pulbere's in-laws' funds generates their alleged unavailability to cover the cost of the BMW X4 vehicle. In this regard, I express my disagreement with the majority's conclusions, considering that Mrs. Pulbere's in-laws had the means available for the purchase of the vehicle, and the traceability of the financial flows was demonstrated by direct and indirect evidence, as well as by inferential indices in the three rounds of questions, answers to which were attached available confirmatory documents.

Complementarily, in Judgment no. 2 of 16 January 2025 for the constitutionality review of certain provisions of Law no. 65 of 30 March 2023 on the external evaluation of judges and candidates for the position of judge of the Supreme Court of Justice and of Law No. 252 of 17 August 2023 on the external evaluation of judges and prosecutors and amending certain normative acts, the High Court ruled:

"98. The Court noted that, according to the Explanatory Dictionary of the Romanian Language, the word "dubiu" implies a lack of confidence, and the synonyms of the word "serious" are "serious", "convincing" or "lacking superficiality". The Court considered that these terms could guide evaluation committees to form an opinion on the evidence necessary to disqualify a subject.

99. However, for a more precise understanding of the standard of proof set for the evaluation boards, the Court compared it with the standard of proof set for the Superior Council of Magistrates and the Superior Council of Prosecutors. The law stipulates that the Boards can only decide not to pass the assessment if the report examined contains "confirming evidence" that the assessed subject does not meet one or more of the integrity criteria. The wording "confirms" suggests a certainty that the subject does not meet the legal criteria. Thus, in comparing the expression 'serious doubts' with the wording 'confirming evidence', the Court considered that the former implied a high probability rather than certainty."

In light of these considerations, I believe that the conclusions set out in the report do not meet the threshold of “serious doubts” and are, naturally, far from reaching the level of certainty—hence, I am unable to fully endorse them.

In conclusion: For the reasons set out *above*, I cannot agree with the findings agreed by the majority of the Commission, given that in my view both the availability and the traceability of the financial means of the subject of the assessment and correlatively of his family have been demonstrated to the extent of the accessibility of the evidence taking into account the extended margin of time during which these means were accumulated, as well as the real possibility of proving facts and events over a cumulative period of time exceeding 30 years (the period of accumulation and management of financial means by his family), which exceeds the period of assessment established by Law No. 252/2023.

Thus, as a rapporteur in the assessment procedure of Mrs. Ruxanda Pulbere, I assess that the total negative flow of the assessed subject does not exceed the limit set by Art. 11 para. (3) lit. a) of Law No. 252/2023. In the undersigned's opinion, Mrs. Ruxanda Pulbere is to pass the external evaluation.

14 May 2025

Lilian ENCIU,

Member of the Commission