



# REPORT

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## THE EVALUATION COMMISSION OF THE NATIONAL COUNCIL FOR INTEGRITY (CNI)

OCTOBER 2009



# CONSILIUL NAȚIONAL DE INTEGRITATE

## COMISIA DE EVALUARE

### THE EVALUATION COMMISSION OF THE NATIONAL COUNCIL FOR INTEGRITY (CNI)

- appointed based on CNI's Decision No. 22/February 12, 2009 on the appointment of the Commission as set forth by art.2<sup>1</sup> in relation to the provisions of art. 25 para. (2) of Act No. 144/2007, as subsequently amended and supplemented,
- pursuant to the provisions of Act No. 144/2007 on the establishment, organisation and functioning of the National Agency for Integrity (ANI), as subsequently amended and supplemented,
- **in consideration of the** MEMORANDUM filed by Mr. BURCIU FĂNEL NICOLAE, former Integrity Inspector within the Agency, and recoded with the **National Council for Integrity** Registry under No. 139/12.02.2009 (pages 9 - 14);
- **proceeding to the prior verification** of the elements signaled in the notice and in consideration of the fact that:
  - ✓ The National Agency for Integrity carries out its activity under the governing principle of **operational independence** and **is a main credit release authority**;
  - ✓ some of the notified aspects exceed its range of competence, and the involvement of competent public institutions is necessary;
  - ✓ notifications of the same subject matter were sent after 12.02.2009 by Mrs. FLUTURE CARMEN FLORENTINA (pages 26 - 58), former Cabinet Manager in the ANI President's Cabinet by mail/electronic mail to administrative and jurisdictional institutions, civil society, mass-media institutions, non-governmental organizations and the Romanian Presidency, the Romanian Parliament, the Romanian Government, the Government's General Secretariate etc.;
  - ✓ notifications submitted after 12.02.2009 by Mrs. ANDREEA ILIE (former Gridan), former head of department, Investment and Public Procurement Department within the General Economic Division of ANI, having the same subject matter as the above-mentioned, and other aspects (pages 26 - 58);
  - ✓ Mr. BURCIU FANEL NICOLAE, Mrs. FLUTURE CARMEN FLORENTINA, Mrs. ANDREEA ILIE established as "Integrity Warners" invoking the provisions of Act 571/2004 and the certificates issued by the "Centre for Anti-corruption Resources" within the "Romanian Transparency Association" – Transparency Romania;
- In consideration of the fact that some notified aspects cannot be taken into account as they are or may be the object of competent courts of law and other legal provisions regulating the relevant object;

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started the verification procedure proper in line with the legal provisions and requested the National Authority for Public Procurement Regulation and Monitoring, the National Agency of Public Servants, the Romanian Gendarmerie – Special Unit 70, the Romanian Court of Accounts to communicate their points of view or send the results of the verification procedures. The **National Agency for Integrity** was requested copies of the relevant documents. They were sent and registered with the Registry of the National Council for Integrity.

#### The public institutions started checking at the National Agency for Integrity within their legal competence limits.

Mr. BURCIU FĂNEL NICOLAE was invited to uphold the accusations against the management of the National Agency for Integrity in front of the **EVALUATION COMMISSION OF THE NATIONAL COUNCIL FOR INTEGRITY**. Mr. BURCIU FĂNEL NICOLAE refused said invitation. His summoning was done at his domicile and by phone pursuant to the legal provisions.

During said verification, the entire Agency staff, including the management, collaborated and provided the **EVALUATION COMMISSION OF THE NATIONAL COUNCIL FOR INTEGRITY** all requested documents.

Thus, as a result of the **analysis of the accusations against the ANI Secretary General, Mr. HORIA GEORGESCU**, and the verification conducted by the **EVALUATION COMMISSION OF THE NATIONAL COUNCIL FOR INTEGRITY**, as well as following the completion of the verification procedures conducted by the competent institutions, **the outcome was as follows**:

### 1. ON THE APPOINTMENT OF MR. HORIA GEORGESCU AS SECRETARY GENERAL OF THE NATIONAL AGENCY FOR INTEGRITY:

The **National Agency of Public Servants (A.N.F.P.)** conducted verifications at the National Agency for Integrity on **February 16-18, 2009**. We quote from the **Verification Report of ANFP** (pages 59 - 69):

*"The information resulting from the verification procedures resulted in the conclusion that Mr. HORIA GEORGESCU was appointed counselor of the Minister of Justice in 2007. We underline that, according to the information provided by the Ministry of Justice and Citizens' Freedoms (letter registered with A.N.F.P. under No. 1885628/12.03.2009) and the legal provisions of art. 117 para. (3) of the Government's Decision No. 83/2005 on the organisation and functioning of the Ministry of Justice, as subsequently amended and supplemented, the counselors of the Minister of Justice are legal staff assimilated to judges and prosecutors.*

*Mr. HORIA GEORGESCU is a long-term higher education graduate, both in Economics (certified economist 2003, as per University Graduation Diploma No. 1264/04.10.2005, issued by the Academy of Economic Studies, Bucharest, and Law (university graduation diploma, major: Law 2007, Certificate No. 3961/18.07.2007, issued by Universitatea Creștină "Dimitrie Cantemir"). According to his work record series MM no. 621573 Mr. HORIA GEORGESCU, in his capacity a counselor of the Minister of Justice, is delegated on April 16, 2008, to the National Agency for Integrity, upon preservation of his salary rights as resulting from his counselor position.*

*Pursuant to the Order of the Minister of Justice No. 1133/C/16.04.2008, starting April 16<sup>th</sup>, 2008, Mr. HORIA GEORGESCU is delegated from the Ministry of Justice to the National Agency for Integrity for a 1-period interval of time, and not less than that, starting the date the Agency becomes operational. By virtue of art. 27 para. (1) letter c) corroborated with art. 59 para. (4) and (5) of Act No. 144/2007*



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on the establishment, organisation and functioning of the National Agency for Integrity, as subsequently amended, starting 16.04.2008, via the ANI President's Order No. 184/16.04.2008, Mr. HORIA GEORGESCU is appointed to the public position of Expert, class I, professional level: assistant, and starting the same date he is to equally fulfill the duties of ANI Secretary General. Mention must be made that in 16.04.2008-24.11.2008, Mr. HORIA GEORGESCU was paid under the Government's Emergency Ordinance No. 27/2006 as a counselor of the Minister of Justice.

On 17.04.2008 A.N.I. requested a favourable endorsement that Mr. HORIA GEORGESCU may temporarily hold, for a maximum 6-month period, the public position of A.N.I. Secretary General. Based on the data sent by A.N.I., A.N.F.P. granted the requested endorsement. However, Mr. HORIA GEORGESCU was not appointed to the public position of Secretary General as, after further analysis of the HR Department within A.N.I., the conclusion was that Mr. HORIA GEORGESCU failed to fulfill the seniority-related conditions as concerns the specialty of the studies required for the exertion of the Secretary General public position. Mr. HORIA GEORGESCU continued to be a paid staff member as a counselor of the Minister of Justice, without receiving the related management remuneration, as resulting from the A.N.I. remuneration records.

In this respect, the conclusion is that:

- Mr. HORIA GEORGESCU was appointed to the Expert public position, class I, professional level: assistant, and fulfilled duties as the A.N.I. Secretary General;
- Mr. HORIA GEORGESCU did not temporary hold the Secretary General position of the National Integrity Agency;
- In 16.04.2008-24.11.2008, Mr. HORIA GEORGESCU was paid according to Government's Emergency Ordinance No. 27/2006 as a counselor of the Minister of Justice, which position is assimilated to that of judges and prosecutors, and did not collect his salary rights related to the Secretary General position.

"On 18.09.2008 A.N.I requests that a contest be organized for the vacant public position of Secretary General included in the high public servant category according to Regulations No. 1/2008 on the organization and performance of the contest for entering the high public servant category. As a result of having passed said contest for occupying the vacant public position of A.N.I. Secretary General, Mr. HORIA GEORGESCU is appointed to this public position via a Prime Minister's Decision No. 238/20.11.2008."

The ANFP Verification Report concludes:

"we estimate that, as concerns Mr. HORIA GEORGESCU's legal status, the current legal provisions on the relevant public position have been complied with".

Noting the conclusions of the verifications conducted by the competent authority (A.N.F.P.), **THE EVALUATION COMMISSION OF THE NATIONAL COUNCIL FOR INTEGRITY notes that:**

**THE APPOINTMENT OF MR. HORIA GEORGESCU TO THE RELEVANT PUBLIC POSITION WAS DONE UPON COMPLIANCE WITH THE LEGAL PROVISIONS.**

### **2. ON THE ALLEGED IMORAL CONDUCT THAT MR. HORIA GEORGESCU SUPPOSEDLY HAD WITHIN THE INSTITUTION:**

For the purpose of finding the actual facts, the **EVALUATION COMMISSION OF THE NATIONAL COUNCIL FOR INTEGRITY** had individual discussions with both the public servants and the contracting staff of A.N.I. The staff was randomly selected; however, other employees had the opportunity to address the Evaluation Commission on request.

Also, the **EVALUATION COMMISSION OF THE NATIONAL COUNCIL FOR INTEGRITY** had discussions with Mr. HORIA GEORGESCU. He stated that "a dignified conduct, by firm coordination, does not qualify as immoral conduct."

Following the verification and direct observance of the Agency staff's conduct, the **EVALUATION COMMISSION OF THE NATIONAL COUNCIL FOR INTEGRITY notes that:**

**THE ACCUSATIONS REGARDING THE IMORAL CONDUCT MR. HORIA GEORGESCU SUPPOSEDLY HAD WITHIN THE AGENCY ARE NOT CONFIRMED BY THE INSTITUTION'S STAFF.**

### **3. ON THE ALLEGED INTERFERENCES BY MR. HORIA GEORGESCU IN THE INTEGRITY INSPECTION ACTIVITY:**

Legal basis:

- art. 14 para.(3) of Act No. 144/2007, as subsequently amended and supplemented, is a commitment to operational independence, i.e. "the President, Vice-President and Integrity Inspectors shall neither request, nor receive orders as concerns the verifications they conduct, from any public authority, be it an institution or an individual";

- the provisions of art. 32 of the Regulations for the Organisation and Functioning of the National Agency for Integrity, "the Secretary General does not have operative duties in the area of verification of assets, incompatibilities or conflicts of interests.";



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The **EVALUATION COMMISSION OF THE NATIONAL COUNCIL FOR INTEGRITY**, requesting the Agency's President via letter No. 142/19.02.2009 "to order that the institution's staff be available for possible clarifications of the notified aspects" (page 70), conducted the investigation by interviewing the ANI staff.

There were discussions conducted with a number of **20 randomly selected Integrity Inspectors, as well as the management staff of the Integrity Inspection**. Also, the **EVALUATION COMMISSION OF THE NATIONAL COUNCIL FOR INTEGRITY** interviewed public servants and/or the relevant contracting staff within the Agency. The following were discussed: *the provisions of Act 144/2007, as subsequently amended and supplemented, the random case distribution procedure, the means of collecting documents for and completing investigations, the level of involvement by the institution's management, aspects concerning the means to determine the value of the fine enforced by Integrity Inspectors – as official examiners – (pursuant to art. 52 of Act No. 144/2007, as subsequently amended and supplemented), possible interferences by the Agency's management in the operative activity and each employee's perceptions on the alleged interferences in his/her activity.*

On the accusations that Mr. Horia Georgescu ordered that "most employees of the former Ministry of Small and Medium Enterprises, where he had had his previous job, be sanctioned" included in the report of Integrity Inspector BUCHEANU ANDREEA (page 109 - 111) whom the task was assigned to, as well as the documents analyzed by the **EVALUATION COMMISSION OF THE NATIONAL COUNCIL FOR INTEGRITY** and the relevant discussions, the conclusions were as follows:

"Task No. 673/DA/2008 was assigned to me on 30.07.2008 by Manager BURCIU FĂNEL, with the following assignment: letter to the Minister of Small and Medium Enterprises via which you request the name of the person in charge of this assignment, the number of employees who have to submit statements of assets and interest, names of those who submitted the same within the due deadline, as well as a list of the employees' names, ID serial numbers and personal numbers (CNP). I also state that, during the entire duration of this file, there was no pressure whatsoever exerted on me, that I did not receive orders for the settling of this file from the Secretary General of the National Agency for Integrity. I hereby enclose this report to the copy of the letter sent to the Ministry of Small and Medium Enterprises, bearing the distribution stamp, hereinafter called Annex 1."(page 108).

**The Agency's operative staff** – the Integrity Inspection – submitted the **EVALUATION COMMISSION OF THE NATIONAL COUNCIL FOR INTEGRITY** an open letter, signed by all 58 Integrity Inspectors, including the managing staff, present on 17.02.2009, via which they **separate themselves from their colleague, Mr. BURCIU FĂNEL NICOLAE, as the claimed aspects are false and disparaging, have no real basis and are used for personal purposes by the author thereof** (pages 71 - 75). We quote from the Integrity Inspectors' letter:

"The Secretary General and Agency President did not interfere in the activity and operational independence of the Integrity Inspection General Division by any means whatsoever that may derogate from the legal framework, as stated in Mr. Burciu memo... I hereby condemn this irresponsible and unsubstantiated action, meant to cause confusion on the date the European Commission's Intermediary Report is published, that highlights and salutes the progress registered by the National Integrity Agency and, most importantly, the creation of an operation case basis in a short period of time..."

In consideration of the above, the **EVALUATION COMMISSION OF THE NATIONAL COUNCIL FOR INTEGRITY notes that:**

**THE ACCUSATIONS CONCERNING THE INTERFERENCES BY MR. HORIA GEORGESCU WITH THE INTEGRITY INSPECTION'S ACTIVITY ARE NOT CONFIRMED BY THE INTEGRITY INSPECTORS.**

#### **4. ON THE ALLEGED PUBLIC PROCUREMENT IRREGULARITIES:**

As a result of the letter sent by the **EVALUATION COMMISSION OF THE NATIONAL COUNCIL FOR INTEGRITY** (No. 147/26.02.2009), A.N.R.M.A.P. conducted a surveillance procedure at the National Agency for Integrity. The Verification Report No. **RC 336/3286/April 9, 2009** (pages 76 - 80) **refutes the existence of public procurement irregularities.**

The verification team's conclusion result in that *these three contracts (25/01.07.2008;13/11.06.2008; 08/17.12.2008) were entered into by direct procurement, each being under the Euro 10,000 threshold, pursuant to the provisions of art. 19 of the Government's Emergency Ordinance No. 34/2006, as subsequently amended and supplemented. Though the contractual value was under Euro 10,000, the verification team noted that not only did the Contracting Authority record the purchase invoice, but also drafted each and every contract, necessity reports and other documents that were the basis of the contract execution. The three contracts were concluded owing to the special nature of the procurement, as the provider's activity lasted a longer period of time, and the Contracting Authority thus wanted to make sure the provider's activity is conducted free of any incidents."*

It is worth mentioning that, as concerns one of the contracts concluded by A.N.I. and the accusations against Mr. HORIA GEORGESCU according to which the beneficiary would be "a friend" of his, the relevant contract was entered into on 17.12.2007, on which date Mr. HORIA GEORGESCU had no professional relations with the Agency.

#### **Conclusions of the A.N.R.M.A.P. Report:**

**"Pursuant to the above, the verification team notes that the Contracting Authority complied with the provisions in the Government's Emergency Ordinance No. 34/2006, as subsequently amended and supplemented."**





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In reply to the conducted verifications, the National Agency for Integrity provided the EVALUATION COMMISSION the Evaluation Report No. 1562287/09.02.2009 named "Activity Report on the verification of the procedural aspects related to the open bid for the assignment of the framework agreement for ANI documentation electronic archiving services, electronic archive management and implementation solution, and related infrastructure services" of the Unit for the Coordination and Verification of Public Procurement within the Ministry of Public Finance that notes the compliance with the legal procedures during the bid procedure.

Noting the conclusions of the verifications conducted by the competent institution (A.N.R.M.A.P.) and U.C.V.A.P. – M.F.P., **THE EVALUATION COMMISSION OF THE NATIONAL COUNCIL FOR INTEGRITY NOTES THAT THE ACCUSATIONS CONCERNING THE ALLEGED PUBLIC PROCUREMENT IRREGULARITIES ARE NOT CONFIRMED.**

### 6. ON OTHER ALLEGED IRREGULARITIES:

A. Aspects on the employment contests within the National Agency for Integrity during 2008 were the object of the conducted verifications under its legal competences by A.N.F.P (pages 59 - 69), **and no deviations were identified from the legal provisions.** The Verification Report No. 578/26.03.2009 indicates that "*According to the record chart filled in by the HR specialists of A.N.I., in 2008 11 contests were organized and took place.*"

#### THE EVALUATION COMMISSION OF THE NATIONAL COUNCIL FOR INTEGRITY noted the following:

- the Agency's organizational chart and the position list were elaborated and approved before April 16<sup>th</sup>, 2008, on which date Mr. HORIA GEORGESCU was delegated to the Agency;
- the first contest organized for the employment of Integrity Inspectors took place in February – April 2008, and pursuant to art. 4 para. (2) of the Contest Regulations, the National Agency of Public Servants had one member and a substitute member in each contest/examination commission;
- the Agency's President designated the following persons as members of the contest commissions for the employment of Integrity Inspectors (members/substitutes): Ene Ilie – (Integrity Inspection General Manager), Dumitru Adrian – (Legal General Division General Manager, upon temporary exertion of said position for the June-July and September-October contests 2008), at present, legal counselor – Legal, Control and Public Relations Division, Moilat Luana – Communication and Mass-Media Division Manager – at present, Communication and Protocol Division Manager, Mihaela Rădescu – head of department, Integrity Inspection, Bârloiu Florentina – Integrity Inspector, Vaida Dragoș – Legal counselor, Mihăilă Magdalena – Integrity Inspector, Lazăr Ștefan – Integrity Inspection head of department, Badiu Luiza – Integrity Inspection head of department, Cristea Romeo – Integrity Inspector, Medeleş Mădălina – head of D.G.O.R.U. department, Rusu Nicoleta – Integrity Inspector, Oprea Codrin – Integrity Inspector, Vișan Benone – Integrity Inspector, Ionescu Mihaela – Integrity Inspector, Bucheanu Andreea – Integrity Inspector, Găină Alexandru (at present, no longer employed by the Agency), Gridan Alin – Verification Body counselor, Constantinescu Greta –D.G.B.C.I. General Manager, Crețu Adelina (at present, no longer employed by the Agency), Druziuc Francisca (at present, no longer employed by the Agency), Soroceanu Silviu – Integrity Inspection head of department, Ciobanu Delia (at present, no longer employed by the Agency), Bratu Nicolae (at present, no longer employed by the Agency), Beicuș Cristinel (at present, no longer employed by the Agency), Mareș Florina (counselor – Communication and Mass Media Division).

B. On "renting" a car from the Ministry of Interior and Administrative Reform (M.I.R.A.), the EVALUATION COMMISSION OF THE NATIONAL COUNCIL FOR INTEGRITY **noted** the following from the analysis of the provided documents:

- on October 31<sup>st</sup>, 2008, the National Agency for Integrity entered into a Collaboration Protocol with the Ministry of Interior and Administrative Reform (currently the Ministry of Administration and Interior);
- in order to conduct the specific tasks set forth in the Collaboration Protocol, by the Joint Order No. 646/493/October 31<sup>st</sup>, 2008 of the two institutions, M.I.R.A. transmitted the right to use the vehicle – utility vehicle Audi 8E/A4 (according to the data in registration certificate, registration number B-45-END) to the National Agency for Integrity. **The analyzed documents result in the conclusion that the vehicle is not the Agency's property or the object of any rental contract.**

C. On the aspects concerning the security staff at the A.N.I. headquarters, Special Unit 70 Military Police, Institutional Security and Protection, Bucharest, conducted an investigation. The Commander of Special Unit 70 Military Police, Institutional Security and Protection, Bucharest communicated via letter No. 424460/18.02.2009 (pages 24 - 25), following verification, the refutation of the accusations of the group commander "dismissal", "addressing trivial words/threats to Gendarmerie members, the existence of a negative report concerning Mr. HORIA GEORGESCU, having a Gendarmerie non-commissioned officer write explanatory notes, as well as the statement that the transfer of the three Gendarmerie staff would be abusive. According to the conclusions in the sent letter, the outcome is as follows: **"In conclusion, we refute the existence and accuracy of Mr. Burciu Fanel presentation in his memo and believe inopportune and null any implication by the Gendarmerie institution, i.e. the Gendarmerie staff in the relevant unit, in the personal conflicts and dissatisfactions of employees/former employees of the Agency's staff."**

D. On the aspects signaled in relation to Ms. Munteanu Monica, personal assistant to the ANI Vice-President's Cabinet, the EVALUATION COMMISSION OF THE NATIONAL COUNCIL FOR INTEGRITY notes in the verified documentation that she benefited from 19 days of annual leave, in September 1-16, 2008 and 90 **unpaid leave** days in August 1-31, 2008 and September 29, 2008 – November



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26, 2008. On December 18, 2008, via letter No. 2521, Ms. Munteanu requested the termination of her employment contract under art. 55 letter b) of Act No. 53/2003 – Labour Code, as subsequently amended and supplemented, via the parties' agreement (page 98).

**E. On Mr. Gridan Alin's situation**, the signaled aspects were subject to verifications by the National Agency of Public Servants. Via Verification Report No. 578/March 26, 2009 (pages 59 - 69), the A.N.F.P. representatives note no legal conditions were violated.

**F. On the aspects signaled on Mrs. Andreea - Luana Moilat**, Communication and Mass-Media Division Manager, the **EVALUATION COMMISSION OF THE NATIONAL COUNCIL FOR INTEGRITY notes that**, in compliance with the duties in her job description (pages 99 - 101), she endorsed certain documents for the International Relations General Division only.

**G. On the accusations of delayed approval of the In-house Regulations of ANI and the amendments to the law on the Agency establishment, organisation and functioning**, the **EVALUATION COMMISSION OF THE NATIONAL COUNCIL FOR INTEGRITY notes that**:

- The Organisation and Functioning Regulations were initially approved by Order of the Vice-President No. 27/January 4<sup>th</sup>, 2008 and updated by Order of the Agency's President No. 555/December 5<sup>th</sup>, 2009. The In-house Regulations of the National Integrity Agency were passed by Order of the Agency Vice-president No. 28 as of January 4<sup>th</sup>, 2008. The delegation of Mr. HORIA GEORGESCU from the Ministry of Justice started on April 16<sup>th</sup>, 2008. Thus, the signaled aspects **are not actually substantiated**;

- According to art. 74 of the Romanian Constitution, republished, the National Integrity Agency does not have a right to submit legislative initiatives, and hence the signaled aspects **are deprived of object**.

**H. The EVALUATION COMMISSION OF THE NATIONAL INTEGRITY COUNCIL notes that the signaled irregularities on the creation of the discipline commission** within A.N.I. were refuted by the meeting minutes of 04.12.2008 and 04.02.2009, as well as Order No. 645/2009 *on the creation of the discipline commission in A.N.I.* After the meeting was over, on vote counting, the commission thus established noted that there were suspicions as to the manner the voting took place, as resulting from Minutes No. 2302/2008 as well. This is the reason why it is decided to resume the voting procedure following which, via Order No. 645/2009, the A.N.I. discipline commission was established A.N.I. (page 107).

### **THE EVALUATION COMMISSION OF THE NATIONAL INTEGRITY COUNCIL NOTES THE ACCUSATIONS IN THE MEMO ARE NOT CONFIRMED.**

Also, the **Agency's Secretary General**, Mr. HORIA GEORGESCU, submitted specifications on the following aspects concerning Mr. BURCIU FĂNEL NICOLAE:

- In **September 2008** the National Agency for Integrity started a series of verifications via the institution's competent departments as concerned Mr. BURCIU FANEL NICOLAE's activity following several written complaints submitted by employees inside and outside the institution on the breach of job-related duties and the ANI in-house organization, functioning and order;

- **At present, the verified aspects are the object of several criminal files pending before the competent courts, in early stages;**

- **The Prosecutor's Office within the 1<sup>st</sup> District Court of Law ordered his criminal investigation for fraud, forgery and use of forgery** (page 134);

- He has had a conduct of marked disciplinary deviations, which has been proved by the sanctions received and the "unsatisfactory" qualification concerning his professional evaluation;

- On employment in the Agency, he hid the fact that he was **medically qualified for a 2<sup>nd</sup> degree disability (total loss of capacity to work)**, benefiting from early retirement pension, under art. 13 letter b) of Act No. 179/2004 *on state pensions and other social benefits of policemen*, as subsequently amended and supplemented;

- None of the tasks that were assigned to him was resolved, and certain job-related tasks were not complied with, in violation of the provisions of Act 144/2007;

- While temporarily exerting the Deputy Manager position within the Integrity Inspection Department, he premeditatedly exceeded his job-related duties – accessing, with no authorization, the computer systems of his subordinated staff (Integrity Inspectors), while they were not at work;

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- In compliance with the provisions of Act No. 144/2007 on the establishment, organisation and functioning of the National Agency for Integrity (ANI), as subsequently amended and supplemented,

- CNI's Decision No. 22/February 12, 2009 on the appointment of the Commission as set forth by art. 21 in relation to the provisions of art. 25 para. (2) of Act No. 144/2007, as subsequently amended and supplemented,

- The administered documentation provided to the **EVALUATION COMMISSION OF THE NATIONAL INTEGRITY COUNCIL**, as well as the after hearing the involved parties and the Agency's staff,

- Based on the conclusions submitted as a result of the verification actions conducted by the National Agency for Integrity by the



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competent institutions (the Romanian Gendamerie, the National Agency of Public Servants, the National Authority for Public Procurement Regulation and Monitoring),

In consideration of the fact that, based on the Annual Programme of Activity, as approved by the Plenum Resolution No. 2/2009, the Romanian Court of Accounts, pursuant to letter No. VIII/30026 as of **February 5<sup>th</sup>, 2009** (pages 132 - 133), **conducted in February 10<sup>th</sup>, 2009 - May 29<sup>th</sup>, 2009**, at the Agency's headquarters, **the final audit of the performance account and the balance sheet of 2008** (until December 31<sup>st</sup>, 2008). In compliance with the provisions of Act No. 94/1992 *on the organisation and functioning of the Court of Accounts, republished, as subsequently amended and supplemented*, and those of art. 92 of the *Regulations on the organization and performance of the activity typical of the Courts of Accounts*, on completion of the legal procedure and final resolution on the administrative document, this shall be notified to the members of the Evaluation Commission within the National Integrity Council.

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#### Following the FACTS NOTED,

#### hereby orders:

- a. the submittal of the conclusions of the EVALUATION COMMISSION TO THE NATIONAL INTEGRITY COUNCIL PLENUM;
- b. the communication of the conclusions of the EVALUATION COMMISSION OF THE NATIONAL INTEGRITY COUNCIL to all institutions and persons who requested the verification of such aspects;
- c. the publication of the conclusions of the EVALUATION COMMISSION OF THE NATIONAL INTEGRITY COUNCIL on the webpage of the National Agency for Integrity after approval of the Report by the CNI Plenum;
- d. the elaboration and transmittal to the mass-media of a press release on the conclusions of the Report of the EVALUATION COMMISSION, after the relevant approval;
- e. the recording of this present report at the Registry of the NATIONAL INTEGRITY COUNCIL.

THE EVALUATION COMMISSION OF THE NATIONAL INTEGRITY COUNCIL