

A former bailiff and two accomplices convicted of abuse of power in rigged auctions



The Chisinau Court, Buiucani, has pronounced the sentence of conviction regarding a former bailiff, found guilty of committing the crime of abuse of power.

The court established a sentence in the form of imprisonment for a term of 4 years, of which 2 years were to be served in a semi-closed penitentiary, and the remaining 2 years were suspended for a probationary period of 3 years. At the same time, he was imposed a complementary punishment consisting of the deprivation of the right to hold public office and to exercise activities in the public sphere for a term of 5 years.

Another defendant was found guilty of the crime of complicity in abuse of power, and was sentenced to 2 years in prison, of which 1 year was to be served in a semi-closed prison, and 1 year was suspended on a 2-year probationary period. He was also given the additional penalty of deprivation of the right to hold public office and to exercise activities in the public sphere for a period of 3 years.

The second accomplice was found guilty under the same legal provisions, and the court imposed a penalty in the form of a fine of 75,000 lei for the benefit of the state, as well as the mandatory additional penalty of deprivation of the right to hold public office and to exercise activities in the public sphere for a period of 2 years.

The civil action filed by the injured parties against the former bailiff, regarding the compensation of material and moral damage and legal assistance expenses, was partially admitted. The court ordered the collection of the material damage from his account, as well as the amount of 50,000 lei as moral damage and 7,000 lei for legal assistance expenses. The seizure applied during the criminal investigation phase was maintained.

According to the evidence accumulated by the National Anti-corruption Centre and the Anti-corruption Prosecutor's Office, the former bailiff allegedly implemented a plan through which public auctions were organized in a flawed manner, so that a debtor's property was sold at a price well below the real market value.

During the enforcement procedure, although the debt was relatively small and partially paid, the seizure of an apartment that represented the debtor's only real estate was ordered, while other less prejudicial legal options were ignored. At the same time, the information obligations regarding the conciliation of the parties or the instalment payment of the debt were not respected.

The property was valued without an effective on-site verification, and this valuation was the basis for setting low starting prices at the auctions. The first two auctions were organized under conditions that led to their failure, and at the third auction the price was considerably reduced.

One of the accomplices, a close relative of the executor, had the role of coordinating and facilitating the participation of the persons involved in the scheme. He identified and convinced a person to formally participate in the auction, ensured their presence and the payment of the amounts required for registration, thus creating the appearance of a real competition. During the auction, the same accomplice acted as the final adjudicator, obtaining the property at a price well below market value.

The second accomplice had the role of an intermediary, accepting to subsequently appear as the owner of the property. He concluded a formal sale-purchase contract, without being the real beneficiary, contributing to the concealment of the true destination of the asset and the concealment of the real circuit of the property.

To ensure the conduct of the auction, a fictitious participant was also used, instructed to bid formally and withdraw later, so that the result could be controlled.

The sentence can be appealed to the Central Court of Appeal within 15 days.

Note: The person accused of committing a crime shall be presumed innocent as long as his guilt is not established by a final court decision.