

# Janis Bordans: No reason to doubt the competence of the State Audit Office

Published: 18.10.2019.

Press release

“There is no reason to doubt the competence of the State Audit Office. I do not admit that during the financial audit it would have erroneously established shortages and also a violation in the way of acting of the Prosecutor General with the funds of the State budget,” Janis Bordans, the minister of justice, emphasized after the Plenary Meeting of the Supreme Court, where the report on the results of the examination of grounds for discharge of the Prosecutor General was discussed.

The State Audit Office has admitted that the violation is to be classified as a serious violation, causing negative financial consequences. It follows from the opinion of the State Audit Office specified on 23 August 2019 regarding the establishment of the audits. In reply to the request of the Senator of the Supreme Court to provide an opinion, whether as a result of violations established by the State Audit Office there is a reason to make a conclusion that significant harmful consequences has occurred from the financial aspect, the State Audit Office explains that *“Utilisation of 90,476 euros allocated for a priority measure in 2018 inappropriate with the purpose of allocation and legal acts is a significant violation, causing negative financial consequences [...]”* (Opinion of the Senator of the Supreme Court, page 14, Paragraph 2).

Infringement of law established by the State Audit Office is the fact, causing an independent reason for discharge of an official, due to the fact that, in accordance with the judgment of the Supreme Court of 22 September 2017 in the case SKA-767/2017 (Senators of the Supreme Court Ilze Skultane, Livija Slica and Ieva Viskere), the violation established by the State Audit Office is not compatible with the term faultless reputation and may serve as a reason for discharge the public official appointed by the *Saeima* from the office.

The State Audit Office has established during the audit that the Prosecutor General has failed to comply with the provisions of *Law On Budget and Financial Management* that the head of the authority shall be responsible for efficient and economical use of funds of the budget in accordance with the planned purpose. The State Audit Office had established *significant and comprehensive non-conformities*<sup>[1]</sup> and a *significant violation, causing negative financial consequences*.<sup>[2]</sup>

In the opinion of the State Audit Office, specified on 23 August 2019, regarding the establishments of audit the State Audit Office indicates that *“[...] the Prosecutor General has used the insufficiently clear regulation of the Law On Remunerations and had granted two different additional payments for one and the same work performed in addition to the direct duties. Besides, the State Audit Office concludes that “[...] such behaviour from the part of the management of the Prosecutor’s Office is not to be considered as correct.”*

It follows from the judgment of the Supreme Court of the Republic of Latvia of 22 September 2017 in the case No. SKA-767/2017:

- “[...] unlawful activity is not compatible with good reputation, regardless of the fact whether and how many violations are permitted by public in similar situations.”<sup>[3]</sup>
- The Supreme Court has found that, upon fulfilment of the content of the term of good reputation, the court should not assess in addition, whether in other cases the shortages specified in the report of the State Audit Office result in consequences that the public official is discharged from work and what is the difference of any particular case.<sup>[4]</sup>

---

[1] Report of the State Audit Office [‘Regarding the Annual Report of the Prosecutor’s Office of the Republic of Latvia for 2018](#), page 5.

[2] Specified opinion of the State Audit Office, dated 23 August 2019

[3] Judgment of the Supreme Court of the Republic of Latvia of 22 September 2017 in the case No. SKA-767/2017, Paragraph 11

[4] Judgment of the Supreme Court of the Republic of Latvia of 22 September 2017 in the case No. SKA-767/2017, Paragraph 11

<https://www.tm.gov.lv/en/article/janis-bordans-no-reason-doubt-competence-state-audit-office>