



# **Administrative Investigation & case studies**

High Inspectorate of Declaration and Audit of Assets

# Officials who undergo the Full Audit.

Article 17 of the law no.9367 dated 7 April 2005 defines the standards upon which the officials undergo the Full Audit.

**1. Because of the function (article 17 point 2).**

**2. Because of the random selection (art. 17 p. 3).**

**3. With problems from the ALC (art. 17 p. 5).**

**4. From other lawful sources (art. 17 p. 5).**

# Officials that undergo the Full Audit.

## 4. From lawful sources (article 17 point 5).

This point of the disposition is related to the implementation of article 9 of law 9367.

- Data from the media.
- Data or lodged complains from the public.
- Any other lawful source.

# Content of Full Audit, dispositions that define Full Audit

## Article 25, point 1/1 of law 9049 dated 10 April 2003

The verification and the approval of the data of the declaration form.

## Article 17, point 1 of law 9367 dated 7 April 2005

The verification of the declaration of private interests is done only for the truthfulness and exactness of the data contained in the form. According to the same methodological meaning of these terms used in law no 9049 dated 10 April 2003.

# The procedural actions taken during the Full Audit

## Article 26 of law 9049 dated 10 April 2003.

- ❖ For performing the audit and the verification of the data in a declaration, HIDAA has the right to use necessary data in the entire state and public apparatus and in public and private juridical persons.
- ❖ On the request of Inspector General, banks of the second level and other subjects who exercise banking and financial activity in the Republic of Albania, are obligated to give data about the deposits, accounts and transactions performed by the persons who have the obligation to make a declaration according to this law.

# The procedural actions taken during the Full Audit ...to be continued



**Article 18/2 of law 9367 dated 7 April 2005.**

- ❖ The collection of the data, the performance of an audit and an administrative investigation are done in conformity with the Code of Administrative Procedures.

# The concluding action taken in the Full Audit

**1. Verification and approval of the data of the declaration forms.**

**2. Verification of the justifying documents introduced by the official.**

- **When it is the case of using article 27 of law 9049.**
- **When it is the case of the officials resulting with problems from the Arithmetic and Logical Checking.**

*(In principle this is part of the preliminary processing article 24 of law 9049.)*

# The concluding action taken in the Full Audit

...to be continued

## 3. The verification of conflicts of interest cases.

*Article 42 of law 9367 letter “g” and “gj”.*

- **The verification and administrative investigation of the periodic declarations of interests.**
- **The verification and administrative investigation of case by case conflicts of interest as well as the prohibitions and the restrictions of interests defined in chapter III of this law.**



# Procedural actions in the collection of the data.

## Article 26 of law 9049.

1. The correspondance with the state and public apparatus.
2. The correspondance with the public and private judicial persons.
3. The correspondance with banks of the second level and other subjects who exercise banking and financial activity in the Republic of Albania.

# End of the Full Audit



**The report of Inspector General (article 30, 31 of law 9049).**

- » **Without problems.**
- » **With problems.**

- **Referral of the case to the prosecutor office (art. 38 law 9049)**
- **Notifying the superior of the official (art. 44 law 9367)**
- **Announcement to the Tax Office (art. 32 law 9049).**



**Thank You!**

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