

1 THE TRIBUNAL RESUMED AS FOLLOWS ON THURSDAY, 23RD OCTOBER 2003

2 AT 10.00 AM:

3

4 CHAIRMAN: Good morning, everyone.

5

6 MS. DILLON: Good morning, Chairman. Mr. Dunlop please.

7

8 CONTINUATION OF CROSS-EXAMINATION OF MR. FRANK DUNLOP

9 BY MISS DILLON:

10

11 Q 1 Good morning, Mr. Dunlop.

12 A Good morning, Miss Dillon.

13 Q 2 You remember yesterday we were discussing the involvement or otherwise of
14 Mr. John Mahony in the events leading up to the September confirming meeting?

15 A Yes.

16 Q 3 I think you told the Tribunal yesterday that it was your understanding that
17 Mr. John Mahony had spoken to Mr. Michael Joseph Cosgrave who is councillor and
18 Mr. Liam Creavan?

19 A They were the people that told me of Mr. Mahony's involvement and that they
20 attempted contact or contact had been made by him with them.

21 Q 4 When you say contact or attempted contact, was it confirmed to you that these
22 two gentlemen had, in fact, met Mr. John Mahony?

23 A No, I don't believe they met with Mr. John Mahony. I believe either contact
24 had been attempted by telephone or contact had been made by telephone.

25 Q 5 Because the Tribunal asked both Mr. Cosgrave and Mr. Creavan to identify any of
26 the parties or persons with whom they had discussed or whom they spoke
27 concerning the rezoning of the Fox and Mahony lands?

28 A Yes.

29 Q 6 And in reply, Mr. Cosgrave has told the Tribunal at page 11 that the only
30 person he discussed these lands with was yourself.

1 A Right.

2 Q 7 And that's at page 11 and similarly, Mr. Creavan, while he acknowledges meeting
3 you on what's on screen at the moment, Mr. Dunlop, I refer you particularly to
4 answer number B, and that is an answer to a question that was put by the
5 Tribunal which is at page 10 where the Tribunal had asked Mr. Cosgrave for the
6 names of all persons with whom he had discussed relating to the proposed
7 rezoning of the lands in 1993 or previously.

8 A Mmm.

9 Q 8 And in reply, Mr. Cosgrave told the Tribunal that the only person he had any
10 discussions with was yourself?

11 A Yeah.

12 Q 9 And similarly, with Mr. Creavan, he was also asked with whom he had had
13 discussions -- sorry, before I leave Mr. Cosgrave, Mr. Cosgrave was asked to
14 supplement his statement in relation to the matter and he put in a more
15 detailed statement which commences on page 15, but the page we are concerned
16 about is page 16 because it's still dealing with the same question which is
17 with whom did you have discussions about the proposed rezoning of the Fox and
18 Mahony lands, and at paragraph 3 he says "from my recollection I had no
19 discussions with any persons whatsoever in relation to the proposed rezonings,
20 apart from Mr. Dunlop."

21
22 Now, it would appear from your evidence that you say you spoke to both
23 Mr. Cosgrave and Mr. Creavan together in relation to the matter.

24 A Yes.

25 Q 10 And really it's a matter for Mr. Cosgrave as to what precisely he means in
26 relation to that and whether he is including or excluding Mr. Creavan in
27 relation to the matter. That's an issue for him. But he does not identify
28 anybody to the Tribunal with whom he had discussions with, but other than
29 yourself?

30 A Yes, I see that.

1 Q 11 Yes. And similarly with Mr. Creavan, he was asked the same questions and in
2 his initial reply before he was asked to expand on his answers, which is at
3 page 19, he also says that the only person with whom he had discussions was
4 yourself. Paragraph B is in response to the same question and he says only as
5 Mr. Cosgrave had said, he says only conversations with you, and again he was
6 asked to expand on his answer -- he gave a more detailed reply on the 5th June
7 2003, which is at page 24, and he says at paragraph B, "I don't recall
8 discussing these lands with anyone other than Mr. Dunlop" and then he goes on
9 to discuss his familiarity with the lands, so it would certainly appear when
10 they were asked the question by the Tribunal in advance of this module, they
11 had not identified Mr. John Mahony as a person with whom they had any
12 discussions?

13 A I see that.

14 Q 12 But you are satisfied that they recounted to you that attempts had been made to
15 contact them by Mr. John Mahony?

16 A Yes.

17 Q 13 But you are not clear as to whether they were confirming, if I understand you
18 correctly, that they had in fact met Mr. John Mahony?

19 A Correct.

20 Q 14 I don't propose to go through Mr. Gilbride's statement in relation to the
21 matter because it doesn't deal with the issue at all.

22

23 CHAIRMAN: All right.

24

25 MS. DILLON: If we can go back now, Mr. Dunlop, to the last matter we were
26 dealing with yesterday evening, which was the issue of the lists on day 353 and
27 you recollect we had dealt with Mr. Gilbride and we were moving on to deal with
28 Mr. GV Wright and, again, to set it in context, the first list was prepared on
29 day 353 and you were asked to prepare a list of politicians with whom you had
30 discussions about the Tribunal.

1 A Yes.

2 Q 15 That's at page 891, the copy of the original list and, 892, on that list, you
3 identify Mr. GV Wright as a person with whom you had discussions?

4 A Yes.

5 Q 16 You were asked to provide narrative statements in relation to the lists that
6 arose on day 353 and you did so, and in relation to list number one, which is
7 the list of politicians "with whom I had various discussions or conversations
8 with the Tribunal subsequent to its establishment". You provided the Tribunal
9 with a statement and you dealt with Mr. GV Wright at paragraph 9 of that
10 statement on page 40.

11 A Yes.

12 Q 17 And in relation to Mr. Wright, you said "there was only one occasion which the
13 Tribunal was discussed between GV Wright and myself" and that is outlined on
14 list number 4?

15 A Correct.

16 Q 18 List number 4 was a list of those with whom you had agreed that payments to
17 them by you would be mutually categorised as legitimate political donation, the
18 original list as you prepared it at the public hearings on day 353 is at page
19 894. And on that list at number 9, you had identified Mr. GV Wright and you
20 had identified a particular sum of money?

21 A Yes.

22 Q 19 That you had discussed with Mr. Wright. Now that sum of money, as I understand
23 it, is the November 1992 payment, is that correct?

24 A Correct.

25 Q 20 And this is a payment that you made in the course of, or during a general
26 election, in cash, you say, at Mr. Wright's house or business premises in
27 Malahide?

28 A I travelled to Mr. Wright's business office, his constituency office in
29 Malahide, with another person and I gave GV Wright 5,000 pounds in cash on that
30 occasion.

1 Q 21 In identifying the sum of 5,000 pounds on this list, what you were telling the
2 Tribunal, if I understand it correctly, is when you had discussions with Mr.
3 Wright about the sums of money that would be categorised as legitimate
4 political donations, the specific sum that you were discussing with Mr. Wright
5 was the payment of 5,000 pounds in November 1992.

6 A Correct.

7 Q 22 That is not a payment that would relate in any way to the Fox and Mahony lands
8 because you did not become involved in those until March of 1993?

9 A Correct.

10 Q 23 However, the issue that arises, Mr. Dunlop, is the nature of the conversation,
11 conversation or discussion that you had with Mr. GV Wright which was only in
12 relation to this payment?

13 A Correct.

14 Q 24 Now you provide the Tribunal with a narrative statement in relation to list
15 number 4, and I want to put what you said and ask you to expand upon it, if you
16 wish to expand upon it. It's at page 44. Now in relation to this list that
17 you have prepared on day 353 when you provided your narrative statement, you
18 said "Senator GV Wright telephoned me and asked me to meet him urgently. This
19 meeting was subsequent to a statement made by him, submitted by him to the
20 Tribunal. I believe the meeting took place sometime in 1999. The location was
21 the Merrion Hotel, Merrion Street, Dublin 2. He presumed he said that I would
22 not be referring to any other payments other than political donations. These
23 he said referred to the local elections in 1991 and the Senate election in
24 1993."

25

26 Now, first of all, can I ask you that in relation to any payment you may have
27 made to Senator GV Wright in 1991, are you categorizing, first of all did you
28 make any such payment?

29 A In 1991, yes, at the local elections.

30 Q 25 Was that a payment in connection with the local elections or was it an improper

1 payment, or are we into the same grey area?

2 A We are into the area that I have outlined to you, I think it was yesterday, I
3 am not quite sure, it was yesterday or the day before, but the convenience of
4 the local elections, the date of the local election coinciding with matters
5 relating to, important matters, as far as I was concerned, relating to issues
6 at Dublin County Council and individual councillors, support or otherwise for
7 that matter and, in those circumstances, I paid GV Wright 2,000 pounds at the
8 1991 election and discussions took place in relation to a particular item.

9 Q 26 Not wishing in any way, Mr. Dunlop, to puts words in your mouth, but just so
10 that we can have clarity in relation to this issue, are you telling the
11 Tribunal that the local elections was a convenient smoke screen?

12 A Correct.

13 Q 27 Behind which you and the councillor, any councillor to whom you are making
14 these sort of payments, could hide in relation to payments that you were making
15 for purposes other than the local elections?

16 A You know, you are not putting words in my mouth, in fairness to you,
17 Miss Dillon, and you needn't apologise to me either. I said that myself, both
18 in statements to the Tribunal and I think in direct evidence on a number of
19 occasions, that the convenience of electoral contests and payments to
20 individual candidates who happened to be members of Dublin County Council, who
21 were running in those electoral contests and who were of importance to both my
22 clients and myself in relation to particular items and development proposals in
23 Dublin County Council, so I think the word 'smoke screen' is a good word. I
24 haven't used it myself heretofore, but it is a good word.

25 Q 28 And is it similar -- is the situation in relation to the Senate election and
26 any donation you may have made to Mr. Wright the same?

27 A Yes, because in each instance, when we talk about these issues, the electoral
28 contests and the payments at times of electoral contests, the 'smoke
29 screen', to adopt your word now, is the electoral contest and the smoke screen
30 also is election expenses, but the facts of the matter are that the monies are

1 given for ongoing support in relation to either specific items or items that
2 may well come up on the agenda of Dublin County Council at that time.

3 Q 29 So --

4 A Can I put it in context for you? Why would I not continue the practice in the
5 Utopia scenario where this Tribunal never existed, why would I not continue the
6 practice of paying candidates in elections, general, Senate, local, European or
7 otherwise, in cash, to people who are members of Dublin County Council and who
8 are running in those elections? Why would I not do that? The only reason it
9 was being done was in the context of the Development Plan.

10 Q 30 So that, in effect, the convenience of the local elections, the Senate
11 elections or the general elections, provided a mechanism that was mutually
12 beneficial?

13 A Correct.

14 Q 31 From your perspective, it provided an apparently bona fide reason to make
15 payments?

16 A Correct.

17 Q 32 And from the perspective of the councillor, it provided a reason for the
18 receipt of the payments?

19 A Correct.

20 Q 33 Namely election expenses?

21 A Yes.

22 Q 34 Do I understand correctly, Mr. Dunlop, as a general principle, when you made
23 what you now describe to the Tribunal as truly or genuinely bona fide election
24 contributions, they were made by way of cheque?

25 A Largely, yes. Yes. Sorry, I shouldn't say largely, the answer is yes.

26 Q 35 So that, for example, you have identified to the Tribunal, I think going back
27 to the very early stages when you dealt with this Tribunal and I think we dealt
28 with it on Tuesday, a payment to Mr. Sean Barrett?

29 A Yes.

30 Q 36 Of a thousand pounds, I think, in the year end 1992.

1 A Correct.

2 Q 37 And that was a payment by cheque?

3 A Correct.

4 Q 38 And Mr. Barrett wrote back to you and thanked you for and acknowledged your
5 cheque?

6 A Yes, he did.

7 Q 39 And you also made a similar payment to, one of two payments you made to Michael
8 Joseph Cosgrave, one of 1,000 and then you sent a 250 pound donation, I think,
9 in 1997, where you described it as an unsolicited political donation?

10 A Correct.

11 Q 40 Is it the position then, insofar as you describe as truly bona fide political
12 donations, it was your practice to pay them by cheque drawn on either the Frank
13 Dunlop & Associates current account or your personal account?

14 A Yes.

15 Q 41 That they sometimes, or would they always have been accompanied by
16 correspondence, by a letter or by compliment slip, or matters such as that
17 sort?

18 A By me?

19 Q 42 Yes?

20 A Well, I would either write a note to them or if it was, if the occasion arose
21 that it was just I was handing them a cheque, I wouldn't be giving them
22 correspondence, but if I was sending it to them in the place that you raised
23 yesterday, in relation to the wording that I used in the letter "herewith find
24 enclosed an unsolicited political donation or contribution", I think on that
25 particular occasion and I can check this for you if you so wish, but I think
26 there was something of the order of 10 or 15 contributions containing --
27 accompanied by the same letter to various individuals right across the
28 political spectrum at that time. That was in 1997.

29 Q 43 And that was in 1997, in May?

30 A Yes.

1 Q 44 Between May and July, in the context of the Senate elections that were in May
2 and July of 1997, is that right?

3 A I --

4 Q 45 The election in 1997, the Senate election, the date of the order was the 21st
5 May 1997 and polling was July to August?

6 A Yes, but that obviously afortiori, there was a general election first.

7 Q 46 Yes, called on the 15th May, 1997 and polling date was the 6th June and that
8 was then followed by the Senate election and that was prior to the
9 establishment of this Tribunal.

10 A Yes, it was.

11 Q 47 Right. So that at that stage, your practice was in the elections of 1997 to
12 make your political contribution by way of letter and by way of cheque?

13 A And also it would be disingenuous of me not to say to you, Miss Dillon, it was
14 convenient for me to do that in the circumstances that I did it, to avoid the
15 avalanche of requests that normally came at the time of elections. I mean, I
16 took the initiative and sent these individuals, serving politicians who were
17 candidates in either the general or the Senate elections, and I sent them the
18 donations without any request from them to avoid the phone hopping off the desk
19 from people looking for money.

20 Q 48 Effectively a preemptive strike?

21 A Yes.

22 Q 49 On your part, to contrast that with your conduct in relation to political
23 donations in 1991, 1992 and 1993, as I understand what you are saying is that
24 there were some occasions in that period in which you made bona fide political
25 donations?

26 A Yes, there were.

27 Q 50 It was your invariable practice with those donations they were paid by cheque?

28 A Yes.

29 Q 51 Which had to be negotiated through an account?

30 A Correct.

1 Q 52 They would be drawn on either your personal account, Frank and Sheila Dunlop or
2 alternatively Frank Dunlop & Associates?

3 A Yes.

4 Q 53 In contradistinction to that, you made payments to political persons,
5 councillors, and that sort, in cash?

6 A Yes.

7 Q 54 And is it your position then that payments by way of cash were not bona fide
8 payments?

9 A It is my position, yes.

10 Q 55 So that we can have clarity on this, Mr. Dunlop, when you talk about "I made a
11 payment in the context of the local elections", what you were, in effect,
12 saying to the Tribunal is that was a smoke screen behind which it was
13 convenient for both yourself and the recipient to hide?

14 A Yes.

15 Q 56 But the true purpose of the payment was the purchase of the ongoing support of
16 the person in question.

17 A Yes.

18 Q 57 So that all payments made in cash by you were designed to provide ongoing
19 support for a variety of projects which you had in hand.

20 A Yes.

21 Q 58 Which would have included in 1993 the Fox and Mahony lands, but which
22 throughout 1993, your payments -- sorry, I beg your pardon, quite correct,
23 because there was no election -- so leaving aside the Fox and Mahony lands,
24 your payments in cash that occur in or around the time of the local election,
25 general election or Senate election is merely a mechanism whereby you purchased
26 the ongoing support of the persons in question?

27 A Correct. And of course, Miss Dillon, to add to that, for completeness sake,
28 the mechanism got slightly rusty or the cogs didn't actually go into the
29 grooves later because there was no electoral contests but payments were still
30 made.

1 Q 59 So, for example, the Fox and Mahony lands, the subject of the present inquiry,
2 there was no election in or around the time that these payments were made.

3 A No.

4 Q 60 But, nonetheless, you continued to make the payments and made the payments in
5 cash?

6 A Correct.

7 Q 61 So is it your position then, Mr. Dunlop, vis-a-vis these cash payments that in
8 all cases in which you paid cash to a councillor or an elected representative,
9 that those payments were not bona fide political contributions?

10 A That is --

11 Q 62 Is that your position?

12 A That is my position.

13 Q 63 That they were payments that coincided on some occasions with electoral
14 contests?

15 A Yes.

16 Q 64 And on other occasions did not?

17 A Yes.

18 Q 65 Where you make a payment or allege you make a payment in cash, what you are
19 doing is purchasing the support for a specific project or ongoing support of a
20 general nature.

21 A If we live by example, can I extract an example?

22 Q 66 Well if you just answer the question?

23 A Yes, the answer is yes.

24 Q 67 And then if you want to expand?

25 A I beg your pardon. Extract the example, let us look at the payment of the
26 5,000 pounds to GV Wright in November of 1992, at the time of the election. I
27 think, in fact, the payment was paid to him in or around the 5th or 6th
28 November 1992, within a day or so of the election being called. I was
29 accompanied to Mr. Wright's office, and the other person is not relevant as far
30 as I am concerned, he and Mr. Wright can give evidence in their own time in

1 relation to that particular payment. I am specifically dealing with my payment
2 of 5,000 pounds in cash to GV Wright at his offices in Malahide in early
3 November of 1992. And I give evidence to the effect that that payment was made
4 at the time of that election, using the phrase that you have just used, the
5 election being a smoke screen. This payment was very important as far as I was
6 concerned, and also as far as GV was concerned, because of an ongoing issue in
7 relation to Dublin County Council and that's where the other person who
8 accompanied me clicks into the picture.

9 Q 68 You are talking --

10 A In other words, there was a discussion with GV about that issue.

11 Q 69 You are talking about Quarryvale?

12 A Yes, exactly.

13 Q 70 And other than the fact that we are coming on to discuss what you talked
14 recently with Mr. GV Wright about and the Quarryvale issue, as such, will be
15 dealt with separately by the Tribunal, but the 5,000 pounds that you paid to
16 Mr. GV Wright in November of 1992 in the company of another person was paid
17 specifically in connection --

18 A I don't mean to quibble at all, it wasn't paid in the company of another
19 person, I have given specific evidence in relation to the context but not to be
20 corrective.

21 Q 71 But the 5,000 that you paid to Mr. GV Wright in November 1992 was paid in the
22 context of his ongoing support for Quarryvale?

23 A Correct.

24 Q 72 And you say, use that to illustrate the point, in other words this is a cash
25 payment that is made in the context of his election, but its true purpose is
26 not an electoral donation but to ensure ongoing support for a particular
27 project before Dublin County Council?

28 A Correct.

29 Q 73 Now, it is undoubtedly the case that Mr. Wright will dispute all of that and,
30 in fact, Mr. Wright has told the Tribunal that that was a bona fide political

1 contribution?

2 A In cash.

3 Q 74 But he does acknowledge he received that sum of money from you in cash at that
4 time. So that we are clear on this, Mr. Dunlop, where you pay somebody in
5 cash, whether it's at the time of an election or otherwise, it is for a purpose
6 other than a political contribution?

7 A Yes.

8 Q 75 And it is to purchase ongoing support?

9 A It's to purchase ongoing support and in certain instances, and I will not say
10 in all, but in certain instances to recognise support already given.

11 Q 76 Now, if we go back to the matter that we were discussing, page 44 please again,
12 which is Mr. Dunlop's statement, you were contacted by Mr. GV Wright?

13 A Yes.

14 Q 77 In relation to the Tribunal.

15 A Yes.

16 Q 78 And can you outline to the Tribunal as best you can when you recollect that Mr.
17 Wright contacted you and what he wanted to see you about?

18 A Well, I have said in my statement and I have tried to the very best of my
19 ability to put a date on this, and I haven't been able to do so, but maybe
20 Senator Wright, or Deputy Wright as he now is, may well be able to help in this
21 matter, but he called me at my offices at 25 Upper Mount Street of a morning
22 and asked could he see me urgently and I agreed and I met him in the Merrion
23 Hotel, which he found convenient because it's opposite Leinster House, and we
24 met in the bar of the Merrion Hotel. GV was, without attributing any sort of
25 demeanour, other than to say he was somewhat agitated because he wanted to know
26 had I said anything about any payment I had given, that he had received from me
27 or I had given to him at the 1992 election and I said yes, I gave you 5,000
28 pounds. I was left, and I cannot say that he said this, but I was left with
29 the distinct impression that he had not told the Tribunal or told anybody that
30 he had received that money -- but that's another matter, that's a matter for

1 Deputy Wright. I told him that I did give him 5,000 pounds, I gave it to
2 him in cash, and that I would be saying so and we talked about political
3 contributions and he said what about the local elections and the Senate
4 election and I said yes, I gave you money then and he said well they were
5 legitimate political contributions, I said well, if you say so, GV Wright, if
6 you say so, that's all right, and we agreed one, slightly to his chagrin, I
7 think, that I had given him 5,000 pounds and he acknowledged that and, as I
8 said, my impression was that he had not either reported it or acknowledged the
9 fact that he had received it.

10
11 Two, we agreed that he had got monies for the 1991 election, for the 1993
12 Senate election and that we would describe those as political legitimate
13 donations. The meeting, for completeness sake, I'd say the meeting lasted, the
14 conversation took place as we stood at the bar in the Merrion Hotel, there
15 was -- no, we didn't have a cup of coffee or anything like that, I believe, I
16 think the meeting was over in a very short period, within a matter of five
17 minutes.

18 Q 79 Before we go back over the detail of that, Mr. Dunlop, in terms of when the
19 meeting took place, did this meeting with Mr. Wright take place before you gave
20 your first evidence to the Tribunal on the 11th April 2000?

21 A Yes, it did.

22 Q 80 Can you recollect how long before that?

23 A Well I have said, I believe the meeting took place sometime in 1999. Now I
24 have done a trawl in relation to diaries, I cannot put a date on it, but I have
25 said as you have read out, that this meeting was subsequent to a statement
26 regarding donations and monies paid to him, submitted by him to the Tribunal.

27 Q 81 Was this after Mr.-- did Mr. Wright tell you that he was going to put in a
28 statement or he had put in a statement?

29 A No, no, no. He had put in a statement and, as I said to you moments ago, my
30 impression, though he did not say this, in fairness to Mr. Wright, he did not

1 say that, my impression of his demeanour and the conversation was that he had
2 not alluded to the 5,000 pounds, I may be wrong about that. That's a matter
3 for Mr. Wright.

4 Q 82 The subject matter that you discussed with Mr. Wright was, in the main, the
5 5,000 pounds in November 1992?

6 A Yes.

7 Q 83 There was also reference to the money paid in 1991 during the course of the
8 local elections and the Senate elections of 1993?

9 A Yes.

10 Q 84 You, did you tell Mr. Wright that you would be disclosing those payments to the
11 Tribunal?

12 A Yes, I did.

13 Q 85 And did you have any discussion with him about the nature of those payments?

14 A Sorry, just again I am sorry to do this, Miss Dillon, your questions are so
15 precise, I have to pay attention to the precision.

16

17 Did I discuss -- I am not certain that I actually told Mr. Wright that I had
18 provided information to the Tribunal on a date basis, that can be checked, but
19 certainly my impression was that GV had, at the request of the Tribunal, made a
20 statement in relation to political donations or contributions that he had
21 received and my impression was that he had not included the 5,000 and that that
22 was a matter of some agitation to him.

23 Q 86 In relation to the discussions that you had about the 5,000 pounds, did you
24 agree with Mr. Wright that that would be described by both of you as a
25 political donation?

26 A Yes, I did.

27 Q 87 Did you have any discussion with Mr. Wright about the true nature of the 5,000
28 pounds that you paid him?

29 A No, I don't believe I did. No, in fact we did not. No.

30 Q 88 Did you have discussion with Mr. Wright about the nature of the cash payment

1 you made in 1991 and in 1993?

2 A No, other than to say we would describe them as political donations.

3 Q 89 But from what you have told the Tribunal today, because the payments were in
4 cash and they were made in the particular circumstances and you are, I think,
5 pointing to the 5,000 pounds in November 1992 in particular, was it -- was the
6 true nature of these payments understood by both of you?

7 A Oh yes.

8 Q 90 Because of the circumstances in which you had made the actual payments in 1991
9 and 1992 and 1993?

10 A Yes.

11 Q 91 And in particular, with the 5,000 pounds, that had been paid to Mr. Wright for
12 his ongoing support for Quarryvale?

13 A Correct, and in if I can point up that particular one again, by virtue of the
14 fact that on the occasion in which I made the payment, I was accompanied by
15 another person.

16 Q 92 That is the November 1992 payment.

17 A Correct.

18 Q 93 Mr. Chairman, there is correspondence between the Tribunal and Mr. GV Wright
19 that has not been circulated as part of the brief because the letters that were
20 sent to Mr. GV Wright were Quarryvale related letters but, in terms of putting
21 a time context in relation to this evidence and for this meeting, which
22 Mr. Wright admits occurred, though he disputes the content of the meeting, he
23 does admit there was a meeting about political donations with Mr. Dunlop in the
24 Merrion Hotel, it may be necessary, and I think probably will be necessary
25 insofar as Mr. Wright and Mr. Dunlop on this issue are concerned to circulate
26 that correspondence and it may be necessary to recall Mr. Dunlop for a very
27 short period of time to deal with that correspondence if it becomes relevant.
28 I want to flag that at the moment because it arises in relation to the issue.

29

30 CHAIRMAN: That can be done.

1

2 MS. DILLON: But it's in ease of Mr. Kennedy who is behind me. I just want to
3 flag that for Mr. Wright.

4

5 CHAIRMAN: All right.

6

7 MS. DILLON: Mr. Wright agrees there was a meeting in the Merrion Hotel with
8 you, Mr. Dunlop, Mr. Wright agrees that the subject matter of discussions were
9 political donations made which he describes as political donations made by you.
10 He says the meeting took place prior to him furnishing a narrative statement to
11 the Tribunal on the 31st May 2000. The narrative statement furnished by Mr.
12 Wright on the 31st May 2000 related primarily to the Quarryvale issue, although
13 the Tribunal had previously -- Mr. Wright's version, the Tribunal had, prior to
14 that, been in correspondence and received communications from Mr. GV Wright
15 which had not been circulated, so I don't propose to deal with those. But he
16 says at the time, at page 91 -- in fairness to Mr. Wright I should deal with
17 it in sequence, 910 first please. He says that he met with you, paragraph 2,
18 he says "I cannot give the precise date other than to say, to the best of my
19 recollection, it was immediately prior to my furnishing a narrative statement
20 to the Tribunal dated 31st May 2000."

21

22 You don't dispute that the meeting was prior to the 31st May 2000.

23 A No, but it certainly contextualizes matters in May 2000.

24 Q 94 But his statement, Mr. Dunlop, is dated 31st May 2000, you had commenced giving
25 your evidence in April of 2000, but when he says that it was prior to
26 furnishing his narrative statement, that request for the narrative statement
27 was some five months old at that stage?

28 A Ah-ha, right.

29 Q 95 So in that context he is not necessarily talking about April/May?

30 A Fine, I accept that.

1 Q 96 But insofar as he says it was prior to the 31st May 2000, you don't dispute?

2 A I don't dispute.

3 Q 97 He says he met with you in the Merrion Hotel and you agree with that?

4 A Yes.

5 Q 98 He says there were only the two of you present and you agree with that?

6 A Correct, other than the barman.

7 Q 99 He says "I was in the course of preparing a narrative statement to be furnished
8 to the Tribunal and I deemed it appropriate and necessary, for the purposes of
9 accuracy, I should ask Mr. Dunlop for corroboration of the amounts of all
10 political donations I had received from him in previous times, and I wanted to
11 refer in my narrative statement to the Tribunal and indeed to information I was
12 about to provide to a committee that had been commissioned by Fianna Fail to
13 enquire into certain matters."

14

15 Now, the date of Mr. Wright's meeting with the Fianna Fail committee was the
16 8th May 2000, Mr. Dunlop. The report of the Fianna Fail committee of inquiry
17 is dated the 7th June 2000. Mr. Wright initials his narrative statement to the
18 Tribunal on the 30th May 2000, detailing certain payments. You had commenced
19 giving evidence in April of 2000. And had disclosed on the lists that were
20 widely reported at the time, payments that you said you had made to councillors
21 and you had done this for the first time and it had achieved widespread
22 publicity.

23 A Yes.

24 Q 100 Now, he says at paragraph E "That he initiated the meeting by telephoning

25 Mr. Dunlop and asking that he meet with me." And F, which is the subject
26 matter of the meeting, "I asked for corroboration of the amounts of all
27 political donations I had received from him as I was about to communicate this
28 information both to the Tribunal and Fianna Fail. I had no specific written
29 record or note of the amounts and I wanted to be accurate in the information
30 that I was about to pass to the Tribunal and Fianna Fail in relation to the

1 actual amounts of donations."

2

3 You don't dispute that the subject matter of discussion between you was monies
4 that you had paid to him?

5 A No, I don't.

6 Q 101Mr. Wright characterizes those as political donations, you now characterize
7 them as something else?

8 A Yes.

9 Q 102But, nonetheless, that was money that had passed from you to Mr. Wright that
10 was the subject matter of your discussion?

11 A In cash at all times.

12 Q 103He says the meeting was very brief and you agree with that?

13 A Yes.

14 Q 104Now, Mr. Wright tells the Tribunal that the purpose of his meeting with you was
15 to ensure he was in a position, if I can paraphrase it, to provide absolutely
16 accurate information to this Tribunal and to the Fianna Fail inquiry. OK,
17 that's what Mr. Wright is saying?

18 A Yeah, fine.

19 Q 105What you say, so we can be clear about this, Mr. Dunlop, is that at that
20 meeting agreed to characterize as political donations payments you had made for
21 a different purpose to Mr. GV Wright.

22 A At the time of elections, for different purposes, yes.

23 Q 106So if both of you knew what you were talking about, this again was a conspiracy
24 to give false evidence to the Tribunal?

25 A I have absolutely no doubt that my participation was in relation to that
26 particular meeting and the discussion that took place and I accept fully your
27 description of it as an attempt to mislead the Tribunal.

28 Q 107And similarly, if Mr. Wright was of a similar mindset to yourself, then he was
29 preparing to mislead the Fianna Fail inquiry as well as this Tribunal by
30 characterising these payments that he admitted that he got as political

1 donations, when both you and he knew that the true nature of the payments, so
2 far as you were concerned, was clearly other than a political donation?

3 A Correct.

4 Q 108 So insofar as you have made payments to Mr. GV Wright that was payments that
5 were made in cash, you did so to purchase Mr. Wright's support for ongoing
6 projects in which you were involved as a councillor?

7 A Yes.

8 Q 109 And subsequently after this Tribunal had been established and Mr. Wright was
9 contacted, you had a meeting with him in the Merrion Hotel at which you
10 discussed the information that would be given and how it would be characterised
11 to this Tribunal?

12 A Well certainly the information that he was going to give and, as I said to you,
13 he seemed, it appeared, my impression was he had already given information,
14 that may be wrong or may be wrong, that was my impression, and that he had
15 either omitted or forgotten the 5,000 pounds payment and that's why the 5,000
16 pounds payment is highlighted, but the general context of your question, the
17 answer is yes.

18 Q 110 So that both of you knew the true nature of the payments you were discussing?

19 A Absolutely.

20 Q 111 And both of you, in your agreement to describe these as genuine political
21 donations, either to the Fianna Fail inquiry or to this Tribunal, were agreeing
22 to provide false evidence insofar as this Tribunal is concerned?

23 A Yes, well my remit, if that's the proper word, my remit, Ms. Dillon, relates
24 only to the Tribunal. I had no hand, act or part and I was not called as a
25 witness to the Fianna Fail inquiry, that had nothing to do with me, it related
26 to GV only.

27 Q 112 And certainly, Mr. Dunlop, it is a fact that prior to you first giving evidence
28 here in April 2000, you never disclosed any payments at all to this Tribunal
29 about Mr. GV Wright?

30 A No, I did not.

1 Q 113 They had never been mentioned by you, disclosed by you -- notwithstanding that
2 you had been asked to swear an Affidavit of Discovery in relation to political
3 donations and notwithstanding you had been asked to disclose all of them?

4 A Correct.

5 Q 114 So the first occasion it was ever indicated that payments had been made by you
6 to Mr. Wright was when you commenced, particularly giving your evidence on day
7 148, is that right? I need to deal with, Mr. Dunlop, sorry, arising out of
8 that, the Tribunal has reviewed your diary entries to see if it's possible to
9 establish when this meeting took place, there is a diary entry in your diary
10 which is September 1998, 929, the 22nd September, 1998. You have an entry that
11 reads only 'Merrion Hotel'. Now certainly, insofar as you have described it
12 today and from the implied or the implication in relation to the date in Mr. GV
13 Wright's statement, it would certainly suggest the meeting took place in the
14 early part of 2000?

15 A Yes.

16 Q 115 Or certainly coming up to the middle of 2000. So do you think, looking at
17 that, in September 1998, that you were discussing this matter with GV Wright?

18 A I am just, as you ask me the question, Miss Dillon, and I'll just go to the
19 actual reference in case there was anything in the actual diary that helps,
20 what date did you say it was?

21 Q 116 The 22nd September, 1998?

22 A Yes, it's just the Merrion Hotel, you are right, at 11.40. Bearing in mind
23 that what I have said in evidence and what Mr. Wright has said, that he
24 telephoned me and we agreed to meet, I am just wondering whether or not that's
25 a matter that I would have included in my diary, if GV rang me and said he
26 needed to speak to me urgently and we agreed to meet in the Merrion Hotel, I
27 wouldn't necessarily be rushing to my diary to put it in because it was
28 something that was going to occur half an hour or an hour later,
29 notwithstanding that, I don't have an explanation as to what the 11.40 Merrion
30 Hotel reference is on the 22nd, Tuesday, 22nd September, other than to say that

1 it's followed by a meeting at 12 o'clock, which is a meeting in Government
2 Buildings, with the Taoiseach of the day and another party. So, the diary
3 doesn't actually allow me to say to you definitively that it was that day and,
4 given the circumstances that I have outlined to you and which I accept that
5 Deputy Wright confirms and accepts, that he called me and asked to see me
6 urgently and we agreed to meet in the Merrion Hotel, it doesn't necessarily
7 follow that that's a matter that I would put in my diary.

8 Q 117Do you know somebody, Mr. Dunlop, called Jack Lilywhite?

9 A Yes, I do.

10 Q 118And that is a real person?

11 A Yes, it is. He is in America.

12 Q 119He is in America. Right.

13 A That doesn't mean he is not a real person, he is in America.

14 Q 120There are two further financial transactions that we circulated yesterday and
15 that I didn't wish to deal with until people had an opportunity to consider
16 them and I just want to deal with those, Mr. Dunlop. The first is page 1103
17 please. This is a lodgment, Mr. Dunlop, to your personal account, your
18 personal joint account with your wife on the 27th May 1993 of 2,000 pounds.

19 A Yes.

20 Q 121You have told the Tribunal that was a cash lodgment and that you are not able
21 to identify the source.

22 A Yes.

23 Q 122Again, is it the position then, Mr. Dunlop, when you were making this lodgment,
24 this would have been out of a larger amount of money than you lodged?

25 A Yes, it is likely.

26 Q 123And, again, could I draw your attention to a lodgment on the 11th May 1993,
27 1098 please. Now, I may ignore the first lodgment there of the 11th May of
28 13,940.10 because you have provided an explanation and documentation in
29 relation to the source of that lodgment, but the second lodgment on the 11th
30 May which is 1,110 pounds was a cash lodgment for which you have not provided

1 any explanation?

2 A Yes.

3 Q 124And, again, is it the position that that would have formed part of a larger sum
4 that you had available to you at that time?

5 A Yes, it is likely.

6 Q 125I just want to also draw your attention to the date of that lodgment of 1,110
7 pounds, is the same date as the lodgment of 2,500 pounds to the Irish
8 Nationwide Building Society account we looked at yesterday, pages 404 and 405,
9 if anybody wishes to deal with that. On that date you are lodging 1,110 to the
10 Dunlop & Associates current account and you are lodging 2,500 pounds to one of
11 your war chest accounts which was an account in the Irish Nationwide.

12 A Yes.

13 Q 126That concludes my direct examination of Mr. Dunlop. I understand that the
14 order has been agreed between the parties that counsel for Mr. Dennis Mahony
15 will go first, counsel for Mr. John Mahony will go second. I think that Mr.
16 Montgomery is third and Mr. Kennedy is fourth and that Mr. Redmond will
17 conclude before the Tribunal wraps up. I think the period may have been
18 shortened. I was speaking briefly to Mr. Kennedy and he indicated he didn't
19 think he would be taking the two hours he had indicated yesterday.

20

21 CHAIRMAN: That's good news.

22

23 MS. DILLON: May it please, Mr. Chairman.

24

25 MR. HOGAN: Mr. Chairman.

26

27 THE WITNESS WAS CROSS-EXAMINED AS FOLLOWS BY MR. HOGAN:

28

29 Q 127MR. HOGAN: Mr. Dunlop, I appear for Mr. Dennis Mahony. May I ask you, do you
30 allege my client, Dennis Mahony, paid you in the knowledge that some or all of

1 it would be used to bribe councillors

2 A Mr. Mahony paid me 10,000 pounds in cash following a meeting with him in the
3 Shelbourne Hotel on the 10th March 1993, during the course of which he outlined
4 to me what he described as an urgent problem and --

5 Q 128I hate to interrupt you, Mr. Dunlop, but I have asked you a straight question
6 and I would like a direct answer to the simple question?

7 A The answer is yes.

8 Q 129Where in either of your statements or, for that matter, your evidence on day
9 148 do you make this allegation?

10 A I don't make the allegation in either of the statements.

11 Q 130And it's true, isn't it, that whatever might be said about the pressures of day
12 148, you have already told the Tribunal that you had quite a period of
13 reflection?

14 A Yes.

15 Q 131Along with the now famous road map to consider your position between May 2000
16 and October 2000, isn't that so?

17 A Yes.

18 Q 132You had access to an awful lot of documents, you had an opportunity to refresh
19 your memory, to consider all these matters in detail, and I gather in some
20 respects by documents supplied by the Tribunal?

21 A Yes.

22 Q 133And there is nothing therefore in your statement of October 2000 which makes
23 this allegation?

24 A No, there is none.

25 Q 134And, indeed, we know that you had a further some two and a half years between
26 October 2000 until May 2003 in which to make another statement, isn't that so?

27 A Yes, that's correct.

28 Q 135Your second statement in respect of these lands is dated the 6th May 2003,
29 isn't that so, Mr. Dunlop?

30 A That is correct. If you would just bear with me for a moment, Mr. Hogan,

1 until I just take out both these statements.

2 Q 136 They are 919 --

3 A Yes, I have them here.

4 Q 137 So, there's nothing, you accept, in the October 2000 statement about this
5 allegation?

6 A Let me draw your attention, Mr. Hogan, just for fear that anybody might accuse
7 you or me of redacting statements that have been submitted to the Tribunal. I
8 draw your attention to the paragraph 3 --

9 Q 138 Is this of the October 2000 statement?

10 A Yes.

11 Q 139 Is this, the passage "They informed me they knew the way the world worked, I
12 was going to have to do a lot of work to get this completed."

13 A Yes.

14 Q 140 I'll come back to that in a moment. You accept there's nothing in the October
15 2000 statement that makes the serious allegation that my client paid you money
16 in the knowledge that this was going to be used to bribe councillors?

17 A Correct.

18 Q 141 And nor is there anything, Mr. Dunlop, in your statement of the 6th May 2003
19 which makes this allegation.

20 A I'll just get the statement of the 6th May 2003.

21

22 MR. REDMOND: Mr. Chairman, Mr. Redmond on behalf of Mr. Dunlop, I feel I
23 need to bring to the attention of the Tribunal, it again relates to a matter
24 that has not been circulated. In the introduction to the October 2000
25 statement, there is a generic matter which requires to be addressed, which is
26 the utilisation of an asterisk on various statements in relation to various
27 developments. It was agreed with the Tribunal that the use of the asterisk was
28 denoting that the developer was aware of the fact that the monies would be used
29 for the purposes of paying councillors. Now, I appreciate that Mr. Hogan was
30 not circulated with this, but because of the manner in which the statement was

1 constructed, it really needs to be confirmed in the overall context that there
2 is such a reference and perhaps it may be necessary to circulate that to
3 Mr. Hogan.

4
5 CHAIRMAN: Well it should be circulated I think.

6
7 MS. DILLON: Yes, there's no difficulty in relation to that, it can be
8 circulated because it hadn't been circulated, I didn't deal with Mr. Dunlop, if
9 there's an omission here, the omission is mine in relation to that matter.

10
11 CHAIRMAN: Well, Mr. Hogan, would you like a few minutes to look at that
12 document?

13
14 MR. HOGAN: Well I think I would, Mr. Chairman, because this is the first that
15 I have any intimation there was such a significant --

16
17 CHAIRMAN: All right, well we could rise. I presume, Miss Dillon, that
18 particular document is immediately available?

19
20 MS. DILLON: Yes.

21
22 CHAIRMAN: All right, well if we rise for, say, ten minutes or so, there are --
23 Mr. Hogan, if you require longer you can send in a message.

24
25 MR. HOGAN: Ten minutes initially please, Chairman.

26
27 THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK AND RESUMED
28 AS FOLLOWS:

29
30 MS. DILLON: If I could explain the background, Sir, in relation to this

1 matter. First of all, let me say I accept unreservedly that Mr. Dennis Mahony
2 was entitled to have this document and he should have had this document and he
3 should have been circulated with this document and he wasn't.

4
5 That is the first position. I also accept that Mr. McInerny, the solicitor to
6 Mr. Mahony, wrote to the Tribunal and said were there any other documents that
7 were relevant and we told you no, you had every one, and that we were in error.
8 The position in relation to the asterisk on the Fox and Mahony statement, and
9 if one looks at the present statement on screen, there is an asterisk on the
10 top of the page where it says O'Mahony and Fox lands asterisk, the significance
11 of that asterisk is in preamble to the main statement, Mr. Dunlop says that the
12 inclusion of an asterisk denotes that the landowner or developer in question
13 knew that payments were going to be paid to councillors. After receipt of this
14 statement, the Tribunal requested Mr. Dunlop to provide a full and detailed
15 narrative statement in relation to the Fox and Mahony lands, which he did, and
16 which has been the subject of questioning with Mr. Dunlop here for the last
17 three days. Apart from the fact there's no asterisk in relation to that
18 statement, Mr. Dunlop's statement of evidence, was as set out in that and the
19 allegations that Mr. Dunlop made as they were put into that statement.

20
21 Now, having said all of that, the preamble to the original statement that was
22 received by the Tribunal, which covers all of the lots of land in which
23 Mr. Dunlop was involved, was a document that Mr. Mahony was entitled to have
24 and entitled to see and I accept that unreservedly. What annoys me is that I
25 looked at this yesterday and that I didn't include it yesterday. So that the
26 error, insofar as it was made, is entirely mine. They should have had this
27 document, I don't know if it assists in any great way, I accept fully they
28 should have been given the document and they weren't. They now have the
29 document and I am informed they are in a position to proceed.

1 CHAIRMAN: All right. Well it goes without saying, of course, we agree they
2 should have been given the document.

3
4 MR. HOGAN: Mr. Chairman, I trust the Tribunal will forebear me just observing
5 that obviously we are not terribly happy with these developments, but I am very
6 grateful to Miss Dillon for her forthright and very fair acknowledgement in
7 these circumstances. It's one of the things that can happen, it's not a happy
8 start to an important cross-examination.

9
10 CHAIRMAN: I accept that.

11
12 Q 142MR. HOGAN: Mr. Dunlop, I suppose in fairness to both of us at least, we have
13 a better sense of where we are both going. Now, may I nonetheless ask you,
14 first arising out of that new document which has been circulated and which I
15 think you trust that neither I nor any of Mr. Mahony's legal representatives
16 ever seen before until just now. You say at the bottom of the first page,
17 throughout this document and that refers to your main statement of October
18 2000.

19 A Correct.

20 Q 143Of which only one page had been heretofore circulated to us concerning Fox and
21 Mahony.

22 A I take your word. I don't know what you were circulated with, other than what
23 you are telling me and what the Tribunal is saying.

24 Q 144In all events you say the inclusion of an asterisk beside a particular
25 development denotes that "Monies were given to me with regard to that
26 development in the full knowledge that payments to councillors were required to
27 achieve support."

28 A Yes.

29 Q 145And you say therefore, and I now understand that by virtue of the fact that on
30 page 919 in your statement of October 2000, there was an asterisk at the top of

1 that statement?

2 A Yes, there was.

3 Q 146That, as it were, incorporates by reference an allegation of corruption.

4 A The asterisk incorporates the paragraph you have just alluded to that the
5 monies were given in the full knowledge that payments to councillors were
6 necessary to achieve their support.

7 Q 147All right. Just a small detail, as it happens, there is to asterisk at the top
8 of the second statement of the 6th May 2003.

9 A No, there's not.

10 Q 148Was there any significance to that or is that just an oversight on your part?

11 A No, because the statement that was made in October 2000, with the introduction
12 that Miss Dillon has facilitated you with and that particular paragraph that
13 you have alluded to, was in relation to a comprehensive statement dealing with
14 each development and developer that I had involvement with throughout the
15 period 1991-1993 in relation to the Development Plan.

16

17 Subsequently, as Ms. Dillon, I think, has already outlined, I was asked for a
18 more detailed statement.

19 Q 149Yes.

20 A So the application of the asterisk in the first instance follows through and
21 follows through naturally and logically unless I have made a mistake and, if I
22 have, I take responsibility for it, but I understand the application of the
23 asterisk in the first instance is taken automatically as following through.

24 Q 150So to speak, it triggers the allegation, if I may put it that way?

25 A Correct.

26 Q 151Now, just then looking at 919 for a moment, where in 919 do you say or the
27 supporting or underlying facts that would subtend this particular allegation?

28 A By 919 you mean?

29 Q 152In statement of October 2000.

30 A If you just bear with me. And I am working from my own document, Mr. Hogan.

1 Right. Sorry, I apologise, your question again?

2 Q 153 My question is, Mr. Dunlop, where in that page are the underlying facts that
3 would subtend that allegation for corruption?

4 A In paragraph 3?

5 Q 154 In paragraph 3 and only in paragraph 3?

6 A And only in paragraph 3 -- let's just review this, in the penultimate
7 paragraph.

8 Q 155 "When I rang to ask for a success fee"?

9 A Correct.

10 Q 156 And then turning to your statement of the 6th May commencing 31, where -- may I
11 ask you a similar question -- where are the facts that you say subtend that
12 particular allegation?

13 A This is the 6th May 2003?

14 Q 157 Yes.

15 A In the second paragraph on page 2.

16 Q 158 At my first meeting --

17 A Beginning with that paragraph.

18 Q 159 Beginning with that paragraph. And whereabouts in that paragraph?

19 A The penultimate sentence.

20 Q 160 "Both men expressed their relief and gratitude."

21 A The penultimate.

22 Q 161 "They forthrightly stated they knew how the world worked and words to the
23 effect."

24 A Correct.

25 Q 162 And it's that and that alone on page 32. Is there anything else in the
26 statement of the 6th May 2003?

27 A The fifth sentence on page 5.

28

29 MS. DILLON: Page 35

30 A And the seventh sentence on page 5.

1

2 Q 163MR. HOGAN: Perhaps you could call out the fifth.

3 A OK. It is in the first paragraph on page 5 and then midway down, it says "I
4 recall Mr. Mahony being particularly aggressive at this meeting and inquiring
5 specifically of me if all of the 10,000 Irish pounds which had been paid to me
6 had been 'used up'." And the other sentence to which I referred, referred you
7 to, was the one immediately following "I told him that the 10,000 pounds was
8 for fees and expenses. He said he could not believe that rezoning could cost
9 so much."

10 Q 164So may we take it then, Mr. Dunlop, that your case implicating Mr. Mahony in
11 this conspiracy to bribe councillors rested entirely on those three or four
12 sentences?

13 A It rests on the introductory statement that I made to the Tribunal in October
14 2000 and with the reference to the asterisk as to the donation of, the
15 knowledge of parties as to payments to councillors for support in relation to
16 particular developments and in the references that we have just alluded to.

17 Q 165So leaving the asterisk aside for the moment, as far as the statements are
18 concerned, the facts subtending your, what you accept is a very serious
19 allegation against my client, rests really on no more than four or five
20 sentences?

21 A Correct.

22 Q 166Now may we just look at those sentences first and can I ask you to take a look
23 at page 919 of your statement of October 2000.

24 A Mmm.

25 Q 167Now I want to read a sentence from paragraph 3, Mr. Dunlop, which is one of
26 those that you told me a moment ago subtends your case and you say "They
27 informed me that they knew the way the world worked and that I was going to
28 have to do a lot of work to get this completed."

29

30 Now, the first thing is you use the plural "they", are you including Mr. Fox in

1 this?

2 A No, I am not.

3 Q 168Mr. Fox, apart from greeting you, you said, said nothing at the meeting?

4 A Absolutely nothing.

5 Q 169So when you used the plural there, that is quite a serious inaccuracy, is it
6 not?

7 A It is an inaccuracy in the context of grammatical connotations, that is 'they'
8 when it is one person who said it.

9 Q 170Come now, Mr. Dunlop, isn't it far more serious than a mere grammatical
10 oversight on your part? You told us just a few moments ago that that is -- it
11 is that sentence that implicated my client and my extension, because you use
12 the word "they", Mr. Dunlop, in a conspiracy to bribe councillors?

13 A Are you asking me, Mr. Hogan, let's be specific about this, are you asking me
14 to say did Mr. Fox demur when I made that statement?

15 Q 171I am asking you about your allegation and inquiring about your allegation and
16 you said, you have already told the Tribunal that Mr. Fox, apart from greeting
17 you, you said he said nothing?

18 A Correct.

19 Q 172So it can't be accurate to say that "They informed me that they knew the way
20 the world worked." By that it is attempted to convey both Mr. Mahony and Mr.
21 Fox uttered the offending words?

22 A No, Mr. Mahony uttered the offending words.

23 Q 173According to your version?

24 A According to my version.

25 Q 174And you say "They knew the way the world worked and you were going to have to
26 do a lot of work to get this completed." Now this is true, in fact, is it not,
27 Mr. Dunlop, that a lot of work was going to have to be done to get this
28 rezoning through?

29 A Yes.

30 Q 175And you have seen, I take it, Mr. Mahony's statement of the 7th July 2000

1 whereby he acknowledges the fact that he was a very busy individual, he had a
2 hectic schedule and he realised that he simply didn't have the time to go about
3 this business properly?

4 A Yes.

5 Q 176And that's why he says, and he will give evidence to this effect, that because
6 he didn't have the time or the expertise or the experience, he retained a
7 professional public relation consultant such as yourself.

8 A Yes.

9 Q 177Do you disagree with that?

10 A The reason I pause is because of the involvement of Mr. Mahony being a busy
11 man, as he said, his actual involvement and participation in the attempts to
12 have that land rezoned, by his own admission, in relation to contact with
13 councillors.

14 Q 178We'll come to that, but I would be obliged if you simply answer my question.

15 This is what Mr. Mahony said, he had a hectic lifestyle, he didn't have the
16 experience and didn't have the expertise and that's why he retained you?

17 A That's what he said.

18 Q 179Did you not tell him at the meeting this is precisely your area of expertise
19 and that your fee would be 10,000 pounds in cash for professional services?

20 A He acknowledged that I was the person that could do the job because I had been
21 recommended to him by GV Wright. I specifically asked him that question and he
22 said yes and the answer to the rest of your question is yes.

23 Q 180And it is true objectively that a lot of work had to be done to get this
24 rezoning through?

25 A You keep --

26 Q 181Lobbying, meeting councillors, attending at meetings and so on?

27 A I don't mean to quibble with you, Mr. Hogan, far be it from me to do that, but
28 a lot of work had to be done to get the motion in before the rezoning took
29 place. You are talking about the global context of rezoning.

30 Q 182Those are the words that you used.

1 A Yes, but Mr. Mahony's main concern, we are talking about what Mr. Mahony said
2 and what Mr. Mahony -- his main concern was to initiate this process, get the
3 map in and the motion in.

4 Q 183That was the first thing, that was the sine qua non that had to be gone in by
5 the 12th March, you are not suggesting for a moment, Mr. Dunlop, that your
6 retainer ceased as of the 12th March?

7 A Absolutely not.

8 Q 184So between the 10th March, when you now accept you met Mr. Mahony and Mr. Fox,
9 and the ultimate meeting on the 28th April 1993, and never mind anything of the
10 dezoning meeting, which was just simply a glimmer in the eye at that stage, a
11 lot of work had to be done and over a short period of time and intense lobbying
12 had to be done?

13 A That's correct.

14 Q 185And isn't that the reason why you said your professional fee was going to be
15 10,000 in cash?

16 A It was mutually agreed that it would be in cash.

17 Q 186Isn't it the case, Mr. Dunlop, that you said it would be -- Mr. Mahony asked
18 you what the fee was going to be and you said 10,000 pounds in cash?

19 A It was mutually agreed that it was in cash. I am not saying that I asked for
20 it in cash and I am not saying Mr. Mahony said he would give it to me in cash,
21 it was mutually agreed it would be cash, Mr. Mahony didn't seem to have any
22 difficulty about cash.

23 Q 187Mr. Mahony will give evidence paying people in cash was not his habit or
24 practice and you said you wanted payment of 10,000 pounds in cash and you
25 agreed to it?

26 A I got a payment of 10,000 pounds in cash as per our agreement that's
27 incontestable.

28 Q 188But that's the question I asked you, I asked you did not the suggestion of
29 payment in cash come from you?

30 A No, I cannot say that here definitively here today.

1 Q 189 Well I suggest to you that is incorrect on your part, Mr. Dunlop, and well you
2 know it. Mr. Mahony does not make a practice of paying people in cash. You do
3 and you asked for it.

4 A There is -- in answer to your question, the latter part of your question, yes,
5 I have made payments in cash and I have publicly acknowledged it.

6 Q 190 Yes. So --

7 A What Mr. Mahony does or does do or believes or does not believe in relation to
8 payments in cash is a matter for Mr. Mahony.

9 Q 191 Indeed, and he will give evidence along the lines I have indicated -- but I'm
10 merely making the point to you, Mr. Dunlop, doesn't that make it far more
11 likely that it was you who suggested cash and not Mr. Mahony?

12 A I don't think that is a QED proposition at all.

13 Q 192 Very well. Now let's take another look at your sentence. "They informed me
14 they knew the way the world worked and that I was going to have to do a lot of
15 work to get this completed". Let's examine the phrase 'the way the world
16 worked', which is your phrase, Mr. Dunlop, do you not agree that that is a
17 phrase that can mean lots of things to different people?

18 A Of course it can.

19 Q 193 And if you said, to take another context, if you said to somebody he was 'a man
20 of the world', for example, in a particular context, it might mean, let us
21 say, somebody was sexually experienced, let us say, it could mean that in a
22 particular context?

23 A I thought I was the only person who introduced sex into this Tribunal,
24 Mr. Hogan, but thank you for adding a second example.

25 Q 194 Ah!

26 A I am -- let's agree. And I fundamentally agree with you that the
27 interpretation of the phrase has many interpretations.

28 Q 195 And it doesn't have a precise meaning?

29 A No, it doesn't have a precise meaning taken out of context.

30 Q 196 But of course the context under which you were operating, Mr. Dunlop, if you

1 forgive me put it to you baldly, was where you had been used to making corrupt
2 payments on your own admission?

3 A Yes.

4 Q 197 Over the last two or three years?

5 A Correct.

6 Q 198 You are not suggesting that Mr. Mahony knew of this?

7 A I don't know what Mr. Mahony knew or had been told, I don't know, that's a
8 matter for him.

9 Q 199 And I think you said, when I come to your evidence in a moment, I think you
10 said to Miss Dillon that the way the world worked, or I think the phrase 'man
11 of the world', a slightly different phrase is used in your second statement,
12 it's page 32. "They forthrightly stated that they knew how 'the world worked'
13 or words to this effect." May I suggest there was a difference between your, a
14 significant difference between your phraseology on page 919 compared with 32.
15 Because --

16 A Please point it out.

17 Q 200 I'll point it out to you now -- isn't it the case "they informed me they knew
18 the way the world worked and I was going to have to do a lot of work to get
19 this work completed". The same could be said of any professional person "they
20 knew the way the world worked" and it was going to be a big task to win a
21 particular case or to win a particular contract or you'd have to do a lot of
22 work to achieve a particular result?

23 A Well I am sure, Mr. Hogan, Mr. Mahony could well, if we are going to
24 hypothesise, that Mr. Mahony could have said that to you. "I know, Mr. Hogan,
25 how the world works and you are going to do to do a lot of work in this
26 Tribunal." Maybe he did or maybe he didn't.

27 Q 201 The point I put to you, Mr. Dunlop, there is nothing in that sentence which
28 bears a sinister connotation.

29 A In the sentence out of context, there is nothing sinister.

30 Q 202 But this is the particular sentence which you identified for me a few minutes

1 ago as making a very serious allegation against my client?

2 A Correct.

3 Q 203And the point I'm putting to you, Mr. Dunlop, and I understand you to agree
4 that there is nothing in that sentence which bears sinister connotations?

5 A Taken baldly and on its own, yes, I agree.

6 Q 204And even in the context which you seek to put it, that there is nothing
7 sinister, that if you accept -- I think it's common case -- that Mr. Mahony,
8 and in so far as he was going to get involved, Mr. Fox, were in something of a
9 dilemma because of the fact in the manner in which you have described?

10 A Yeah, they were in a hole.

11 Q 205And there was urgency?

12 A Correct.

13 Q 206And when they said in that context would you not admit that in that context,
14 your bald statement there, "They informed me they knew the way the world worked
15 and that I was going to have to do a lot of work to get it completed" is no
16 more than saying, "Look, this is a business task and you are going to have to
17 do a lot of work"?

18 A You and I have agreed, and we are not going to disagree with too many things I
19 hope, but you and I have already agreed the sentence is subject to a multitude
20 of interpretations. Now, you are completely and totally entitled, as is Mr.
21 Mahony, to make the interpretation you just made. My interpretation is as I
22 have outlined it to you.

23 Q 207Can I just try one more time, Mr. Dunlop, in respect of this? Even taking it
24 in the context that you describe, I am putting it to you that on your own
25 statement, and I am only examining your own statement, Mr. Dunlop, and nothing
26 else at this stage, on your own statement, there is nothing sinister conveyed
27 by those words even in the context they appear?

28 A I disagree.

29 Q 208I have to suggest to you that the way the world worked and you were going to do
30 a lot of work to get this completed, were you suggesting, you accept you were

1 going to have to do a lot of work to get this completed?

2 A Absolutely.

3 Q 209 Were they tipping the wink when the word 'work' was used and that was somehow
4 to convey to you that there was going to have to be payments to councillors?

5 A Sorry, do I interpret your question, are you asking me were they winking at me
6 when this was said?

7 Q 210 No, I am putting a particular proposition, to you, Mr. Dunlop. I am saying to
8 you, look at that sentence "They informed me they knew the way the world worked
9 and you were going to have to do a lot of work to get this completed", you
10 accept you were going to have to do a lot of work?

11 A Yes.

12 Q 211 How, even in the context and how even in the context as you describe it, can
13 one divine from that utterance that they knew that corrupt payments were going
14 to have to be paid?

15 A That payments would have to be made to councillors for the purposes of support.

16 Q 212 Yes. But where does that come from, that statement?

17 A Taken in isolation, it doesn't come from that sentence but taken in the context
18 of my description of the meeting with Mr. Mahony and Mr. Fox and the problem
19 that they had, it is explicable.

20 Q 213 But can you explain it? Sorry, Mr. Dunlop, if it is the case, you are saying
21 that these, in your statement of October of 2000, that this is the offending
22 sentence or the chief offending sentence in October 2000 in your statement and
23 I am putting to you that, even allowing for the context that you describe, how
24 can it bear a connotation that you are now seeking to put across?

25 A My tenacity in this matter, Mr. Hogan, I am telling you, I am telling you that
26 in the context of the meeting with Mr. Mahony and Mr. Fox on that date in the
27 location specified, that that was interpreted by me -- I cannot interpret what
28 Mr. Mahony and Mr. Fox meant when they said it -- it was interpreted by me of
29 an indication of their knowledge that payments would have to be made to
30 councillors for their support. I am not -- just for completeness and clarity,

1 I am not trying to get into the mind of Mr. Mahony and Mr. Fox as to what they
2 meant. They may welcome, as you have already indicated you will do or
3 certainly Mr. Mahony will do, to give a contrary interpretation or maybe even
4 deny the phrasing was ever used. I don't know what they are going to see, I am
5 not entering into their mind, I am telling you what happened in the context.

6 Q 214 May we take it, therefore, that looking at the words and the way you describe
7 them, this is simply your interpretation?

8 A This is my understanding on both their parts and particularly Mr. Mahony, who
9 is your client, because he did all the talking on the particular meeting, that
10 this was knowledge on their part.

11 Q 215 So you interpreted, you interpreted this phrase as meaning that?

12 A That is my understanding of what they meant.

13 Q 216 Yes, and you would accept that and you agreed that taken on its own, it
14 wouldn't have that sinister connotation?

15 A Mr. Hogan, you have gone through that three or four times and I don't know how
16 many angels you are going to put on the head of the pin in relation to this, I
17 am telling you that that was the phrase used at the meeting, that is my
18 interpretation of the phrase in the context of the meeting and the purpose of
19 the meeting and what was required to be done.

20 Q 217 All right. Well now, let's take a look at your version at page 32 in the 6th
21 May. And you accept that Mr.-- before we look at that statement, you accept
22 Mr. Mahony's account of the sequence of events is accurate?

23 A Which sequence?

24 Q 218 The sequence of events that you met first with Mr. Fox and Mr. Mahony on the
25 10th March and the payment took place on --

26 A Sorry for seeking that clarification, just to be careful, yes I do accept that
27 sequence, that the first meeting took place on the 10th and both men were
28 present.

29 Q 219 And your statement in this regard of the 6th May is inaccurate and Mr. Mahony's
30 statement of the 7th July 2000 is accurate?

1 A Yes, I accept that.

2 Q 220Now, then let's just take a look at the paragraph. You say "At my first
3 meeting with Mr. Mahony the subject of fees was raised by you. Given the
4 urgency of the matter and the timescale involved, you asked for a sum of 10,000
5 pounds," there was no allowance here made for expenses, so to speak, is there?

6 A No, it was going to be a professional fee of 10,000 pounds to be paid.

7 Q 221And then you say "Mr. Mahony agreed but informed me he would have to talk to
8 Mr. Fox about the a matter". That, you accept, is inaccurate.

9 A That is that inaccurate.

10 Q 222And you met both men in the Shelbourne Hotel on the 23rd March 1993 at 10.30?

11 A Correct.

12 Q 223And you say this meeting occurred subsequent to the submission of the signed
13 motion and map to Dublin County Council on Friday, 12th March 1993, again you
14 accept that's inaccurate?

15 A Correct.

16 Q 224You say the matter of fees was referred to at this meeting and the agreement
17 was arrived at between us per my discussion with Mr. Mahony on the 10th March
18 1993. Again you accept that's inaccurate?

19 A Yes.

20 Q 225Then you say "Both men expressed their relief and gratitude for what I had been
21 able to do for them". I have to suggest to you, Mr. Dunlop, that, as it
22 stands, that is not completely accurate?

23 A In what sense?

24 Q 226Because the, your only meeting you acknowledge, it's only a matter of detail,
25 but your only meeting with Mr. Fox and Mr. Mahony was in fact on the 10th
26 March?

27 A Oh yes, I see the point you are making. I beg your pardon. Yes.

28 Q 227At that stage you had, in fact, done nothing for them?

29 A No, I accept the point you are making.

30 Q 228It's true, isn't it, that Mr. Mahony expressed as one would, I suppose,

1 ordinarily do, a customary politeness and gratitude to you for taking on this
2 task, but the phrase as it stands, "Both men expressed their relief and
3 gratitude for what I had been able to do for them". That can't be accurate?

4 A No.

5 Q 229Thank you. And then you say they forthrightly stated that they knew how the
6 world worked, or words to this effect.

7 A Yes.

8 Q 230Now I am going to suggest to you that there is, in fact, a difference between
9 that version on page 32 and the version that we had been discussing at page 919
10 because the sentence that "I was going to have to do a lot of work to get this
11 completed" is omitted.

12 A Yes, it is.

13 Q 231Yes. And isn't that at least a potentially significant omission?

14 A I wouldn't agree, you know.

15 Q 232The world worked is capable, as we have agreed, of lots of meanings and takes
16 its meaning probably from the context, we agree that?

17 A Correct.

18 Q 233And it's open to particular interpretations by different people in the same
19 context?

20 A As you graphically outlined.

21 Q 234Indeed. But I suggest to you that the words "you were going to have to do a
22 lot of work to get this completed" puts a particular interpretation on the use
23 of those words, if indeed they were uttered.

24 A Well I don't follow the logic of what you are saying.

25 Q 235The point I am making is this, is that just looking at your statement of May
26 6th in isolation, they forthrightly stated -- now, again that can't be
27 literally accurate because Mr. Fox, we know --

28 A Never said a word.

29 Q 236Yes, indeed. You say they "knew how the world worked or words to this effect".
30 Now, if somebody said to you in 1993, leaving Mr. Fox and Mr. Mahony out of it,

1 and they had approached you, say, in February 1993 and said 'I have a nice
2 piece of land in north County Dublin and I'd like to have them rezoned' and you
3 say 'well, my professional fee is going to be 10,000 pounds' and I stated 'well
4 I know the way the world worked' and I paid the 10,000 pounds. Isn't there --
5 do you say that that is to be interpreted that, that would have been
6 interpreted by you as saying that councillors were to be paid?

7 A I think that's a very legitimate point and I think you will recall, because you
8 were here, Mr. Hogan, when I did say to Miss Dillon in that context that wasn't
9 the only occasion in which that phrase was used by clients/Developers. And
10 yes, in that context that you have just outlined, my interpretation would be
11 similar to the interpretation that I am putting on that phrase.

12 Q 237 Yes, it's your interpretation because, may I suggest to you, that phraseology
13 like this, like your phrase 'luggage', collecting luggage, that you put, you
14 have particular phrases which had become almost terms of art in the somewhat
15 bebauched universe you occupied between 1991 and 1993?

16 A I am at a loss as to, one minute it's terms of art and now we are into
17 bebauchery, what are you actually saying? That the terminology...

18 Q 238 I am asking you a very simple question, Mr. Dunlop, with respect, I think you
19 may answer it?

20 A Oh I will.

21 Q 239 We saw an example yesterday where you referred to collecting luggage.

22
23 MS. DILLON: 'Message'.

24
25 MR. HOGAN: I beg your pardon.

26 A I don't think I ever used the phrase 'luggage', 'message', yes.

27
28 MR. HOGAN: And the message was the 2,000?

29 A Which was paid in cash by Mr. Mahony.

30 Q 240 Yes, indeed, but it was your words in your diary.

1 A Yes.

2 Q 241And I am only making the point to you that you frankly told Ms Dillon the other
3 day that it was your interpretation of these words and that similar words had
4 been so interpreted by you in the period 1991 to 1993?

5 A Correct.

6 Q 242And I am merely putting it to you that words which in their ordinary meaning
7 and used by ordinary people acquire, or acquire to you a sinister connotation
8 when they may not have had that interpretation for people who were not involved
9 in the business that you apparently were?

10 A Well I can only tell you and what I have told you already, Mr. Hogan, in
11 relation to the use of the language and my interpretation of it and the context
12 and also that it wasn't the first time. The interpretation or the implication
13 of sinister motives in relation to the use of the language or the use of the
14 words or the phrase, I cannot buy into your interpretation in relation to that.
15 Yes, ordinary words, ordinary language mean sometimes very specific things to
16 specific people and sometimes they mean different things to other people.

17 Q 243Yes indeed. But, in all events, you fairly acknowledge, Mr. Dunlop, that that
18 is your interpretation that is placed upon these words?

19 A Correct.

20 Q 244And I think you said to Ms. Dillon, I think yesterday, 421 at page 82 --
21 sorry, it was in fact 420 on the first day of your evidence in this module,
22 page 82, 420, you said question 226, "And that was meant by this?" and you say
23 "i cannot read into the minds of what people thought, what they meant by saying
24 it. I can only tell you as I interpreted it, that they knew that payments had
25 to be made to elected representatives to ensure that this matter was expedited
26 and passed."

27 A Why?

28 Q 245And Miss Dillon continues, did you deduce that from the use of the words they
29 stated 'they knew how the world works'.

30 A Yes I did.

1 Q 246 "That they were men of the world and that they understood how these things
2 worked. It wasn't the first time in history of 1991 to 1993 that those words
3 were used to me. Was it the first occasion they were used by Mr. Mahony, yes
4 it was." So may we take it that is simply a deduction from you, an
5 interpretation by you?

6 A I think I have said that three times already and, yes, you are correct, it is.

7 Q 247 And I think again, just a point of detail, the word 'men of the world' is not
8 actually used in your statement?

9 A No, it's not.

10 Q 248 It's 'how the world worked or words to this effect', in the statement of May
11 6th and it is in the October 2000 statement, it is "that they knew the way the
12 world worked and I was going to have to do a lot of work to get this
13 completed."

14 A Correct.

15 Q 249 In all events, you acknowledge it's a deduction and a deduction from words
16 which, as you have seen, we agreed are capable of meaning different things to
17 different people even in the same context.

18 A Correct.

19 Q 250 Can I ask you to look at the document which was just circulated after the
20 recess this morning. And we look at the incorporation of the allegation by the
21 asterisks. Throughout this document the inclusion of an asterisk beside a
22 particular development denotes that monies were given to me with regard to that
23 development in the full knowledge that payments to councillors were required to
24 achieve support. Do you see that?

25 A Yes.

26 Q 251 Now, you use the words "full knowledge" there. Now, doesn't the word full
27 knowledge suggest that the other party was an active and fully knowing
28 participant in this criminal enterprise?

29 A I would delete the word active, fully active. I have no knowledge, or at the
30 time of the drafting and completion of that statement, I had no knowledge of

1 the active participation of your client.

2 Q 252 I am not asking about my client, I am asking about the general statement?

3 A No, I don't accept your use of the word active in it. I do accept that you use
4 the word knowledge, I don't accept your use of the word active.

5 Q 253 You don't even simply say knowledge, you say "in the full knowledge" and I
6 suggest to you the full knowledge clearly suggests that the other party to this
7 enterprise, that there can be no room for ambiguity as to the fact that that
8 person, so to speak, was on side?

9 A In relation to payments to councillors for their support?

10 Q 254 Precisely.

11 A Yes.

12 Q 255 But you accept, do you not, that your case against my client rests on deduction
13 and interpretation of words which even as you present them, Mr. Dunlop, are
14 ambiguous, putting it no lower?

15 A Well, or higher, but I mean my interpretation, yes, and my deduction as to the
16 knowledge, yes.

17 Q 256 But do you not accept that it's your deduction and your interpretation? Did my
18 client do anything else to you which conveyed to you that payments were to be
19 made to councillors?

20 A Did he do anything else to me?

21 Q 257 Yes, either by word or by deed, apart from the ones that you have indicated
22 here?

23 A Apart from the words that I have indicated here and the ones that I have drawn
24 your attention to in the other statements?

25 Q 258 You never told him, for example, that you made such payments?

26 A Oh absolutely not.

27 Q 259 You never identified the people to whom you claim to have made payments?

28 A No.

29 Q 260 And you have no reason to suppose that when my client went and met with
30 particular named councillors, that there was any question of money or anything

1 of the kind being paid, there was no reason at all to suggest that?

2 A None whatever, I have never suggested it.

3 Q 261I appreciate that, just for clarity sake, Mr. Dunlop, putting that to you.

4 A I made that point because you seem to imply, I had suggested in the past, I
5 have never suggested that.

6 Q 262I am just simply putting it to you, Mr. Dunlop, that you can't, even within
7 your own frame of reference of your statements, you could not have fairly said
8 or fairly alleged against my client anything like the full knowledge that you
9 claim or impute against because you accept now that case rests simply on your
10 interpretation, even on your case, on ambiguous words of about four sentences?

11 A I don't accept the ambiguous words but I accept, as I have already done, that
12 it is my interpretation in the context of the meeting with the two gentlemen.

13 Q 263Yes. Now, it's common case that Mr. Fox never proceeded, isn't that so?

14 A That's correct, yes.

15 Q 264Why do you think that Mr. Fox did not proceed?

16 A A number of reasons I believe he didn't proceed. One, that -- well let me tell
17 you how I knew that Mr. Fox did not proceed.

18 Q 265It wasn't the question I asked you.

19 A I was told by your client he wasn't proceeding and in that conversation with
20 your client, he told me that Noel had decided not to proceed, instead he was
21 going to grow some trees on the land and he was going to keep it for the kids.
22 Words to that effect. No other reason was ever given as far as I am I am
23 aware, certainly not by your client, and I never had a conversation on his own
24 with the other participant, Mr. Fox.

25 Q 266Did you ever ascribe a reason as to why Mr. Fox did not proceed with the
26 application?

27 A Ascribe to whom or to what?

28 Q 267Did you ever give an explanation other than the one you have now given as to
29 why Mr. Fox did not proceed with the application?

30 A I don't recollect that I did.

1 Q 268 May I suggest to you that you did on that famous day 148?

2 A Yes.

3 Q 269 And if you look at pages 36 to 37 of day, 148 may I ask you to look at question
4 222 at the bottom of page 26, that's Mr. Hanratty, isn't it?

5 A Correct.

6 Q 270 And I'll read it out for you, Mr. Dunlop, and ask you a question based on it.

7 Question 222, page 36, day 148.

8 Question: "Can you explain to us in general terms the reason for the change of
9 mind of the person named at number 11 who you told us subsequently decided that
10 he didn't want the rezoning to proceed?

11 Answer: I think he thought it was, it would be too controversial and would
12 bring him unnecessary public attention locally and media wise.

13 Question: Yes and given who the name is, I think he preferred to step aside."
14

15 So that in fact, Mr. Dunlop, was the explanation that was given by you, is that
16 so?

17 A Yes.

18 Q 271 And the explanation which you gave and which you ascribed to Mr. Fox, he simply
19 didn't want the public attention and didn't want queries from the media, that
20 sort of thing. The hassle and perhaps adverse local press and public reaction?

21 A Yes.

22 Q 272 That is the reason, isn't it?

23 A That is the reason with the addition of what Mr. Mahony told me about trees on
24 the land and I think, in fact, he specified the number of trees.

25 Q 273 That is of course what Mr. Fox was going to do but this was the reason you
26 ascribed. You didn't, for example, say on day 148 Mr. Fox withdrew because he
27 was in some way appalled at the idea that councillors were going to have to be
28 bribed?

29 A No.

30 Q 274 He withdrew for a reason that's perfectly legitimate and perfectly

1 understandable?

2 A I don't think anybody ever suggested he did otherwise.

3 Q 275May I suggest this to you, Mr. Dunlop, that you have said that my client
4 uttered those words, uttered the words about "they knew the way the world
5 worked"?

6 A Yes.

7 Q 276Or words to this effect?

8 A Yes.

9 Q 277With or without the addition about "doing a lot of work"?

10 A Yes.

11 Q 278And that Mr. Fox remained silent, isn't that so?

12 A Correct.

13 Q 279Now, if you are correct in A, your recollection and B, your interpretation of
14 these words, isn't it the case that you regarded my client, as of the 10th
15 March, as being a participant in what is, in truth, a criminal enterprise?

16 A By virtue of my interpretation of those words and the meeting with him and his
17 payment of the 10,000 and his subsequent payment of the 2,000 pounds in cash,
18 yes.

19 Q 280So I think, Mr. Dunlop, are you saying that because my client paid you money as
20 a thing in itself --

21 A No.

22 Q 281-- that that suggests there was participation in criminal enterprise?

23 A No.

24 Q 282It is the case, isn't it, Mr. Dunlop, you have acknowledged in other modules of
25 this Tribunal, nothing to do with these lands, that people, landowners made
26 payments to you for what they considered to be professional services and which
27 you acknowledge that they had no idea what you were up to?

28 A Correct.

29 Q 283But you would not make the same concession in respect of my client.

30 A No.

1 Q 284And that rests solely on your interpretation of these words?

2 A Correct.

3 Q 285Now, if those words were uttered by my client, as you contend, and if your
4 interpretation of those ambiguous words is correct, again as you contend, the
5 logical corollary of it is that, in your mind, my client was a willing
6 participant in what was in truth a criminal enterprise?

7 A The logical corollary it would be, yes.

8 Q 286Wouldn't the logical corollary of that apply also to Mr. Fox?

9 A Yes.

10 Q 287If he remained silent while this was going on?

11 A Yes.

12 Q 288Isn't that so?

13 A Correct.

14 Q 289May I suggest to you that that in itself makes it extraordinarily improbable
15 that your version of events is correct?

16 A Explain to me why.

17 Q 290May I suggest to you, it makes it extraordinarily improbable because why would
18 my client knowingly participate in a criminal enterprise in the presence of a
19 third party, albeit a close friend?

20 A I can't interpret that. I can't interpret what was in Mr. Mahony's mind or Mr.
21 Fox's mind, I have already said that to you.

22 Q 291Yes. Now you have told us a few minutes ago that at no other stage, apart from
23 the success fee issue which we will be coming to presently, at no other stage
24 did my client say anything or do anything which suggested participation by him,
25 active or passive in this criminal enterprise?

26 A No, he did not.

27 Q 292So, for example, you contend that you paid, it was I think Mr. Gallagher,
28 Councillor Gallagher, 1,000 pounds on the following day, on the 11th March
29 1993.

30 A Yes.

1 Q 293Now, where did you have the funds to pay Mr. Gallagher if that context is
2 correct?

3 A Out of monies that I had available to me in relation to the Development Plan.

4 Q 294Yes. So they came from your monies?

5 A Yes, they did.

6 Q 295You hadn't been paid by my client?

7 A Correct.

8 Q 296Now, you accept that the way my client describes for the payment of the monies,
9 the 23rd March, is likely to be accurate?

10 A Yes, I do.

11 Q 297And at that stage on your version of events, you had already paid 1,000 pounds
12 to Councillor Gallagher?

13 A Correct.

14 Q 298And you then recount that there was going to be other payments in the short
15 period thereafter to various people, including Deputy Wright and Councillor
16 Gilbride, isn't that so?

17 A Yes.

18 Q 299And I think if we add up the sums, Miss Dillon put it to you that it was 6,000,
19 perhaps another way of putting it would be 5,000 of the 10,000 fee was used up
20 to use your words in paying councillors.

21 A Well, which one are you going with? I mean Miss Dillon put the question to me
22 in relation to 6,000 pounds was paid to councillors in relation to this which
23 was correct. Are you saying to me that it was only 5,000?

24 Q 300Let's just look at page 35, which is --

25 A Of?

26 Q 301Page 35 of the brief which is internal page 5 of your statement of the 6th May.

27 A Yes.

28 Q 302And we see that you say that you paid the Mr. Larkin 1,000 pounds and you say
29 in late April 1993?

30 A Yes.

1 Q 303 You say you paid Councillor Gallagher 1,000 pounds on the 1st March 1993. You
2 said you paid 2,000 pounds to Deputy Wright in the visitors' bar in Leinster
3 House and that is either on the 25th March or the 19th April.

4 A Yes.

5 Q 304 And then you say 2,000 pounds which you paid to Mr. Gilbride was paid in
6 environs of Dublin County Council sometime after the vote in late 1993 when he
7 and you were discussing an unrelated matter and you say this payment, this
8 2,000 pounds took account of agreement of his support for two other
9 particular --

10 A Yes.

11 Q 305 Just as a matter of detail in respect of that 2,000 pounds to Councillor
12 Gilbride, do you say that all of that money was referenceable to the Fox and
13 Mahony lands?

14 A No, I don't.

15 Q 306 So if we do, how much was it was?

16 A Well there were three developments so you can divide it by three.

17 Q 307 Just under 700 pounds, call it 700 pounds in round figures and then if you do
18 your sums, you have 1,000 to Councillor Larkin, 1,000 to Councillor Gallagher
19 and then 2,000 to Deputy Wright that makes four and then of the Gilbride
20 payment, you have notionally attributed approximately 700 to that so that would
21 make it 4,700, that's why I put in round terms 5,000. I don't think anything
22 turns on it; Miss Dillon put it at 6,000.

23 A I accept what you are saying. I follow what you are saying now, yes.

24 Q 308 But at all events, according to your version, you paid Councillor Gallagher I
25 think 1,000 pounds by the 11th March?

26 A Yes.

27 Q 309 The day after you first met Mr. Fox and Mr. Mahony and again you accept that at
28 no stage did you tell my client of this or any other payment?

29 A I never spoke to your client at any time in relation to any payments made to by
30 councillors.

1 Q 310And you will accept that Mr. Mahony will give evidence, if required to do so,
2 with the obvious exception of Deputy Wright, that many of these people, he
3 doesn't even think he ever heard of them prior to the commencement of this
4 Tribunal?

5 A That's quite conceivable, yes.

6 Q 311Now, if we take the round figure of 5,000, your professional fee was 10,000.

7 A Yes.

8 Q 312And on your version of events, 5,000 of that 10,000 was employed as corrupt
9 disbursements to councillors?

10 A In round figures, following your line, yes.

11 Q 313We want 4,700 of that 10,000 used for corrupt payments to councillors.

12 A Yes.

13 Q 314Why, for example, when you met my client on the 23rd March did you not tell him
14 that wait a minute now, thank you very much for the 10,000 but I have already
15 had significant expense here, I have had to pay 1,000 to particular
16 councillors, why didn't you tell him that?

17 A I didn't.

18 Q 315You didn't tell him that?

19 A No, I didn't.

20 Q 316Why would you not have told him that?

21 A Because I never told your client anything about any payment to any councillor
22 prior to the receipt of the money or subsequent to the receipt of the money.

23 Q 317That's accepted. But again with respect, Mr. Dunlop, it's not the precise
24 question I asked you. I say why did you not tell him this?

25 A I wasn't going to tell him. I never intended telling him that I had given a
26 disbursement to a councillor in relation to the signature on the motion. It
27 was never my intention to do so and not normally my practice.

28 Q 318Why was it not your intention to do so?

29 A Because I didn't do it.

30 Q 319But again, Mr. Dunlop, that isn't the question I asked you. Why didn't you

1 intend to tell him this?

2 A I just did not tell him as a client that I had already disbursed 1,000 pounds
3 and that I was going to have to disburse other monies in relation to the
4 matter. It was not a matter, a subject of discussion, certainly wasn't on my
5 radar screen to tell your client that.

6 Q 320Well now, Mr. Dunlop, so far as you were concerned, you were in a business?

7 A Yes.

8 Q 321You were in the PR business?

9 A Yes.

10 Q 322And you had an excellent reputation as a PR consultant, leave all of this murky
11 business behind and aside for the moment, you had an excellent reputation as a
12 PR person?

13 A That's your interpretation and I accept it and thank you.

14 Q 323You subsequently became a noted -- you were former government press secretary,
15 you were a noted TV personality, isn't that so?

16 A Yes.

17 Q 324Now, you were in the business of making money, like everybody.

18 A Yes.

19 Q 325And like everybody, you want to keep as much money as you can for yourself and
20 you want to keep your expenses down?

21 A Correct.

22 Q 326Isn't that so. Now, you have acknowledged that a lot of work was going to have
23 to be done in respect of these lands and in a matter of urgency, there was that
24 additional complication and these were lands that you didn't know about and
25 which you had to introduce on to the agenda and so on, we all acknowledge that?

26 A Yes.

27 Q 327So there was a lot of work that you had to do?

28 A Yes.

29 Q 328And there was a fee of 10,000 pounds payable?

30 A Yes.

1 Q 329 Now I may I suggest to you, Mr. Dunlop, that by the standards of the payments
2 that you were used to receiving, that wasn't particularly a high payment?

3 A No, it wasn't.

4 Q 330 In fact it was on the low side?

5 A Yes, but it wasn't unusual either.

6 Q 331 But on your version of events, five out of the 10,000 pounds has been used to
7 pay councillors? Half your fee is gone in, so to speak, in overheads.

8 A That's correct.

9 Q 332 And why, if my client, and you understood him on your understanding and your
10 interpretation, if my client was a participant in this criminal enterprise, why
11 would you be reticent about telling him about the kind of expenses that you
12 had?

13 A He is a third party as far as I am concerned in relation to actual payments. I
14 did not tell him, I did not intend telling him and I never had a discussion
15 with him about payments.

16 Q 333 I appreciate that, Mr. Dunlop, and so much is common case, really what I'm
17 trying to explore with you is this: On your version of events as to what
18 happened on the 10th March with those words which you say my client uttered and
19 with your interpretation of those words, as from that instant my client became
20 a participant in this inter enterprise, this criminal enterprise, you
21 acknowledge that, in your interpretation?

22 A Yes.

23 Q 334 The point I'm putting to you is this --

24 A With the proviso that I already entered and that you have not visited and that
25 is to say that I have no knowledge of any payments by Mr. Mahony to anybody if
26 he ever did and I have already said that on a number of occasions.

27 Q 335 Well I am grateful to you Mr. Dunlop for saying that. Let me make my position
28 absolutely plain, it goes without saying that any such payments would have been
29 anathema to my client and utterly beyond his radar screen, to use your
30 phraseology, it was certainly nowhere within his contemplation that payments of

1 any kind would be made by anybody, whether by you or by him in respect of that.

2 Let's make it clear that's our respective positions.

3 A I understand that.

4 Q 336Now Mr. Dunlop, I come back to this question, we know that the original

5 professional fee was 10,000. We know that it wasn't by your standards

6 particularly high, yet this particular assignment was going to be arduous and

7 there was an element of urgency, isn't that so?

8 A Yes.

9 Q 337An added complication was these were lands you didn't know about and these were

10 lands you had done, so to speak, no pre-grooming with the councillors that this

11 would be coming on the agenda?

12 A That's correct.

13 Q 338Yet you are telling us of that 10,000 fee you were going to spend four of it on

14 disbursements to councillors and you never told my client about this?

15 A I never told your client about it and yes, you are correct, that disbursements

16 following your line in relation to it approximate to 50 percent.

17 Q 339Yes, and the point I am making to you, why since the original fee agreed was

18 10,000, why did you not come and tell my client that you were going to make

19 these particular payments, why in your version would you have been reticent or

20 behind the door in making, in disclosing this to my client?

21 A Well I never took, it wasn't a practice of mine to tell people in relation to

22 disbursements.

23 Q 340Just simply wasn't your practice?

24 A Not normally my practice.

25 Q 341Did you tell other people in respect of other lands not the subject of this

26 particular module that you had made payments to councillors?

27 A No, I don't believe I did.

28 Q 342So you are telling the Tribunal that even leaving Fox and Mahony lands aside,

29 so far as all the vast swathes of territory which were part of your brief for

30 different land owners at this time, you never once told a single landowner that

1 you had made a particular payment or corrupt payment anywhere?

2 A I certainly never told any client or developer, whoever you want to describe
3 it, that I had made a corrupt payment.

4 Q 343I am suggesting to you, is this to protect them in some way?

5 A You could interpret it that way if you wish, Mr. Hogan. It was not a practice.
6 One did not discuss the payments to politicians, councillors, in this instance,
7 in relation to support in relation to the Development Plan. The fewer the
8 people you discussed it with, the better.

9 Q 344But --

10 A Remember the context.

11 Q 345Indeed, Mr. Dunlop, but the point that I'm really driving at is this. If your
12 version of events is correct and your interpretation of events is correct, is
13 we have agreed as of the 10th March, Mr. Mahony was a participant in this
14 criminal enterprise?

15 A Yes.

16 Q 346And I am merely suggesting to you that if he was, on your version of events, a
17 participant in this criminal enterprise, there would have been no reason for
18 you to be in any way reticent, leaving names aside, even about the amounts that
19 you had to pay.

20 A Well it would appear to me to be a logical thing on your part to suggest that.
21 The facts of the matter are different.

22 Q 347Now, did you -- do you accept that my client and Deputy Wright are friendly?

23 A I believe so, yes.

24 Q 348And that their respective families have had a long association over the years,
25 do you accept that?

26 A So I gather, yes.

27 Q 349And Mr. Mahony if necessary will give chapter and verse on that, but you accept
28 that?

29 A If Mr. Mahony says, that's fine by me.

30 Q 350Yes. And you also know that Mr. Mahony first approached Deputy Wright in

1 February of 1993 in respect of this rezoning application?

2 A Well I accept, whether it's February 1993 or not, if you are telling me it's
3 February 1993, I knew that he had approached GV Wright about this matter
4 because he had told me. In fact he told me that GV was looking after the file.

5 Q 351 And again you have described how Deputy Wright, for whatever reason, didn't
6 proceed or didn't get his act together in respect of this application?

7 A According to your client, he was too busy.

8 Q 352 And isn't it the case that Councillor Wright, like many other councillors at
9 the time was inundated by landowners, big and small, throughout the County
10 Dublin region seeking to have bits of their land rezoned under the Development
11 Plan?

12 A Well each individual councillor would have to account for what approaches were
13 made to them, I can only account for approaches I made and I made many.

14 Q 353 Yes indeed. Mr. Dunlop, isn't it common knowledge that councillors were being
15 badgered and pestered by landowners, as I say, big and small, to have
16 particular lands rezoned?

17 A Yes, they were the part of the engine of the Development Plan.

18 Q 354 Yes. And you are not at all suggesting, I take it, that as a generality that
19 every one of these rezonings in 1993 were some how engineered by corrupt
20 payments?

21 A No, I never suggested that.

22 Q 355 Just for clarity I am not suggesting you did, just to clarify that point.

23 A Yes.

24 Q 356 And isn't it reasonable to suggest that however disappointed my client was with
25 Deputy Wright, looking at it from Deputy Wright's perspective, he was probably
26 overwhelmed and inundated by people badgering him and pestering him about the
27 1993 development?

28 A Oh yes.

29 Q 357 And isn't that the reason why you were brought on the scene because you were a
30 public relations specialist?

1 A Well I don't know that that is the reason I was brought on. The only reason I
2 can attest to is the one given to me by your client.

3 Q 358 That -- and in all events, you were brought on to the scene at this point?

4 A That GV had made a mess of it and that he had suggested I be brought on.

5 Q 359 Yes. Now isn't it the case that irrespective of the latitude of Deputy Wright
6 in this regard, that one way or another, as a matter of overwhelming
7 probability that Deputy Wright was going to have to vote in support of my
8 client's application?

9 A I would imagine. Not imagine, I would accept that.

10 Q 360 It was a virtual certainty?

11 A Yes.

12 Q 361 So in that's the case, why did you have to pay him a bribe?

13 A Because of the circumstances that I outlined to Miss Dillon.

14 Q 362 And what are those circumstances?

15 A That I was asked.

16 Q 363 Again, let us suppose for a moment, I only act for Mr. Mahony but I will test
17 this proposition. Let us suppose that Deputy Wright did ask you for 2,000
18 pounds. Why did you not tell him politely to mind his business, that he was
19 going to have to vote for this motion anyway, it was a necessary disbursement
20 from your perspective?

21 A Aren't you stepping out in isolation from the rest of events that were that
22 were taking place, Mr. Hogan?

23 Q 364 One of the few privileges of counsel is I ask the question, you answer them.

24 If you wish to qualify the question, please do so. I asked you the particular
25 question, please answer it.

26 A What's the question? I was asked for 2,000 pounds by Deputy Wright, by GV
27 Wright, I agreed to pay it. That is as far as I am concerned the explanation
28 of the matter.

29 Q 365 But even if it's the case, Mr. Dunlop, even if it's the case, Mr. Dunlop that
30 Deputy Wright did ask you for 2,000 pounds on your hypothesis, Mr. Dunlop, why

1 on earth with you pay him? Deputy Wright you accepted was always going to have
2 to vote yes on this particular application?

3 A Deputy Wright, Senator Wright, let's refer to him as GV Wright as he has been
4 deputy, and was a senator. GV was an important cog in the wheel of
5 developments taking place in Dublin County Council on an ongoing basis.

6 Q 366And that the reason you say you paid him?

7 A I paid him because he asked me.

8 Q 367And simply because he asked you, you paid him?

9 A Yes.

10 Q 368If for example he asked you for 8,000 pounds, would you have paid?

11 A The likelihood is I would have given it to him.

12 Q 369Even though on that version you would have got no professional fee at all?

13 A Correct. In other circumstances outside of this module, there are instances
14 where the expenditure exceeds the receipt.

15 Q 370And wasn't it highly dangerous, again just working on hypothesis, Mr. Dunlop,
16 wouldn't it have been an extraordinarily dangerous enterprise for you to pay
17 Deputy Wright in respect of these lands?

18 A I don't follow, why dangerous?

19 Q 371Let me spell it out for you. GV, as you familiarly term him --

20 A That's not mine, he is known colloquially as GV, it's not familiarity, it's
21 just he is known as GV.

22 Q 372Perhaps I am a bit too respectful but GV as you term and his family were
23 friendly with the Mahony family?

24 A Yes.

25 Q 373Now, you accept as a matter of overwhelming certainty, GV was always going to
26 have to vote yes on this particular application?

27 A Yes.

28 Q 374Now, if on your hypothesis Mr. Mahony was a willing participant or a
29 participant in this criminal enterprise and again on your hypothesis GV was a
30 willing participant and recipient of this criminal enterprise, don't you think

1 then that if you paid him, that would have meant GV might, for example, tell
2 Mr. Mahony that he had been paid?

3 A Are we living in the real word here, Mr. Hogan? That I would interpret that GV
4 might tell Dennis Mahony that I had given him 2,000 pounds in the context of
5 this particular proposal for Dublin County Council? Not in a million years.

6 Q 375Isn't it just as improbable that GV would have to be paid for something in
7 respect of which he was going to vote yes?

8 A That is your, that is a statement that you are making.

9 Q 376Isn't that equally the case, Mr. Dunlop?

10 A Well it could well be equally the case, you have asked me whether or not I was
11 afraid that -- did I not have a fear that GV might tell Mr. Mahony. That never
12 entered into my head because that's not the way the system worked.

13 Q 377Mr. Dunlop, you have given evidence to Miss Dillon and you have told her
14 that --

15

16 MS. DILLON: To the Tribunal. Just to clarify that, Mr. Dunlop's evidence is
17 to the Tribunal.

18

19 CHAIRMAN: Yes.

20

21 Q 378MR. HOGAN: I reciprocate the apology to Miss Dillon. You have already given
22 evidence to the Tribunal in answer to questions put by Miss Dillon, you
23 described the way in which secreted the 2,000 pounds in a newspaper.

24 A No, Miss Dillon used the word secreted, I said it was folded into a newspaper.

25 Q 379Folded, and just to be clear on this, you took the newspaper and put the money
26 inside the newspaper, is that right?

27 A Have you got a newspaper? You take a newspaper and you put the money in and
28 you fold the newspaper.

29 Q 380Yes. And you put it, do you as it were open the newspaper, put the money
30 inside opposite, say, the editorial page, close over the newspaper and then

1 hand it over?

2 A Without any due deference to the media representatives here, let's take a
3 newspaper, let's say the Irish Times. Sorry to other people I am particularly
4 picking the Irish Times, you take the Irish Times, you put the money in and
5 fold it, you do not open it, you don't put it on the editorial page or the
6 death column, or the sports pages. You fold it into the newspaper.

7 Q 381Were you in the habit of doing this?

8 A By that method, no.

9 Q 382I think you told Miss Dillon it was the only time you did it?

10 A Yes.

11 Q 383Did you use this method instead of the old tried and trusted method?

12 A Which was which?

13 Q 384I hope that would speak for itself, Mr. Dunlop.

14 A No --

15 Q 385The use of either white or brown envelopes?

16 A We are very, very frank, you now use the word brown envelope, I think they are
17 gone out of fashion, I think people now use white envelopes, I have evidence to
18 the effect they do.

19 Q 386You may have prompted a fashion change or at least contributed to it?

20 A Some achievement.

21 Q 387Perhaps you would answer the question.

22 A No, it wasn't a normal practice and the location is important in this context.

23 Q 388Mmm. But you say the location is the Dail bar but people, as we know, exchange
24 perfectly legitimate items of correspondence in the Dail bar and elsewhere in
25 the precincts of Leinster House?

26 A I don't think 2,000 pounds is cash is a legitimate correspondence.

27 Q 389I mean legitimate items of correspondence, people hand letters and there are
28 officials going around Leinster House all the time handing people envelopes and
29 so on, that in itself is not a circumstance that would excite a suspicion?

30 A No, no.

1 Q 390 I am merely saying to you why did you use, why would you have resorted to that
2 particular somewhat unusual method of payment?

3 A Well I don't accept it is unusual, it's the circumstances and the context I
4 used it on that occasion. I knew that I could not walk into the Dail bar and
5 put 2,000 pounds on the bar and slide it along and say to GV, "That's yours".
6 Now that's the extreme to what you are suggesting. I don't mean to be
7 offensive but you have asked me. That was the method that I used on that
8 occasion.

9 Q 391 Yes. And I think you told Miss Dillon that it was the one and only occasion
10 you did this?

11 A Yes, I did.

12 Q 392 And anybody who resorted to that particular method of payment, may I suggest,
13 Mr. Dunlop, would have a very distinct and clear recollection of it.

14 A Of making a payment in a newspaper to GV Wright in the Dail bar, yes.

15 Q 393 Of making a payment to anybody in this fashion?

16 A Yes.

17 Q 394 Certainly in the Dail bar?

18 A In the Dail bar, yes.

19 Q 395 You would have a very distinct recollection of it?

20 A Of doing it, yes.

21 Q 396 But you say that this happened with GV Wright on either it was the 25th March
22 1993 or a date in mid-April 1993?

23 A Correct.

24 Q 397 Isn't that so, but again I think you acknowledge that you previously made a
25 statement to this Tribunal in which you ascribed this to the Quarryvale
26 payment.

27 A No --

28 Q 398 You made a payment in 1991, sorry, in the context of Quarryvale.

29 A In the context of the local elections.

30 Q 399 In the context of local elections, which was in the manner you are now

1 describing to the Tribunal with the Quarryvale in mind, let us put it that way,
2 that's as I understand your evidence, Mr. Dunlop?

3 A Yes, contribution of 2,000 pounds to GV Wright in the 1991 context of the local
4 elections with the additional overview that Miss Dillon and I went through this
5 morning.

6 Q 400You say that you have made this payment to GV Wright in a newspaper only once?

7 A Yes.

8 Q 401So you have to be incorrect, is that not the case, Mr. Dunlop, one or either of
9 your statements is incorrect, either 1991 or 1993, incorrect.

10 A Correct. It's incorrect, correct, yes.

11 Q 402One of them, one of the statements is incorrect?

12 A Correct.

13 Q 403Has to be?

14 A Yes.

15 Q 404And you agreed that you would have to have a very distinct recollection of all
16 of this, isn't that so?

17 A Yes.

18 Q 405And yet you acknowledge that you have made two contradict tree statements
19 regarding the manner in which this payment supposedly took place in a very
20 particular detail?

21 A Correct.

22 Q 406Of a kind that most people would find difficult to make a mistake about, isn't
23 that so, Mr. Dunlop?

24 A Other than in the date.

25 Q 407Mr. Dunlop, so far as my client is concerned, it's potentially a very important
26 difference and let us not allied over that difference, one of them is made, on
27 your case, under the guise or with the surreptitious happenstance of the local
28 elections to make the payment of 2,000, isn't that so, or alternatively it was
29 made in this fashion in 1993?

30 A Yes.

1 Q 408And you are now opting for 1993?

2 A Correct.

3 Q 409Ah. I am merely suggesting to you that so far as my client is concerned, it's
4 not merely a question of date because one of them relates to political donation
5 or a quasi political donation or something worse again you say you made at one
6 stage in 1991 and at another stage you say involves my client and his lands?

7 A Yes, there were two payments, there was payment in 1991 and there was a payment
8 in 1993. It's the circumstances of the method of payment that you are alluding
9 to, I presume.

10 Q 410Yes.

11 A Yes.

12 Q 411And I am suggesting to you that the method of payment was so singular and
13 unusual and distinctive any other person would find it astonishing you could
14 make a mistake on it?

15 A About the date.

16 Q 412Not simply about the date but in respect of which the payment was for?

17 A The payment was made in the circumstances in the Dail bar for the purposes
18 outlined.

19 Q 413But it's not simply -- look at it from my perspective?

20 A I am trying.

21 Q 414That it's not simply a question of 1991?

22 A Mmm.

23 Q 415And it's not simply a question of the date but rather if the payment was made
24 in this fashion in 1991, then that involves the local elections and possibly
25 Quarryvale but on your latest version, it involves a payment in respect of my
26 client's lands?

27 A Yes.

28 Q 416And I am merely suggesting to you that most people would find it extraordinary
29 that you should, in respect of a such a singular method of payment, make such a
30 mistake?

1 A You are not disputing the singular method of payment took place.

2 Q 417Mr. Dunlop, as you I think frankly acknowledge, my client has no knowledge
3 whatever of such payments and would have been appalled if such payments had
4 been made in his name.

5 A I accept what you are saying on his behalf, I have no reason to make any
6 argument with that. That's what his case is.

7 Q 418What I am putting to you, Mr. Dunlop, so you know why I am putting it to you, I
8 am doing it simply to test the veracity of your evidence and the way in which
9 you are describing payments which you allegedly make about my client.

10 A Correct.

11 Q 419Now, if we go back to the meeting of the 10th March, I think that leaving aside
12 what we can for the short-term describe as the offending sentence, that in
13 every other particular or every other detail, you agree with my client's
14 account of that meeting?

15 A Yes, in broad terms. Do you want to outline the agreements, the points of
16 agreement?

17 Q 420You had -- there's no dispute, for example, that now, that Messrs. Fox and
18 Mahony met you on the 10th March?

19 A Correct.

20 Q 421And it's described in my client's statement, I can take you through it if you
21 wish.

22 A No.

23 Q 422But really what I am putting to you Mr. Dunlop is that our version, our mutual
24 versions of events now do not seem to be in substantial dispute save in respect
25 of the offending sentence.

26 A Fine.

27 Q 423Isn't that so?

28 A That's so.

29 Q 424And I think you earlier agreed with me that my client's version of events which
30 pre-dates anybody else's version of events that the statement of made in July

1 2000, that that account is accurate in a way that your account of May 6th 2003
2 is not accurate.

3 A May 6th 2003 is not my first statement in relation to the matter. Just on that
4 point.

5 Q 425But I mean your major statement, if I can call it that.

6 A Yes.

7 Q 426You accept insofar as there, leaving the offending sentence aside for the
8 moment, insofar as there is any difference between the parties, between the two
9 statements in terms of sequence, chronology, all the rest of it that my
10 client's version is correct?

11 A Our diaries coincide in relation to meetings vis-a-vis this matter.

12 Q 427Yes. Now, how long was the meeting?

13 A Which meeting, the first? On the 10th.

14 Q 428On the 10th. My client puts it about half an hour, would you disagree with
15 that?

16 A No, I wouldn't disagree with that.

17 Q 429And with the exception of that particular sentence, you agree in substance with
18 what my client has to say about that?

19 A Yes, in relation to the outline of the problem that he and Mr. Fox had, the
20 history to it, what he said about GV and though I noted from Mr. Mahony's
21 statement that he is silent on the matter of GV, and the conversation that I
22 ascribed to Mr. Mahony and myself in relation so what needed to be done.

23 Q 430Now, we then have the events which have been described in graphic detail to the
24 Tribunal in respect of the lobbying of individual councillors. You accept that
25 my client went and met with a variety of different councillors from different
26 parties and different political backgrounds?

27 A I drew to your attention when he said he was too busy to become involved with
28 it.

29 Q 431But you agreed with it?

30 A With me, he agreed with me.

1 Q 432He said he would do that bit and you would do the rest because these were the
2 councillors generally from his local area and he would have known socially he
3 could have gone to you but he didn't know the bulk of the councillors and he
4 was going to leave that task to you?

5 A Correct.

6 Q 433Isn't that so? And isn't the case and he will say fairly and frankly of you
7 Mr. Dunlop that provide an excellent professional service, you reported back to
8 him at all stages as to the way the developments were proceeding?

9 A Yes.

10 Q 434And you kept in constant contact with him and you apprised him as to his
11 prospects of success, the kind of difficulties might have been encountered and
12 so on?

13 A Just for completeness, he consulted with me as the appropriateness of whether
14 he should make contact with variety of people and I gave a judgment in each
15 instance.

16 Q 435Relying in this instance on your acknowledged expertise as a public relations
17 consultant?

18 A Yes.

19 Q 436And that is the basis of course on which he will say he paid you the 10,000
20 pounds?

21 A Fine.

22 Q 437And the 10,000 pounds without leaving any question of "expenses" aside or
23 "overheads" aside, you had to work for your 10,000 pounds, isn't that so?

24 A Yes.

25 Q 438And you were very skilled and good at the job?

26 A Well that's a judgment --

27 Q 439Mr. Dunlop, you don't get many compliments in this Tribunal, least of all from
28 me, I fear, and I suggest you take it while it's going.

29 A You come in a long line of people who do not give compliments so I thank you,
30 Mr. Hogan.

1 Q 440 Well on that I think we trust we will agree on that -- but in all events you
2 provided that service, there was an intense basis between March and April of
3 1993?

4 A Yes it was.

5 Q 441 And you reported back?

6 A Yes.

7 Q 442 And again you say that at no stage did you apprise or tell my client of any
8 payments you allegedly made and apart from these offending sentences of the
9 10th March 1993 and the meeting about the success fee on the 1st February 1994,
10 there was no act, no word, no deed done either by you or my client which would
11 implicate my client in respect of these corrupt payments.

12 A None.

13 Q 443 And again you see in Mr. Mahony's statements the various meetings he had with
14 various people. Did he tell you he was going to meet individuals? You knew
15 that?

16 A I knew that and as I said earlier he consulted with me the appropriateness of
17 making contact with, I think I gave the example to Ms. Dillon, I gave the
18 example of Nora Owen, he asked if it was appropriate if he should contact Nora
19 Owen, he went back and saw her on a Saturday morning and reported back to me
20 what she had said.

21 Q 444 Let's be clear, and nobody has made any suggestion to the contrary, there was
22 no question that anybody such as Mrs. Owen was going to be bribed or brought
23 into this in any way?

24 A Absolutely not.

25 Q 445 By meeting Mrs. Owen and meeting all the various other councillors my clients
26 sets out in his statement what he was endeavouring to do is persuade the
27 councillors of the merits of the proposal?

28 A Can I be absolutely clear for the benefit of your client, Mr. Hogan, with whom
29 I do not have a difficulty in the context of a client that he consulted, he
30 took advice, he reported back and he participated to a great degree in relation

1 to, as you have outlined, persuading councillors to he knew, either from
2 business or socially, as you have outlined, as to the merits of the particular
3 proposal.

4 Q 446And would you not agree, Mr. Dunlop, although we have heard that the rezoning
5 decision excited a great deal of public objection, that there were, objectively
6 speaking, solid reasons why these lands might be rezoned?

7 A There were solid reasons why the lands should be rezoned.

8 Q 447We have seen in the various statements of councillors who have supplied
9 statements to this Tribunal as to the perfectly legitimate reasons why
10 particular councillors would have voted yes for this proposal?

11 A Yes.

12 Q 448And I think we have seen indeed that Mr. Mahony went to as far as to invite
13 certain councillors to walk the lands with him so that they could see precisely
14 where they were situate?

15 A I saw that, I wasn't aware, I have to say to you, Mr. Hogan, that that took
16 place. I just did not know that that had happened, but why dispute it, if Mr.
17 Mahony says it, I don't dispute it.

18 Q 449We see in all events there was reporting back by you to him and he, in turn,
19 recounting how he had been getting on with his assigned tasks?

20 A The mutual diaries show the extent of the meetings.

21 Q 450There's no dispute of any substantial between the parties in respect of those
22 events post the 10th March, isn't that so?

23 A Correct.

24 Q 451Now, we know that the meeting took place on the 28th April 1993.

25 A This is only a motion, sorry, I beg your pardon.

26 Q 452And we have seen that it was passed in the manner described in earlier
27 evidence, isn't that so?

28 A Yes, correct.

29 Q 453And then, let us move forward to the events of September 1993.

30 A Yes.

1 Q 454 And perhaps it's only a point of detail but -- I don't act for Mr. John Mahony,
2 Mr. O'Keefe has the honour of representing Mr. John Mahony -- so far as my
3 client is concerned, he was most surprised by your assertion that John Mahony
4 lobbied councillors. He said he had no knowledge of that and there's no reason
5 to believe that that is so.

6 A Well that's -- I can only accept what your client is saying. It is contrary to
7 my interpretation and experience.

8 Q 455 It's your interpretation of events, isn't it?

9 A No, no, it is my interpretation of his involvement and his presence in Dublin
10 County Council on at least two occasions.

11 Q 456 It's accepted that Mr. John Mahony, I think, was present on the day of the,
12 what we describe as the rezoning vote in late September and there are some
13 suggestions that Mr. John Mahony may have contacted you for advice as to
14 whether or not one of the family ought to be present on that rezoning vote?

15 A Well, I see that from Mr. John Mahony's statement, in fairness to Mr. John
16 Mahony, I have seen that from his statement, I do not recall ever being
17 contacted by Mr. John Mahony for the purpose of seeking my advice as to whether
18 he should be present or not.

19 However, I did have a discussion with GV Wright in which GV told me that he had
20 advised that the presence of a member of the family would be beneficial in the
21 context of the rezoning motion.

22 Now, to use a phrase you have just used yourself, Mr. Hogan, I don't know what
23 rides on this or maybe nothing rides on it but the fact of the matter is that I
24 did meet John Mahony in the environs of Dublin County Council and on at least
25 two occasions. I cannot tell you whether that included the day of the rezoning
26 motion and I have already told Ms. Dillon yesterday or the day before, I can't
27 remember which, but the transcript will identify the date, that I may not have
28 been present for all the of the Development Plan meeting on that day in
29 relation to a particular motion.

30 Q 457 Well again, perhaps Mr. Dunlop nothing may turn on this, but so far as my

1 client is concerned, he had no knowledge or any reason to believe that Mr. John
2 Mahony was involved in the manner in which you have apparently described so far
3 as lobbying councillors are concerned as far as the -- in September 1993?

4 A Yes.

5 Q 458 Is it possible that your recollection of this may be inaccurate?

6 A No, I don't think so, because -- and I have outlined to Miss Dillon the
7 circumstances and those were the circumstances.

8 Q 459 It is the case, isn't it, Mr. Dunlop, that none of the other councillors who
9 have made statements to this Tribunal have recounted or described Mr. John
10 Mahony's involvement in any way?

11 A From those statements that I have seen, that is correct, yes.

12 Q 460 And there's nothing from those statements to suggest that he was involved in
13 the manner which you have described?

14 A From those statements, there's not.

15 Q 461 Mr. Chairman, I am just about to move on to another topic. I don't think,
16 perhaps another half an hour or so.

17

18 CHAIRMAN: Two o'clock.

19

20 THE TRIBUNAL THEN ADJOURNED FOR LUNCH.

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1 THE TRIBUNAL RESUMED AS FOLLOWS AT 2.00 PM:

2
3 MR. HOGAN: If it please the Chairman, Mr. Dunlop please.

4
5 CONTINUATION OF CROSS-EXAMINATION OF MR. FRANK DUNLOP
6 BY MR. HOGAN.

7
8 Q 462 Now, good afternoon, Mr. Dunlop.

9 A Good afternoon, Mr. Hogan.

10 Q 463 One final thing about the September events, and again I am not sure if an awful
11 lot turns on this, Mr. Dunlop, but were you aware that Mr. Mahony was out of
12 the jurisdiction on the day of the vote?

13 A No, I wasn't so aware.

14 Q 464 And may I suggest to you that perhaps is one reason why Mr. John Mahony would
15 have been there instead?

16 A I readily accept it, but I was not so aware.

17 Q 465 Mr. Dunlop, now moving on to subsequent events, I think you told Miss Dillon
18 that you created an invoice for 5,000 pounds in early December 1993.

19 A Correct.

20 Q 466 Now, again I know, in fairness, you have said this to Miss Dillon, but just to
21 be clear, there's no suggestion whatever that my client was in any way involved
22 in that invoice?

23 A None whatever.

24 Q 467 He had no knowledge of it?

25 A No.

26 Q 468 And never received it at the time?

27 A Couldn't have.

28 Q 469 Couldn't have, and there was no discussion between you about such an invoice?

29 A About an invoice, yes.

30 Q 470 And the first time that my client came to learn of this supposed invoice, and

1 forgive me for putting it in those terms, was when he was circulated with the
2 brief for this module?

3 A Correct, I presume that is correct, I don't know when -- I have no reason to
4 suggest otherwise.

5 Q 471 You certainly never gave it to him or sent it to him or anything of the kind.

6 A No.

7 Q 472 Does not the very existence of this invoice suggest that you had in your own
8 mind an idea that you were going to look for more money from my client?

9 A Yes.

10 Q 473 And isn't it also the case this there was no suggestion of a success fee or
11 other fee agreed with my client?

12 A None whatever.

13 Q 474 The agreement was in respect of 10,000 pounds and -- 10,000 pounds in cash, we
14 perhaps agree to differ in as much as I put it to you this morning that this
15 was at was your suggestion and you said it was mutually agreed. In all events
16 that was the fee.

17 A Correct.

18 Q 475 And there was no suggestion of any other fee?

19 A None.

20 Q 476 Now, you came back to Mr. Mahony looking for an additional fee as we have just
21 seen?

22 A That's correct.

23 Q 477 And you appear to have some telephone contact with my client in December of
24 1993 if we can judge from your diary.

25 A Yes.

26 Q 478 And you then, it wound up then in a meeting in the Berkley Court on, I think,
27 the 3rd February 1994, isn't that right?

28 A That's correct.

29 Q 479 Between you.

30 A Yes.

1 Q 480 And that was the first time that you had met since the dezoning motion in
2 September and probably sometime prior to that because you didn't actually meet
3 at the dezoning motion?

4 A No, if your statement to the effect that he was not present, or out of the
5 jurisdiction no, that is correct, to the best of my recollection.

6 Q 481 It may well have been your first meeting face to face since the 5th May 1993?

7 A Since the 5th May 1993. That appears to be the last diary entry. But not the
8 last contact.

9 Q 482 But the last face to face meeting. And I think we can also agree, Mr. Dunlop,
10 that you have had no contact with my client since the meeting of the 3rd
11 February 1994, save with this proviso when you came to Kilbarrack to collect
12 the 2,000 pounds?

13 A The message.

14 Q 483 The message, as you put it, again just to be clear, that was a fleeting
15 transaction?

16 A Seconds.

17 Q 484 So leaving that aside, the last face to face encounter you have had with my
18 client was the 3rd February of 1994, isn't that so?

19 A That is correct.

20 Q 485 Now, you came to this meeting looking for additional 5,000 pounds, isn't that
21 so?

22 A Yes.

23 Q 486 And ultimately, you compromised, or both parties compromised and you were paid
24 2,000 pounds in cash?

25 A Correct.

26 Q 487 And my client will say, I'll come to your statement about that meeting in a
27 moment, but my client will say that he was annoyed and disappointed that you
28 were coming back looking for extra money when that hadn't been agreed. And
29 that was the reason why he was, I suppose, reticent about meeting you and
30 certainly acceding to your demands. He didn't see why he had to because a deal

1 was a deal, you agreed 10,000 and now you were looking for more?

2 A The reticence is on his part in his statement, he didn't express reticence to
3 me in the context leading up to the meeting about meeting because he readily
4 agreed to meet.

5 Q 488Well isn't it the case that, perhaps you can differ as to how these things are
6 characterised, Mr. Dunlop, but he was vexed at the idea that you were coming
7 back and looking for more money when that had not been agreed?

8 A I think we are into language here again, Mr. Hogan. I said in my statement he
9 was somewhat aggressive.

10 Q 489He --

11 A You were saying he was angry and vexed.

12 Q 490I don't think there was any shouting at the meeting?

13 A Certainly not.

14 Q 491But there was a forthright expression of your respective positions?

15 A Correct.

16 Q 492I think we'd agree on that?

17 A Correct.

18 Q 493And he was certainly highly reticent at the idea that he should pay any more
19 money?

20 A Yes.

21 Q 494Now, may I suggest to you -- sorry, before I come to that -- Mr. Mahony will
22 say that he paid you the 2,000 simply just, to use a modern term, to bring
23 closure to the whole business, that you were looking for money and he wanted to
24 be shut of it all and he agreed to pay you 2,000 on that basis. His annoyance
25 or vexation of looking for extra money notwithstanding?

26 A I accept what you are saying, that is what Mr. Mahony will say, but he paid --
27 the fact of the matter is, the reality is that he agreed at the meeting and I
28 travelled to his offices in Kilbarrack and received the sum from his own hand.

29 Q 495And none of that is in dispute between the parties and so much is stated by Mr.
30 Mahony in his initial statement to the Tribunal of July 7th 2000.

1 A Right.

2 Q 496 And again, leaving aside certain offending words which you have identified this
3 morning which I will come to now presently, with the exception of those words,
4 would you not think that was a fair characterization of the standpoint of Mr.
5 Mahony at the meeting? He didn't see why he had to pay any extra money, he had
6 reached an agreement with you of 10,000 pounds and now you were coming back
7 several months after the event looking for a success fee which had never been
8 agreed or discussed?

9 A Yes, it is a characterization of events, whether you describe it and he
10 describes it as fair and I describe it as fair, we are not going to get
11 semantical about it, but he did make some remarks at the meeting which gave an
12 indication of his unwillingness to pay an extra fee.

13 Q 497 Is it not so, Mr. Dunlop, it was as I have described, substantially the gist of
14 the objection on the part of Mr. Mahony to pay any extra money?

15 A Yes.

16 Q 498 Yes. Now may I suggest to you that this would have been the perfect
17 opportunity, if your evidence this morning is to be accepted, that this would
18 have been the perfect opportunity for you to tell Mr. Mahony why you were
19 looking for extra money?

20 A Well I did tell him why I was looking for extra money.

21 Q 499 Well what was the reason you gave him?

22 A Because of the amount of work that had been carried out and my involvement in
23 it arising out of a variety of things, including the withdrawal and the new
24 motion and the involvement of his family.

25 Q 500 Yes. Well I think we have agreed to disagree on the question of the family for
26 a moment and I think in fairness, Mr. Dunlop, you wouldn't say that that was
27 the major feature?

28 A No, no, it wasn't the major feature.

29 Q 501 From your perspective the major feature why you would look for more money would
30 be, among these things, the fact that there had been a rezoning motion, isn't

1 that so? That hadn't been anticipated, and there was also the particular
2 difficulty with relation to the amendment, the procedural amendment which had
3 to be affected with regard to Mr. Fox's lands, isn't that so?

4 A Correct.

5 Q 502Now, can I suggest to you that you never told him at this meeting that you had
6 to pay approximately 5,000 pounds of your 10,000 agreed fee to councillors as
7 you contend and claim?

8 A No, I did not.

9 Q 503And if it were the case that you had in fact paid these amounts and if it were
10 the case, as you claim and contend, Mr. Dunlop, that my client knew about it
11 and was a party to the whole conspiracy, would this not have been the perfect
12 opportunity to explain to him about what might be described in another way of
13 business as cost overruns?

14 A No.

15 Q 504Why not?

16 A Because it just didn't apply. You never --

17 Q 505Sorry, you were going to say something?

18 A I never, as I said to you prior to lunch, went into detail with people in
19 relation to disbursements of that nature.

20 Q 506Well may I suggest to you there was a particular reason why you didn't speak
21 about it and the reason you didn't speak about it is this: That you knew very
22 well that Mr. Mahony would never have countenanced or contemplated or agreed or
23 sanctioned payments of that kind and you knew that if you mentioned the fact
24 that you had spent approximately 5,000 pounds of your professional fee which
25 had been agreed in this manner, that Mr. Mahony would have been appalled and
26 horrified and would have shown you the door and would have been aghast, angry?

27 A I did not so know.

28 Q 507Did you, isn't that the case?

29 A No.

30 Q 508I suggest to you, Mr. Dunlop, that that is the true reason why, I have again

1 this perfect opportunity, you did not raise that issue with him, you did not
2 raise that issue with him because you knew very well that my client was an
3 upstanding, reputable, distinguished businessman who would have been appalled
4 and horrified?

5 A I did not so know.

6 Q 509Let's take a look at the words that you attribute to Mr. Mahony at this
7 meeting. If you look at your first statement of October 2000, page 919. Now,
8 the offending sentence here is this, "he asked me whether I was saying the
9 10,000 pounds I had been paid was gone. I said that it was."

10
11 Now, even you are clear, Mr. Dunlop, my client, it comes as no surprise to you,
12 Mr. Dunlop, will emphatically deny he ever made a remark of this or any similar
13 nature, including the remarks that you attribute to him in the Shelbourne Hotel
14 in March of 1993. Just to be aware that that is what he will be saying, I am
15 sure you are not surprised by that but, even on your own version of events,
16 Mr. Dunlop, those two statements cannot be literally true, can they?

17 A Why not?

18 Q 510Because you told Miss Dillon yesterday, and it's not in dispute, but that the
19 maximum amount that you paid to councillors, so far as this tranche and this
20 module is concerned, is 4,700 pounds, that was the figure you and I agreed this
21 morning, I think you said 6,000 to Miss Dillon?

22 A She approached it from a different...

23 Q 511She approached it admittedly from a different angle, be it 4,700 or 6,000, it
24 wasn't on the version you were giving here, it wasn't all gone?

25 A Well it was.

26 Q 512Well, what did you mean by all gone?

27 A Well, it was gone in the sense that I had been paid 10,000 pounds, I had made
28 disbursements following your version of the disbursements, your categorization
29 of them in the amounts and that the rest was my fee, so it was gone.

30 Q 513And so did you, we know you didn't tell Mr. Mahony anything about these

1 disbursements to councillors?

2 A No, I did not.

3 Q 514 So how do you -- and this is all deductive and inferential on your part, isn't
4 it?

5 A It is me telling in a statement the circumstances of the meeting with your
6 client in the Berkley Court on that day.

7 Q 515 And if, as you claim, my client said the words which he denies emphatically,
8 that the 10,000 I had been paid was gone and you said it was -- I mean, do you
9 suggest that those words mean or should be taken to mean that my client asked
10 did you spend the 10,000 paying councillors?

11 A No, no, no, I am not making any such implication.

12 Q 516 I am very glad to hear it. Can you tell us, can you clarify to the Tribunal
13 why you are not making any such implication?

14 A Because of the amounts that I paid to councillors. I did not give 10,000
15 pounds in disbursements or illegitimate payments to councillors so he could not
16 have interpreted and I am not implying that I so said.

17 Q 517 Well I am glad to hear it. May we take it that a similar view is taken of the
18 words that you attribute to him at -- yes, in your statement of 6th May 2003
19 and -- I'll just get the -- at internal page 5, page 35 of the brief.

20 A Yes.

21 Q 518 May we take it that you take the same view?

22 A Yes, I do.

23 Q 519 In respect of the words "used up?"

24 A Yes, I do.

25 Q 520 And there you say you told him that the 10,000 pounds was for these and
26 expenses.

27 A Yes.

28 Q 521 And any normal person would understand the word expenses to be legitimate out
29 of pocket expenses?

30 A Any normal person.

1 Q 522Are you suggesting my client is not in that category?

2 A I have no idea what your client interpreted the words to mean, but that is the
3 tenor of the conversation I had.

4 Q 523What did you mean, Mr. Dunlop, by the word expenses?

5 A Well I had received 10,000 pounds, I had disbursed a certain figure that you
6 and I now agree as per your definition.

7 Q 524Of the figure you claimed to have disbursed?

8 A As distinct from the definition we entered into yesterday with Miss Dillon and
9 that the money was used up, it was gone.

10 Q 525Yes. The question I asked you, Mr. Dunlop, is this, is what did you mean by
11 the word 'expenses' in the middle of page 5, brief pagination 35?

12 A Well without even looking at it, I know the phrase that is used.

13 Q 526Can I ask you --

14 A What I meant by expenses, but which I did not explain to Mr. Mahony and Mr.
15 Mahony did not ask for clarification, was the expenses that I had incurred in
16 relation to the disbursements.

17 Q 527What were those expenses?

18 A Expenses in relation to payments to councillors.

19 Q 528In other words, you are saying now when you use the words 'I told him the
20 10,000 was for fees and expenses', expenses to your mind carried extended to
21 the 4,700 pounds that you had disbursed to councillors?

22 A Exactly.

23 Q 529And if, therefore, my client was part of the inside conspiracy, so to speak,
24 just like all these other euphemisms you freely use, he should have understood
25 the word to mean illegitimate, corrupt payments?

26 A I am not suggesting what he should or should not interpret or what he did
27 interpret it as, that was the tenor of the conversation in the context of the
28 meeting of my looking for an extra fee.

29 Q 530Let me test it this way, Mr. Dunlop. Supposing you were dealing with somebody
30 who openly, frankly admitted to you, and you have no doubt about this and he

1 had discussed it and openly admitted it that he was willing for you to bribe
2 councillors, supposing there was such a -- and you used the word expenses in
3 this context, would you understand that person to mean payments of this kind?

4 A In those circumstances you have outlined, yes.

5 Q 531 Indeed you hold us, recently as a few minutes ago, that you never told people
6 about the payments that you made for the fact that you had made them?

7 A Yes.

8 Q 532 So why did you use in this euphemistic sense the word expenses to Mr. Mahony?

9 A Because that is the language that I used. He had paid me a fee of 10,000
10 pounds in cash willingly and the purpose of the meeting in the Berkley Court
11 was a request by me for an extra 5,000 pounds in fees in relation to the matter
12 and we compromised. But in the conversation which I have already said to you,
13 you said the word vexed and annoyed, I have used the word aggressive, Mr.
14 Mahony got aggressive and asked me was I telling him that the 10,000 pounds was
15 gone or used up and that he didn't ever believe that rezoning could cost so
16 much.

17 Q 533 Mr. Dunlop, he told us that morning that the phraseology used by my client, the
18 way the world -- he knew the way the world worked, that you interpret from
19 that --

20 A Yes.

21 Q 534 First you say he said it, which he will deny, but you firstly say it he said it
22 and you interpret from those words alone on the 10th March 1993 that my client
23 was going to get involved in this, that he would be a knowing participant in
24 the fact that you were going to pay councillors.

25 A That is what I said.

26 Q 535 Yes. And therefore doesn't it equally logically follow that if Mr. Mahony was
27 in this camp, as you have placed him, as of the 10th March 1993, that when you
28 used the word "fees and expenses" that you should equally so interpret it as
29 meaning, that you should equally -- sorry, doesn't it follow that you should
30 have known that he would have interpreted the word expenses in a similar

1 fashion?

2 A Well, whether I knew or did not know or whether I suspected or did not suspect,
3 what interpretation he was putting on it, the circumstances were very simple.
4 I outlined the circumstances in relation to the rezoning, the various motions,
5 the involvement of the family, all that, and I was asking for an extra 5,000
6 pounds and he -- a conversation ensued in which he asked me "are you telling
7 me, Frank Dunlop, that the 10,000 pounds is gone, is used up?" And I said yes,
8 the 10,000 pounds fees of expenses. Now, what his interpretation of the word
9 expenses was then or is now, with respect, I can only suggest to you that Mr.
10 Mahony obviously will take his opportunity to give his view on that. I am not
11 going to start interpreting what he thought or did think.

12 Q 536Yes. You had no such difficulty in interpreting what he thought on the 10th
13 March?

14 A Absolutely not, because the word expense was not used on the 10th March.

15 Q 537But in your vocabulary and in your lexicon and in this context the word expense
16 should convey to the other party, hint hint, bribes to councillors?

17 A Well I mean --

18 Q 538Isn't that so?

19 A I keep saying to you I am not going to enter the mind of Mr. Mahony as to what
20 he understood the --

21 Q 539Mr. Dunlop, I didn't ask you on this occasion to enter into the mind of Mr.
22 Mahony, I am seeking to enter your mind. Isn't it the case that when you used
23 the word expenses in this context, you understood it in this euphemistic
24 fashion?

25 A I understood it.

26 Q 540Yes, and you were willing to say it?

27 A Did you use the word expense?

28 Q 541Yes.

29 A Yes.

30 Q 542So, therefore, if my client had been on the inside track as you claimed he was,

1 he would have then ought to have twigged that there was, there had to be
2 payments to councillors, isn't that so?

3 A Well it may be so.

4 Q 543 In fact, isn't it the case that Mr. Mahony, being a decent, law abiding honest
5 man when he heard the word fees and expenses, he naturally assumed ordinary
6 legitimate out of pocket expenses and certainly not the 4,700 which you claim
7 to have corruptly dispensed to councillors, isn't that so?

8 A Let Mr. Mahony give his view and his opinion of that.

9 Q 544 I am merely suggesting to you this; Mr. Dunlop: Is that this was, if Mr.
10 Mahony was on the inside track in the way that you claim, this was the perfect
11 heaven sent opportunity to explain how inverted commas, the expenses had been
12 greater than anticipated?

13 A However an ideal opportunity it was, Mr. Hogan, I have already told you that I
14 did not ever discuss with your client, ever, on any occasion, face to face
15 meetings, in telephone consultations or otherwise, the disbursements of monies
16 to councillors in relation to this particular item.

17 Q 545 I suggest to you that the reason you didn't is that you knew that my client
18 would have been appalled and horrified?

19 A I am not so -- I have no knowledge that that would have been his reaction.

20 Q 546 And I suggest to you, Mr. Dunlop, you well know it would have been his reaction
21 and that is the tenor of the evidence that he will be giving to this Tribunal
22 and it's the case, isn't it, Mr. Dunlop, that look, forgive me for putting it
23 to you bluntly, but you have perjured yourself on many occasions in this
24 Tribunal?

25 A I have told untruths.

26 Q 547 And it goes further than that, it's downright perjury, isn't it?

27 A I have told untruths, you are a constitutional lawyer, you can interpret it
28 anyway you like, I'm telling you I told untruths to the Tribunal.

29 Q 548 You freely admitted to Miss Dillon you were willing to enter into a conspiracy
30 to give perjured and contrived evidence to the Tribunal?

1 A Mutual agreement.

2 Q 549And you have also, I think, fairly acknowledged that with the exception of
3 these sentences of which, on which you rest your case, that you agree with the
4 version of events described by my client?

5 A Oh yes, I do.

6 Q 550And that there are significant internal contradictions in your statements and
7 that those, whereas there aren't in my client's.

8 A In relation to meetings, yes.

9 Q 551And sequence of events and other details?

10 A In relation to meetings and who was present at the meetings.

11 Q 552And isn't it the case that your contention rests entirely, not on the full
12 knowledge that you claim, but rather on your interpretation and deduction of
13 words you say about it?

14 A I was at the meeting with your client and another person and my interpretation
15 of the words used in the context of the meeting are as I have outlined which I
16 readily acceded to and agreed to you before lunch.

17 Q 553Now, Mr. Dunlop, would you not accept that you have traduced the good name and
18 reputation of a highly distinguished businessman with allegations which rest on
19 an entirely slender and fabricated basis?

20 A No.

21 Q 554Thank you very much, Mr. Dunlop.

22

23 CHAIRMAN: Mr. Dunlop, could I just ask you again about the, your earlier
24 meeting with Mr. Mahony and Mr. Fox when you say Mr. Mahony used the term or
25 the words, "he knew the way the world worked " or words to that effect.

26 A Yes.

27

28 CHAIRMAN: And your evidence is that you interpreted that as meaning that he
29 knew that councillors had to be approached and paid in return for their
30 support.

1 A Yes.

2

3 CHAIRMAN: Could it not equally be the case that he might simply have meant
4 that he knew that the system worked in a way which required councillors to be
5 approached and persuaded to vote in a particular way, possibly taken out to
6 lunch, things of that nature, but nothing beyond that?

7 A I suppose a direct answer to that question is it's possible that that is his
8 interpretation.

9

10 CHAIRMAN: But that he didn't say anything else which in any way assisted you
11 in interpreting it in the way that you interpret it

12 A No, he said nothing other than the words that I am attributing to him.

13

14 CHAIRMAN: Because you were there at that meeting in the knowledge, on your own
15 admission, that this was the way the world worked.

16 A Correct.

17

18 CHAIRMAN: You didn't know from anything Mr. Mahony had said that he also had
19 that outlook?

20 A No, from anything that he said other than the use of that phrase.

21

22 CHAIRMAN: Yes. So you would accept, as I understand, you now to say, you
23 would accept that he could have had a much more innocent meaning than the one
24 that you --

25 A He may well have done, but that is not the interpretation that I took from the
26 meeting, the actual meeting and subsequently. And have done so ever since.

27

28 CHAIRMAN: But in relation to that particular meeting, he could have meant it
29 the way you believe he meant it.

30 A Yes.

1
2 CHAIRMAN: Or he could have meant it in a somewhat more innocent way which was
3 short of suggesting that he was aware that councillors would have to be paid.
4 Thank you.

5
6 MR. O'KEEFFE: Good afternoon, Mr. Chairman, I appear on behalf of John Mahony
7 and I have just a few questions for you,
8

9 THE WITNESS WAS CROSS-EXAMINED AS FOLLOWS BY MR. O'KEEFFE:
10

11 Q 555 If I can summarise what I understand to be your position in relation to John
12 Mahony, is it correct to say that effectively you made two substantial
13 allegations, not substantial allegations, but two allegations regarding this
14 conduct in the run up to the September rezoning meeting?

15 A Yes.

16 Q 556 And those allegations, if they be allegations even, are one, that he attempted
17 to lobby councillors and, two, that he was present in a number of meetings
18 prior to the actual decision on the 29th September?

19 A That is what was reported to me he was involved in the lobbying and --

20 Q 557 We'll come back to that at a later stage, just in a general sense, we are
21 talking one, that he lobbied councillors and two, that he was present in Dublin
22 City Council offices on more than one occasion?

23 A Correct. Dublin County Council offices.

24 Q 558 Now, firstly, in relation to the first so-called allegation and perhaps I am
25 the one who is guilty of using the phrase but there is nothing wrong or
26 improper in attempting to contact councillors in relation to the rezoning of
27 land?

28 A Absolutely not.

29 Q 559 And there is nothing in being present at Dublin County Council meetings
30 regarding the rezoning?

1 A Absolutely not.

2 Q 560 So, in fact, what you are really saying to this Tribunal are matters of fact
3 which have no bearing on the propriety of the conduct of Mr. John Mahony at any
4 stage?

5 A None whatever, they are purely factual.

6 Q 561 But I just need to make it clear because you understand I am here to protect my
7 client's reputation?

8 A I understand that fully, Mr. O' Keefe.

9 Q 562 Can we now take it you are not making any allegation of impropriety against
10 John Mahony at any stage?

11 A Not now or never did.

12 Q 563 And then very briefly, because we are really only dealing with two different
13 recollections of noncontentious --

14 A Issues, yes.

15 Q 564 Mr. Mahony is of the view and will give evidence, if it's required in these
16 circumstances that have now come to light --

17

18 MS. DILLON: Sorry, Mr. Chairman, I wonder just in terms of the transcript
19 afterwards, would it be possible for Mr. O' Keefe to refer to Mr. John Mahony
20 so the transcript will reflect that?

21

22 MR. O'KEEFE: Very good, my apologies to my friend and the Tribunal.

23 Q 565 The point I was making, as I understand it, was that effectively therefore in
24 the context where we are dealing with purely factual discrepancies in terms of
25 your recollection and Mr. John Mahony's recollection, he will say, Mr. John
26 Mahony will say that in fact he didn't lobby any councillors, and am I right in
27 understanding your evidence that you have no direct evidence of there being any
28 lobbying of councillors in any event, is that right?

29 A No.

30 Q 566 And isn't it fair to say that your statement to this Tribunal which bases this

1 allegation, is on the basis of hearsay from two or three different individuals,
2 depending on which way you read your statement.

3 A Yes, well it turns on your interpretation and my interpretation of what an
4 allegation is. I'm saying to the Tribunal I am not alleging --

5 Q 567The discrepancy?

6 A -- the discrepancy is better.

7 Q 568Discrepancy is better.

8 A I am not accusing Mr. John Mahony of anything untoward or improper.

9 Q 569Yes. And do you accept that the two councillors which you refer to your
10 evidence yesterday as having been the persons who informed you that John Mahony
11 had been canvassing, and if I can take you to your -- this is the transcript of
12 the evidence yesterday, it's question 421 and Mr. Liam Creavan and Mr. Michael
13 Joseph Cosgrave confirmed to you that Mr. John Mahony had spoken to them and
14 also you think Mr. Sean Gilbride and your answer is yes?

15 A Yes.

16 Q 570Now, in fact, in your evidence this morning, there was a focus, if I can put it
17 that way, on the first two and I think you accept that you have a doubt in your
18 mind as to whether or not Sean Gilbride said it to you at all?

19 A Yes, that's correct.

20 Q 571But in terms of the two individuals who are clearly involved themselves in
21 making the statement that John Mahony was lobbying, both Liam Creavan and
22 Michael Joseph Cosgrave deny ever having said that to you?

23 A That is correct, as Miss Dillon highlighted in their statements this morning.

24 Q 572And Mr. John Mahony will similarly deny it. Then finally, in relation to the
25 other discrepancy as we call it, your evidence is that you have, in your own
26 words a clear recollection of meeting Mr. John Mahony once or maybe twice
27 before the meeting of September 29th?

28 A In Dublin County Council, yes.

29 Q 573And they are the only two times you met him face to face?

30 A You just took the words out of my mouth, I don't think I had ever met John

1 Mahony prior to that particular issue and I do believe I have never met John
2 Mahony since.

3 Q 574Is it possible one of the meetings you refer to took place on the 29th
4 September?

5 A It is possible.

6 Q 575So, in fact, the discrepancy becomes even less because Mr. John Mahony accepts
7 that you were at the meeting of September 29th and believes he may in fact have
8 met you on that day?

9 A Correct.

10 Q 576But it didn't seem to be, it was certainly not a substantial meeting?

11 A I wouldn't have described it as substantial meeting.

12 Q 577So the discrepancy now comes down to whether or not you had in fact met

13 Mr. John Mahony on one occasion in Dublin County Council offices to the prior
14 the 29th September?

15 A Let me put it another way, you have just acceded to the fact we may have met on
16 one occasion.

17 Q 578So the discrepancy comes down to a single?

18 A Yes.

19 Q 579Would you agree with me while the vast majority of your evidence is a model of
20 clarity in terms of its detail, when it comes to the meeting of the 29th
21 September, you are far less than clear in detail.

22 A I am far less than clear in the detail in that I said to Miss Dillon I think it
23 was yesterday, I am not absolutely categorically certain I was there for the
24 totality of that meeting. You may quote the exact words that I used.

25 Q 580I think, in fact, you said at one stage you weren't even clear if you were
26 there at all and if you bear with me, you did say that?

27 A I did say that.

28 Q 581So there's even a doubt in your own mind whether or not you were there at all,
29 but John Mahony seems to back you up in relation to being there?

30 A Yes.

1 Q 582 Is it therefore not also possible, given your confusion regarding what must
2 have been a significant date from the point of view of the Development Plan and
3 indeed your own involvement in it, that this other meeting which you think you
4 had or you say you had with John Mahony, in fact, didn't occur at all and that
5 you are confusing the 29th September, a day in which you don't have a great
6 recollection, I put it to you, and you have managed to merge or in fact demerge
7 what in fact was one meeting into two meetings with John Mahony, was that not
8 possible?

9 A In the interests of clarity and speed, it is possible.

10 Q 583 Yes.

11 A But I doubt that it is the case.

12 Q 584 Very good. Well Mr. John Mahony will merely say that?

13 A Fine.

14 Q 585 Thank you, Mr. Dunlop.

15

16 CHAIRMAN: Thank you.

17

18 THE WITNESS WAS CROSS-EXAMINED AS FOLLOWS

19 BY MR. MONTGOMERY:

20

21 Q 586 I appear for Mr. Gallagher deceased. May I touch upon the introduction that
22 was circulated this morning, one particular, in fact there are a few matters
23 that arise from that and your comment, your overall comment would be
24 appreciated. You say that you started in the public relations in 1989 and that
25 at the time you started, a system was in operation in Dublin County Council and
26 you go on to deal with that. You say that the money was requested but I did
27 not invent this system. Can you explain to us the source of your knowledge of
28 the system?

29 A Yes, the source of my knowledge was this system was initially introduced to me
30 by another public representative and I participated in the system that existed,

1 but my knowledge of it, in the first instance, was arising out of involvement
2 with another public representative.

3 Q 587 And when did this knowledge accrue to you?

4 A Well you have pointed, you say that I entered the public relations business in
5 1989, in fact in 1989 I established my own company, I was already in the public
6 relations business from 1986 when I had left the Department of the Environment.
7 And in the intervening period, I was between leaving the company that I was
8 with, between 1986 and 1989 and establishing my own company in 1989. I had
9 contact with this public representative and it was from that source that I
10 became aware of the knowledge of the system.

11 Q 588 I see. To delve a little deeper into that, did this colleague or friend of
12 yours who was in the local authority, did he make available a list of
13 councillors, to put it crudely, "on the take?"

14 A He made a list of councillors available to me in a variety of fashion, let's
15 start ab initio, Mr. Montgomery, a list of councillors in the first instance
16 and indicated on a variety of occasions people who would participate in the
17 system.

18 Q 589 I see, and this was given to you in writing?

19 A Not in writing, no.

20 Q 590 So you were handed a list of what, some 40 --

21 A 70 councillors.

22 Q 591 70 councillors, and you were asked to memorise those that would be amenable
23 to --

24 A Well the list of councillors, with due respect, withdrew respect, Mr.
25 Montgomery, was readily available if anybody with an interest in matters in
26 Dublin County Council could go and get it. But to follow the point you are
27 making and in due deference to the question that you asked, yes, he made the
28 list available to me and in the context of a variety of issues, one in
29 particular, which is not related to this particular module at all, but one in
30 particular, we would have gone down through the list to ascertain who would or

1 would not support a particular matter on foot of inducements.

2 Q 592And this particular project ... was Quarryvale?

3 A Correct.

4 Q 593Do I take it that you are indicating that Mr. Gallagher was on this list?

5 A Yes.

6 Q 594Had you met Mr. Gallagher prior to becoming a public relations consultant?

7 A I had met him peripherally in the context of Fianna Fail politics in north
8 County Dublin. I had met him at a number of functions at which I was in
9 attendance with senior representatives of the party and I subsequently met him
10 in the context of Dublin County Council.

11 Q 595Would you say that you were friendly?

12 A I would say that I was quite friendly, yes.

13 Q 596So you would meet him relatively frequently?

14 A Relatively frequently, yes.

15 Q 597And in 1991, you made a contribution to him?

16 A Yes.

17 Q 598And in your original statements, or statement, you indicated that that was a
18 legitimate political contribution?

19 A Correct.

20 Q 599And you now say that there would have been what I might call imputed knowledge
21 to Mr. Gallagher that the payment was, I think to use your own words, in
22 recognition of his past help and in anticipation of his future help?

23 A I think that's a fair interpretation.

24 Q 600Did you ever mentioned it to Mr. Gallagher in any form of conversation that
25 this was your view?

26 A I don't think it was necessary to tell him that that was my view, no. No such
27 discussion ever took place.

28 Q 601So that Mr. Gallagher may not have been aware of your, of the context in which
29 you felt you were making the funds available?

30 A No, no. Mr. Montgomery, for clarity, the payments were made in specific

1 circumstances on specific occasions in relation to specific matters so as I
2 have pointed out to Miss -- I beg your pardon -- Miss Dillon, I do apologise,
3 as I pointed out to Miss Dillon earlier this morning and she has introduced the
4 word "smoke screen", the elections, and if you are sticking with 1991, in May,
5 June of 1991, the local elections, the disbursements at that time, including to
6 the late Mr. Gallagher, would have been made in the knowledge of support and
7 ongoing support for a particular development at that time.

8 Q 602 When did you make the 2,000 pounds available to Mr. Gallagher in 1991?

9 A Sometime before the election in 1991. I can't remember the date of the
10 election, it was June 1991, I believe.

11 Q 603 We'll come back to that if necessary. Next matter I would like to touch on is
12 the timing of the day on which you say Mr. Gallagher signed the motion on the
13 map?

14 A Mmm.

15 Q 604 And as I understand your evidence, your day started with a meeting at 10
16 o'clock in the morning.

17 A We are now referring to March 11th 1993, is that correct, Mr. Montgomery?

18 Q 605 Yes. It's not at 10 o'clock in the morning, your day started presumably with
19 your going to your office?

20 A Yes, actually, sorry, I beg your pardon, it did not. I had -- if we are
21 referring to Thursday, March 11th.

22 Q 606 We are.

23 A 1993, the extract from my diary that's on the screen, the appointments leading
24 up to the payment with Mr. Mahony at Kilbarrack which was at 12 noon, there are
25 three insertions in the diary, one at 8.30, one at 10 o'clock and one at 11.30,
26 I believe the meeting at 11.30 may not actually have taken place.

27 Q 607 So you would have gone after the meeting at 10 o'clock, presumably in your
28 office or was it in your office?

29 A No, the first meeting was in the, the Tara Towers Hotel, and the second meeting
30 was in a solicitor's office in the centre of the city.

1 Q 608 So at that stage you would have then got into your car and driven to
2 Kilbarrack?

3 A Correct.

4 Q 609 Cutting it a bit fine to get there by 12 I would imagine?

5 A I can't say to you Mr. Montgomery, I was there at 12 or five to 12 or five past
6 12. The appointment is for 12 and I understand that is not contested by Mr.
7 Mahony as to what was --

8 Q 610 I am not acting for Mr. Mahony.

9 A I am just on the question of the time, if I recollect correctly from yesterday,
10 Miss Dillon put an extract from Mr. Mahony's diary saying I met him at that
11 time in his offices in Kilbarrack.

12 Q 611 Then you left Kilbarrack and drove back to the city and what was your next
13 appointment?

14 A My next appointment, sorry, there's something that I just can't interpret
15 here.

16 Q 612 It appears to be one.

17 A There's something in between that's not on screen either, one o'clock. LC/MJC,
18 yes.

19 Q 613 Where?

20 A It doesn't say where.

21 Q 614 I see.

22 A But the likelihood is, in the evidence that I gave Miss Dillon over the course
23 of a number of days here, that that meeting would have taken place in one or
24 other of the hostelrys near Dublin County Council.

25 Q 615 And at 2.30 you met Cyril Gallagher?

26 A Correct.

27 Q 616 And on your evidence he signed the motion on the map?

28 A Yes.

29 Q 617 In your statement of May of this year, and I quote, "as I recollect matters, I
30 drafted the motion relative to the combined lands of Messrs. Mahony and Fox and

1 I acquired the signatures of five Dublin county councillors for both motion and
2 accompanying map. This motion which I believe was prepared by me and typed in
3 my office was submitted." And you go on. Now, having regard, as Miss Dillon
4 has already pointed out, that you were not and could not have been in
5 possession of the planning reference numbers, presumably until you got the map,
6 I am wondering if you can explain to me where the time arose or how it made
7 available for you to get the motion and the map back to your office, the draft
8 back to your office for final typing?

9 A Again you refer to the question that Miss Dillon asked me in relation to that
10 matter, as to the source of the knowledge of the number of the planning
11 reference number.

12 Q 618 You weren't in a position to categorically --

13 A Correct, I said the likelihood was it was either from Mr. Mahony himself or
14 from GV Wright.

15 Q 619 You are not in a position to categorically say?

16 A No.

17 Q 620 You are not in a position to categorically say that the motion was not typed
18 after your return from Kilbarrack?

19 A No, I am not.

20 Q 621 It could have been?

21 A It could have been.

22 Q 622 In which event, Mr. Gallagher could not have signed it at 2.30?

23 A Going on that hypothesis, it's correct.

24 Q 623 And the signature of the motions on the map ... that in fact was the position
25 and that he did sign it after GV Wright had signed it?

26 A I think I went through that point with Miss Dillon also but I do not believe
27 that was the case.

28 Q 624 I know you don't believe and I accept you are entitled to your belief.

29 A Thank you, Mr. Montgomery.

30 Q 625 But the practicality of it is if you look at the signatures on the motion and

1 you look at the actual positioning of GV Wright's signature and that signature
2 directly underneath, it would take a rather good hand to try and fit the
3 signature between Wright's and Gallagher's without interfering with either of
4 the signatures?

5 A Well on that, if that is the hypothesis you are putting to me.

6 Q 626 If you look at the screen --

7 A Yes, I would accept that.

8 Q 627 I am putting it to you that you are absolutely incorrect in your recollection
9 of both the preparation of the motion and of the time or times that you have
10 indicated in your evidence as to them having been signed.

11 A I don't accept that, Mr. Montgomery.

12 Q 628 You accept it's possible you are mistaken?

13 A I have indicated previously during the course of these days that if somebody
14 presents matters to me as a matter of indisputable fact, and that I find myself
15 in a position where I have been wrong, I will freely admit it but that is not,
16 in this instance, how I see matters.

17 Q 629 It may not be, but I am in the invidious position I don't have somebody to give
18 evidence to contradict you?

19 A I fully accept that, but you are not disputing, Mr. Montgomery, that you are,
20 as representing the executrix of the estate of Mr. Gallagher, that he signed
21 the motion, both the map and the motion, and that he participated actively in
22 its presentation of Dublin County Council.

23 Q 630 That, Mr. Dunlop, is patently obvious. Let me turn to 1991 where you made a
24 legitimate donation of the thousand pounds. The late Mr. Gallagher indicated
25 in his instructions that he did receive a contribution from you, he couldn't
26 recollect how much and he couldn't remember exactly when and if you are saying
27 it was a thousand pounds, then I am forced to accept it was a thousand pounds.
28 But Mr. Gallagher was equally adamant that he received no payment from you
29 whatsoever, either in relation to this motion or indeed any other motion
30 subsequent to this then. Did you, having regard to your friendship with

1 Mr. Gallagher, did you have him sign many motions?

2 A I cannot say to you how many motions he signed.

3 Q 631Would he have signed 10?

4 A Well no, I don't wish to enter into whether he signed ten or two. I will tell
5 you or I will tell the Tribunal exactly the motions that he signed in the
6 context of each individual module and there will be modules, other modules in
7 which Cyril Gallagher deceased did sign motions.

8 Q 632 And did he get paid for it?

9 A Yes.

10 Q 633I see. Well that's something I am not aware of.

11 A Well they don't refer to this module, Mr. Montgomery, it's not for me to
12 dictate the workings of each individual module. I can only respond to the
13 Tribunal and to you in the context of the documentation that is circulated in
14 relation to the module.

15 Q 634That's accepted?

16 A So there's a certain constraint.

17 Q 635The whole history of your recollection dealing with both 1991 and 1993 are, to
18 use a word that was used frequently, inconsistent. There's an inconsistency in
19 regard to your recollections. You indicate that you give GV Wright money
20 rolled up in a newspaper in 1991 and then admit it was, in fact, correct and
21 you gave it in 1993. You indicated that Mr. Mahony was by himself at the first
22 meeting and subsequently retract that and say no, Mr. Fox was with him. Is
23 there any particular reason as to why the Tribunal should believe, on your
24 evidence alone, that Mr. Gallagher was paid a thousand pounds in March 1993?

25 A Well, I can only tell matters --

26 Q 636I am asking you is there anything else that you can add?

27 A No, there's nothing else that I can add. I am sorry that there's not, in the
28 circumstances that you find yourself in an invidious position and I find myself
29 in the invidious position of having to tell this.

30 Q 637Thank you, Mr. Dunlop.

1 A Thank you, Mr. Montgomery.

2

3 MS. DILLON: Just arising out of that, Sir, before you go on to the next
4 witness and just for clarification, Mr. Montgomery referred to instructions he
5 received from the late Mr. Gallagher before he died. Now, subject to
6 correction, I am not aware that we have been in receipt of any such information
7 and while I accept there may be an issue in relation to solicitor/client
8 privilege but if Mr. Gallagher had, prior to his death, made his position in
9 relation to alleged payments in a more detailed fashion shown, that would be of
10 assistance to the Tribunal because the documentation we had from the late Cyril
11 Gallagher was the one that I opened in the course of the opening. Now I accept
12 there might be some issue for Mr. Montgomery in relation to those instructions
13 but I just want to flag it that that could possibly be of assistance to us and
14 we possibly will be seeking those from Mr. Montgomery.

15

16 MR. MONTGOMERY: Mr. Chairman, if there had been full and proper instructions,
17 I would have submitted a memo of that to Miss Dillon. The comment was made in
18 a conversation by Mr. Gallagher to me shortly before his death and we didn't
19 have the opportunity to get any form of a full statement from him.

20

21 CHAIRMAN: Well that's --

22

23 MR. MONTGOMERY: Purely comment.

24

25 CHAIRMAN: Thank you, Mr. Kennedy?

26 A Sir, before we start, please don't stand, I'll be back in a moment.

27

28

29

30 CHAIRMAN: We'll just rise for five minutes.

1
2 THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK AND
3 RESUMED AS FOLLOWS:
4

5 CHAIRMAN: Now, Mr. Kennedy?
6

7 MR. KENNEDY: Mr. Chairman, Mr. Dunlop.

8 A Mr. Kennedy.
9

10 MR. KENNEDY: Yes, Mr. Chairman, I indicated that my cross-examination would
11 last for two hours, I said to Miss Dillon, I believe it will probably be half
12 that and I expect to finish within an hour.
13

14 CHAIRMAN: Very good.
15

16 THE WITNESS WAS CROSS-EXAMINED AS FOLLOWS
17 BY MR. KENNEDY:
18

19 MR. KENNEDY: What I propose to do is go through this matter in a certain
20 sequence, bearing in mind we are talking here about and the Fox and Mahony
21 module and may stray into other modules, in effect, with other happenings, but
22 my concentration is on the Fox and Mahony module. As you know, I represent GV
23 Wright and I am here to defend an allegation that you have made that he
24 received a particular payment and I tend to do that to the best of my
25 professional ability.

26 A I understand that.

27 Q 638 Please excuse me if I get a little bit irritated but I won't anticipate
28 irritation unless it's absolutely necessary.

29 A Your irritation would be understandable.

30 Q 639 I am reminded of something that was said once by Pier Salinger, a fellow

1 traveller of yours, a press officer for a well-known statesman of the last
2 century when he said "It's not the original blunder that matters but the
3 attempt of the perpetrator to cover it up."

4
5 Now I'll start with the evidence you gave on oath to this Tribunal in April and
6 May of the year 2000. Do you remember those dates?

7 A Yes, I do.

8 Q 640 In the course of your evidence, it was prised out of you that you had
9 particular funding available to you in an account in Rathfarnham?

10 A Correct.

11 Q 641 Not unfair when I say it was prised out of you, am I?

12 A Please use any language you like, Mr. Kennedy, I will respond accordingly.

13 Q 642 Was it prised out of you?

14 A It was extracted from me, yes.

15 Q 643 And you were told to contemplate what you had been saying and what you might
16 continue to say?

17 A Now, before we go any further, Mr. Kennedy, you might like for clarification
18 and for your benefit to say that when you use the word prize and I use the word
19 extracted --

20 Q 644 I think we are talking the same language.

21 A The documentation in relation to that bank account had already been submitted
22 to the Tribunal.

23 Q 645 OK and that documentation included an affidavit of discovery?

24 A Yes.

25 Q 646 Which is a sworn statement on oath?

26 A Correct.

27 Q 647 And in that affidavit you dealt with subscriptions or donations which you say
28 you made personally or one of your companies made?

29 A Yes.

30 Q 648 And it was an incomplete statement on oath, would I be correct in saying that?

1 A Incomplete, yes, I accept the premise, yes.

2 Q 649 Well, bearing in mind what followed and the revelations that you then made, it
3 was putting it at its best incomplete?

4 A Yes.

5 Q 650 You then went on to produce a number of lists, if we could call up document
6 869, we call that list number 1, and in that the person that I represent, GV
7 Wright, appears at number 2?

8 A Correct.

9 Q 651 And the figure written opposite is the amount that you allege you paid him?

10 A Yes.

11 Q 652 Which he accepts he received?

12 A I am delighted to hear it.

13 Q 653 And he has declared that quite openly in two documents that he has submitted.

14 Now, when Mr. Hanratty asked you to deal a little bit more fully with that
15 payment and you did so, he asked you to outline the circumstances of that
16 payment, do you remember that?

17 A Which day are you referring to, Mr. Kennedy?

18 Q 654 Day 148 I believe.

19 A Yes, question number?

20 Q 655 This is the question I think we all know we are talking about, Mr. Dunlop?

21 A What was the number of the question so for reference I can have it in my
22 volume?

23

24 MR. REDMOND: Mr. Redmond for Mr. Dunlop. I think if Mr. Dunlop wants the
25 question number and reference, he is entitled to it.

26

27 CHAIRMAN: I think that should be given to him.

28

29 MR. KENNEDY: OK. Question 247.

30 A Thank you, Mr. Kennedy yes?

1 Q 656Mr. Hanratty is asking you can you return to the list if we may, you kindly
2 answered "yes" Question 248: The second number 2 on the list, which is the
3 list that we are referring you, you say a payment of 2,000 was made, can I just
4 ask you to tell us the circumstances in which that payment was made?

5 Answer:" Would you like to read out the answer, Mr. Dunlop?

6 A Sorry, Mr. Kennedy, forgive me, it may be my fault, you are talking about day
7 148, question --

8 Q 657Sorry, 147, I beg your pardon.

9 A I beg your pardon, I thought you said 148. I beg your pardon. Question two
10 four.

11 Q 658Page 42, 248.

12 A Yes.

13 Q 659You were asked about the circumstances of the payment?

14 A Correct.

15 Q 660Perhaps you would like to read out the answer?

16 A Yes, 248, the question was "The second, number 2 on that list you say a payment
17 of 2,000 pounds was made, can I just ask you to tell us the circumstances in
18 which that payment was made? Answer: That payment was made during the course
19 of the local election and it was handed over in the bar of the Dail.

20 Yes and was that in cash?

21 Answer: Yes.

22 And was that on the basis that the person requested such a figure?

23 Yes.

24 And when was that approximately?

25 I know it was in the course of the election."

26 Q 661You can stop there, Mr. Dunlop, we were dealing with your answer to question
27 248. Just dwell on that for a moment. There's no suggestion this payment is
28 in respect of the module we are discussing here today, is that correct?

29 A That's correct.

30 Q 662This was evidence you gave on oath in this room, is that correct?

1 A That is correct.

2 Q 663And you said that you made a payment in the Dail bar?

3 A Yes.

4 Q 664To Mr. Wright?

5 A Yes.

6 Q 665Was that in respect of -- I think you said in your evidence to the previous, to
7 Mr. Montgomery, you said to one of the questioners earlier there was an
8 election going on in June of 1992, I think a local election?

9 A A local election in May, June of 1991, yes.

10 Q 666Mr. Wright will say, and I think you are accepting it from what I think you've
11 been saying, that this payment was towards the expense of that election.

12 A The payment was made in the circumstances I outlined to Miss Dillon earlier
13 today.

14 Q 667Would you remind us what you were saying?

15 A That the payment was made in the context of the election in 1991, the local
16 election of 1991, May -- June, and that the election was used as a smoke screen
17 in relation to a payment that was made to your client allegedly as a political
18 donation, but which was for his support, ongoing support in relation to --

19 Q 668For what --

20 A Can I answer?

21 Q 669For whatever reason it was made, it was nothing to do with Fox and Mahony?

22 A That is not in dispute.

23 Q 670Right. And it was made in the Dail bar, you are accepting that?

24 A The Fox Mahony payment was made in the Dail bar.

25 Q 671We are talking about this payment, Mr. Dunlop?

26 A No, it was not made in the Dail bar.

27 Q 672We'll have to just dwell a little bit more then. What we are reading out here
28 is your evidence on oath?

29 A Yes.

30 Q 673On day 148 of this Tribunal where you acknowledge on oath that you made a

1 particular payment, for whatever reason, which you are saying is unrelated to
2 Fox Mahony in the Dail bar?

3 A Yes.

4 Q 674To Mr. Wright?

5 A Yes.

6 Q 675Are you telling us now that was a lie?

7 A I have already told Miss Dillon that that was incorrect.

8 Q 676You gave that evidence on oath?

9 A Yes.

10 Q 677Prior to coming to day 148 or day 147, you also submitted an Affidavit of
11 Discovery which was a sworn statement on oath?

12 A Yes.

13 Q 678In which you gave incomplete information?

14 A Correct.

15 Q 679In answering the questions that were put to you by previous counsel for
16 Mr. Dennis Mahony, when they tried, they tried to understand how a disclosure
17 by you to Mr. Mahony hadn't just happened in regard to the alleged payment that
18 you say you made in relation to Mr. Wright. My client will give his evidence
19 and a very simple explanation for you to be unable to give any explanation
20 yourself to the counsel for Mr. Mahony is because you didn't make that payment,
21 Mr. Dunlop?

22 A I have given evidence to the effect that I made the payment in relation to
23 these lands in this module to your client in the circumstances that I outlined.

24 Q 680Can I articulate why he will give that evidence? And why what I think I am
25 going to say to you will support that. You delivered an Affidavit of Discovery
26 on oath in which you made no reference to the payment about Fox and Mahony. In
27 fact, you made no reference about any payment to Mr. Wright and you have sworn
28 evidence in this Tribunal, you again confirmed you made payment to Mr. Wright
29 in the Dail bar in 1991. They are the facts that's on the record. You were
30 then called upon by the Tribunal to deliver a statement for whatever reason and

1 you delivered two statements to do with this module. One in October 2000,
2 which was within six months of you giving sworn evidence and one as recently as
3 May of this year, where you dealt with Fox and Mahony again, document 919 first
4 please. This is your statement with the asterisk on it to which I raise no
5 issue. The paragraph at the end of that page "I paid Messrs. Larkin and
6 Gallagher the sum of 1,000 pounds each for their support. In addition I paid
7 Mr. Wright a sum of 2,000 pounds for his support -- " no mention of the Dail
8 bar there, Mr. Dunlop?

9 A No.

10 Q 681No mention of the Irish Times newspaper there, Mr. Dunlop?

11 A For clarification, Mr. Kennedy, the introduction of the Irish Times was by way
12 of example to Mr. Hogan as to how I secreted or not secreted money in a
13 newspaper, I pointed out I was using an example and I picked --

14 Q 682We can assume it wasn't the Daily Star, I don't think it existed then.

15 A Well I take your word for it, I don't know. But, I mean, it was a newspaper.

16 Q 683No mention of a newspaper in this statement?

17 A Correct.

18 Q 684Can I also ask you, you refer in that particular paragraph to having paid a
19 payment of 1,000 pounds to Mr. Gallagher, who is Mr. Montgomery's, client and
20 1,000 pounds to Mr. Larkin and you say you made those payments in the context
21 of Fox and Mahony?

22 A Yes.

23 Q 685Curiously or coincidentally you gave sworn evidence at the time you were saying
24 you made a payment to Wright in the Dail bar of 2,000 in 1991, you gave sworn
25 evidence confirmed on one of your lists, I think the same list where Mr. Wright
26 appears, that you paid identical amounts to Larkin and Gallagher, is that
27 right?

28 A That's correct.

29 Q 686Is that only a coincidence?

30 A I don't understand what you mean by it's only a coincidence, it's on the list.

1 Q 687What I am putting to you, Mr. Dunlop, is my client, when he gives his evidence,
2 will deny emphatically, as Mr. Montgomery's client apparently did while he was
3 alive, that either of them, certainly my client will say on oath in this room
4 that he received no payment from you in the Dail bar in connection with Fox and
5 Mahony and your sworn evidence in this room corroborates that. Do you accept
6 that?

7 A No, I don't.

8 Q 688That will be his evidence on oath. Now you spoke this morning, you mentioned
9 the word location as being important in helping you to recall past events?

10 A Yes.

11 Q 689Do you remember that?

12 A Yes, I do.

13 Q 690We don't have any transcript of what, but that was said this morning, and that
14 was said in the context of another payment which you made to Mr. Wright, not in
15 the context of this module, in the context of another module?

16 A Correct.

17 Q 691And you described where you travelled to, that you travelled with another
18 party, without naming that individual, and you identified the location?

19 A Yes.

20 Q 692And the circumstances?

21 A Yes.

22 Q 693And it was at the time of the general election in 1992?

23 A That's correct, yes.

24 Q 694And it was in a village in the north county area?

25 A Yes, it was in GV's offices in Malahide.

26 Q 695In the village of Malahide?

27 A Yes.

28 Q 696So location was certainly important to you when you were remembering that. I
29 would have thought the Dail bar was a more significant location than the
30 village of Malahide?

1 A Could well be in your interpretation, Mr. Kennedy, I wouldn't dispute that if
2 that's your interpretation. Or your client's, I should add.

3 Q 697Mr. Wright has acknowledged that particular payment, the November 1992 payment?

4 A The 5,000 pounds.

5 Q 698The 5,000 pounds?

6 A In cash.

7 Q 699That you paid him?

8 A Good.

9 Q 700He has also acknowledged another payment he got on the same day, I think that's
10 neither here nor there, it's nothing to do with Fox Mahony.

11
12 If I could call up list number 2 please, which is document 872. Mr. Wright
13 appears on this list at number 18 and that's the matter we just dealt with and
14 he acknowledges having got that payment, and it's for another day to discuss
15 the context of that particular payment, and the reasons and motivation for it
16 and what it was all about.

17
18 List number 3 please, which is document 877 and this is a list which you
19 compiled during, I think day 148, where you were asked to identify payments
20 made to councillors at any other time, and I think what was meant by that and
21 you may have your own interpretation, Mr. Dunlop, was at any other time other
22 than during 1991 or 1992. Now, have you got the document in front of you?

23 A I have the screen, yes. If you can reference me to the page.

24 Q 701Pages 876 and 877. The names appear on --

25 A Pages?

26 Q 702Page 8 --

27 A Day 148, question?

28 Q 703If you look at document 877. I am calling this list number 2?

29 A You are calling it list number 2. Yes, Mr. Kennedy, if you are referring to
30 day 148, there's a volume 148 and it's paginated and there is a question number

1 on each one. It's just for ease of reference rather than looking at the
2 extraction on the screen solely.

3
4 MS. DILLON: It's 514, I think. Question 514.

5
6 MR. KENNEDY: Thank you, Miss Dillon.

7
8 A Yes, Mr. Kennedy.

9 Q 704 Does Mr. Wright's name appear on that list?

10 A That is a continuation list numbered 31 to 38 and I have to refer back to
11 the --

12 Q 705 The record shows his name doesn't appear?

13 A If the record so shows, well, that is correct.

14 Q 706 And that list is, your endeavouring to recall payments that you made in 199 --
15 at any other time other than 1991 or 1992 and his name isn't on that list. You
16 go on then to identify list number 3, document 879 question 210 to 224 on day
17 148. And that's where you identify individuals who paid you money to do with
18 this particular module. Nothing significant in that other than you are
19 identifying?

20 A Yes, 214.

21 Q 707 No, 210 to 224. You produce the list and you show that you received certain
22 monies from Mr. Mahony and Mr. Fox, there's nothing turning on that.

23 A Fine. Yes, I accept that, Mr. Kennedy, yes.

24 Q 708 Now, could we turn now to your most recent statement which was made in May of
25 this year which is at document 31 and at page number 35, the second paragraph,
26 you refer to payment to Mr. Larkin of a thousand pounds, the following
27 paragraph you refer to payment to Mr. Gallagher of 1,000 pounds, these are
28 replicating payments that you acknowledge you made in 1991, the same amounts to
29 the same individuals. Then you go on to deal with Mr. Wright and you say "the
30 sum of 2,000 pounds which I paid to Mr. Wright was handed over in the visitors'

1 bar in Leinster House, the payment was wrapped in a newspaper." This is the
2 first mention we have of newspaper, Mr. Dunlop. Do you agree?

3 A No, I don't agree. It is the first mention of a newspaper in the context of
4 your client in this statement, but in my evidence here in April and May of
5 2000, I did, if you look at the transcript, and for ease of reference I am sure
6 somebody will provide it to us, that I said that I made a payment to a
7 politician wrapped in a newspaper in the Dail bar.

8 Q 709 Thank you for reminding us of that. So you did, in fact, describe the payment
9 as being made in 1991 wrapped in a newspaper?

10 A No, I said --

11 Q 710 When you gave that evidence on oath?

12 A I said I made the payment in the Dail bar, I said that.

13 Q 711 Thank you very much.

14 A Yes.

15 Q 712 Why, how or when did it dawn on you that you may have made a mistake about when
16 you made this payment to Mr. Wright? Could you start with when?

17 A Well I knew I had made a payment to your client in the Dail bar in the sum
18 referred to, in the manner referred to.

19 Q 713 And you confirm that on oath in 2000?

20 A That I made a payment of 2,000 pounds to a politician in a newspaper in the
21 Dail bar.

22 Q 714 So in the context of that, how long after that, when was it revealed to you or
23 when did you realise that that was a mistake on your part?

24 A Well I cannot give you the exact date.

25 Q 715 Well give us an idea.

26 A No, I can't give you an idea, I gave the statement that I gave to the Tribunal
27 in the context of this module in relation to this payment and I have freely
28 acknowledged that the statement that I made in October of 2000, the narrative
29 statement that I provided to the Tribunal in October of 2000, at the Tribunal's
30 request in relation to the global context of the Development Plan, that I

1 wrongly attributed that to the 1991 payment.

2 Q 716 You talk about your road map, Mr. Dunlop?

3 A Yes.

4 Q 717 Now your road map would include what, by way of documentation?

5 A The road map in relation to documentation, again referring to the transcripts
6 of the days 145 to 148 --

7 Q 718 No, I am talking about your road map in the context of something that might
8 remind you of something?

9 A Yes, well, if I could continue on in relation to what I was saying. In
10 relation to the question that were being put to me by Mr. Hanratty in relation
11 to payments, I said to him that --

12 Q 719 I have to stop you there, Mr. Dunlop.

13

14 MR. REDMOND: Mr. Dunlop, I also have to stop Mr. Kennedy, if a witness is
15 asked a question, he is entitled to the courtesy to be given the time to answer
16 it without interruption.

17

18 CHAIRMAN: I think, Mr. Kennedy, Mr. Dunlop should be, even if he is taking a
19 little extra time, he should be allowed answer a question as he sees fit.

20

21 MR. KENNEDY: Certainly, Chairman.

22 A Well, for ease of reference, I refer to the evidence in 2000 because between
23 145 and 148 I was asked for specific details in relation to specific payments
24 to specific individuals and to the best of my ability in the circumstances that
25 obtained at that time in this room, I did so. Subsequent to that, I was asked
26 by the Tribunal, through my legal representatives, to provide a narrative
27 statement. I had said in the Tribunal to Mr. Hanratty that this would be, to
28 provide such a narrative statement would be for ease of reference made easier
29 if I had all of the documentation in relation to the Development Plan,
30 including maps, motions, minutes of Dublin County Council, and in relation to

1 specific issues. They were provided to me by the Tribunal. And I made a
2 global statement of my involvement in two areas, one, in relation to the
3 specific developers for whom I acted and from whom I received money and, two, a
4 larger document which related to each of those developments and the involvement
5 of myself and councillors in that development and the consequent payment of
6 monies, if any. So that is the context of the road map, Mr. Kennedy, and it
7 includes as much documentation as was possible.

8 Q 720 So when did it dawn on you, can you give us an approximate date, that you had
9 made a mistake, so far as you were concerned, when you said you made the
10 payment in the Dail bar in 1991 and you are now saying 1993. When did you come
11 to that belief?

12 A Well, I made a narrative statement to the Tribunal, submitted to the Tribunal
13 in October of 2000. I made a specific, more detailed statement encompassing
14 all of the meetings and contacts, supported by documentation where possible and
15 that includes diary references which are not contested and in May of this year,
16 so I am not giving you a specific date or a specific time, but I am telling you
17 that in that intervening period, I, by the submission of the statement on the
18 3rd May 2003, in which I alluded to this payment to your client in the Dail
19 bar.

20 Q 721 I think you are being less than frank, Mr. Dunlop?

21 A Now, Mr. Kennedy.

22 Q 722 Can we take it that you hadn't come to the realisation when you made your
23 statement in October 2000 because you don't allude to the Dail bar in that?

24 A In October?

25 Q 723 2000?

26 A I do allude to the Dail bar in October 2000. Forgive me, but the statement in
27 October 2000 contained --

28 Q 724 Looking at the last paragraph.

29 A Sorry?

30 Q 725 The statement I am looking at simply says you paid 2,000 pounds to Mr. Wright

1 for his support.

2 A I thought you were -- you have a unique distinction, Mr. Kennedy, if I may so,
3 of causing me some confusion. I thought you were referring to the statement on
4 the 3rd May.

5 Q 726Oh no.

6 A 2003.

7 Q 727No, I'll come to that. I am talking about the statement in October 2000?

8 A Right, in relation to?

9 Q 728In relation to what we are now discussing?

10 A Fox Mahony.

11 Q 729An alleged payment of 2,000 pounds to Mr. Wright in the Dail bar?

12 A Yes, correct.

13 Q 730Would you read out the last paragraph?

14 A No, no, we have had it on screen, "in addition I paid Mr. Wright a sum of
15 2,000 for his support."

16 Q 731Is there anything there about the Dail bar?

17 A No.

18 Q 732Between that and you making your statement in May of this year, was there a
19 moment in time when you remembered that you had made a payment in 1993 in the
20 Dail bar and if there was such a moment in time, please try and assist us as to
21 when that was?

22 A Well, I first of all, there was never any doubt that I made a payment to your
23 client in the Dail bar, in my mind, never any doubt.

24 Q 733That's accepted.

25 A Oh thank you. You alluded to location earlier on and you thought that maybe
26 Malahide or the Dail bar one or other might have been the more important, if I
27 gave your client 2,000 pounds in the Dail bar wrapped in a newspaper.

28 Q 734You'd remember it?

29 A I remembered it and I did remember it, that that actually took place and I did
30 once, once, and as I have said to you, I have wrongly attributed it originally

1 to 1991 whereas in fact --

2 Q 735 This is the crux of the matter, Mr. Dunlop. There is no dispute that a payment
3 was made in the Dail bar. We have acknowledged that, we have acknowledged the
4 amount. There's no dispute about that. What's in serious issue here is your
5 credibility and I want you to explain to the Tribunal when you came to the
6 realisation that the payment wasn't made in 1991 but in 1993?

7 A I have told you, Mr. Kennedy, I cannot give you an exact date or an exact time
8 in relation to that realisation. What I'm telling you, and I fully accept that
9 you are acknowledging and that your client is acknowledging that there was a
10 payment made in the Dail bar of 2,000 pounds.

11 Q 736 That was never denied.

12

13 CHAIRMAN: Mr. Dunlop, surely you can say, give an approximate time in the
14 sense was it something you realised soon after the 2000 statement or was it
15 something you realised close to when you made the 2003 statement?

16 A Well what I said to Mr. Kennedy, Judge, was that I made a statement in October
17 2000 and then I made a statement on the 3rd May this year, 2003. Without being
18 too elastic about it, obviously when I made the statement in 2003, when I'm
19 making that statement, the underpinning realisation was that I had made the
20 payment in 1993.

21

22 CHAIRMAN: Was that something you realised shortly before you made the 2003
23 statement or was it something that you had decided possibly six months or a
24 year or 18 months before?

25 A I can't say that definitively.

26 Q 737 MR. KENNEDY: Thank you, Chairman. There was a time gap, Mr. Dunlop, October
27 2000 to May 2003, of almost two years and nine months. What I am trying to get
28 at is that you obviously came to this realisation at worst on the day you made
29 your May 2003 statement, at best the day after you made your October 2000
30 statement and I'm wondering, as I am sure everybody is wondering, why you

1 didn't have the back bone to acknowledge that mistake in public?

2 A Well I did.

3 Q 738Or to this Tribunal?

4 A Well, I beg your pardon, Mr. Kennedy, I did. I acknowledged to Miss Dillon?

5 Q 739In May 2003?

6 A I made the statement and when queried about it by Miss Dillon in recent days I
7 freely acknowledged the error as I did in the context of a detail in relation
8 to a meeting with Mr. Hogan's client.

9 Q 740Doesn't this go to the crux of this matter, we deny we got a payment from you
10 in the Dail bar in 1993 and we rely by way of corroboration on that fact on
11 your sworn evidence to Tribunal, that's what we rely on?

12 A Fine.

13 Q 741We also rely on the coincidence of two similar payments of a thousand each
14 being made to Mr. Gallagher and Mr. Larkin in 1991, that they acknowledge and
15 that you confirm and you tried to repeat the same message for 1993 in respect
16 of those two gentlemen, neither of whom are here to contradict us?

17 A Sorry, Mr. Kennedy, without quibbling with you, I don't try, I have done, I
18 don't try to make a statement, I have made the statement.

19

20 MS. DILLON: There is no acknowledgement by Mr. Larkin that he ever received
21 money from Mr. Dunlop that I'm aware of.

22

23 MR. KENNEDY: I stand corrected on that. I rely primarily on Mr. Dunlop's
24 sworn evidence that I made those payments in 1991 to Larkin and Gallagher and
25 nowhere have you attempted to correct that possibly those payments were made
26 later, so I say they go hand in glove with Mr. Wright's acknowledged receipt of
27 2,000 in 1991 and that's when he received a payment in the Dail bar and that he
28 received no payment in the Dail bar in 1993. And that's why you didn't
29 disclose it to Mr. Mahony because there was no such payment made.

30

1 Now in questions during this module about some lodgments you had made to your
2 Irish Nationwide Building Society account in cash in the month of May 1993, you
3 acknowledge that possibly, but you couldn't be definitive, that that might have
4 been the residue of the cash you had received from Mr. Mahony and Mr. Fox or
5 from one or other, you were asked about other cash lodgments, cash lodgments
6 Mr. Dunlop, to that same account, as to their sources and you couldn't, you
7 can't assist the Tribunal. I am calling into question your credibility about
8 what you say, about payments to Mr. Wright in the Dail bar in 1993. He will
9 come here and give his evidence and he will deny that.

10
11 Could we move now to the list where you say and it's acknowledged that he met
12 you in the Merrion Hotel?

13 A Yes.

14 Q 742 That's not in dispute. If I could refer you to your own statement, page 44,
15 made in May of this year. It's quite a brief paragraph, this is where you
16 told us this morning or earlier today that you were standing around the bar in
17 Merrion Hotel, you, Mr. Wright and the barman, and there was a conversation.
18 It's accepted that Mr. Wright telephoned you and he will confirm that in his
19 sworn evidence here and he also done so in a statement to the Tribunal?

20 A Excellent.

21 Q 743 You are mistaken and we can't criticise you for your mistake in the second
22 sentence where you say this meeting was subsequent to a statement regarding
23 donations paid by him to the Tribunal. I don't know why you might have thought
24 that or presumed it, but he will say his statement followed your meeting with
25 him or his meeting with you. And what he will say about that and what he has
26 put on the record is that he was about to make his statement to the Tribunal,
27 he had been called upon by Fianna Fail who were investigating the allegations
28 that were floating around and he was to make a statement to them, which he gave
29 in early May, and I think Miss Dillon confirmed the date earlier, I think it
30 was the 8th May, so you would have met him sometime in early May or late April.

1 He will come here and he will say the sole purpose of that meeting, because he
2 no more than yourself didn't keep, you know, great financial records, he has
3 certain records which corroborate a lot of what he is going to say and he
4 simply wanted you to confirm amounts that you had paid to him. No more, and no
5 less. He wanted you to confirm the amount he got in the Dail bar which was the
6 2,000, he wanted you to confirm the amount that he got in November 1992, which
7 was 5,000 and he wanted you to confirm a later amount he got of another 3,000
8 in 1993, in late -- he may not have discussed the date or the timing of it, but
9 he got a further amount from you, that was his recollection, that he had
10 received a total from you in cash in three separate payments of 10,000 pounds.
11 He wanted to be clear, he may have been discreet in asking to meet you, but he
12 had no way of corroborating his amounts, he had his own recollection of it and
13 he knew possibly where they had been lodged, he wanted corroboration. Your
14 suggestion this morning was that he met you to conspire with you to have both
15 of you agree that these were political donations. That's really a matter for
16 this Tribunal, perhaps, to decide. He was there to establish the amounts.
17 That was the purpose of that meeting, he freely admits he met you, he has
18 acknowledged it in his statement and he acknowledged he got these amounts.
19 That's what the meeting was about. Your recollection is slightly different,
20 but not hugely, except that you imply there was a discussion about conspiring
21 to say certain things about how the payments might be treated. That's not a
22 question, that's just telling you what he is going to say when he comes in
23 here. If I could come now to the zoning, the application to, the motion to do
24 with Fox Mahony that came before the council on the 12th March in 1993, was it?

25 A 3. March. 12th.

26 Q 74412th March. You had given an impression in your statements that there was
27 great urgency, and the application was on the brink of a precipice and was
28 going to collapse and fall asunder and that you were the knight in shining
29 armour that would salvage the situation, it wasn't that hugely critical, was
30 it? It was still -- I mean, as I understand it, is all that's required to

1 bring a motion before the council, a motion paper signed by one councillor, is
2 that correct?

3 A One will do, yes.

4 Q 745And that a proposer can be procured on the evening or the day or the moment of
5 the vote or just prior to the vote, is that correct?

6 A Well, I think you --

7 Q 746I don't have the experience --

8 A No, I understand what you are saying.

9 Q 747That's what I'm being told?

10 A This is the Development Plan, a deadline had been imposed by the officials in
11 the council in relation to the submission and receipt of motions in relation to
12 particular items.

13 Q 748When would that deadline have been notified?

14 A That would have been notified to the councillors in correspondence or at a
15 meeting of a previous Development Plan. I don't -- I cannot absolutely say to
16 you which one it was, it could have been both.

17 Q 749It would be no more than a matter of weeks until the 12th March?

18 A I would imagine unless the operations at Dublin County Council were any
19 different to what they were then, I would be of the view, subject to
20 confirmation by Dublin County Council as it was then, that a notification to
21 the councillors, to each councillor, would take place as to when motions in
22 relation to a particular section of the Development Plan would have to be
23 submitted and that is the context in which this motion --

24 Q 750Well whatever way it came about, time was short, certainly time was short and
25 you were introduced into it and there's a debate and a discussion about whether
26 Mr. Wright recommended you or whether Mr. Mahony -- we will let them give their
27 evidence -- my understanding is that Mr. Mahony threw your name into the ring
28 and that GV Wright was probably only too delighted because he was a very busy
29 man at that time, and still is, and was probably only too delighted to have
30 somebody else do the paperwork. But it wasn't a hugely difficult task that you

1 have portrayed, in that you got five councillors but you only needed one.

2 A Yes.

3 Q 751And then you could have done your shaking hands or whatever goes on?

4 A That's a euphemism I presume, Mr. Kennedy.

5 Q 752Perhaps. Was it not clear to you from the start this motion had every chance
6 of success?

7 A No is the answer.

8 Q 753You wouldn't have been aware, I think, of the close community -- the close
9 relationship between the Mahonys and the Wrights?

10 A I am now aware as per Mr. Hogan.

11 Q 754Malahide is a community, most people knew each other, these two families knew
12 each other particularly well. When the motion came before the floor on the
13 28th April, the 28 people who voted, without having exact numbers, the majority
14 were obviously Fianna Fail?

15 A Yes.

16 Q 755I believe there were six PDs, six or seven PDs?

17 A Mmm.

18 Q 756And the rest would be Fine Gael. In your experience, was that an unusual mix,
19 especially against the background of what happened the previous day with the
20 matter that was well publicized and in which you had an involvement which
21 failed, and here we have the following day a piece of ground which was
22 ancillary to the holding we have just referred to getting through with cross
23 party support. Was that unusual?

24 A No, if your question is was the cross party support unusual? No. It was the
25 most desirous position to be in to have cross party support. It didn't
26 necessarily follow, I think, as I went into some detail with Miss Dillon
27 yesterday or the day before, it didn't necessarily follow that notwithstanding
28 the fact that all parties in Dublin County Council met in advance of any
29 particular Development Plan meeting and that they would adopt a general
30 position. In circumstances where individual members of the party might decide

1 that they couldn't support it, and I gave an example, and the example was
2 Sheila Terry who told me that, and another person, that she could not support a
3 particular development because she was in a particular location. In other
4 words, she was in Blanchardstown and we were asking her to support a
5 development in Quarryvale and she forthrightly said on that occasion she
6 couldn't support it because it would be damaging to her.

7 Q 757 When it eventually came to the floor on the 28th, my understanding of what
8 happened, just as I understand what happened, it wasn't the amended motion on
9 which we had a lot of discussion about the handwriting?

10 A Yes.

11 Q 758 That was the actual paper that was decided upon, it was the original motion
12 that you had typed up?

13 A Yes.

14 Q 759 That had an amount amendment in terms identical to what was on the handwritten
15 motion proposed from the floor, is that what happened?

16 A It's not in terms identical. The original motion with the five signatures went
17 in. In the intervening period between then and the actual vote on the 28th
18 April 1993, Mr. Fox withdrew and an amending motion had to be prepared.

19
20 Now, I think I said to Miss Dillon that I am certain I did not prepare that
21 motion, the typeface is different and also it's not identical, Mr. Kennedy,
22 because in relation to the original motion, it related -- it said low density
23 residential and in the second motion, it specified.

24 Q 760 I am not disagreeing with that. But what I am being told actually happened on
25 the evening, it wasn't, the paper that was voted upon wasn't the paper that had
26 the handwritten amendments on it, but it was the original motions with the
27 amendment proposed on the floor in terms identical to the handwritten -- that's
28 what actually happened?

29 A Oh, I mean I am --

30 Q 761 It's neither here nor there?

1 A I am not going to dispute the matter with you, if that is your understanding or
2 not, the fact of the matter is in the global sense, the motion in relation to
3 the specific lands were voted on and zoned and therefore if you step back, two
4 steps back, that meant the manager accepted an amendment, whether it was in
5 handwriting form or verbally from the floor, in relation to the lands, so it's
6 a moot point, I don't have --

7 Q 762 Anyway, it's neither here nor there. It was finally decided upon in
8 September, in fact, seven months later, there was a dezoning motion --

9 A Correct.

10 Q 763 And that was defeated. Curiously enough, the day before the Mahony Fox motion
11 was decided, your motion or sorry, the motion in which you had an
12 involvement --

13 A Yes.

14 Q 764 -- Pennine, I think, was the company?

15 A Pennine Holdings.

16 Q 765 Was defeated in a glare of publicity?

17 A Yes.

18 Q 766 GV Wright didn't vote for your proposal, he voted against, and I think your
19 words here on Tuesday, I think you said some people, there was anger, there was
20 disappointment -- well I don't know disappointment, but certainly the word
21 anger was used.

22 A Yes.

23 Q 767 To me, Mr. Wright voting as he did on that occasion, displays a certain
24 approach to his responsibilities as a councillor. Would you agree?

25 A Well, all I could tell you, Mr. Kennedy, in response to the questions that I
26 was asked, the circumstances in which your client voted for the Healy Motion,
27 as it was known, in relation to the reversion to B and G of that portion of the
28 lands that were in the possession of Mr. Fox. If you recall the angle to the
29 right of the railway.

30 Q 768 I know the territory very well.

1 A So, obviously, perhaps I shouldn't say obviously, but perhaps there was
2 obviously a discussion as to what stand would be adopted.

3 Q 769 Can I put this another way, were you personally disappointed, notwithstanding
4 the huge vote against your plan, whatever, that Mr. Wright hadn't voted with
5 your idea?

6 A Yes, I was disappointed.

7 Q 770 Thank you.

8
9 That's all I have to ask you, Mr. Dunlop, thank you very much.

10

11

12 A Thank you, Mr. Kennedy.

13

14 CHAIRMAN: All right, thanks, Mr. Kennedy, we will sit at half ten tomorrow.
15 All right? Half ten tomorrow, is that all right?

16 A Yes, am I required?

17

18 CHAIRMAN: Oh yes, well unless, Mr. Redmond, do you want to ask?

19

20 MR. REDMOND: I will be no more than five minutes.

21

22 CHAIRMAN: Well then if that finishes Mr. Dunlop, certainly --

23

24 MS. DILLON: I have only one question.

25

26 CHAIRMAN: Well then we'll --

27

28 CHAIRMAN: All right, we could sit on, hopefully we will --

29

30 MR. REDMOND: Thank you Mr. Chairman.

1 THE WITNESS WAS CROSS EXAMINED BY MR. REDMOND:

2

3 Q 771MR. REDMOND: Mr. Dunlop, on a number of occasions, in answer to questions
4 from various different parties, you had mentioned the fact that, in relation to
5 various of the councillors that you had an involvement with over and above the
6 Fox Mahony lands and in our around the time that you were currying support in
7 relation to the Fox Mahony lands, you had a number of other developments which
8 were subject to the Development Plan with which you had been involved.

9 A That is correct.

10 Q 772Now, one of them has already been identified as Baldoyle so there's no great
11 mystery in that?

12 A Right.

13 Q 773Without listing the other developments, could you inform the Tribunal of the
14 number of developments that you are actively involved in leading up to the time
15 of these particular votes as an indication of the amount of time you were
16 spending with the relevant councillors?

17 A I would say, Mr. Redmond, that including the Fox Mahony lands, if I included
18 the Fox Mahony lands and the Baldoyle lands, I would say six.

19 Q 774And in relation to those six developments, did you speak in respect of all of
20 those to Mr. GV Wright?

21 A Yes.

22 Q 775Did you speak in respect of all of those developments to Mr. Gallagher?

23 A Yes.

24 Q 776Did you speak in respect of all of those developments to Mr. Cosgrave?

25 A Yes I did.

26 Q 777And did you speak in respect of all of those developments to Mr. Gilbride?

27 A Yes.

28 Q 778Would it be fair to say, in respect of the four individuals, you had a great
29 interest in effectively keeping them on side because of their involvement in
30 all of these developments?

1 A Correct.

2 Q 779And you had indicated to the Tribunal that when Mr. Wright made a request of
3 you for a payment of 2,000 pounds, irrespective of his commitment or
4 involvement in the Fox Mahony lands, you were not going to dispute his request
5 for payment?

6 A No.

7 Q 780And was that based upon the other developments that you had in mind for which
8 you required his support?

9 A Yes.

10 Q 781Right. Now, you have also given evidence that in relation to the payment to
11 Mr. Gilbride, it was in respect of the Fox Mahony lands and two other
12 developments?

13 A Correct.

14 Q 782Do those two other developments form part of the six developments of which you
15 have just given evidence?

16 A Yes, they do.

17 Q 783And one final matter, Mr. Dunlop. In relation to your relationship with Mr.
18 Wright, would it be fair to say that well in advance of any dealings with
19 respect to the Fox Mahony lands, Mr. Wright was left no room for doubt as to
20 how you operated in relation to securing support from councillors in respect of
21 votes?

22 A He would not be in any such doubt.

23 Q 784Thank you, Mr. Dunlop.

24

25 MS. DILLON: I only have one question.

26

27 THE WITNESS WAS RE-EXAMINED AS FOLLOWS BY MS. DILLON:

28

29

30 Q 785It relates to the issue of the money in the newspaper for Mr. GV Wright and I

1 want to draw to your attention the evidence of Mr. Colm McGrath given in the
2 Carrick 1 module where he told the Tribunal that he had received a payment from
3 you of 2,000 pounds between the 12th and 29th June 1992, and he told the
4 Tribunal that you went to his premises and that you left 2,000 pounds wrapped
5 in a newspaper

6 A This related to which module?

7 Q 786 Carrick 1?

8 A Carrick 1.

9 Q 787 I put to you exactly what Mr. McGrath says, question 637 "I can, in the
10 instance of the 2,000 pounds contribution, I couldn't tell you when exactly it
11 was to the day but he, that's meaning you, phoned from his car, I was in my
12 office, he asked was I there, obviously I was, but would I be there for a while
13 and he was on his way to see me, he arrived within half an hour, came up to my
14 office, we had a domestic conversation which lasted about three minutes, he
15 then shook hands with me, left the Irish Times on my desk and said that's a
16 little something for your election." Now, that was Mr. McGrath's evidence in a
17 different context, but I had understood you to say today the only time you made
18 a payment wrapped in newspaper was the payment to Mr. GV Wright in the Dail
19 bar?

20 A Yes.

21 Q 788 Do you agree or disagree with what Mr. Colm McGrath has told the Tribunal in
22 relation to the payment he says he got from you, albeit in 1992?

23 A The reason I pause is I certainly don't want to mislead and I cannot say
24 definitively now whether he is right or not or whether I am -- what my
25 recollection is of that particular payment -- but, I mean, the statement that
26 I have made to the Tribunal in relation to the payment to GV wrapped in the
27 newspaper in the Dail bar certainly has a great revocation in my mind than it
28 would have than any other instance because in the Dail bar but --

29 Q 789 Do you say that Mr. McGrath is wrong?

30 A I think the circumstances in which he outlined that payment is wrong.

1 Q 790 Right. Thank you Mr. Dunlop.

2

3 JUDGE FAHERTY: Mr. Dunlop, might I ask you, it's in relation to an answer you
4 gave to Mr. Montgomery a little while ago. I asked you about your source or
5 knowledge of the system about which you have already given evidence and I
6 understood you to say that you got this initially from another individual and
7 sometime presumably in the late '80s and early 1990s, is that correct?

8 A That's correct.

9

10 JUDGE FAHERTY: Yes, and you said there was a number of people or a list of
11 people, I think you said 70 county councillors, is that correct?

12 A Well I used the global term, I think in fact the correct figure was 76 in the
13 old Dublin County Council.

14

15 JUDGE FAHERTY: Yes, that was 76 or 78, that was my question who would
16 participate in the system?

17 A Not the 76 or the 78.

18

19 JUDGE FAHERTY: That's what I wanted to clarify

20 A The identity of individuals within that list, obviously that list was across
21 the political divide and there's nobody suggesting and I certainly am not.

22

23 JUDGE FAHERTY: That's what I understood that you weren't suggesting that. And
24 what percentage are you saying was on the list that you got which I believe
25 wasn't a written list?

26 A No, percentage wise, well I would have to, there was a significant percentage.

27

28 JUDGE FAHERTY: Well can you put a figure on that percentage?

29 A Well if you take whether it's 76 or 78, you could take it as fairly
30 definitively at least a third of them.

1

2 JUDGE FAHERTY: I see.

3 Now, in relation to the present module, you have told us that of your meeting
4 and I think there's quite a lot of common evidence between yourself and what
5 Mr. Mahony will say, you agreed a fee of 10,000 pounds on the 10th March

6 A Yes.

7

8 JUDGE FAHERTY: And that was, as you understood it, for two parcels of land
9 that would be in one motion.

10 A Correct.

11

12 JUDGE FAHERTY: Initially. Why did you pick on the figure of 10,000 pounds?

13 A It's always very ... when you are asked why, I said 10,000 pounds. I think
14 there are other instances, judge, in relation to other modules where I have
15 given a written narrative in a broad narrative sense in relation to payments
16 and they proximate to that figure too.

17

18 JUDGE FAHERTY: Yes. Why didn't you agree a success fee in March of 1993?

19 A I don't know why I didn't. Given the circumstances and given the success and
20 given the value, but I didn't, and the fact that I didn't is a factual matter.

21

22 JUDGE FAHERTY: The reason I ask you that, it would appear to me, given the
23 evidence you have given here previously, Mr. Dunlop, that your modus operandi
24 was different here. We have heard evidence from you in the Carrickmines module
25 about your interaction with the landowners for two parcels of land. I don't
26 want to go through all of that, but I think it's common case that you agreed
27 with Mr. Kennedy initially a success fee of 100,000 pounds

28 A Correct.

29

30 JUDGE FAHERTY: And got you say 25,000 pounds

1 A Correct.

2

3 JUDGE FAHERTY: Mr. O'Halloran has given evidence, if memory serves me, in 1992
4 you agreed a success fee of, sorry, a fee of 1,500 and a success fee of 5,000.
5 Obviously you didn't get the 5,000 because the motion wasn't successful.

6 A Correct.

7

8 JUDGE FAHERTY: Later again you renegotiated the Jackson Way agreement and also
9 entered a new agreement with Messrs. O'Halloran Kilcoyne Darragh.

10 A Correct.

11

12 JUDGE FAHERTY: For, I think, 5,000 fee and 30,000 success fee

13 A Correct.

14

15 JUDGE FAHERTY: And I am just wondering, certainly by 1993, March 1993, you had
16 negotiated two of those already with Mr. Kennedy and your interaction with Mr.
17 O'Halloran and, in that context, I am wondering why, being the businessman that
18 you were, you didn't negotiate a success fee?

19 A No, I didn't, and I have said so and that is the case and supported,
20 corroborated by the evidence of the, the statement of Mr. Mahony, and there
21 were other instances in which I did not do so at the time and there was one
22 specific one in addition to that module in which I asked for success fee
23 subsequent to the original agreement and it was refused.

24

25 JUDGE FAHERTY: I see, and just in relation to your going back to Mr. Mahony in
26 February of 1994 looking for the success fee, at this stage you didn't
27 obviously have any compunction in so doing, that's the tenor of your evidence.

28 A Yes.

29

30 JUDGE FAHERTY: Did you take into consideration, or was it mentioned by Mr.

1 Mahony, that, in fact, back in April of, by April of 1993, Mr. Fox had pulled
2 out, isn't that right?

3 A Yes, that's correct.

4
5 JUDGE FAHERTY: And you hadn't had to give back the 5,000 pounds you say you
6 got from Mr. Fox.

7 A Correct.

8
9 JUDGE FAHERTY: And I read your statement in relation to that and it will
10 suggest to me the way it's written, you may give evidence otherwise, that had
11 it been requested, you might have thought about handing it back.

12 A Well --

13
14 JUDGE FAHERTY: Given that one was pulling out.

15 A I think the circumstances were that when I was made aware that Mr. Fox was
16 withdrawing, and I think I have given evidence to the effect that I was given
17 this information by Mr. Mahony, that at that time in a telephone conversation,
18 we discussed the fee and I raised the issue because it was my absolute
19 understanding from the meeting of the 10th March in the Shelbourne Hotel in
20 1993 that the 10,000 pounds was being made up of 5,000 pounds each from both
21 parties and that given the fact that Mr. Fox was withdrawing, that I raised the
22 issue with Mr. Mahony and Mr. Mahony said not to worry about that, Noel didn't
23 want the money back and he would talk to Noel about that.

24
25 JUDGE FAHERTY: Yes. I see. And just another matter, you have told us or told
26 the Tribunal yesterday, I think, in relation to what Mr. GV Wright will, I
27 think, tell the Tribunal, that he says that he received a contribution or a
28 political contribution from you in October 1993.

29 A Yes.

30

1 JUDGE FAHERTY: You were denying such.

2 A I have no, made no payment of 3,000 pounds in October 1993.

3

4 JUDGE FAHERTY: You have given a statement to the Tribunal about your
5 suggestions with Mr. Wright sometime in 1999, I think it was.

6 A In the Merrion Hotel. Yes.

7

8 JUDGE FAHERTY: Did Mr. Wright, at those discussions, mention to you the issue
9 of the 3,000 pounds payment he says he got?

10 A Thank you, Judge, he did not, it was a matter I was going to raise with
11 Mr. Kennedy.

12

13 JUDGE FAHERTY: Mr. Kennedy -- I am asking you in the context of Mr. Kennedy
14 because he mentioned in, I think what Mr. Kennedy regarded as a statement, as
15 opposed to a question, that's why I am asking...

16 A The answer is no, he did not raise any payment I allegedly made to him in
17 October of 1993 of 3,000 pounds, that was not an issue at that meeting.

18

19 JUDGE FAHERTY: That statement by you of that meeting refers to, would be an
20 agreement you say you entered into with Mr. Wright to regard to the 1991 local
21 election and the Seanad elections, in 1993 as political donations.

22 A Correct.

23

24 JUDGE FAHERTY: We know Mr. Wright, in fairness, acknowledges the 5,000 that he
25 got in 1992.

26 A Yes.

27

28 JUDGE FAHERTY: Your evidence yesterday suggests that it was you who raised
29 that at the meeting, that -- the issue of the 5,000 in November 1992.

30 A GV, I think what I said, Judge, subject to the transcript, GV seemed to be

1 somewhat agitated was the phrase I used in relation to how the categorization
2 would take place in relation to payments and I discussed with him the 5,000
3 pounds payment and I was left with the impression, I know Mr. Kennedy has made
4 a statement in relation to this saying that Mr. Wright will say that I am wrong
5 in the context of -- that this was prior to, what I said in my statement, it
6 was subsequent to a submission that Mr. Wright had made to the Tribunal in
7 relation to payments. That was my impression that it was certainly in the
8 first instance a matter of significant agitation to GV about the 5,000 pounds
9 payment and what I or he would say about that and then the local election
10 contribution in 1991 and the Senate election in 1993.

11
12 JUDGE FAHERTY: I see. And Mr. Dunlop, my other question is in relation to
13 yesterday, I think it was, you gave evidence in response to Miss Dillon's
14 questions. You were talking about Mr. Michael Joe Cosgrave and Mr. Creavan.

15 A Yes.

16
17 JUDGE FAHERTY: The tenor of your evidence, at least my note of it would
18 suggest that in relation to those councillors, you were very friendly with
19 them.

20 A Yes.

21
22 JUDGE FAHERTY: Going back a long way.

23 A Correct.

24
25 JUDGE FAHERTY: And by and large, and I am paraphrasing and you may correct me
26 if I misunderstood wrongly, that in relation to any project in which you were
27 involved in at the behest of whoever, developer or landowner, that
28 Messrs. Creavan and Cosgrave would be on side.

29 A Yes.

1 JUDGE FAHERTY: You may not have used those words but that was the tenor of
2 your evidence.

3 A Your interpretation of the tenor of my evidence is correct.

4
5 JUDGE FAHERTY: Just in relation to that, for them to be on side, would that
6 mean without you having to lobby them, you would have to contact them?

7 A Oh yes, it wouldn't automatically occur or I, I think in evidence to Ms. Dillon
8 I said notwithstanding that, I would not take it for granted that there was
9 constant contact as is evidenced by diary entries anyway and individual
10 meetings.

11
12 JUDGE FAHERTY: I have another question but I can't seem to locate it,
13 Mr. Dunlop. Perhaps Judge Keys may have questions for you.

14 A Thank you, Judge.

15
16 JUDGE FAHERTY: I will leave it at that.

17
18 CHAIRMAN: Anybody else arising out of Judge Faherty? Thank you very much, you
19 are free for the moment anyway. Half ten tomorrow.

20
21 MS. DILLON: Yes, sir, thank you, Sir.

22
23 THE TRIBUNAL THEN ADJOURNED TO THE FOLLOWING DAY, FRIDAY,
24 24TH OCTOBER 2003 AT 10.30 A.M.

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