

09:31:21 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON THURSDAY 9TH FEBRUARY**
2 **2006 AT 10 AM:**
3
4 CHAIRMAN: Good morning.
10:09:13 5
6 MS. DILLON: Good morning. Mr. Dunlop please.
7
8 **FRANK DUNLOP RETURNS TO THE WITNESS BOX**
9 **AND CONTINUES TO BE EXAMINED BY MS. DILLON AS FOLLOWS:**
10:09:27 10
11 CHAIRMAN: Morning Mr. Dunlop
12 A. Morning Chairman.
13 Q. 1 Good morning Mr. Dunlop?
14 A. Morning, Ms. Dillon.
10:09:43 15 Q. 2 If I can take you to the third list in connection with the councillors that you
16 made on Day 148 which is at page 3167 please, and this was the continuation of
17 the first two lists that we looked at yesterday. Do you remember we looked at
18 the 1991 list which was 1 to 16 and then 17 to 30 was the 1992 list and this
19 was the third list that you prepared on Day 148, and that list was a list,
10:10:09 20 effectively you were being asked by Mr. Hanratty were there people who were
21 paid at other times than the times you had identified on the first two lists
22 and you said yes, that that was so. You were asked to provide those names and
23 you provided names including names you had already given, isn't that right on
24 some of the other lists?
10:10:27 25 A. Yes.
26 Q. 3 Right and I think those lists have been mentioned previously, but what I want
27 to point out to you is that Mr. Lydon does not appear on this list?
28 A. Mm-hmm.
29 Q. 4 Isn't that right? And he doesn't appear on the 1992 list, isn't that right?
10:10:43 30 A. Yes.

10:10:43 1 Q. 5 Okay. Mr. Larkin doesn't appear on this list?
2 A. No.
3 Q. 6 And he doesn't appear on the 1992 list?
4 A. No.
10:10:50 5 Q. 7 And Mr. O'Halloran doesn't appear on this list?
6 A. Yeah.
7 Q. 8 And he didn't appear on the 1992 list?
8 A. Mm-hmm.
9 Q. 9 So looking at that then, in the round, when you had done the 1991 list, you had
10:11:02 10 prepared the '92 list and then you were asked really, if I can paraphrase it
11 for a catchall list, isn't that right?
12 A. Yes.
13 Q. 10 For anybody who might have been paid at any other time other than '91 or '92
14 and you provide this list.
10:11:16 15 A. Yes.
16 Q. 11 Which includes as you see Mr. Lawlor, Mr. Mr. Fox, Mr. Cosgrave, Mr. Hand and
17 others, but you don't include three people whom you say you paid in 1992 in
18 connection with Ballycullen, that is Mr. Larkin, Mr. Lydon and Mr. O'Halloran,
19 is that right?
10:11:29 20 A. Correct yes.
21 Q. 12 Why was that?
22 A. I certainly don't have an explanation as to why they are not on the list, other
23 than in the context of what I said to you yesterday in relation to the
24 preparation of the statement following, the road map following each
10:11:49 25 development, and the review of the documentation and the recollection in
26 relation to what occurred on each issue.
27 Q. 13 Yes, and I think you will recollect Mr. Dunlop, that Mr. Hanratty then engaged
28 in another exercise with you of cross-referencing the people on the lists?
29 A. Yes.
10:12:11 30 Q. 14 To the developments, isn't that right?

10:12:13 1 A. That's correct, yes.

2 Q. 15 And he, if we have page 34 -- sorry 2790 please? Now this was a list,
3 Mr. Dunlop, that you made entitled 1991-1993 inclusive, isn't that right?

4 A. Correct.

10:12:34 5 Q. 16 What you were identifying on that list were the developers who had provided you
6 with money in connection with the review of the Development Plan?

7 A. Correct.

8 Q. 17 And when Mr. Hanratty had got his three lists his 1991 list, his '92 list and
9 the third list we have just looked at which has no name on it, he engaged with
10 you in an exercise of cross-referencing the councillors names to the
11 developers. In other words he was seeking for to you identify for him the
12 councillors whom you say were involved in the various land transactions, isn't
13 in a right?

14 A. Yes.

10:13:04 15 Q. 18 So if we turn to look at item two on that list is Ballycullen Farms near
16 Rathfarnham, isn't that right?

17 A. Correct yes.

18 Q. 19 And that is the inquiry the lands part of the, of this module, isn't that
19 right?

10:13:16 20 A. Yes, Beechill is not mentioned, just refers to Ballycullen Farms.

21 Q. 20 Yes its not mentioned by you?

22 A. Correct.

23 Q. 21 Isn't that right? So you then proceeded to give evidence in relation to the
24 people on the list and if we could put back up on screen please, with the
10:13:32 25 existing document 3167? Now number 32 on that list is Mr. Tony Fox.

26 A. Yes.

27 Q. 22 And Mr. Hanratty asked you to give an approximate date of payments for Mr. Fox
28 and you replied at this -- we won't put on this screen but its on page 3170 of
29 the brief is the extract from the transcript, and Mr. Hanratty says to you in
10:14:08 30 relation to number 32 "Are you in a position to give us any further information

10:14:13 1 at this stage in relation to that number." And you say "That would relate
2 specifically in the context of what I have said to you in relation to the road
3 map of the Development Plan.
4 Question: Yes.

10:14:25 5 Answer: And would apply if I could find, if I could find it in the first
6 instance, cross-reference you to the list of other monies in the 1992-93
7 period". And you then say.
8 "It would relate to one and two". So you are then telling Mr. Hanratty on Day
9 148 that you paid Mr. Tony Fox in connection with one and two on the other
10:14:46 10 list, isn't that right?

11 A. That is correct.

12 Q. 23 And number two is Ballycullen Farms?

13 A. Number two is Ballycullen, yes.

14 Q. 24 Yes. You then say "And that would apply also to number 33".

10:14:59 15 A. Yes.

16 Q. 25 So you say number 33 would have been paid also in relation to number two?

17 A. Which is Ballycullen.

18 Q. 26 Which is Ballycullen.

19 A. Yes.

10:15:09 20 Q. 27 But yet Mr. Dunlop when you came to private interview you didn't identify
21 Mr. Liam Cosgrave, who is number 33 as being a person who was paid in
22 connection with Ballycullen?

23 A. That's correct.

24 Q. 28 Although you did do so in your public evidence on Day 148, prior to that?

10:15:24 25 A. Yes. Well maybe this brings into sharp focus what I was saying yesterday
26 Ms. Dillon, in relation to the circumstances in which some of these lists were
27 prepared and as you rightly pointed out, not all of them were prepared in the
28 box, and following on your, what you have done, you have reprised the scenario
29 with Mr. Hanratty asking me to reconcile the lists and the payments in relation
10:15:49 30 to the amounts of money I got from individual developers. In the context of

10:15:54 1 the private sessions I mentioned, I think again as I said yesterday, that I
2 mentioned Councillors Hand, Lydon, who had signed the motion and Councillor
3 Fox. And did not, including Mr. Cosgrave, did not mention others.
4

10:16:15 5 Again, contingent on what I have now become slightly repetitive, but contingent
6 on what I kept saying to Mr. Hanratty and Mr. Gallagher at the time, if you
7 give me the opportunity to review all of the documentation I will provide you
8 with as much detail as I possibly can. This detail that was given here in the
9 box and in the private sessions all took place in the course of a month, three
10:16:40 10 weeks, a month, and that is the context in which I explained to you yesterday.

11 Q. 29 Yes, but what I am seeking from you is an explanation, Mr. Dunlop, as to why in
12 public evidence you were in a position to say that Mr. Liam Cosgrave was paid
13 in Ballycullen Farms, in the witness box?

14 A. Yes.

10:17:00 15 Q. 30 And subsequently when you were in private session without any of the rigours of
16 being in the witness box you did not tell the Tribunal that Mr. Cosgrave was
17 paid in connection with Ballycullen?

18 A. Well I don't mean to be semantic with you, but I wouldn't suggest that the
19 rigours of cross-examination or were any different in private session than they
10:17:19 20 were in the witness box. But however, notwithstanding that, I just can't
21 answer the question in any cogent fashion that would, given the fact that I was
22 able to do so in the box that I didn't reprise it in the private sessions.

23 Q. 31 And if we look at number 34 on that list, who is Mr. Colm McGrath whom you say
24 you paid, you now say you paid in connection with Ballycullen and that is also
10:17:40 25 referred to by Mr. Hanratty and he is asking you to cross-reference number 34
26 on the list to the developer's list and you identify -- now you do say "I don't
27 wish this to be taken as absolute, but I relate them to one, three and seven"
28 you do not relate Mr. McGrath to two, isn't that right?

29 A. No.

10:18:00 30 Q. 32 In your direct evidence. And you didn't --

- 10:18:02 1 A. Yes and seven is which? When you say seven I refer Mr. McGrath to one, three
2 and seven.
- 3 Q. 33 Its on the following page and I will let you know which development it was, it
4 was nothing in connection with this?
- 10:18:14 5 A. I know but it may well focus my attention in relation to Mr. McGrath in
6 relation to a particular development, not solely but prominently.
- 7 Q. 34 We'll give you an unredacted copy of those two documents and you can look at
8 them, but insofar as you were telling Mr. Hanratty on Day 148 the developments
9 in connection with which you paid Mr. McGrath you didn't identify Ballycullen?
- 10:18:37 10 A. No, yes.
- 11 Q. 35 In relation to number 35, which Mr. Sean Gilbride, whom you now say you paid in
12 connection with Ballycullen, what you were asked all you said about him is that
13 you said that you would say relatively small amounts, if anything of the order
14 of a 1,000 pounds can be described as relatively small. And you didn't
10:18:58 15 cross-reference Mr. Gilbride to any of the lands at all?
- 16 A. No.
- 17 Q. 36 You don't seem to have dealt with it, in fairness to yourself?
- 18 A. In relation to this lands.
- 19 Q. 37 In relation to any lands at that point in time you didn't cross-reference Mr.
10:19:11 20 Gilbride to the first list?
- 21 A. Right okay.
- 22 Q. 38 In relation to number 36, Mr. Hand, you were asked to cross-reference him and
23 you related him to number 1 and certainly number 2?
- 24 A. Yes.
- 10:19:23 25 Q. 39 Ballycullen?
- 26 A. Ballycullen.
- 27 Q. 40 I think you would, subsequently in evidence described Mr. Hand as being an
28 enthusiastic supporter of the Ballycullen project?
- 29 A. Correct.
- 10:19:33 30 Q. 41 In relation to number 38, which was Mr. Cyril Gallagher?

10:19:37 1 A. Yes.

2 Q. 42 Whom you also now say was involved in relation to those lands, you were asked

3 to cross-reference him and you identified him as being associated with numbers

4 five, six, eight and nine and a possibility for ten and 11 but you did not

10:19:52 5 identify Mr. Gallagher as having any involvement in number two, Ballycullen?

6 A. No that's correct.

7 Q. 43 Isn't that right? Now you were also asked I think, you mentioned in your

8 evidence with Mr. Hanratty, in connection with Ballycullen, and I will come to

9 deal with that in more detail, but you did confirm that Mr. Tom Hand was an

10:20:15 10 enthusiastic supporter of the project from the start?

11 A. Yes, I did, yes.

12 Q. 44 Was that always Mr. Hand's position in relation to it?

13 A. Yes it was always his position in relation to it with one proviso and I think

14 the proviso is contained in a narrative statement that I made, that on one --

10:20:31 15 he wished or he would prefer if Councillor Lydon would sign one or both motions

16 first, there seemed to be some, I don't know how I would describe it, but there

17 seemed to be some slight suspicion that maybe Councillor Hand was being used to

18 sign a motion and once his signature appeared on it people felt that it was

19 easy to sign a second signature once the first signature was on, because the

10:21:08 20 first signature normally implied that that was the person who would promote and

21 propose the motion in the council.

22 Q. 45 Yes. Mr. Hand was a member of the Fine Gael?

23 A. Yes.

24 Q. 46 Political party and Mr. Lydon I think is a member of the Fianna Fail?

10:21:22 25 A. He was and still is as far as I know, I am not sure yes.

26 Q. 47 I think you previously told the Tribunal that the preferred option always was

27 to get a signatory from people who are members of different political parties?

28 A. The preferred option yes. The complete preferred option was to get members to

29 propose and second from opposite parties, from different parties from the local

10:21:46 30 area or as near to the local area as was possible to give it credence and

10:21:51 1 credibility.

2 Q. 48 You, after you had dealt with those lists in public, Mr. Dunlop, you came to

3 discuss the matter in private with the tribunal?

4 A. Yes.

10:22:00 5 Q. 49 Among other matters that you discussed but we are only going to look at what

6 you said in relation to Ballycullen, and on the 11th May 2000 you met with

7 Mr. Hanratty and Mr. Gallagher at page 394 and I want you to look particularly

8 at the second answer that you are given, there is a general conversation going

9 on about Ballycullen I will come back to what you said about Mr. Jones and

10:22:32 10 Mr. Hussey later, but if you go down to the second half of the response you say

11 "There were meetings organised by me or people like Hand and Hand got money

12 from me in relation to that particular one because he signed the motion with

13 Don Lydon. Don Lydon got money from me. Breda Cass absolutely not. Mary

14 Muldoon won't meet us whatever circumstances" Now on that day that was your

10:22:53 15 only discussion in relation to the Ballycullen lands?

16 A. I see, yes.

17 Q. 50 What you are identifying there, you are not excluding other people being paid

18 in fairness to you, but what you are saying there is two people got paid the

19 people who signed the motion, Hand and Lydon?

10:23:08 20 A. Yes.

21 Q. 51 Now you came to discuss it in more detail on the 18th May 2000 at page 402.

22 And at the bottom of page 402 you are asked a specific question, you are asked

23 "Ballycullen, of the 15,000 can you remember how much of it you did in fact

24 disburse to councillors?"

10:23:31 25 A. Yes.

26 Q. 52 Now you are accompanied at these meetings by your solicitor and in most cases I

27 think your counsel, Mr. Dunlop, isn't that right?

28 A. Yes.

29 Q. 53 And a record was being kept of the matter, isn't that right?

10:23:43 30 A. Well not that this was of any relevance but yes a record was being kept of it

10:23:49 1 on the undertaking specifically by Mr. Hanratty and Mr. Gallagher, repeatedly,
2 that this documentation would never see the light of day.

3 Q. 54 Yes but that was --

4 A. I know all, a lot of water passed under the bridge since then and there have
10:24:03 5 been court cases and all the rest it have, but I am just making the point.

6 Q. 55 Yes. But all the more reason then Mr. Dunlop, for you to tell the truth?

7 A. Yes.

8 Q. 56 You weren't going to be under any pressure, I mean if these documents were
9 never going to be used in public there was no prohibition on you telling the
10:24:21 10 full unadulterated truth, isn't that right?

11 A. That's correct.

12 Q. 57 Yes.

13

14 MR. REDMOND: Mr. Chairman, on behalf of Mr. Dunlop, I am somewhat concerned
10:24:30 15 about the suggestion by Ms. Dillon that there was all the more latitude for
16 telling the truth simply because the documentation was never going to see the
17 light of day, I think that's a rather unfortunate observation and not in the
18 form of a question.

19

10:24:43 20 MS. DILLON: I agree.

21

22 CHAIRMAN: I think she was dealing -- Mr. Dunlop had suggested that, well I
23 don't know what he was suggesting but there was something in the fact that when
24 he gave this information he believe it had would never.

10:24:56 25

26 MR REDMOND: There may well have been something in it but I would hope it was
27 not what Ms. Dillon was articulating.

28

29 MS. DILLON: What I should have said to you Mr. Dunlop, was my friend is quite
10:25:06 30 correct. Is that what I should have put to you is that because of your belief

10:25:08 1 or understanding that these documents would never appear into the public
2 domain, there was no inhibition on the conversations that took place between
3 Tribunal counsel and yourself.

4 A. No.

10:25:18 5 Q. 58 Isn't that right?

6 A. No, other than absence of documentation and you know, accurate recollection.

7 Q. 59 Yes. But the question that you are being asked there is of the 15,000 pounds,
8 could you remember how much of it you had given to councillors?

9 A. Yes.

10:25:33 10 Q. 60 And your answer on page 403, is that you gave the answer "At least 50 percent
11 of it". You would have paid at least 50 percent it have, that means you were
12 talking about paying 7,500 pound?

13 A. At least.

14 Q. 61 Right. You are then asked at question 15 "And can you remember any particular
10:25:59 15 councillors who is would have got disbursements with particular reference to
16 that particular motion". So what's being discussed here is the Ballycullen
17 motion, isn't that right? And you said "I have no doubt that Lydon did and I
18 think in fact Lydon was the other signatory on that motion. I apologise for
19 not being, you know you can get, but I think he was the other signatory on that
10:26:15 20 motion and he certainly would have got something of the order of two, two and a
21 half grand which was if you will excuse the expression, the going rate".

22 A. Yes.

23 Q. 62 I want to come back to the words the "going rate" in a moment. But and then
24 you are asked "And anybody else apart from him". You say "I am not, Tony Fox
10:26:31 25 possible probably did too". Now, this is the first time to refer to Mr. Fox,
26 isn't that right?

27 A. Yes.

28 Q. 63 "I am not aware that anybody else did" that's a statement. "And I am not aware
29 that anybody else was in receipt of monies from others in relation to it".

10:26:46 30 A. Yeah.

10:26:46 1 Q. 64 "I mean for give me for saying this but other people may say things to you
2 about other people being present in relation to the Ballycullen motion and I
3 have already told you that there would have been representatives of the Jones
4 Group and the Ballycullen Farms entity present at the time the motions were
10:27:01 5 going through, but in relation to the, that money from my point of view the
6 only people that I would have given money to in relation to Ballycullen would
7 have been Lydon, Hand and Fox".

8 A. Yes.

9 Q. 65 Now I want to ask you first of all to explain to the Tribunal what you meant by
10:27:18 10 the "Going rate"?

11 A. A rather infelicitous phrase but I mean the going rate, was you never got
12 anything signed unless you paid for it, that was an understanding.
13 Notwithstanding any denials or statements to the contrary that is a fact. So
14 negotiation took place between the signatory or the proposed signatory and the
10:27:46 15 second signatory as to what that was going to be. That changed from time to
16 time. I think if you, we are not -- I know we are not doing this today, we'll
17 probably do it on another occasion, we did allude to it before, that is that it
18 depend on one, the size of the particular development, what's involved, it
19 depends on what the developer is prepared to pay, it depends on the payment
10:28:18 20 made to me and it depends on the relative negotiating skills of the parties
21 including myself and the councillor.

22
23 But you rarely, very rarely, in fact I have to say that I would be surprised if
24 anyone were to suggest to me or show me that anything less than a 1,000 pounds
10:28:44 25 was ever paid for either a signature or a vote. And in most instances
26 signatures, you know, were of a different order, of the order of two, sometimes
27 three and on the odd occasion five.

28 Q. 66 So it was your experience in dealing with councillors of Dublin County Council
29 that in nearly all cases, but you are not saying a hundred percent of cases,
10:29:16 30 you had to pay for a signature on a motion?

- 10:29:17 1 A. Correct.
- 2 Q. 67 And you negotiated with the councillor for, from your point of view the
3 cheapest possible rate?
- 4 A. Yes.
- 10:29:22 5 Q. 68 Right.
- 6 A. I don't -- I am sure you will come to this at a future date I just want to flag
7 it for you, in the context of dealing with Mr. Hand on this particular
8 occasion, there was a conversation between Mr. Hand and myself. Mr. Hand asked
9 for more money than he actually got. Not only did he ask for more money than
10:29:40 10 he actually got, when we agreed the sum he then went on to say I hope you are
11 not giving Lydon more.
- 12 Q. 69 I will come to deal with the circumstances in which the motion came to be
13 signed Mr. Dunlop.
- 14 A. Yes.
- 10:29:51 15 Q. 70 But I just want to deal with the evidence you are giving this morning. Is the
16 Tribunal to understand from what you said that in all cases and are you saying
17 there are any exceptions to this, the signatures had to be paid for?
- 18 A. In virtually all cases, I am hesitant always as you know, to say absolutely and
19 categorically that such-and-such is the case. But as I say, I would be
10:30:19 20 somewhat surprised if you were to provide some evidence to me that I was
21 involved in a part of the Development Plan that required signatures that were
22 not paid for, for signatures.
- 23 Q. 71 Can I take you back to something you said earlier on that page, you said you
24 would have paid 50 percent of -- you were talking about 15,000 pounds as your
10:30:47 25 fee?
- 26 A. Yes.
- 27 Q. 72 You then tell Tribunal counsel that you would have paid 50 percent of that
28 figure?
- 29 A. At least.
- 10:30:53 30 Q. 73 At least. To councillors and you are talking about paying out at least 7,500.

- 10:30:58 1 Now you identified three councillors Mr. Lydon, Mr. Hand and Mr. Fox?
- 2 A. Correct.
- 3 Q. 74 Were you telling Tribunal council at that stage that you had paid of the order
- 4 of 7,500 pounds between those three?
- 10:31:08 5 A. No at that stage what I was saying was in the context of monies given to me,
- 6 monies that I had paid out at that moment in the private sessions, recollecting
- 7 what had occurred, knowing that Hand and Lydon had signed the motion and having
- 8 named Fox, and answering a question as to how much money I would have paid out,
- 9 I don't necessarily accept that at least 50 percent went to those three, but
- 10:31:36 10 certainly I am making the point, consistently from my point of view, that
- 11 monies paid for signatures and monies paid for votes, out of monies given to me
- 12 by a developer.
- 13 Q. 75 Well we now know from yesterday you got of the order of 60,000 pound I think
- 14 you accept from what I will call the Mr. Jones, for ease of approach?
- 10:31:59 15 A. Yes, okay.
- 16 Q. 76 Yes. And are you saying now, do you want to reevaluate what you are saying you
- 17 paid, are you going to suggest, sorry -- are you suggesting you paid 50 percent
- 18 of 60,000 out?
- 19 A. No I am not. I am not resiling from, notwithstanding your presentation
- 10:32:20 20 yesterday in relation to monies from Mr. Jones as we loosely called it. I am
- 21 not resiling one, from the fact that signatures were required to be paid for in
- 22 the amounts that I have stated and support was given in the amounts that I have
- 23 stated.
- 24 Q. 77 Yes and if we go back then to the last sentence that you make in your statement
- 10:32:41 25 to Tribunal counsel about the people that you paid in connection with
- 26 Ballycullen you say "In relation to that is correct the money from my point of
- 27 view, the only people that I would have given money to in relation to
- 28 Ballycullen would have been Lydon, Hand and Fox".
- 29 A. Yes.
- 10:32:55 30 Q. 78 Now you don't in anyway qualify that statement, isn't that right?

- 10:32:59 1 A. No.
- 2 Q. 79 You don't suggest that you need access to documents in order to be sure about
3 it?
- 4 A. No.
- 10:33:04 5 Q. 80 You don't seek assistance or time to look at documents or consult your diaries
6 or do anything else, isn't that right? Now if the matter had never progressed
7 any further, Mr. Dunlop, and you had never gone off and prepared your statement
8 from whatever documents you say you looked at, as of that point in time the
9 information you had given to the Tribunal was that three County Councillors had
10:33:27 10 been paid?
- 11 A. Correct.
- 12 Q. 81 In connection with Ballycullen?
- 13 A. Yes.
- 14 Q. 82 And not the nine that you now say you paid?
- 10:33:32 15 A. Yes. Yes.
- 16 Q. 83 Right.
- 17 A. Its a classic example Ms. Dillon of not being positive and categoric in the
18 absence of documentation and review.
- 19 Q. 84 But you are categoric?
- 10:33:46 20 A. That's what I am saying, its a classic example that you ought not to be, in the
21 circumstances.
- 22 Q. 85 And you have moved from that position okay, and bear in mind that prior to this
23 meeting you have cross-referenced Mr. Liam Cosgrave's name to Ballycullen in
24 public session?
- 10:34:06 25 A. Yes.
- 26 Q. 86 You now are subsequently at a meeting with Tribunal counsel, you have dropped
27 Mr. Cosgrave, you say the only people you of what paid are Messrs Lydon, Hand
28 and Fox?
- 29 A. Yes.
- 10:34:14 30 Q. 87 In October of that year, October 2000 you provide a statement in which you say

10:34:18 1 nine councillors were paid?

2 A. Yeah.

3 Q. 88 Including the three councillors?

4 A. Correct.

10:34:22 5 Q. 89 So you are taken from a position where it was your belief on this day in May of
6 2000 that three councillors had been paid and you make a positive assertion of
7 the fact that they were the only three that were paid, isn't that right?

8 A. Correct.

9 Q. 90 And you move from that position to a position in October when you provide a
10 statement in which you say that Councillor Lydon, Hand and Fox were accompanied
11 by councillors McGrath, Gilbride, Gallagher, Larkin, Liam T Cosgrave and
12 Mr. O'Halloran?

13 A. Correct.

14 Q. 91 Isn't that right? Now, you have had -- we dealt with this yesterday and you
10:34:56 15 have had overnight to consider it, can you outline the stages precisely that
16 took you from this positive assertion of fact to your second positive assertion
17 of fact which included the nine councillors. In other words that took you from
18 the position where the only people you say that got paid in connection with
19 Ballycullen were Councillors Lydon, Hand and Fox to the position where you said
10:35:18 20 in addition to those three there are these six other names? So between May of
21 2000 an October of 2000?

22 A. Sure. I think I perhaps, it wasn't to your satisfaction but I certainly gave
23 an answer yesterday and without reprising it in exact detail, the sequence of
24 events with the provision of documentation in relation to everything that took
10:35:45 25 place during the course of the Development Plan by the Tribunal to me, that
26 included maps, motions, signatures, votes, my own diaries and any other
27 documentation -- I am hesitating when I say any other documentation because as
28 we progressed various searches began to take place in relation to financial
29 matters and monies into bank accounts and all of that, some of which had
10:36:24 30 already taken place in the witness box in April of 2000 and reviewing all of

10:36:30 1 that and knowing what I knew about how the system developed and knowing how
2 each issue had to be dealt with on a stand alone basis in the context of the
3 Development Plan and knowing that it wasn't solely an issue of getting
4 signatures in the local area, that you had to always guarantee that bringing a
10:36:59 5 motion to the dance floor, the analogy I used before, you just could not depend
6 on people in outer areas, either supporting or not supporting, so you had to
7 ensure that that was the case.

8 Q. 92 Okay. Let's look now at the list of documents that you have just provided to
9 the Tribunal as being of assistance to you in the radical change in your
10:37:22 10 position between May of 2000 and October of 2000 in connection with the
11 councillors.

12 In relation to the map and the motion for both Ballycullen and Beechill they
13 are signed by two councillors.

14 A. Correct.

10:37:33 15 Q. 93 Councillor Hand who is deceased and Councillor Lydon?

16 A. Yeah in different order in both cases.

17 Q. 94 Yes. So insofar as the map and the motion could assist you in deciding who had
18 been paid?

19 A. Yeah.

10:37:45 20 Q. 95 You already had those names?

21 A. Yes.

22 Q. 96 You had identified those people as having been paid in connection with the map
23 and the motion to the, in May of 2000?

24 A. Correct.

10:37:54 25 Q. 97 So the map and the motion wasn't any help to you?

26 A. No. It wasn't any help in that context, but it helped to bring into focus the
27 whole issue. We are talking about a Development Plan in which there were 27
28 maps I think, if my memory serves me right, 27 or 28 maps going from Skerries
29 down to Dun Laoghaire or which ever way you start, from Dun Laoghaire to
10:38:18 30 Skerries and in virtually all of the maps, not all, but in virtually all of the

- 10:38:24 1 maps I had a developer with little interest in land and in relation to
2 possibilities of development.
- 3 Q. 98 What was about it the map and motion on Ballycullen or Beechill lands that lead
4 you to the conclusion that you had paid councillors other than Councillor
10:38:43 5 Lydon, Hand and Fox?
- 6 A. By pure recollection of looking at the map, looking at how matters progressed,
7 the relationship with Mr. Jones, the totality of the whole Ballycullen/Beechill
8 issue, and just bringing it, just bringing it back to mind. Maybe these things
9 are suppressed I don't know, perhaps we might have to ask somebody else about
10:39:15 10 the suppression of things in your mind, but going through all of the issues on
11 a stand alone basis in each case and as best I could in recollection as to who
12 supported and who was involved.
- 13 Q. 99 You looked at the voting record is that right Mr. Dunlop?
- 14 A. Yes.
- 10:39:31 15 Q. 100 And the list of people who had voted in favour?
- 16 A. Yeah.
- 17 Q. 101 In favour of the Ballycullen rezoning?
- 18 A. Yes.
- 19 Q. 102 And did that assist you in deciding whom you had paid?
- 10:39:45 20 A. Well on, separately and solely, no. But it was part of the totality, yes.
- 21 Q. 103 And did you consult your diaries?
- 22 A. At that stage I am not absolutely certain that I consulted the diaries at that
23 stage.
- 24 Q. 104 And the telephone attendances that --
- 10:40:03 25 A. No, there was -- those weren't discovered until I don't know, much later, I
26 can't remember when they were discovered, they were discovered virtually years
27 later.
- 28 Q. 105 And what financial documents do you say you looked at that assisted you in
29 deciding who you had paid?
- 10:40:18 30 A. Well anything that we had available to us at the time in the context of company

- 10:40:23 1 accounts, the accounts that the Rathfarnham account, the personal account, and
2 any other accounts that we had available to us to try and assist.
- 3 Q. 106 Yes. You looked at your financial records?
4 A. Yes, as they then were.
- 10:40:39 5 Q. 107 As they then were and you looked at withdrawals presumably around the time?
6 A. Yes.
- 7 Q. 108 Now there is nothing on the face of any of those documents and I think they are
8 all in the brief that are relevant that has a withdrawal that says money paid
9 to Mr. Hand beside it it, isn't that right?
- 10:40:52 10 A. Oh no.
- 11 Q. 109 So you didn't consult your diaries and didn't look at the telephone attendances
12 to see who you were meeting so the only documents could you have consulted were
13 map, the motion and the minutes of the meetings, isn't that right?
14 A. Correct.
- 10:41:06 15 Q. 110 Okay. So now you already knew who had signed the map and the motion?
16 A. Yes yes.
- 17 Q. 111 So that's not going to assist you because you already know those names and you
18 have identified those people as having been paid?
19 A. Yes.
- 10:41:16 20 Q. 112 So the only document you are left with are the minutes of the meeting?
21 A. And what's deep rooted in my recollection, yes.
- 22 Q. 113 Okay. So what the Tribunal is to understand now from your evidence is that
23 what takes you from the position of identifying in May of 2000 three
24 councillors who have paid in connection with Ballycullen, to a position in
10:41:36 25 October of 2000 where you say nine councillors got paid, are the minutes of the
26 rezoning meeting in October of 1991, sorry I beg your pardon of October 1992
27 and your recollection?
28 A. Yes.
- 29 Q. 114 All right. Now your recollection then I suggest Mr. Dunlop must have been
10:41:54 30 seriously flawed in May of 2000 when you are unequivocally stating to Tribunal

10:41:59 1 counsel that the only people who got paid on Ballycullen were Lydon, Hand and
2 Fox?

3 A. You can put it anyway you wish Ms. Dillon and you put it in a certain fashion,
4 I keep coming back to the issues that I said to you before, there is a
10:42:16 5 progression here, witness box, private sessions, opportunity to do a narrative
6 statement, in the meanwhile all sorts of requests were, other documentation or
7 whatever, but I wouldn't accept that it was seriously flawed.

8 Q. 115 I see.

9 A. I would say and this may be a semantical difference, I would say that I didn't
10:42:41 10 have the opportunity that I had, that I had asked for, that I review the
11 documentation as per the road map.

12 Q. 116 Yes but the documentation Mr. Dunlop, we have identified now, that you reviewed
13 were the map and the motion which contained two signatures which you had
14 already identified in May of 2000 as having been paid anyway?

10:43:00 15 A. Yes.

16 Q. 117 And there is no other signatures on it, isn't that right?

17 A. On the map.

18 Q. 118 On the motion or map?

19 A. No, no, no.

10:43:06 20 Q. 119 You review the minutes of the meeting of the 28th October 1992 at which the
21 rezoning was achieved?

22 A. Yes.

23 Q. 120 And do you not consult your diary, you do not consult your telephone
24 attendances and accept even reviewing the financial documentation would not
10:43:20 25 have disclosed the names of any councillors, isn't that right?

26 A. Mm-hmm.

27 Q. 121 So what you are saying is that your recollection in May of 2000 was Lydon, Hand
28 and Fox were paid and your recollection in October 2000 is Lydon, Hand and Fox
29 were paid and in addition to that, Mr. McGrath, Mr. Gilbride, Mr. Gallagher,
10:43:38 30 Mr. Larkin, Mr. Cosgrave and Mr. O'Halloran were also paid?

- 10:43:42 1 A. Correct.
- 2 Q. 122 And the document you consider that had allowed to make that progression the
3 minutes of the meeting of the 28th October 1992?
- 4 A. By and large and my recollection yes.
- 10:43:51 5 Q. 123 It would suggest Mr. Dunlop, that your recollection has been on occasion
6 seriously flawed?
- 7 A. You can make that point if you wish. You have made it. I can only recollect
8 to the best of my ability on any given occasion in the context of each issue
9 that's presented to me.
- 10:44:13 10 Q. 124 Yes, and you have to recollect when you are preparing your evidence Mr. Dunlop
11 and you are making these statements you have to remember two things, the name
12 of the person who got paid?
- 13 A. Yeah.
- 14 Q. 125 And the amount you paid them?
- 10:44:24 15 A. Yes.
- 16 Q. 126 Isn't that right?
- 17 A. Yes.
- 18 Q. 127 So that you have to have a recollection of how much you paid Mr. Lydon,
19 Mr. Hand and Mr. Fox and then how much you paid the other six when you
10:44:35 20 recollect that they in fact were involved, isn't this right?
- 21 A. Yes, correct, yeah.
- 22 Q. 128 Yes. You were asked by the Tribunal after you provided your initial statement
23 to provide a more detailed statement in connection with Ballycullen, isn't that
24 right?
- 10:44:56 25 A. That's correct yes.
- 26 Q. 129 And you were asked to include in it the times, dates and locations on which you
27 paid various councillors, isn't that right?
- 28 A. Correct, yes.
- 29 Q. 130 And when you provided that statement at page 544 which is your statement of the
10:45:11 30 15th October 2004 and the last paragraph of that "I prepared motion 7.3A and

10:45:24 1 you set out there that you obtained signatures of Councillors Hand and Lydon
2 and you paid 2,000 pounds and we come to discuss the meeting with Mr. Hand and
3 your negotiations as you set out there, on the following page at 545 you say
4 "That you believed that you paid both Messrs Hand and Lydon when you met them
10:45:43 5 separately on the 2nd October 1992".

6 A. Yes.

7 Q. 131 Now there is in fact in your diary which I will come to, an entry separately
8 for Mr. Hand and Mr. Lydon on that date, isn't that right?

9 A. Yes, yes there is yes.

10:45:57 10 Q. 132 There is an entry for meeting with both gentlemen and it appears to be separate
11 meetings on that date?

12 A. Yes.

13 Q. 133 You were, you had also been asked to provide the dates on which you paid the
14 other councillors?

10:46:09 15 A. Yes.

16 Q. 134 In this statement you didn't do so, isn't that right?

17 A. Correct.

18 Q. 135 You were then asked to provide a subsequent statement identifying when you paid
19 the other councillors and you provided that statement on, early this week I
10:46:21 20 think and that's at page 3221.

21
22 now, in your first statement, Mr. Dunlop, its only a small thing Mr. Dunlop, at
23 page 545, you say at page 545 that "I believe that I paid both Messrs Hand and
24 Lydon when I met them separately on the 2nd October 1992".

10:46:47 25 A. Yes.

26 Q. 136 And when you came to provide your next statement in relation to the dates on
27 which you paid the other councillors, you have I suggest modified your position
28 somewhat at page 3221 in relation to Mr. Hand because what you now tell the
29 Tribunal in relation to the payment to Mr. Hand "As I recall matters it was
10:47:10 30 agreed that Hand would receive a payment of 2,000 pounds within days of the

10:47:13 1 signing of the two motions which were to be signed on or before the 28th
2 September 1992. I have diary entries for the 29th September and 2nd October
3 1992. It is most likely that Mr. Hand was paid on either of these dates as
4 agreed".

10:47:28 5 A. Yes I see the point you are making in relation to the possible modification.
6 Q. 137 Sorry let's be clear. In your first statement you say that you believed you
7 paid him on the 2nd October 1992?
8 A. Correct, yes.
9 Q. 138 That's one position?

10:47:40 10 A. Yes.
11 Q. 139 You are now saying you believe you paid him on either 29th of September or 2nd
12 October 1992?
13 A. Yeah well I did not pay him on the 29th September the meeting on the 29th of
14 September, if meeting you so-called, was a large dinner in a Chinese
10:47:59 15 restaurant. So we were both he and I were guests and I certainly did not pay
16 him there, but the point I am making.
17 Q. 140 The point I am making there.
18 A. The point I am making is I met him on that occasion.
19 Q. 141 That's not what you said. You said "It is most likely that Mr. Hand was paid
10:48:16 20 on either of those dates". Now if you are now saying to the Tribunal that he
21 could not and was not paid on the 29th September why did you put into your
22 statement that it was likely he could have been paid on either of those dates?
23 A. Well you see the devil is in the detail always isn't it. One minute you want
24 to know when I met him and you have diary references and diary entries and what
10:48:36 25 the meetings were about, and you want to know the payment and when the motion
26 was signed and the payment. I have specifically said to you that it is my
27 belief I paid both Mr. Hand and Lydon on the 2nd October 1992.
28 Q. 142 Yes.
29 A. At organised meeting, I scheduled early morning meetings diaried in my diary
10:48:57 30 there is a meeting, there is not a meeting sorry, it references restaurant, it

- 10:49:01 1 doesn't mention Tom Hand at all in my diary if my recollection is correct, you
2 can check it can but I am speaking solely from recollection on the 29th of
3 September, it just mentioned Chinese restaurant I think, that is where I met
4 Tom Hand.
- 10:49:16 5 Q. 143 Whatever may be the detail about what is actually contained in your diary what
6 we are trying to analyse here, Mr. Dunlop, is what you have told the Tribunal?
7 A. Yes.
- 8 Q. 144 On your first statement in relation to this matter on 2004, you say that
9 Mr. Hand was paid on the 2nd of October 1992.
- 10:49:32 10 A. Yes.
- 11 Q. 145 And you were then asked to provide the dates on which the other councillors are
12 paid, you weren't asked to deal at all with Mr. Hand or Mr. Lydon in this
13 statement but you elected to do so and in doing so you change your position.
14 You say it is likely that Mr. Hand was paid on either the 29th September and
10:49:49 15 the 2nd or the 2nd October?
16 A. Well be that as it may. I mean I am saying that I paid him on the 2nd October,
17 I did not pay him on the 29th September.
- 18 Q. 146 Then how did you come to make this statement?
19 A. I don't know. I may be too cooperative I suspect. But no, the diary shows
10:50:09 20 that I had meetings with Hand on those dates. I have already said that I paid
21 him on the 2nd October on a scheduled meeting and other than that, I can at the
22 time you any more.
- 23 Q. 147 Now, you were asked by the Tribunal to provide the dates or times on which you
24 paid the other councillors having already identified the date on which you paid
10:50:30 25 Councillor Hand and Lydon, and you were asked to provide in relation to the
26 other councillors Sean Gilbride, Jack Larkin, Cyril Gallagher, Tony Fox, Colm
27 McGrath, Liam Cosgrave and John O'Halloran, you were asked to provide the dates
28 on which they were paid?
29 A. Yes.
- 10:50:43 30 Q. 148 Right in the letter which is at 556 and you provided information in relation to

10:50:48 1 when you say those councillors were paid at 3222 which is the second page of
2 this statement. So what you did in this statement was you gave further
3 information in relation to Mr. Hand, further information in relation to
4 Mr. Lydon and then you provided information at 3222 please, in relation to
10:51:07 5 Mr. McGrath, Mr. Fox, Mr. Gilbride, Mr. Gallagher and Mr. Larkin and you say
6 each of these is likely to have occurred immediately prior to or after the
7 votes of Dublin County Council that is on the 16th October 1992 and that is the
8 Beechill meeting?
9 A. Correct.
10:51:21 10 Q. 149 There was no vote as you know on the 16th October?
11 A. No, that's right.
12 Q. 150 All right. So when you refer to the vote on the 16th October 1992, there was
13 in fact no vote on that day?
14 A. No it was an agreed, a suggestion of the manager, it was a unanimous decision.
10:51:36 15 Q. 151 Yes to withdraw the motion and accept the manager's --
16 A. Yes.
17 Q. 152 And on the 29th October 1992, you say that those people were paid, that is
18 immediately prior to or after the 16th October or the 29th October 1992?
19 A. Yes.
10:51:51 20 Q. 153 Now in preparing this statement you do not provide any information as to when
21 Councillor O'Halloran was paid or Mr. Liam T Cosgrave was paid?
22 A. No.
23 Q. 154 Notwithstanding that you have been specifically asked to provide that
24 information, isn't that right?
10:52:06 25 A. Yes.
26 Q. 155 Can you explain why is that?
27 A. Well I think the omission of Councillor Cosgrave is an oversight on my part
28 given the history of what we have just gone through, mentioning Mr. Cosgrave
29 almost on day one, in the case of John O'Halloran I think we already went
10:52:28 30 through the issues of how O'Halloran got monies from me in small amounts over

10:52:32 1 the course of the Development Plan in return for his support and for keeping
2 him on side.
3
4 The omission of Mr. Cosgrave's name is an oversight on my part and I just did
10:52:45 5 not include O'Halloran because he was paid small amounts on an ongoing basis.
6 Q. 156 So the fact, what do you say now in relation to Mr. Cosgrave, when did you pay
7 Mr. Cosgrave?
8 A. I would include Mr. Cosgrave in the same context as the others in or -- the
9 environs of the vicinity of Dublin County Council's then offices in Upper
10:53:10 10 O'Connell Street, in fact I think their offices are still there, the word then
11 shouldn't be there.
12 Q. 157 So you say in relation to Mr. McGrath, Mr. Fox, Mr. Gilbride, Gallagher Larkin
13 and Cosgrave they were all paid immediately before or after the two votes?
14 A. Correct.
10:53:28 15 Q. 158 And Mr. O'Halloran you cannot recollect precisely when you paid him?
16 A. No because of the context I outlined for you and I mentioned this before in
17 relation to the way Councillor O'Halloran was paid.
18 Q. 159 Now, and in relation to Mr. Larkin or Mr. O'Halloran we know they didn't attend
19 and vote on the meeting on the 29th.
10:53:49 20 A. Yes.
21 Q. 160 We know there was no vote on the 16th of October in relation to Beechill?
22 A. Yes.
23 Q. 161 Is it your recollection now that you would have paid Mr. Larkin and
24 Mr. O'Halloran before the votes?
10:53:57 25 A. Its quite conceivable that I paid them before the votes or shortly thereafter.
26 Q. 162 Did you attend the votes Mr. Dunlop?
27 A. I'm not absolutely certain that I was present for the 16th.
28 Q. 163 Sorry, excuse me. Sorry Mr. Dunlop --
29 A. In the answer Ms. Dillon, the absence of anything to the contrary, normally as
10:54:43 30 I have said before, during the course of the Development Plan I would have

10:54:47 1 spent a considerable amount of time in the environs of Dublin County Council
2 and/or various hotels or public houses in the vicinity prior to meetings,
3 during meetings and afterwards, and that did not -- when I say prior to
4 meetings, that did not necessarily mean prior to the hour of the meeting on a
10:55:07 5 particular day. It could mean I met people a day or two days beforehand or two
6 days afterwards, because it was a convenient meeting place.

7 Q. 164 If I can summarise then the disclosure Mr. Dunlop, your starting position with
8 the Tribunal was that you had made a limited number of political donations that
9 were genuine political donations and you set those out in an affidavit to the
10:55:29 10 Tribunal?

11 A. Yes.

12 Q. 165 You then came to give evidence on Day 148 onwards and you initially provided a
13 list of persons who had asked you for monies, not corrupt monies, who asked you
14 for monies, then you provided a number of lists of people whom you said you
10:55:46 15 paid in 1991 and 1992 and you paid, identified a further list which was people
16 who had been paid at other times, isn't that right?

17 A. Correct.

18 Q. 166 Insofar as the 1992 list is concerned, you did not include on your 1992 list
19 Councillors Hand, Lydon, Fox, Gallagher, Gilbride, O'Halloran and Larkin, isn't
10:56:08 20 that right?

21 A. Correct, yes.

22 Q. 167 On your third list, which was the list that has, which we'll call list three
23 which commenced with number 31 and finishes at number 38, you do include some
24 of those names missing from the 1992 list but you don't include Councillor
10:56:27 25 Lydon, Larkin or O'Halloran as having been paid in 1992 or at any other time,
26 isn't that right?

27 A. Yes.

28 Q. 168 You then are asked to cross-reference the councillors whom you say were paid
29 into the developments that were paid, and you identify Councillor Hand,
10:56:43 30 Councillor Lydon, Councillor Cosgrave and Councillor Fox?

- 10:56:46 1 A. Yes.
- 2 Q. 169 Isn't that right? You then move to the private sessions with the Tribunal and
- 3 you identify unequivocally three councillors as having been paid only in
- 4 connection with Ballycullen, that is Councillors Lydon, Hand and Fox?
- 10:56:59 5 A. Yeah.
- 6 Q. 170 You then move to provide in your detailed narrative statement and you identify
- 7 there nine councillors who got paid in connection with Ballycullen, isn't that
- 8 right?
- 9 A. Correct.
- 10:57:10 10 Q. 171 And you then move to providing further information in relation to precise dates
- 11 and places and you initially provide one date and then two dates in relation to
- 12 Councillor Hand and you are now satisfied it was one day the 2nd of October?
- 13 A. Yes.
- 14 Q. 172 Do you regard yourself Mr. Dunlop as having a good memory?
- 10:57:30 15 A. As age progresses, you know, I don't know whether I could absolutely say I have
- 16 a good memory or not, but I would sometimes, it depends on the issue, I
- 17 normally have a reasonably good memory.
- 18 Q. 173 If we turn to look now Mr. Dunlop at the sequence of disclosure in connection
- 19 with the developers in this case and I think would be fair to say, correct me
- 10:57:53 20 if I am wrong, that when you discussed the Ballycullen development with the
- 21 Tribunal either in public or in private you referred mainly to Mr. Jones and
- 22 Mr. Hussey?
- 23 A. That's correct, yes.
- 24 Q. 174 You did identify two other individuals namely the Brooks brothers, Oliver and
- 10:58:09 25 Francis as having an involvement?
- 26 A. Yes.
- 27 Q. 175 And particularly an involvement with the Fianna Fail side of matters, isn't
- 28 that right?
- 29 A. Correct, yes.
- 10:58:16 30 Q. 176 But mainly when you talk about who you were talking your instructions from or

- 10:58:26 1 who you were dealing with, it was primarily Mr. Jones and on occasion
2 Mr. Hussey?
- 3 A. Primarily Mr. Jones in relation to Ballycullen, notwithstanding the fact that I
4 recollect Mr. Hussey being present once or twice in relation to Ballycullen,
10:58:37 5 and primarily Mr. Hussey in relation to Beechill. And Beechill notwithstanding
6 the fact that it came first in the mapping and was dealt with on the 16th
7 October 1992 and Ballycullen was dealt with on the 29th October 1992, it was
8 Ballycullen that was dealt with first in the context of my initial meeting with
9 Mr. Jones, that was the reason for the contact, not Beechill.
- 10:59:02 10 Q. 177 Hopefully we'll move on later today to deal with the events in early 1991
11 because the span of these events are really 1991, 1992 and 93, isn't that
12 right?
- 13 A. A two year period.
- 14 Q. 178 But you were retained in February 1991 and Ballycullen was confirmed as being
10:59:21 15 rezoned in October 1993?
- 16 A. Correct.
- 17 Q. 179 In Day 148 when you provided your lists as we have seen you identified at 2790
18 Ballycullen Farms, near Rathfarnham as having been one of the developers who
19 paid you money, isn't that right?
- 10:59:37 20 A. Correct.
- 21 Q. 180 And you had been asked to provide that list and later asked to provide the
22 names of the directors and the name of the company involved?
- 23 A. Yes.
- 24 Q. 181 You provided at 355 Mr. Chris Jones and Mr. Derry Hussey?
- 10:59:51 25 A. Yes.
- 26 Q. 182 Now --
- 27 A. Sorry yes.
- 28 Q. 183 You identified that Mr. Chris Jones senior and Mr. Derry Hussey as the
29 financial controller and these were the two people that you dealt with?
- 11:00:07 30 A. Correct.

- 11:00:07 1 Q. 184 And though in fact Beechill was never owned by the Jones Group you were putting
2 them in under the heading of the Jones Group?
- 3 A. Well the same people, meeting in the same place, Chris Jones asked me to talk
4 to Derry Hussey about Beechill.
- 11:00:22 5 Q. 185 Now you were then asked by Mr. Hanratty about number two, which was
6 Ballycullen/Beechill isn't that right? And at page 356 this is what you said.
7 Mr. Hanratty says -- now this is in your public evidence "I understand that and
8 if perhaps we go through each of the individual items so that you can make any
9 particular point that you wish to make.
11:00:46 10 Number two is that a description of a property, it is clearly a maybe a
11 description of a property but is it perhaps a description of a company".
12
13 Bear in mind number two is Ballycullen Farms, near Rathfarnham it's on that
14 list and you say "Well its a description of a property which is related to
11:01:01 15 another company. In essence may I say to you on that particular one, that is a
16 relatively innocent, if anything can be innocent in this matter, a relatively
17 innocent procedure involving one or two very honourable people who had been
18 completely frustrated by virtue of the fact that they had made application
19 after application and nothing had happened". Okay? Now the two people you are
11:01:21 20 talking about there are who?
- 21 A. Chris Jones and Derry Hussey.
- 22 Q. 186 Okay. And your description of them is two very honourable people?
- 23 A. Mm-hmm.
- 24 Q. 187 And you describe the endeavour in its entirety as innocent, if anything can be
11:01:32 25 called innocent?
- 26 A. That's the exact qualification yes.
- 27 Q. 188 So this is your starting position with Mr. Jones, Mr. Hussey and the
28 Ballycullen endeavour if I can call it that?
- 29 A. Yes.
- 11:01:42 30 Q. 189 That your initial reaction when asked about Ballycullen is to say these are two

- 11:01:48 1 very honourable people and this presumably is a very innocent matter if
2 anything can be called innocent?
- 3 A. Yes.
- 4 Q. 190 You were asked to explain what you mean by innocent and you go on at question
11:02:02 5 122 of the same transcript, the question is "And yet when you say in relation
6 to this particular client that it was to use the phrase innocent, what was the
7 nature of the services which they engaged you to provide for them". So you are
8 being asked here -- sorry do we not have that page? I will get the transcript
9 up, is it possible Mr. Kavanagh to access the transcript from the system, of
11:02:33 10 Day 148 and put up page -- Day 148, page 21 we're looking for question 122.
11
12 MR. REDMOND: Mr. Chairman, Mr. Dunlop's solicitor will present him with a
13 copy of the transcript if that facilitates.
14
- 11:02:53 15 MS. DILLON: Thank you Mr. Redmond. I will put it up anyway for everybody, but
16 we can go on. But at question 122 Mr. Hanratty asks you "And when you say in
17 relation to this particular client that it was to use the phrase innocent, what
18 was the nature of the services which they engaged to you provide for them."
19
- 11:03:16 20 Now you have provided at this stage Mr. Dunlop a list to the Tribunal of which
21 you have identified developments in connection with 1991 to 1993, you are also
22 in the process of providing three lists that allege corruption on fairly
23 serious levels against a number of councillors who were involved in the same
24 activities, isn't that right?
- 11:03:27 25 A. Yes.
- 26 Q. 191 All right. So what we are the atmosphere or the circumstances that prevail
27 when you are providing this information to the Tribunal is you have already
28 conceded corruption on a fairly grand scale, isn't that right?
- 29 A. Yes.
- 11:03:39 30 Q. 192 All right. And your answer, you are asked specifically what's services did you

11:03:44 1 provide for these people, your answer was "I introduced them to a number of the
2 local representatives with whom they had ongoing difficulties. I tried to act
3 as a broker, an honest broker, a broker. I will delete the word honest. A
4 broker in relation to facilitating the exercise.

11:04:01 5 Question: Yes.

6 Answer: And there were meetings between the people that I have named on a
7 sheet of paper and a number of the local elected representatives one of whom
8 became relatively enthusiastic and another maintained a complete opposition
9 stance and I hasten to add that the land is zoned and now built on and the
11:04:16 10 matter". And you go onto the Development Plan, okay? Now this is your first
11 opportunity to provide the Tribunal with information in connection with
12 Mr. Hussey and Mr. Jones, isn't that right?

13 A. Yes.

14 Q. 193 And you are asked first of all, you tell the Tribunal they are two honourable
11:04:31 15 people and its an innocent endeavour, then you are asked to describe the
16 services that you provided for these people and you tell the Tribunal that you
17 introduced them to local representatives with whom they had ongoing
18 difficulties and you tried to act as an honest broker, isn't that right?

19 A. Correct.

11:04:45 20 Q. 194 You do not tell the Tribunal that you made an arrangement or agreement with
21 either Mr. Jones or Mr. Hussey for the payment of corrupt monies to councillors
22 to get these rezonings?

23 A. No, I don't.

24 Q. 195 No. If you are now suggesting Mr. Dunlop, that you made such an agreement with
11:05:00 25 Mr. Jones as you appear to be in your latest statement, isn't that right?

26 A. Sorry carry on.

27 Q. 196 You are suggesting in your statement that you made an agreement with Mr. Jones
28 that monies would be paid to pay councillors.

29 A. No I don't think that can be read into what I said. What I am suggesting, what
11:05:17 30 I am saying is that it is my belief that Mr. Jones and Mr. Hussey must have

11:05:21 1 known or knew from all the circumstances that monies would have to be paid to
2 councillors there was no, I think I used the word specific, I don't have the
3 transcript in front of me here, the narrative statement, but I think I used the
4 word specific, there was no specific discussion with either Mr. Jones or
11:05:44 5 Mr. Hussey in relation to the payments of monies to any councillor or elected
6 representative in relation to a vote, what I did say is to both of them, the
7 ways of the world will apply, and both of them are very experienced
8 businessmen.
9 Now for context --

11:06:07 10 Q. 197 No we'll just stick now, Mr. Dunlop for a moment, your position that we have
11 just looked at and what I am now want to draw to your attention, because if I
12 am misinterpreting your statement I would like it clarified at the earliest
13 possible point at page 544 of your statement of October 2004?

14 A. Yes.

11:06:30 15 Q. 198 You say the following "In the discussions leading up to the agreement regarding
16 fees Mr. Jones indicated to me that he was aware that councillors would require
17 to be paid and that if they were not there was no hope for lands such as his to
18 be rezoned. I informed him then and subsequently Derry Hussey at a later
19 meeting that the ways of the world would have to apply. Mr. Jones said he was
11:06:57 20 fully aware of the situation". And the situation is that councillors would
21 have to be paid?

22 A. Yeah.

23 Q. 199 Fine. "And that people such as himself had no option but to comply. I
24 concluded that Mr. Chris Jones was aware of the system then pertaining in
11:07:11 25 Dublin County Council". That's your own opinion?

26 A. That's my subjective view yes.

27 Q. 200 Your subjective opinion "There was no doubt in my mind that both Messrs Jones
28 and Hussey knew that payments to certain councillors would be necessary not
29 only to get the required motion signed but to ensure its passage through the
11:07:25 30 council". Again that's your belief or opinion?

- 11:07:27 1 A. That is my belief.
- 2 Q. 201 Now you say "Mr. Chris Jones agreed this procedure being used in respect of the
- 3 Ballycullen Farm lands".
- 4 A. Yes.
- 11:07:35 5 Q. 202 That's a statement that you made an agreement with Mr. Jones that the procedure
- 6 of paying councillors would be employed by you in getting the Ballycullen lands
- 7 rezoned.
- 8 A. Well again I am coming back to, yeah I have no difficulty with that statement,
- 9 you are absolutely correct, that is my statement and that is the statement that
- 11:07:51 10 I stand over.
- 11
- 12 The point that I was making earlier and that I wish to make now again is that
- 13 in contrast to we'll say getting monies from a developer who says I am giving
- 14 you this money and I know you have to give money to councillors and I have had
- 11:08:11 15 to do it myself previously, which was the instance in one module that we dealt
- 16 with previously, or in another module which has not been dealt with, where for
- 17 example monies were given to me and taken back because the developers said I
- 18 will pay the councillor myself, I am looking after him myself, none of that
- 19 took place in this instance. This was a discussion between two and on occasion
- 11:08:37 20 three people in relation to the process at Dublin County Council. Neither
- 21 Mr. Jones nor Mr. Hussey ever said to me we want you to give X amount of money
- 22 to X councillor, or we know you will be giving X amount of money to X
- 23 councillor, or out of this 15,000 or whatever amount of money it happens to be,
- 24 you will give this amount.
- 11:09:01 25 It is a recognition on their part that there is a system involved, given their
- 26 history with the lands.
- 27 Q. 203 Mr. Dunlop, your initial starting position with the Tribunal in relation to
- 28 Mr. Jones and Mr. Hussey was that they were honourable men?
- 29 A. Well that doesn't take from the fact that they were honourable.
- 11:09:23 30 Q. 204 You are now telling the Tribunal in this statement that's on screen, that

11:09:27 1 Mr. Jones knew a system existed whereby councillors would have to be paid to
2 get rezoning and that he made an agreement with you, Mr. Chris Jones agreed to
3 this procedure being used in respect of Ballycullen, so Mr. Jones you say
4 specifically agreed with you that that would be implemented by you on his
11:09:46 5 behalf in connection with the Ballycullen lands?
6 A. Mr. Jones in my view, in my belief, knew that I had to enter into agreements
7 with councillors in relation to progressing the matter.
8 Q. 205 You have earlier said in the statement, in the first line "Mr. Jones indicated
9 to me he was aware that councillors would be required to be paid and if they
11:10:11 10 were not there was no hope for the land to be rezoned". You then say Mr. Jones
11 agreed with you?
12 A. Yes.
13 Q. 206 You are saying Mr. Jones now knew of a corrupt system and agreed to you using
14 the system to get his lands rezoned.
11:10:25 15 A. Without the specific that I have given you as the proviso.
16 Q. 207 With the specifics being he did not know the precise councillors that would be
17 paid?
18 A. Correct.
19 Q. 208 But that doesn't take from the general premises you are now telling the telling
11:10:36 20 that Mr. Jones knew there was a corrupt system in place in Dublin County
21 Council that he tethered himself to you in connection with implementing that
22 system in connection with his lands, although he did not know the precise
23 counters who would be paid is that what you are now saying?
24 A. I would put it as precisely as I can. I concluded that Mr. Chris Jones was
11:10:56 25 aware of the system then pertaining in Dublin County Council.
26 Q. 209 But if you go back up to what you say in the first line Mr. Jones indicated to
27 you, presumably he told you, that he was aware of councillors would have to be
28 paid?
29 A. Are we in the position of quoting people exactly or do you want to know what he
11:11:14 30 said.

- 11:11:14 1 Q. 210 Yes if you can remember?
- 2 A. Well Mr. Jones actually said to me that he was fed up giving money to political
3 parties, in the context of this discussion that was taking place, that's a
4 phrase that Mr. Jones used to me. A very precise phrase, he was fed up giving
11:11:33 5 money to political parties. He didn't say to politicians, he didn't say to
6 councillors he said he was fed up giving money to political parties.
- 7 Q. 211 And are you saying from that statement you conclude that had Mr. Dunlop,
8 Mr. Jones knew that councillors would have to be paid?
- 9 A. Not from that statement alone, but from the total context of what was taking
11:11:52 10 place at the meeting.
- 11 Q. 212 In that sentence, where you say Mr. Jones indicated to me that he was aware
12 that councillors would require to be paid, are you telling the Tribunal that
13 Mr. Jones told you unambiguously that he knew councillors would need to be
14 paid, to get his lands rezoned?
- 11:12:09 15 A. Well the answer to that is yes.
- 16 Q. 213 So you had a conversation with Mr. Jones in which Mr. Jones told you he knew
17 councillors needed to be paid?
- 18 A. He knew that the way the system of the world operated.
- 19 Q. 214 That is one...
- 11:12:21 20 A. The ways of the world.
- 21 Q. 215 That is one phrase Mr. Dunlop, the phrase what you have said is that Mr. Jones
22 indicated to me that he was aware the councillors would require to be paid. I
23 suggest there is a world of difference between that statement and knowing how
24 the ways of the world work?
- 11:12:39 25 A. Well there may well be. Depending on which way you approach the matter, what
26 is at issue here to put it simplicitor is whether or not the participants in
27 this development namely Mr. Jones and Mr. Hussey, but we are dealing with
28 Mr. Jones now, in my view, as a result of my initial meetings with him and
29 there were hundreds of meetings with him as you well know, was he aware that a
11:13:08 30 system applied in Dublin County Council where councillors needed to be paid?

- 11:13:13 1 My view is yes, he did. He was so aware.
- 2 Q. 216 Yes but your opinion or conclusion Mr. Dunlop that Mr. Jones new a system
3 pertained or your belief that Mr. Jones knew it is one thing?
- 4 A. Yes.
- 11:13:26 5 Q. 217 A statement that Mr. Jones agreed with you that you would implement that
6 procedure on his behalf is a different matter?
- 7 A. Yes. Well felicity of language, he may well, he agreed with me that given the
8 background to the whole scenario, whatever was required to be done to get the
9 thing moving. Now that does not necessarily as I have said to you earlier on
11:13:51 10 mean that he said to me "I want you to pay Hand or Lydon" or whatever, he did
11 not.
- 12 Q. 218 No, it has always been your position Mr. Dunlop that insofar as the specifics
13 are concerned you never discuss specifics, in other words who would have to be
14 paid with Mr. Jones or Mr. Hussey?
- 11:14:06 15 A. Correct.
- 16 Q. 219 We are not talking about that. We are talking about whether or not the corrupt
17 system was discussed between yourself and Mr. Jones?
- 18 A. Well when you say the corrupt system.
- 19 Q. 220 The system whereby, that councillors would have to be paid to get the lands
11:14:21 20 rezoned?
- 21 A. There was absolutely no doubt in my mind that the issue was alluded to in the
22 earlier meeting with Mr. Jones.
- 23 Q. 221 And with Mr. Hussey subsequently?
- 24 A. Mr. Hussey as I have said to you earlier on, did not attend the initial
11:14:36 25 meetings in relation to Ballycullen. He did, if my recollection is correct,
26 which I have no doubt that, about it being not correct in this instance, that
27 is that he did come into a number of the meetings that were taking place during
28 the course of the Ballycullen issue and then subsequently became involved in
29 relation to Beechill.
- 11:15:04 30 Q. 222 Did Mr. Hussey acknowledge to you that he too knew that payments would have to

- 11:15:08 1 be made in order to get the lands rezoned?
- 2 A. The ways of the world will apply, Mr. Hussey.
- 3 Q. 223 Are you saying that all that Mr. Hussey ever said to you was that he knew the
- 4 ways of the world would have to apply?
- 11:15:20 5 A. Yes.
- 6 Q. 224 You say in your statement if you look at it on screen, you say "separately
- 7 Mr. Hussey at a meeting with me, acknowledged that payments to councillors
- 8 would be required in respect of the lands surrounding the offices at Jones
- 9 Group PLC at Beechill. The matter was not discussed in specific detail"
- 11:15:37 10 A. Correct.
- 11 Q. 225 Are you saying the full extent of what Mr. Hussey ever said to you was that he
- 12 knew the ways of the world would apply?
- 13 A. Yes.
- 14 Q. 226 And from that you deducted that he knew there was a corrupt system in place in
- 11:15:47 15 Dublin County Council?
- 16 A. Yes. Ms. Dillon, you see, in the context of the clinical atmosphere in which
- 17 you deal with these things now, these are meetings that take place with
- 18 intelligent, reasonable, honourable people who know what business is about, who
- 19 have been dealing in the construction industry for the best part of 30 years
- 11:16:11 20 and it does not require, on any given occasion, for somebody to say "I want you
- 21 to pay X, J and Z". The culture of the meeting, the atmosphere of the meeting,
- 22 the circumstances of the meeting, to any reasonable, outside, objective person
- 23 would indicate that the context was that the ways of the world would apply.
- 24 Q. 227 And you had initially, in your first evidence to the Tribunal, described them
- 11:16:41 25 as two honourable gentlemen and as an innocent exercise?
- 26 A. Well they are. Yes, I would, my view is I don't see why we should discuss
- 27 whether they are honourable or not, I believe they are honourable people.
- 28 Q. 228 When you came to discuss the matter in the private interviews with the Tribunal
- 29 on day, on the 11th May 2000 at page 394 please, now you raised the topic here
- 11:17:04 30 Mr. Dunlop, this isn't in response to any question, you say "People whose bona

- 11:17:09 1 fides were genuine came to me. I did allude to that, one of those that I did
2 say the other day was old Chris Jones of the Jones Group. Old Chris Jones had
3 been run around the place ragged for a variety of political entities because
4 obviously Chris Jones didn't know the system."
- 11:17:27 5 A. Yes.
- 6 Q. 229 "Or wasn't prepared to, or Derry Hussey his financial controller was saying not
7 on or whatever."
- 8 A. Yes.
- 9 Q. 230 Now in that exchange Mr. Dunlop, are you disclosing there to the Tribunal your
11:17:36 10 belief, or your conclusion, or your view that Mr. Jones and Mr. Hussey knew
11 about the system and knew that councillors would have to be paid?
12 A. Well the phrase is "didn't know the system or weren't prepared to".
- 13 Q. 231 You are now talking to the Tribunal in private session?
- 14 A. Yes.
- 11:17:52 15 Q. 232 In this exchange?
- 16 A. Yes.
- 17 Q. 233 You describe people whose bona fides are quite genuine. This is how you
18 introduce Mr. Jones and Mr. Hussey?
- 19 A. Yes.
- 11:18:01 20 Q. 234 What you tell the Tribunal is Mr. Jones didn't know the system or if he did
21 they weren't prepared to play the system?
22 A. Yes, that is what I said.
- 23 Q. 235 And the system that you are talking about is the corrupt system?
- 24 A. Yes.
- 11:18:12 25 Q. 236 So your view at this stage on the 11th May 2000 was that they didn't know the
26 system or they weren't playing the system when they came to you?
27 A. That wouldn't appear to be the case in view of some of the comments you made in
28 the opening statement yesterday in relation to the amounts of money paid by
29 Mr. Jones and Mr. Hussey to politicians.
- 11:18:37 30 Q. 237 That's a matter for Mr. Jones and Mr. Hussey to answer for to the Tribunal, the

11:18:40 1 money they paid. What we are discussing here now Mr. Dunlop is what you told
2 the Tribunal and the sequence in which you told it and try and stay with that.
3 Now what you have said there is consistent with what you have previously said
4 in the open session of the Tribunal and is not consistent with what you have
11:18:59 5 now said in your statement
6 A. Yes.
7 Q. 238 All right. Now we move on to your next sentence in relation to Mr. Hanratty
8 says "yes" and you say "And I eventually got called in. I specifically suspect
9 that also in this case I was called in as a result of some contact with
11:19:15 10 Mr. Lawlor". I will deal with Mr. Lawlor, but not now. "I have no proof, none
11 whatsoever. But definitely the disbursements of money to politicians was never
12 discussed with Chris Jones or Derry Hussey."
13 A. Yes.
14 Q. 239 Right. Now, that's an absolute statement of fact and it's unambiguous, isn't
11:19:30 15 that right? Its not qualified at this point in time, isn't that right?
16 A. Yes.
17 Q. 240 And you then go on to talk about people who got money, Mr. Hand and Mr. Lydon
18 got money in connection you. But insofar as this exchange with Tribunal
19 counsel, you are discussing Mr. Jones and Mr. Hussey. You are telling them two
11:19:48 20 things; they didn't seem to know the system, if they did know it they wouldn't
21 play the system and you never discussed paying money to councillors with them?
22 A. As per that statement.
23 Q. 241 As per that statement. That is not, I suggest to, you consistent with the
24 statement you have now furnished to the Tribunal in relation to Mr. Jones and
11:20:02 25 Mr. Hussey?
26 A. It would appear not, no.
27 Q. 242 It would appear not. Either it's consistent or not consistent, Mr. Dunlop?
28 A. No, I would accept it's not consistent, no.
29 MS. DILLON: Do you want to take a?
11:20:28 30

11:20:28 1 CHAIRMAN: All right do you want to break for 15 or 20 minutes?

2

3

MS. DILLON: Yes, if that's suitable. Thank you.

4

11:20:35 5 **THE TRIBUNAL ADJOURNED FOR A SHORT BREAK AND RESUMED AS FOLLOWS:**

6

7

MS. DILLON: We had been looking, Mr. Dunlop, at what you had said in your

8

latest statement to the Tribunal about Mr. Jones and Mr. Hussey, and if we go

9

back to the page 544? And if we look at the, Mr. Jones agreed to this

11:46:45 10

procedure being used in respect of Ballycullen Farm lands. At what meeting did

11

that agreement take place?

12

A. Specifically I couldn't say whether it was the first meeting or the second, but

13

very early on.

14

Q. 243 The first meeting was the 21st of February 1991?

11:47:06 15

A. Yes.

16

Q. 244 Isn't that right, Mr. Dunlop? And the second meeting was the 12th April 1991.

17

A. Yes.

18

Q. 245 And are you saying that it was at one of those meetings that the discussion

19

took place with Mr. Jones?

11:47:27 20

A. More than likely, yes.

21

Q. 246 We'll come to deal with those in more detail, but its your position that at one

22

of those meetings Mr. Jones agreed to the bribing of councillors in order to

23

achieve rezoning?

24

A. Not in those terms as I have said to you. But agreed in consequent on the ways

11:47:50 25

of the world must apply, an indication that the ways of the world meant that I

26

would have to deal with councillors.

27

Q. 247 You said to Mr. Jones the ways of the world would have to apply?

28

A. Correct.

29

Q. 248 Mr. Jones said, yes.

11:48:05 30

A. Yes.

- 11:48:05 1 Q. 249 Now, was that the full extent of the conversation that took place between you
2 on the matter?
- 3 A. No. As I indicated to you just before the break, Mr. Jones did make a remark
4 that he was fed up paying money to political parties. That he had had serious
11:48:28 5 difficulties with named politicians, councillors, in the context of the land
6 and in all of that, the totality of that discussion. He indicated that, what
7 he understood to be the ways of the world.
- 8 Q. 250 He indicated what he understood the ways of the world to be?
- 9 A. Yes.
- 11:48:53 10 Q. 251 What did he actually say?
- 11 A. Well other than being able to tell you that he used that particular phrase that
12 he was fed up giving money to political parties, I cannot say to you that he
13 actually said "I know you are going to have to give Hand or any other named
14 politician money" because he didn't say that.
- 11:49:15 15 Q. 252 And when did he, did he say "I know you are going to have to pay councillors"?
- 16 A. I know you are going to have to do what you are going to have to do.
- 17 Q. 253 Yes. So what he said "I know you are going to have to do what you are going to
18 have to do" but he does not say to you "I know you are going to have to pay
19 councillors".
- 11:49:33 20 A. No and that's why I have used the words in -- this matter was not discussed in
21 specific detail, the end of that paragraph. You would need an IQ of not less
22 than 0.5 to have a conversation on the basis that Mr. Jones and I had the
23 conversation, given Mr. Jones' background in the construction industry over 30
24 years, particularly as being a supplier and subcontractor basis, that he did
11:50:06 25 not know what the phrase the ways of the world mean.
- 26 Q. 254 Insofar as you had any conversation with Mr. Jones touching upon the payment of
27 councillors, the extent of that conversation was that Mr. Jones said he knew
28 how the ways of the world would work, and Mr. Jones said he was tired paying
29 political parties?
- 11:50:24 30 A. Yes.

- 11:50:25 1 Q. 255 Mr. Jones also said he had difficulties with a number of councillors?
- 2 A. And named them.
- 3 Q. 256 And they were councillors Muldoon and Cass, isn't that right?
- 4 A. Yes and others.
- 11:50:33 5 Q. 257 And others. Yes but these were councillors who were of the view, the firm view
6 that these lands should not be rezoned or should only be zoned for agriculture?
- 7 A. Not only of the firm view but actually had put motions forward in the past.
- 8 Q. 258 Yes, but when you say Mr. Jones had difficulties with councillors these are
9 difficulties with councillors who did not agree with him that the lands should
11:50:55 10 be rezoned?
- 11 A. Correct.
- 12 Q. 259 So it has nothing to do with paying councillors in case anybody might have that
13 idea?
- 14 A. No I hope I didn't imply that, I wasn't implying that in relation to those
11:51:04 15 particular councillors.
- 16 Q. 260 Yes, so that insofar as you had any discussion with Mr. Jones about corrupt
17 councillors or the system that you say pertained in Dublin County Council, it
18 is confined to Mr. Jones saying to you that he knew how the ways of the world
19 worked?
- 11:51:18 20 A. Yes.
- 21 Q. 261 That he was tired playing political parties.
- 22 A. Yes.
- 23 Q. 262 He did not discuss with you paying councillors.
- 24 A. No, nor did he discuss, for completeness sake, Ms. Dillon, nor did he discuss
11:51:32 25 with me any monies that he might have given or was going to give to a
26 politician without my knowledge, I just want to make that point, no such
27 discussion ever took place like that with me.
- 28 Q. 263 So insofar as Mr. Jones discusses what's going to be done with rezoning or
29 what's needed to be achieved he makes two statements to you. He is tired of
11:51:50 30 playing political parties and he knows the way the world works?

- 11:51:53 1 A. Yes.
- 2 Q. 264 You know that he has a background in building and other matters and you
3 conclude from this, is that right Mr. Dunlop, that he knew of the system that
4 pertained in Dublin County Council?
- 11:52:03 5 A. Yes. I conclude from that and as I said to you earlier on, the context of the
6 meeting, for example he inquired about a particular development that he knew I
7 was involved in at the time or --
- 8 Q. 265 And.
- 9 A. And asked me how it was going.
- 11:52:21 10 Q. 266 And what did you say?
- 11 A. I just said look we are just carrying on as per normal and you know, hopefully
12 things will work-out.
- 13 Q. 267 But you didn't in that conversation indicate that on behalf of that developer
14 that you were paying anybody?
- 11:52:33 15 A. No, but what I am trying to say is --
- 16 Q. 268 So in the context of the conversation, what is the context of the conversation
17 you have with Mr. Jones that leads you to the view as expressed in your latest
18 statement to the Tribunal, that Mr. Jones agreed to implement a system of
19 paying corrupt councillors to get his lands rezoned?
- 11:52:51 20 A. Sorry to interrupt you. As I have outlined to you in the context of the
21 conversation, the ways of the world will apply, his understanding, my belief of
22 his understanding of what the ways of the world meant in the context of the
23 individual, in the context of the business, in the context of the circumstances
24 that he had already come up against.
- 11:53:16 25 Q. 269 And insofar as Mr. Hussey is concerned, you say in your statement that
26 Mr. Hussey separately, so on the statement that's on screen, the next sentence
27 to Mr, third line from the bottom, you say separately, from that is the
28 Tribunal to take at this meeting we are going to discuss now Mr. Jones was not
29 present?
- 11:53:38 30 A. No I don't think he was.

- 11:53:39 1 Q. 270 All right. "So Mr. Hussey at a meeting with me acknowledged that payments to
2 councillors would be required in respect of the lands surrounding the offices
3 of Jones Group PLC and Beechill."
4 A. Yes.
- 11:53:50 5 Q. 271 That's a very clear statement, its not in anyway subject to any limitation,
6 isn't that right?
7 A. Yes.
- 8 Q. 272 Now, first of all when did that meeting take place?
9 A. Well again without reference to the diary, it is subsequent to the meetings
11:54:04 10 that began in relation to Ballycullen because it was even though Mr. Hussey did
11 attend one or two of the meetings in relation to Ballycullen, Beechill became a
12 separate issue and it was dealt with virtually solely by Mr. Hussey and myself.
- 13 Q. 273 Was there anybody else at this meeting?
14 A. Not that I recollect.
- 11:54:23 15 Q. 274 Okay. How did you, you say that Mr. Hussey acknowledged to you that payments
16 would have to be made to councillors?
17 A. Yes.
- 18 Q. 275 Are you saying that it was your belief that Mr. Hussey knew payments would made
19 to councillor or he made an actual statement of fact to you at the meeting I
11:54:38 20 understand or I know councillors would have to be paid?
21 A. I think if you look at the verb. Mr. Hussey acknowledged that's premised on my
22 saying something to him. He acknowledged when I said to him that, you know
23 what I am going to have to do.
- 24 Q. 276 But we already looked where you say Mr. Chris Jones agreed this procedure being
11:54:58 25 used in respect of Ballycullen and we now know if your evidence today is
26 correct that what Mr. Jones said to you was I know the way the world worked and
27 I am tired of playing political parties, from which you deduced he knew there
28 was a system in place?
29 A. Any normal intelligent rational being would deduce the same thing.
- 11:55:15 30 Q. 277 You say now Mr. Jones never mentioned to you paying councillors to get their

- 11:55:19 1 votes in connection with his lands?
- 2 A. No in the -- again the matter was not discussed in specific detail.
- 3 Q. 278 Now in the light that being your evidence today, Mr. Dunlop, is it your
4 position that Mr. Derry Hussey made a specific acknowledgement to you at a
11:55:32 5 meeting in which he acknowledged he knew councillors would have to be paid?
- 6 A. My recollection of the meeting and discussion with Mr. Hussey having discussed
7 what was required and the people involved, and it involved arranging a meeting
8 with Mr. Hand in relation to Beechill, I would, I made a remark to the effect
9 that the ways of the world would apply, you know what I am going to have to do.
- 11:55:59 10 Q. 279 You made a statement to Mr. Hussey?
- 11 A. The ways of the world will have to apply.
- 12 Q. 280 You know what I am going to have to do. To which Mr. Hussey said?
- 13 A. Okay fine.
- 14 Q. 281 And that's, from that you concluded that Mr. Hussey was acknowledging that
11:56:14 15 payments to councillors would have to be made?
- 16 A. Yes.
- 17 Q. 282 Now if we go back then to what you had said previously in relation to, prior to
18 you putting in that statement to the Tribunal, we had looked at in your first
19 private session at page 394 you had said that money, payments of money to
11:56:33 20 politicians was never discussed and you had also said that at page 394 that
21 Mr. Jones had been run ragged around the place for a variety of political
22 entities because obviously he didn't know the system.
- 23 A. Yes.
- 24 Q. 283 Or wasn't prepared to or Derry Hussey's his financial controller was saying not
11:56:51 25 on or whatever?
- 26 A. I don't know what that sentence means. Wasn't prepared to or Derry Hussey his
27 financial controller was saying not or whatever. I don't know what that
28 actually means even though it is attributed to me, it sounds very convoluted
29 English.
- 11:57:05 30 Q. 284 Yes. Is it not saying that either it was your view that either Mr. Jones did

- 11:57:16 1 not know the system that pertained in Dublin County Council or if he knew it
2 wasn't prepared to participate in it or if he was prepared to participate in it
3 Mr. Hussey his financial controller wouldn't let him?
- 4 A. Well I just can't -- I just can't answer the hypothetical questions you put to
11:57:30 5 me there in the context of that. I think I have said rather consistently that
6 the ways of the world will apply and this is something that I have said to
7 others in virtually all instances people understand what the phrase meant.
- 8 Q. 285 Now you did on the 18th May 2000 introduce to the Tribunal counsel the concept
9 or the reference to the ways of the world would have to work in connection with
11:58:00 10 Mr. Jones and at page 397, you are in the second part of that talking about
11 your first meeting with Mr. Jones, so you say -- do you see the second part of
12 the second paragraph beginning "one was the Ballycullen issue" and beneath that
13 "you set out meeting Mr. Jones", you say "So we went in and sat down and
14 discussed this matter and we agreed fee an the fee was 15,000 plus if anything
11:58:37 15 happened, there was no specification as to what the success fee would be."
- 16 A. Yes.
- 17 Q. 286 "I told Mr. Jones and on occasion Mr. Hussey but certainly Mr. Jones that the
18 ways of the world would have to apply and he said he was fully aware of that
19 and he said that he had difficulties in the context of one Fine Gael, two Fine
11:58:53 20 Gael councillors Breda Cass who was then in Fine Gael and left subsequently and
21 Mary Muldoon."
- 22 A. What date is that.
- 23 Q. 287 That is on the 18th May 2000 in private session?
- 24 A. Yes. That's in private session.
- 11:59:05 25 Q. 288 In private session yes. So you are there telling Tribunal counsel that you
26 told Mr. Jones and on occasion Mr. Hussey, that the ways of the world would
27 have to apply.
- 28 A. Correct.
- 29 Q. 289 And he said he was fully aware of that.
- 11:59:15 30 A. Yes.

- 11:59:15 1 Q. 290 And from that you deduce, if I understand you correctly now, that it was from
2 that exchange between yourself and Mr. Jones, that you believed that Mr. Jones
3 knew of the system of paying councillors in Dublin County Council but that
4 Mr. Jones himself never made a positive assertion to you to that?
- 11:59:32 5 A. No, again remember we are reverting back to now the 11th May in private session
6 sorry I beg your pardon in relation to my narrative statement where I said this
7 issue was not discussed in specific detail.
- 8 Q. 291 But it was your belief that they knew?
- 9 A. Correct.
- 11:59:50 10 Q. 292 And it was always your belief if your evidence is correct from those
11 conversations that they knew how the system worked?
- 12 A. I would imagine so, yes.
- 13 Q. 293 Yes. You then say at 398 "I cannot say to you that Chris Jones knew that I
14 specifically handed specific monies to Tom Hand in relation to this particular
15 development."
- 12:00:13 16 A. Correct.
- 17 Q. 294 And that's been your position, that you never discussed specifics with him, you
18 never told him who you were going to pay?
- 19 A. And he did not ask.
- 12:00:21 20 Q. 295 And he didn't ask, but it was your belief from the exchange which you have
21 describe that had Mr. Hussey and later Mr -- Mr. Jones and later Mr. Hussey
22 knew such a system existed?
- 23 A. Yes.
- 24 Q. 296 And Mr. Hanratty hones in on this point with you at page 399. Mr. Hanratty
12:00:40 25 says to you "When you say that he understood the ways of the world had to be
26 observed did that mean that he knew that you were going to have to make
27 disbursements out 15,000 pound" and you say "I think he did yes."
- 28 A. I'm lost Ms. Dillon.
- 29 Q. 297 Do you see Mr. Hanratty in the centre of the page, the question he asks you
12:01:01 30 there at line nine?

- 12:01:01 1 A. I have it yes.
- 2 Q. 298 He says "when you say that he understood watt ways of the world had to be
3 observed". Did that mean that he knew that you were going to have to make
4 disbursement out of the 15,000 you said I think he did yes?
- 12:01:15 5 A. Yes.
- 6 Q. 299 Now, it was your opinion is it not, that Mr. Jones knew that you were going to
7 make payments out of the monies that you got?
- 8 A. That's my opinion.
- 9 Q. 300 But Mr. Jones never factually stated to you that he in fact had such a belief?
- 12:01:28 10 A. No and again for completeness he never specifically said I know that you are
11 going to do this with X, Y or Z or I want you to do this with X, Y or Z.
- 12 Q. 301 But you concluded that they did know there was a system in place?
- 13 A. Yes.
- 14 Q. 302 And you go into some detail on page 400 and page 401 because you make the point
12:01:53 15 to Mr. Hanratty at this meeting that, sorry Mr. Gallagher, and you are being
16 asked there about your first discussion with Mr. Jones and its at question 10
17 and you are talking about the payments to the councillors and you answer "It
18 wasn't a question of me specifically asking, its a question of a combination
19 you know, obviously you would have to be paid and a fee was agreed in that
12:02:22 20 conversation. I mean I didn't say "I need 15,000 pound for this". They didn't
21 say how much do you knee need for this disbursement for example, that wasn't
22 it, it was an agreed fee after a bit of haggling and negotiation."
- 23 A. Correct.
- 24 Q. 303 Mr. Gallagher asked you "How effectively did you arrive at a fee of 15,000
12:02:39 25 pound" you said "I have already said Mr. Jones said he that you know, that he
26 knew the ways of the world and you know one tends to be a little bit careful, I
27 mean this is the first time I ever met Chris Jones notwithstanding he is a near
28 neighbour but he lives on the other side of Dunshaughlin. It's the first time
29 that I ever met him. You don't actually say I need 15,000 because I have to do
12:02:58 30 X, Y and Z, I think my fee would be something of the order of the 15,000 but to

- 12:03:03 1 use Mr. Hanratty's word there was no specificity in relation to disbursement of
2 in relation to particular individuals."
3
4 Now, what you are saying there is that this is the first time you have met this
12:03:13 5 man, you have never met him before, you are not going to discuss corruption
6 with him, so you have a circular type conversation in which you believe you
7 know what he is talking about. Is that correct?
- 8 A. I believe he knows what I am talking about.
- 9 Q. 304 Yes. But it is your belief.
- 12:03:27 10 A. Yes, it is my belief.
- 11 Q. 305 And it's based on your assessment of the situation rather than any positive
12 statement by Mr. Jones or subsequently Mr. Hussey that they knew councillors
13 were being paid?
- 14 A. Yes. We have traverse this had ground before in another module with other
12:03:40 15 people Ms. Dillon, my view has not changed when you are dealing with reasonably
16 intelligent, rational people, if they don't ask you what do you mean when you
17 say the ways of the world will apply or will have to apply, there is an
18 assumption immediately and it is a fairly well founded assumption.
- 19 Q. 306 But its an assumption you made?
- 12:03:58 20 A. I'm sorry I am not disputing that at all. I am just saying if you are not
21 asked well what exactly do you mean Frank, by when you say the ways of the
22 world must apply, there is an assumption on your part that that is understood.
- 23 Q. 307 And there is an assumption on your part that the person with whom you are
24 speaking is sufficiently conversant with the system you say operated in Dublin
12:04:20 25 County Council that in order to achieve a successful rezoning, bribes had to be
26 paid, isn't that right?
- 27 A. Yes.
- 28 Q. 308 You are making that assumption about Mr. Jones and Mr. Hussey, that they knew
29 about the system?
- 12:04:31 30 A. Yes.

- 12:04:32 1 Q. 309 And you say that you were being caution in the way you spoke to Mr. Jones on
2 your first meeting because it was not the sort of topic that you would put out
3 on the table for discussion with somebody you didn't know?
- 4 A. Correct.
- 12:04:42 5 Q. 310 But notwithstanding that, once he said he knew the way the world worked you
6 were satisfied in your mind he knew exactly by that, that councillors would
7 have to be paid?
- 8 A. Yes and I can't, again for completeness, I can't say to you who said what
9 first. He may well have replied I am fed up giving money to political parties
10 or he may have said that previous to my saying the ways of the world might
11 apply. I can't give you a sequence of events in relation to that. But
12 nonetheless you are absolutely correct that it was my opinion as a result of
13 the conversation that they knew, that he knew.
- 14 Q. 311 Yes. And when he said to you at that meeting well when Mr. Jones said to you I
12:05:20 15 am fed up giving political parties, did you advise him, well look Mr. Jones its
16 councillors you need to pay not political parties?
- 17 A. No.
- 18 Q. 312 No.
- 19 A. No such conversation ever took place.
- 12:05:30 20 Q. 313 So it was always your understanding that, notwithstanding that your starting
21 position with the Tribunal in public session Mr. Dunlop, may have been that you
22 believed the endeavour to be innocent and Mr. Hussey and Mr. Jones to be
23 honourable people and did you not make any suggestion at that time that they
24 knew or understood that councillors would have to be paid, after your meeting
12:05:51 25 with Mr. Jones, was it your belief that he knew you were going to have to pay
26 councillors?
- 27 A. Yes. I am a little bit hide bound here because you said something earlier on
28 you didn't want to deal with now.
- 29 Q. 314 You mean Mr. Lawlor?
- 12:06:08 30 A. Right okay.

- 12:06:09 1 Q. 315 We are parking Mr. Lawlor for the moment?
- 2 A. Fine. I don't know, I have no -- just let me box it off there for you
- 3 immediately you can come to it again. I have no knowledge of what Mr. Lawlor
- 4 said to Mr. Jones at any given time on any given occasion about this, I did
- 12:06:25 5 allude to my suspicion in my statement that the probability was that I was
- 6 called by Mr. Jones specifically on the recommendation of Liam Lawlor, I have
- 7 no proof of that, but I do have proof of the fact that Mr. Lawlor kept in touch
- 8 with me in relation to Ballycullen and did fax Mr --
- 9 Q. 316 We'll deal with Mr. Lawlor in his own time.
- 12:06:49 10 A. Mr. Jones. I am only putting that the in the context of what Mr. Lawlor may
- 11 have said to Mr. Jones.
- 12 Q. 317 You can't speculate with respect Mr. Dunlop of what Mr. Lawlor might or might
- 13 not have told Mr. Jones. You are basing your statement of the Tribunal on your
- 14 conversations with Mr. Jones and Mr. Hussey, isn't that right?
- 12:07:07 15 A. Correct.
- 16 Q. 318 It is your belief as I understand what you are telling the Tribunal today,
- 17 after you had your first or second conversation with Mr. Jones and after you
- 18 had your first conversation with Mr. Hussey all of which would have been
- 19 completed by the end of 1993, isn't that right? You would have met them, had
- 12:07:21 20 your discussions, and done your business?
- 21 A. By the end of 1993 business was finished.
- 22 Q. 319 Yes. It was your belief from that conversation that Mr. Jones and from your
- 23 later conversation with Mr. Hussey, it was your belief that they knew that
- 24 councillors would have to be paid in order to achieve the rezoning?
- 12:07:37 25 A. Yes.
- 26 Q. 320 And therefore, that they knew of the corrupt system that pertained in Dublin
- 27 County Council?
- 28 A. Whatever left of level of knowledge that was.
- 29 Q. 321 All right. When you came to provide your considered statements to the Tribunal
- 12:07:50 30 Mr. Dunlop and you have already alluded this morning and I think as one of the

- 12:07:55 1 reasons why you didn't recollect the six councillors and when you were in
2 private session was when you came to consider all of the documentation your
3 memory came back to you, if I can say that, and you were in a position to
4 provide the full picture in your statement, isn't that right?
- 12:08:11 5 A. Yes.
- 6 Q. 322 In relation to councillors and when you provided your narrative statement to
7 the Tribunal, you told the Tribunal how you were going to deal with corruption,
8 isn't that right?
- 9 A. The road map, yes.
- 12:08:22 10 Q. 323 The road map. At page 406 please you told the Tribunal in the introduction to
11 your first detailed narrative statement to the Tribunal on the second last
12 paragraph of that "Throughout this document the inclusion of an asterisk beside
13 a particular development denotes that monies were given to me with regard to
14 that development in the full knowledge that payments to councillors were
12:08:45 15 required to achieve support" isn't that right?
- 16 A. Yes.
- 17 Q. 324 Now, from what you have told the Tribunal this morning its the position that as
18 far as you were concerned Mr. Jones and Mr. Hussey knew that payments to
19 councillors?
- 12:08:57 20 A. My opinion was they knew.
- 21 Q. 325 Right. Now it may be that there is some reason for this, but it does not
22 appear to be the position that you put such an asterisk beside the Ballycullen
23 Farm section?
- 24 A. Yeah.
- 12:09:10 25 Q. 326 At 5471 please this is your narrative statement in relation to Ballycullen
26 Farm, your first narrative statement?
- 27 A. Yes.
- 28 Q. 327 Isn't that right?
- 29 A. Yes.
- 12:09:25 30 Q. 328 No asterisk beside it?

12:09:27 1 A. Correct.

2 Q. 329 Isn't that right? From that the Tribunal is to conclude that when you made
3 this statement to the Tribunal you were telling the Tribunal that in so far as
4 Ballycullen Farm was concerned the developers did not give you money in the
12:09:42 5 full knowledge that payments were to be made to councillors, is that right?

6 A. Yes, on its face yes.

7 Q. 330 If I am incorrect Mr. Dunlop?

8 A. No, that is correct yes.

9 Q. 331 All right. So now what I want you to explain to the Tribunal is your position
12:09:54 10 as outlined before we looked at this document is it was your belief always that
11 they knew that money was going to have to be paid to councillors?

12 A. Yeah.

13 Q. 332 That means does it not that they knew that the monies that were given to you
14 were given in the knowledge that you were going to have to make payments to
12:10:11 15 councillors?

16 A. Yeah, there is no other way of dealing with this Ms. Dillon just other than to
17 say I cannot give you a straight answer as to why I did not put the asterisk
18 there, other than in the circumstances that I briefly alluded to earlier on,
19 its quite different to be asked by a developer to act on his behalf in relation
12:10:38 20 to a rezoning motion and him or her saying "I know you are going to have to pay
21 councillors and I already myself had to pay X". That's one instance, another
22 is "Here is the money and I know you are going to have to give money to X, Y
23 and Z". And then demanding money back because "I am going to pay him myself."
24

12:11:07 25 Now in making -- I am not trying to make some sort of fine distinction here, I
26 am just saying in the totality of the circumstances in relation to each
27 development there is no specifics discussed with either Mr. Jones or
28 Mr. Hussey. I was of the firm view that they knew that I would have to do X, Y
29 or Z but they did not say to me, you know, give so much money to X, Y and Z or
12:11:37 30 tell us how much money you are going to give to X, Y and Z or I want you to

12:11:43 1 give money to X, Y and Z.
2
3 That's the only explanation for the absence of the asterisk and also in the
4 context of, and maybe blind siding myself by my -- I mean, my relationship with
12:11:55 5 Mr. Jones, I mean this is somewhat a little bit difficult, I have a high regard
6 for Mr. Jones, I do believe he is an honourable man, he is a distinguished
7 gentleman, he is of the old school, and I am not suggesting that because of
8 that I didn't put the asterisk in front of the Ballycullen Farm names, but I am
9 trying to explain to you the difference in the circumstances that I apply in
12:12:26 10 each, in relation to each development, where there is a clear knowledge on the
11 part of some people saying look I know you are going to have to give money to
12 councillors I had to do it myself or here is money to give to councillors and
13 take it back because I am going to do it myself.
14 Q. 333 Mr. Dunlop page 406 please.
12:12:42 15
16 CHAIRMAN: Sorry just before you leave that, if you look at the third
17 paragraph? All right I accept that there is no asterisk.
18 Q. 334 I am coming to deal with the third paragraph but that is the important point
19 Mr. Dunlop, is that you include in the statement the words that you now rely
12:13:01 20 on?
21 A. Yes.
22 Q. 335 To attribute corruption or knowledge of corruption to Mr. Jones and Mr. Hussey?
23 A. The ways of the world.
24 Q. 336 Isn't that right?
12:13:09 25 A. Yes.
26 Q. 337 But you do not when you prepare the statement, consider that to be evidence
27 that they knew of corruption, isn't that right?
28 A. Well I do believe --
29 Q. 338 If you go back to page 471, the point the Chairman was making, you outline in
12:13:25 30 the third paragraph "I informed Mr. Jones and subsequently Mr. Hussey that the

- 12:13:29 1 ways of the world would have to apply. Mr. Jones said he was fully aware of
2 that. He said that he had difficulties in the context of two Fine Gael
3 councillors Ms. Cass and Ms. Muldoon."
- 4 A. Yes.
- 12:13:39 5 Q. 339 You have put there what you would describe or what you have outlined this
6 morning as the essential statement that lead you to the view that both
7 Mr. Jones and Mr. Hussey were aware of corrupt activities in Dublin County
8 Council, isn't that right?
- 9 A. Mm-hmm.
- 12:13:52 10 Q. 340 And that is the information or that is the statement that was made that lead
11 you to that view?
- 12 A. Yes.
- 13 Q. 341 But notwithstanding the inclusion of that in your statement, you do not
14 attribute corrupt knowledge to Mr. Jones or Mr. Hussey?
- 12:14:05 15 A. No, that is clear.
- 16 Q. 342 Yes. So if we go back to what you say at page 406 and the introduction of your
17 statement which as you have outline this had morning it was much easier for you
18 to recollect matters in your statement because you had all the time to look at
19 documents and consider everything, isn't that right? In the statement in the
12:14:24 20 second last paragraph you say "Throughout this document the inclusion of an
21 asterisk beside a particular development denotes that monies were given to me
22 with regard to that development in the full knowledge that payments to
23 councillors were required to achieve support" isn't that right?
- 24 A. Yes.
- 12:14:39 25 Q. 343 If as you say, it was your belief that Mr. Hussey and Mr. Jones were aware of
26 your corrupt activities and approved of them, you should have put an asterisk
27 beside --
- 28 A. Yes I should yes.
- 29 Q. 344 Yes. But you didn't?
- 12:14:50 30 A. No I didn't.

- 12:14:51 1 Q. 345 And I presume Mr. Dunlop and correct me if I am wrong that you are the person
2 who decided who got the asterisk and who didn't?
3 A. Oh, yes I did.
- 4 Q. 346 Yes. So when you prepared that statement it follows Mr. Dunlop that
12:15:01 5 notwithstanding the factual basis that you have outlined in the statement, it
6 was your belief?
7 A. Yes.
- 8 Q. 347 That Mr. Hussey and Mr. Jones did not have knowledge of your corrupt
9 activities?
12:15:13 10 A. Yes, correct.
- 11 Q. 348 Yes. And therefore could not have approved of them in anyway or agreed to them
12 in anyway?
13 A. Yes, in the context of that statement, yes.
- 14 Q. 349 Because if you are correct in what you say in that statement, you are incorrect
12:15:26 15 in what you said in your later statement, isn't that right?
16 A. That's correct.
- 17 Q. 350 So either this statement is correct or your later statement is correct?
18 A. Correct.
- 19 Q. 351 Because they don't, they are not consistent Mr. Dunlop, one with the other,
12:15:38 20 isn't that right?
21 A. Other than in the circumstances I have explained in relation to the discussions
22 with both gentlemen about the ways of the world.
- 23 Q. 352 Yes, but in your discussions with Mr. Jones and Mr. Hussey, you are
24 sufficiently satisfied in your later statement?
12:15:53 25 A. Yes.
- 26 Q. 353 That what they said amounted to knowledge of corruption and approval?
27 A. Yes.
- 28 Q. 354 Of your corrupt activities, but you are not prepared to go that far or state
29 that in your statement of?
12:16:05 30 A. Correct.

- 12:16:05 1 Q. 355 Of October 2000?
- 2 A. October 2000 right.
- 3 Q. 356 Now what happened between October 2000 and today that lead you to the view that
- 4 Mr. Hussey and Mr. Jones were corruptly involved or had knowledge of your
- 12:16:17 5 corrupt activities?
- 6 A. Well I don't think anything dramatic took place in the intervening period other
- 7 than to say, when I was asked for my extra narrative statement or additional
- 8 narrative statement, however you describe it, I was asked to give details, I
- 9 was asked to explain my relationship with the people involved. Nothing
- 12:16:47 10 dramatic took place, in my view there is a consistency in all of this, in
- 11 relation to what I have said about a discussion with both gentlemen separately,
- 12 about the ways of the world, and an acknowledgement in my view, of what that
- 13 meant in their case, in their, in each of their cases.
- 14 Q. 357 But your belief is based on attributing knowledge to Mr. Jones and Mr. Hussey,
- 12:17:13 15 in the absence of any direct assertion by either Mr. Hussey or Mr. Jones that
- 16 they had such knowledge?
- 17 A. Yeah there is no direct assertion by either of them.
- 18 Q. 358 And would it be a fair comment to make that when you prepared your first
- 19 statement in October 2000 you were of the belief that Mr. Jones and Mr. Hussey
- 12:17:31 20 were not involved in corrupt activities?
- 21 A. Well I had no evidence that they were.
- 22 Q. 359 Yes but when you came to prepare your second or later statement of October 2004
- 23 without any further information?
- 24 A. Yes.
- 12:17:43 25 Q. 360 You formed the view that Mr. Hussey and Mr. Jones had knowledge of your corrupt
- 26 activities?
- 27 A. Knew, yes had knowledge, yes.
- 28 Q. 361 So you based that knowledge on your interpretation of what was meant by the
- 29 words the ways of the word or they knew the ways the world worked?
- 12:17:58 30 A. Correct.

- 12:17:59 1 Q. 362 Right. And neither Mr. Jones nor Mr. Hussey ever made a positive statement or
2 assertion to you that they knew councillors would have to be paid?
- 3 A. No.
- 4 Q. 363 All right. That would follow then from that, that insofar as your second
12:18:11 5 statement is concerned Mr. Dunlop, at page 544 that where you say at the end of
6 that paragraph "Mr. Hussey at a meeting with me acknowledged that payments to
7 councillors would be required in respect of the lands surrounding the offices
8 of Jones Group PLC at Beechill". No such conversation took place?
- 9 A. Other than I have outlined to you this morning.
- 12:18:34 10 Q. 364 Mr. Hussey never made a statement in which he said that he knew councillor
11 would have to be paid?
- 12 A. No.
- 13 Q. 365 What Mr. Hussey said he knew the ways of the world?
- 14 A. Correct.
- 12:18:42 15 Q. 366 And what Mr. Jones said to you was the same?
- 16 A. Correct.
- 17 Q. 367 From that you deduce in 2004 they were aware of your corrupt activities?
- 18 A. Yes.
- 19 Q. 368 Having previously had the view that they were not aware?
- 12:18:52 20 A. Correct.
- 21 Q. 369 And you are not in a position to explain what it is that lead to you this
22 change in view?
- 23 A. No, not really. Nothing dramatic.
- 24 Q. 370 When you had your conversation with Mr. Jones when he said he was fed up paying
12:19:04 25 political parties, was Mr. Jones linking in any way the payments he had made to
26 political parties to his attempts to get the Ballycullen lands rezoned?
- 27 A. Well if he was, he didn't specify that to me.
- 28 Q. 371 So he simply made a statement at that he was fed up paying political parties?
- 29 A. Yes is the answer. The context again is one in which Mr. Jones gave me the
12:19:36 30 impression is as strongly as I can put it, gave me the impression that he was a

- 12:19:41 1 target for political parties looking for money for whatever purpose,
2 fundraising, on an ongoing basis and that he had, as he said himself, become
3 fed up giving money to political parties.
- 4 Q. 372 And did you ever at any stage subsequent to this conversation with Mr. Jones,
12:20:06 5 or indeed your later conversation with Mr. Hussey, ever discuss with them the
6 disbursements you had made?
- 7 A. No the last time I met Mr. Jones was socially about a year ago in a restaurant
8 and when I went to pay my bill I suddenly discovered that it had been paid by
9 Mr. Jones. I wrote him a letter and enclosed a copy of a little tome that I
12:20:31 10 had written and sent it to him as a gift and thanked him for disposing of the
11 bill.
- 12 Q. 373 Yes but if we can go back to the question which was did you ever discuss with
13 either --
- 14 A. Sorry yes that's the last time I met him, I never discussed with him at any
12:20:44 15 stage, socially, at a meeting, privately with him, collectively with others,
16 never discussed that issue with him.
- 17 Q. 374 Or with Mr. Hussey?
- 18 A. No.
- 19 Q. 375 So that your only discussion in relation to your corrupt activities was, were
12:20:59 20 the discussions that you have outlined this morning?
- 21 A. Correct.
- 22 Q. 376 This assertion or statement that they knew how the ways of the world worked?
- 23 A. Yes.
- 24 Q. 377 All right. Now Mr. Jones and Mr, first of all Mr. Jones denies he ever said to
12:21:11 25 you that you ever said to him I beg your pardon, that the ways of the world
26 would have to apply, he denies that. That's a matter for him. And both
27 Mr. Hussey and Mr. Jones say that there was never, they never had any knowledge
28 of the activities with which you were involved and that is their position?
- 29 A. That's their position, I mean I can't discount that.
- 12:21:34 30 Q. 378 If we can come now to deal with the, your actual involvement Mr. Dunlop, in the

- 12:21:40 1 rezoning of the Ballycullen lands, and if purely for, I think context, and
2 historically, these land, the Ballycullen lands had been zoned agriculture,
3 isn't that right, in the 1983 plan?
- 4 A. Yes, that's right yes.
- 12:21:54 5 Q. 379 And you may not have been aware of it before your involvement, the manager had
6 proposed at page 106 that the, a certain amount of the lands would be rezoned
7 industrial and these are the sort of purple coloured lands on screen, they are
8 the northern portion of the Ballycullen lands in the centre?
- 9 A. What plan is that?
- 12:22:15 10 Q. 380 On that map, in the centre you see --
- 11 A. What plan is that?
- 12 Q. 381 That is the 1990 Draft Development Plan?
- 13 A. Sorry the Draft Development Plan 1990.
- 14 Q. 382 The manager had proposed the rezoning of the portion, the northern portion if I
12:22:29 15 can Dail that the Ballycullen lands to industrial?
- 16 A. Yes.
- 17 Q. 383 And it would appear that that was acceptable to Mr. Jones, that rezoning, but
18 subsequently in early February of 1991 motions were submitted by Breda Cass and
19 Mary Muldoon and Alan Shatter seeking the dezoning of those lands from E back
12:22:53 20 to agriculture, and prior to that a submission had been made by Mr. Jones on
21 behalf of him by Sean O'Leary, whom I think you met in the course of this
22 matter?
- 23 A. Yes of Murray O'Leary.
- 24 Q. 384 Murray O'Leary, and they had sought at page 1377 and this was a submission in
12:23:14 25 the course of the Development Plan, and they had sought that part of the site
26 would be zoned objective E and that was the same as the manager had proposed on
27 the map you have just seen, and the second was that they were seeking A1
28 residential on 38.2 hectares?
- 29 A. Yes.
- 12:23:35 30 Q. 385 That was submitted on behalf of Mr. Jones on the 7 February 1991 at 1373. So

- 12:23:43 1 Mr. Jones had people already engaged and they were involved in the Development
2 Plan. And in fact at this stage the manager had himself, the manager had
3 proposed the rezoning of the lands to E industrial.
- 4 A. Why did he need me?
- 12:23:58 5 Q. 386 On the 8th February 1991 Ms. Breda Cass, Mary Muldoon and Mr. Alan Shatter
6 submitted motions at 1379 please seeking that all of the lands which were
7 outlined in red on the map at 1380 if we can have both on screen together? Now
8 the map that you are looking at there, its the northern part of the lands that
9 are outlined in red and they have the letter E in the centre, its above the
10 words Ballycullen, actually if we just have page 1380 on screen by itself, 1380
11 and turn the map? Now you see the letter E?
- 12 A. Yes, there to the right.
- 13 Q. 387 If we just turn it and leave it full size, that's fine. You see the letter E
14 there? In the centre of the screen above the word Ballycullen, E denotes
15 industrial zoning, isn't that right?
- 12:25:29 16 A. Yes.
- 17 Q. 388 And this was the manager had proposed that those lands which are the northern
18 portion of the Ballycullen lands would be zoned E. This motion was seeking to
19 rezone those lands from E back to B agriculture. And not alone did Ms. Cass,
12:25:47 20 Muldoon and Shatter put in a motion, but at page 1381 Ms. Eithne Fitzgerald put
21 in a motion and at -- Ms. Eithne Fitzgerald put in a motion seeking the same
22 result and Mr. John Hannon, 1384 please, had also put in a motion, so there
23 were three motions that were opposing what the manager wanted, all signed by
24 different people, and they were lodged in early February of 1991 with Dublin
12:26:15 25 County Council. I think it would follow, Mr. Dunlop, that Mr. Jones and
26 Mr. O'Leary are people who are involved in seeking the rezoning, would have
27 realised at that stage that they had a problem insofar as the industrial zoning
28 was concerned?
- 29 A. Yes, it was pretty obvious from that, yes.
- 12:26:38 30 Q. 389 So you had three motions, you have six or seven councillors signing them and

- 12:26:41 1 you are, you realise that there are going to be difficulties if you are the
2 promoter of the lands, isn't that right?
- 3 A. Well just for, again context, the signatures of the motion if you go back to
4 the first one, Breda Cass, Mary Muldoon.
- 12:26:55 5 Q. 390 And Alan Shatter?
- 6 A. Alan Shatter, reasonably, Alan Shatter would have, I am not certain he was a
7 Dail Deputy at the time if he was it would have been in his constituency, but
8 he was certainly a councillor as well, so these would be local councillors
9 particularly Cass and Muldoon and Hannon in the latter motion, in the last one.
- 12:27:24 10 Q. 391 Mr. Hannon proposed the amendment, yes at page 1384?
- 11 A. And what is the amendment.
- 12 Q. 392 Sorry that's another amendment?
- 13 A. Correct. Yeah, yeah I thought that.
- 14 Q. 393 The zoning on lands be altered from E to B so these three?
- 12:27:40 15 A. Yes its different. So the point just is that going back to your question,
16 Mr. Jones would have realised he had a problem, here are at least two if not
17 more councillors and a TD in the local area trying to get a dezoning on land
18 that the manager had already said was suitable for industrial.
- 19 Q. 394 But it would have been clear from anybody considering that that even though the
12:28:06 20 manager had suggested and put forward a map with an industrial zoning on the
21 northern portion of the lands that there was going to be a big difficulty in
22 holding the industrial zoning in the light of the motions because once the
23 motions went into Dublin County Council there was going to have to be a vote?
- 24 A. Correct.
- 12:28:24 25 Q. 395 Right. And I think that following that in the first meeting you had with
26 Mr. Jones was on the 21st February 1991?
- 27 A. Mm.
- 28 Q. 396 1386. Do you have the page Mr. Dunlop? If you look at the 21st February at
29 the bottom the last entry, Jones 4 to 5 pm. And I think Mr. Kavanagh, do you
12:29:14 30 have the original diary? For February 1991?

- 12:29:19 1 A. No I have it, I am just intrigued for a minute about why its Denis Jones
2 initially and then its changed to Chris, well I never met the man before, but
3 it is Chris Jones that I was meeting between 4 and 5, yes. There is a question
4 mark in front of it but...
- 12:29:44 5 Q. 397 And there is a word written above that?
6 A. Well the word underneath Ms. Dillon is "Denis" and its crossed out and "Chris"
7 is written in and if you go back up to the top, the part dealing with the
8 before lunch it says 11 o'clock "Denis Jones" and that's crossed out, with a
9 question mark.
- 12:30:06 10 Q. 398 Certainly you identify in your statement to the Tribunal this as being your
11 first meeting with Mr. Jones?
12 A. Correct.
- 13 Q. 399 And you identify it specifically when you are asked to provide the diary
14 entries that relate to Mr. Jones and Mr. Hussey and you identified this at the
15 first meeting, who was at the meeting Mr. Dunlop?
16 A. Sorry.
- 17 Q. 400 Who was at the meeting?
18 A. Just Chris Jones and myself.
- 19 Q. 401 Where did the meeting take place?
20 A. In Beechill, in his office in Beechill.
- 21 Q. 402 In Clonskeagh?
22 A. In Clonskeagh, yeah.
- 23 Q. 403 What matter was discussed between you?
24 A. Ballycullen.
- 12:30:36 25 Q. 404 The rezoning of the farm lands?
26 A. The rezoning of the farm lands, yes.
- 27 Q. 405 Right. And what did Mr. Jones ask you to do?
28 A. He asked me to help him to get it rezoned.
- 29 Q. 406 And what advice did you give him?
30 A. I told him that in the context of the Development Plan there was a procedure in

12:31:04 1 the context of the Development Plan -- yeah that's the same.
2 I told him that in relation to the Development Plan as distinct from putting in
3 a planning application or dealing with what was known as a section 4 motion,
4 that there was a procedure in relation to the Development Plan which would
12:31:32 5 entail the management coming forward with what they thought was the appropriate
6 for the land, that would go on display, the motions could be -- observations
7 and submissions could be made, as a result of it coming back on display motions
8 could be put forward, it would have to go to a vote on the council and this
9 could go on for quite a period, in general the process involving rezoning in
12:32:02 10 the context of the Development Plan.

11 Q. 407 Mr. Jones had identified what he wanted to achieve?
12 A. Yes.

13 Q. 408 Which was the rezoning of the Ballycullen lands?
14 A. Yes.

12:32:10 15 Q. 409 You were brought in?
16 A. Yes.

17 Q. 410 Mr. Jones telephones you, is that correct?
18 A. Yes, I can't absolutely say to you and I don't, I am not looking at my
19 telephone records either here, but I mean obviously he called and that's why
12:32:27 20 its in my diary.

21 Q. 411 I think you have stated that its your belief though you have no evidential base
22 for that, that it was Mr. Lawlor who was in some way involved, the late
23 Mr. Lawlor, in recommending you or advising Mr. Jones to contact you?
24 A. Yes and the reason I believe that, is that during the course of some early
12:32:47 25 conversations with Mr. Jones he alluded to advice from Mr. Lawlor.

26 Q. 412 Yes. And what advice did he say Mr. Lawlor had given him?
27 A. Well he didn't specifically say what advice, he put it in the context that he
28 had been talking to Liam in relation to the lands. I have no knowledge of what
29 Liam Lawlor, the late Liam Lawlor said to him, Chris Jones didn't outline it
12:33:20 30 and I just proceeded on the basis that even if it had been Liam Lawlor who had

- 12:33:24 1 recommended me, this was a man who was asking me what the process was or what
2 should, you know, what it entailed.
- 3 Q. 413 And as you know Mr. Dunlop, the process entailed from your point of view, the
4 payment of money to councillors?
- 12:33:40 5 A. Yeah.
- 6 Q. 414 But that was not, you say, specifically discussed at this meeting?
- 7 A. No.
- 8 Q. 415 Okay. So did you outline to Mr. Jones what would have to be done in order to
9 achieve a rezoning, in the context of the Development Plan review?
- 12:33:52 10 A. As I recollected yes. Again in the context of Mr. Jones outlining in some
11 detail in a frustrated way, his relationship with various people, councillors
12 which I know nothing about, I knew nothing about then until he told me and I
13 know nothing about now. That was the context, he was fed up with the whole
14 thing, saw an opportunity, somebody suggested to him that the Development Plan
12:34:22 15 was the opportunity to get the lands rezoned or make a final attempt to get the
16 lands rezoned.
- 17 Q. 416 Insofar as Mr. Jones outlined he had difficulties with councillors these were
18 that he wasn't in a position to bring certain councillors around to agreement
19 to his plans for the lands?
- 12:34:37 20 A. Yes. I mean I took it in, in those circumstances, and as you have outlined it
21 in the relation to the motions that were put forward.
- 22 Q. 417 And he identified to you, I think as you previously told the Tribunal,
23 Councillors Muldoon and Cass as being particular opponents to any proposed
24 rezoning of those lands?
- 12:34:54 25 A. Yes that would be putting it rather politely.
- 26 Q. 418 Yes but the position is that they were opponents to the rezoning of these land.
- 27 A. Oh, yes, correct.
- 28 Q. 419 Mr. Jones had identified that as a difficulty and you were called in to see
29 what expertise you could bring?
- 12:35:11 30 A. Yes.

- 12:35:11 1 Q. 420 To getting the lands rezoned. And its in that context that you have your
2 discussion with Mr. Jones about what needs to be done, isn't that right?
- 3 A. Yes.
- 4 Q. 421 And what advice did you give him?
- 12:35:23 5 A. Well the advice I gave him was the advice, well the advice I gave him was I
6 explained the Development Plan process to him, explained in reasonable terms
7 what the time frame was, nobody knew what the time frame was, it was impossible
8 to tell anybody what was going to happen and how long it was going to take and
9 that the process entailed motions and submissions and motions to the
12:35:59 10 Development Plan process.
- 11 Q. 422 You outlined that it would be necessary for him or somebody on his behalf to
12 make a formal submission to Dublin County Council?
- 13 A. Yes. I think in fairness to Mr. Jones, I think he may well have had some
14 knowledge of that already because I think Murray O'Leary may well have outlined
12:36:17 15 something along those lines to him as well.
- 16 Q. 423 Yes. And we have already seen that in fact Murray O'Leary had prepared a
17 submission and had lodged a submission?
- 18 A. Yes.
- 19 Q. 424 In early February of 1991 with Dublin County Council, so insofar as that was
12:36:31 20 required to be done, Mr. Jones already knew that?
- 21 A. Yes.
- 22 Q. 425 So and he already obviously had an engineer or an architect on board in
23 relation to the matter?
- 24 A. He could, well Murray O'Leary are architects so I presume he had.
- 12:36:44 25 Q. 426 What expertise were you bringing to the endeavour Mr. Dunlop?
- 26 A. Political, the political lobbying.
- 27 Q. 427 The lobbying of councillors?
- 28 A. Of councillors.
- 29 Q. 428 Did you discuss the lobbying of councillors with Mr. Jones?
- 12:36:55 30 A. Yes. I would have said to him that although it seems rather trite now, but

- 12:37:02 1 then that you have to talk to the local councillors first, this was the context
2 in which he outlined in his rather frustrated way his difficulties with the
3 local councillors, that you have to talk to them, you certainly have to get
4 them on board in the context of putting the motion down at a suitable time and
12:37:24 5 I undertook in conclusion, to all of this, and I am not saying all of this took
6 place over the course of the first meeting, but in conclusion in the early days
7 with him, that I would undertake to do that.
- 8 Q. 429 So your function was to see could you achieve sufficient support among the
9 councillors particularly the local councillors to get support for Mr. Jones
12:37:48 10 proposals to rezone the lands?
- 11 A. Yes and again for completeness, Ms. Dillon, he outlined also various other
12 factors which you probably will go into, but there were other people involved,
13 employees involved who had connections with the political system, who were, had
14 helped or were helping.
- 12:38:08 15 Q. 430 You were talking about Mr, the Brooks brothers, Mr. Oliver Brooks and Mr. Frank
16 Brooks who worked for Mr. Jones?
- 17 A. Correct, I think one is the manager of the farm and the other worked on the
18 farm.
- 19 Q. 431 Both of whom agree that they were long standing members of the Fianna Fail
12:38:23 20 party?
- 21 A. Yes, one of them went on to be a councillor himself.
- 22 Q. 432 Yes. And did Mr. Jones tell you of the involvement or the availability of
23 Mr. Brooks, brothers Brooks?
- 24 A. He said very early on and I am not, again I am not specifically saying this was
12:38:38 25 said at the first meeting but certainly very early on that I have Oliver Brooks
26 and Francis Brooks had been involved in interaction with local councillors and
27 local politicians, but specifically on the Fianna Fail side because of their
28 connection.
- 29 Q. 433 And did you discuss fees with Mr. Jones at this meeting?
- 12:38:59 30 A. Eventually yes.

- 12:39:00 1 Q. 434 At that meeting?
- 2 A. I cannot say absolutely say to you that that was the meeting, dates will bring
- 3 it into focus I am sure, but certainly at an early stage, yes obviously we
- 4 discussed fees.
- 12:39:11 5 Q. 435 And how did you arrive at a fee of 15,000 pound?
- 6 A. I think I asked him for 20 and said it would cost 20 and we ended up at 15.
- 7 Q. 436 When you say you it would cost 20 were you talking, at that stage, about your
- 8 fees in respect of the rezoning of the land, the exercise you were going to
- 9 carry out the lobbying exercise or were you saying to Mr. Jones some of, you
- 12:39:33 10 know, that its going to cost you 15,000 pounds because I am going to have to
- 11 make payments out of it?
- 12 A. No no, that was never said.
- 13 Q. 437 So that your negotiation with your fee did not include any discussion in
- 14 relation to any disbursements you might have to make out of the monies?
- 12:39:48 15 A. No.
- 16 Q. 438 Although you did tell the Tribunal in the private interviews that you believed
- 17 that Mr. Jones knew you were going to have to make disbursements?
- 18 A. Correct.
- 19 Q. 439 But that belief is based on the sentence that you believed he knew how the ways
- 12:40:01 20 of the world worked?
- 21 A. Correct.
- 22 Q. 440 All right. And nothing further than that?
- 23 A. Nothing further than that.
- 24 Q. 441 Did you make notes at your meeting Mr. Dunlop, I am asking you this because at
- 12:40:14 25 1103 you provided discovery to the Tribunal of your file in connection with
- 26 Ballycullen and the first document is an undated document?
- 27 A. Yes.
- 28 Q. 442 It seems to be a note in your handwriting?
- 29 A. Yes.
- 12:40:26 30 Q. 443 At the top it says circa 200 acre Ballycullen road both sides, seems to be a

- 12:40:33 1 description of the location of the property?
- 2 A. Yes.
- 3 Q. 444 Up to the Augustinians, the Old Bawn Road, Dale Tree Road, you are getting
- 4 where the location of the lands are?
- 12:40:41 5 A. Mm-hmm.
- 6 Q. 445 Then you have "Oliver" which must be a reference to Mr. Brooks, is that right?
- 7 A. Yes.
- 8 Q. 446 Had you known Mr. Brooks, either Mr. Oliver or Mr. Frank Brooks before this?
- 9 A. I knew of them, I didn't know them very well, I knew of them and apart from
- 12:40:55 10 acknowledging one another, I subsequently came to know one of them reasonably
- 11 well but at that stage I didn't know them very well, no.
- 12 Q. 447 But you would have known them?
- 13 A. Oh I would have known them yes.
- 14 Q. 448 Because you say Oliver?
- 12:41:08 15 A. For completeness again, sorry to interrupt you, Ms. Dillon, I would have known
- 16 one of them certainly, I think as a result of the process I came to know the
- 17 other, but certainly at that stage, at this stage when I put down Oliver, I
- 18 would have known him.
- 19 Q. 449 So that you are writing Oliver, if you hadn't known Mr. Brooks you would
- 12:41:28 20 probably would not have written down Oliver, so it follows when you make the
- 21 note which seems to be the notes of the first meeting?
- 22 A. It seems to be an early meeting, they don't seem to be very professional notes,
- 23 they may just be notes I was making as Chris Jones was talking, particularly in
- 24 relation to the location and what Oliver Brooks had or had not done.
- 12:41:47 25 Q. 450 That records that Oliver met Breda Cass, Tom Kitt and Seamus Brennan, now
- 26 Mr. Kitt and Mr. Brennan were they local TDs?
- 27 A. At that stage, yes and the possibility is one of them was a councillor.
- 28 Q. 451 Mr. Kitt.
- 29 A. Yes and I do believe that Seamus Brennan may well have been briefly a
- 12:42:09 30 councillor, whether it was at that time or not, I don't know. But certainly

- 12:42:17 1 can I say they were both TDs? I am not absolutely certain they were both TDs.
- 2 Q. 452 Fine.
- 3 A. But certainly one was a councillor and one was a TD.
- 4 Q. 453 Yes and there is a reference to M Muldoon, school etcetera. And Ms. Muldoon
- 12:42:30 5 had put in the motion in early February?
- 6 A. Yeah I think that relates to something that Ms. Muldoon had said to one or
- 7 other of the representatives of the Jones Group, about something to do with a
- 8 school, whether it related to fundraising or something, I am not absolutely
- 9 certain about that, but certainly the reference to the school would probably
- 12:42:54 10 logically entail that she was referring to either the need for a school or
- 11 updating the school or the fact that there was a school there, might adversely
- 12 impact on any development.
- 13 Q. 454 And beneath that, "T Hand" that's a reference to Tom Hand?
- 14 A. Correct.
- 12:43:11 15 Q. 455 If this is a note that was taken at the first or second meeting it would
- 16 suggest that Tom Hand was discussed between yourself and Mr. Jones at the first
- 17 two meetings?
- 18 A. Yes.
- 19 Q. 456 What discussions did you have with Mr. Jones about Tom Hand at either the first
- 12:43:25 20 or second meeting?
- 21 A. Well I think Tom Hand's name probably is there at my instigation, I wrote it
- 22 down obviously, but its probably there because I probably raised his name. I
- 23 don't recollect Mr. Jones initially talking about Tom Hand although he did ask
- 24 me to arrange a meeting but this is purely residual, I can't say for definite.
- 12:43:54 25 I have the impression that Mr. Jones knew of Tom Hand, or had met him
- 26 previously, I cannot say that absolutely, but the fact that I put his name down
- 27 there, I would have to say fairly straightforwardly, was because I was
- 28 recommending to Mr. Jones that he either meet him or discuss the matter with
- 29 him or get him involved.
- 12:44:17 30 Q. 457 Yes. I think Mr. Jones, I am subject to correction on this, on his statement

12:44:24 1 to the Tribunal accepts he did know Mr. Hand and that political donations had
2 been paid to Mr. Hand prior to your involvement?

3 A. As I say Mr. Jones, if he says that in the statement fine, but I have -- if
4 this is my handwriting and this is my note, I would have to suggest that I am
12:44:41 5 making that note on the basis that I am the one who is raising the name with
6 the purpose of talking to him.

7 Q. 458 Was Mr. Hand a local councillor?

8 A. Mr. Hand was -- I am not absolutely certain that his ward area covered the
9 Ballycullen lands. He was from Dundrum, the Dundrum if my recollection is
12:45:06 10 correct, the Dundrum ward, he lived in Dundrum. He, again I doubt if his -- I
11 stand to correction on this, if his ward, the geography of his ward went as far
12 as Ballycullen, I am not absolutely certain about that.

13 Q. 459 The location of these lands were Tallaght?

14 A. Yes.

12:45:27 15 Q. 460 Old Bawn?

16 A. Old Bawn, exactly, yes. Which is another ward, electoral ward area.

17 Q. 461 Away.

18 A. In the County Council areas.

19 Q. 462 But if this is a note that you made at the first or second meeting with
12:45:43 20 Mr. Jones one of you and you think it was probably yourself had introduced
21 Mr. Hand into the equation?

22 A. Correct.

23 Q. 463 And it is a fact Mr. Dunlop that ultimately Mr. Hand signed the both of the
24 motions, seeking the rezoning of the Ballycullen and Beechill lands?

12:45:56 25 A. Yes.

26 Q. 464 I think it is Mr. Jones position that he had known Mr. Hand prior to you
27 becoming involved in the Ballycullen rezoning matter?

28 A. Yeah.

29 Q. 465 Now in relation to the fee of 20,000 pounds, the fee that you are negotiating
12:46:12 30 with Mr. Jones, you know because you know the system you say existed in Dublin

- 12:46:17 1 County Council that you are going to have to pay councillors to get these lands
2 rezoned?
- 3 A. Mm-hmm.
- 4 Q. 466 You don't know how much you are going to have to pay, isn't that right?
- 12:46:25 5 A. That's correct.
- 6 Q. 467 So how do you fix a fee with a developer in those circumstances when you don't
7 know what your costs of the enterprise are going to be?
- 8 A. Well you don't know as you rightly say. I suppose its something of a chance.
9 It has to bear what the developer or proponent, or the owner of the land is
10 prepared to bear. If I say a 100,000 in the context of the time I don't think
11 Mr. Jones would have continued with the meeting for very much longer, even
12 though it may well be that he could have afforded a 100,000 pounds, that's not
13 the issue. The issue is that you pitch a fee that you regard as reasonable and
14 that you work accordingly.
- 12:47:15 15 Q. 468 What you say you paid the councillors in relation to these lands is you say you
16 paid Mr. Hand and Mr. Lydon 2,000 pounds each, that's 4,000. You paid?
- 17 A. Yeah.
- 18 Q. 469 I think six other councillors Mr. McGrath, Mr. Fox, Mr. Gilbride,
19 Mr. Gallagher, Mr. Larkin and Mr. Cosgrave 1,000 each, that's 10,000 and you
12:47:35 20 paid an unspecified sum but certainly a small sum to Mr. John O'Halloran?
- 21 A. Yes.
- 22 Q. 470 So that your outgoings in respect of Ballycullen were 10,000 pounds?
- 23 A. Yes.
- 24 Q. 471 And on -- when you agreed your fee will have 17,500 pounds if that was all you
12:47:54 25 ever got you were paying over 50 percent of the monies that you got out in
26 bribes to the councillors?
- 27 A. Yes.
- 28 Q. 472 So your return is very little?
- 29 A. 50 percent.
- 12:48:03 30 Q. 473 Yes. But out of 60,000 pounds Mr. Dunlop?

- 12:48:06 1 A. Yes.
- 2 Q. 474 A payment of 10,000 shows a significantly greater return?
- 3 A. Yes.
- 4 Q. 475 Isn't that right? Can you outline the circumstances in which you came to agree
- 12:48:17 5 with Mr. Jones an increased figure or a greater figure than the 15,000?
- 6 A. No, I can't is the answer. And that is something first of all I apologise
- 7 about it, but its just something that I can't. Obviously, it is obvious let me
- 8 start it this way -- it is obvious that some renegotiation took place at some
- 9 stage during the course of the period between February 1991 and October 1993 or
- 12:48:49 10 the end of 1993 when the process came to an end, a blind bat would come to the
- 11 same conclusion obviously. I cannot tell you how I renegotiated that with
- 12 Mr. Jones and I don't recollect sitting down and renegotiating it with him or
- 13 the process by which I did it, I cannot tell you that, other than to say it is
- 14 palpably obvious it is done otherwise the payments wouldn't be made.
- 12:49:24 15 Q. 476 And the position you maintained with the Tribunal up until yesterday was the
- 16 sum you had been paid was 17,500 out of which you had paid 10,000 and possibly
- 17 some small change to councillors?
- 18 A. Yes.
- 19 Q. 477 Which would have then shown a net profit of about 7,000 pounds to you, isn't
- 12:49:39 20 that right?
- 21 A. Yes.
- 22 Q. 478 So that in any calculation you might be making for income tax purposes your
- 23 profit on that endeavour showed on paper at 7,000?
- 24 A. Yes.
- 12:49:47 25 Q. 479 But now today if you, your figures of your outgoings in respect of the
- 26 endeavour are at 10,000 and your income is 60,000 pounds you are looking at a
- 27 profit of 50,000 pounds on the endeavour?
- 28 A. Yes.
- 29 Q. 480 Which is a huge multiple of the 7,500 which is where you started yesterday
- 12:50:07 30 morning, is that right?

12:50:07 1 A. Yes.

2 Q. 481 And creates an equal, a follow on tax liability Mr. Dunlop?

3 A. It may well do yes.

4 Q. 482 Yes. But you did not and you have no specific recollection of renegotiating

12:50:18 5 with Mr. Jones, but you accept that it follows you must have done so?

6 A. Yes.

7 Q. 483 Is that right?

8 A. Is there a moment in which I can just say something --

9 Q. 484 Yes of course.

12:50:28 10 A. The thing I find odd about yesterday is I have no difficulty whatsoever in

11 acceding to the outline of the payments that you made, as I say.

12 Q. 485 Sorry Mr. Dunlop its your evidence?

13 A. Yes I am saying but you outlined the payments as per the documentation that was

14 submitted to you by Mr. Jones, by the Jones Group.

12:50:48 15 Q. 486 And yourself.

16 A. Correct. And in my own documentation which is something that slightly annoys

17 me, in my own documentation it is palpably obvious and this is documentation we

18 freely submitted, that I and I take full responsibility for it, couldn't add or

19 didn't add up properly. If you add up the figures in relation to the

12:51:12 20 submission you would get more than 17,500. What I also find odd is that on, in

21 the time that I had in the box yesterday, looking at it, it appears to me that

22 not only did I get it wrong, but that the Jones Group also got it wrong in the

23 amount of monies that they say that they paid me, which is completely different

24 to the amount of money that you say.

12:51:34 25

26 Now nothing rides on this as far as I am concerned in the context of the

27 outline that you gave on foot of the documentation that both I and the Jones

28 Group submitted, its not questioned. Its not being questioned, all I am just

29 saying to you is I find it odd that I did not, on foot of my own documentation,

12:51:54 30 for getting about anything to do with the Jones Group, on foot of my own

- 12:51:58 1 documentation, I didn't add it up properly
- 2 Q. 487 The point you are making Mr. Dunlop is this. You said 17,500, your
- 3 documentation that you provided showed a figure of in excess of 40,000 pounds,
- 4 you say you accept the figures is now 60,000 pounds and you make the point that
- 12:52:11 5 the Jones Group in the documentation they furnished the Tribunal didn't come to
- 6 a figure of £60,000 either?
- 7 A. Correct.
- 8 Q. 488 Fine. Now if we go back to the deal with the question which was, that I was
- 9 putting to you is that you you have no recollection of moving from your initial
- 12:52:26 10 starting position of 15,000 pounds to Mr. Jones to a later position of 60,000
- 11 pounds but you accept it must have happened?
- 12 A. It must have happened.
- 13 Q. 489 Because you don't dispute the documentation?
- 14 A. No it's indisputable. And the only other point that I will make and its a
- 12:52:41 15 point of circumstance and that is its obvious from the relationship with the
- 16 Jones Group, or with Mr. Jones and we'll take that as referring to the
- 17 totality, both Beechill and Ballycullen, that this went on for a period of two
- 18 years with a significant number of meetings and quite a significant level of
- 19 telephone contact by them to me, which is my telephone records, it's coming
- 12:53:13 20 calls that show, that I am showing, there is no outgoing calls.
- 21 Q. 490 Yes. You have we'll go through those Mr. Dunlop, but you have disclosed those
- 22 in your statement to the Tribunal, but the diary records and telephone
- 23 attendances in connection with the Jones Group. But you do not identify the
- 24 diary entries or telephone records with the councillors in connection with the
- 12:53:34 25 Jones Group, but we'll go through all of the possible --
- 26 A. I don't identify?
- 27 Q. 491 The list that you provided to the Tribunal for the Jones Group with the
- 28 telephone contacts relates to Mr. Hussey, Mr. Jones and Mr. Brooks?
- 29 A. Exactly they do not refer to the councillors.
- 12:53:52 30 Q. 492 Councillors whom you contacted in or around that time in connection with the

- 12:53:56 1 Jones Group?
- 2 A. No.
- 3 Q. 493 But we'll be coming to all references to those councillors in that period in
- 4 any event. Mr. Hands' ward, electoral ward was Clonskeagh.
- 12:54:06 5 A. Clonskeagh. Yes.
- 6 Q. 494 That would not have been the same electoral ward, is that correct, where these
- 7 lands are situated?
- 8 A. No.
- 9 Q. 495 That would have been Tallaght or Old Bawn?
- 12:54:13 10 A. Yes.
- 11 Q. 496 But if your note of the first or second meeting took place is accurate then
- 12 certainly you had introduced you think Mr. Hand into this equation at a very
- 13 early stage?
- 14 A. Yes.
- 12:54:22 15 Q. 497 Albeit that he was not a local councillor?
- 16 A. Correct.
- 17 Q. 498 Fine. Now I think you met Mr. Jones again on the 12th April, 1391 please and at
- 18 1392 if we can have both pages 1391 and 1392, on the 7th May. You see on the
- 19 7th May?
- 12:54:48 20 A. Yes.
- 21 Q. 499 On that date the 7th May, Mr. Jones sends you, or gives you a letter and he
- 22 provides you with a cheque for 2,500 pounds?
- 23 A. Correct.
- 24 Q. 500 Now we looked at that yesterday in relation to the letter and the cheque and
- 12:55:06 25 you don't dispute that you would have received 2,500 pounds at this time?
- 26 A. No.
- 27 Q. 501 Now I just want to show you what Mr. Jones says, 1398 please, 1393, I beg your
- 28 pardon. In this letter accompanying the cheque Mr. Jones says "Herewith cheque
- 29 for 2,500 pounds to clear up to date fee on Ballycullen, as agreed"
- 12:55:36 30 A. Mm-hmm.

12:55:37 1 Q. 502 So obviously if he is correct in that you had agreed this figure with
2 Mr. Jones?
3 A. Mm-hmm.
4 Q. 503 And if the first meeting was 21st February and the second meeting was on the
12:55:45 5 12th April you agreed this fee of 2,500 at one of those meeting?
6 A. That's what I said earlier the dates would show.
7 Q. 504 So you had some discussion about money, you said you agreed 15,000 but he is
8 talking about an up-to-date fee on Ballycullen as agreed. What does up to date
9 fee mean Mr. Dunlop?
12:56:04 10 A. That I don't know, I can't answer that question.
11 Q. 505 Would it not suggest to you that there had been prior fees?
12 A. Yes.
13 Q. 506 Yes.
14 A. Well in any reasonable reading of it would, that there had been, but to my
12:56:18 15 knowledge there wasn't.
16 Q. 507 There wasn't any prior --
17 A. No as far as I am, any documentation that I submitted to you or to the
18 Tribunal, sorry, was in the context of this being the first payment is that not
19 correct.
12:56:32 20 Q. 508 Yes.
21 A. But I mean, the point that you raise is to clear up to date fee, almost
22 presupposes that there was a previous fee.
23 Q. 509 Yes.
24 A. Or that there was another fee.
12:56:44 25 Q. 510 But you don't recollect any such?
26 A. No.
27 Q. 511 Mr. Hand in fact, his ward in his ward the Beechill offices were located?
28 A. Yes, they were yeah.
29 Q. 512 The fact that at your first meeting you put Mr. Hand's name down on paper,
12:56:58 30 would that suggest to you that you did in fact discuss the Beechill situation

12:57:10 1 at the first meeting?

2 A. No he -- I am virtually certain he did not discuss the Beechill situation with

3 me at the first meeting, because he subsequently as I recollected, he raised

4 the Beechill issue at a subsequent meeting and that brought Mr. Hussey into

12:57:20 5 play.

6 Q. 513 In terms of a profitable endeavour Mr. Dunlop, how would you rate this, the

7 Ballycullen rezoning?

8 A. Reasonably good.

9 Q. 514 That return?

12:57:30 10 A. Yeah.

11 Q. 515 On receipt of 60,000 against an outlay of ten?

12 A. Yes. It wouldn't bear my comparison to the return there might have been

13 between agriculture and zoned land, but its still reasonable. I mean the value

14 as you outlined in your opening statement the value of the land on one day was

12:57:51 15 such-and-such and the following day it was double.

16 Q. 516 Rezoned land its a fact Mr. Dunlop is much more valuable than agricultural

17 land?

18 A. That's why so many people are involved in it or try to be involved in it.

19 Q. 517 Yes. And your involvement in achieving the rezoning of lands from agriculture

12:58:10 20 to industrial or agriculture to residential, is based upon a number of

21 premises, one you are going to significantly increase the value of the land?

22 A. Yes.

23 Q. 518 If you achieve it. Therefore the developer or owner is going to have a

24 significantly enhanced asset?

12:58:24 25 A. Correct.

26 Q. 519 Two, there is a process you say in place whereby this can be achieved?

27 A. Yeah.

28 Q. 520 And that process, there are -- sorry two processes in place by which it can be

29 achieved. There is the process where no money is paid and you put forward the

12:58:38 30 motion and hope councillors will vote for it having listened to the persuasive

12:58:41 1 arguments, isn't that right?

2 A. Correct.

3 Q. 521 And then there is the other process with which you allied yourself, which is

4 the payment of money to councillors to guarantee their votes?

12:58:50 5 A. The only way.

6 Q. 522 In your view?

7 A. No in the context of the Development Plan.

8 Q. 523 Are you saying that it was only possible to achieve a successful rezoning in

9 the context of the Development Plan if you paid money?

12:59:02 10 A. By and large yes.

11 Q. 524 And its your experience and your knowledge of what happened at the time that

12 only when you were prepared to pay did you achieve the results that your

13 employer wanted?

14 A. Correct.

12:59:15 15 Q. 525 And if the system was as wide spread Mr. Dunlop as you say, and as you portray,

16 why didn't you have frank and open discussions with all of these developers

17 about what was going on in the same way as you were running a business, could

18 you not have said to Mr. Jones, look I am going to have to have expenses of

19 15,000 or 10,000 in connection with these lands on top of my fee, and you are

12:59:42 20 going to have to pay for that?

21 A. That's an interesting question. I don't think it ever, certainly never struck

22 me in the context of everything that I said, that you should, when either you

23 are called by a potential developer or owner of land and he says I want this

24 done and you say to him well this is the way its going to have to be done,

13:00:10 25 other than the dancing around, that both parties do and as is evidenced by me

26 and others maybe, as to how the process -- its a bit like sex I think. You

27 know there are certain things you don't talk about and I think you don't

28 actually go and say to somebody look I am going to do this for you and give me

29 a hundred grand because I have to get 80 grand to Ms. Dillon and Mr. O'Neill or

13:00:41 30 Mr. Whatever.

13:00:42 1 Q. 526 It doesn't matter you are running a business.

2

3 CHAIRMAN: I think on that interesting note we'll adjourn until two o'clock.

4 Then we are sitting, we'll only sit until 3 o'clock today.

13:00:56 5

6 MS. DILLON: May it please you sir, thank you.

7

8 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH**

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13:01:09 10

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THE TRIBUNAL RESUMED AS FOLLOWS AFTER LUNCH:

- 13:01:09 1
- 2
- 3 CHAIRMAN: Now Ms. Dillon.
- 4
- 14:04:07 5 MS. DILLON: Sorry. Good afternoon Mr. Dunlop.
- 6 A. Afternoon Ms. Dillon.
- 7 Q. 527 If I can take you back then to the sequence of events that occurred in the
- 8 early course of your dealing with Mr. Jones, I think that at the 30th May 1991
- 9 that the three motions seeking to rezone the Ballycullen lands from industrial
- 10 back to agriculture were passed without discussion and that is at the 30th May
- 11 1991 and the page number is 1428, and what appears to have happened
- 12 Mr. Dunlop, was that the council identified matters that could be passed by
- 13 agreement effectively, and included in those motions were motions 59, 60 and
- 14 61, and they were then passed without any discussion in the council, which
- 14:05:03 15 meant that the lands were no longer going to be zoned E industrial, but they
- 16 were zoned B?
- 17 A. Reverted to agriculture.
- 18 Q. 528 Reverted to agriculture. Now, do you have any recollection of being involved
- 19 or in advising Mr. Jones to take the approach that you wouldn't try and put in
- 14:05:22 20 a counter motion or engage with any of the councillors to seek to prevent this
- 21 happening?
- 22 A. No I have no recollection of that at all.
- 23 Q. 529 Yes. I think that there was a local election in May of 1991 at page 1095
- 24 please on the 21st May to the 27th June 1991?
- 14:05:42 25 A. Yes.
- 26 Q. 530 Now at this stage Mr. Dunlop, can you recollect whether you had given any
- 27 advices to Mr. Jones or Mr. Hussey, in connection with making any political
- 28 donations or political payments to persons who might be candidates in the local
- 29 election?
- 14:05:55 30 A. No I can't, sorry for the delay there -- I can't recollect a specific

- 14:06:15 1 discussion with either of them in relation to the local elections, either
2 generated by them or me, whether or not subscriptions or political donation
3 should be given. Now I know that, sorry I know you need to - but I know
4 something else has been said about making a contribution to one particular
14:06:35 5 individual, but I have no recollection of that whatsoever.
- 6 Q. 531 That's in relation to Councillor Hand?
7 A. Councillor Hand, yes.
- 8 Q. 532 I will come on to deal with Councillor Hand, but insofar as this event is
9 occurring, this is May and June of 1991?
- 14:06:49 10 A. No.
- 11 Q. 533 Now this is a matter in which you would have had an interest, isn't that right,
12 in the event that you were dealing with councillors?
13 A. Yes, absolutely.
- 14 Q. 534 And therefore the composition of the council was something that you would have
14:06:59 15 had an interest in?
16 A. Yes.
- 17 Q. 535 And you have previously told the Tribunal that the coincidence of elections
18 provided a smoke screen or a happy smoke screen behind which you could give
19 payments to councillors?
14:07:12 20 A. Yes.
- 21 Q. 536 Which would have the appearance of legitimate payments but in fact were
22 improper or corrupt payments?
23 A. Well, for the purposes of other than legitimate political donations.
- 24 Q. 537 Yes. And we have already dealt with the persons that you identified on your
14:07:28 25 1991 list, but would you remember the list --
26 A. Sorry yes.
- 27 Q. 538 But you were not saying that that list is confined to the local election, in
28 fact if I understood your evidence correctly yesterday, you felt it was veering
29 more towards November?
14:07:41 30 A. '92.

- 14:07:42 1 Q. 539 Yes. I think then that you also came to meet Mr. Jones on the 12th June 1991,
2 1449 please and this is an extract from your diary. I want you first to look
3 at June 11th?
4 A. June the?
- 14:07:59 5 Q. 540 11th. Which has 12.15TPH, and then beneath that at lunch time Polo one lunch
6 and TPH. Is that a reference to Mr. Hand?
7 A. No that's a completely different individual.
- 8 Q. 541 TPH is never Mr. Hand?
9 A. No that is a former colleague in a different company.
- 14:08:19 10 Q. 542 Nothing to do --
11 A. No nothing to do with Tom Hand.
- 12 Q. 543 But you do have a meeting on 12th June with Mr. Jones?
13 A. Correct.
- 14 Q. 544 I think again on the 20th June on 1454, you have a meeting with Mr. Jones?
14:08:32 15 A. Correct at five o'clock, yes. Three o'clock, sorry I beg your pardon.
- 16 Q. 545 Yes. In the course of these meetings which occur in May and June of 1991 and
17 which are before the local elections which I think occurs on the 27th of June
18 1991, you do not recollect having any discussion with Mr. Jones about
19 councillors or payments to councillors or the election?
- 14:09:05 20 A. No. I did not, to the best of my recollection, I did not generate any such
21 conversation and none was generated by either Mr. Jones or Mr. Hussey if I met
22 Mr. Hussey in the intervening period.
- 23 Q. 546 Although the matter in which you were mutually interested was the rezoning of
24 the lands?
- 14:09:14 25 A. Yes.
- 26 Q. 547 And although you knew and you had advised Mr. Jones in February or May, that
27 you would need the support of councillors to achieve this, you did not have any
28 discussion?
29 A. No.
- 14:09:24 30 Q. 548 At this time, notwithstanding the fact that the local elections were ongoing?

- 14:09:27 1 A. Correct.
- 2 Q. 549 You did write to Mr. Jones on the 1st of July 1991 at page 1455 and you
- 3 enclosed with that letter an action plan of what needed to be done in relation
- 4 to Ballycullen.
- 14:09:49 5 You set out briefly "As promised I attach a note regarding action on
- 6 Ballycullen. As I explained to you at our meeting it will be necessary for to
- 7 you make a submission during the period of public display of the Draft
- 8 Development Plan. This must be comprehensive and should include detailed
- 9 elements regarding leisure housing and industry."
- 14:10:07 10 And this I think is the submission or objection that is ultimately lodged with
- 11 Dublin County Council in the course of the Development Plan.
- 12 A. That I am recommending that he must make a submission in, yes exactly. As I
- 13 said before lunch.
- 14 Q. 550 Yes. Because one makes a submission first of all to the planners in relation
- 14:10:22 15 to the relevant plan and you follow that with a motion, isn't that right?
- 16 A. If you don't make the submission you have no basis to progress. You have to
- 17 make a submission, professionally generated, architectural or whatever, its on
- 18 the basis of that being received by the planners that you then are able to
- 19 progress matters.
- 14:10:42 20 Q. 551 Yes. And then say in the next paragraph "Because of the debacle regarding the
- 21 local election results we'll have to sit down and look very carefully at the
- 22 people we'll have to deal with."
- 23 A. Yes.
- 24 Q. 552 Now, there was a significant change in the composition of Dublin County Council
- 14:10:58 25 following the election in June of 1991, and I think previously you have
- 26 adverted to that and that there was one particular development that caused a
- 27 change, a lot of people lost their seats?
- 28 A. A third I think, a third of the council lost their seats.
- 29 Q. 553 And there were new people on the council?
- 14:11:14 30 A. Correct.

- 14:11:14 1 Q. 554 Who were going to have to be dealt with but you describe the change in
2 composition as a debacle, is that right?
- 3 A. Yes.
- 4 Q. 555 Is that because you were now going to have to find, you were going to have to
14:11:27 5 enter into negotiations with an unknown one third, in other words there was a
6 new council with 33 and a third percent that you didn't know, is that right?
- 7 A. In broad terms yes. We had, what you had was, the templates that you had was
8 the membership of the council, its obvious that any election some people are
9 going to loose their seats. Nobody could have predicted that Fianna Fail in
14:11:52 10 particular, it was Fianna Fail who lost most of the seats, would have you know,
11 been devastated the way they were. People interpreted that in their own way,
12 but that's why I described it as a debacle, you now have a whole list of new
13 people which changes the perspective, depending on the area. I mean, I think
14 in particular in relation to Ballycullen and Beechill there wasn't a dramatic
14:12:24 15 change, there were some changes but I don't think it was dramatic.
- 16 Q. 556 And you advised Mr. Jones that you will have to sit down, or he and you will
17 you will have to sit down or you and he will have to sit down and look very
18 carefully at the people we'll have to deal with?
- 19 A. Correct.
- 14:12:37 20 Q. 557 So you are telling Mr. Jones there he is going to have to deal with the council
21 and you are going to have to look very carefully at the list?
- 22 A. Yes.
- 23 Q. 558 And when you say you are going to have to deal with people, what did you mean
24 by that?
- 14:12:48 25 A. Well he is going to have, he and I or both of us together are going to have to
26 deal with new people, explain ourselves, explain what we want and progress it.
- 27 Q. 559 And you go on to outline a structure for an action plan that's commenced at
28 page 1456 and you set out at this page about appointing the project team,
29 including PR consultants and preparing drawings and models and brochures and
14:13:17 30 you go on the next page to identify at 1457 the work that would need to be done

14:13:25 1 in the week beginning the 29th July 1991 and finally at 1458 you identify the
2 work that needs to be done on August 19th 1991 in that week.
3 And included in the second paragraph were media contacts to be coordinated by F
4 Dunlop and beneath that, ongoing contacts to be maintained with all elected
14:13:50 5 representatives in the area. Frank Dunlop to advise and implement.
6 A. Yes.
7 Q. 560 Now ongoing contacts means there were already contacts with local councillors?
8 A. Yes.
9 Q. 561 Were they contacts by you?
14:13:56 10 A. Yes.
11 Q. 562 With the local representatives?
12 A. Yes and I cannot say to you for definite whether in the intervening period
13 Mr. Jones had already met anybody or any of his associates, namely the Brooks
14 brothers.
14:14:09 15 Q. 563 Yes whether they had met anybody?
16 A. Yes that I cannot tell you.
17 Q. 564 You when you are talking about ongoing contacts there, you are talking about
18 your ongoing contacts?
19 A. Yes.
14:14:17 20 Q. 565 With the representatives with the local elected representatives in the area?
21 A. Correct.
22 Q. 566 And you are telling Mr. Jones that's going to be your responsibility and you
23 are going to implement that?
24 A. Yeah and I would not confine it Ms. Dillon to the representatives in the local
14:14:34 25 area, what we are talking about here is we are talking about, I know I say with
26 all elected representatives in the area, but for the purposes of the
27 Development Plan its required that you talk to as many of them as you possibly
28 can.
29 Q. 567 But certainly insofar as you have identified to Mr. Jones where you see your
14:14:54 30 role, one of the key matters that you are going to be dealing with is contact

14:14:57 1 with the councillors?

2 A. Correct.

3 Q. 568 And I think that you had another meeting on the 23rd July 1991 at page 1459 and
4 then subsequently you had a meeting involving other people at 1460 on July 25th
14:15:10 5 '91 and at 1460.

6 Now this is a meeting and with Mr. Jones and also with Sean O'Leary who was the
7 architect I think, is that right?

8 A. That's correct yes.

9 Q. 569 And at 1461 there are minutes of this meeting. And at paragraph two Mr. Brian
14:15:36 10 Meehan who is the planning consultant is advises that the only action open to
11 Mr. Jones was to attempt to get an amendment to the Development Plan after the
12 public exhibition of same, which is likely to be in the New Year?

13 A. These are not my minutes now.

14 Q. 570 No its not suggested these are your minutes. These are minutes of the meeting.
14:15:53 15 Yes you see that Mr. Meehan gives that advice?

16 A. Yes.

17 Q. 571 This would mean that what Mr. Meehan is saying is that the amendment should be
18 sought after the first public display?

19 A. Yes.

14:16:02 20 Q. 572 So that this would be after it goes on public display?

21 A. After it goes on public display.

22 Q. 573 Is that the reason why no attempt was made to seek any amendment to the
23 relevant plan prior to the first public display?

24 A. Logically the answer is yes, although I cannot say to you I can give you the
14:16:19 25 exact context in which that decision was made but logically that is the
26 conclusion.

27 Q. 574 Because it does appear clear from documentation that no attempt was made to
28 seek the rezoning or issue a motion prior to the first public display, isn't
29 that right, in relation to these lands? There were no attempt made after the
14:16:34 30 motion that we have just seen?

- 14:16:36 1 A. Sorry.
- 2 Q. 575 The first motion?
- 3 A. To submit, to make a submission you mean.
- 4 Q. 576 Yes.
- 14:16:41 5 A. Sorry yes.
- 6 Q. 577 Isn't that right?
- 7 A. That's correct yeah.
- 8 Q. 578 Other than what we have already seen?
- 9 A. Other than what we have said.
- 14:16:47 10 Q. 579 So effectively no significant step was taken by anybody in connection with the
11 Ballycullen lands until after the first public display?
- 12 A. Correct.
- 13 Q. 580 And that concluded in early December of 1991?
- 14 A. That's correct.
- 14:16:59 15 Q. 581 It went on public display in September and then in December of 1991?
- 16 A. Yes.
- 17 Q. 582 So in the currency of this time in July of, which is coming up to just before
18 the first public display, an advice is being given to Mr. Jones to wait until
19 after the display and then seek to have an amendment to the Development Plan?
- 14:17:17 20 A. Correct.
- 21 Q. 583 And it seems to be the factual position that in fact no submission was made
22 until very near the end of the public display?
- 23 A. Correct.
- 24 Q. 584 Right. Now you were at that meeting if we go back to the top I think you can
14:17:29 25 see that you are there, Mr. Dunlop, and I think at paragraph four and five of
26 the document, your role and the timetable is dealt with. And you will see
27 there that paragraph four records that "Mr. Van dyke and Frank Dunlop arranged
28 to meet in the near future to liaise on the carrying out of the proposed public
29 relations campaign and help was offered in relation to presentation and
14:17:58 30 Mr. Dunlop agreed to prepare a programme for the public relations campaign and

14:18:01 1 with the help of Mr. Jones to target important influential people and groups
2 who should be approached as part of the campaign."
3
4 Now who were the important influential people that were to be approached?

14:18:19 5 A. Well I think in the context of the meeting the only important influential
6 people referred to would have been politicians.

7 Q. 585 So what you were going to do was that you were going to identify who were the
8 key people that needed to be approached?

9 A. And groups, by that is meant local groups in relation to support, residential
14:18:55 10 groups, local business groups or whatever.

11 Q. 586 And I think you did make arrangements to meet Knocklyon Community Council and
12 other local groups?

13 A. Correct, yes.

14 Q. 587 So it would appear that your role certainly insofar as the participants in this
14:19:10 15 were concerned was to do with public relations and lobbying?

16 A. Yes.

17 Q. 588 Right. And I think Mr. Jones then offered you the assistance of Mr. Oliver and
18 Frank Brooks on the 29th July 1991 at 1462 following this meeting, "Mr. Jones
19 advises you that following the recent meeting re Ballycullen development
14:19:31 20 strategy, he has informed Oliver and Frankie Brooks of our proposal regarding
21 local community information etcetera. They are most anxious to get involved at
22 whatever level is appropriate as soon as possible and they are awaiting a call
23 from you for discussion."
24 Then you should meet again when you have completed the Action Plan. Did you in
14:19:46 25 fact follow up on that with Mr, with the Mr. Brooks, either Mr. Oliver or
26 Mr. Frank Brooks?

27 A. Yes, I do recollect a number of conversations with Oliver Brooks and I do,
28 albeit residually recollect talking to Frankie or Francis Brooks as he was
29 known. I don't think very much sort of resulted from that, but nonetheless
14:20:13 30 yes, Mr. Jones was managing the process from the point of view of getting two

- 14:20:18 1 of his employees involved because of their connections.
- 2 Q. 589 With Fianna Fail?
- 3 A. With Fianna Fail, yes.
- 4 Q. 590 And you were aware of the fact that they had connections to Fianna Fail?
- 14:20:27 5 A. Oh, yes I was.
- 6 Q. 591 And I will come to deal with this latter, but in a general way without going
- 7 into details did you have a discussion with either Mr. Oliver or Mr. Frank
- 8 Brooks in relation to specific members of Fianna Fail that they had approached
- 9 and their likely attitude to the rezoning of the Ballycullen lands?
- 14:20:43 10 A. I think Oliver Brooks told me that he had had discussions with Tom Kitt and
- 11 John Hannon and Seamus Brennan's name appeared in the, on the horizon, I am not
- 12 quite certain it was Oliver Brooks who is said it to me or not, or whatever it
- 13 was Chris Jones himself, but certainly they were the type of names that had
- 14 been mentioned.
- 14:21:10 15 Q. 592 And were they mentioned by either Mr. Brooks or Mr. Jones to you in the context
- 16 of an approach or a submission having been made to those people in connection
- 17 with the Ballycullen lands?
- 18 A. Yes.
- 19 Q. 593 Now, I think and you do not know this, I think Mr. Dunlop, other than its in
- 14:21:29 20 the brief, but it would appear that on the 29th July 1991 a company called
- 21 Comex Trading Corporation invoiced the Jones Group at 1463, and this in fact is
- 22 the invoice provided by I don't think there is any dispute in this, by
- 23 Mr. Lawlor?
- 24 A. Yes.
- 14:21:47 25 Q. 594 Now you will remember, Mr. Dunlop, from your own knowledge of Mr. Lawlor, that
- 26 you similarly in different circumstances were provided with an invoice.
- 27 A. Yes.
- 28 Q. 595 Right. This would suggest that there was some contact at this time in July of
- 29 1991 between Mr. Lawlor and Mr. Jones?
- 14:22:04 30 A. Yes.

- 14:22:04 1 Q. 596 Yes. Now I think Mr. Jones accept that is Mr. Lawlor approached him for funds
2 and that he asked for an invoice to be provided and this invoice was provided
3 by Mr. Lawlor. Were you aware at that time that Mr. Lawlor had any involvement
4 with Mr. Jones?
- 14:22:20 5 A. I was aware on foot of conversations that I had with Liam Lawlor, subsequent to
6 my becoming involved with Chris Jones, and he spoke about Chris Jones and he
7 knew of my involvement, which is going, reverting back to this morning, which
8 is part of the appreciation that I had that maybe Lawlor was the, you know the
9 generator of the contact in the first instance, but I am also aware I should
14:22:58 10 say that I mightn't have discovered but I have seen a document which says Liam
11 Lawlor wrote to Chris Jones saying I am in contact with Frank in relation to
12 Ballycullen or some words to that effect.
- 13 Q. 597 That's in September 1992 Mr. Dunlop, but what I am asking you now and the
14 question was in July of 1991 you have had a number of meeting with Mr. Jones?
- 14:23:21 15 A. Yeah.
- 16 Q. 598 You have prepared an initial strategy and you are continuing to have meetings
17 with professional advisers and Mr. Jones and were you aware that Mr. Lawlor had
18 an involvement in the matter and did you meet with Mr. Lawlor at this time in
19 connection with the matter?
- 14:23:37 20 A. I can't say absolutely yes or no, I certainly had some conversations with Liam
21 Lawlor about Ballycullen, that is not in doubt. Whether it was at this time or
22 at another time I don't know.
- 23 Q. 599 What did you discuss with Mr. Lawlor whenever you had the conversation?
- 24 A. The, in relation to what I was doing or not doing or helping Chris Jones, there
14:24:12 25 was no great unlike other occasions, if I may put it that way, there was no
26 great depth to those conversations in relation to what should or should not be
27 done. I think Liam Lawlor just knew that I was involved and that matters were
28 progressing.
- 29 Q. 600 Did Mr. Lawlor ever ask you for any money?
- 14:24:28 30 A. Not in relation to Ballycullen.

- 14:24:30 1 Q. 601 In relation to Ballycullen?
- 2 A. No.
- 3 Q. 602 Were you aware that Mr. Lawlor received monies from Mr. Jones?
- 4 A. (shakes head).
- 14:24:38 5 Q. 603 Did Mr. Jones ever discuss with you that he had a financial or that he had paid
6 monies to Mr. Lawlor?
- 7 A. Sorry I shouldn't shake my head I should speak. No in relation to both
8 questions.
- 9 Q. 604 So I think on the 30th August 1991 at 1498 you again met with Mr. Jones, sorry
14:24:59 10 in relation to Mr. Lawlor just to be clear in relation to something that you
11 have just said a moment ago, when you referred back to Mr. Lawlor and what was
12 discussed this morning, are you saying because you understood Mr. Lawlor had an
13 involvement in Ballycullen or with Mr. Jones that that was a factor that lead
14 you to believe that Mr. Jones was aware of the system that pertained in Dublin
14:25:23 15 County Council?
- 16 A. Well I am glad you brought that point up because without coat trailing in
17 relation to a dead man or a man who is recently deceased, that is a factor. I
18 mean I don't know who the contact was made by, whether it was by Chris Jones to
19 Liam Lawlor or whether Liam Lawlor made the contact to Chris Jones, or whether
14:25:44 20 Liam Lawlor was invited to make contact with Chris Jones by somebody else, I
21 just don't know. But the very fact that Liam was involved in some fashion or
22 other or whatever detail we may know or not know from here on in, yes would
23 have been a blip on the horizon in relation to any knowledge, you know actual,
24 implied, constructive or otherwise that Mr. Jones might have in relation to the
14:26:19 25 system.
- 26 Q. 605 Are you saying the fact that Mr. Lawlor and Mr. Jones had an arrangement or a
27 relationship prior to your involvement with Mr. Jones and by relationship I
28 mean a relationship in relation to Bally --
- 29 A. In retrospect yes. At the time other than Mr. Lawlor making contact with me
14:26:42 30 and stating that he knew that I was advising or helping Chris Jones, that is

- 14:26:47 1 the only knowledge that I had of any relationship and lead me to believe that
2 Liam Lawlor may have been generator.
- 3 Q. 606 Yes. But are you saying the fact that you knew Mr. Lawlor had an involvement
4 with Mr. Jones was a factor you took into account in deciding the level of
14:27:03 5 knowledge Mr. Jones had about the activities you have described in Dublin
6 County Council is that what you are trying to say, Mr. Dunlop?
- 7 A. Yes. I appreciate I am not saying it very well, but subliminally, yeah. I
8 cannot say definitely, factually, absolutely, categorically that it was a
9 factor. But the fact that Liam's name entered onto the horizon in relation to
14:27:30 10 it raised a flag.
- 11 Q. 607 Raised a flag in your mind in connection with the level of knowledge on the
12 part of the people who had employed you?
- 13 A. Chairman, I find this a bit difficult in the context of talking about anybody
14 who, particularly somebody who is recently deceased but I mean Liam was -- Liam
14:27:54 15 wasn't shy about explaining matters to people. Now by saying that I am not
16 under any circumstances saying that Liam Lawlor explained a system or what
17 needed or need not to be done or what he said I would or would not do for Chris
18 Jones, but he was not shy when it came to saying what was required and that's
19 all I am saying.
- 14:28:22 20 Q. 608 I think on the 30th August you had, you met with Mr. Jones on the same date you
21 provided a submission for the strategy of Ballycullen Farms. And that document
22 is -- takes a number of pages but I want to draw your attention to the advices
23 that you gave at page 1501. And you will see at the top it says submitted to
24 Mr. Chris Jones Friday 30th August '91?
- 14:28:48 25 A. Yes.
- 26 Q. 609 What I want to draw to your attention was the advice in relation to procedure
27 at the bottom of the paragraph you say "At these meetings each map and the
28 relevant comments and submissions will be discussed in full, beginning with the
29 north of the county and working south. The final decisions will not be taken
14:29:06 30 at these meetings but will be deferred to further schedule of proceeding

- 14:29:09 1 probably in mid '91."
- 2 A. Yes.
- 3 Q. 610 What you are outlining to Mr. Jones is the sequence in which the maps are going
- 4 to be taken?
- 14:29:16 5 A. Correct.
- 6 Q. 611 And what has to happen in the course of the Development Plan?
- 7 A. Yeah.
- 8 Q. 612 On the next page at 1502 you talk about the second display at the very first
- 9 paragraph "When the elected members have considered and voted on all maps and
- 14:29:32 10 submissions. The County Council will display them for one month only." And
- 11 this is the second public display; isn't that right?
- 12 A. That's correct.
- 13 Q. 613 And what you are advising is that they effectively should make a submission in
- 14 the course of the Development Plan?
- 14:29:44 15 A. In the course of the Development Plan, yes.
- 16 Q. 614 And then you go on to outline the public affairs programme at 1503 and you are
- 17 proposing an intensive public affairs programme and you note in the first
- 18 paragraph that copies of the submission together with detailed maps in respect
- 19 of the proposals will be made available to those elected members with whom
- 14:30:10 20 we'll have to contact. Its vitally important this contact is unified and
- 21 cohesive, we recommend that all contact unless otherwise requires be made by
- 22 Frank Dunlop, this is a matter for discussion with Mr. Jones.
- 23
- 24 Now what you are advising there is that the county councillors should be left
- 14:30:27 25 to you.
- 26 A. Yes. Right.
- 27 Q. 615 Right. That would suggest if Mr. Jones knew of the activities that you were
- 28 involved in, there wouldn't be any reason for him not to have contact with the
- 29 councillors with you, isn't that right?
- 14:30:37 30 A. That's correct, yeah.

- 14:30:38 1 Q. 616 Now you then identify that the most important points of contacts relate to the
2 electoral area of the new Dublin South county and you identify the 26
3 councillors who are the elected members of South Dublin County Council at page
4 1503 and 1504. And you make the point that the councillors who will have to be
14:31:01 5 dealt with are the councillors of South Dublin County Council, will be the
6 councillors of South Dublin, sorry at page 1503?
7 A. You jumped.
8 Q. 617 Yes I will get them. At 1503 in the second paragraph you state "The most
9 important points of contact relate to the new electoral county of South Dublin.
14:31:26 10 There are 26 elected members in this electoral area. Within reason and where
11 judged appropriate each one will have to be contacted and given a briefing as
12 to what is proposed." And you outline your programme of contacts in order of
13 priority, isn't that right?
14 A. Correct.
14:31:40 15 Q. 618 You start with Mr. Stanley Laing who is the Chairman, Mr. Breda Cass, Michael
16 Keating, Pat Rabbitte, Don Tipping, Marie Mullarney, Alan Shatter, Mary
17 Muldoon, Pat Upton, Cait Keane, down to Mr. Gus O'Connell" and then on the next
18 page at 1504, "John Hannon, down to Mervyn Taylor" and they are the councillors
19 who would be of South Dublin County Council, isn't that right?
14:32:04 20 A. Correct.
21 Q. 619 You then go on to point out other important points of contact?
22 A. Yes.
23 Q. 620 And you identify Mr. GV Wright who is the Fianna Fail whip, Mr. Tom Hand?
24 A. Yes.
14:32:14 25 Q. 621 Mr. Tom Kitt. Mr. Sean Barrett, Mr. Richard Conroy, Mr. Liam Cosgrave,
26 Ms. Betty Coffey, Marion McGennis and Ned Ryan and Sean Lyons, isn't that
27 right?
28 A. Yes.
29 Q. 622 You don't identify Mr. Cyril Gallagher, Mr. Sean Gilbride, Mr. Jack Larkin, Mr.
14:32:33 30 Don Lydon or Mr. Tony Fox?

- 14:32:34 1 A. No.
- 2 Q. 623 All right. Then you identify a need to brief the three government Ministers
3 who would have been the local Ministers, isn't that right?
- 4 A. Yes.
- 14:32:42 5 Q. 624 Seamus Brennan, Mary Harney and Chris Flood?
- 6 A. Correct.
- 7 Q. 625 And then you say contact with the above will be either by Mr. Jones alone or
8 Mr. Jones with Frank Dunlop?
- 9 A. Yes.
- 14:32:53 10 Q. 626 Now in relation to that advice are you talking about the three TDs?
- 11 A. No, I think I am talking about the totality.
- 12 Q. 627 So what you are saying there is all the councillor contact would be by
13 Mr. Jones alone?
- 14 A. No. No, no. Sorry its clear that I am saying that Mr. Jones should contact
14:33:22 15 the three Ministers or the three TDs I should say.
- 16 Q. 628 But that the contact with the councillors?
- 17 A. Would be me.
- 18 Q. 629 Would you through you?
- 19 A. And/or Mr. Jones if he was required.
- 14:33:30 20 Q. 630 Yes. So you then set out at page 1505 and 1506 the programme or the sequence
21 of events as they are going, the proposed action schedule, you set out the work
22 that's to be done and who is going to do it, is that right?
- 23 A. Yes. Correct on that page yes.
- 24 Q. 631 And then on the following page at 1506 you suggest that they should change the
14:34:04 25 name of the development and that on the 30th September a public affair
26 programme should commence and a report on all contacts made in the course of
27 the programme will be made in writing by Frank Dunlop on the Friday of each
28 week beginning on the 4th October and continuing until the programme is
29 completed?
- 14:34:22 30 A. Yes.

- 14:34:22 1 Q. 632 Now first of all did that take place, did you provide a written report on a
2 weekly basis?
3 A. No I don't think so no.
- 4 Q. 633 Okay. Now the second thing --
- 14:34:30 5 A. Can I just interrupt, I don't mean to interrupt you in your train of thought
6 there, Ms. Dillon, this is quite unusual in the context of the Development Plan
7 and its premised on the business like approach that Mr. Jones was used to in
8 conducting his business, and he needed reports or when is it going to happen or
9 who is responsible, so this was generated on foot of previous conversations
10 with Mr. Jones in relation to time frames when things were going to happen who
11 was responsible and who should do it, but there are -- there is evidence
12 available to you on discovery from me in relation to other modules which
13 contains something similar to this but they are quite unusual, normally no such
14 documentation is ever provided.
- 14:35:04 15 Q. 634 But what you are doing here is setting out a timetable?
16 A. Yes, sure.
- 17 Q. 635 You are identifying the people whole be involved in the endeavour, you are
18 setting out who is going to deal with what, you are going to take
19 responsibility for the County Councillors?
- 14:35:26 20 A. Correct.
- 21 Q. 636 Submission will have to be prepared we have to mover in the context of the
22 Development Plan an this is what we are going to have do?
23 A. Correct.
- 24 Q. 637 You also say that you are going to furnish a report on all contacts made in the
14:35:47 25 course of the programme by you?
26 A. Yes.
- 27 Q. 638 Now your job is County Councillors?
28 A. Yes.
- 29 Q. 639 So what you are telling Mr. Jones is you are going to report in writing to him
14:35:56 30 on your contacts with the County Councillors?

- 14:35:58 1 A. Yes.
- 2 Q. 640 Right. Now, isn't that something that would normally be expected in the -- if
- 3 you were doing a bona fide exercise, let's put it like this a lobbying exercise
- 4 where there is no question of corruption, there is no question of making
- 14:36:16 5 payments to councillors, that the employer want to know who you have met, who
- 6 you have spoken to and what that person's attitude to the endeavour is, isn't
- 7 that right?
- 8 A. Yes generally speaking yes. I would agree with that yes.
- 9 Q. 641 And in all events the people who employ you would want to know how you were
- 14:36:32 10 getting on with the councillors and number wise how was the development doing?
- 11 A. The bag of nail, yes.
- 12 Q. 642 The bottom line comes down to the vote?
- 13 A. Counting the nails in the bag.
- 14 Q. 643 On the same day, I think on 30th August '91 at 1507, Mr. Lawlor has faxed to
- 14:36:51 15 you from his office, a list of the full list of the County Council as its now
- 16 composed if you turn to page 1508 please and this goes on through four pages?
- 17 A. What date is that Ms. Dillon.
- 18 Q. 644 30th August?
- 19 A. Yes, it's after the election.
- 14:37:10 20 Q. 645 1991. After the election on the same date that you give the advice to
- 21 Mr. Jones, Mr. Lawlor faxes to you the list of the, full list of the new
- 22 councillors.
- 23 A. Yes.
- 24 Q. 646 So now you are armed with a definitive list of the councillors?
- 14:37:22 25 A. Correct.
- 26 Q. 647 You know on that list the people you are going to have to meet and deal with,
- 27 isn't that right?
- 28 A. Correct.
- 29 Q. 648 So you are getting after the council has settled down after the elections a
- 14:37:32 30 comprehensive list and Mr. Lawlor is the one who is giving it to you?

- 14:37:34 1 A. Mm-hmm.
- 2 Q. 649 Now I think the public display 1513 took place between 2nd of December '91 and
- 3 3rd December this is the public notice in the newspaper in relation to that
- 4 matter?
- 14:37:47 5 A. Yes.
- 6 Q. 650 All that could be done in the course of the public display in relation to
- 7 Ballycullen lands was to make a submission?
- 8 A. Correct.
- 9 Q. 651 There couldn't be any motions or any other matters such as that because the
- 14:37:57 10 submission had to be considered and then the motion would be dealt with or the
- 11 submission comes in first and then the motion?
- 12 A. The submission comes in, dealing with the official report on it, they submit
- 13 their report to a meeting and motions come forward.
- 14 Q. 652 I see. And I think at that stage in early September, now the Ballycullen lands
- 14:38:14 15 are zoned B at this stage, isn't that right?
- 16 A. Back to B after being dezoned from industrial.
- 17 Q. 653 Yes and at this stage in early September 1991 have you met any of the
- 18 councillors have you done anything?
- 19 A. By October, by August.
- 14:38:31 20 Q. 654 By September?
- 21 A. By September? Yes, certainly I think I would have met quite a few councillors
- 22 in relation to the Ballycullen lands, there would have been a requirement when
- 23 a meeting was, when a schedule of meetings would apply for the discussion of
- 24 the Development Plan we would have a time frame within which to work to get a
- 14:39:00 25 motion to be submitted to be signed and submitted together with a map, so I
- 26 would have certainly have spoken to councillors in relation to Ballycullen as
- 27 to what was coming up and who would or would not support.
- 28 Q. 655 And I think Mr. Dunlop, your diaries don't record in this period any great
- 29 contact with councillors, isn't that right?
- 14:39:25 30 A. Yes.

- 14:39:26 1 Q. 656 Is that right?
- 2 A. Yes that's correct yeah.
- 3 Q. 657 And by this stage I think you had been paid 7,500 pound?
- 4 A. Right.
- 14:39:34 5 Q. 658 Isn't that right?
- 6 A. Yes.
- 7 Q. 659 On the 10th September 1991 you are paid another sum of 5,000 pounds, page 1531
- 8 do you see that letter on screen Mr. Dunlop?
- 9 A. Yes.
- 14:39:55 10 Q. 660 The 10th September 1991 and I think I just want to check I haven't mislead you,
- 11 you were paid 2,500 pound on the 7th May '91?
- 12 A. That's correct.
- 13 Q. 661 And I don't think you were paid again I was wrong in saying you had two
- 14 payments?
- 14:40:10 15 A. No.
- 16 Q. 662 You are not paid again this is the next payment?
- 17 A. This is the next payment here.
- 18 Q. 663 This payment says this is the agreed first instalment?
- 19 A. Yes.
- 14:40:18 20 Q. 664 Of the 15,000 pounds fee agreed?
- 21 A. Correct.
- 22 Q. 665 Right. So you are given a cheque and its only in connection with the
- 23 Ballycullen lands?
- 24 A. Yes.
- 14:40:26 25 Q. 666 May the Tribunal take from that then that by this stage in September '91 you
- 26 hadn't had any discussion about the Beechill lands?
- 27 A. I think yes that would be logical, but I can't say definitely that that is the
- 28 case. I can't tell you when exactly other than by reference to the first
- 29 meeting that I had with Derry Hussey in relation to Beechill, I can't say
- 14:40:57 30 definitively to you what date it was that Chris Jones asked me to talk to Derry

- 14:41:04 1 Hussey about Beechill.
- 2 Q. 667 But certainly insofar as this document speaks it says that the letter is re
- 3 Ballycullen development?
- 4 A. Yes.
- 14:41:13 5 Q. 668 It is the first instalment of your 15,000 pound fee in promoting the rezoning
- 6 proposal for the Ballycullen lands and you are paid with a cheque drawn on
- 7 Ballycullen Farms Limited?
- 8 A. Yes.
- 9 Q. 669 Which is at 1534 please. The cheque is drawn on Ballycullen Farms Limited,
- 14:41:34 10 isn't that correct?
- 11 A. Yes.
- 12 Q. 670 So that would suggest that at this stage the endeavour is focused on the
- 13 Ballycullen lands?
- 14 A. Correct.
- 14:41:44 15 Q. 671 You have another meeting with Mr. Jones on the 16th of September 1991, 1542,
- 16 which is a meeting you have in your diary as Gaby, sorry meeting with "Gaby and
- 17 group", 11.30 am, which you identify as being a meeting with Mr. Jones?
- 18 A. Yes.
- 19 Q. 672 And at this stage the public display is ongoing, is that right?
- 14:42:06 20 A. Correct.
- 21 Q. 673 And you keep a record of that meeting at 1543 and you record as being present
- 22 Mr. Chris Jones, Mr. Sean O'Leary who is the architect, Mr. Van dyke whom I
- 23 think is also an architect, Mr. Oliver Brooks one of the Brooks brothers, isn't
- 24 that right?
- 14:42:26 25 A. Yes.
- 26 Q. 674 And yourself obviously?
- 27 A. Yes.
- 28 Q. 675 That is your note of the meeting?
- 29 A. It is yes.
- 14:42:30 30 Q. 676 And its need to contact council re land. Question golf course, do you see

- 14:42:36 1 that?
- 2 A. Yes yes.
- 3 Q. 677 What was that about?
- 4 A. Somebody had made the suggestion that a golf course would be built on the lands
- 14:42:48 5 as a type of inducement, sorry type of attractive nature of a submission, in
- 6 fact I am not absolutely certain where the suggestion came from but certainly
- 7 the suggestion was made and in fact I think it was progressed to an extent that
- 8 when they were discussing what lands would be available for "Amenity leisure
- 9 purposes" that a golf course was one of the issue that might be considered.
- 14:43:18 10 Q. 678 And in the final paragraph of the note it says "similarly FD", that's yourself?
- 11 A. Yeah.
- 12 Q. 679 "To look into possibility of parallel interface with local councillors."
- 13 A. Yes.
- 14 Q. 680 What does that mean?
- 14:43:29 15 A. It relates to the previous sentence in relation to the new proposal for golf.
- 16 Q. 681 So your job was going to float that proposal by the councillors to see what
- 17 their reaction to it would be?
- 18 A. Yes. You see the balance, the balance here was Ms. Dillon, what realistically
- 19 could somebody propose that would be acceptable and what enticement could be
- 14:43:52 20 offered in relation to, given what the parties knew about amenities or
- 21 requirement for amenities or keeping the land as a green belt or whatever, a
- 22 lot of this had been fed back by contacts particularly with the Brooks brothers
- 23 and particularly in the context of what the parties knew about these, the
- 24 standing of Councillors Cass, Muldoon and others.
- 14:44:25 25 Q. 682 What was -- what you were doing here was it Mr. Dunlop, an attempt to put
- 26 together a proposal for the lands that might find favour with councillor who is
- 27 at that time wanted the lands retained as agriculture?
- 28 A. Exactly. But getting quid pro quo was if a certain amount of land was made
- 29 available for leisure then obviously a certain amount of land would be made
- 14:44:47 30 available for residential development.

- 14:44:48 1 Q. 683 That counters who were opposed to a proposal for all out residential might
2 accept reduced residential provided the community was getting something such as
3 open space or amenities?
4 A. Correct.
- 14:45:00 5 Q. 684 That was what that strategy was about at that stage?
6 A. Yes.
- 7 Q. 685 That a golf course would be permissible on lands zoned F open space and would
8 provide an amenity?
9 A. Yes. It is to discuss how best to approach the council re this new proposal,
14:45:16 10 as I have said to you earlier I cannot absolutely say where the proposal came
11 from. I can't say it came from Sean O'Leary or the architects or from Chris
12 Jones himself, but certainly it was on the cards.
- 13 Q. 686 I think you were scheduled to have a meeting on September 30th, '91 with
14 Mr. Jones which appears to have been cancelled at 1544 and you will see that
14:45:38 15 meeting there Mr. Dunlop on Monday, September 30th again in the course of the
16 public display, isn't that right?
17 A. Correct.
- 18 Q. 687 The meeting appears to have been cancelled on the same day at 1545 you have
19 telephone calls from Liam in Lucan is that Mr. Lawlor?
14:45:53 20 A. Yes it is.
- 21 Q. 688 And then further down at 3.40 there is a telephone call from Chris Jones?
22 A. Correct.
- 23 Q. 689 Can I just -- its all right, on the following day at 1546 on the first of
24 October, sorry not the following day, you also have telephone calls from
14:46:14 25 Mr. Jones and the last call is from Liam, he is on the mobile?
26 A. Yes.
- 27 Q. 690 Are most of the references to Liam calls from Mr. Lawlor?
28 A. Virtually always, yes.
- 29 Q. 691 At 1547 on the 3rd October there is a message from Liam in Lucan and then
14:46:29 30 immediately below that at 11 "Chris Jones going out shortly."

- 14:46:33 1 A. Yes.
- 2 Q. 692 Now what was the -- sorry I think Mr. Jones did write to you then on the 30th
- 3 October enclosing to you a copy of a horticultural report?
- 4 A. Correct.
- 14:46:46 5 Q. 693 Right. Can you recollect why Mr. Jones was contacting you so regularly at that
- 6 time?
- 7 A. No, I think it was just in the context of his general approach to matters once
- 8 he was involved with something or involved with somebody on the third party
- 9 basis or on a contractual basis that he just I think as you will progress
- 14:47:10 10 through the telephone contact discovery list, you will find that there is a
- 11 significant number of telephone calls from Chris Jones. The first one that you
- 12 showed there interestingly is from his home the 046 one is from his home, this
- 13 is from his office.
- 14 Q. 694 At this time Mr. Dunlop it would appear there was little or no contact between
- 14:47:33 15 yourself and councillors according to your telephone records?
- 16 A. Yes.
- 17 Q. 695 Now that does change later on, isn't that right?
- 18 A. Dramatically.
- 19 Q. 696 But at this time in the course of the public display there is apart from
- 14:47:43 20 Mr. Lawlor and one or two others, there is very little contact between
- 21 September and December in the telephone records of you contacting or
- 22 councillors contacting you?
- 23 A. Exactly, yes.
- 24 Q. 697 I think then at page 1548 on 3rd October 1991 you are provided with a document
- 14:48:01 25 that I don't propose to take you through, it's a detailed report from Dr. Flynn
- 26 on the viability of continuing farming in Ballycullen?
- 27 A. I never read it.
- 28 Q. 698 You never read it. No. But this was material provided to provide the basis of
- 29 a case that farming is no longer viable in Ballycullen which was one leg to the
- 14:48:18 30 submission that was going to be made that farming could no longer continue and

- 14:48:22 1 therefore something else would have to be put in its place?
- 2 A. Not of any great value in the context of making proposals to Councillors in
3 relation to what they might or might not do.
- 4 Q. 699 Right. You never read the document anyway in any event, and I think then on
14:48:39 5 the 4th October 1991 at 1553, Mr. Jones again contacts you and asks you to ring
6 him at home that evening?
- 7 A. Yes.
- 8 Q. 700 And again on the 8th October 1991, he rings you again at 1555, at quarter past
9 nine, is that right?
- 14:49:02 10 A. Yes from home.
- 11 Q. 701 And this contact is this part of Mr. Jones' ongoing keeping in touch with you
12 and in the course of these conversations are you reporting to him who you have
13 met and what has happened?
- 14 A. No it could be either, if there was a requirement for me to report to him or
14:49:24 15 anything, or he may well be telling me what he has done or who he has met or
16 whatever, it was a two way street.
- 17 Q. 702 And this contact continues throughout all of the time leading up to the first
18 successful rezoning motion in October 1992?
- 19 A. Yes.
- 14:49:41 20 Q. 703 Yes and again I think at 1557 on the 15th October 1991 there are telephone
21 calls and I want to note the people who are recorded as contacting you are
22 Mr. Colm McGrath?
- 23 A. Yes.
- 24 Q. 704 Then further down at 11.12 Mr. Chris Jones, beneath that the at 11.43 Mr. Colm
14:50:02 25 McGrath, Mr. Sean O'Leary who is the architect involved in the project and
26 Mr. Chris Jones asking you to ring, is that right?
- 27 A. Correct.
- 28 Q. 705 Now this is the first contact with a councillor that is recorded for some time
29 I think?
- 14:50:15 30 A. Yes.

- 14:50:17 1 Q. 706 And on the 15th of October at 1558 on the 17th October Mr. Jones rings again
2 and he rings on the 22nd October 1991 at 1560 and he rings on the 31st -- he
3 doesn't Mr. Oliver Brook rings?
4 A. Oliver Brook, yes.
- 14:50:40 5 Q. 707 And Mr. Oliver Brooks at 1562 he rings you and he is the person who is the link
6 person with Mr. Jones to the Fianna Fail element of the council, is that right?
7 A. Correct.
- 8 Q. 708 And you are also contacted by another councillor at the end of the page but I
9 won't mention, she is not involved in this module, isn't that right?
14:51:01 10 A. No.
- 11 Q. 709 On the 4th November at 1563 you are again contacted by Mr. Brooks at 1563,
12 isn't that right?
13 A. What time.
14 Q. 710 3.40?
14:51:15 15 A. Yes, yes mobile, yes.
- 16 Q. 711 Yes. And all of these contacts would have been in connection with Ballycullen
17 Farms?
18 A. No question. Any contact from either Chris Jones or Oliver Brooks at this time
19 it relates to Ballycullen, absolutely.
- 14:51:30 20 Q. 712 Now on the 5th November 1991 at 1564 you receive a telephone call from
21 Mr. Derry Hussey?
22 A. Yes.
- 23 Q. 713 And the message is "Derry Hussey re Ballycullen Farms. He was talking to Chris
24 Jones this morning it was agreed proceed to have the application for zoning
14:51:48 25 changing done by Friday week."
26 A. Yes.
- 27 Q. 714 Now the application for zoning changing that's being discussed there?
28 A. Is Ballycullen.
- 29 Q. 715 And is that the submission that was to be made to the Council?
14:51:58 30 A. It can't be about anything else.

- 14:52:07 1 Q. 716 Isn't that right?
- 2 A. Yeah can't be about anything else.
- 3 Q. 717 Because I mean, you couldn't put in a motion the public display is still going
- 4 on no motion can be lodged the only matter that could be prepared that might
- 14:52:19 5 lead to a zoning change would have been the submission?
- 6 A. Yes, I think what's involved here is the submission is in preparation and
- 7 obviously for whatever reason the Derry Hussey is delegated to ring me to tell
- 8 me that it would be done by, the changing will be done by Friday week, whatever
- 9 the changes envisaged were that it would be done by Friday week, he is telling
- 14:52:48 10 me that because I am telling him there is a time frame as we move on, we need
- 11 to keep things moving because a time will come when we have a deadline to meet.
- 12 Q. 718 Would this notes suggest to you Mr. Dunlop that you had probably met Mr. Hussey
- 13 prior to this telephone call?
- 14 A. Yes it would because, the way it is put I would logically assume that, yes I
- 14:53:13 15 had met him by then.
- 16 Q. 719 Yes. And that would again Mr. Hussey is ringing you not about Beechill, isn't
- 17 that right?
- 18 A. No, no, specifically referring to Ballycullen Farms.
- 19 Q. 720 Yes and he is effectively passing on a message from Mr. Jones?
- 14:53:28 20 A. Correct.
- 21 Q. 721 And again at 1566 Mr. Hussey rings you again about Ballycullen Farms, do you
- 22 see that the phone call is 10.50?
- 23 A. Yes.
- 24 Q. 722 And Mr. sorry you have a telephone call at 2.30 from Liam?
- 14:53:43 25 A. Correct.
- 26 Q. 723 Again would that be Mr. Lawlor?
- 27 A. Correct.
- 28 Q. 724 On the 11th November 1991 at 1568 you meet the Jones Group. That's what's
- 29 recorded in your diary?
- 14:53:54 30 A. Yes that's, that refers to a meeting obvious will he in the Jones Group offices

14:54:02 1 with whom I met at that stage its not clear but it is a meeting in their
2 offices.

3 Q. 725 Yes. And again on November 18th 1991 you have an entry for Jones Group re
4 Ballycullen at 1569 the very first entry at 9 o'clock, 1569?

14:54:21 5 A. Yes.

6 Q. 726 I should just make the point that I may have mentioned the Jones Group once or
7 twice this morning, that the present Jones Group do not own Beechill, isn't
8 that right. Mr. Hussey will tell the Tribunal that the present Jones Group
9 have no involvement with either of these land and that the Jones Group never
10 had any involvement with the Ballycullen lands.

11 A. Sorry Ms. Dillon that the Jones Group.

12 Q. 727 The Jones Group company?

13 A. Had never any?

14 Q. 728 Involvement, in other words legal ownership of the Ballycullen lands albeit
15 Mr. Christopher Jones did?

16 A. Albeit Mr. Derry Hussey was a director.

17 Q. 729 Yes.

18 A. That is correct isn't it? Mr. Derry Hussey was financial controller of the
19 Jones Group but he was also a director of Ballycullen Farms.

14:55:07 20 Q. 730 But Jones Group PLC did not have legal ownership of the Ballycullen lands?
21 A. Right.

22 Q. 731 1570 on the 20th November 1991 Mr. Jones rings you, Mr. O'Leary rings you, and
23 Mr. O'Leary rings you again?

24 A. Yes.

14:55:24 25 Q. 732 On the last call in the evening. Again he is involved with the, he is the
26 professional retained in preparing the submission?

27 A. Yes.

28 Q. 733 And again --

29 A. He is preparing, I notice the other man has disappeared off the radar, Brian
14:55:40 30 Meehan was the town planner I am not sure what participation Brian Meehan had

14:55:44 1 in any of this, the late Brian Meehan I should say, had any relationship with
2 the relationship with the submission but as far as I was concerned Sean O'Leary
3 was the architect and he was preparing or had a large input into any submission
4 being prepared.

14:55:59 5 Q. 734 Yes but Mr. Meehan's advice had been, which appears to have been accepted?

6 A. Correct.

7 Q. 735 Was that nothing should be done until the first public display was over, a
8 submission should be made?

9 A. That was the force of the actual argument in the knowledge of how matters were
10 dealt with from a straightforward technical point of view, that was
11 straightforward advice.

12 Q. 736 Yes, on the 25th November you record another meeting with the Jones Group at
13 1572 that's the 25th November '91 and on the 26th November '91, you receive
14 phone calls at 1573 from Mr. Oliver Brooks and Mr. Liam Lawlor again. And I
15 think on the 3rd December 1991 the first public display is completed and on the
16 3rd December 1919 Murray O'Leary put in this rezoning submission on behalf of
17 Ballycullen farms 1576. And that is dated the 3rd of December '91, which is
18 the last day of the public display?

19 A. Last day possible.

14:57:06 20 Q. 737 Yes and the public, your submission or not your submission but the submission
21 on behalf of the Ballycullen Farms is put in on that date, isn't that right?

22 A. Correct, yes.

23 Q. 738 As submission has to be put in before the public display is completed?

24 A. Otherwise you are out of time.

14:57:20 25 Q. 739 And they won't accept it?

26 A. That's right.

27 Q. 740 This is the last possible date but its put in and given the reference number
28 693. You can see its not very well photocopied on the top 693 by the council
29 but this would mean at this stage the first step has been achieved in a
14:57:40 30 submission seeking rezoning of the lands has been put into the council?

- 14:57:42 1 A. Yes.
- 2 Q. 741 You will recollect Mr. Dunlop that previously this morning we looked at the
3 rezoning that had been earlier sought by Murray O'Leary on behalf of
4 Ballycullen Farms and they have been looking for E for industrial?
- 14:57:57 5 A. Correct.
- 6 Q. 742 And then F open space?
- 7 A. Which then went on to be D zoned correct, but if we look at 1579 and what's
8 being sought by Ballycullen Farms here at paragraph 3, nature of the rezoning
9 sought, they say A1 for 56 hectares and then green the lands coloured green F,
14:58:18 10 so the rezoning that they are looking for is residential. Yeah.
- 11 Q. 743 And open space and recreational amenities.
- 12 A. Correct.
- 13 Q. 744 They are not looking for any agricultural zoning and they are not looking for
14 any industrial zoning?
- 14:58:32 15 A. No.
- 16 Q. 745 Right. And this would mean then that at this stage by December of 1991 that
17 they have achieved the only objective they could have achieved in '91 which was
18 to get their submission into the council within the public display?
- 19 A. Yes that's their ticket to.
- 14:58:49 20 Q. 746 To the next step?
- 21 A. To the next step.
- 22 Q. 747 And the next step will be a motion.
- 23 A. The next step is a motion.
- 24 Q. 748 And that motion will lead to a vote.
- 14:58:55 25 A. Correct.
- 26 Q. 749 And it is at that stage that your participation Mr. Dunlop, if you are correct
27 in what you tell the Tribunal, becomes crucial?
- 28 A. Yes. Just not to leave any gap, just to reprise that again. The submission is
29 the ticket to further progress, what happens is the council officials view the
14:59:15 30 submission, make a judgement on it, issue a report either in advance of, or

14:59:20 1 immediately before any meeting they schedule in relation to the Development
2 Plan that's going to deal with that map, then everybody knows what is required,
3 what time frame you are dealing with, when the motion is required, sometimes I
4 think they change it from time to time, sometimes they start in Skerries and
14:59:43 5 they go to Dun Laoghaire, sometimes they start in Dun Laoghaire and go to
6 Skerries so it depends on which decision is taken, how soon this issue is going
7 to appear, that gives he have been the red alert as to when a motion is
8 required.

9 Q. 750 But certainly throughout, you had become involved in February of 1991, its now
15:00:00 10 December 1991, there had been a proposal to rezone the lands for industrial,
11 that had fallen, isn't that right?

12 A. Yes.

13 Q. 751 The lands were zoned B, a decision was made not to attempt to do anything in
14 advance of the first public display?

15:00:11 15 A. Correct.

16 Q. 752 Isn't that right, I assume and correct me if I am wrong that that was because
17 of the perceived public opposition to the proposal?

18 A. No question about that.

19 Q. 753 Yes, what you were buying was time in letting it go to the public display and
15:00:25 20 then putting in your submission which would lead as you say to the Council
21 analysing it and the manager preparing a report and that being circulated?

22 A. It was falling into line with the process that the council outlined but it just
23 happened to be convenient in the context of not putting in any other submission
24 are or planning application.

15:00:42 25 Q. 754 Sorry I beg your pardon. In that period in your contacts with councillors your
26 diaries and your telephone records record almost minimal contact with
27 councillors?

28 A. Yes.

29 Q. 755 You did not make any payments in 1991 in relation to the Ballycullen lands you
15:00:56 30 say, is that correct?

15:00:56 1 A. Correct.

2

3 CHAIRMAN: All right its just gone three o'clock. So we'll adjourn for today

4 and sit tomorrow at half past ten.

15:01:05 5

6 MS. DILLON: Whatever time suits you sir.

7

8 CHAIRMAN: Half past ten.

9

15:01:09 10 **THE TRIBUNAL THEN ADJOURNED TO THE FOLLOWING DAY,**

11 **FRIDAY 10TH FEBRUARY 2004 AT 10.30 AM**

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