

THE TRIBUNAL RESUMED AS FOLLOWS ON TUESDAY,

14TH FEBRUARY 2006 AT 10.30 A.M:

CHAIRMAN: Good morning, Ms. Dillon.

MS. DILLON: Good morning, sir. Mr. Dunlop please.

CONTINUATION OF QUESTIONING OF MR. FRANK DUNLOP BY MS. DILLON:

Q 1 If we can resume where we were left off on Friday, we will try and move through the progression of the matters that occurred in connection with Ballycullen and Beechill and Mr. Jones. On Wednesday, 7th October, which is where we left off on Friday at page 1820. Now, there is an entry there, first of all there's the first entry which relates to Mr. Lydon which we discussed on Friday, and there's an address given there, isn't that correct? I think you told the Tribunal you did not know whether or not that was his address?

A Correct.

Q 2 But can you confirm that the only Don Lydon who telephoned you was Mr. Don Lydon, the councillor?

A Yes.

Q 3 And that on the following, on the -- I think there is an entry in your diary for the 7th of October, the same date at 7.15, "to call to Don L," isn't that correct?

A Yes.

Q 4 That must relate to the telephone call at 9.55.

A Yes.

Q 5 Do you recollect calling to Mr. Don Lydon?

A No, I think as I said to you on Friday, I have never been to Mr. Lydon's home.

Q 6 Just there after 12.45, beneath the name Charles Blanford, there's a note.

"Rang Mary O'Sullivan, told her John Hannon cannot meet until Monday at 5

- 10:38:12 1 o'clock, FD will call CJ later this afternoon," presumably the FD is yourself
2 Frank Dunlop and the CJ is Mr. Jones?
- 3 A That's correct.
- 4 Q 7 So that meeting with Mr. Hannon, who's councillor John Hannon was in connection
10:38:24 5 with Mr. Jones?
- 6 A Correct.
- 7 Q 8 And I think your diary shows that for the following Monday, and I will come to
8 deal with this in a moment, on the 12th of October 1992, there was a meeting
9 between Mr. Hannon and Mr. Jones?
- 10:38:38 10 A Yes.
- 11 Q 9 That would suggest that you were the person who set up the meeting between
12 Mr. Jones and Mr. Hannon?
- 13 A Correct.
- 14 Q 10 I will come to deal with that in its due place? I think on that same date, at
10:38:49 15 5 o'clock, Mr. Jones rings.
- 16 A Yes.
- 17 Q 11 On the following day, the 8th October 1992, at 1821, Mr. Don Lydon calls at 10
18 o'clock and tells you that he has gone into a meeting and will call you later.
- 19 A Yes.
- 10:39:07 20 Q 12 And again Mr. Lydon there seems to be letting you know where he is based or
21 where his location is.
- 22 A Correct.
- 23 Q 13 Mr. Hand tells you at 10.55 that you can get him and it's urgent at Dublin
24 County Council information desk.
- 10:39:19 25 A Yes.
- 26 Q 14 Again he is giving you information where he can contacted, Mr. Liam Creavan,
27 rings at 3.40, that's councillor Creavan, and then at 4 o'clock "Liam is
28 looking for you." And that I presume is Mr. Liam Lawlor.
- 29 A Correct.
- 10:39:32 30 Q 15 Now the name John O'Hanlon at 4.15, is that a person Mr. O'Hanlon or is it

- 10:39:40 1 possible it's Mr. O'Halloran?
- 2 A The name John O'Hanlon doesn't mean anything to me, Ms. Dillon. It's possible
- 3 it could be John O'Halloran, since it says O'Hanlon -- but I cannot tell you
- 4 who John O'Hanlon is. I have no recollection who John O'Hanlon is.
- 10:39:59 5 Q 16 I think on the following day, the 9th October 1992, at page 1822, which is the
- 6 Friday, at 11.30, Mr. Liam Lawlor calls at 11.55, Mr. Colm McGrath calls and at
- 7 3.25, Mr. Tom Hand calls.
- 8 A Correct.
- 9 Q 17 I think on the 12th October 1992, at 1823, your diary records a meeting between
- 10:40:25 10 Mr. John Hannon, that's councillor John Hannon and CJ which I assume is
- 11 Mr. Chris Jones, if you look at five o'clock on Monday 12th?
- 12 A Monday 12th, yes.
- 13 Q 18 Right. Now, we saw earlier, two days earlier that you had left a message for
- 14 Mr. Jones, that in connection with this meeting, is that right?
- 10:40:42 15 A That's correct.
- 16 Q 19 Did you set up the meeting?
- 17 A Yes.
- 18 Q 20 Did you attend the meeting?
- 19 A I don't think so.
- 10:40:47 20 Q 21 Mr. Hannon confirms to the Tribunal in his statement that he did meet with
- 21 Mr. Christopher Jones in Wynne's Hotel?
- 22 A Huh-huh.
- 23 Q 22 And that Mr. Jones made certain suggestions to him in relation to supporting
- 24 the proposed rezoning of the Ballycullen lands.
- 10:41:03 25 A Yes.
- 26 Q 23 You were not present at any such meeting?
- 27 A I don't recollect ever being present at the meeting between Chris Jones and
- 28 John Hannon.
- 29 Q 24 Mr. Hannon has told the Tribunal that in November, sorry, he will tell the
- 10:41:17 30 Tribunal that he received in November 1992 an unsolicited political donation of

- 10:41:24 1 1,000 pounds from Frank Brooks on behalf of Mr. Chris Jones or Ballycullen
2 Farms, did Mr. Jones ever discuss with you the payment of any monies to
3 Mr. Hannon?
4 A No he did not.
- 10:41:35 5 Q 25 Were you aware that that payment or donation had been paid?
6 A Not until I heard you outline it in your opening statement.
7 Q 26 You know that on the 29th October, sorry, maybe it's the 28th October, on the
8 date of the actual zoning of the Ballycullen lands, that an amending motion was
9 put in.
10:41:52 10 A Yes.
11 Q 27 On the 29th October.
12 A By John Hannon.
13 Q 28 Proposed by councillor John Hannon, did you have any discussion with Mr. Hannon
14 about proposing that amendment?
10:42:01 15 A I have no recollection whatever of having any in-depth discussion with John
16 Hannon about amendments to any substantive motion.
17 Q 29 I will come to deal with that when we come to deal with the motion. Now on the
18 12th October 1992, at 1824, you have telephone messages and on this day, you
19 have three telephone messages from Mr. Hand, you have 11 o'clock, one o'clock
10:42:31 20 and 4.15, you have two telephone messages from Mr. Jones, at five past nine and
21 five to four, Mr. Sean Gilbride rings at one o'clock, Mr. Lydon rings at 4
22 o'clock and he leaves two numbers and asks that you call him, isn't that
23 correct?
24 A Correct.
10:42:46 25 Q 30 And Mr. Lawlor rings on one occasion at 9 o'clock.
26 A Correct.
27 Q 31 So again there seems to be fairly widespread contact there between the
28 councillors and yourself, and again this is recording only incoming calls, Mr.
29 Dunlop.
10:42:58 30 A That's all.

- 10:42:59 1 Q 32 It wouldn't record, of course, any calls that you had made yourself.
- 2 A No.
- 3 Q 33 All right. Or calls that were taken while you were in the office.
- 4 A No, if I was engaged when the call came in, then my secretary would take the
- 10:43:10 5 call and give me a note but she would record the fact that a call came in.
- 6 Even though I was there and I think as I said to you on Friday, if you look at
- 7 the schedule of calls on various dates and there are quite a significant
- 8 number, they run to two or three pages in some instances, those would, from my
- 9 point of view, indicate that I was out of the office.
- 10:43:37 10 Q 34 What I'm asking you is that in addition to the calls that are recorded on these
- 11 documents, there would also have been calls made by people into your office
- 12 which you would have taken.
- 13 A Correct.
- 14 Q 35 Which would not then be recorded.
- 10:43:50 15 A Correct.
- 16 Q 36 Because there would be no necessity to record them.
- 17 A Exactly.
- 18 Q 37 And addition you would have made calls which because you were the author of the
- 19 call, were not being recorded.
- 10:43:56 20 A Correct.
- 21 Q 38 Did you also have a mobile phone at this stage?
- 22 A Yes, I had one of the earlier ones, very large instrument.
- 23 Q 39 Would you have been using that also?
- 24 A Yes.
- 10:44:05 25 Q 40 Now I think on the 13th October 1992, at 1826, you receive two telephone calls
- 26 from Mr. Hand and at 9.40, Mr. Hand tells you "he is leaving at house at 9.50
- 27 and he will call again at 10.30 or 10.45," so this is a location call, Mr. Hand
- 28 is telling you where he is and where he can were contacted.
- 29 A Correct.
- 10:44:30 30 Q 41 He also, I think, contacts you again at 11.25 to tell you to call him at home

10:44:35 1 at 12 o'clock.

2 A Yes.

3 Q 42 Mr. Colm McGrath rings twice, at 1.35 he rings and asks you to call him and at

4 3.20 he rings you and leaves a message "Not been lodged yet".

10:44:47 5 A Motion, I would say motion, yes.

6 Q 43 From Dublin County Council.

7 A Yes.

8 Q 44 So Mr. McGrath is here providing you with information in relation to a

9 particular motion, although, I presume, you don't know which motion.

10:45:05 10 A No I've no idea.

11 Q 45 Mr. Lawlor rings twice, he rings at 2.40 and on the following page we needn't

12 go to, he rings at 5 o'clock. Mr. Gilbride rings once at 11.30 and says he

13 will call again, though no further call is recorded and Mr. GV Wright rings

14 once at 9.55.

10:45:24 15 A Correct.

16 Q 46 So on that occasion you are contacted by five councillors and for three of them

17 on two occasions on that date.

18 A And at 3.35 Therese Reid rings Fine Gael council rooms.

19 Q 47 Yes. She's not a councillor who's involved in this particular module, she's

10:45:37 20 also a councillor, that's the position.

21 A Not in this module. Yes.

22 Q 48 I think on the 14th October 1992, your diary, at page 1823, records a number of

23 meetings during the day, but in particular I want to look at a meeting at 7

24 o'clock which records "Colm Mc" and can you confirm first of all that "Colm Mc"

10:46:01 25 is Colm McGrath?

26 A Correct.

27 Q 49 And "S Gill" who is the second party you record at 7 o'clock is Sean Gilbride?

28 A Correct.

29 Q 50 And that you have a note there for a meeting in Jurys.

10:46:12 30 A Yes.

- 10:46:12 1 Q 51 Now can you tell the Tribunal what that meeting was about?
- 2 A I think, Ms. Dillon, there was another person present at that, though his name
- 3 is not attached in the diary, but his name does appear in that day as well.
- 4 Q 52 Was that a meeting in connection with Ballycullen/Beechill?
- 10:46:27 5 A No, it was a meeting with Mr. Owen O'Callaghan.
- 6 Q 53 It was a separate matter.
- 7 A Correct.
- 8 Q 54 I think you have previously indicated to the Tribunal in another module that
- 9 this meeting related to a separate development, but you didn't identify the
- 10:46:39 10 development?
- 11 A I am identifying it by virtue of the fact that -- at the very top of the page.
- 12 Q 55 Yes. But --
- 13 A Yes, is the answer.
- 14 Q 56 So previously, I think, on Day 421 you had told the Tribunal that this meeting
- 10:46:53 15 was in connection with the development but hadn't identified the development,
- 16 so my only question to you in connection with this module was whether this was
- 17 the development you had the meeting about?
- 18 A Yes. Sorry, not Ballycullen, the development that relates to the name on the
- 19 top of the diary.
- 10:47:08 20 Q 57 It's nothing to do with this module?
- 21 A No.
- 22 Q 58 Right. And I assume therefore that you didn't make any payments to either of
- 23 those people in connection with this module at that meeting. Now, I think on
- 24 the 15th of October 1992, at 1823, you also have in your diary a meeting at
- 10:47:31 25 3.30 with Larry Butler and you have a meeting with another councillor at 4.30,
- 26 Mr. Sean Barrett, who is not involved with this module, and at 8.30, Mr. John
- 27 O'Halloran.
- 28 A Yes.
- 29 Q 59 On the 15th October you also receive a lot of telephone calls which I will go
- 10:47:47 30 through in a moment, but insofar as both of those entries, Mr. Butler and Mr.

- 10:47:53 1 O'Halloran are concerned, did they relate to Ballycullen/Beechill?
- 2 A Ballycullen/Beechill may well have been mentioned but again this is governed by
- 3 the heading on the day.
- 4 Q 60 So primarily what would have been discussed is a different development not
- 10:48:08 5 Ballycullen/Beechill?
- 6 A Correct, for explanation purposes, Ms. Dillon, obviously the gentleman
- 7 concerned is in town and we are trying to get as many meetings at possible with
- 8 councillors on that particular, in that particular period.
- 9 Q 61 We have to try, because of the existence of the High Court proceedings, to stay
- 10:48:23 10 as far as away as possible, Mr. Dunlop, from that matter.
- 11 A Sorry.
- 12 Q 62 All I'm concerned about in relation to the entries in the diaries are the
- 13 councillors who are concerned with this module, is whether at this meeting you
- 14 would have discussed Ballycullen/Beechill with either of those?
- 10:48:35 15 A Yes, I could well have done.
- 16 Q 63 You could have mentioned it to them.
- 17 A I could have well have done.
- 18 Q 64 Would you have made any arrangements to pay Mr. O'Halloran or did you pay Mr.
- 19 O'Halloran at this meeting?
- 10:48:46 20 A No.
- 21 Q 65 Now, on the 15th October 1992, at page 1830, and on the following day,
- 22 Mr. Dunlop, on the 16th October 1992, the Beechill motion comes up for hearing
- 23 in Dublin County Council.
- 24 A Yes.
- 10:49:00 25 Q 66 And on that day, on the record, if we could have the second page at 1831 side
- 26 by side please with 1830. Now this level of record of the incoming calls to
- 27 your office would indicate to you that you were out.
- 28 A Yes.
- 29 Q 67 Now on this day and we can go through them briefly, Mr. Liam Cosgrave calls
- 10:49:26 30 once, Miss McGuinness calls once, Mr. Tom Hand calls twice, Mr. Tony Fox calls

- 10:49:32 1 twice, Mr. O'Halloran calls once.
- 2 A Yes.
- 3 Q 68 12.40.
- 4 A Yes.
- 10:49:36 5 Q 69 Mr. Don Lydon calls four times.
- 6 A Yes.
- 7 Q 70 Mr. Sean Gilbride calls once.
- 8 A Yes.
- 9 Q 71 Mr. John Hannon calls once.
- 10:49:43 10 A Yes.
- 11 Q 72 Mr. Colm McGrath calls once?
- 12 A Yes.
- 13 Q 73 Mr. Jones calls three times.
- 14 A Correct.
- 10:49:50 15 Q 74 Now, the only councillors, Mr. Dunlop, whom you allege you paid in
- 16 Ballycullen/Beechill who did not ring you on this day were councillors Larkin
- 17 and Gallagher.
- 18 A Yes.
- 19 Q 75 Isn't that right? All of the other councillors whom you say you paid have
- 10:50:05 20 contacted you on this day.
- 21 A Neither Councillor Gallagher nor Larkin rarely ever called me.
- 22 Q 76 Is it the position of the nine councillors whom you say you paid in connection
- 23 with Ballycullen and Beechill, seven of them ring you on the 15th of October
- 24 1992?
- 10:50:20 25 A That is the record.
- 26 Q 77 And some of them ring you more than once.
- 27 A Correct.
- 28 Q 78 And this is the day before the Beechill motion, which is the 16th October.
- 29 A 16th October. To the 15th, yes.
- 10:50:30 30 Q 79 Can I just show you first of all, that in relation to Mr. Tom Hand the first

- 10:50:35 1 entry for Mr. Hand at 10 o'clock, he tells you he is at home from 10.40.
- 2 A Yes.
- 3 Q 80 So he is giving you a location.
- 4 A He is back from mass, yes.
- 10:50:42 5 Q 81 10.40 he tells you he is at home.
- 6 A Yes.
- 7 Q 82 He rings you at 10 o'clock to tell you he will be home at 10.40.
- 8 A Yes.
- 9 Q 83 And he rings you at 10.40 to tell you he is home. Then Mr. Tony Fox rings you
- 10:50:53 10 at 10 past 11 and he tells you he is leaving for the council.
- 11 A Yes.
- 12 Q 84 And you can get him in the council.
- 13 A Correct.
- 14 Q 85 And he rings you at 11.50, forty minutes later, to tell you he is in the
- 10:51:05 15 council. Again these are location calls.
- 16 A Correct.
- 17 Q 86 You are being told where the councillor is or will be, isn't that right?
- 18 A If I need them.
- 19 Q 87 For whatever purpose.
- 10:51:12 20 A Correct.
- 21 Q 88 But what the record shows is that these councillors were giving you locations
- 22 where they could be found, met, or contacted.
- 23 A Correct.
- 24 Q 89 I think on the following page, on the top of the second page, at 12.55, Mr. Don
- 10:51:25 25 Lydon rings and he says he is "trying car phone." Does that mean he was trying
- 26 your car phone?
- 27 A Correct.
- 28 Q 90 If you move down to one o'clock, Mr. Lydon tells you he is "in the hospital"
- 29 and he leaves you a number.
- 10:51:36 30 A Yes.

- 10:51:36 1 Q 91 If you move down to 2.30, he tells you "he is back in the hospital." Do you
2 see that?
- 3 A Yes. The 12th, five to one, one o'clock, 2.30.
- 4 Q 92 2.30 tells you he is back at the hospital and at 3.40 he rings again.
- 10:51:52 5 A Yes.
- 6 Q 93 So you have four phone calls for Mr. Lydon between five to one and twenty to
7 four.
- 8 A Correct.
- 9 Q 94 And three of those tell you where Mr. Lydon is, isn't that right?
- 10:52:01 10 A Hmm-hmm.
- 11 Q 95 And with Mr. Hannon at 2.40, he leaves a telephone number where he can
12 contacted.
- 13 A That's correct.
- 14 Q 96 And Mr. Gilbride tells you at 12.55, again, "that he will call later."
- 10:52:14 15 A Correct.
- 16 Q 97 Now, and you also receive calls from -- sorry, Mr. Colm McGrath leaves you a
17 number at 3 o'clock.
- 18 A Yes.
- 19 Q 98 So the picture that appears to be emerging, Mr. Dunlop, subject to any
10:52:25 20 correction you want to make, is that there's a pattern here of information
21 being given to you, either by way of telephone or physical location, where
22 people, where people are to be found.
- 23 A Correct.
- 24 Q 99 And presumably this was in case you had any necessity to contact those people?
- 10:52:40 25 A Correct.
- 26 Q 100 Right. Now I think on the 16th October, at 1833, the Beechill motion took
27 place.
- 28 A Mmm.
- 29 Q 101 And the record of the Beechill motion, which is at 1833, I want to draw to your
10:52:57 30 attention first that Mr. Larkin is not recorded as being present at that

- 10:53:01 1 meeting.
- 2 A Yes.
- 3 Q 102 And Mr. O'Halloran is.
- 4 A Yes.
- 10:53:04 5 Q 103 Isn't that right? Now you say that you paid Mr. Larkin in connection with his
6 support for both Ballycullen and Beechill.
- 7 A Correct.
- 8 Q 104 I think you accept, do you not Mr. Dunlop, that he wasn't present at this
9 meeting and he wasn't present at the other meeting.
- 10:53:17 10 A Absolutely.
- 11 Q 105 Now were you there at this rezoning?
- 12 A In relation to Beechill?
- 13 Q 106 Yes, on the 16th.
- 14 A I cannot absolutely definitively say to you that I recollect being there but
10:53:29 15 given my practice it would be most unusual if I wasn't.
- 16 Q 107 Your diary at 1823 please, does not record Development Plan which is one of the
17 entries you make when you are going to be in the council, isn't that right?
- 18 A Yes.
- 19 Q 108 So your diary for the 16th does not have that entry, which we have seen, it is
10:53:45 20 previously recorded that you are going to be in the council at the Development
21 Plan.
- 22 A Yes, but on the 16th, I draw your attention, on the 16th, there's just two
23 entries in my diary.
- 24 Q 109 Does that suggest to you, you were probably at the council?
- 10:54:00 25 A Depending on the time frame, in relation to the council, one of the meetings is
26 in Leinster House but the likelihood is that I was there, yes. Even for a
27 short period.
- 28 Q 110 At 1833, which is the attendance record of the actual meeting and then at 1836,
29 sorry, 1835 and 1836, the manager gave a report in relation to the Beechill
10:54:29 30 lands and what had been sought by the motion in relation to these lands was

- 10:54:31 1 that these lands would be deemed suitable for office use, isn't that right?
- 2 A Yes.
- 3 Q 111 And that motion, as we have seen, had been signed by Councillor Lydon and Hand.
- 4 A Correct.
- 10:54:41 5 Q 112 But the manager, while he set out that he would prefer major office development
6 in the town centres of Tallaght, Lucan, Clondalkin and Blanchardstown, he then
7 goes on to say, on the second paragraph, page 1836.
8 "Nevertheless, in view of the location and limited area of the lands, it is
9 considered that an application for office development could be considered under
10:55:05 10 the terms of the 1991 Draft Plan when adopted, given the extent of the
11 development already permitted in the vicinity. In view of this, it is
12 recommended that the motion not be passed but a specific objective be included
13 to facilitate the development of the offices at this location."
14
- 10:55:18 15 What the manager was suggesting was that the map would not be changed from it's
16 designation of E Industrial but that the written statement would be changed to
17 include a written objective that office development would be permitted at
18 Beechill court.
- 19 A Correct, and the written statement is the law.
- 10:55:33 20 Q 113 And the written statement was amended in fact to reflect that.
- 21 A Correct.
- 22 Q 114 And the councillors agreed to the manager's proposal, isn't that right?
- 23 A Correct.
- 24 Q 115 And the effect of that was that the Hand/Lydon motion was withdrawn.
- 10:55:45 25 A Correct.
- 26 Q 116 Because the end result had been achieved by the manager's solution, isn't that
27 right?
- 28 A Correct.
- 29 Q 117 And I think if one looks at the -- just at 1839, which is the council record of
10:56:01 30 what happened to the motion and this is the Lydon Hand motion in relation to

- 10:56:09 1 Beechill, there's a note at the side, "16th October '92 withdrawn," which is
2 the council note.
- 3 A Yes.
- 4 Q 118 You see it written beside -- this is the council record of what happened to the
10:56:17 5 motion.
- 6 A Yes.
- 7 Q 119 And that copper fastens that in fact the Lydon/Hand motion about Beechill was
8 withdrawn following the manager's suggestion that the matter be dealt with by
9 way of the written statement.
- 10:56:28 10 A Correct, that's an extract in the minutes of the council meeting, that's not a
11 copy of any motion. That's an extract from the minutes of the meeting.
- 12 Q 120 From the agenda, yes, it's a copy of the agenda, on which is recorded, by the
13 council, what happened to the actual motion. And because the minutes do not
14 say that the motion was withdrawn I'm drawing this to your attention to show
10:56:50 15 you that in fact it was withdrawn, do you understand, Mr. Dunlop?
- 16 A Yes. I do fully.
- 17 Q 121 Now, when did you become aware or did you become aware that the manager was
18 going to take this approach?
- 19 A Yes, I think there was an indication of that via the councillors, particularly
10:57:06 20 Hand, Councillor Hand. There was some concern that the map wouldn't be
21 changed, if I recollect it correctly there wasn't a great deal of controversy
22 about this at all, but there was some discussion, obviously, between the
23 councillors themselves and some of the officials, which allowed them to, the
24 councillors, to know that the manager was looking favourably, even though he
10:57:39 25 mightn't change the map, he was looking favourably at changing the zoning or
26 giving an objective which would achieve the same thing.
- 27 Q 122 That is in fact what happened.
- 28 A Yes.
- 29 Q 123 Is it your recollection that Mr. Hand was the person who came back to Mr. Jones
10:57:55 30 and his advisers with this information?

- 10:57:57 1 A I couldn't be one hundred percent certain about that, but certainly I do have a
2 recollection of Tom Hand telling me that there had been some discussion with
3 officials and that the officials had indicated that there would be a
4 sympathetic view taken.
- 10:58:12 5 Q 124 Now I think on the same date, which is the 16th October, at 1832, telephone
6 messages are again recorded and I want to just draw to your attention, that
7 there are four telephone calls from Mr. Hand, 11.20, 2.50, 4.40 and 5.15 and
8 the 4.40 and 5.15 he requests you to call him at home.
- 9 A Correct.
- 10:58:35 10 Q 125 And then there's also a telephone call from Mr. Gilbride also at home at 4.30
11 and he asks to you call him and there's also an early call, at 10.35 from
12 Mr. Lawlor.
- 13 A That's correct.
- 14 Q 126 And again, would those calls from Mr. Gilbride and Mr. Hand have been in
15 connection with council business?
- 16 A Yes.
- 17 Q 127 Is it likely that the calls from Mr. Hand particularly related to the Beechill
18 motion?
- 19 A Without any doubt.
- 10:58:58 20 Q 128 And Mr. Gilbride?
- 21 A The likelihood is yes, I'm just looking at the timing, he lived in Skerries, I
22 don't know what time the meeting took place.
- 23 Q 129 The meeting concluded at 1.15.
- 24 A Yes, it was over, he went straight home.
- 10:59:13 25 Q 130 You can see that at page 1837, so the meeting is over at quarter past one and
26 now you are being contacted from Mr. Hand at 2.50, Mr. Gilbride, Mr. Hand and
27 then again Mr. Hand in the afternoon.
- 28 A Which would reinforce again just for completeness, Ms. Dillon, to say if the
29 meeting was over at 1.30, the strong likelihood is that I was there for however
10:59:34 30 minimal a period.

- 10:59:35 1 Q 131 And that these contacts thereafter involve some discussion between these
2 councillors and yourself in connection with Beechill, is that likely?
3 A That is likely.
- 4 Q 132 At 18.40 on the 19th October 1992, your diary records a meeting with Mr. C
10:59:53 5 Jones.
6 A Yes, 11 o'clock.
- 7 Q 133 Now it would appear from your telephone entries of the same day that
8 Mr. Brooks, Mr. Oliver Brooks, left a message that he had missed out on
9 something at the meeting so it would appear that he was also at that meeting.
- 11:00:08 10 A Yes.
- 11 Q 134 All right. Now, the only matter that you had left in common with Mr. Jones at
12 this stage on the 19th October was Ballycullen.
13 A Correct.
- 14 Q 135 Because you had already got what you wanted in Beechill the previous Friday,
11:00:20 15 isn't that right?
16 A That's correct.
- 17 Q 136 So presumably this was a sort of a meeting to work out the or continue the
18 strategy in relation to the rezoning of the Beechill lands?
19 A Correct.
- 11:00:28 20 Q 137 Is that correct? Now on the same date on 19th October 1992 at 1841, and 1842
21 please, if we could have them together side by side? Now you have a phone call
22 from Therese Ridge at 12 o'clock and she tells you where she's going to be from
23 half one. At 12.05 Mr. Hand tells you he is at the porters desk, I presume in
24 Dublin County Council, for half an hour, so you can contact him there, is that
11:01:03 25 right?
26 A Correct.
- 27 Q 138 At half two, Mr. Hand rings again. 2.30.
28 A Correct.
- 29 Q 139 And at 2.35 Oliver Brooks rings and he leaves a phone number and says that he
11:01:14 30 missed out on something at the meeting earlier and wants a quick word.

- 11:01:17 1 A Right, yes.
- 2 Q 140 At 2.55, Liam in Lucan rings.
- 3 A Yes.
- 4 Q 141 At 4 o'clock Mr. Jones rings, now you have already had a meeting with
- 11:01:27 5 Mr. Jones, isn't that right?
- 6 A Yes.
- 7 Q 142 At 4 o'clock, Mr. Sean Gilbride rings. At 4.10, Mr. Chris Jones ring. At
- 8 4.10, Mr. Tom Hand rings. At 4.40 Mr. GV Wright rings. At 4.50 Mr. Chris
- 9 Jones rings and at 4.55 Mr. Tom Hand rings.
- 11:01:44 10 A Correct.
- 11 Q 143 On that date, the 19th October 1992, which is the week and a half before the
- 12 Ballycullen rezoning, Mr. Jones rings you three times.
- 13 A That's right.
- 14 Q 144 Mr. Hand rings you four times.
- 11:01:53 15 A Correct.
- 16 Q 145 Mr. Gilbride rings you once.
- 17 A Yes.
- 18 Q 146 Mr. GV Wright rings you once and again, is it likely that some or all of this
- 19 contact was in connection with the Ballycullen matter?
- 11:02:03 20 A Some or all.
- 21 Q 147 And Mr. Jones' contact would have been only in connection with that.
- 22 A And Mr. Brooks.
- 23 Q 148 And Mr. Brooks.
- 24 A And obviously Mr. Brooks is referring to the meeting that had already took
- 11:02:13 25 place that morning with Mr. Jones which would indicate that he was present.
- 26 Q 149 Was Mr. Brooks dealing with the Fianna Fail councillors, was he ever given
- 27 specific responsibility for dealing with the Fianna Fail councillors?
- 28 A Well I think maybe specific responsibility is putting it a bit strongly, but he
- 29 moved around with the councillors, he appeared in various locations in or
- 11:02:37 30 around Dublin County Council, he was present, talking to them, I witnessed him

- 11:02:42 1 there myself, I was there myself and he had a certain rapport with the Fianna
2 Fail councillors, by virtue of the fact that he was involved with Fianna Fail
3 and as I said to you sometime ago, he subsequently became a Fianna Fail
4 councillor himself.
- 11:02:56 5 Q 150 But not in Dublin.
6 A No, no, in County Meath.
7 Q 151 Did you ever discuss with Mr. Brooks making financial contributions to
8 councillors, whether by way of political contribution or any other sort of
9 payment to councillors?
- 11:03:10 10 A No.
11 Q 152 Did it ever arise in conversation?
12 A Not with Mr. Brooks.
13 Q 153 Were you aware or did you know Mr. Brooks might have been making payments to
14 councillors by way of political contributions?
- 11:03:20 15 A No such awareness.
16 Q 154 Did you have any discussion is with Mr. Jones about making payments to
17 councillors or, not improper payments, but making political contributions to
18 councillors?
19 A Not generated me by, I pause to think, because I know that other people have
11:03:46 20 said that I requested a political contribution from one councillor but I mean I
21 don't have any recollection of it but I don't think so, no, other than the
22 comment that I attributed to Mr. Jones at an early meeting when he said he was
23 fed up giving money to the political parties.
24 Q 155 But that wasn't a comment by Mr. Jones in connection with individuals within
11:04:06 25 political parties?
26 A No, no, political parties.
27 Q 156 Did Mr. Jones ever seek your advice about making any payments say to Mr. Lydon,
28 for example?
29 A Not that I recollect.
11:04:17 30 Q 157 Or Mr. GV Wright?

- 11:04:20 1 A No.
- 2 Q 158 Or Mr. Hand?
- 3 A No, no.
- 4 Q 159 I come to deal separately with what is said about Mr. Hand and the payments to
- 11:04:29 5 Mr. Hand, but around this time when you were meeting with Mr. Brooks and
- 6 Mr. Jones, was the question of making any political contribution ever raised?
- 7 A Not to my recollection.
- 8 Q 160 Notwithstanding that this was coming up to, as it transpired, a general
- 9 election in November 1992.
- 11:04:40 10 A Yes.
- 11 Q 161 And did that position continue throughout your relationship with Mr. Jones?
- 12 A Yes.
- 13 Q 162 Now I think on the 19th October 1992, at 1850, Mr. Jones sent you a copy of an
- 14 undertaking, now the undertaking commences at 1851, and this was an undertaking
- 11:05:00 15 by Ballycullen Farms Limited to Firhouse Community Council and effectively what
- 16 was being agreed here was 60 acres would be medium to low density residential
- 17 and 130 acres of open space and recreational and Ballycullen Farms agreed to
- 18 apply for the planning and to supervise or ensure they were involved in the
- 19 planning.
- 11:05:19 20 A Yes.
- 21 Q 163 In other words, what was being undertaken was that they weren't going to sell
- 22 on the lands once they got rezoning.
- 23 A Yes.
- 24 Q 164 Right. And I think an earlier handwritten document at 1843, this is in your
- 11:05:36 25 handwriting, Mr. Dunlop?
- 26 A That's my handwriting.
- 27 Q 165 If you see the commencement of that document is entitled "Firhouse Community
- 28 Council," that's struck out and "undertaking by Ballycullen Farms Limited to
- 29 Firhouse Community Council, reproposal to develop lands at Ballycullen, County
- 11:05:52 30 Dublin," would that suggest that you were involved in drafting the undertaking?

- 11:05:55 1 A Yes.
- 2 Q 166 Would it follow you had probably been at some meeting with Firhouse Community
3 Council?
- 4 A Yes, it would.
- 11:06:01 5 Q 167 At which this was worked out?
- 6 A Correct.
- 7 Q 168 Was that because, if you were in a position or Ballycullen Farms were in a
8 position to show the councillors and the manager that this project had local
9 support, it had a much better chance of being passed by the council?
- 11:06:16 10 A Correct.
- 11 Q 169 I think on 1840, on the 20th October 1992, your diary records a number of
12 meetings on the 20th October with councillors, you have a meeting with Sheila
13 Terry, "lunch in the Gresham."
- 14 A Yes.
- 11:06:31 15 Q 170 John Dockrell at Fitzwilliam Square and Mary Muldoon at the Gresham and you
16 have another meeting with another councillor, I think, at 4.50 which looks
17 likes it's cancelled and take place the following day.
- 18 A Correct.
- 19 Q 171 Insofar as Miss Terry was concerned, was that meeting in connection with
11:06:50 20 Ballycullen?
- 21 A This is not governed, in this instance Ms. Dillon, by any other development as
22 were the other entries in some of the diary references that you made already.
23 But I suspect, very strongly, that certainly in relation to Sheila Terry there
24 was another person present.
- 11:07:07 25 Q 172 Is that person involved in the module?
- 26 A No.
- 27 Q 173 Is that person another councillor?
- 28 A No, no, a developer.
- 29 Q 174 So it's a separate matter, fine we can move on from it then if it's nothing to
11:07:19 30 do with Ballycullen, insofar as Miss Mary Muldoon is concerned?

- 11:07:24 1 A Yes, I think this is similar to the other two, Sheila Terry and John Dockrell,
2 I think there was another person present but in this instance, the likelihood
3 is that I used the opportunity with Miss Muldoon in relation to Ballycullen.
- 4 Q 175 You were aware when you met, must have been aware when you met Miss Muldoon in
11:07:48 5 October 1992 she had put in the motion seeking to upset your motion?
6 A Correct.
- 7 Q 176 As it were. She had put in a motion against Mr. Lydon and Mr. Hand's motion.
8 A Yes.
- 9 Q 177 And when you met her, as your diary records in October 1992, what did you say
11:08:06 10 to her about Ballycullen?
11 A This is governed now by the possibility that there was another person present.
- 12 Q 178 Yes.
13 A But it would be completely unrealistic that, to suggest that I did not use the
14 opportunity to say to her "look, I know you have your motion in but we are
11:08:25 15 going to go ahead" or whatever but I think I indicated to you at very earlier
16 stage of this module, we knew exactly where Miss Muldoon stood and she wasn't
17 for changing or turning.
- 18 Q 179 And I think on the same date, the 20th October 1992, 1854 please, your diary
19 records first of all Mr. Derry Hussey at 11 o'clock.
- 11:08:49 20 A Yes.
- 21 Q 180 The only matter that was outstanding at this stage was Ballycullen.
22 A Yes.
- 23 Q 181 Mr. Jones also at 11 o'clock telling you he is in the office.
24 A Yes.
- 11:08:57 25 Q 182 Mr. Jones at 12.30, will get you later. Mr. John O'Halloran at 2 o'clock,
26 that's Councillor O'Halloran tells you he is in the council.
27 A Correct.
- 28 Q 183 So you have a location. And at 4.20, Councillor Larry Butler tells you that he
29 is in Dun Laoghaire and he gives you a location, isn't that right?
11:09:13 30 A Correct.

- 11:09:13 1 Q 184 And then again Mr. Christopher Jones is again at 4.45.
- 2 A Yes.
- 3 Q 185 But again insofar as the two councillors contact you there, they both give you
- 4 locations as to where they then are.
- 11:09:24 5 A Correct.
- 6 Q 186 Now, it would appear that Mr. Christopher Jones met Miss Mary Muldoon
- 7 separately to you, you would have seen that from the documentation.
- 8 A Yes.
- 9 Q 187 Did you set up that meeting with Miss Muldoon?
- 11:09:45 10 A I have no recollection of setting it up, it may well be I recommended that it
- 11 should take place but I don't have any recollection of setting it up, the
- 12 relationship with Miss Muldoon was delicate.
- 13 Q 188 Your relationship?
- 14 A Yes. Fractious.
- 11:09:59 15 Q 189 She didn't approve of you, would that be -- is that what you are trying to say?
- 16 A I don't think it's a question of whether she approved of me or I approved of
- 17 her. We were in two separate corners and neither of us willing to, you know,
- 18 sort of -- well both of us were willing to recognise that we were in two
- 19 separate corners and let's leave it at that. I probably suggested to Chris
- 11:10:24 20 Jones that look, it's the old philosophy, you know, there's no point in talking
- 21 to the people who were going to support you because they are going to support
- 22 you anyway, it's the people who are not going to support you, if there's any
- 23 possibility at all of reducing their opposition and on that basis it's highly
- 24 likely I recommended to him to meet Miss Muldoon though I have no recollection
- 11:10:46 25 of setting up the meeting.
- 26 Q 190 At 1857, Mr. Jones writes to Miss Muldoon on the 20th October 1992, and he
- 27 "thanks her for a constructive meeting on Saturday," there's nothing in your
- 28 diary for that Saturday recording that you were at any such meeting.
- 29 A No.
- 11:11:00 30 Q 191 But you yourself had met her on the 20th of October.

- 11:11:04 1 A On the 20th October.
- 2 Q 192 So he must have met her prior to the 20th, isn't that right?
- 3 A Yes.
- 4 Q 193 And would you have also have taken the view that perhaps Mr. Jones might do
- 11:11:15 5 better with Miss Muldoon than you were going to do because of her clearly
- 6 stated position?
- 7 A Correct.
- 8 Q 194 And your clearly stated position. So on the 21st October, I think you are out
- 9 of the country on this day, Mr. Dunlop, your diary records at 1858, but the
- 11:11:31 10 telephone records record Mr. Tom Hand at 9.25 and again at 2.55, he is in
- 11 Dublin County Council at the porter's phone. Mr. Gilbride rings at 10 o'clock
- 12 and Mr. Liam Creavan rings at 12.15.
- 13 A Yes.
- 14 Q 195 So again, you have contact from the councillors.
- 11:11:48 15 A Correct.
- 16 Q 196 And again, Mr. Hand is telling you where he is and where he can be contacted.
- 17 A Correct.
- 18 Q 197 On the following day, on the 22nd October 1992, at 1859, at 2.05, Mr.
- 19 O'Halloran rings and leaves a number where he can be contacted, Mr. Jones rings
- 11:12:07 20 at 3 o'clock and Mr. McGrath rings and he is wondering whether the search for
- 21 M.S. it been organised, and have you any results. That doesn't appear to have
- 22 been in connection with Ballycullen, the entry for Mr. McGrath. There seems to
- 23 be a handwritten note at the side beneath the arrow at 5.25 which says
- 24 "waiting."
- 11:12:30 25 A That means that he is on the line, I am there and he is on the line and he is
- 26 waiting. I have written down he is waiting, he's holding on. I don't know
- 27 what the M.S. is offhand, Ms. Dillon. It doesn't refer to Ballycullen I
- 28 suspect.
- 29 Q 198 And on Friday 23rd October, which is the Friday before the rezoning meeting
- 11:12:51 30 which takes place at the end of the following week at 1861, a meeting is

- 11:12:58 1 confirmed with Mr. Jones on Tuesday, Mr. Frank Brooks rings at 9.45, Mr. Hand
2 rings at 11.15 and he leaves a message.
- 3 A Yes.
- 4 Q 199 Said "Beechill and Ballycullen okay."
- 11:13:10 5 A Yes.
- 6 Q 200 Now, what did he mean by that? Can you recollect?
- 7 A I don't know what he means by saying that Beechill is okay because Beechill is
8 done, at this stage. Ballycullen is okay, so obviously Tom was doing a numbers
9 count, talking to various people in the council about Ballycullen and he is
11:13:30 10 saying we will be okay on the day.
- 11 Q 201 So this is the Friday and I think the Ballycullen motion is on the 29th, the
12 following Thursday.
- 13 A That's right.
- 14 Q 202 And you are being told the Friday previous to that that the numbers are all
11:13:43 15 right for Ballycullen.
- 16 A According to Tom Hand, yes.
- 17 Q 203 Was Mr. Hand normally accurate when he provided this type of information?
- 18 A Not really.
- 19 Q 204 That was your experience of him.
- 11:13:53 20 A Yes.
- 21 Q 205 And there is a meeting at 4.35, which may not have anything to do with
22 Ballycullen and is it likely to be different development, isn't that right?
- 23 A Correct.
- 24 Q 206 Again there was contact between Firhouse Community Council and on the 23rd
11:14:12 25 October 1992 at 1862, Firhouse Community Council wrote to Ballycullen Farms and
26 they indicated, in the second paragraph, that they would agree to the rezoning
27 application as outlined in the residential and leisure development report dated
28 September 1992.
- 29 A Yes.
- 11:14:29 30 Q 207 And in the final paragraph, they requested that if the rezoning application is

- 11:14:35 1 successful, that you would consult -- that Ballycullen Farms would consult with
2 them.
- 3 A Yes.
- 4 Q 208 So this is a letter of support from the local community, isn't that right?
- 11:14:44 5 A Correct.
- 6 Q 209 This was going to be very important.
- 7 A Crucial.
- 8 Q 210 For the support because it would influence the local councillors, isn't that
9 right?
- 11:14:50 10 A Yes.
- 11 Q 211 And certainly councillors who might have been against you up to now would think
12 again when they realised that Firhouse Community Council was not objecting to
13 the development.
- 14 A That's correct.
- 11:15:03 15 Q 212 Did you deal with, I think there is certainly one if not two recorded entries
16 in connection with Firhouse Community Council in your diary?
- 17 A Yes.
- 18 Q 213 Was it Mary O'Sullivan or --
- 19 A Mary O'Sullivan was in Mr. Jones' office.
- 11:15:18 20 Q 214 Was in Mr. Jones' office.
- 21 A But there was a linkage between Mr. Jones' office and Ballycullen, the Firhouse
22 Community Council. And that linkage was through one or other of the Brooks, I
23 think Frank Brooks.
- 24 Q 215 He was a member, one of the farm managers and director of Ballycullen Farms
11:15:38 25 Limited but in addition to that, he was a member of Firhouse Community Council.
- 26 A Correct.
- 27 Q 216 And was he involved, in general, with local groups, Mr. Brooks, Mr. Frank
28 Brooks?
- 29 A Yes, I think he was.
- 11:15:51 30 Q 217 He would have been involved at in a lot of groups at local level.

- 11:15:54 1 A Yes.
- 2 Q 218 1863, the 27th October 1992, you have a meeting recorded with Mr. Christopher
3 Jones and I suggest that this must have been in connection with Ballycullen
4 rezoning?
- 11:16:05 5 A Yes.
- 6 Q 219 The meeting is listed for hearing on the 29th which is the Thursday.
- 7 A Yes.
- 8 Q 220 So at this stage, I assume Mr. Dunlop and correct me if I am wrong, the primary
9 function you are engaged in is numbers?
- 11:16:16 10 A Correct.
- 11 Q 221 Working out who you have got in favour and what you can do to reduce or limit
12 those against.
- 13 A That's correct.
- 14 Q 222 Did anybody ever discuss with you, at this stage, any possible role for
11:16:27 15 Mr. John Hannon? In connection with an amending motion?
- 16 A No, not that I recollect.
- 17 Q 223 On the same day, the 27th October at 1864, you receive a phone call at 11.45
18 from Mr. Liam Creavan and again, he is telling you where he is located.
- 19 A Yes.
- 11:16:47 20 Q 224 He is in the council from 2.30 and call him there.
- 21 A Right.
- 22 Q 225 Mr. Tom Hand tells you at 12 o'clock he is at home, so you know where he is
23 located and Mr. Jones rings twice at 2.40 and at 2.45 he rings looking for the
24 numbers Paddy Hickey and Jim Murphy, they were both councillors, isn't that
11:17:05 25 right? Or were at the time or had been councillors?
- 26 A They had been, just want to be absolutely careful about this, my recollection
27 is that they had been councillors and I think both of them, either voluntarily
28 or involuntarily had left, one I think may have been defeated in the election
29 and the other might have retired but certainly as far as I am concerned, there
11:17:25 30 was no contact with either of those by me. But I would have had the numbers.

- 11:17:29 1 Q 226 They are not recorded at being present at any of the votes.
- 2 A No they were gone.
- 3 Q 227 That would suggest they were gone at this stage. Obviously on the 27th October
- 4 1992, Mr. Jones is looking for their numbers, he wants to speak to them.
- 11:17:41 5 A Yes.
- 6 Q 228 And we can ask Mr. Jones why he felt it necessary to speak to Mr. Hickey or
- 7 Mr. Murphy at that time. I think that on the 27th October 1992, on the same
- 8 date, which is two days before the rezoning at 1865, Mr. Jones wrote to
- 9 Mr. John Hannon. Now, Mr. Hannon puts in the amending motion on the 29th and
- 11:18:03 10 he writes a letter in which he says.
- 11 "Dear John my belated thanks to you for a very constructive meeting with you in
- 12 Wynne's Hotel." You had set up that meeting but you don't recollect being
- 13 present.
- 14 A No.
- 11:18:17 15 Q 229 "I delayed writing to you until now to be able to confirm the support of the
- 16 Firhouse Community Council, which we now have and are giving them certain
- 17 undertakings regarding the development" -- which we've seen -- "I enclose a
- 18 copy of the undertaking. I believe this is a unique opportunity for the area
- 19 to acquire a first class development. Again I would like to thank you for your
- 11:18:31 20 support and your understanding in the matter. If there's any points of
- 21 clarification you require, be sure and contact me."
- 22
- 23 Did Mr. Jones ever make you aware Mr. Hannon had agreed to provide support in
- 24 connection with the Ballycullen lands?
- 11:18:51 25 A I can't say that he specifically told me, but I would be doing the numbers so I
- 26 would be cross-checking with anybody involved in the development, Chris Jones
- 27 himself, Derry Hussey, Frank Brooks, Oliver Brooks. I would know myself. So I
- 28 would be marking off who was in favour. So Hannon was always there as a
- 29 supporter in a fashion or other. I mean I know he had done various things
- 11:19:20 30 previously but he was always down as a Fianna Fail member as being supportive.

- 11:19:23 1 Q 230 In 1991, he had proposed a motion seeking to upturn the manager's proposed
2 rezoning for E Industrial on portion of these lands, isn't that right?
- 3 A We discussed why he would have done that.
- 4 Q 231 Yes and it was your view, Mr. Dunlop, that in fact Ballycullen Farms were
11:19:40 5 better off with an agricultural or B zoning going into the Development Plan
6 than an E zoning on a portions of the lands.
- 7 A Correct.
- 8 Q 232 At this point which is a critical period, the 27th October, two days before the
9 motion, Mr. Jones writes a letter in which he is thanking Mr. Hannon for his
11:19:57 10 support.
- 11 A Yes.
- 12 Q 233 Isn't that right? Is it your recollection that on your list of people who were
13 supportive of Ballycullen Farms rezoning, John Hannon was one?
- 14 A In this letter I suggest, Miss Dillon, Chris Jones is geeing him up, he is
11:20:13 15 saying we have the support of the Firhouse Community Council, in case there be
16 any doubt, anywhere, that somebody might say I have concerns about residential,
17 about residential community association.
- 18 Q 234 Is that something you would have advised Mr. Jones to do, look now you have got
19 the support of Firhouse Community Council, tell them all?
- 11:20:30 20 A Well that was essential, once that was received, that letter was received, I
21 would suggest, though I cannot say definitively on documentation, that that was
22 circulated widely.
- 23 Q 235 Yes. On the 28th October, the following day, the day before the rezoning at
24 1866, and 1867, your diary, your telephone messages record in summary, four
11:21:00 25 calls from Mr. Jones, two calls from Mr. Brooks, two calls from Mr. Lawlor, one
26 call from Mr. McGrath, one call from Mr. Creavan and one call from Mr. Hand and
27 between five past nine and ten past ten, you have five calls, either from
28 Mr. Jones or Mr. Frank Brooks.
- 29 A Correct.
- 11:21:18 30 Q 236 So, that demonstrates a certain level of anxiousness or anxiety on the part of

- 11:21:24 1 people who were make the calls.
- 2 A People are getting frantic.
- 3 Q 237 And then Mr. McGrath rings at 11.55 and he leaves you a mobile number,
- 4 Mr. Lawlor rings you at 11.25 and he is going into a meeting and he'll call
- 11:21:36 5 later. He does call later at 12.35 and at 3.55 Mr. Liam Creavan rings, at
- 6 4.40, Mr. Jones, 4.45, Mr. Lawlor's office and 4.50 Mr. Hand.
- 7 A Yes.
- 8 Q 238 Now on the following day, the 29th October 1992, the rezoning meeting takes
- 9 place, isn't that right?
- 11:21:59 10 A Yes.
- 11 Q 239 Now, if we look first of all at page 1876, which are the attendances at the
- 12 meeting, and we note there that neither Mr. Larkin nor Mr. O'Halloran are
- 13 present.
- 14 A Correct.
- 11:22:13 15 Q 240 Now, we have seen I think that Mr. Larkin wasn't present at the Beechill
- 16 meeting either.
- 17 A Correct.
- 18 Q 241 And Mr. O'Halloran was but he is not recorded as being present here.
- 19 A Yes.
- 11:22:26 20 Q 242 Notwithstanding that, you say you had an arrangement with both of them that
- 21 they were to be paid for their support and that you did in fact pay for them
- 22 their support.
- 23 A Correct.
- 24 Q 243 And even -- while you can't recollect the amount of money you paid Mr.
- 11:22:38 25 O'Halloran, it was a relatively small sum, but you paid a thousand pounds to
- 26 Mr. Larkin.
- 27 A Correct.
- 28 Q 244 Now I think the lands are Ballycullen are dealt with at page 1899 and the
- 29 manager's report is circulated in which the manager summarises the
- 11:22:55 30 representation. At 1901, the planning officer's report is presented. The

- 11:23:02 1 manager puts forward the official view to the meeting, isn't that right,
2 Mr. Dunlop?
- 3 A Yes.
- 4 Q 245 And he gives a recommendation.
- 11:23:10 5 A Correct.
- 6 Q 246 Right. And he recommends here at the bottom of 1901, that the draft plan
7 should not be changed.
- 8 A Correct.
- 9 Q 247 Now the draft plan had proposed these lands for B Agriculture, and what's being
11:23:21 10 proposed here by Councillors Lydon and Hand's motion, is that the entire of
11 these lands, approximately 200 acres or so would be rezoned to either
12 residential or to open space amenity.
- 13 A Correct.
- 14 Q 248 Now Councillor Hand and Lydon's motion is proposed.
- 11:23:36 15 A Yes.
- 16 Q 249 And we have seen that those motions at 1785 and 1786, we don't need to see them
17 again, Councillor Muldoon's motion, which is seconded by Councillor Fitzgerald,
18 is also proposed.
- 19 A Yes.
- 11:23:50 20 Q 250 You see the very last line at page 1901, and her motion is that the council are
21 to resolve that the lands outlined on the map be zoned B.
- 22 A Yes.
- 23 Q 251 So you have a complete head to head confrontation now between the two motions,
24 isn't that right?
- 11:24:07 25 A Correct.
- 26 Q 252 Now, is it the position in Dublin County Council that Mr. Hand's and
27 Mr. Lydon's motion is received first the by the Council that it's proposed
28 first on the day?
- 29 A Procedurally. Yes, I think that is the case, that was the practice. I think
11:24:31 30 the practice was that when you were making, submitting motions in relation to

- 11:24:40 1 the Development Plan, notwithstanding whether they were positive or negative,
2 in other words whether they were proposing that something be changed or whether
3 that something should remain the same, they followed one another. Obviously
4 there would have been no necessity, for example, for Councillor Muldoon and
11:25:00 5 Councillor Fitzgerald to put in a motion reverting the lands, not reverting but
6 making a recommendation that they should stay B, unless there was a motion put
7 in by somebody saying that they should be changed from B. So once a motion was
8 received saying that they should be changed from B, then obviously this
9 generated a motion saying they should stay as B. Is that a little bit
11:25:26 10 complicated?
- 11 Q 253 No it's not at all. The Muldoon motion you were saying was a reaction to the
12 Lydon/Hand motion and if the Lydon/Hand had not been put in, there would have
13 been no Muldoon motion.
- 14 A It wouldn't have been necessary.
- 11:25:39 15 Q 254 But it's your understanding that because the motion that's lodged first in time
16 is the motion that's usually dealt with first.
- 17 A Correct.
- 18 Q 255 Now at 1902, the next thing that happens at the meeting is "Councillor Hannon
19 informed the meeting that he wished to propose an amendment to Councillor
11:25:55 20 Hand's motion and it's proposed by Councillor Hannon and seconded by Councillor
21 Cass."
- 22 A Yes.
- 23 Q 256 "That the words to be developed to a density not exceeding six houses per acre
24 at 360 houses in total be added after the words 24.3 hectares in line 4."
- 11:26:11 25 A Yes.
- 26 Q 257 What is being suggested here by Councillor Hannon and Councillor Cass is that a
27 density limitation be placed on the residential lands.
- 28 A Yes.
- 29 Q 258 And this means the most that's going to be permitted to be built on those
11:26:22 30 lands, at this point in time, is 360 houses. Now the record shows that was

- 11:26:25 1 passed unanimously. Would it have been your belief, once that was passed, you
2 were going to succeed on the motion?
- 3 A Yes.
- 4 Q 259 Because it was going to give comfort to those who might have been against what
11:26:36 5 was being proposed that there was going to be a density limitation, is that
6 right?
- 7 A It was a common practice at that time, it didn't start out this way, but it did
8 develop as the Development Plan proceeded where people began to evaluate how
9 strong the opposition was and how they could be, how a compromise could be
11:26:53 10 reached. And I think we will see it, we have already seen it in other modules
11 and we will see it again, where proposals are made to cap the density to allow
12 for comfort for those people who might have been willing to compromise,
13 certainly it would be no comfort at all to the people who were going to be
14 opposing anyway.
- 11:27:15 15 Q 260 But certainly and Councillor Cass had previously, she had been an opponent
16 certainly to the E zoning proposed by the manager, isn't that right?
- 17 A Yes, but had been quite pragmatic as we indicated --
- 18 Q 261 As you outlined on the last occasion. Now, this was passed unanimously and
19 that had the effect of amending Councillor Lydon and Hand's motion so that the
11:27:37 20 full substantive motion, which is then put to a vote, contains the density
21 limitation.
- 22 A Correct.
- 23 Q 262 And that's recorded in the minutes, 42 vote in favour and 14 against and there
24 were no abstentions.
- 11:27:47 25 A Yes.
- 26 Q 263 The councillors who vote in favour of it are Councillors Barrett, Billane,
27 Boland, Brady, Brock, Butler, Cass, Coffey, Conroy, Liam T Cosgrave, MJ
28 Cosgrave, Creavan, Farrell, Fox, Gallagher, Gilbride, Green, Hand, Hannon,
29 Hanrahan, Keane, Keating, Kennedy, Lang, Lohan, Lydon, Lyons, McGuinness,
11:28:07 30 McGrath, Marren, Matthews, Morrissey, O'Connor, Ormond, Quinn, Rabbitte, Ridge,

- 11:28:13 1 Ryan, Terry, Tipping, Tyndall and Wright.
- 2 A Yes.
- 3 Q 264 Can I draw something to your attention in relation to Mr. Billane, he votes in
4 favour of that. When it came to the confirming meeting in '93, Mr. Billane
11:28:26 5 voted against confirming it.
- 6 A That's interesting, yes -- was Mick -- at this stage Mick was in -- he was
7 the -- he was the Worker's Party.
- 8 Q 265 Worker's Party.
- 9 A Was it the Worker's Party, yes. I can never distinguish between those. I
11:28:48 10 think he left the Worker's Party possibly before the confirming meeting. But
11 no, that hadn't struck me now.
- 12 Q 266 Mr. Tipping, who votes in favour of the motion, votes against it at the
13 confirming meeting in October 1993. And Mr. Rabbitte who votes in favour of
14 here does not vote at all.
- 11:29:11 15 A He is missing.
- 16 Q 267 In October 1993, now I think the effect of that was to rezone the entire of the
17 219 acres at Ballycullen to residential, as to 60 acres as everybody thought at
18 the at the time and the balance for open space and amenity lands.
- 19 A Correct.
- 11:29:29 20 Q 268 I think Mr. Dunlop, you have previously told the Tribunal that in a rezoning
21 the most important thing was to get some change on the lands.
- 22 A Absolutely.
- 23 Q 269 And to get some form of residential albeit with a density limitation,
24 thereafter you had the room to negotiate or deal but you the basic principle
11:29:46 25 established as it were.
- 26 A Yes.
- 27 Q 270 I think that your diary records on the same date at 1868, you had a meeting
28 with with Jones at five o'clock that evening and the meeting concludes, in
29 fact, with the Ballycullen motion at half past five and your telephone records
11:30:04 30 of the 29th October 1992 at 1869, record at 9.30 Mr. Hand tells you he is

- 11:30:11 1 leaving home at 9.45 and he will be in Dublin County Council from half 12
2 approximately.
- 3 A Correct.
- 4 Q 271 So you know he is going to be there.
- 11:30:18 5 A Right.
- 6 Q 272 Mr. Jones rings you at five to ten and asks you to call you at home, at 11.20
7 Mr. Lydon rings and asks you to call him and leaves a number, Mr. GV Wright
8 rings at 25 past 12 and at 12.50 Mr. Liam Cosgrave rings and at 4 o'clock
9 Mr. Chris Jones rings. There you have four councillors contacted you on that
11:30:39 10 date.
- 11 A Yes.
- 12 Q 273 And Mr. Hand and Mr. Lydon leave information where they can be contacted.
- 13 A Could you give me the time of the meeting.
- 14 Q 274 The meeting concluded at 5.30 with the Ballycullen motion.
- 11:30:57 15 A That's correct.
- 16 Q 275 At 5.30 p.m. at 1903, you are being told from the telephone records at 12.25
17 and 12.50, you have telephone calls from Senator Wright and I think Senator
18 Cosgrave and earlier Mr. Hand has told you that he is going to be in Dublin
19 County Council from 12.30, which would suggest it was an afternoon meeting.
- 11:31:18 20 A These are calls I suggest to say things are going well.
- 21 Q 276 All these calls are about Ballycullen.
- 22 A Yes.
- 23 Q 277 Presumably by the time the vote takes place, everybody is satisfied with the
24 outcome and the result.
- 11:31:32 25 A Yes.
- 26 Q 278 And on the following day, Friday 13th October 1992 at 1906, Mr. Jones rings you
27 at 10 past 9 and presumably he is happy with the outcome, but Mr. Hand rings
28 you at 2.55 and says he will call you at home tonight and Mr. Lawlor rings. I
29 just want to draw to your attention, that other than Mr. Hand ringing you there
11:31:57 30 is much less councillor activity now being recorded on the following day, isn't

- 11:31:58 1 that right?
- 2 A The matter is over.
- 3 Q 279 We have seen a progression of intensity in the number and range of calls
- 4 leading up to the 29th October 1992.
- 11:32:06 5 A Yes.
- 6 Q 280 And now there is a sudden decrease.
- 7 A Correct.
- 8 Q 281 On the following day. And is that because the matter had been dealt with and
- 9 the matter is over now?
- 11:32:13 10 A The matter is over now and on to the next one.
- 11 Q 282 So I think then on the following week in November 1992 at 1908, your diary
- 12 contains a note to ring Breda Cass.
- 13 A Yes.
- 14 Q 283 Now would that have been to discuss with her Ballycullen -- I am going too
- 11:32:50 15 fast. You have a note there ring Breda Cass, would that have been to contact
- 16 her about the Ballycullen motion that had taken place the previous Thursday?
- 17 A It could well be, I suspect very strongly it is a call generated by something
- 18 else, some new issue, it could well be to ring and thank her, it could be a
- 19 combination of things, that I need to talk to her about something else.
- 11:33:05 20 Q 284 And I think at 1909, on the 2nd November 1992, Mr. Jones rings you at 10.30 and
- 21 a meeting is set up which is recorded in your diary for the Wednesday in the
- 22 Goat Grill which I will come to.
- 23 A Yes.
- 24 Q 285 And also at 2.40, Mr. Lydon rings and he asks that you call him.
- 11:33:27 25 A Yes.
- 26 Q 286 And Mr. Hand rings at 4.10 and tells you he is at home and Miss Marion
- 27 McGuinness rings.
- 28 A Yes.
- 29 Q 287 Now on the same day, the 2nd November 1992 at 1911, Mr. Jones writes to Mr. Pat
- 11:33:47 30 Rabbitte.

- 11:33:48 1 A Right.
- 2 Q 288 And he thanks him for supporting their proposal last Thursday.
- 3 A Yes.
- 4 Q 289 And Mr. Jones says "I can assure you that our development plans will be a major
11:34:02 5 benefit to the area, again many thanks, I greatly appreciate your support, with
6 best wishes, yours sincerely, Chris Jones." Did you know about that
7 correspondence?
- 8 A I probably did, I would have recommended, it was part of the whole structure
9 that in instances where it was required, where people had supported, that it be
11:34:26 10 thanked.
- 11 Q 290 Right and that was part of your strategy in general?
- 12 A Yes.
- 13 Q 291 On the 3rd November 1992 at 1912, your telephone records record two telephone
14 calls from Mr. O'Halloran, one from Mr. Colm McGrath, one from Mr. Liam
11:34:45 15 Cosgrave, one from Mr. GV Wright and one for Mr. Michael Keating.
- 16 A Yes.
- 17 Q 292 I think Mr. Keating had also been supportive of the motion?
- 18 A Yes.
- 19 Q 293 But there's no suggestion I think that any payments had been made by you to
11:34:58 20 Mr. Keating, isn't that right?
- 21 A There's another call, two other councillors in the morning.
- 22 Q 294 That's councillor --
- 23 A We didn't allude to.
- 24 Q 295 Councillor Cathal Boland and Sean Ardagh.
- 11:35:10 25 A Correct.
- 26 Q 296 So far as Mr. Colm McGrath is concerned, Mr. Cosgrave, Mr. GV Wright and
27 Mr. John O'Halloran are concerned, were these calls in connection with setting
28 up meetings or arrangements to meet or anything such as that sort?
- 29 A They could, the fact that these have called in is either as a result of my
11:35:30 30 calling them and they are returning the call or they are calling in relation to

- 11:35:34 1 other matters, ongoing issues that are arising in the council in the course of
2 the Development Plan.
- 3 Q 297 You have made an arrangement or you do make an arrangement to meet on the 4th
4 of November, Mr. John O'Halloran, at 1908, do you think that's the meeting at
11:35:51 5 which you paid Mr. O'Halloran, it's a meeting at 9.30 in the morning?
6 A Yes, it is likely.
- 7 Q 298 But you can't say for definite. And that that would relate to the two calls
8 from Mr. O'Halloran the previous day?
9 A Correct.
- 11:36:02 10 Q 299 So you think it's likely, and you put it no further than that, that you
11 arranged to meet Mr. O'Halloran at half nine in order to pay him in connection
12 with the Ballycullen lands.
13 A Yes.
- 14 Q 300 But your belief is that you paid him a sum certainly of less than a thousand
11:36:13 15 pounds and probably I think more of the order of 500 but you are not sure.
16 A Correct.
- 17 Q 301 But any such payment would have been in cash.
18 A Correct.
- 19 Q 302 Now, you then meet with Mr. Jones in the Goat Grill, you see there, at 1
11:36:31 20 o'clock?
21 A Yes.
- 22 Q 303 Now you have told the Tribunal in your statement that after the successful
23 rezoning, you met Mr. Jones in the Goat Grill and he paid you a success fee of
24 two and a half thousand pounds, was this the meeting at which the success fee
11:36:48 25 was discussed?
26 A Yes it was.
- 27 Q 304 But the cheque, Mr. Dunlop, that you get following this meeting isn't two and a
28 half thousand pounds.
29 A No.
- 11:36:53 30 Q 305 It's 11,000 pounds, is it your position now therefore that the success fee was

- 11:36:58 1 11,000 pounds?
- 2 A No. I don't think the success fee was 11,000 pounds, I think the success fee
3 was 2,500 pounds and the reason I say that to you with some certainty, I do
4 recall the meeting and let me just say, I was somewhat disappointed by the
11:37:17 5 attitude adopted by Mr. Jones in relation to the success fee, however profuse
6 he was in his thanks for everything that had happened. But I am virtually
7 certain that the success fee agreed was two and a half thousand pounds, in fact
8 I think I recall saying to Mr. Jones that I would leave it to himself and then
9 I was disappointed when in fact the end result was two and a half thousand.
- 11:37:43 10 Q 306 I think on the 6th November 1992, which I will come to in a moment you received
11 a cheque or you were paid a cheque dated the 6th November for 11,000 pounds.
- 12 A Yes.
- 13 Q 307 Are you saying that included two and a half thousand?
- 14 A I cannot say that definitively to you, but in the course of the monies that
11:38:01 15 were received, yes, I think so.
- 16 Q 308 And I will come to that again in a second, but on the 4th November 1992 at
17 1914, you again receive -- your telephone records record two calls from
18 Mr. Colm McGrath, five past 10 and 20 past 11.
- 19 A Correct.
- 11:38:18 20 Q 309 And on the following page, but on the same day at 4.10 Mr. Tom Hand and at 25
21 past 4, Mr. Gilbride, on the following --
- 22 A Can I just ask you, Miss Jones, sorry, Ms. Dillon, come back to the first page
23 again. Something just escaped me there.
- 24 Q 310 1914.
- 11:38:50 25 A That's fine. Yes.
- 26 Q 311 And insofar as Mr. Gilbride is concerned, do you think it's likely that you
27 would have been seeking to contact Mr. Gilbride or he was seeking to contact
28 you in connection with the --
- 29 A One or the other.
- 11:39:08 30 Q 312 -- payment of monies in connection with Ballycullen?

- 11:39:11 1 A I met Mr. Gilbride, without any arrangements, regularly in Dublin County
2 Council because he was a fairly good attender, he is a very good attender so I
3 met, if there was a council meeting in relation to the Development Plan, the
4 likelihood is that I met Sean Gilbride every day on those days. That there was
11:39:31 5 a meeting.
- 6 Q 313 And on the 5th October, at 1916, your telephone -- and 1917, you have only
7 three calls recorded, Therese Ridge gives you a location on the 5th November
8 1992 and then Mr. Colm McGrath at 4 o'clock and Miss Marian McGuinness at 20
9 past 4.
- 11:39:59 10 A Correct.
- 11 Q 314 I think your diary records at 6th November, at 1908, that you had lunch with
12 Michael Joseph Cosgrave and Liam Creavan, you don't suggest you made any
13 payments to Mr. Cosgrave or Mr. Creavan. But in so far as Mr. Cosgrave and
14 Mr. Creavan are concerned, can you recollect having any discussions with either
11:40:17 15 the Brooks brothers or Mr. Jones in connection with Michael Joseph Cosgrave or
16 Mr. Liam Creavan?
- 17 A No, I don't think so.
- 18 Q 315 In his appendix of payments made in 1992, that Mr. Jones has provided to the
19 Tribunal, he says that prior to December 1992, he paid a sum of 1,000 pounds to
11:40:37 20 Michael Joseph Cosgrave and a sum of 1,000 pounds to Mr. Liam Creavan, were you
21 aware of that prior to seeing the documents contained --
- 22 A No, I was not.
- 23 Q 316 Both Mr. Michael Joseph Cosgrave and Mr. Liam Creavan are located to the north
24 of the county.
- 11:40:52 25 A One is in Sutton and the other is in Howth.
- 26 Q 317 They are diametrically opposed to where the Ballycullen lands are situated,
27 isn't that right?
- 28 A Yes.
- 29 Q 318 There's another person referred to as being present there I can't make out if
11:41:07 30 it's LC or LL, the third person.

- 11:41:09 1 A That's LC.
- 2 Q 319 But you see Mr. Creavan is beneath that plus L Creavan, so is that Mr -- that's
- 3 a diary entry for three --
- 4 A Oh I see what you are saying there, Michael Joe Cosgrave/LC plus Liam Creavan.
- 11:41:26 5 Q 320 Was that Mr. Liam Cosgrave?
- 6 A Yes it is.
- 7 Q 321 So you were having lunch on that date with Mr. Cosgrave. Would you have
- 8 utilised that opportunity to make a payment to Mr. Cosgrave?
- 9 A No, not in the presence of others.
- 11:41:37 10 Q 322 And on the 6th October, which is the same date at your diary, at page 1920,
- 11 Mr. Colm McGrath rings at 25 past 10, Mr. Chris Jones rings at 11 and the
- 12 11,000 pounds is paid by cheque dated the 6th November.
- 13 A Yes.
- 14 Q 323 So presumably Mr. Jones is ringing to tell you that the payment is coming
- 11:42:01 15 through.
- 16 A The cheque is on the way.
- 17 Q 324 Tom rings at 10 past 11 and he is in the council and that presumably is
- 18 Mr. Hand and Mr. O'Halloran rings at five past 12.
- 19 A Yes.
- 11:42:13 20 Q 325 Again you have Mr. Lawlor also calls, so Mr. Lawlor, Mr. McGrath, Mr. Hand and
- 21 Mr. O'Halloran all contact you.
- 22 A Right.
- 23 Q 326 And Mr. Lawlor appears to be providing you with information at 20 past 2, as to
- 24 where the Taoiseach is going to be for the afternoon.
- 11:42:30 25 A Yes.
- 26 Q 327 Is that right?
- 27 A Yes.
- 28 Q 328 Now I think, on that date, at 1922, which is the 6th November 1992, you receive
- 29 11,000 pounds.
- 11:42:39 30 A Yes.

- 11:42:39 1 Q 329 And that is a personal cheque, I think, paid by Mr. Jones.
- 2 A Correct.
- 3 Q 330 And at this stage, you have been paid, including the 11,000, 33,500 pounds, is
4 that right?
- 11:42:55 5 A Yes, sorry. Yes.
- 6 Q 331 On the 7th May 1992, you are paid 2,500 pounds.
- 7 A Yes.
- 8 Q 332 On the 10th September -- sorry the 7th May 1991. You are paid 2,500 pounds, on
9 the 10th September 1991, you are paid 5,000. On the 20th February 1992 you are
11:43:13 10 paid 5,000. On the 13th August 1992, you are paid 7,500. On the 16th
11 September 1992 you are paid 2,500 and on the 6th November 1992, you are paid
12 11,000.
- 13 A Yes.
- 14 Q 333 Now, it would appear to be the position, Mr. Dunlop, that you have not lodged
11:43:30 15 or if you have lodged anything, it's a minimal amount of that 33,500 has been
16 lodged to any account.
- 17 A Correct.
- 18 Q 334 You were paid, it would appear, by cheque on all of those occasions.
- 19 A Yes.
- 11:43:41 20 Q 335 But have little of the proceeds of any of those cheques are lodged or certainly
21 one cannot see a complete lodgment of any sum, isn't that right?
- 22 A Part lodged, part cashed but minimally lodged, the rest in cash.
- 23 Q 336 Insofar as the cheque for 11,000 pounds is concerned, 2,500 pounds of that is
24 lodged but 8,500 is then retained as cash.
- 11:44:03 25 A That's correct.
- 26 Q 337 Isn't that right? Isn't that the position?
- 27 A Correct.
- 28 Q 338 So it would appear to be your position, Mr. Dunlop, insofar as you receive what
29 monies that are not being funnelled through Frank Dunlop & Associates accounts,
11:44:17 30 that they are cashed by you, the main proceeds are retained by cash.

- 11:44:23 1 A Correct.
- 2 Q 339 And in so far as the balance of the monies are lodged anywhere they are lodged
3 to what you have described as your war chest.
- 4 A Correct.
- 11:44:30 5 Q 340 Now I think on the 9th November 1992, at 1930, your telephone records record.
6 1930 and 1931 --
7
8 CHAIRMAN: I want to stop there for ten minutes.
9
- 11:45:09 10 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK.**
11
- 12 MS. DILLON: Mr. Dunlop, I think on the 10th November 1992, at 1933, you had a
13 number of telephone calls recorded in your telephone attendances. Now,
14 included here at 10.05 are Mr. Liam Lawlor, at 10.20 Mr. John O'Halloran, at
12:04:29 15 10.25 Mr. Pat Rabbitte, at 10.30 Mr. Michael Keating, 1 o'clock Mr. Liam
16 Creavan, and at 12 minutes past three Sean Gilbride in Dublin County Council,
17 is that right?
- 18 A Yes, that's correct. Yes.
- 19 Q 341 Now insofar as the call from Mr. Rabbitte is concerned at 25 past 10, I think
12:04:47 20 your diary for the 11th November 1992, the following day, at 1929, records at
21 10 o'clock, "PR at home."
- 22 A Correct.
- 23 Q 342 And is that a reference to Mr. Pat Rabbitte?
- 24 A It is.
- 12:05:01 25 Q 343 Now I think beneath that, you have 11 o'clock, "TH at house."
- 26 A Yes.
- 27 Q 344 And that, is that Mr. Tom Hand?
- 28 A Yes.
- 29 Q 345 In Dundrum?
- 12:05:11 30 A Yes.

- 12:05:11 1 Q 346 And then at 11.30, "MJC at the Marine Hotel."
2 A Correct.
3 Q 347 Also you think I have at 2.30. "L T.C. at Newtownpark Avenue," I think in
4 Carrickmines 1 module, you had evidence -- there was evidence in connection
12:05:25 5 with that meeting but is that the meeting at which you say you paid 5,000
6 pounds to Mr. Cosgrave?
7 A Correct.
8 Q 348 You do not say that included in that sum of 5,000, is the sum of 1,000 that you
9 paid in connection with Ballycullen, that was a separate payment?
12:05:39 10 A Correct.
11 Q 349 But in or around this time.
12 A I just draw your attention again for completeness, Ms. Dillon, to the 1 o'clock
13 meeting.
14 Q 350 This is Cathal Boland at Dublin County Council.
12:05:48 15 A Correct.
16 Q 351 Now insofar as if we can go back to deal then with the entry in relation to
17 Mr. Pat Rabbitte, is this the meeting at which you attended at Mr. Rabbitte's
18 house in order to make a donation to Mr. Rabbitte?
19 A Correct.
12:06:01 20 Q 352 Now I think the general election had been called on the 5th November 1992, at
21 1095 please? Now, this is a record of the timing of the various elections and
22 under the heading Dail election in the first section, in 1992, the order was
23 made on the 5th November 1992 and polling date was the 25th November 1992.
24 A That's correct.
12:06:29 25 Q 353 So that your visit to Mr. Rabbitte takes place in that, the week after the
26 election it is called.
27 A Within days.
28 Q 354 Within days. Now can you outline to the Tribunal what you say occurred when
29 you went to see Mr. Rabbitte on the 10th of November 1992.
12:06:50 30 A Yes. Just go back slightly for the benefit, so that we don't have to revert to

- 12:06:54 1 it again, go back to the telephone call, the telephone call was the day
2 previous, to my office from Pat Rabbitte.
- 3 Q 355 1933, please at 10.25.
- 4 A Now that is either a call to me from Pat Rabbitte unsolicited or it is a call
12:07:13 5 to me by Pat Rabbitte in response to a call by me to him.
- 6 Q 356 Leading to the meeting the following --
- 7 A Leading to the meeting. For the record purposes I want to make it known that
8 there was conversations between Mr. Rabbitte and myself prior to the meeting.
- 9 Q 357 It would appear, Mr. Dunlop, that if somebody rings you at 25 past 10 on the
12:07:34 10 10th November 1992 and you have recorded a meeting in your diary on the 11th
11 November 1992 that the two are connected.
- 12 A Correct.
- 13 Q 358 So if you now outline to the Tribunal what you say occurred when you met with
14 Mr. Rabbitte on the 11th November 1992.
- 12:07:52 15 A I went to see him at his home and I gave him 3,000 pounds, in cash, towards his
16 election, towards the election. He expressed, I said I am sorry it couldn't be
17 more. He said it was very welcome and we chatted for about 20 minutes to half
18 an hour in what I can only describe is relaxed circumstances.
- 19 Q 359 When you say you paid him 3,000 pounds, that was cash, is that correct?
- 12:08:27 20 A Yes, it was.
- 21 Q 360 Was that money available to be seen or was it in an envelope?
- 22 A No, that money was available to be seen.
- 23 Q 361 It wasn't in an envelope.
- 24 A No.
- 12:08:36 25 Q 362 So you left a bundle of cash on the table or did you leave it on the --
- 26 A He was sitting, we were sitting quite close together, he was sitting in a
27 rather low armchair in a room that was obviously under decoration or there was
28 some works going on, the wallpaper was off the wall anyway. Or part of the
29 wallpaper had come off the wall and I just put it on the table between us.
- 12:09:04 30 There was a table between us.

- 12:09:06 1 Q 363 3,000 pounds in cash. Right. Did Mr. Rabbitte demur from the donation in any
2 way?
- 3 A No, he thanked me very much and said it was most welcome.
- 4 Q 364 Did Mr. Rabbitte suggest to you he would have to take advice from his
12:09:20 5 colleagues as to whether or not the money could be accepted?
- 6 A No.
- 7 Q 365 Did he discuss with you that he might have to take advice from somebody else?
- 8 A There was no question of any advice from anybody.
- 9 Q 366 Now, did you subsequently -- sorry at that time, did you mention the amount to
12:09:41 10 Mr. Rabbitte?
- 11 A Yes, I told him it was three. I said I'm sorry it's not more. Sorry it can't
12 be more.
- 13 Q 367 So Mr. Rabbitte knew it was 3,000 pounds?
- 14 A Yes.
- 12:09:51 15 Q 368 Mr. Rabbitte says that you took an envelope from your pocket and gestured that
16 you would leave it on the desk and that he found it surprising that you would
17 want to make a political donation and that he resolved to recommend the return
18 of the money after you had left. He thought that the campaign donation at
19 2,000 pounds in cash was larger than he had guessed. Now, but you say that
12:10:17 20 what in fact happened is that you put 3,000 pounds in cash, you left it on the
21 desk, you told him how much was there and you apologised because it wasn't a
22 bigger amount.
- 23 A Correct.
- 24 Q 369 And it was not in an envelope.
- 12:10:27 25 A No.
- 26 Q 370 Mr. Rabbitte also will tell the Tribunal that he advised you and he thanked you
27 but he advised you that they had a procedure in place which could determine
28 whether he could accept the money or not, did any such conversation take place?
- 29 A No, and it sounds highly illogical to me, if they had such a procedure in
12:10:49 30 place, why did he accept it?

- 12:10:51 1 Q 371 That's a for matter Mr. Rabbitte but what Mr. Rabbitte will tell the Tribunal
2 is that when he thanked you, he told you that he had a procedure in place that
3 would determine whether he would be able to accept the money or not?
4 A No.
- 12:11:05 5 Q 372 He also says that, he says that you told him, at the meeting, that you wanted
6 on behalf of the small number of clients to make a small donation towards his
7 campaign expenses?
8 A Yes, I would agree that there was some conversation in relation to his support,
9 that he had given, and I intimated to him that and I think I mentioned some
12:11:34 10 names to him, including Mr. Jones.
11 Q 373 But, including Mr. Jones.
12 A Yes.
13 Q 374 But when you agree with Mr. Rabbitte when Mr. Rabbitte will tell the Tribunal
14 that you said to him you were making the donation on behalf of a small number
12:11:51 15 of clients?
16 A Yes, I would agree with that.
17 Q 375 Was Mr. Rabbitte to understand from that, that this was not a donation from you
18 but a donation from an unspecified number of your clients?
19 A He could well, it would be legitimate for him to interpret it that way, yes.
- 12:12:05 20 Q 376 That in fact what you were was the conduit through which the money was being
21 given to Mr. Rabbitte but that in fact it was coming from an unspecified
22 numbers of clients.
23 A Yes.
24 Q 377 Did you identify the clients in question?
12:12:14 25 A Well I think I am virtually certain I mentioned his support for Ballycullen.
26 Q 378 You are virtually certain?
27 A Yes, I mentioned Chris Jones' name, I know I mentioned Chris Jones' name.
28 Q 379 In your --
29 A It's not too long since Ballycullen, it's only a matter of weeks.
12:12:32 30 Q 380 Yes. This is the 10th November and the rezoning was the 29th.

- 12:12:38 1 A The 29th October.
- 2 Q 381 Yes. But in your statement to the Tribunal in relation to this issue in
3 connection with Mr. Pat Rabbitte, other than mentioning another development
4 which is not the subject matter of this module, you do not indicate that you
12:12:52 5 told him the money was from other developers including Ballycullen, isn't that
6 right?
- 7 A That is correct.
- 8 Q 382 So that the first time you have indicated to the Tribunal that you discussed
9 with Mr. Rabbitte, Ballycullen, in connection with the donation is today?
- 12:13:06 10 A Yes.
- 11 Q 383 Now --
- 12 A And the likelihood is Ms. Dillon, and I cannot say it absolutely, I had no
13 conversation whatever with Pat Rabbitte in the intervening period between the
14 vote on the 29th October and this day.
- 12:13:19 15 Q 384 That you wouldn't have had occasion to contact him other than --
- 16 A Other than as you have already outlined, my discussion with Mr. Jones as to who
17 he should thank and Mr. Jones writing to Mr. Rabbitte to thank him for his
18 support.
- 19 Q 385 Mr. Rabbitte will also tell the Tribunal that you called uninvited to his
12:13:37 20 house.
- 21 A That I find quite unbelievable. If there is a telephone -- and that's the
22 reason I asked you could I go back in time. If there's a telephone
23 conversation or call in to my office on the 10th and a meeting takes place on
24 the 11th, I would suggest to you that the arrangement was either made to
12:14:07 25 facilitate my calling to him the following day or the possibility of my calling
26 to him the following day was made during that telephone conversation. So
27 uninvited seems to be a rather inappropriate word.
- 28 Q 386 So the matters at issue between yourself and Mr. Rabbitte would appear to be
29 the following. Mr. Rabbitte says you called uninvited, you said it was by
12:14:25 30 arrangement. Mr. Rabbitte says the money was in an envelope, he didn't count

- 12:14:28 1 it, I think until after you left. You say it was in cash and you discussed the
2 amount with him and apologised that it wasn't bigger.
- 3 A Yes.
- 4 Q 387 Mr. Rabbitte says he told you they had a procedure in place whereby he would
12:14:41 5 have to take advice on whether he could keep this money and you say no such
6 conversation took place. Mr. Rabbitte will say that you told him this was a
7 donation on behalf of a number of clients and you agree with that?
- 8 A I would concur at that there was reference to at least Mr. Jones.
- 9 Q 388 And that Mr. Rabbitte will also say that the figure was 2,000 pounds in cash,
12:15:03 10 you say the figure was 3,000 pounds in cash.
- 11 A Yes.
- 12 Q 389 Now, I think that --
- 13 A Would you like me to tell you what else was discussed, Ms. Dillon?
- 14 Q 390 Yes, Mr. Dunlop, provided it doesn't infringe on --
- 12:15:15 15 A No, it doesn't. I am quite knowledgeable about these matters now. There was a
16 wide ranging discussion between us about the possibilities in the election,
17 what would happen in the election, the state of the government, and various
18 discussions took place about how, with Pat telling me that he would dearly love
19 to get an opportunity to be involved in government. And I think we discussed
12:15:45 20 the quality of the public service and some of the advice that some ministers
21 were or were not getting and that's why, the reason I raised this issue with
22 you is, the meeting was not a meeting that took place over the course of three
23 minutes. I sat down in a room in Mr. Rabbitte's house and had a discussion
24 with him about a variety of things. And subsequently, of course, as you well
12:16:11 25 know, Mr. Rabbitte went on to become a Junior Minister with whom I had
26 reasonably constant contact of behalf of clients.
- 27 Q 391 Who else was in the house at the time, can you remember?
- 28 A I did not meet anybody else in the house.
- 29 Q 392 Why did you pick Mr. Rabbitte? As the recipient for these funds?
- 12:16:34 30 A Why did I pick him? Well I suppose I was exercising a little bit of forward

- 12:16:38 1 thinking as well as everything else, the political antennae were probably
2 working over time that there was a possibility that Pat could become involved
3 in a government.
- 4 Q 393 And why pick a figure of 3,000 pounds in cash?
- 12:16:56 5 A Well I was making sort of other distributions that day. As I think we have
6 discussed previously. And it was probably a matter of just, I could have given
7 him five, I could have given him two.
- 8 Q 394 But you are absolutely adamant that you discussed the figure of 3,000 pounds
9 with Mr. Rabbitte and that Mr. Rabbitte knew that the figure was 3,000 pounds
10 and the payment was a payment in cash?
- 11 A Yes because I said to him I'm sorry it wasn't more, I could hardly be saying
12 I'm sorry it wasn't more if I wasn't saying what it was.
- 13 Q 395 Would it be fair to say or sorry, if I rephrase that. In general, would having
14 someone at ministerial or cabinet level in your corner, as it were, carry more
15 weight than say a mere councillor?
- 12:17:43 16 A Oh God, yes.
- 17 Q 396 Can I also ask you did you subsequently, was the money subsequently returned to
18 you?
- 19 A I received a cheque from the Democratic Left, I think it was at that stage
12:17:58 20 then, they had progressed on and I received a cheque sometime later. I mean
21 the record will show exactly when it was.
- 22 Q 397 2771.
- 23 A About five, six weeks later.
- 24 Q 398 On the 17th December 1992, at 2771. I think you received a cheque from
12:18:19 25 Democratic Left in the sum of 2,000 pounds?
- 26 A Correct.
- 27 Q 399 Which is signed by Mr. Pat Rabbitte and Mr. Don Tipping.
- 28 A Correct.
- 29 Q 400 And it's made out to Frank Dunlop & Associates Limited, that was accompanied by
12:18:33 30 a letter from Mr. Rabbitte at 2770. And he says that "I refer to our telephone

- 12:18:41 1 discussion at the weekend and now enclose cheque as promised." That would have
2 been in the weekend before the 17th December. "I repeat that no offence is
3 intended and I hope you understand that. The decision was aimed at drawing a
4 distinction between decisions pending and one already decided in the normal way
12:19:03 5 before the election is called." Is that a reference to decisions already made
6 in Dublin County Council and those that were pending in Dublin County Council?
7 A Correct.
8 Q 401 So that Mr. Rabbitte, in sending you this letter, is telling you the reason he
9 is sending the money back is that he is concerned about decisions that might be
10 connected to or perceived to be connected to decisions that had been made or
11 might be made in Dublin County Council?
12 A Yes.
13 Q 402 Did you have a telephone conversation to that effect with Mr. Rabbitte?
14 A That I can't recall but I readily accept that if you refer me to a telephone
12:19:35 15 call that place at the weekend, I accept that would be the case.
16 Q 403 He says in the letter. "I repeat no offence is intended", so clearly in his
17 telephone call with you he must have told you "I am sending you back the money
18 and I don't want you to be offended by the fact that I'm sending back the
19 money" and because of this, there might be this perceived clash between
12:19:52 20 receiving such a donation and decisions pending?
21 A What he is saying is we are still pals, I have to do this and obviously
22 something has happened internally but don't let it affect our relationship.
23 Q 404 Now.
24
12:20:04 25 JUDGE KEYS: Mr. Dunlop, if I could ask Mr. Dunlop something. Just reading
26 that letter, would one, could one not read it also that the reason why he was
27 sending back the cheque, having spoken obviously to his party members, was that
28 it could be perceived by the public that because he voted in favour of the
29 Ballycullen motion, that there could be a connection made between the payment
12:20:27 30 afterwards?

- 12:20:28 1 A Yes. I would accept that that is a possible interpretation, yes.
- 2
- 3 JUDGE KEYS: Let's put it like this: Had he not voted in favour of the
- 4 Ballycullen motion, would you have given him a donation?
- 12:20:41 5 A The answer to that is no.
- 6
- 7 JUDGE KEYS: Thank you.
- 8
- 9 MS. DILLON: I will come back to deal with the telephone conversation in
- 12:20:57 10 December. You accept, I think, Mr. Dunlop, that he must have telephoned you in
- 11 December?
- 12 A Oh yes.
- 13 Q 405 And do you recollect that there was a discussion between you as to him sending
- 14 back the cheque? He was going to return the donation?
- 12:21:11 15 A Yes.
- 16 Q 406 Right. Now you say you paid him 3,000 pounds in cash and you gave back 2,000
- 17 pounds?
- 18 A Yes.
- 19 Q 407 When you get the cheque back, you know you are not getting your 3,000 pounds
- 12:21:24 20 back?
- 21 A Correct.
- 22 Q 408 Did you ring him?
- 23 A No, I did not.
- 24 Q 409 Well I mean what's being returned to you on the face of it is the donation that
- 12:21:28 25 was made in November but you know looking at it that I didn't get it back so do
- 26 you not ring Mr. Rabbitte and say look, if you meant to give me back the money,
- 27 you didn't give it all back, you have only given me back two thirds?
- 28 A No, I did not.
- 29 Q 410 You were happy to accept what he had returned?
- 12:21:44 30 A Contingent on what the conversation was at the weekend, the discussion at the

- 12:21:47 1 weekend, I don't have a recollection of the discussion at the weekend.
2 Obviously he said to me look it, I'm sending that donation back. The letter
3 arrives with the cheque and I say no more about it.
- 4 Q 411 But you, is it your evidence that the Tribunal that the sum that was given by
12:22:07 5 to Mr. Rabbitte was 3,000 pounds in cash?
6 A Yes, it is.
- 7 Q 412 And I think that you, in private session with the Tribunal, may have told the
8 Tribunal that you believed it to be 3,000 pounds but if you saw a cheque for a
9 lesser amount, you would accept that?
- 12:22:21 10 A Well what I said in private session was that, again, that I gave Mr. Pat
11 Rabbitte 3,000 pounds; if Mr. Rabbitte, without getting into an argument
12 between two people about it, if Mr. Rabbitte is saying it was 2,000 pounds and
13 he sent me back a cheque for 2,000 pounds, fine, I am not going to get into a
14 dispute about it.
- 12:22:39 15 Q 413 And certainly when you prepared your 1992 list, at 2781, of those who had
16 received money from you in 1992, at number 23 on that list and when you are
17 making this list which is in the year 2000, you identify Mr. Pat Rabbitte then
18 the Workers Party, 3,000 pounds in cash, this was later returned in the form of
19 a cheque.
- 12:22:59 20 A Correct.
- 21 Q 414 You seem to have been of the belief at that stage that what you got back was
22 3,000 pounds but you were of the belief the amount that you paid was 3,000
23 pounds?
24 A I have never been in doubt about that.
- 12:23:11 25 Q 415 Did you subsequently meet Mr. Rabbitte and have a discussion with him about
26 this event or what you understood to be a discussion about this event?
27 A Well time moved forward, we move forward quite a significant period, the latter
28 part of the 1990s, this, what do we call it, Tribunal is being established and
29 there's a lot of documentation and letters and requests for information
12:23:40 30 obviously circulating. I was in the, in a shop in Grafton Street.

- 12:23:49 1 Q 416 You were in Brown Thomas?
- 2 A Brown Thomas, yes, the reason I pause there, I am not so certain whether it was
3 called Brown Thomas then or not, but I mean Brown Thomas. It was some time
4 after Christmas, I think the sales were on. And as is normal, parties break
12:24:08 5 up, families break up and they go to different places and I was in a certain
6 section and Pat appeared out from behind the pillar, or close to a pillar,
7 carrying a bag with a very significant tailor's name on it, obviously having
8 purchased something there, and we had a discussion. He raised, he said that he
9 had been communicated with by the Tribunal and that he presumed that that
12:24:46 10 matter between us would never arise, or that it would never be discussed or
11 would never be brought forward. I assured him that it wouldn't, as one does on
12 these occasions, and left it at that. And I had absolutely no doubt in my
13 mind, because it was the only time in relation to anything of that nature that
14 I had any dealings with Mr. Rabbitte.
- 12:25:15 15 Q 417 I was about to ask you that, is this the only time that you had made a donation
16 to Mr. Rabbitte?
- 17 A Yes.
- 18 Q 418 You meet him in Brown Thomas, he tells you he has received a letter from the
19 Flood Tribunal?
- 12:25:25 20 A Correct.
- 21 Q 419 He says to you that he assumes this matter would not come up, you take it from
22 that comment by Mr. Rabbitte that the only thing he could be referring to was
23 the payment you had made to him in November 1992?
- 24 A Correct.
- 12:25:40 25 Q 420 And you formed that view because it was the only time you had ever made a
26 payment to Mr. Rabbitte?
- 27 A Correct.
- 28 Q 421 And you assured him at that time, which is in the late 1990s, is that right --
- 29 A Well it's easily dateable, Ms. Dillon, because of the circulation of
12:25:55 30 documentation from the Tribunal. And I am sure the Tribunal itself will be

- 12:25:59 1 able to put a date on it. But it is late December or early January of the, of
2 a particular year. Of one year or the other.
- 3 Q 422 Either 1998/1999 or 1999/2000?
- 4 A Correct.
- 12:26:16 5 Q 423 And he says to you that the only, he says to you he assumes the matter will not
6 come up and you understand that to be a reference to this payment because that
7 is the only time you ever made a payment to Mr. Rabbitte?
- 8 A Yes.
- 9 Q 424 And from your conversation, the correspondence from the Tribunal has been in
10 connection with payment and donations.
- 11 A Yes.
- 12 Q 425 Right. Insofar as your position is insofar as Mr. Rabbitte is concerned, is
13 that you have never ever asked Mr. Rabbitte to behave in an improper fashion?
- 14 A No, I have not.
- 12:26:49 15 Q 426 Nor have you assumed that Mr. Rabbitte would ever behave in an improper
16 fashion?
- 17 A I never suggested that.
- 18 Q 427 It would be your view, if I understand your evidence correctly, that you cast
19 no aspersions on Mr. Rabbitte in that regard?
- 12:27:00 20 A None whatever.
- 21 Q 428 You have told the Tribunal, Mr. Dunlop, and I want to remind you of the
22 specific evidence that you gave in relation to payments made in cash.
- 23 A Yes.
- 24 Q 429 You have told the Tribunal previously, I think in the Fox and Mahony module,
12:27:15 25 and I will get you the exact day in a moment but it's in your public evidence
26 and you are asked at question 57, "All payments made in cash by you were
27 designed to provide ongoing support for a variety of projects which you had in
28 hand" and you answer "Yes".
- 29 A Yes.
- 12:27:30 30 Q 430 And then you are asked at question 61, "Is it your position then Mr. Dunlop

- 12:27:38 1 vis-a-vis these cash payments that in all cases in which you paid cash to a
2 councillor or an elected representative, those payments were not bona fide
3 political contributions.
4 Answer: That is --
- 12:27:49 5 Question: Is that your position?
6 Answer: That is my position."
7
8 Now, your answer is unequivocal and what you have told the Tribunal on that
9 occasion is that all cash payments are not bona fide political contributions.
- 12:28:04 10 There's now a payment of 3,000 pounds in cash to Mr. Rabbitte which you say is
11 a bona fide cash contribution, is that correct?
12 A Yes.
13 Q 431 So far insofar as you have previously given evidence that cash contributions
14 are improper or corrupt payments, you say now that that in the main is so but
12:28:22 15 that insofar as this payment to Mr. Rabbitte is concerned, it was not a corrupt
16 or improper payment?
17 A No, it was not.
18 Q 432 But there are differences of recollection, some great and some small, between
19 yourself and Mr. Rabbitte as to the precise circumstances surrounding this
12:28:37 20 payment?
21 A Correct.
22 Q 433 Not least of which is that you were adamant that you paid him 3,000 pounds in
23 cash, not in an envelope, and a sum of 2,000 pounds was returned to you, is
24 that correct?
12:28:48 25 A That's correct.
26
27 CHAIRMAN: Sorry, Ms. Dillon, just before you leave that, if you look,
28 Mr. Dunlop, at what's on the screen, this is a list of payments that you say
29 you made, number 23, Pat Rabbitte, then Worker's Party, 3,000 pounds. I am
12:29:09 30 raising this really in ease of Mr. Rabbitte.

12:29:12 1 A Yes.
2
3 CHAIRMAN: You then go on to say this was later returned in the form of a
4 cheque. You seem there to equate the amount that you received in cash with
12:29:26 5 what was returned by cheque.

6 A Yes.
7
8 CHAIRMAN: Now Mr. Rabbitte was adamant that you gave him 2,000 on the day in
9 cash and we know that the returned cheque was for 2,000 pounds. So, if your
12:29:44 10 intention at the time was to equate the amount of the cheque to what had been
11 paid in cash, then it would suggest that it was 2,000 pounds and not 3,000
12 pounds.

13 A Well that may -- I accept the contention that you are making, Judge, but I have
14 never deviated once and I -- somebody would recollect for me exactly when this
12:30:09 15 list was made -- but I have never deviated once in saying that I gave Pat
16 Rabbitte 3,000 pounds in cash.

17
18 CHAIRMAN: This was a deviation if you equate it, if you equate the cheque
19 because I imagine it would have been something that would have stayed in your
12:30:28 20 mind, the fact that you gave somebody 3,000 and that person saying he was
21 returning it to you for whatever reason only gave you back 2,000. It's
22 something that would stick in your mind. But when you made this list, you were
23 saying that they were one and the same figure. And we know -- we don't know,
24 we can't know for certain the amount of cash you give him but we do know for
12:30:55 25 certain the amount of the cheque.

26 A The cheque, yes.

27
28 CHAIRMAN: I just bring that to your attention. But you still feel certain
29 that it was 3,000?

12:31:02 30 A Yes. As I have explained to Ms. Dillon, Mr. Chairman, like the meeting did not

12:31:11 1 take place over the course of three or five minutes. The meeting was lengthy.
2 I did make a reference to the amount and I apologised that it couldn't be
3 larger.
4

12:31:20 5 CHAIRMAN: But then this entry is erroneous.
6 A Yes.
7

8 CHAIRMAN: Because you didn't get back a cheque.
9 A I didn't get back 3.

12:31:33 10
11 CHAIRMAN: All right.
12

13 MS. DILLON: Now, I think finally in relation to that matter, that on the 5th
14 February 2003, Mr. Dunlop, you were asked to identify, you were giving evidence
12:31:38 15 on day 353 and you were asked to identify a person with whom you had a
16 conversation about a cash payment in 1992 which was subsequently returned and
17 at 2784 you prepared this list, which wasn't made public at the time, and you
18 identified the person with whom you had a conversation on his initiative about
19 a cash payment in 1992 which was subsequently returned, Mr. Pat Rabbitte, TD.
12:32:05 20 And I think there you were referring to the conversation that took place in
21 Brown Thomas and your understanding in relation to what was being discussed
22 between yourself and Mr. Rabbitte.
23 A Yes.
24 Q 434 Which, as I understand your evidence, is predicated upon the fact that the only
12:32:19 25 money that had ever passed between yourself and Mr. Rabbitte was on this
26 occasion, the 10th November 1992, and that therefore could have been the only
27 matter he was assuming would not come up?
28 A Correct.
29 Q 435 Right. Now I think following on from that, that in November, Mr. Jones
12:32:42 30 continued to keep in touch with you in November of 1992 and I want to draw to

12:32:47 1 your attention on the 12th November 1992 at 1935, that Mr. Jones rings you
2 twice at 11 o'clock and at 2.30. Now Mr. Jones does send a letter dated the
3 same day to Firhouse Community Council and there's also an entry there at 3.10
4 for John O'Halloran in Dublin County Council but on the 12th November of 1992,
12:33:16 5 could I have page 3172 and 3174, on the same day that Mr. Jones contacts you
6 twice, now at this stage you have been paid your 11,000 pounds and the rezoning
7 meeting is over. On the same day, Mr. Jones writes two cheques, he writes a
8 cheque for 5,000 pounds to Mr. GV Wright and he writes a cheque for 5,000
9 pounds to Mr. Don Lydon.

12:33:49 10 A Correct.

11 Q 436 Now, he also writes a cheque for Mr. Tom Kitt dated the 16th of November 1992,
12 which I will come to deal with in a moment. What I'm asking you now is, in
13 light of the fact that he writes cheques to Mr. Lydon and Mr. Wright on that
14 day, is it not likely that when he rang you on the 12th of November of 1992, he
12:34:09 15 was seeking your advice about whether or not he should make these payments to
16 Mr. Wright and Mr. Lydon.

17 A No, it is not likely. Because I have and I say and I repeat again, that I have
18 no recollection whatever of Mr. Jones and I have having a conversation about to
19 whom he should make political donations.

12:34:29 20 Q 437 And --

21 A In fact, for completeness, again too, Ms. Dillon, I sat with some amazement
22 when I listened to your opening statement.

23 Q 438 About the amount of the payments made by Mr. Jones?

24 A Yes.

12:34:42 25 Q 439 And none of that was ever discussed between yourself and Mr. Jones?

26 A No.

27 Q 440 So you weren't aware either that on the 16th November 1992, he had written a
28 cheque for 2,000 pounds to Mr. Tom Kitt or on the 16th November 1992, 2,000
29 pounds to Mr. Liam Lawlor.

12:34:57 30 A No.

- 12:34:57 1 Q 441 Now I think throughout November 1992, that there is some further contact
2 between Mr. Jones and yourself on the 17th November at 1939. And can I ask
3 you, did you know whether or not the Brooks brothers were making payments to
4 councillors?
- 12:35:21 5 A No.
- 6 Q 442 At --
- 7 A For completeness, again, I did not know whether they were or were not, I had no
8 knowledge of anything that the Brooks brothers were doing with councillors or
9 politicians.
- 12:35:34 10 Q 443 Yes. At 1943, which is a document I think prepared by one or other of the
11 Brooks brothers, it's a record, Mr. Colm McGrath was paid 500 pounds sub on the
12 19th November 1992 and I think it's signed Frank Brooks.
- 13 A Yes. It looks, yes.
- 14 Q 444 Then he appears to have been and while really this is a matter for Mr. Jones
15 and Mr. Brooks, appears to have been repaid by cheque dated 19th November 1992,
16 so Mr. Brooks did not discuss any payments he was making?
- 17 A No, no.
- 18 Q 445 So that what in fact is happening at this time in October 1992 and November
19 1992, you were making a series of payments to a number of councillors totalling
12:36:18 20 around 10,500 pounds for the purpose of securing the rezoning of lands?
- 21 A Correct.
- 22 Q 446 Included in those payments are Mr. Lydon and Mr. Tom Hand.
- 23 A Yes.
- 24 Q 447 Simultaneously, parallel but without connection, Mr. Jones is making payments,
12:36:35 25 including Mr. Lydon and Mr. GV Wright and I think Mr. Jones accepts he also
26 made payments to Mr. Hand.
- 27 A Yes.
- 28 Q 448 The cheques are not available and in addition it would appear one or other or
29 possibly both of the Brooks brothers are also making payments at that time?
- 12:36:55 30 A Yes.

- 12:36:56 1 Q 449 But you are only aware of the payments you say you made on behalf of your
2 endeavours in relation to the rezoning of the of the Ballycullen lands?
3 A Yes.
4 Q 450 I think on the 20th of November of 1992 at 1944, Mr. Jones -- at 1944 -- calls,
12:37:15 5 Mr. Colm McGrath calls and Mr. Creavan calls.
6 A Mm-hmm.
7 Q 451 And I think that on the 30th November, you meet Mr. Creavan in the Royal
8 Dublin, these meetings are unlikely with the councillors at this stage to have
9 anything to do with Ballycullen/Beechill?
12:37:34 10 A None whatsoever.
11 Q 452 Once you are into December, it's over and you have already made your payments
12 and the matter is finished until the end of 1993 when the confirming meeting
13 comes up?
14 A Correct.
12:37:44 15 Q 453 But you still had ongoing contact with Mr. Jones and on the 9th of December,
16 Mr. Jones rings you at 1958, now there is contact there with Mr. Gilbride and
17 Mr. McGrath and Mr. Keating but that's not in connection with anything we are
18 interested in but on the same date, the 9th December 1992 at 1960, he sends you
19 a cheque for 2,500 pounds?
12:38:17 20 A Yes.
21 Q 454 And this, I suggest, Mr. Dunlop, is more likely to be the success fee than it
22 being contained in the 11,000 pounds, is that right?
23 A It is quite possible, yes.
24 Q 455 Because he is sending "Enclosed as promised, cheque for 2500 pounds to clear
12:38:31 25 the Ballycullen rezoning account" and what Mr. Jones is doing here is he is
26 finishing the matters between you?
27 A Yes, finishing it off.
28 Q 456 This should be the last payment, is it, but it's not.
29 A No.
12:38:44 30 Q 457 There are other payments in 1993 which we will come to deal with but at this

12:38:47 1 stage in December of 1992, he is giving you 2,500 pounds which you say is the
2 amount you agreed as the success fee, it's coming to you as a stand alone
3 cheque, not at as part of the 11,000, and he has promised you this money
4 according to the letter that he sent, isn't that right?

12:39:00 5 A That is correct.

6 Q 458 That brings to 36,000 pounds the amount you have now been paid.

7 A Correct.

8 Q 459 Which was substantially more than you had thought initially?

9 A Correct.

12:39:09 10 Q 460 Now, I think in the first thing that happens in January of 1993, Mr. Dunlop, is
11 you --

12
13 JUDGE FAHERTY: Ms. Dillon, before you progress to 1993, could I ask Mr. Dunlop
14 something. Just in relation to the success fee, Mr. Dunlop, I think on the 4th
15 of November, you had a meeting in the Goat Inn, is that correct?

16 A That's correct.

17
18 JUDGE FAHERTY: Your evidence was the success fee was discussed at that stage?

19 A Correct.

12:39:33 20
21 JUDGE FAHERTY: Who brought up the question of the success fee?

22 A I did.

23
24 JUDGE FAHERTY: And did you have a figure in mind when you discussed it with
25 Mr. Jones?

26 A Whatever figure -- I certainly -- yes, obviously I had a figure in my mind.

27 And I think as I said to Ms. Dillon when we had a discussion about it, I leave
28 it to yourself, that is to Mr. Jones, and he mentioned 2,500.

29
12:39:57 30 JUDGE FAHERTY: And did you attempt to negotiate that fee?

12:40:01 1 A No, I didn't. Not to my recollection. I think I have already said in evidence
2 that I was somewhat disappointed in relation to the amount but I didn't demur.
3
4 JUDGE FAHERTY: And just in relation to the issue of a success fee, when you
12:40:18 5 first met Mr. Jones in February 1992 in the event of success, did you discuss
6 that you might get a success fee?
7 A I don't think so.
8
9 JUDGE FAHERTY: And that was February 1991?
12:40:28 10 A Yes.
11
12 JUDGE FAHERTY: You will recall from the Carrick 1 module the previous month in
13 January 1991 you met Mr. Kennedy?
14 A That's right.
12:40:37 15
16 JUDGE FAHERTY: And that was again a rezoning module for a large body of land
17 in South Dublin, isn't that correct?
18 A Correct.
19
12:40:43 20 JUDGE FAHERTY: And you had I think, at that point, discussed a fee with
21 Mr. Kennedy?
22 A Correct.
23
24 JUDGE FAHERTY: And I think, if memory serves me correctly, you had settled on
12:40:53 25 100,000 pounds had the rezoning been successful?
26 A Correct.
27
28 JUDGE FAHERTY: We know in 1992 it wasn't successful but I was just surprised
29 that if you met Mr. Jones in 1991, within a month of you meeting another
12:41:07 30 developer and discussing these matters, that you hadn't discussed a success fee

12:41:17 1 with him.

2 A Yes, no, the only thing I can say to you, Judge, I don't recollect discussing

3 it, as I say the question of a success fee didn't come up until the matter was

4 resolved.

12:41:22 5

6 JUDGE FAHERTY: I'm just wondering the acreage in the Ballycullen was

7 substantial acreage, not unlike Paisley Park.

8 A Correct.

9

12:41:31 10 JUDGE FAHERTY: And in October or November 1992, you were armed, if you like,

11 with a success and a considerable success.

12 A Yes.

13

14 JUDGE FAHERTY: I'm just surprised that you hadn't, that you didn't attempt to

12:41:44 15 put that matter to Mr. Jones.

16 A Well, all I can say to you that is quite straight forwardly that I didn't.

17

18 JUDGE FAHERTY: I mean you had, for I think with Messrs. O'Halloran Darragh

19 Kilcoyne, you had negotiated a somewhat lesser success fee which I think you

12:42:06 20 say you were paid?

21 A Yes.

22

23 JUDGE FAHERTY: And again that was that success fee but certainly for an

24 acreage much less than you had achieved in the Ballycullen lands, is that the

12:42:18 25 position, is that what you are saying?

26 A That's correct, yes, I just did not discuss it with Mr. Jones, I have no

27 difficulty whatsoever. I have no recollection of discussing the success fee

28 with him at the outset.

29

12:42:28 30 JUDGE FAHERTY: I see. Thank you. Sorry Miss Dillon.

12:42:31 1
2 MS. DILLON: Just following on from that, Mr. Dunlop, if I can take you back
3 to something we have been discussing on Friday which is the attendance of the
4 29th July of 1992, at 3371, this is your application for loan facilities to AIB
12:42:48 5 and in the second paragraph in relation to the repayment schedule, item 1 is
6 25,000 from an undeclared source confidential and item 2 is 50,000 pounds by
7 the 30th November 1992.
8 A Yes.
9 Q 461 Fee income from the Jones Group relating to the zoning of a parcel of land at
12:43:06 10 Ballycullen/Firhouse for leisure housing.
11 A Yes.
12 Q 462 Now just pause there for a moment, this conversation takes place on the 29th
13 July 1992.
14 A Yes.
12:43:14 15 Q 463 Now, by February of 1992 you had been paid 12,500 pounds.
16 A Yes.
17 Q 464 So you are expecting to be paid between July 1992 and the end of November 1992,
18 50,000 pounds.
19 A Mm-hmm.
12:43:30 20 Q 465 You are paid between August and November a sum of 21 thousand pounds.
21 A Yes.
22 Q 466 But you must have had an expectation, Mr. Dunlop, on the 29th of July 1992 of
23 50,000 pounds to come your way from the Ballycullen Farms.
24 A I have no difficulty, that obviously is the case.
12:43:50 25 Q 467 But so that you must have had something that led you to the belief, in July of
26 1992, that you were going to get 50,000 pounds by the end of November 1992.
27 A Yes.
28 Q 468 If you are telling the truth to Mr. Ahern.
29 A Well, there might be some considerable egging, over egging going on, but yes, I
12:44:09 30 accept the point that only Mr. Ahern could put this amount down if I tell him.

- 12:44:16 1 Q 469 But if you are correct in what you tell him, then ignoring the sums you have
2 already been paid, as of the end of July, you expect another 50,000 pounds by
3 the end of November of 1992, you in fact get 20.
- 4 A Yes.
- 12:44:31 5 Q 470 21,000 pounds by the end of November.
- 6 A By the end of November.
- 7 Q 471 A shortfall of 30 of that order.
- 8 A Yes.
- 9 Q 472 And that would suggest that you had some other arrangement with Mr. Jones other
12:44:42 10 than the arrangements that have been disclosed to now.
- 11 A It would suggest it, yes.
- 12 Q 473 So did you have an arrangement with Mr. Jones in relation to a payment of a
13 greater sum.
- 14 A The only thing that I can say to you there in relation to, on a date basis, is
12:44:58 15 that it's prior to the rezoning in October, it is obvious that I had some
16 arrangement with Mr. Jones subsequently, because of other payments that were
17 made by the end of my business with him in 1993, but I can't recollect, I
18 cannot say that I had any other arrangement with him at that stage.
- 19 Q 474 Did you ever discuss and I'm purely floating this in case it might assist your
12:45:24 20 memory at all Mr. Dunlop you might get a house on the lands?
- 21 A Oh God, no.
- 22 Q 475 Or that you might get as you had previously entered into arrangement with
23 Mr. Kennedy, an acre or portion of the lands?
- 24 A No.
- 12:45:34 25 Q 476 Sorry?
- 26 A There was nothing of that nature.
- 27 Q 477 So that insofar as you made any arrangements with Mr. Jones, they were
28 arrangements for financial payments of money.
- 29 A Yes.
- 12:45:44 30 Q 478 And if you were correct in this and you were and did get 50,000 pounds by the

- 12:45:48 1 end of November 1992, the Tribunal can only trace 21,000 pounds of that.
- 2 A Yes.
- 3 Q 479 That you received between the 13th August 1992 and the 6th of November 1992,
4 the Tribunal cannot find 50,000 pounds paid to you between 29th of July 1992
12:46:05 5 and the end of November 1992.
- 6 A Well, it obviously didn't happen.
- 7 Q 480 Well, or Mr. Dunlop, it did happen?
- 8 A Mmm.
- 9 Q 481 And you haven't disclosed it or you were paid in cash?
- 12:46:17 10 A No. I was never paid in cash by Mr. Jones or Mr. Hussey. Absolutely adamant
11 about that matter. And any disclosure that there is in relation to the money,
12 notwithstanding any difference there might be in relation to the original fee
13 and what exactly occurred, all -- any documents that I have in relation to any
14 tracing that could be done in relation to payments from the Jones Group has
12:46:43 15 been submitted, both to the Tribunal and to the Revenue Commissioners.
- 16 Q 482 You underestimated in your disclosure to the Tribunal of the order of, by the
17 order of 40,000 pounds the amount you had been paid by Mr. Jones, isn't that
18 right?
- 19 A Yes.
- 12:46:58 20 Q 483 And you are only in a position to confirm the payments that you got from
21 Mr. Jones by virtue of the documentation the Tribunal provided to you?
- 22 A And you are outlining it, notwithstanding the fact that the documentation that
23 I submitted to you amounts to 43,000.
- 24 Q 484 Yes. But the information you were providing was 17,500 pounds, is that right?
- 12:47:18 25 A No, no, no, what I said -- no, no, no, let's be careful, what I said Ms. Dillon
26 to you was that my -- and I have always maintained this, that I got 15,000 and
27 2,500 successfully and I said that consistently. The documentation that we
28 submitted to the Tribunal on discovery amounted to 43,000.
- 29 Q 485 Yes.
- 12:47:43 30 A Notwithstanding the fact that I have always said that I got 17,500, the

- 12:47:50 1 documentation, when I was requested for discovery, and made an order for
2 discovery against me by the Tribunal, which we said certainly, all the
3 documentation that we have supplied in relation to payments from the Jones
4 Group amount to 43,000.
- 12:48:05 5 Q 486 What I'm pointing out to you Mr. Dunlop is that be that as it may, there is a
6 significant disparity between what you remembered you had been paid and what
7 you in fact had been paid and in the light of that admitted disparity, there
8 could also be further sums that you don't recollect, but which you had agreed
9 and in fact did receive, but we just don't have the paper on it?
- 12:48:29 10 A I don't think so, I would be very surprised if that was the case, given in
11 fact, as it now transpires, that not only, notwithstanding the fact the
12 documentation that I submitted amounts to 43,000 and even though I said I got
13 17 and a half, it now transpires from other documentation that you have been
14 received is that the Jones Group say I only got 26,000.
- 12:48:50 15 Q 487 I think the latest figure from the Jones Group was 36,000, Mr. Dunlop, but they
16 must answer for themselves and you are here to answer to what you have provided
17 to the Tribunal.
- 18 A Yes.
- 19 Q 488 In December 1992 you received a cheque for two and a half thousand pounds from
12:49:05 20 Mr. Jones which you would accept is the success fee.
- 21 A The success fee, yes.
- 22 Q 489 The first that I think that occurs in January, Mr. Dunlop, the 8th January
23 1993, is you issue another invoice, 1970 -- you issue another invoice -- this
24 is invoice number 972 and it's described as "second tranche of agreed fee
12:49:31 25 rezoning of lands at Beechill."
- 26 A Yes.
- 27 Q 490 In the sum of 7,500 pounds.
- 28 A Yes.
- 29 Q 491 And it's dated the 8th January.
- 12:49:38 30 A Yes.

- 12:49:38 1 Q 492 You issue a credit note which is recorded on the face of that and in fact the
2 credit note can be found at 1972, the actual credit note, is that right?
- 3 A Yes.
- 4 Q 493 Now I think that what happens, Mr. Dunlop, is that there is, I think, early
12:50:02 5 in -- sorry, can you first of all outline what happened to cause you to issue
6 the credit note?
- 7 A I can't, obviously there was some indication that the amount wasn't going to be
8 paid or it's an internal transaction within the company that you know the money
9 is not coming. But all I can say is this is the documentation out of the
10 office that we provided to the Tribunal. I cannot give a quotant explanation.
11 Other than that, two things me strike me, it's one it's to Derry Hussey of
12 Beechill Properties and secondly, it relates to lands at Beechill.
- 13 Q 494 That's what the invoice says.
- 14 A Yes.
- 12:50:48 15 Q 495 But you have cleared one account and you are now issuing an invoice in January
16 in relation to another account and you can't explain as I understand it, (A)
17 why you issued the invoice and (B) why you issued the credit note, is that your
18 position?
- 19 A Yes.
- 12:51:02 20 Q 496 I think then in May of 1993 and between then and May of 1993, there's no
21 communication between Mr. Jones or Mr. Hussey and yourself?
- 22 A There wouldn't appear to be, no.
- 23 Q 497 And this invoice is unpaid?
- 24 A Yes.
- 12:51:13 25 Q 498 But in May of 1993, at 2018, Mr. Jones rings you: 31st May 1993. "Chris Jones
26 in his office or at home tonight."
- 27 A Right.
- 28 Q 499 Now can you recollect why in May 1993, Mr. Jones might have needed to meet with
29 you? Or to contact you?
- 12:51:35 30 A No, I have no idea offhand.

- 12:51:39 1 Q 500 Between the 1st July 1993, Mr. Dunlop, it might assist you and the 4th August
2 1993, the second public display takes place. Both the Ballycullen lands will
3 be put on display and the Beechill lands are being put on public display.
- 4 A Yes.
- 12:51:52 5 Q 501 Do you think it's likely to have had something to do with that?
6 A It is likely, it is possible, given the lack of contact in the intervening
7 period between January and then. And the only contact ever that I had with
8 Chris Jones related to either these lands at Ballycullen and or Beechill. And
9 contingent on when the second display begins, it is quite likely that it
10 relates to it.
- 11 Q 502 The second display begins on the 1st July 1993 to the 4th August 1993.
12 A Yes.
- 13 Q 503 Now, I think that up to the end of July 1993, there is no further contact
14 between Mr. Jones and yourself but a number of objections are received in
15 connection with the proposed rezoning only of the Ballycullen lands.
- 12:52:20 16 A Yes.
- 17 Q 504 And I think also that what happens and while the actual copy motions are not
18 available, is that motions are received to try and change the rezoning,
19 certainly of the residential portion of the Ballycullen lands.
- 12:52:38 20 A Yes.
- 21 Q 505 At 2057. Now, this is part of the agenda but this records at item 6A which is
22 a change of zoning from Ballycullen from B to F, Councillor Muldoon has a
23 motion in seeking to change it back to the B zoning.
- 24 A Yes.
- 12:53:19 25 Q 506 Change 6A. 6B is the residential portions of the lands and Councillor Shatter
26 and Councillor Muldoon have separate motions in as have Councillor Buckley and
27 Doohan. 23.7 and 23.7.
- 28 A Yes. I am just, 23, yes, there are two 23.7s.
- 29 Q 507 There are three 23.7s, change 6B and what's proposed will happen, the portion
12:53:53 30 of the lands will have residential but what Councillor Muldoon, Shatter,

- 12:53:57 1 Buckley and Doohan are proposing is that that revert back to agriculture?
- 2 A To agriculture.
- 3 Q 508 So at this stage, which is at the end of the public display, at the end of July
- 4 of, at the end of July, early August 1993, Mr. Jones has a problem.
- 12:54:14 5 A Yes.
- 6 Q 509 What's now going to happen is again there's going to be a dispute as to whether
- 7 two plots of the land are going to hold on to their rezoning, is that right?
- 8 A Correct.
- 9 Q 510 And Mr. Jones, I think, in September 1993 contacts you at 2060. And on the
- 12:54:36 10 29th of September, you meet Mr. Jones at Beechill.
- 11 A Correct.
- 12 Q 511 And I would suggest to you that the matters that were concerning Mr. Jones at
- 13 this stage were they changes that were being proposed by Councillor Muldoon and
- 14 others in connection with the rezoning of the Ballycullen lands?
- 12:54:58 15 A Correct.
- 16 Q 512 There was no perceived difficulty in relation to the Beechill lands?
- 17 A None.
- 18 Q 513 And in fact they went through without any difficulty.
- 19 A I think that's governed as well too, to give full credence to the point that
- 12:55:10 20 you are making, Ms. Dillon, if you look at the diary in each of, for Monday
- 21 through to Thursday, the Development Plan is alluded to. So the Development
- 22 Plan meetings are taking place.
- 23 Q 514 Apart from the one incident that we saw in May of 1993, between January when
- 24 you issued the invoice and the credit note and September 1993, there's no
- 12:55:31 25 contact.
- 26 A No contact.
- 27 Q 515 But now in September 1993 the contact is renewed, is that right?
- 28 A Renewed panic.
- 29 Q 516 That is because what has now happened, motions have come in to seek to upturn
- 12:55:45 30 the rezoning that had been achieved in October 1992.

- 12:55:47 1 A Correct.
- 2 Q 517 Now on the 28th September -- sorry I beg your pardon, on the -- yes, on the 5th
- 3 October 1993, I think it is -- no, sorry, in relation to that, I think your
- 4 records, your telephone records then begin to record contact again from
- 12:56:21 5 Mr. Jones, and also from other councillors.
- 6 A Yes.
- 7 Q 518 In September and October of 1993.
- 8 A Yes, without seeing them on the screen, I would say that that is absolutely
- 9 correct, yes.
- 12:56:35 10 Q 519 Now on the 3rd of October 1993, which is the beginning of the month, you
- 11 receive a cheque for 2,000 pounds from Mr. Jones, at 3139.
- 12 A Yes.
- 13 Q 520 On the 3rd October 1993 and that would suggest that either he sent it to you or
- 14 he met with you.
- 12:56:58 15 A Yes.
- 16 Q 521 Is that right?
- 17 A 3rd October?
- 18 Q 522 1993.
- 19 A 1993.
- 12:57:14 20 Q 523 You will note at the bottom of the cheque, it's not -- on the reverse of the
- 21 cheque and it's not quite clear but you will note that your signature is at the
- 22 back of the cheque.
- 23 A Well it's upside down, but I think yes, that's ok.
- 24 Q 524 Would I be correct in suggesting to you, Mr. Dunlop, what is starting here now
- 12:57:31 25 is the initiation of a new retention or you are being now retained afresh, as
- 26 it were in 1993 because of the difficulty Mr. Jones has experienced with the
- 27 motions that have now come in?
- 28 A Yes.
- 29 Q 525 Is that right?
- 12:57:44 30 A Yes.

- 12:57:45 1 Q 526 So this is a new agreement?
- 2 A Yes.
- 3 Q 527 But there is still outstanding, the 7,500 fee note that had issued in January
- 4 for which a credit note had issued.
- 12:57:55 5 A Correct.
- 6 Q 528 Now, I think that Mr. Jones' diary records on the 5th October 1993, at 2064,
- 7 and it's quite difficult to see but on the 5th, Tuesday, "5th October,
- 8 Mr. Jones meets GV in Buswells at 12 o'clock" which I suggest is probably
- 9 Mr. GV Wright and then "Don Lydon at 6 o'clock in the Goat."
- 12:58:27 10 A Yes.
- 11 Q 529 Now, first of all, did you know that Mr. Jones met Councillor Lydon and
- 12 Councillor Wright, if he did do so on the 5th October?
- 13 A I have no indication to me that I did know, it is quite possible that I did but
- 14 I can't say definitively and categorically that I did.
- 12:58:48 15 Q 530 And insofar as --
- 16 A It may well be that if Mr. Jones and I met, which is highly likely in the
- 17 context of the circumstances that are obtaining at that period, that either he
- 18 told me that he was going to meet them or I recommended that he meet them but I
- 19 don't have a recollection of it.
- 12:59:08 20 Q 531 Well certainly your diary for that date, at 2065, does not record any meeting
- 21 from Mr. GV Wright or for Mr. Don Lydon and you appear to have a fairly full
- 22 day on that day.
- 23 A Yes, there are other --
- 24 Q 532 Meetings on the 5th October. I think throughout the early part of October,
- 12:59:26 25 your telephone records and your diaries continue to record contact between
- 26 Mr. Jones and various councillors and yourself but I think it would be fair to
- 27 say that you had more than one development coming up for confirming meetings.
- 28 A Yes.
- 29 Q 533 Some very big developments in fact were coming up, not just Ballycullen.
- 12:59:47 30 A This is a lot of activity coming together very quickly because this is the

12:59:51 1 confirmation of the plan.

2 Q 534 Yes.

3 A And therefore any development that we had been successful in, in the context of
4 going against the Manager's report or getting zoning that was not recommended,

13:00:06 5 that has to be maintained.

6 Q 535 Yes.

7 A In the face of either opposition from the management or opposition from the
8 councillors.

9 Q 536 Yes.

13:00:12 10

11 CHAIRMAN: All right. It's one o'clock, we will rise until two o'clock.

12

13 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH.**

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13:00:32 15

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TRIBUNAL RESUMED AS FOLLOWS AT 2.00 P.M.:**CONTINUATION OF EXAMINATION OF MR. FRANK DUNLOP BY MS. DILLON:**

- 14:04:51 1
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- 4
- 14:05:04 5 Q 537 Good afternoon, Mr. Dunlop. Just before lunch, we were at the 19th October
- 6 1993 and we have now coming up to deal with the confirming meetings and you
- 7 have been retained again because of the fact that a problem has arisen and this
- 8 is an attempt by Councillors Muldoon and others to overturn the zoning that had
- 9 been achieved the previous October.
- 14:05:26 10 A Correct.
- 11 Q 538 And I think on the 19th October, at 2067, you have three calls from Mr. Jones
- 12 and you also have telephone calls from Mr. McGrath and Mr. Liam Cosgrave, the
- 13 first call.
- 14 A Yes.
- 14:05:43 15 Q 539 Right. And I think on the 20th of October, at 2068, you again have three calls
- 16 from Mr. Jones, quarter past 9, 9.50 and 10.30, but you also have a message
- 17 from GV Wright in relation to Betty Coffey's aunt and also from Liam Creavan.
- 18 A That's right.
- 19 Q 540 And on the 21st October at 2072, you have a message at 2.25 from Mr. Jones and
- 14:06:14 20 asking you to call to let you know that you are on the way and also Mr.
- 21 McGrath, Mr. Gilbride and Mr. Lawlor contact you.
- 22 A Yes.
- 23 Q 541 I think in fact your diary records that on the 21st October, you have a meeting
- 24 at Beechill with Jones at 2070, isn't that correct?
- 14:06:32 25 A That's correct, yes at 4 o'clock.
- 26 Q 542 I think on the 21st October 1993, you are paid 6,000 pounds by Mr. Jones at
- 27 3140.
- 28 A Yes.
- 29 Q 543 And that's your signature on the back of that.
- 14:06:48 30 A Correct.

- 14:06:49 1 Q 544 And I think of that sum of 6,000. 1,750 is lodged to the account of Frank and
2 Sheila Dunlop but the balance has been retained by you as cash.
3 A In cash.
4 Q 545 Now you are not suggesting, Mr. Dunlop, that in 1993 you made any payments to
14:07:04 5 anybody in connection with the confirming meeting.
6 A No, I am not.
7 Q 546 But would it follow would it not, Mr. Dunlop, that your job was to ensure that
8 the support, as it were, held firm?
9 A Correct.
14:07:15 10 Q 547 You were in contact with councillors on an ongoing basis at this time because
11 of the confirming meetings.
12 A Yes.
13 Q 548 And your diary records that you were attending on almost a daily basis the
14 Development Plan meetings in Dublin County Council.
14:07:28 15 A Correct.
16 Q 549 I think on the 22nd October at 2073, Mr. McGrath rings at half nine and 10.30,
17 Chris Jones rang, "FD," that's you, "call him at home in evening, Frank Dunlop
18 knows about next, C J not to worry, Frank Dunlop will contact him later this
19 evening." That appears to be you giving a message to Mr. Jones?
14:07:52 20 A Yes.
21 Q 550 Right. Again on the 26th October, which is a Tuesday, at 2074, Mr. Jones rings
22 three times at 10.55, 2.45 and 4 o'clock and Mr. Gilbride rings at 12.10, he is
23 in Dublin County Council.
24 A Correct.
14:08:08 25 Q 551 And on the 27th of October 1993 at 2075, Mr. Jones rings at 11.10.
26 A That's right.
27 Q 552 "He wanted to know when this thing was coming up" and presumably that refers to
28 either Ballycullen or Beechill?
29 A Yes.
14:08:24 30 Q 553 I think at 2078, on the 28th of October, "notice was given to the councillors

- 14:08:31 1 that at a meeting on the 3rd of November, maps number 23 to 28 would be
2 considered."
- 3 A Yes.
- 4 Q 554 Now the Beechill lands, which were also coming up for confirming, were on map
14:08:44 5 number 23. So that's going to be dealt with on the 3rd November 1993.
- 6 A Yes.
- 7 Q 555 It wasn't anticipated that there would be any change or difficulty in relation
8 to the change proposed for Beechill which is at 2080 please? This was change
9 23, on map number 23, I think it is.
- 14:09:07 10 A Yes.
- 11 Q 556 Change 23 was to facilitate the development of offices at Beechill Court and
12 this was the amendment to the written statement.
- 13 A Written statement, yes.
- 14 Q 557 Now on the 28th of October 1993, the Ballycullen confirming meeting took place,
14:09:21 15 can you recollect, Mr. Dunlop, whether you were present for this meeting?
- 16 A The 28th October?
- 17 Q 558 1993, 2081. The Ballycullen, this is the Ballycullen confirming meeting.
- 18 A My diary shows -- I have Development Plan, 2.30.
- 19 Q 559 So you were in the council.
- 14:09:42 20 A Yes, and I have a meeting at 4 o'clock so I was in the council.
- 21 Q 560 Now the, what happened with the Ballycullen lands is that the changes came up
22 for consideration and then the proposal by Councillor Shatter and Muldoon were
23 put and a vote actually takes place in relation to the Ballycullen lands on
24 this day, isn't that right?
- 14:10:04 25 A Correct.
- 26 Q 561 There's no vote in relation to the Beechill lands on the 3rd November because
27 there's no objection.
- 28 A Yes.
- 29 Q 562 So if we look at page 2083, and I think that in relation to the Ballycullen
14:10:19 30 lands, Mr. Dunlop, just to explain change 6A, 6B and 6C, that there were four

- 14:10:26 1 changes proposed to the Ballycullen lands because there were four parcels of
2 land involved. And if we look at the map that went on public display, which is
3 at page 1078 please, just very briefly before we go through this. Now, if we
4 can increase the size of the coloured portion at the centre if that's possible
14:10:52 5 of those. Now you see in the centre of the yellow lands, there is a kind of a
6 box with the number 6B, in fact, on it.
- 7 A Yes.
- 8 Q 563 That is change 6B.
- 9 A Yes.
- 14:11:07 10 Q 564 And then if you go down to the larger blue portion below it, even though it's
11 hard to see it, there's also another box there with 6C in the centre almost.
- 12 A I don't see it but I -- yes, I can't make it out here but I would imagine it is
13 there, yes.
- 14 Q 565 If you see the small portion of land in blue to the north, to the side of that,
14:11:21 15 there's a small 6A in a box to the side of the small portion of blue.
- 16 A Correct.
- 17 Q 566 And then if you go north again to the blue at the very northern portion of it,
18 that is change 6D.
- 19 A Yes.
- 14:11:33 20 Q 567 So what you have on this map are four pieces of land, so they are going to be
21 6A, 6B, 6C and 6D.
- 22 A Yes.
- 23 Q 568 And 6B were the yellow lands, the residential lands.
- 24 A Yes.
- 14:11:45 25 Q 569 So when one looks then at the matter that came before the council at 2083, and
26 at 6A the change that was proposed was from B to F.
- 27 A Yes.
- 28 Q 570 So that's from B to open space.
- 29 A Yes.
- 14:12:05 30 Q 571 And the Manager recommended at 2084, that the amendment be deleted, now

- 14:12:13 1 Councillor Muldoon then proposes that the lands revert to the B zoning, a
2 discussion takes place and there's a vote.
- 3 A Yes.
- 4 Q 572 Now the vote for the motion is a motion to revert it back to agriculture.
- 14:12:25 5 A Correct.
- 6 Q 573 And a vote against the motion is to keep it with its F zoning, isn't that
7 right, it's open space?
- 8 A Yes.
- 9 Q 574 So the councillors for and I want to point out to you there the first
14:12:40 10 councillor who votes for the motion, in other words against the confirming of
11 these lands is Michael Billane.
- 12 A Correct.
- 13 Q 575 And the second last councillor is Councillor Tipping.
- 14 A Yes.
- 14:12:49 15 Q 576 Now both of those councillors had voted in favour of the rezoning in October of
16 1992.
- 17 A Correct.
- 18 Q 577 Isn't that correct? Now, I think on the next page at 2085, the councillors who
19 vote against the motion, in other words in favour of confirming the lands, are
14:13:09 20 set out there, commencing with Councillor Ardagh and concluding with Councillor
21 Wright. And you will note that Councillor Larkin is present on this occasion.
- 22 A Correct.
- 23 Q 578 Yes. As is councillor --
- 24 A O'Halloran.
- 14:13:21 25 Q 579 O'Halloran, yes. Mr. Lawlor is not present but he had lost his seat in any
26 event in 1991.
- 27 A Yes.
- 28 Q 580 And because that motion is lost, the change is then declared confirmed.
- 29 A That's correct, yes.
- 14:13:33 30 Q 581 And that means that those lands, which were seen as 6A on the 1993 amendments

- 14:13:40 1 map, are now confirmed from agriculture to F, open space and amenity.
- 2 A Correct.
- 3 Q 582 The second change which is 6B, which are the yellow lands we saw on the map,
4 these are the residential lands and the Manager recommends at page 2086, that
14:14:00 5 the amendment be deleted, in other words the Manager is saying revert to
6 agriculture.
- 7 A Yes.
- 8 Q 583 Right. And then Councillor Shatter proposes a motion seconded by Councillor
9 Muldoon that the lands at 6B be zoned agriculture and then there's a second
14:14:14 10 motion by Councillor Muldoon, seconded by Shatter for the same end, the same
11 purpose.
- 12 A Yes.
- 13 Q 584 And then a motion by Councillor Doohan, seconded by Councillor Gibbons, isn't
14 that right?
- 14:14:26 15 A That's correct.
- 16 Q 585 There's a discussion among the councillors, the effect of the three motions is
17 to revert back to B Agriculture.
- 18 A Yes.
- 19 Q 586 So this is moving from A1 with the density limitation back to B Agriculture.
14:14:37 20 And there's a vote and at 2087, the vote is recorded. Now again, a vote for
21 here is for reverting to B and against is to confirm the lands, so again I want
22 to draw to your attention that Councillors Billane and Tipping vote for this
23 motion, having previously voted to rezone the lands in 1992, and then the
24 councillors who vote against the motion, sorry, who vote against the motion and
14:15:04 25 in favour of the confirming the lands as A1 residential are set out, commencing
26 with Councillor Ardagh and concluding with Councillor GV Wright at page 2087.
- 27 A There's a difference in the votes as you notice as we go along, there's one
28 missing and one abstention.
- 29 Q 587 Councillor Stanley Laing abstains on this vote.
- 14:15:21 30 A There was somebody missing because the other vote was 21. There is only 19.

- 14:15:26 1 Q 588 Yes, Councillor Breathnach and Doohan voted on the previous motion and do not
2 vote on this. So the effect of this is that the motion rezoning to agriculture
3 is lost.
- 4 A Is lost.
- 14:15:36 5 Q 589 And then the lands are declared confirmed.
- 6 A Yes.
- 7 Q 590 So they now have their A1 rezoning with a density limitation confirmed.
- 8 A Correct.
- 9 Q 591 I think insofar as changes 6C, at the bottom of 2087, and 6D at 2088 are
14:15:52 10 concerned, there was no vote and while the Manager recommended in both cases
11 that the amendments be deleted, in fact they were confirmed.
- 12 A Yes.
- 13 Q 592 Without a vote.
- 14 A Yes.
- 14:16:01 15 Q 593 Right. So the effect of that meeting, Mr. Dunlop, was that the line was held
16 as it were, by Ballycullen Farms Limited.
- 17 A Yes.
- 18 Q 594 You didn't pay anybody, isn't that right?
- 19 A No.
- 14:16:12 20 Q 595 Why was there no necessity, in 1993, to pay councillors for their support?
21 A Any of them that had been, they had been kept sweet already so they were in
22 favour of it. It's hardly likely that any of them who had actually supported
23 it previously, were going to go against, albeit in circumstances, another
24 political party did that but that wouldn't apply on the others.
- 14:16:37 25 Q 596 So, were you satisfied when Mr. Jones came back to you with a difficulty and
26 you were facing into the confirming meeting that the people that you had dealt
27 with in 1992 would hold the line as it were?
- 28 A Yes, unless -- unless as occurred on other occasions, where they saw that there
29 was a possibility that it might be lost and then if there was further
14:16:58 30 compromise required, then they would apply the compromise.

- 14:17:02 1 Q 597 Right. But in this case there was no necessity for any compromise.
- 2 A No.
- 3 Q 598 Right. Now I think on the 1st of November 1993 at 2096, I think Mr. Jones
- 4 arranged with you a meeting for the 3rd of November. You see at 3.10, 11.30
- 14:17:20 5 and he also rings at 9.30 and at 2102 on November 2nd, that meeting is recorded
- 6 in your diary.
- 7 A Yes.
- 8 Q 599 And --
- 9 A November 2nd, sorry.
- 14:17:32 10 Q 600 And I think indeed it's also recorded in Mr. Jones' diary. And this is the
- 11 date of the Beechill confirming meeting.
- 12 A Yes.
- 13 Q 601 So you have a meeting with Mr. Jones, which is recorded in both of your diaries
- 14 and then Beechill comes up for hearing that afternoon because the meeting
- 14:17:53 15 concludes at 5.30.
- 16 A Correct.
- 17 Q 602 And you have a Development Plan entry in your diary.
- 18 A Yes.
- 19 Q 603 But you were not anticipating any difficulties in relation to this confirming
- 14:18:01 20 and this in fact proved to be the case.
- 21 A Yes.
- 22 Q 604 The record of who was present is at 2097. And the confirmation of Beechill
- 23 Court is at 2099. The Manager recommended that the amendment be confirmed and
- 24 that was the amendment of including the objective of facilitating the
- 14:18:34 25 development of offices at that site be included in the Development Plan written
- 26 statement and that was confirmed.
- 27 A Correct.
- 28 Q 605 Right. And there was no vote or anything in relation to that matter.
- 29 A No.
- 14:18:44 30 Q 606 Right. Now, I think at 2103 on the 3rd of November 1993, Mr. Jones wrote a

- 14:18:55 1 letter to Mr. Lydon, Senator Don Lydon and which he thanked him for his nice
2 letter and kind remarks and I should say we don't have a copy of that letter.
3 Then he goes on to say "I need hardly say we are deeply indebted to you for all
4 of your help, I will contact you shortly and arrange to meet for a chat
14:19:20 5 sometime." Do you see that?
- 6 A Yes.
- 7 Q 607 Were you aware that Mr. Jones was sending this letter or something like this to
8 Mr. Lydon?
- 9 A In particular, probably not, but yes, generally that letters would again be
14:19:30 10 sent in thanks to various people but this one appears to me to be in a direct
11 response to a letter from Senator Lydon but normally, the practice would be as
12 I said to you pre-lunch, after an occasion like this, that letters would be
13 sent to those people who had supported it.
- 14 Q 608 Right. Now I think that the Dublin Development Plan was confirmed or adopted
14:19:50 15 on the 10th December 1993 and that the zoning of both Beechill and Ballycullen
16 lands is as already outlined.
- 17 A Correct.
- 18 Q 609 Now, were you involved -- sorry I will come to that, the next document that's
19 of interest to you, Mr. Dunlop, is the 31st of December 1993 at 2151. Now,
14:20:13 20 this is an invoice number 968 and it records, it's addressed to Mr. Derry
21 Hussey, Jones Group PLC and addressed, as to "Public Affairs Consultancy, third
22 and final payment as per agreement, 7,500 pounds plus VAT."
- 23 A Yes.
- 24 Q 610 Now, in -- earlier that year, we had seen that you had issued an invoice, if we
14:20:36 25 can put it up same time, at 1970, if we can put the two up together? 1970.
26 Now, the first invoice in time is dated the 8th January 1993 and you issued an
27 invoice, you issued a credit note.
- 28 A A credit note, yes.
- 29 Q 611 Both of them are addressed to Mr. Derry Hussey but the first one is addressed
14:21:17 30 to Mr. Derry Hussey, Beechill Properties Limited and the second to the Jones

- 14:21:21 1 Group PLC at Beechill.
- 2 A Correct.
- 3 Q 612 The first in time has no element of VAT.
- 4 A Correct.
- 14:21:28 5 Q 613 The second does include an element of VAT, a VAT number is on the second
6 invoice of 2151, there's no VAT number on the first invoice of 1907.
- 7 A Correct.
- 8 Q 614 Both of them, both of them appear to relate to the same type of matter, "second
9 tranche of agreed fee rezoning at Beechill" and "public affairs consultancy
10 services, third and final payment as per agreement."
- 11 A Correct.
- 12 Q 615 Now if the payment of the invoice of 31st December 1993, was the third invoice
13 as is recorded. Is the second invoice in the sequence the 8th January 1993?
- 14 A In sequence by you mean invoice number?
- 14:22:09 15 Q 616 No, I mean in respect of -- in respect of the fee.
- 16 A In respect of the same thing?
- 17 Q 617 In respect of the fee.
- 18 A Well, as I answered you before lunch. The fact that it's addressed to
19 Mr. Hussey would seem to suggest that it is, yes.
- 14:22:25 20 Q 618 So that there should be three invoices.
- 21 A Yes, there should be.
- 22 Q 619 The first one?
- 23 A The second.
- 24 Q 620 The second, which is the 8th January 1993 for which you issue a credit note and
14:22:35 25 for which it seemed you never got paid and the third, which is the 31st
26 December 1993.
- 27 A Third and final.
- 28 Q 621 Which is in fact paid, I think, in October of 1994. 2152 please? You remember
29 this?
- 14:22:55 30 A Yes.

- 14:22:55 1 Q 622 And you record on it invoice 968.
- 2 A Correct.
- 3 Q 623 9075 in the amount of 9,075 pounds and then cashed on the 20th October 1994,
4 "6,250 given to blank for Navan."
- 14:23:11 5 A Yes.
- 6 Q 624 You acknowledge on your document, receipt of this payment in October of 1994.
- 7 A This is the compliment slip, invoice 968 in another person's handwriting which
8 obviously was attached to a cheque which arrives in and this is my writing to
9 the right.
- 14:23:29 10 Q 625 If we have 2151 on screen beside 2152 please? The invoice number on the
11 document dated the 31st December 1993 is invoice 968.
- 12 A Correct.
- 13 Q 626 The words "invoice 968" are written on the Jones Group PLC compliment slip,
14 probably by somebody from the Jones Group.
- 14:23:55 15 A Certainly not by me.
- 16 Q 627 And that would make the connection between the invoice and the payment.
- 17 A Correct.
- 18 Q 628 That would mean then, if that is correct, that the payment of 9,075 that you
19 record as having received and cashed, is payment in respect of the invoice
14:24:08 20 dated 31st December 1993.
- 21 A Correct.
- 22 Q 629 And that would be the third and final payment, isn't that right?
- 23 A That's correct, as per the invoice text.
- 24 Q 630 Right. As per the text of the invoice. So and I think insofar as the, when
14:24:24 25 you received those, when you received those funds, what you did with them,
26 according to what you have noted on the document is a significant portion of
27 those was given to somebody else in connection with a different matter.
- 28 A Correct.
- 29 Q 631 But you didn't lodge it through Frank Dunlop & Associates.
- 14:24:38 30 A No.

- 14:24:38 1 Q 632 Okay. Now I think on the 2nd of February of 1994, at 2162, Mr. Derry Hussey
2 contacts you at 9.30, do you see that?
- 3 A Sorry, I beg your pardon, yes, correct.
- 4 Q 633 And I think you have a meeting with Mr. Hussey on the 3rd of February 1994 at
14:25:01 5 2163.
- 6 A Mmm - hmm
- 7 Q 634 On the 3rd February 1994 at 2165, a credit note issues to Mr. Hussey in respect
8 of invoice 968, I suggest it must be, in respect of the invoice in January?
- 9 A Yes.
- 14:25:20 10 Q 635 Is that right?
- 11 A That is the probability.
- 12 Q 636 That you have issued an invoice, Mr. Hussey contacts you, he telephones you and
13 makes an appointment, you have a meeting and a credit note is issued, does it
14 follow from that then that Mr. Hussey did not agree at that stage to pay
14:25:39 15 invoice 968?
- 16 A It would look like that.
- 17 Q 637 Because on the same date, the 3rd November 1994, at 2166, you issue an invoice
18 for a lesser amount?
- 19 A Yes.
- 14:25:53 20 Q 638 Yes. It's the same date as the meeting you have with Mr. Hussey. You issue the
21 credit note in respect of the earlier invoice and then you issue a fresh
22 invoice, number 983 for 5,000 plus VAT.
- 23 A Correct.
- 24 Q 639 Now this is the 10th payment you have received, isn't that right?
- 14:26:10 25 A Yes.
- 26 Q 640 But it is the first payment when you received the cheque that you lodged to
27 Frank Dunlop & Associates.
- 28 A Correct.
- 29 Q 641 Isn't that right? So as of this stage, you have now been paid when you
14:26:19 30 received this payment, which you receive at this time, you have been paid

- 14:26:25 1 49,000 pounds.
- 2 A Yes.
- 3 Q 642 But you have also issued an invoice which has been cancelled, but which is
- 4 subsequently paid in October.
- 14:26:34 5 A Yes.
- 6 Q 643 Did you enter into an arrangement with Mr. Hussey at your meeting on the 3rd
- 7 February 1994 for that to happen?
- 8 A The only answer I can give to you on that, Ms. Dillon, is I must have entered
- 9 into some such arrangement with him otherwise the matter couldn't have
- 14:26:51 10 happened.
- 11 Q 644 The paper trail suggests that an invoice was issued, a credit note was given.
- 12 A Yes.
- 13 Q 645 But that invoice was paid nearly a year later in October.
- 14 A 10 months, yes.
- 14:27:01 15 Q 646 But that immediately following the credit note being given an invoice for a
- 16 smaller amount issued which was then paid, almost immediately.
- 17 A Yes.
- 18 Q 647 So that whatever arrangement was made in early February 1994 with Mr. Hussey or
- 19 Mr. Jones, it was agreed that the bigger invoice would be paid but later.
- 14:27:19 20 A But later.
- 21 Q 648 And at this time then a smaller invoice will be paid?
- 22 A Yes.
- 23 Q 649 And I think that at that time in February of 1994, you were paid that figure of
- 24 6,050.
- 14:27:32 25 A Yes.
- 26 Q 650 Is that right?
- 27 A Correct.
- 28 Q 651 And that I think is lodged to Frank Dunlop & Associates.
- 29 A It's recorded in the debtors ledger as received from Jones Group and invoice
- 14:27:43 30 dated 3rd February 1994, yes.

- 14:27:45 1 Q 652 And this is the first treatment of any payment of this sort of any payment from
2 Mr. Jones or Mr. Hussey?
- 3 A Yes, it is.
- 4 Q 653 On receipt of funds from them, you treat it, you put it through the formal
14:27:57 5 books of Frank Dunlop & Associates.
- 6 A Correct.
- 7 Q 654 Through that bank account. I think on the 9th February 1994 at 2172, at 3.35,
8 Mr. Chris Jones junior contacts you. I understand Mr. Jones junior to be the
9 son of Mr. Christopher Jones.
- 14:28:15 10 A Correct.
- 11 Q 655 Can you explain to the Tribunal why that was?
- 12 A I think at this stage, Mr. Jones junior was, had become involved with the --
13 his father, with the business in some fashion or another that I can't explain.
14 The only reason I can put the call down to or the message down to is that --
14:28:41 15 and this is the first time he is ever recorded as calling me and it's the first
16 time his name ever appears, either in telephone calls or diary, I can only
17 attribute it in some fashion or another to Ballycullen or something to do with
18 his father.
- 19 Q 656 Your telephone records also record on the 11st of February at 2173, a telephone
14:29:03 20 call from Mr. Chris Jones and again at 2176 on the 23rd February, Mr. Chris
21 Jones junior.
- 22 A Yes.
- 23 Q 657 You cannot recollect why that contact was in February of 1994?
- 24 A No, other than the possibility that there may well be ongoing contact between
14:29:22 25 other people and the Jones Group and that young Chris is becoming involved in
26 it. But I cannot absolutely say to you what the reason for the calls were.
27 There was minimal contact with Chris Jones junior.
- 28 Q 658 Very little contact in 1994 but some with Mr. Jones senior.
- 29 A Oh yes.
- 14:29:40 30 Q 659 Mr. Jones records in his diary of the 11th May 1994 at 2201, an entry for Frank

- 14:29:47 1 Dunlop. You can see it now, I think, Mr. Dunlop, on the 11th. You see there's
2 an entry for Frank Dunlop.
- 3 A Yes.
- 4 Q 660 In Mr. Jones' diary, your diary for the same date at 2202, does not record any
14:30:10 5 entry for Mr. Jones but does record lunch in the Shelbourne without anybody
6 being named as being in attendance.
- 7 A What date again?
- 8 Q 661 Wednesday, 11th May 1994.
- 9 A Yes. No, I don't have any reference to Chris Jones here at all.
- 14:30:35 10 Q 662 In your telephone attendances for the same date, 11th May '94, at 2203,
11 Mr. Jones rings twice that day.
- 12 A Yes.
- 13 Q 663 2203 and again on the following page which is not on screen.
- 14 A Mm-hmm
- 14:30:49 15 Q 664 Would that suggest that a meeting had been arranged between yourself and
16 Mr. Jones which may or may not have taken place?
- 17 A That's quite possible.
- 18 Q 665 What business would you have had with Mr. Jones in May of 1994?
- 19 A Well the matter is concluded, unless there's some loose matters in relation to
14:31:07 20 relationships with community councils or something like that, I have no idea
21 why the matter, why Mr. Jones and I would be talking again -- why Mr. Jones and
22 I would be talking again at that stage. I do recall, I beg your pardon, Ms.
23 Dillon, as we speak, I do recall and I was reminded again of it during the
24 course of your opening statement that at some stage, Mr. Jones did tell me
14:31:34 25 about a mistake that had taken place. Now whether this is at this time or not,
26 I don't know. But certainly at some period after the matter was approved or
27 the Development Plan was made, somebody discovered that a mistake had been made
28 in one of the maps or some more zoning had been done that shouldn't have been
29 done.
- 14:31:56 30 Q 666 Right. Mr. Jones records in his diary of the 17th May at 2207, not necessarily

- 14:32:04 1 a meeting, the note is "Ring Frank Dunlop" beneath that there is another name,
2 I think "Robert Jacob" and beneath that, "John Fitzgerald."
- 3 A Yes.
- 4 Q 667 Now did you know John Fitzgerald?
- 14:32:15 5 A Well I know a John Fitzgerald, I know two John Fitzgeralds, sorry. Well one is
6 the County Manager, he was in managerial position in the Dublin County Council
7 at the time and the other is completely irrelevant.
- 8 Q 668 Right. And Mr. Jones, I think, has a diary entry at 2208, sorry, has a
9 reference in this document to meeting Mr. John Fitzgerald, "thank you for
10 meeting with us to discuss the 8.75 acres of council lands which adjoin our
11 lands at Ballycullen." And that is dated 19th May 1994.
- 12 A Yes.
- 13 Q 669 Is it likely that for some reason at the earlier reference at page 2207, on the
14 17th of May, that Mr. Jones might have been ringing you in connection with
15 meeting Mr. John Fitzgerald?
- 14:33:05 16 A It's quite possible, yes.
- 17 Q 670 It would seem that immediately or within a short time after that diary entry,
18 he did meet with Mr. Fitzgerald and that there was some discussion about
19 Ballycullen Farms purchasing 8.75 acres from the council.
- 14:33:21 20 A Yes.
- 21 Q 671 I think ultimately that did, in fact, take place.
- 22 A Yes.
- 23 Q 672 Mr. Jones rings you on the 14th of June 1994 at 2209. And again on the 30th
24 June at 2234.
- 14:33:42 25 A Yes.
- 26 Q 673 In August of 1994, at 2244, Mr. Jones rings again. And on the 22nd of August
27 at 2245, Mr. Jones has an entry in his diary for I think it's "D Hussey" or D
28 something, "Mr. Frank Dunlop" or "re: Frank Dunlop" but your diary does not
29 record any meeting at this time. This is August of 1994. Do you see that
14:34:24 30 entry?

- 14:34:24 1 A Yes. D home, D house. No, I don't know what that means, Miss Dillon.
- 2 Q 674 That's the 22nd August 1994 and on the 25th August at 2246, Mr. Jones rings
3 you.
- 4 A Yes.
- 14:34:46 5 Q 675 Now you were aware in 1994, of some contact or discussions between Mr. Jones
6 and the council about the amount of land that had been rezoned.
- 7 A Correct.
- 8 Q 676 Were you asked by Mr. Jones to approach any official in South Dublin County
9 Council or Dun Laoghaire/Rathdown on his behalf?
- 14:35:01 10 A No.
- 11 Q 677 Did you make any approach in relation to any councillor in connection with any
12 difficulties Mr. Jones might have been having with the amount of land that was
13 rezoned?
- 14 A No.
- 14:35:10 15 Q 678 In September of 1994 at 2251, Mr. Jones has an entry in his diary which is, I
16 think you can see it there, Mr. Dunlop, on the 5th September, 1994.
- 17 A Yes.
- 18 Q 679 "Payment Frank Dunlop."
- 19 A Yes.
- 14:35:33 20 Q 680 Now, the last previous payments that we have seen was early in 1994, is that
21 right, in February?
- 22 A Correct.
- 23 Q 681 The next recorded payment is the 20th October 1994.
- 24 A Yes.
- 14:35:48 25 Q 682 What payment could Mr. Jones have been talking about in connection with you on
26 the 5th September, 1994?
- 27 A That, I can't tell you. No, I don't know. I can't tell you.
- 28 Q 683 You record on the 20th October, I think it is, receipt of the earlier invoice,
29 isn't that right?
- 14:36:22 30 A That's right.

- 14:36:22 1 Q 684 And that's, we have looked at that document but now this is the 5th of
2 September. And Mr. Jones has, for some reason or other, made an entry into his
3 diary, "payment Frank Dunlop."
4 A Yes.
- 14:36:28 5 Q 685 Now on a plain reading of those words, Mr. Dunlop, and subject of course to
6 anything Mr. Jones may tell us in further explanation of those, that would
7 suggest that in or around this time, a payment was to be made to Frank Dunlop.
8 A Correct.
- 9 Q 686 Right. Now was any such payment made?
14:36:46 10 A That, I cannot tell you.
- 11 Q 687 You are not saying, Mr. Dunlop, that no payment was made?
12 A I am not saying that.
- 13 Q 688 What you are saying was if a payment was made at this time, you don't recollect
14 it.
14:36:59 15 A No.
- 16 Q 689 It would appear as if the entry was put in the diary and I accept I am
17 speculating here, almost as an aide memoir, it's "payment Frank Dunlop."
18 A Yes.
- 19 Q 690 Isn't that right?
14:37:11 20 A Yes, and peculiarly underlined. There seems to be something in a box which is
21 crossed out.
- 22 Q 691 Beneath that.
23 A Yes.
- 24 Q 692 Certainly other than the fact that you accept the entry is there, it would
14:37:24 25 suggest to you a payment to you at this time, you have no recollection of such
26 a payment?
27 A No and just for absolutely clarity, I don't think any such payment is alluded
28 to in any documentation that we have discovered.
- 29 Q 693 Yes. Mr. Dunlop, but we are just talking about the records that's on the
14:37:43 30 document on the screen?

- 14:37:44 1 A Mr. Jones' dairy.
- 2 Q 694 For whatever purpose or whatever reason, he has recorded payment to Frank
3 Dunlop.
- 4 A Yes.
- 14:37:50 5 Q 695 And it's clear from the documentation that that have been circulated in the
6 brief that from the information provided by both Mr. Jones and yourself, there
7 is no record of a payment in or around this time.
- 8 A Correct.
- 9 Q 696 The previous payment to you that's recorded was February of 1994. And the next
14:38:06 10 payment is the 20th October, isn't that right?
- 11 A 20th October 1994, 9,075.
- 12 Q 697 There's nothing in the documentation to date to suggest why Mr. Jones would
13 have a necessity of recording the fact of a payment to you.
- 14 A Yes, and given the time span that has passed, it's almost a year since the
14:38:28 15 matters have been concluded and I don't have very much to do with Mr. Jones or
16 Beechill or the Beechill offices or the Jones Group any more.
- 17 Q 698 But the passage of time wouldn't really mean that much, Mr. Dunlop, I suggest
18 to you, because two months after this entry is made, you are paid 9,075 pounds?
- 19 A Yes, what I'm saying to you is, anything that I was doing on behalf of Jones,
14:38:53 20 this been concluded, the matter had been finished with the completion of the
21 Development Plan.
- 22 Q 699 For whatever reason, the entry is there, nonetheless.
- 23 A Sure.
- 24 Q 700 Right. And I think on the 19th of September 1994 at 2254, Mr. Jones contacts
14:39:13 25 you again.
- 26 A Yes.
- 27 Q 701 At 3.05 and he asks you to ring him before 3.30.
- 28 A Yes.
- 29 Q 702 Now, on the following day, on the 20th of September 1994, there's a meeting of
14:39:29 30 the Planning and Development Committee of South Dublin County Council.

- 14:39:33 1 A Yes.
- 2 Q 703 And some of the matters that, one of the things that's discussed is the Draft
3 Action Plan for the Ballycullen area.
- 4 A Right.
- 14:39:40 5 Q 704 And at 2261, the Draft Action Plan for Ballycullen, Ballycraith area which
6 would include the Ballycullen lands, is discussed and it's noted and the record
7 records that Councillors Hannon, Cass, Tipping, Mullarney, Ormond and Muldoon
8 contributed.
- 9 A Yes.
- 14:40:05 10 Q 705 Does that assist you in recollecting as to why Mr. Jones might have been in
11 touch with you?
- 12 A No.
- 13 Q 706 Can you recollect whether you were asked to approach any councillors or discuss
14 anything to do with the Draft Action Plan for Ballycullen?
- 14:40:20 15 A Wasn't and didn't.
- 16 Q 707 And you are clear about that?
- 17 A Absolutely.
- 18 Q 708 Mr. Jones junior rings you on the 22nd September 1994 at 2264, Mr --
- 19 A That's correct, 3 o'clock yes.
- 14:40:33 20 Q 709 And again, can you assist us as to why Mr. Jones junior would have been ringing
21 you?
- 22 A I really don't know. I really had very little to do with Mr. Jones junior.
- 23 Q 710 On the 6th October 1994 at 2266, at 12 o'clock, Mr. Chris Jones rings and it's
24 about Mr. Kinsella, did you get in contact with him. Does that assist you in
14:40:57 25 recollecting what Mr, who Mr. Kinsella was?
- 26 A Offhand, I can't say who Mr. Kinsella is. It doesn't mean anything to me at
27 the minute.
- 28 Q 711 And I think on the 7th October 1994, the following day, to this entry,
29 Mr. Jones rings again at 2269.
- 14:41:25 30 A Yes.

14:41:25 1 Q 712 And on the 10th October, Mr. Jones has an entry in his diary for, at 2270, and
2 if we turn that around for the 10th, there's an entry "ring Frank Dunlop" do
3 you see that?

4 A Yes.

14:41:43 5 Q 713 And there's reference there to certain meetings and matters such as that sort
6 and if you go across to the 13th October.

7 A Yes.

8 Q 714 Do you see "D Hussey a.m." and beneath that, "Frank Dunlop."?

9 A Correct.

14:41:58 10 Q 715 On Thursday, 13th, so Mr. Jones has an entry in his diary for the 10th October
11 to ring Frank Dunlop and there's a diary entry for the 13th. Isn't that right?

12 A That's correct.

13 Q 716 Now a payment does take place, isn't that right, sometime after the 13th?

14 A Yes.

14:42:14 15 Q 717 Because the only record we have of the receipt of the payment is your note
16 saying the 20th October.

17 A Yes.

18 Q 718 So is it likely that at your meeting of the 13th of October, if it took place
19 with Mr. Hussey -- with Mr. Jones or indeed Mr. Hussey was in connection with
20 that payment?

21 A It could well be but there's no record of any meeting with Mr. Jones and
22 Mr. Hussey in my diary for the 13th October 1994.

23 Q 719 That's correct. But is it likely it not that a meeting did take place at which
24 you were paid the sum that you record receiving on the 20th of October?

14:42:48 25 A Yes, it's probable. Yes.

26 Q 720 Isn't that right?

27 A Yes, it is.

28 Q 721 So that the, and it would suggest in the absence of anything in your diary that
29 it is likely to have been on the 13th of October.

14:42:59 30 A That's correct.

- 14:43:00 1 Q 722 And Mr. Jones' diary is not conclusive in fact that Mr. Hussey was present
2 because he says "D Hussey, a.m." and then "4 p.m. I think Frank Dunlop?"
3 A Well 4 p.m. is between us.
- 4 Q 723 Yes.
- 14:43:16 5 A It's a bit unclear, yes.
- 6 Q 724 And I think you do receive the, at 2274, the 9,075 pounds.
7 A Yes.
- 8 Q 725 Now, subject to whatever was the meaning in Mr. Jones' diary for the payment to
9 Mr. Dunlop in September, this payment brings to 58,075 pounds the amount you
10 have received from Mr. Jones or Beechill Properties Limited, isn't that right?
11 A Yes.
- 12 Q 726 Now, of this sum, which you received, the sum of 9,075, you send some of that
13 money to deal with a separate matter, isn't that right?
14 A It's cashed, the cheque is obviously cashed.
- 14:44:00 15 Q 727 But you don't --
16 A It's cashed on the 20th.
- 17 Q 728 But you don't again deal with it through the books of Frank Dunlop &
18 Associates, notwithstanding that an element of that was a VAT element.
19 A Correct.
- 14:44:12 20 Q 729 I think in 1995, Mr. Dunlop, at 2286, there is an entry for the 1st February
21 1995 in your diary. Do you see beneath -- at 12 o'clock there's an entry for
22 "Jones Group and somebody." If it's possible to increase the entry for the 1st
23 February.
24 A Yes. McMurty, Mc Mullroy -- I don't know who that is and I don't know what
14:45:14 25 that is about.
26
27 MR REDMOND: Mr. Chairman if might be able to assist, there appear to be a
28 number of telephone entries for Mr. Aubrey McMurtree in or around that same
29 time and that would appear to be the same name. Does that assist.
14:45:30 30 A The name -- thank my own counsel -- the name means something to me all right

14:45:32 1 but I have no idea what it would mean in relation to the Jones Group because
2 this gentleman had no connection whatsoever with planning and development.
3

4 MS. DILLON: But the only Jones Group that you had dealings with, Mr. Dunlop,
14:45:46 5 were the Jones Group that were involved in this module.

6 A Correct, yes.

7 Q 730 And I think the 19th June, 1995, Mr. Jones has an entry in his diary at 2309,
8 and that is "Chris re: Frank Dunlop," now, there's nothing in your diary to
9 suggest any meeting with either Mr. Christopher Jones senior or junior on that
14:46:14 10 date but it's a note, can you think at that time of any dealings you had that
11 were extant with Mr. Jones?

12 A No.

13 Q 731 Right.

14 A Going backwards in my diary, is there any reference? Is there any cross
14:46:29 15 reference to a telephone call?

16 Q 732 No, no, not that we have been able to locate, Mr. Dunlop. And it's, I am not
17 suggesting to you that it records an actual meeting. Right. I think the final
18 payment that your documentation records receiving from the Jones Group is 2319,
19 is the 31st July 1995 which was an unusual sum, it's the second last entry.

14:47:00 20 And the cash receipts book of Frank Dunlop & Associates records 295.83
21 attributable to the Jones Group, do you have any idea what that's about?

22 A None, it's a most unusual amount as you say, I have no idea why such an amount
23 would be received and there's obviously no record of any invoicing of that
24 amount.

14:47:22 25 Q 733 And I think the second last entry in your diary, concerning Mr. Jones, is dated
26 the 7th February 1997 at 2504. There is an entry for Mr. Jones, at Frank
27 Dunlop & Associates and it's not clear which, whether it's senior or junior.

28 A It's certainly not senior, he was never in my office, the likelihood is it's
29 Chris Jones junior.

14:47:55 30 Q 734 Can you assist as to why you would have had any contact with Mr. Jones junior?

- 14:48:01 1 A In 1997?
- 2 Q 735 Yes.
- 3 A No. In 1995.
- 4 Q 736 In 1997?
- 14:48:07 5 A 1997, I was right the first time. No, I have no idea.
- 6 Q 737 And in November, 1998, Mr. Dunlop, at page 2605 on the 1st November, I think it
- 7 is, you have -- sorry the 1st of December, Mr -- you have a meeting with
- 8 Mr. Jones at the country club or the county club.
- 9 A Yes.
- 14:48:31 10 Q 738 At I think it is 7 o'clock.
- 11 A Yes.
- 12 Q 739 What was that about, Mr. Dunlop?
- 13 A That's local, a local pub, I have no idea. I have met Mr. Jones in that same
- 14 place casually, coincidentally on a number of occasions but why it would be in
- 14:49:06 15 my diary I have no idea.
- 16 Q 740 It's not casual or coincidental in your diary, you have arranged to meet
- 17 Mr. Jones, the Tribunal was established in November of 1997, Mr. Dunlop, is it
- 18 possible that one of the matters or one of the things that might have brought
- 19 yourself and Mr. Jones together in November of 1998, a year later, was the
- 14:49:24 20 workings of the then Flood Tribunal?
- 21 A I don't think so. No. I have no idea. No recollection of any such meeting
- 22 about any such matter.
- 23 Q 741 And you had no common purpose at that stage, you weren't engaged in any joint
- 24 enterprise.
- 14:49:39 25 A No, no.
- 26 Q 742 And the one major joint enterprise you had been involved in with Mr. Jones was
- 27 the Ballycullen/Beechill rezoning.
- 28 A Correct.
- 29 Q 743 There's now a Tribunal established and it's up for a year and it's dealing with
- 14:49:51 30 an inquiry into development land and rezonings, isn't that right?

- 14:49:57 1 A That's right.
- 2 Q 744 And you are clear in your own mind are you Mr. Dunlop at this meeting with
3 Mr. Jones, the rezoning of the Ballycullen lands and any interest it might have
4 for the then Flood Tribunal was not discussed?
- 14:50:06 5 A I am absolutely certain. I am just trying to put the dates together but I mean
6 I have no idea why Chris Jones' name would be in the diary just to meet at a
7 local hostelry, as I said I met him there a number of occasions casually and
8 coincidentally.
- 9 Q 745 By this time the Tribunal would have written to you Mr. Dunlop.
- 14:50:27 10 A Yes, my recollection is the Tribunal first wrote to me in October 1998.
- 11 Q 746 Yes.
- 12 A The 10th October?
- 13 Q 747 The 10th October 1998?
- 14 A Is that correct, the 10th October? No, I have no idea.
- 14:50:44 15 Q 748 Right. I want to draw one other possible entry to your attention, Mr. Dunlop,
16 which is the 3rd, the bottom of that page, on the 3rd of December, it says
17 "Davenport, re," it's possible what it says is "Jones."
- 18 A Yes, it is "Jones," and that relates, if my recollection is correct, to
19 something that we were asked to do in relation to some apprenticeship award or
14:51:12 20 something that the Jones Group were involved in or HA O'Neill, which is one of
21 the Jones Group companies were involved in or were sponsoring or something like
22 that. That's my recollection of it, I don't recollect anything else about it.
- 23 Q 749 Your diaries certainly, do seem to show after 1993, when all formal business
24 when yourself and Mr. Jones had been concluded, ongoing contact.
- 14:51:37 25 A Yes, not at the same level.
- 26 Q 750 Not at the same level, as your diaries record but you have also told the
27 Tribunal, I think, that insofar as your diaries are concerned and your
28 telephone attendances, all the Tribunal is seeing is what is recorded.
- 29 A Correct.
- 14:51:51 30 Q 751 That there would have been much other contact that is unrecorded.

- 14:51:56 1 A With Mr. Jones?
- 2 Q 752 I am not suggesting Mr. Jones, it's the evidence you have given --
- 3 A With councillors? Yes.
- 4 Q 753 But are you saying that it's likely that all of your contact with Mr. Jones is
- 14:52:04 5 recorded?
- 6 A Yes, I would say that absolutely, yes.
- 7 Q 754 Can I turn to deal with the few, sort of, tidying up matters really I think
- 8 they are, if we could go back to deal first of all with the document that you
- 9 provided to, at page 3371. This is the document of the 29th July and there's
- 14:52:27 10 two matters of interest in that document in so far as this module is concerned,
- 11 one is your contention to your bank manager in July 1992 that you were to get
- 12 paid 50,000 pounds by the end of November 1992.
- 13 A Correct.
- 14 Q 755 And you accept, do you not, that you weren't paid or there's no record of you
- 14:52:46 15 being paid that amount of money by November?
- 16 A That's absolutely correct.
- 17 Q 756 Between this date and November 1992, you are paid 21,000 pounds?
- 18 A Correct.
- 19 Q 757 The second thing I want to draw to your attention, in identifying your personal
- 14:52:57 20 assets to the bank, you identified an account at Allied Irish Bank in Jersey.
- 21 A Yes.
- 22 Q 758 Now we touched on this on Friday, it was your evidence that you never had an
- 23 account at AIB Jersey?
- 24 A Yes.
- 14:53:09 25 Q 759 In fact what happened is that you formed a company called Xerxes, which was an
- 26 offshore company of which you were the beneficial owner but your beneficial
- 27 ownership would not be apparent to anyone who examined the records in Jersey?
- 28 A That's correct.
- 29 Q 760 This company, Xerxes, maintained an account at Midland Bank?
- 14:53:29 30 A That's correct.

- 14:53:30 1 Q 761 In Jersey and if we look at 3370 please, this is the opening on the 27th
2 November 1990 of the account in the name of Xerxes Con J Limited and it's being
3 looked after, I think, at this stage by a firm of solicitors at Midland Bank
4 Trust?
- 14:53:51 5 A Yes.
- 6 Q 762 And the account is a sterling deposit seven day fixed account?
- 7 A Yes.
- 8 Q 763 Now the first lodgment that opens the account are new funds, you see that, on
9 the 27th November?
- 14:54:02 10 A Yes.
- 11 Q 764 In the amount of 18,050.54 sterling.
- 12 A Yes.
- 13 Q 765 Now this is transferred per M/B LDN, do you see that?
- 14 A Yes.
- 14:54:14 15 Q 766 That would suggest it's from Midland Bank London.
- 16 A Yes.
- 17 Q 767 Did you have an account at Midland Bank London?
- 18 A No.
- 19 Q 768 You are absolutely certain of that?
- 14:54:23 20 A Positive.
- 21 Q 769 You have identified to the Tribunal the source, the actual source of these
22 funds.
- 23 A Yes.
- 24 Q 770 Is it your evidence that the Tribunal that insofar as that entry is concerned,
14:54:35 25 that these funds were transferred from somebody else's bank account at Midland
26 Bank London?
- 27 A Yes.
- 28 Q 771 And not an account of yours?
- 29 A Correct.
- 14:54:44 30 Q 772 Is it also your evidence to the Tribunal that insofar as the entry that you

- 14:54:48 1 have an account at AIB Jersey is incorrect?
- 2 A That is incorrect.
- 3 Q 773 The only offshore account you had was an account in the name of Xerxes Con J
- 4 Limited at Midland Bank Trust?
- 14:55:01 5 A Correct.
- 6 Q 774 What was the purpose of opening and forming a company, the Xerxes company, and
- 7 routing money through Xerxes, Mr. Dunlop?
- 8 A Well, it was, without gilding the lily, it was to put money which would be
- 9 available to me and I would be the beneficial owner out of the jurisdiction.
- 14:55:19 10 Q 775 Right. Was this for the purpose of avoiding tax?
- 11 A It was for the purpose of avoiding tax and avoiding any knowledge that I had
- 12 it.
- 13 Q 776 I beg your pardon? Avoiding what?
- 14 A Avoiding anybody knowing that I had it.
- 14:55:33 15 Q 777 The purpose of this was to keep this money secret?
- 16 A Correct.
- 17 Q 778 And all of the money that's routed through this bank account throughout its
- 18 lifetime, as it were, is secret money?
- 19 A Yes.
- 14:55:41 20 Q 779 That you are either receiving offshore or you are ensuring it's paid offshore?
- 21 A Correct.
- 22 Q 780 Some of the funds are repatriated on occasion?
- 23 A Yes.
- 24 Q 781 And I think you use some of the funds at some stage, you say, to invest in a
- 14:55:53 25 horse, is that right?
- 26 A Correct.
- 27 Q 782 And now if I could just ask you about one further document, 3372, which is an
- 28 assets investment document that's prepared by the bank and this is the 24th
- 29 January 1995 and the first asset that's outlined there is AIB Jersey, 18,000
- 14:56:11 30 pounds on deposit.

- 14:56:12 1 A Yes.
- 2 Q 783 Now again, presumably, the information in relation to AIB Jersey came from you,
3 Mr. Dunlop?
- 4 A Well I didn't have an AIB Jersey account so I mean it's, it's the same amount
14:56:29 5 that's in the Midland Bank but I do not have, I did not have and never had an
6 AIB account in Jersey.
- 7 Q 784 Did you ever have any other offshore company other than Xerxes?
- 8 A None.
- 9 Q 785 In any jurisdiction?
- 14:56:39 10 A No.
- 11 Q 786 And the only offshore company you had was Xerxes?
- 12 A Correct.
- 13 Q 787 And that was opened, the bank account of which you say was opened for you with
14 the assistance of the AIB here?
- 14:56:49 15 A The bank account that I had opened for me in Xerxes? No, that was not -- that
16 was opened for me by my accountant.
- 17 Q 788 Yes. I thought you said on Friday --
- 18 A I did but I apologise for the confusion when this matter was brought up, the
19 Xerxes account in Jersey was established for me by my accountant.
- 14:57:10 20 Q 789 That's the accountants to Frank Dunlop & Associates?
- 21 A Correct.
- 22 Q 790 And they were also instrumental in having Xerxes incorporated for you in Jersey
23 and there's correspondence passing between the solicitors in Jersey and your
24 accountants dealing with the matter?
- 14:57:24 25 A And I think all that matter has been discovered to you.
- 26 Q 791 Yes. But the purpose -- let's deal first of all with the form of Xerxes, it
27 was the nature of the company that it had directors from Jersey and Sark?
- 28 A Yes.
- 29 Q 792 And the beneficial owner, namely yourself, was not disclosed on any publicly
14:57:41 30 available document?

- 14:57:42 1 A Correct.
- 2 Q 793 So that if anybody wanted research as to who was the director or who was the
3 shareholders in Xerxes, they would be met with effectively a wall of
4 professional accountants or advisers?
- 14:57:53 5 A Yes.
- 6 Q 794 And nobody would be able to discern on any examination that Frank Dunlop was
7 the entity who owned and controlled Xerxes?
- 8 A Absolutely correct.
- 9 Q 795 That's point number one. Now, you told the Tribunal on Friday that the account
14:58:05 10 of Midland Bank, the reason that you referred to AIB Jersey in the earlier
11 document which we were looking at on Friday at 3371, if we could have both on
12 screen together please, that the reason you told the Tribunal on Friday that
13 the reason you referred to the Midland Bank account as AIB Jersey was because
14 Allied Irish Bank in Ireland, Mr. Ahern, opened the account for you?
- 14:58:29 15 A No, he did not.
- 16 Q 796 That's correct, is it?
- 17 A That's correct.
- 18 Q 797 Midland Bank account for Xerxes was opened by your accountant?
- 19 A Yes.
- 14:58:37 20 Q 798 If we go back to the original question on Friday which is now how did you come
21 to tell Mr. Ahern on the 29th July that you had 10,000 pounds at AIB Jersey.
- 22 A Sorry, oh yes, I beg your pardon, I told him I had money offshore. He said
23 that they had a facility down there and he could help me. I told him it wasn't
24 necessary, I had the account was opened in October, I think, of 1990. Now, I
14:59:14 25 can't account for why anybody other than myself would allude to any other
26 account in Jersey other than Xerxes, I can't account for that. But I accept
27 that it's on this list but certainly I never had an account in AIB Jersey, I
28 said that from day one, I said that in private session when the matter came up.
29 I have repeated it on a number of occasions and repeat it now, yes, I did have
14:59:46 30 an account in Jersey in the name of Xerxes in the Midland Bank.

- 14:59:52 1 Q 799 I think you said a moment ago he said that he could help you, Mr. Ahern said he
2 could help you?
- 3 A Yes.
- 4 Q 800 In what way could Mr. Ahern help you?
- 15:00:01 5 A They had a facility down there, they had an operation in Jersey.
- 6 Q 801 But you disclosed to him that you yourself already had your own operation, as
7 it were.
- 8 A Correct. This is, just for completeness, Ms. Dillon, this is the 29th July
9 1992, I already have the account opened in Xerxes in Midland Bank from October
10 of, November of 1990.
- 11 Q 802 Yes. What you have on deposit at that stage in July of 1992 in the Midland
12 Bank in Jersey is 13,555 pounds sterling?
- 13 A Correct.
- 14 Q 803 Isn't that right?
- 15:00:35 15 A Yes.
- 16 Q 804 You don't have on deposit at Midland Bank 10,000 pounds Irish.
- 17 A Well whatever 13,555.11 pence sterling is on the 13th July 1992. I don't know
18 what the difference is but I mean that's all that's in that account.
- 19 Q 805 Yes, but that's all that's in the Midland Bank account.
- 15:00:57 20 A Correct, yes.
- 21 Q 806 If you come to consider the second document created by your bank manager and
22 the same mistake is made, Mr. Dunlop.
- 23 A Yes.
- 24 Q 807 Presumably on the back of information given by you.
- 15:01:08 25 A Well, all I can say to you is that I don't know what date this --
- 26 Q 808 It's on the top of it, the 24th of January 1995.
- 27 A I don't have and did not have at that stage either, or at any stage, any monies
28 in AIB Jersey.
- 29 Q 809 At that stage standing to your Midland Bank in the name of Xerxes, you have
15:01:33 30 18,200 pounds.

- 15:01:35 1 A Yes.
- 2 Q 810 What you are recorded as telling your bank is that you have sterling 18,000
3 pounds on deposit in late January 1995.
- 4 A Correct.
- 15:01:42 5 Q 811 At AIB Jersey. Insofar as the Midland Bank is concerned, that is the correct
6 amount and if you are giving the correct information to your bank on the 24th
7 January 1995, you do not appear to have been giving the correct information to
8 your bank on the 29th July 1992 because you referred to 10,000 pounds Irish.
- 9 A 10,000 pounds Irish, yes.
- 15:02:02 10 Q 812 Instead of?
- 11 A 13,555.11 sterling.
- 12 Q 813 So that you are saying that insofar as these memoranda record you having a bank
13 account at AIB Jersey, they are wrong insofar as the name of the bank is
14 concerned?
- 15:02:15 15 A Correct.
- 16 Q 814 But the information you were providing relates not to a personal account in
17 your name but the company that you had formed in Jersey to hide your money
18 effectively offshore?
- 19 A Correct.
- 15:02:26 20 Q 815 Is what you are referring to in your bank?
- 21 A Yes.
- 22 Q 816 Is that the position. Can we turn, Mr. Dunlop, to look very briefly, as a
23 matter of formality, I think it is. I want to put to you what the various
24 councillors whom you say you paid will say. Now I think it would be fair to
15:02:50 25 say that there is indeed disagreement between yourself and the living
26 councillors whom you say you paid in connection with Ballycullen.
- 27 A Mm-hmm.
- 28 Q 817 Mr. Lydon will tell the Tribunal that insofar as Ballycullen is concerned, he
29 had no contact with you, he received some small donations from you and he
15:03:10 30 confirms receipt of 7,000 pounds from the Jones Group but he had no contact

- 15:03:14 1 with you about Ballycullen Farms or Beechill.
- 2 A None?
- 3 Q 818 That appears to be what Mr. Lydon says in his statement.
- 4 A I see.
- 15:03:25 5 Q 819 Do you agree with that?
- 6 A No.
- 7 Q 820 Insofar as Senator Liam Cosgrave is concerned, he says that he was never paid
- 8 any money in connection with rezonings, he will tell the Tribunal that he was
- 9 lobbied by the Jones family and a manager of Ballycullen Farms, he does not
- 15:03:39 10 make any reference to meeting you in connection with Ballycullen, do you agree
- 11 with his position?
- 12 A No.
- 13 Q 821 Insofar as Mr. Tony Fox is concerned, he denies that he has ever received any
- 14 money from you for any rezoning or any purpose whatsoever, do you agree with
- 15:03:54 15 that?
- 16 A Absolutely not.
- 17 Q 822 Mr. Sean Gilbride accepts, as indeed does Mr. Lydon and Mr. Cosgrave, he did
- 18 receive donations from you and he says he received 2,000 pounds in cash in or
- 19 around the local election in 1991. He says that he supported Ballycullen
- 15:04:08 20 because the local members, i.e. the local, his local political members
- 21 supported it. He does not connect you with Ballycullen, Mr. Dunlop, do you
- 22 agree with that?
- 23 A I disagree.
- 24 Q 823 All right. Insofar as Mr. Colm McGrath is concerned, Mr. McGrath does not
- 15:04:23 25 admit to receiving any payment in connection with Ballycullen, he acknowledges
- 26 receiving political donations from Ballycullen Farms and he acknowledges
- 27 receiving political donations from you but he does not appear to associate
- 28 Ballycullen Farms with you, do you agree with that?
- 29 A No.
- 15:04:39 30 Q 824 Mr. John O'Halloran denies that he got any payment from you in connection with

- 15:04:44 1 Ballycullen, although he does admit to receiving other political donations from
2 you but he again seems to dispute that he had any major dealings with you.
3 It's not entirely clear certainly as far as Mr. O'Halloran is concerned.
- 4 A Yes.
- 15:04:58 5 Q 825 But your position with Mr. O'Halloran, you did have contact with him and you
6 did make a small payment to him?
- 7 A That's correct.
- 8 Q 826 Is that the position?
- 9 A That's correct.
- 15:05:08 10 Q 827 Insofar as Mr. Tom Hand is concerned, Mr. Dunlop, can I put to you again in
11 relation to Mr. Hand, Mr. Jones and Mr. Hussey have told the Tribunal in
12 statements that a meeting was set up by you in connection with Mr. Hand, do you
13 agree with that?
- 14 A Yes.
- 15:05:37 15 Q 828 Right. Now, also Mr. Jones and Mr. Hussey have told the Tribunal that you
16 suggested to Mr. Jones that a payment should be made to Mr. Hand. Did that
17 happen?
- 18 A No.
- 19 Q 829 According to Mr. Jones -- according to Mr. Hussey, he will say that you
15:05:57 20 suggested to Mr. Jones that they should meet Tom Hand and that subsequently, a
21 payment was made.
- 22 A I agreed to recommend that they meet Mr. Hand, yes.
- 23 Q 830 But not that a payment was made?
- 24 A No.
- 15:06:12 25 Q 831 Mr. Jones has told the Tribunal in his statement he knew Tom Hand and that he
26 was a subscriber to Mr. Hand.
- 27 A I did not know that and that was never intimated to me.
- 28 Q 832 Mr. Jones will tell the Tribunal that you approached Mr. Hussey seeking a
29 subscription for Mr. Hand, they will say that they agreed in the first instance
15:06:34 30 to make a payment of 1,000 pounds and that there was a second approach made by

- 15:06:38 1 you which Mr. Hussey rejected but Mr. Jones agreed to make the payment and a
2 second payment was made.
- 3 A Absolutely no contact with either Mr. Jones or Mr. Hussey in relation to any
4 contribution to Mr. Hand other than any connection with Mr. Hand being
15:06:56 5 recommended by me as to a meeting.
- 6 Q 833 Right. Now, it's also suggested that one cheque at least was given to you to
7 give to Mr. Hand and indeed may have been made out to you. You dispute that?
- 8 A I dispute it and I'd like to see sight of it.
- 9 Q 834 Yes. To date, the Tribunal has not been furnished with a copy of any of the
15:07:17 10 cheques that were used to pay Mr. Hand but insofar as there's an admission by
11 Mr. Jones and Mr. Hussey that payments were made to Mr. Hand, you were ignorant
12 of those payments?
- 13 A That's correct.
- 14 Q 835 In the same way as you say you were ignorant of the payments in relation to
15:07:33 15 Mr. GV Wright and Mr. Lydon?
- 16 A I was not aware.
- 17 Q 836 At the time, is that correct?
- 18 A Correct.
- 19 Q 837 Also in around this time you had, in your first discovery to the Tribunal,
15:07:42 20 identified a number of councillors whom you said that you paid, made legitimate
21 political donations to?
- 22 A Yes.
- 23 Q 838 I think if we look at page 334, there is a list there in relation to
24 councillors whom you said you paid in the year ending December 1993?
- 15:08:06 25 A Yes.
- 26 Q 839 And Mr. Don Lydon, 1,000 pounds; Mr. Liam Cosgrave, 1,000 pounds; Miss Ann
27 Ormonde 1,000 pounds; Mr. Michael Cosgrave, 1,000 pounds; and Mr. Larry Butler.
28 1,000 pounds.
- 29 A Correct.
- 15:08:21 30 Q 840 I think Ms. Ormonde accepts she did receive a payment for 1,000 pounds but you

- 15:08:25 1 contacted her and rang her to remind her that you had made that payment to her,
2 do you remember that?
- 3 A I rang her and reminded her, why would I ring and remind her?
- 4 Q 841 Ms. Ormonde will apparently tell the Tribunal, page 1020 --
- 15:08:39 5
6 CHAIRMAN: Ms. Dillon, you said that Mr. Butler got 500, sorry 1,000.
7
8 MS. DILLON: 500, sorry, my mistake, apologies. Ms. Ormonde says at some
9 stage after the Tribunal was established, you telephoned her to remind her that
10 you had given a donation of 1,000 pounds for the 1992 general or Seanad
11 election.
12 A Yes.
13 Q 842 She did not make contact with you, you initiated it. She examined her bank
14 records.
15:09:07 15 A Yes.
16 Q 843 Thereafter.
17 A Well I think you invert all, you invert all of that.
18 Q 844 Yes. But what I'm saying there, what I'm suggesting to you that Ms. Ormond
19 will say she doesn't appear to dispute that a political donation was made by
20 you, she puts it at 1992 general election in this document.
15:09:23 21 A Yes.
22 Q 845 You record it, I think, as being 1993.
23 A Yes.
24 Q 846 Right. Nothing more than that. There's no dispute between you that that the
15:09:38 25 sum was paid.
26 A It depends, it depends on whether or not it related to a general or Senate
27 election campaign. Normally one follows the other. So the general election
28 was in November 1992 and the Senate election would follow automatically so that
29 would be some time in January 1993.
15:09:59 30 Q 847 Yes. Ms. Ormonde said that the payment was for the 1992 general or Seanad

- 15:10:05 1 election, it could either be early 1992 or 1993?
- 2 A If she was a candidate in the 1992 general election, I would be willing to
- 3 enter into a discussion about it but if she's a candidate in the Senate
- 4 election following that general election, that would have been 1993.
- 15:10:26 5 Q 848 Yes. I think your cheque payments book records in January 1993 a payment of
- 6 1,000 pounds to Miss Ann Ormonde?
- 7 A It is 1993 then.
- 8 Q 849 2683 please. Which is the first page and the second page, side by side please
- 9 of 2684, they are analysed under outlay and the first three payments are Don
- 15:11:10 10 Lydon, Mr. Liam Cosgrave and Ms. Ann Ormonde.
- 11 A They are all in the same period.
- 12 Q 850 Yes.
- 13 A The January 1993 and therefore they relate to the Senate election campaign.
- 14 Q 851 And what I'm pointing out to you here, Mr. Dunlop, that you, through your
- 15:11:32 15 business, made legitimate political donations?
- 16 A Correct.
- 17 Q 852 The donee of the cheque is recorded in the cheque payments book, the payment is
- 18 by cheque, it's through the official arm of your business, namely Frank Dunlop
- 19 & Associates?
- 15:11:46 20 A Correct.
- 21 Q 853 You write a cheque at page 2691 please to Ms. Ormonde in the sum of 1,000
- 22 pounds as indeed you did for Mr. Lydon and Mr. Cosgrave?
- 23 A Yes.
- 24 Q 854 Which is a cheque drawn on Dunlop & Associates?
- 15:12:01 25 A Correct.
- 26 Q 855 And which is put through your books at outlay, which means it's an expense
- 27 incurred on behalf of the business, is that correct?
- 28 A Yes.
- 29 Q 856 That might not be the correct designation for it, Mr. Dunlop, but it's tax
- 15:12:13 30 deductible as outlay?

- 15:12:16 1 A Yes, it would be.
- 2 Q 857 And wouldn't necessarily -- as outlay?
- 3 A Well that's a matter for the -- for whatever way the accountants treat the
- 4 matter but it was recorded in the cheque books and was put into the relevant
- 15:12:31 5 books that were kept in the company at the time.
- 6 Q 858 Yes and I think similarly with Mr. Cosgrave and Mr. Lydon who both received
- 7 cheques at this, in or around this time, if we look at page 2689 on the 12th
- 8 January, Mr. Cosgrave's cheque?
- 9 A They are all dated the same date.
- 15:12:49 10 Q 859 That's correct. And these are all being put through the books of Frank Dunlop
- 11 & Associates.
- 12 A Yes.
- 13 Q 860 Isn't that right?
- 14 A Correct.
- 15:12:56 15 Q 861 There's no element of cash, isn't that right?
- 16 A Or concealment.
- 17 Q 862 Or concealment.
- 18 A Yes.
- 19 Q 863 And I think similarly with Mr. Michael Joseph Cosgrave, I think we have dealt
- 15:13:08 20 previously with that cheque in another module, he also receives 1,000 pounds,
- 21 2681 please. Second entry from the bottom.
- 22 A Yes.
- 23 Q 864 Is the record of a cheque of 1,000 pounds to Mr. Michael Joseph Cosgrave again
- 24 recorded in the books MJ Cosgrave?
- 15:13:28 25 A Yes.
- 26 Q 865 Recorded in the books of Frank Dunlop & Associates?
- 27 A Correct.
- 28 Q 866 And I think similarly also the other matters that you had listed for that
- 29 particular year are recorded, I think Mr. Butler's, 500 pounds to Mr. Butler is
- 15:13:43 30 recorded at 2685. And if you look halfway down that list, just beneath Revenue

- 15:13:54 1 Commissioners, you see Larry Butler, 500. Just approximately, just slightly --
2 short of halfway down.
- 3 A Yes, I see it, yes.
- 4 Q 867 And again insofar as all of those payments are concerned, Mr. Dunlop, what is
15:14:12 5 happening here is that there is a trace on all of this money?
- 6 A Yes.
- 7 Q 868 A cheque is written?
- 8 A Correct.
- 9 Q 869 An entry is put into the cheque payments book of Frank Dunlop & Associates,
15:14:22 10 it's debited to the account of Frank Dunlop & Associates and it will be picked
11 up, even if you have given it an incorrect designation by referring to it as
12 outlay, it will be picked up by the auditor.
- 13 A Yes.
- 14 Q 870 Now the money you had in Xerxes wasn't going to be picked up by anybody?
- 15:14:37 15 A No.
- 16 Q 871 And similarly the other bank accounts that you hadn't disclosed, the
17 Rathfarnham account, the Irish Nationwide account, the funds standing to your
18 credit in those accounts were untraceable effectively once you received them,
19 is that right?
- 15:14:51 20 A Correct.
- 21 Q 872 And it's on those funds that you made the improper or corrupt payments you have
22 described to the Tribunal?
- 23 A Yes.
- 24 Q 873 Isn't that right? If we turn now, finally, Mr. Dunlop, to look at what funds
15:14:59 25 you might have had available to you in late 1992.
- 26 A Miss Dillon, are you finishing? I need to go to the bathroom. Two minutes.
27
- 28 CHAIRMAN: We will rise for a few minutes.
29
- 15:15:23 30 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**

AND RESUMED AS FOLLOWS:

- 15:15:27 1
- 2
- 3 MS. DILLON: Mr. Dunlop, just very briefly in relation to one matter before I
- 4 look at the funds available to make the alleged payment in late 1992. You said
- 15:15:34 5 this morning that it had always been your position that you had paid Mr.
- 6 Rabbitte 3,000 pounds.
- 7 A Yes.
- 8 Q 874 And you will recollect that I said to you that I had a recollection that you
- 9 had said at a private hearing that in fact you had said 3,000 but that if the
- 15:24:32 10 cheque was produced to you, you would believe it was for 2,000 pounds.
- 11 A Yes.
- 12 Q 875 I want to put to you as a matter of formality that what you said in the private
- 13 hearing on the 11th May 2000 was as follows and I quote "I gave it to him, I
- 14 have said to you 3,000 pounds, unless he produces the cheque and he says it was
- 15:24:49 15 for 2,000 pounds, I will believe it then that that it was for 2,000 pounds."
- 16 So you appear to be suggesting, at that meeting, that you were of the view it
- 17 was 3,000 pounds but if Mr. Rabbitte produced the cheque as he did, and showed
- 18 it was 2,000 pounds, you would accept it was 2,000 pounds.
- 19 A Yes, at that stage. Yes.
- 15:25:11 20 Q 876 Right. But your position now is that you gave him 3,000 pounds in cash and you
- 21 received in return a cheque for 2,000 pounds.
- 22 A I have been consistent from the word go in making statements, in making lists
- 23 and in saying what occurred that it was 3,000 pounds and I am, I haven't
- 24 changed my view.
- 15:25:29 25 Q 877 Yes. The full extract that I have referred to, sir, will be added to the brief
- 26 and circulated this evening. If I can turn to look then, Mr. Dunlop, finally
- 27 at the monies that you had available to you in September/October/November 1992
- 28 to make the payments that you say that you made?
- 29 A Yes.
- 15:25:52 30 Q 878 Now, can I ask you, Mr. Dunlop, it still your position, I think you have

- 15:25:57 1 previously given evidence that it was your normal practice, when you were
2 making lodgments, to hold back cash.
- 3 A Yes.
- 4 Q 879 So that in so far as this period there are lodgments to bank accounts, it would
15:26:07 5 indicate that you were retaining cash.
- 6 A Significantly.
- 7 Q 880 And I think we have seen in today in relation to the 11,000 pounds cheque that
8 you got from Mr. Jones, that you lodged 2,500 pounds of that and retained the
9 balance in cash.
- 15:26:21 10 A Correct.
- 11 Q 881 Right. I want you to look first of all at a lodgment, we want to look first at
12 lodgments, Mr. Dunlop and then at withdrawals. If we look first at a lodgment
13 of 1,500 pounds to your current account on the 4th of September 1992, 2610.
14 You see that lodgment?
- 15:26:54 15 A Yes.
- 16 Q 882 Of 1,500 pounds and all I want to show you to you, Mr. Dunlop, is the
17 underlying lodgment docket at 2614. It's only a small matter but it shows that
18 you retained a sum of 250 pounds in cash.
- 19 A Correct, yes.
- 15:27:09 20 Q 883 Out of that lodgment and the second lodgment is a lodgment of 2,200 at page
21 2610, to your account 12909006. It's bottom part of that. There's a lodgment
22 of 2,200 and in the underlying explanation for that lodgment at page 1609,
23 again it's only a small amount, it's the, it's almost halfway down that page,
24 the lodgment on the 16th of the 9th, it's part of a cheque from Mr. Jones, you
15:27:50 25 are lodging 2,200 and you are retaining 300 in cash.
- 26 A Correct.
- 27 Q 884 And I think at page 2611, there is a lodgment of 2,900 pounds and I think the
28 underlying documentation shows that you retained a sum of 125 in cash out of
29 that amount.
- 15:28:10 30 A Yes.

- 15:28:10 1 Q 885 And at 2612, there is a lodgment of 1,015 pounds to the account at 12909006,
2 2612, and it's almost illegible but it's immediately down, it's in the centre
3 of the page, it's a lodgment of 1,015 pounds.
- 4 A Yes.
- 15:28:34 5 Q 886 An the source of that lodgment is not known, Mr. Dunlop.
- 6 A Yes.
- 7 Q 887 And therefore it could very well be and I put it no higher than that, that you
8 retained cash out of that.
- 9 A Yes.
- 15:28:44 10 Q 888 And again at page 2613, in the same account, there is a lodgment on the 27th
11 October of 1,000 pounds which is on the first page. Now the bank confirms that
12 that was at 2624, that's the lodgment of 1,000 and the bank confirms at 2624,
13 that that was a cash lodgment of 1,000 pounds in cash. There's no other
14 withdrawal from your bank accounts that could account for that lodgment at that
15:29:18 15 time, Mr. Dunlop.
- 16 A No.
- 17 Q 889 That would suggest that this is a lodgment from your own funds.
- 18 A Yes.
- 19 Q 890 That you have accumulated, isn't that right? I think at page 26 --
- 15:29:30 20 A Could you revert, Ms. Dillon, to the previous page of the bank account.
- 21 Q 891 Yes.
- 22 A Just --
- 23 Q 892 At 2613. The 6,000 pounds?
- 24 A No, I'm just looking at the -- the 1,000, what's the balance? Is that balance
15:29:55 25 overdrawn?
- 26 Q 893 Yes, it was?
- 27 A Yes.
- 28 Q 894 You are saying that you would have made the lodgment because the account was
29 overdrawn.
- 15:30:03 30 A Yes, reducing it.

- 15:30:04 1 Q 895 In the accounts that you have furnished to the Tribunal, there's no bank
2 account that can, to which that sum of 1,000 pounds can be attributed and the
3 underlying documentation from the bank shows that it was a cash lodgment.
4 A Yes.
- 15:30:18 5 Q 896 Would which suggest in the absence of any other explanation from you Mr. Dunlop
6 that it was cash that you had available to you.
7 A Correct.
- 8 Q 897 Now I think at 2613, which is the same bank statement, there is a lodgment of
9 6,000 on the 30th October 1992, do you see that?
15:30:38 10 A Yes.
- 11 Q 898 And the bank documentation at 2624, in relation to that, shows that that
12 lodgment is made up of a cheque for 5,000 pounds.
13 A Yes.
- 14 Q 899 A transfer across of 1,750, less 750 cash, so you are moving 1,750 from Frank
15:31:03 15 Dunlop & Associates again to reduce the overdraft.
16 A Correct.
- 17 Q 900 But you are keeping retaining cash of 750 in the course of that transaction, is
18 that correct?
19 A That is correct.
- 15:31:14 20 Q 901 Now, again I think at page 3375, there is a lodgment, the opening lodgment on
21 that page is 3,756.25.
22 A Yes.
- 23 Q 902 And the explanation provided for the bank for the composition of that lodgment
24 is at 3377, and three up from the bottom, you see the words -- if the second
15:31:46 25 half of that page could be increased please? Just up slightly above that in
26 fact. Yes, that center piece. Do you see the sum of Erin, 756.25?
27 A Yes, I do yes.
- 28 Q 903 You do -- you see the figure of 3,756.25 which is the lodgment we looked at in
29 the bank statement, the break down of that is payment by Erin of a particular
15:32:14 30 invoice in the sum of 756 and repayment of a loan by Frank Dunlop of 3,000, the

- 15:32:20 1 Tribunal have not been able to cross reference that 3,000 pounds to any
2 withdrawal from your bank account. Which would mean it was money you had
3 available from your own resources that was not funded or sourced from any bank.
- 4 A Correct.
- 15:32:39 5 Q 904 The next document is 2613, and this is a lodgment on the 9th November 1992,
6 it's the bottom half of the page of 2,500.
- 7 A I see it.
- 8 Q 905 This is the lodgment, the cheque for 11,000 pounds from Mr. Jones.
- 9 A Mr. Jones.
- 15:32:57 10 Q 906 And this is what you lodge out of your cheque for 11,000 pounds, you are
11 retaining eight and a half thousand pounds, Mr. Dunlop, isn't that right?
- 12 A Correct.
- 13 Q 907 And I think finally page 2613, immediately beneath that, the lodgment of 2,000
14 pounds, the explanation that's been provided for that lodgment, it's a cash
15 lodgment. So again, it's not being, it's not coming from any bank transfer or
16 credit transfer or withdrawal from any existing bank account, the source of
17 that is cash which again you put into the account because of the requirement,
18 the account is down to 842.97.
- 19 A Correct.
- 15:33:37 20 Q 908 That would show that throughout that limited period and from that relatively
21 brief examination of your accounts, Mr. Dunlop, that you had available to you,
22 when your bank accounts needed significant sums of cash and these cash
23 lodgments are cannot be attributed or connected with any withdrawal of yours
24 from any of your bank accounts.
- 15:33:57 25 A That's correct.
- 26 Q 909 Does that, was it your practice to have and maintain a large of amount of cash?
- 27 A Yes.
- 28 Q 910 Which you have I think previously referred to as the war chest.
- 29 A Correct.
- 15:34:06 30 Q 911 That you had available. If we come to look now, they were lodgments, Mr.

- 15:34:09 1 Dunlop, to your accounts, we are now going to look at the withdrawals from your
2 account and the first bank statement is 2625. And this is again, it's only a
3 small lodgment on the 11th September 1992, there's a withdrawal of 500 pounds
4 in cash. The second part of that page.
- 15:34:29 5 A Yes, I have it.
- 6 Q 912 500 pounds in cash from the account at page 2625.
- 7 A Yes.
- 8 Q 913 Right. And I think again at 2630, on the 24th September, the second withdrawal
9 is a withdrawal of 500 pounds in cash.
- 15:34:50 10 A Yes.
- 11 Q 914 Now, at page 2634 on the 7th of October 1992 -- 2634 -- there is a withdrawal
12 of 3,000 pounds in cash.
- 13 A Yes.
- 14 Q 915 From Frank Dunlop & Associates.
- 15:35:07 15 A Yes.
- 16 Q 916 Is that right? And I think you authorise that withdrawal of 3,000 pounds in
17 cash -- 2635 please. That's your letter.
- 18 A Yes.
- 19 Q 917 Withdrawing the sum of 3,000 pounds in cash and that's the 7th of October 1992.
- 15:35:24 20 A Yes.
- 21 Q 918 Now, you also withdraw, I think, on the 15th of October 1992, at 2639, from
22 Dunlop and Associates, current account, 4,500 pounds in cash, it's four debits
23 up from the bottom, Mr. Dunlop, on the 15th October. Do you see that?
- 24 A Yes.
- 15:35:48 25 Q 919 That means that you took out 7,500 pounds cash in that week.
- 26 A Yes.
- 27 Q 920 Is that correct?
- 28 A Yes.
- 29 Q 921 And was that to fund your activities, Mr. Dunlop, with the councillors that you
15:36:00 30 described?

- 15:36:01 1 A It's highly likely, yes, more than probable.
- 2 Q 922 Right. Now I think that also in November of 1992, at 2649 please, now this is
3 one of the war chest accounts, isn't that right?
- 4 A Yes.
- 15:36:24 5 Q 923 There is a lodgment of 70,000 pounds which takes place in November 1992, the
6 source of which we do not go into, there's a withdrawal on the 12th November
7 1992, Mr. Dunlop, which was transferred to Frank Dunlop & Associates.
- 8 A Yes.
- 9 Q 924 You had made a number of cash withdrawals from Frank Dunlop & Associates, isn't
15:36:42 10 that right?
- 11 A Correct.
- 12 Q 925 You are now transferring 10,000 pounds across from this account to Frank Dunlop
13 & Associates. And you withdraw on the 13th November 1992, 55,000 pounds.
- 14 A Yes.
- 15:36:55 15 Q 926 Now that withdrawal, Mr. Dunlop, appears to have been a withdrawal in cash.
- 16 A Yes, it was.
- 17 Q 927 Right. So if we look at the underlying documentation in relation to that, at
18 2651 please, now the two withdrawal slips are there, the 10,000 pounds which is
19 transferred to Frank Dunlop & Associates and the 55,000 pounds.
- 15:37:16 20 A Yes.
- 21 Q 928 Now, did you get that money in cash?
- 22 A Yes.
- 23 Q 929 55,000 pounds.
- 24 A Correct.
- 15:37:22 25 Q 930 And you took it through AIB College Street, is that right?
- 26 A That is correct.
- 27 Q 931 But it's from the Rathfarnham account?
- 28 A That's correct.
- 29 Q 932 Right. Now you were asked by the Tribunal, Mr. Dunlop, were you not, to
15:37:35 30 explain what you've done with the 55,000 pounds?

- 15:37:37 1 A Yes.
- 2 Q 933 And you provided us with this documentation and further bank documentation
3 which says that the bank records show cash was paid out in College Street.
- 4 A Correct.
- 15:37:47 5 Q 934 Isn't that right?
- 6 A Yes.
- 7 Q 935 Now, having -- and you accept that cash has been, you received cash.
- 8 A Yes.
- 9 Q 936 What did you do with it?
- 15:37:54 10 A Well I had, I used it for a variety of purposes, I think the date is
11 significant.
- 12 Q 937 The date in fact is -- the date of the actual withdrawal is the 10th November,
13 I should have drawn that to your attention, Mr. Dunlop, I apologise for not
14 doing so. If we look again at the withdrawal slip at 2651. You can clearly
15 see there the date in your handwriting above your name is the 10th of November
16 but the bank stamp on the bottom withdrawal slip is also clearly the 10th of
17 November, so if we can back then to the actual withdrawal at 2649, now out of
18 this account which you have designated one of your war chest accounts,
19 Mr. Dunlop, you take 55,000 pounds in cash on the 10th November 1992.
- 15:38:46 20 A Yes.
- 21 Q 938 Right, what do you do with it?
- 22 A Well what's why I said the date was significant. There was a number of things
23 occurring at around that time, not least of which was a general election.
- 24 Q 939 Are you saying that you paid 55,000 pounds because of --
- 15:39:03 25 A Not in total, no. It is likely that I withdrew that money at that period,
26 given coincidence of circumstances which was the Development Plan in Dublin
27 County Council and the general election.
- 28 Q 940 So are you telling the Tribunal that the majority or the most of that money was
29 used to pay, under the guise of a general election, to pay people who were
15:39:27 30 involved with, with the Development Plan in Dublin County Council?

- 15:39:32 1 A Yes.
- 2 Q 941 Now you are not suggesting that that was in connection with
- 3 Ballycullen/Beechill?
- 4 A No, I am not.
- 15:39:40 5 Q 942 And we must be very careful not to trespass on any other development, if we
- 6 talk percentages of the 55,000 pounds first, Mr. Dunlop, and we are talking
- 7 about 1992, not 2002.
- 8 A Correct.
- 9 Q 943 So this is a vast amount of money.
- 15:39:53 10 A Yes.
- 11 Q 944 Okay, now, of that amount of 55,000 pounds that you withdrew, approximately and
- 12 to your best recollection, how much did you pay the councillors?
- 13 A In relation to Ballycullen?
- 14 Q 945 In relation to the Development Plan generally. How much of that did you spend
- 15 in bribes approximately?
- 15:40:13 16 A Well certainly in relation to Ballycullen, the amount of monies that I paid out
- 17 in relation to Ballycullen would approximate to something of the order of 11 or
- 18 12,000.
- 19 Q 946 According to your evidence at this moment in time the evidence is the most it
- 15:40:29 20 could be is 10,500.
- 21 A I am not looking at any documentation, I am just saying that it, of the order
- 22 of that. Then there were other payments made at that time, some of which have
- 23 already been --
- 24 Q 947 You paid 5,000 pounds to Mr. GV Wright in cash in early November, that you have
- 15:40:49 25 previously given evidence about and we don't need to deal with that and there
- 26 was some other payments but looking at the figure in its totality of 55,000
- 27 pounds and in the simple plainest English, can you tell the Tribunal how much
- 28 of that 55,000 pounds, without tying it to any development did you pay in
- 29 bribes.
- 15:41:07 30 A Quite a significant amount.

- 15:41:09 1 Q 948 All right, 50 percent of it?
- 2 A I would say yes.
- 3 Q 949 More?
- 4 A No, I would say 50 percent.
- 15:41:14 5 Q 950 Of that, you spent at least 22,500 pounds of that in bribes?
- 6 A Yes.
- 7 Q 951 In early November 1992.
- 8 A Yes.
- 9 Q 952 And you have no lodgment to any account of yours that can account for the
- 15:41:29 10 disbursement of those monies.
- 11 A No.
- 12 Q 953 They are taken out in cash --
- 13 A And gone.
- 14 Q 954 And gone. Isn't that the position?
- 15:41:36 15 A Correct.
- 16 Q 955 They are not Xerxes bank account, there's no transfer to any account that you
- 17 have disclosed to the bank, there's no purchase of an asset that would account
- 18 for the dissipation of that sum of 55,000, isn't that right?
- 19 A Correct.
- 15:41:48 20 Q 956 And your explanation to this Tribunal is that at least 50 percent of that money
- 21 went on bribes, at least.
- 22 A At least.
- 23 Q 957 At least 50 percent. I think there is, you received one further payment to
- 24 Shefran, a cheque, Mr. Dunlop, which relates to a different matter in its
- 15:42:10 25 entirety, it doesn't relate to this module, it's an invoice from, at page 2655,
- 26 we've an invoice for 10,000 pounds from Shefran to Newlands Industrial Park
- 27 Limited.
- 28 A Yes.
- 29 Q 958 And this was paid at 2656.
- 15:42:26 30 A Yes.

- 15:42:26 1 Q 959 By cheque.
- 2 A Yes.
- 3 Q 960 And there's a letter there.
- 4 A Yes.
- 15:42:29 5 Q 961 Sending you the cheque.
- 6 A Yes.
- 7 Q 962 Now this is not lodged.
- 8 A No.
- 9 Q 963 Right.
- 15:42:35 10 A It's cashed.
- 11 Q 964 Just disappears.
- 12 A Yes.
- 13 Q 965 And that is the 11th November 1992.
- 14 A Correct.
- 15:42:41 15 Q 966 The cheque is dated the 11th November. So in the first two weeks in November,
16 it's your evidence to the Tribunal that you cashed 65,000 pounds.
- 17 A Correct.
- 18 Q 967 And not -- that money was not spent solely in connection with Ballycullen, in
19 other words it is, this is now for the Development Plan in its totality.
- 15:43:02 20 A Correct.
- 21 Q 968 And amongst other monies that you had as well as we have already seen.
- 22 A Correct.
- 23 Q 969 But you are saying that your explanation for the disappearance of that money
24 and the 55,000 pounds is that at least 50 percent of that 65,000 pounds was
15:43:15 25 spent in bribes.
- 26 A Correct.
- 27 Q 970 In connection with the Development Plan.
- 28 A Yes.
- 29 Q 971 And it was done in late 1992.
- 15:43:21 30 A Under the guise of --

- 15:43:22 1 Q 972 An election that had been called on the 5th November 1992.
- 2 A Correct.
- 3 Q 973 And all of those payments that you made in cash, were in cash, isn't that
- 4 right?
- 15:43:41 5 A Yes.
- 6 Q 974 Because as we have already seen, when you were making legitimate political
- 7 donations, they were put through Frank Dunlop & Associates.
- 8 A Correct.
- 9 Q 975 So that all of your corrupt payments, Mr. Dunlop, if I can call them that, the
- 15:43:55 10 money that disappears out of the 65,000 pounds is paid in cash.
- 11 A Yes.
- 12 Q 976 As you paid Mr. Rabbitte.
- 13 A Sorry?
- 14 Q 977 As you paid Mr. Rabbitte.
- 15:44:03 15 A Yes.
- 16 Q 978 But you say that in contradistinction to all other payments, the payment to Mr.
- 17 Rabbitte was unique in that it was in cash but it was not corrupt.
- 18 A And he did not ask me for money for a vote.
- 19 Q 979 But that in all other cases that account for the disappearance of this money,
- 15:44:19 20 you were asked for money by the councillors, you paid the money and you paid
- 21 them out of this stash that you had available.
- 22 A Yes.
- 23 Q 980 And included in that stash is the 65,000 pounds that disappears out of your
- 24 bank accounts in late, in early November 1992, is that the position?
- 15:44:36 25 A Correct.
- 26 Q 981 Is there any part of your evidence you would like to change or clarify,
- 27 Mr. Dunlop?
- 28 A No, I don't think so. Not unless you wish me to ask me more questions,
- 29 certainly not.
- 15:44:46 30 Q 982 Not at this time. I have finished with Mr. Dunlop, Mr. Chairman, I wonder

15:44:55 1 could I suggest we could stand the cross-examination maybe over until the
2 morning, it's a quarter to four.

3
4 CHAIRMAN: Could the parties indicate how long they are likely to be, is there
15:45:00 5 an order?

6
7 MS. DILLON: I had spoken to my colleagues and they were to agree an order, I
8 think, among themselves.

9
10 CHAIRMAN: Could they perhaps indicate, Mr. O Tuathail.

11
12 MR. O TUATHAIL: I should put my hand up Chairman, I think I will be going
13 first, taking the point and the other parties will be following.

14
15 CHAIRMAN: Can you indicate how long you might be?

16
17 MR. O TUATHAIL: I cannot, certainly I would estimate at the moment probably
18 the best part of a day.

19
15:45:30 20 CHAIRMAN: That's fine, there's obviously not going to be room for other
21 witnesses tomorrow. That's the only reason I was asking. So we will adjourn
22 until half ten.

23
24 **THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,**
15:46:02 25 **WEDNESDAY, 15TH FEBRUARY 2006 AT 10.30 A.M.**