

10:15:08 1 THE TRIBUNAL AS RESUMED FOLLOWS ON WEDNESDAY,
2 15TH FEBRUARY 2006, AT 10.30 A.M:

3

4 CHAIRMAN: Good morning.

10:36:42 5

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

7

8 CHAIRMAN: Good morning.

9 Now, Mr. O'Tuathail, you are going to cross examine Mr. Dunlop.

10:37:16 10

11 MR. O TUATHAIL: To the best of my ability. Good morning, Chairman, Members
12 of the Tribunal. Good morning, Mr. Dunlop.

13 A Good morning, Mr. O'Tuathail.

14

10:37:23 15 THE WITNESS WAS CROSS-EXAMINED BY MR. O'TUATHAIL AS FOLLOWS:

16

17 Q 1 MR. O TUATHAIL: Mr. Dunlop, the Tribunal was established as we know in
18 November of 1997, is that to your recollection?

19 A Yes.

10:37:34 20 Q 2 And it writes to you on the 10th October 1998?

21 A Yes.

22 Q 3 Now, first question I have for you and in that context is you were due to
23 appear then in April, May 2000?

24 A Correct, yeah.

10:37:52 25 Q 4 And that was your first appearance at the Tribunal?

26 A That's correct.

27 Q 5 Now, you realise by that time and I am not privy to the correspondence that
28 passed between you and the Tribunal but you realised at that time you had
29 serious questions to answer.

10:38:12 30 A Yes.

- 10:38:13 1 Q 6 Now, what plan or strategy did you have when you came down to the Tribunal in
2 April of 2000?
- 3 A Well I came down to, on foot of documentation that we had supplied to the
4 Tribunal, came down to answer the questions.
- 10:38:25 5 Q 7 And you had already made discovery?
- 6 A Yes.
- 7 Q 8 Now, the question is what plan or strategy, in other words, what attitude did
8 you have when you came down initially?
- 9 A I don't particularly recall that I had any set strategy other than to come down
10 and answer questions that were going to be asked of me, particularly in the
11 context of the letters that we had received from the Tribunal via my solicitor.
- 12 Q 9 And in the early part of the Tribunal, in dealing with the questions put to you
13 by Mr. Hanratty in particular; can you say what attitude did you take and what
14 answers did you give?
- 10:39:13 15 A Well, yes, I think what attitude I took was that I gave explanations in
16 relation to certain questions that were put to me, that I think took the best
17 part of a day, two days, and in the context of -- in answer to a particular
18 question, which I don't particularly recall now but I will, if you want me to,
19 I will recall it as we proceed, the Chairman at the time asked me to reflect on
10:39:43 20 the answer that I had given and, which I so did, and we, the rest is history,
21 as they say.
- 22 Q 10 But up to the time that the Chairman asked you to reflect and that you did do
23 your reflection, which would be the 19th April, is that correct?
- 24 A I don't have the exact date in front of me but I will take it it's correct, Mr.
10:40:07 25 O'Tuathail.
- 26 Q 11 2000. To reflect overnight. Up to that time, did you tell the truth or did
27 you tell lies?
- 28 A No, I did not tell the truth. I have already said that publicly here in this
29 box on a number of occasions and I say so to you now.
- 10:40:22 30 Q 12 And your evidence as I recollect it, or certainly your evidence at that time up

- 10:40:29 1 to the 18th April, the 19th April, your evidence at that time was given as
2 decisively and as clearly as your evidence since the start of this module.
- 3 A Well I don't recall whether it was in the same fashion or mode or with the same
4 attitude, I will take your judgment on it.
- 10:40:54 5 Q 13 But that evidence was lies?
- 6 A Yes, it was not the truth.
- 7 Q 14 Yes. And it was lies under oath.
- 8 A Yes.
- 9 Q 15 Now, just reprising that particular period for one or two questions, if I could
10:41:11 10 come to, I will give the reference here as best I have it, the 18th April 2000,
11 you were asked a question at question 553 on page 125 on the transcript, by Mr.
12 Hanratty and Mr. Hanratty says "Mr. Dunlop I was inviting you to comment on the
13 apparent coincidences in the accounts between the level of the activity on the
14 account and the occurrence of zoning motions affecting a certain matter, would
10:41:41 15 you like to comment on that?" And you answer, and as part of your answer you
16 say very assertively "If you are suggesting that any monies out of any account
17 in my name were used for illicit or improper purposes the answer to that is an
18 emphatic no", you recollect that?
- 19 A Yes. Are you putting that up on the screen? Or are you reading from the
10:42:07 20 transcript.
- 21 Q 16 I am reading from the transcript?
- 22 A Well I accept that.
- 23 Q 17 And I have given the reference. Now, so that was a total lie at the time,
24 isn't that is correct?
- 10:42:18 25 A Yes.
- 26 Q 18 And we won't, we needn't dwell on the history since. And then you, Mr. Justice
27 Flood asked you in the light of the Rathfarnham accounts, floods of money that
28 the Tribunal had discovered ...
- 29 A No, no, sorry, Mr. O'Tuathail, I discovered to the Tribunal.
- 10:42:39 30 Q 19 You discovered to the Tribunal but in terms of accounting for the expenditures

- 10:42:40 1 and the incomes in that account and other accounts, Mr. Justice Flood asked you
2 to reflect overnight?
- 3 A Correct.
- 4 Q 20 And there followed on the 19th April 2000, and on the 9th May 2000, there
10:42:55 5 appears to have been a break between that day and the 9th May but there follows
6 two days of cross-examination or examination, I should say, by Mr. Hanratty in
7 which you named 16 people as having received monies from you in exchange for
8 votes?
- 9 A Correct.
- 10:43:16 10 Q 21 Isn't that correct?
- 11 A Yes.
- 12 Q 22 And in that period, my client's name was not mentioned by you?
- 13 A Correct.
- 14 Q 23 That's correct. And if I could turn, just to the 19th then of April, because I
10:43:44 15 am not disturbing anything that Ms. Dillon set out in relation to this aspect
16 of the evidence. You are being examined by Mr. Hanratty and you say to him and
17 this is the 19th of April, question 200, page 37 of that transcript, and you
18 say to Mr. Hanratty "I am speaking solely from memory."
- 19 A Yes.
- 10:44:09 20 Q 24 Now at that stage you spoke only from memory, isn't that correct?
- 21 A Correct.
- 22 Q 25 And then Mr. Hanratty asks you, "I see, perhaps you will just put them on the
23 record and if you would please, be careful not to mention any names at this
24 stage." And then you reply "May I say before you ask me the next request
10:44:38 25 question that I am speaking solely from memory and I may well have erred on the
26 side of caution." Mr. Hanratty, question 201: "I understand, caution in
27 relation to the person's name or in relation to the amounts paid". Now, do you
28 recollect your answer to that?
- 29 A Not as I sit here now, no.
- 10:45:01 30 Q 26 Yeah well I have it in front -- I don't blame you for that, I have it in front

10:45:01 1 of me here. You say in relation to the question, "caution in relation to the
2 persons name or in relation to the amounts paid" and the answer is "No, in
3 relation to the amounts paid." So that on that occasion, Mr. Dunlop, your
4 position was that the 16 names you had given was an exhaustive list?

10:45:21 5 A Yes.

6 Q 27 Yeah. Now, so and that again was a lie, isn't that so?

7 A Well that was not true, no.

8 Q 28 That was not true and this was after your recantation as it were, after you had
9 reflected and after you had decided to fess up in your own language?

10:45:41 10 A Did I use that phrase, I did?

11 Q 29 And if I could go ahead then and deal with one further quote in this period on
12 the 9th May following, which would be that, the next hearing day as I
13 understand the transcripts and at page 5, you are asked a question number 13 on
14 page 5 and I will quote it, given the reference. You were asked by Mr.
10:46:23 15 Hanratty, "Are you in a position to relate any of the payments you referred to
16 in that list to this particular withdrawal" and your reply "Well, I don't know,
17 I don't think so but what I would like to say to you in the period 1991 to 1993
18 approximately I was in receipt of monies from other sources, properly related
19 sources. I would be more specific if you wish me to go in relation to the
10:46:47 20 Development Plan and the confluence of those monies and the Rathfarnham
21 account".
22
23 And you continue and this is the passage I am interested in today. You say "I
24 find it extremely difficult in retrospect and hindsight to disentangle
10:47:02 25 everything in relation to actual disbursements and in one particular instance
26 in the Rathfarnham account, I have actually discovered an actual reason for the
27 debit which is nothing related to the subject matter that we are discussing."
28
29 Now you found it, Mr. Dunlop, extremely difficult in May of 2000 in retrospect
10:47:20 30 and hindsight to disentangle everything in relation to the actual

10:47:25 1 disbursements. Were you telling the truth at that time?

2 A Yes, this is in the box, is it not, yes, I am saying that I find it difficult
3 in retrospect and hindsight to disentangle everything in relation to the actual
4 disbursements at that time, yes.

10:47:41 5 Q 30 And this was telling the truth?

6 A Yes, I was finding it difficult to disentangle everything that had taken place.

7 Q 31 Yes. And that was in the year 2000?

8 A Yes.

9 Q 32 Now, if you found it difficult in retrospect and hindsight in the year 2000,
10:48:04 10 how can you disentangle in retrospect and in hindsight everything in relation
11 to actual disbursements in 2006?

12 A Well we have gone a long way now from the year 2000 to 2006, we have done our
13 narrative statements and we have done our road maps as I requested at the time.
14 And as I explained to Ms. Dillon during her examination on this occasion and
10:48:29 15 previously, how that was done.

16 Q 33 Yes, well I am coming to that, Mr. Dunlop, but before I come there, here you
17 have a statement which you say is the truth and made in May of 2000 about
18 events that occurred in 1992?

19 A Yes.

10:48:48 20 Q 34 Now, in 2006, we are 13 to 14 years on from the 1992 events, isn't that so?
21 And you have made further statements of detail, isn't that so?

22 A Correct.

23 Q 35 And you not only, you added to the 16 names, you had a second list and then a
24 third list, the "catch all list" that Ms. Dillon referred to. Now, the "catch
10:49:15 25 all list" was that given in what's described as the private session?

26 A What date is the catch all list?

27 Q 36 The date is October, no, it's May -- within a month or two, the same two months
28 as your statements of the 9th May. And it was the private meetings of the 11th
29 May 2000 --

10:49:38 30

10:49:38 1 MS. DILLON: I think the list Mr. O'Tuathail is referring to at page 3167 and
2 Mr. O'Tuathail would confirm that's the list he was talking about, that was the
3 list given in public evidence on day 148.
4

10:49:50 5 MR. O TUATHAIL: Yes. The point about that list, again, if we are looking at
6 the list, the name "Lydon" does not appear on it.

7 A Correct.

8 Q 37 That was the list running from 31 to 38?

9 A Yes.

10:50:07 10 Q 38 So we have now gone, 1 to 16 was the purported exhaustive list on whatever
11 strategy you were pursuing at that time. List number 2, 17 to 30, no mention
12 of Mr. Lydon or Senator Lydon in that and list number 3, the catch all list,
13 any other persons not mentioned in list 1 and 2, is again, does not mention
14 Senator Lydon?

10:50:34 15 A Correct.

16 Q 39 And so that the despite or -- we then go forward into the -- so that, isn't it
17 very difficult, Mr. Dunlop, even in your own terms, following that sequence, to
18 decide when you are telling the truth and when you are not telling the truth?

19 A Well, I don't accept that but you are making that point.

10:51:08 20 Q 40 Yes but I mean how can you explain those changes?

21 A Well, we are explaining to the best of our ability at the time what was going
22 on and who was involved.

23 Q 41 Yes. But --

24 A Without the benefit of the road map.

10:51:25 25 Q 42 Yes. And to the best of your ability at the time, that's the qualification?

26 A Hmm.

27 Q 43 So your truth, Mr. Dunlop, I would put to you is always qualified?

28 A Well no, I don't accept that.

29 Q 44 It can be modified, it can be altered?

10:51:40 30 A I wouldn't accept that, Mr. O'Tuathail.

10:51:43 1 Q 45 Yes well ... the, if we come up to the present module then, you again say to
2 Ms. Dillon, it's the transcript for Wednesday, 8th February 2006, it's page
3 115, question 413, you are now saying to Ms. Dillon in response to her
4 questions in the same area, you are now referring to your road map, isn't that
10:52:23 5 so?
6 A Yes, well I shouldn't say yes, I don't see anything on my screen.
7 Q 46 But you had asked Mr. Hanratty --
8
9 MR. REDMOND: Mr. Chairman on behalf of Mr. Dunlop, I think in fairness
10:52:34 10 Mr. Dunlop should have before him the relevant extracts as and when addressed
11 by Mr. O'Tuathail and before he addresses them.
12
13 CHAIRMAN: Page 606.
14
10:52:48 15 MS. DILLON: We can put up the extract from the transcripts if Mr. O'Tuathail
16 will simply repeat the transcript day and the question and page number.
17
18 MR. O TUATHAIL: Yes well Wednesday, the 8th February 2006, it's question
19 413.
10:53:04 20
21 CHAIRMAN: It's the 8th February.
22
23 JUDGE FAHERTY: Day 606.
24
10:53:45 25 MR. O TUATHAIL: Question, it's question 413 now. I think it's on screen
26 now. Now Mr. Dunlop, you are being queried about these lists and the failure
27 to identify various people in the earlier lists which you later identify.
28 A Yes.
29 Q 47 In written statement in October 2000, the 9th October 2000 and you say -- you
10:54:34 30 say at question 413: "Sorry are you saying that list when you compiled is in

- 10:54:39 1 related only to the general election" and the answer is "No, I am not saying
2 that, I am saying in the context of the preparation of the list in the box.
3 The charged atmosphere of the day in relation to payments as I recollect them
4 at that point, without any reference to any documentation, that these were to
10:54:52 5 the forefront of my mind in the context of contributions made at the time of an
6 election in 1992. That's the only explanation I can give you."
7
8 Now, so that you are now saying that when you were in the witness-box at the
9 time and the charged atmosphere of the day, that that's the explanation why you
10:55:15 10 got matters wrong and incorrect.
11 A That's the explanation I gave Ms. Dillon, yes.
12 Q 48 Oh yes, but that's now a new explanation, isn't it?
13 A No --
14 Q 49 It's a new explanation because earlier, you were complaining about the
10:55:32 15 difficulty of recollecting disbursements made many years before?
16 A Right.
17 Q 50 Now you are blaming the witness-box and the atmosphere of the Tribunal at that
18 time for the variations in your evidence. And if I could go to, it's 116,
19 question 417, it might be on screen, the answer there in 417 is "You asked me
10:56:06 20 or an explanation with due respect and what I am saying to you is that in the
21 context of the preparing the list on the day in the box, in the specific
22 circumstances you will find that the vast majority of those, if not all relate
23 to payments made to people mostly in cash except for one or two cheques at the
24 time of the election in 1992. You asked me for an explanation as to why
10:56:27 25 certain names are not on them in the context of 1992 and that's my explanation
26 as I sit here."
27 A Hmm.
28 Q 51 Can I ask you Mr. Dunlop are you reserving the right every time you sit in the
29 witness-box to modify and qualify your evidence?
10:56:40 30 A No.

- 10:56:41 1 Q 52 Are you not saying, no matter how diffuse is the statement, are you not saying
2 that your evidence is unreliable?
- 3 A No.
- 4 Q 53 No. And but you have no explanation for the various major disparities that
10:56:58 5 occur?
- 6 A As you outline them.
- 7 Q 54 Yes, well you have no explanation for the difference between the 17,500 and
8 that the Jones Group paid you an the 60,000 that Ms. Dillon rang up on the
9 documentary cash register, isn't that so?
- 10:57:14 10 A The answer to that question is the answer that I gave to Ms. Dillon in the
11 context of the documentation that we supplied to the Tribunal. 17,500 --
12 43,000.
- 13 Q 55 Yes. Well can I put it to you this way, Mr. Dunlop, that your first strategy
14 when you came down to the Tribunal was to lie your way out of it, isn't that
10:57:43 15 so? And then when you had to recant after the Chairman's warning to reflect,
16 you then had another strategy, isn't that so?
- 17 A No.
- 18 Q 56 Well, your first strategy had failed, is that correct?
- 19 A The first strategy, if you call it strategy, was as you outlined it in question
10:58:07 20 number 1 and you asked me this morning and I answered that, the second strategy
21 and from that point on in all circumstances, to be as cooperative as I possibly
22 could.
- 23 Q 57 As I possibly could is the qualification.
- 24 A Yes.
- 10:58:22 25 Q 58 But I put it to you that your second strategy was to limit the damage being
26 done and that even that strategy has become unstuck over the years as the funds
27 are appearing from more and more sources. I put it to you this way, that as
28 the amounts of monies increased over time, the lists of names increased, the
29 list of the names you were giving increased because you had more money to
10:58:54 30 dispense with. Can you agree with that?

- 10:58:58 1 A Well I just wouldn't accept it. The premises on which you are basing the
2 question or if it is a question. Other than to say in the context of
3 everything that I have been asked, I have done to the best of my ability to
4 give the answers as I know it.
- 10:59:17 5 Q 59 Yeah but over time those answers have changed and changed significantly in some
6 cases, isn't that correct?
- 7 A Well of course they have changed, yes.
- 8 Q 60 Yes. And the written statement then that you made, if I could turn to that, on
9 the 9th October 2000. Now, this was after you had been provided, you had
10 required what you call documents relating to your road map, you got the minutes
11 of council meetings, the votes, the resolutions, the various dates and planning
12 sometimes times, isn't that so?
- 13 A Yes, I think so, yes.
- 14 Q 61 And broadly speaking, they were the ingredients of your road map. And you had
15 asked Mr. Hanratty for this at the time because when you were operating from
16 memory, you couldn't be precise about people and events and payments, isn't
17 that correct?
- 18 A Correct.
- 19 Q 62 Now, are we to assume then, Mr. Dunlop, and it seems to be an underpinning of
20 your evidence, that the road map helped to clear matters up?
- 11:00:25 21 A Yes, that's why I asked for the road map, the road map was of assistance, yes.
- 22 Q 63 But can we assume equally that the road map confusion, given your state of
23 mind, and I will cite it to you again and you say it was truthful, it was
24 extremely difficult in hindsight and retrospect to disentangle everything about
25 disbursements. Now, couldn't the road map, when you got it and you sat down
11:00:54 26 and began to look resolutions and names and places and people and
27 disbursements, couldn't that have added to the confusion and difficulty rather
28 than resolve it?
- 29 A I don't see the logic of that, but no is the answer.
- 11:01:11 30 Q 64 Well, Mr. Dunlop, you are saying no to the question, we are asked to assume

11:01:22 1 that the provision of the road map by the Tribunal, in other words all these
2 documents, the time made available to you over that summer, that when you come
3 in in October with a written statement on the 9th October reliant on matters
4 you had picked up in all these documents, couldn't those documents, I'm saying
11:01:40 5 to you, while they might clarify some issues, couldn't they equally mislead you
6 as to other issues?
7 A I certainly don't -- I'm sorry Shay -- sorry Mr. O'Tuathail, I don't understand
8 the question, I don't know what question you are asking me about miss -- how
9 could the road map or the documents -- how could they mislead? I mean they are
11:02:06 10 documents that are very specific.
11 Q 65 Yes buy you see as a result of your study of the documents, you ended up naming
12 seven, nine councillors, most of whom I think or all of whom hadn't been named
13 before, isn't that correct?
14 A Hmm.
11:02:25 15 Q 66 So is that a yes?
16 A Well, are you talking specifically in the contention of Ballycullen now?
17 Q 67 I am talking about your written statement of the 9th October 2000?
18 A Right, okay.
19 Q 68 Yeah. So suddenly, so we are agreed on that I take it?
11:02:42 20 A But sorry I don't want to enter into an intellectual discussion with you, you
21 asked me how the road map would confuse me, I can't understand, I still don't
22 understand that.
23 Q 69 What I'm saying to you these names and these associations that you made that
24 led you to these names, here you were, you had extreme difficulty in hindsight
11:03:03 25 and retrospect in disentangling disbursements in the year 2000 concerning
26 matters eight years before, 1992, you then get a road map, you get a mass of
27 documents, you get council meetings, attendances votes, motion papers with
28 signatures and you allocate money to the names appearing, very often and
29 virtually every time you had mentioned Senator Lydon in this context and
11:03:33 30 Mr. Hand, you say he signed, he got 2,000 he got paid. Mr. Lydon signed, he

11:03:41 1 got paid. So it's the signature. That's the mnemonics of your approach, here
2 you see two names, you are under pressure to the Tribunal to account for huge
3 disbursements of monies, you have to name extra people. You may have had some,
4 you obviously had some contact with people over the years but what I'm saying
11:03:59 5 is that when you come down to allocate monies specifically, you now have,
6 thanks to the, what the Tribunal have done where you couldn't remember these
7 names, suddenly you are able allocate monies and circumstances when these names
8 and these faces could be totally incorrect, that's what I'm putting to you?
9 A Right. Okay. Let's deal with this as logically as we can, will we do that?
11:04:31 10 Q 70 No. I would prefer you just answer the question?
11 A You have spent sometime explanation what you are at, I have already told you
12 that I find it somewhat illogical and irrational that something that would
13 assist me could misguide me or not be of assistance to me. That's the first
14 point. The second point is under no circumstances whatever at any point was I
11:04:54 15 under any pressure to name extra names. Nobody put me under any pressure. The
16 Tribunal didn't put me under any pressure. Nobody put me under any pressure to
17 name extra names. Now that's the phrase you used Mr. O'Tuathail, that's not
18 true. Nobody ever put me under any pressure to name extra people. That is
19 absolutely not the case. So, let's be clear about that.
11:05:17 20 Q 71 Could I stop you there and deal with that.
21
22 MR. REDMOND: Mr. Chairman, again on behalf of Mr. Dunlop, Mr. O'Tuathail has
23 taken a very discursive route in asking questions, it is a courtesy which must
24 be extended to each and every witness that they be entitled to answer a
11:05:35 25 question and not to be interrupted by the person posing the question.
26
27 CHAIRMAN: I don't think he is -- he obviously has to be allowed answer the
28 question but Mr. O'Tuathail is now in effect breaking up the question to allow
29 Mr. Dunlop answer it so that we will all understand exactly what's being asked.
11:05:52 30 He certainly will have an opportunity to answer.

- 11:05:59 1 MR. O TUATHAIL: Now Mr. Dunlop, in the year 2000, you were in the Tribunal,
2 you were accounting for monies to the Tribunal.
- 3 A Yes.
- 4 Q 72 Weren't you also accounting for monies to the Revenue Commissioners?
- 11:06:15 5 A No, that is not the case. Any documentation that this Tribunal has, the
6 Revenue Commissioners have.
- 7 Q 73 No, no, no. But the point is, Mr. Dunlop, and I am coming to it, the names you
8 produced here in the written statement of the 9th October 2000, you produced
9 Mr. Hand, Mr. Lydon, Mr. Sean Gilbride and Mr. Jack Larkin, Mr. Cyril
11:06:41 10 Gallagher, Mr. Tony Fox, Mr. Colm McGrath and Mr. Liam T Cosgrave and maybe
11 John O'Halloran, John O'Halloran is a floating figure. What you are trying to
12 do is to account for the figure you had then set for the monies you got from
13 the Jones Group at a total of 17,500, isn't that correct?
14
- 11:07:01 15 Now, if I do the accounting on that, you have 2,000 allegedly given to
16 Mr. Lydon, 2,000 to Mr. Hand allegedly and 1,000 each to the other councillors,
17 if I tot that up, I come to 10,000. If I add Mr. O'Halloran in for whatever
18 you give him from time to time, 500, I come to 10,500. Now that leaves 7,500
19 of a balance. Isn't that correct? But if you take that over two years, this
11:07:33 20 was pavement for the Beechill and the Ballycullen modules, then you have office
21 expenses, haven't you? You have all these business expenses. Well that would
22 eat up another, given that you wouldn't, the obviously wouldn't be spending all
23 your time on this project, that would eat another 2 or 3,000, I am not 10,500
24 disbursements and I'm at 2, 2500 for office expenses, I am now at 14,500, my
11:08:08 25 profit is 3,500? Isn't that correct?
- 26 A Well it's a fascinating accounting process you are indulging in but it's not
27 true.
- 28 Q 74 Well, I know but had the Tribunal accepted the 17,500 from you, that's what the
29 Tribunal, they are the figures the revenue would have to deal with. And there
11:08:22 30 would be no tax payable on that. So what I'm saying to you clearly on that

- 11:08:27 1 aspect is that you had a reason to find names to whom you gave money?
- 2 A No, and I don't again want to -- the answer is no but I don't want to enter
3 into a discussion with you, I have already said that the documents available to
4 the Tribunal are also the same documents available to the Revenue Commissioners
11:08:49 5 and they amount to the payments of 43,000.
- 6 Q 75 Well, I will deal with that in a moment. Even if it's 43,000, that's
7 considerably more than 17,500?
- 8 A It is, yes but the documents available to the Tribunal are my documents and the
9 documents available to the revenue are my documents. The only difference is in
11:09:15 10 I did not, when I submitted them to the Tribunal, I didn't add them up because
11 I have awed always said and I said to Ms. Dillon in the examination that from
12 day one, including in the box, the fee from Beechill Ballycullen was 17 plus
13 two and a half thousand pounds.
- 14 Q 76 15 plus two and a half?
- 11:09:33 15 A 15, sorry, 15 plus two and a half. 17,500 and that is still my view as I
16 explained to Ms. Dillon.
- 17 Q 77 Yes and very conveniently so, because you have admitted to Ms. Dillon that you
18 cannot explain the difference between 17,500 or 43 as the case may be. 60?
- 19 A I am not going to enter into a discussion in relation to the difference between
11:09:59 20 17,500 and 59 but I will enter into a discussion about the difference between
21 17,500 and 43 because 43 are my figures and my documents.
- 22 Q 78 Then you did say to Ms. Dillon, possibly, you said as an alternative
23 explanation, you have conflated figures?
- 24 A Yes.
- 11:10:15 25 Q 79 Now, conflation I think means that you take two figures and add them together
26 to make a whole, isn't that so?
- 27 A Correct.
- 28 Q 80 Yes. Thank you very much and the conflation in this case wouldn't account for
29 17 to 43?
- 11:10:31 30 A Yes, no.

- 11:10:33 1 Q 81 17 to 43 is not conflation, it's inflation of some type?
- 2 A No, no, no. Let's not get into quiz about the English language. What I said
- 3 to Ms. Dillon I conflated figures, the issue is Ballycullen, Beechill, two
- 4 separate issues, okay? I put down from day one 15 plus 2,500, 17,500 in
- 11:11:03 5 relation to Ballycullen. As Ms. Dillon very logically and rationally outlined
- 6 the various invoices and payments or requests for payments and payments made
- 7 and credit notes and all the rest of it, the point I made was when I was
- 8 attempting to explain to her the difference, I said I may possibly have
- 9 conflated the figures, I certainly wasn't working for Beechill for nothing, so
- 11:11:22 10 I am working for Ballycullen for 15 plus 2,500 which I got, I am certainly not
- 11 working for Beechill for nothing.
- 12 Q 82 Well when you conflate figures to arrive at 34, 35, that doesn't carry you up
- 13 to 59,000?
- 14 A No it doesn't.
- 11:11:43 15 Q 83 No, and that's not conflation at that level, is it? But what I'm putting to
- 16 you, Mr. Dunlop, you may in your own words have conflated those figures at some
- 17 stage, but I'm suggesting to you is that you have conflated facts and events
- 18 and faces and names over the same period, is that --
- 19 A No, the answer to that is no.
- 11:12:09 20 Q 84 And I just one final thing in this area, that when you are dealing with Mr.
- 21 Hanratty as well, you were very anxious to get the lists of the councillors
- 22 following the 1991 June local elections, isn't that correct?
- 23 A I was very anxious?
- 24 Q 85 You were anxious to get the list of councillors elected in 1991.
- 11:12:32 25
- 26 MR. REDMOND: Mr. Chairman again if it's on the transcript, could it be put
- 27 on the screen please.
- 28
- 29 CHAIRMAN: Mr. O'Tuathail, if you are referring to something on a transcript,
- 11:12:43 30 you should identify it so that Mr. Dunlop would see it and be able to refresh

- 11:12:47 1 his memory.
2
3 MR. O TUATHAIL: Well, I haven't got the reference here but I think
4 Mr. Dunlop you might recall that the local elections were in June 1991, isn't
11:12:58 5 that right?
6 A Correct, yeah.
7 Q 86 And it was late August 1991 when you got a list of the councillors elected from
8 Liam Lawlor by fax.
9 A Yes, that would not mean that I didn't know but I got a specific list with
11:13:10 10 telephone numbers if I recollect it correctly and addresses.
11 Q 87 And this was a requirement of yours, if you were not to make a mistake about
12 naming a councillor and a payment, mixing up a councillor who maybe left the
13 council?
14 A No, I don't think there was any issue of my making a mistake about mixing up
11:13:33 15 councillors.
16 Q 88 Yeah, yeah. Well if I could deal just as best on my notes, going back to your
17 written statement of the 9th October 2000, you mention these various
18 councillors I have just mentioned starting with Mr. Hand, Mr. Lydon, Sean
19 Gilbride, Jack Larkin, Cyril Gallagher, Tony Fox, Colm McGrath, Liam T Cosgrave
11:13:57 20 and John O'Halloran.
21 A Yes.
22 Q 89 Mr. Hand of course had died long before the Tribunal was set up?
23 A Yes.
24 Q 90 That's correct. Mr. Larkin had died before you came to the Tribunal.
11:14:13 25 A Yes.
26 Q 91 And Mr. Gallagher died later during the proceedings of the Tribunal, isn't that
27 correct?
28 A Correct.
29 Q 92 Now we have already established on Ms. Dillon's examination which I fully
11:14:27 30 accept that Mr. Larkin was not present for the vote on the 29th October 1992,

- 11:14:35 1 the Ballycullen motion.
- 2 A Correct.
- 3 Q 93 Neither was Mr. O'Halloran present.
- 4 A Yes.
- 11:14:42 5 Q 94 The -- now -- and then -- if I come then to your statement, your statement just
6 at the outset of this Tribunal, I am dating it I think to the 7th February
7 2000, it's an undated narrative statement of Frank Dunlop which was circulated,
8 page 3221, that's the page number. I don't know if that can be got up. That's
9 the statement now. Just for everybody's convenience. It's on screen. Now,
11:15:37 10 you say there under the heading, now this statement, sorry, Mr. Dunlop, was
11 supplied by you to the Tribunal in response to letters of the 13th January 2006
12 and the 20th January 2006? Isn't that correct?
- 13 A That's correct, yes.
- 14 Q 95 And I take it that in this statement, you are telling the truth?
- 11:16:00 15 A Well this is a narrative statement that had been, that I had been asked by the
16 Tribunal to submit before, I think it was the 8th January, 8th February I beg
17 your pardon.
- 18 Q 96 And this is your reply.
- 19 A Yes.
- 11:16:14 20 Q 97 Ok. And these are your words.
- 21 A Yes.
- 22 Q 98 And you say you deal there with, "I met Don Lydon on the following dates,
23 Thursday, 10th September 1992 at 10.a.m, Friday, 2nd October 1992 at 9.15" and
24 you say "I cannot recall the location for these meetings, given the timings of
11:16:34 25 both, the likelihood is that they were at his place of work. In the case of
26 the meeting on Friday, 2nd October 1992 it is most likely that the meeting was
27 at his office because the meeting with Tom Hand was scheduled for 9.45 at his
28 home in Churchtown. It is most likely that the payment to Lydon was made on
29 the 2nd October 1992."
- 11:16:54 30 A Yes.

- 11:16:54 1 Q 99 And now, the phrase I am sort of highlighting there is "likelihood", "most
2 likely" and "again most likely" now you are not saying that they were the
3 dates, isn't that so?
- 4 A No, I am not saying they are the actual dates, I am saying it is most likely
11:17:12 5 that was the date on which the payment was made.
- 6 Q 100 And you are working from a document or documents.
- 7 A I have given the dates.
- 8 Q 101 Yes. But where did those dates emerge from?
- 9 A These are dates in my diary.
- 11:17:29 10 Q 102 Yes, yeah and I remember in the other module in Carrickmines number 1, we had
11 difficulty with your diary, isn't that so? In relation to Mr. Lydon?
- 12 A What difficulty? I hasten, I shouldn't have asked that question but if you
13 want to outline it -- I don't have any difficulty with the diary and it wasn't
14 in my recollection any difficulty in relation to our client in relation to the
11:17:51 15 diary in the past module.
- 16 Q 103 Except -- well, we will leave that be. What I'm dealing now with likelihood
17 and most likely. So you are not saying this was these were the dates, you were
18 saying that they are likely dates?
- 19 A That's what I have said.
- 11:18:05 20 Q 104 Yeah. So, if we could produce evidence to show some other date or no date, you
21 haven't misled the Tribunal or anybody.
- 22 A Some other date on which I paid Senator Lydon?
- 23 Q 105 No, no, no, some other date at which any of these meetings took place for any
24 purpose. Senator Lydon strongly denies he received the 2,000 pounds in cash
11:18:26 25 you allege you gave him. That's the main issue in this module for Senator
26 Lydon?
- 27 A Let me be clear about this, Mr. O'Tuathail, your client said he didn't have any
28 contact with me at all in relation to Ballycullen?
- 29 Q 106 No, no, no, Mr. Dunlop, I am following this statement on screen and you are
11:18:43 30 saying likelihood and most likely.

- 11:18:45 1 A Yes.
- 2 Q 107 Now we have established that this doesn't mean it necessarily happened on that
3 date, you are not being categoric about that?
- 4 A No, I am not.
- 11:18:52 5 Q 108 You are not being emphatic about it?
- 6 A No, I am not.
- 7 Q 109 No. So that if evidence could be produced from any other source that would
8 dispute or displays that, you haven't misled anybody, you would consider the
9 fresh evidence?
- 11:19:06 10 A Displaced what?
- 11 Q 110 The likelihood that you are setting out here?
- 12 A Of a meeting?
- 13 Q 111 No the likelihood, given the timings of both, the likelihood of the timings is
14 that they were at his place of work, in other words what I'm putting to you, is
11:19:21 15 you made a statement here and you are ending up with a likelihood and most
16 likely. If I can move on because over leaf then on page 3222 you go into the
17 councillors that you first apparently named in 2000, in the written statement,
18 McGrath, Fox, Gilbride, Gallagher, Larkin. Now, that leaves out two of the
19 councillors as Ms. Dillon pointed out correctly, two of the councillors who
11:19:56 20 were named in the 9th October 2000 statement, isn't that correct?
- 21 A That's correct, yes.
- 22 Q 112 And you were asked to explain that but now you say here again the word likely
23 is coming into it, "Payments of a thousand to each of these is likely to have
24 occurred immediately prior to or after the votes in Dublin County Council."
11:20:18 25 That is -- we agree that there was no vote as it turned out?
- 26 A Correct.
- 27 Q 113 But that's a lapse, that's no problem. After the votes in Dublin County
28 Council, that is on the 16th October 1992, and the 29th October 1992, the
29 payments were made in the environs or the vicinity of Dublin County Council
11:20:41 30 then office in upper O'Connell Street Dublin?

- 11:20:44 1 A Yes.
- 2 Q 114 As a likelihood, are you standing over that statement in relation to those one,
3 two, three, four, five councillors?
4 A Yes.
- 11:20:50 5 Q 115 And how did you come, can I ask you, to, on what basis of recollection or study
6 of documents or road maps or anything else, on what basis have you come to that
7 statement in relation to each of these councillors? Isn't that a very general
8 statement?
9 A Well it's the location of the meetings of Dublin County Council. It is the
11:21:20 10 locations, location and locations in the environs, I don't specifically say
11 it's the offices of Dublin County Council.
12 Q 116 It could be a hotel or public house?
13 A That a vast majority of payments and meetings and consultations and lobbying
14 went on with these individuals.
- 11:21:39 15 Q 117 But now and at that time as I recollect it, you were all I think, we were all
16 agreed that these meetings were very numerous and very frequent meetings
17 because we were running -- they were running into the 31st December to approve
18 the draft plan and there was special meetings as well as normal meetings of the
19 council going on, isn't that so?
- 11:22:03 20 A Yes, yes.
- 21 Q 118 In your own phrase, Mr. Dublin Dunlop, there was frenetic activity around that
22 time?
23 A Correct.
- 24 Q 119 Now, so that what you are saying and it's a very serious matter, would you
11:22:18 25 agree, to say you gave a bribe to somebody, to name them and to give the
26 location in which you gave the bribe if that information is incorrect?
27 A Sorry, could you say that again, I'm sorry, Seamus.
- 28 Q 120 Would it be a very serious matter for you to point the finger at any specific
29 councillor in relation to an alleged bribe or a bribe in your language, if that
11:22:44 30 information was incorrect?

- 11:22:46 1 A Yes.
- 2 Q 121 Yes. And if it was based on you just giving me the sources now that you used
3 to name McGrath, Fox, Gilbride, Gallagher and Larkin and the sources were that
4 they were councillors, they would normally be in O'Connell Street in the
11:23:03 5 offices doing council business, or in the environs, i.e. hotels or public
6 houses in the vicinity. Isn't that correct? Now, that is a yes, is it?
7 A Yes, sorry.
- 8 Q 122 Now, so that your information here that leads you to these specific names is
9 general. Non-specific, isn't it? It's geographic rather than recollected,
11:23:32 10 sharp recollection or personal recollection?
11 A I couldn't --
- 12 Q 123 Environs?
13 A I couldn't dispute that's geographic, yes.
- 14 Q 124 So that any of these people, their misfortune could arise from the fact that
11:23:47 15 you would know that they would normally be in the Dublin County Council offices
16 among 50 or 60 other councillors?
17 A Well I would dispute the use of the word misfortune.
- 18 Q 125 If they were wrongly named?
19 A These are councillors that formed a nexus of contact with me that I have
11:24:06 20 already many times and will again in the context of, well sorry I shouldn't say
21 that, it will again, if necessary, if the occasion demands it, in the context
22 of my evidence, these are councillors form a nexus of what was going on in
23 Dublin County Council.
- 24 Q 126 Yes and you were part of that nexus because you dealt with them many times bona
11:24:31 25 fide and you would say here you dealt with them by way of conspiracy to subvert
26 their public office by paying them bribes?
27 A At their request.
- 28 Q 127 But the contact that leads you to point the finger in any of these cases could
29 have been an innocent contact that you lobbied them about some other matter
11:24:53 30 sometime.

- 11:24:53 1 A No, I don't --
- 2 Q 128 What I'm complaining about or what I'm asking you about is you are using the
3 phrase likely or most likely?
- 4 A Mmm.
- 11:25:03 5 Q 129 Now, if for instance, if I were to examine some of these likelihoods, yes,
6 Mr. Dunlop, are you familiar with the method by which a councillor gets his
7 name on the attendance sheet or the present sheet i lathair for the county
8 council meeting?
- 9 A Yes, there's a book at the back of the council chamber. I don't know what the
11:25:42 10 configuration of the council chamber is now but they come in a door and
11 there's, I don't know what you call it, a stand or a lectern or something,
12 there's a book on it and they sign.
- 13 Q 130 Yes.
- 14 A On arrival.
- 11:25:55 15 Q 131 Doesn't that book have two significances, one is that the officials compiling
16 the list of attendances really get the names off that manuscript list, the
17 signature list, in order to make up the attendance or the present, the minutes
18 of the meetings and the people present is the first part?
- 19 A Well I would suggest, first of all, yes is the answer to it but I would suggest
11:26:20 20 there's another part to that and that is voting records, if there's a vote,
21 people vote, well there's two aspects to it. Without being offensive, I
22 suspect it would be wrong of me not to say that it has been known to give some
23 credence to I think what you were actually saying to me is that some people do
24 arrive, sign and leave.
- 11:26:44 25 Q 132 Yes, but that's a third purpose, isn't it, that if you sign the book, you are
26 entitled to your expenses for attending the meeting?
- 27 A You won't get expenses unless you sign.
- 28 Q 133 Even though you could be call away on a genuine emergency, having signed the
29 book and so on, so we can't read much into that but that is the purpose of that
11:27:04 30 particular book. Well now if I take one of your, McGrath, Fox, Gilbride

- 11:27:10 1 Gallagher, Larkin, if I take the latter name there, Mr. Larkin for instance.
2 Now, we know already that Mr. Larkin unfortunately is deceased and he would
3 have died certainly before the first meeting of this Tribunal and you would
4 have been aware of that, isn't that so?
- 11:27:29 5 A Yes, I can't remember exactly when he died, I know he died before the Tribunal
6 began.
- 7 Q 134 Yes. You would have been aware of it certainly in in October 2000 when you
8 were making out your list to the Tribunal, your additional new list. Isn't
9 that so?
- 11:27:45 10 A Well I would have been aware he was dead, yes.
- 11 Q 135 You are also aware and we are all aware --
- 12 A I was at his funeral, I might add.
- 13 Q 136 Yes, yeah. Well that's significant. And we are also aware that he wasn't
14 present or voted on the 29th October but on the confirmation vote a year later,
11:28:05 15 he was present and he voted for.
- 16 A Correct.
- 17 Q 137 And here we have, the 16th October now reverting to your statement here, the
18 16th October 1992 and the 29th October 1992, now the 16th October was the
19 Beechill projected vote.
- 11:28:21 20 A Yes.
- 21 Q 138 And the county manager diffused that by writing it into the statement of the
22 Development Plan. And the 29th October was the big battle, as you might call
23 it, in relation to Ballycullen.
- 24 A Correct.
- 11:28:36 25 Q 139 And the vote there, I think it was 42 votes for and how many votes against
26 there now, I have the figures?
- 27 A 21.
- 28 Q 140 Yes.
- 29 A Depends which vote you --
- 11:28:48 30 Q 141 I think it was 14?

11:28:51 1 A 14.

2 Q 142 Yes, I have 42 to 14. So if these five, six, seven people, even if what you
3 are alleging is true and we wouldn't accept of that of course, if you double
4 their numbers and took them away from that vote, that vote would still have
11:29:06 5 passed. If you had 42 to 14, simple arithmetic.

6 A Yes.

7 Q 143 So you might be exaggerating your role in terms of swinging that vote. But
8 however --

9 A I can't answer that question.

11:29:21 10 Q 144 Yeah well then gets go back to Mr. Larkin just for a moment. Now, I don't know
11 if the Tribunal would have the meetings of the county council held on the 14th
12 September 1992. Now the 14th September 1992 is a good month before the 16th
13 October and so now but in that meeting, when you examine the matters, this is
14 the meeting of Comhairle Chontae Atha Cliath on 14th September 1992 and
11:30:05 15 Mr. Larkin's name does not appear among those attending and Senator Lydon's
16 does and under the heading C/664/92 we have best wishes Councillor J Larkin,
17 the Chairman Councillor E Fitzgerald and the members of the county council
18 extended their best wishes to Councillor J Larkin and wished him an early
19 return tot he Council chamber. The manager on his own behalf and on behalf of
11:30:27 20 the staff of the county council asked to be to be associated with the members
21 wishes, good wishes."
22
23 Now, so Mr. Larkin was ill on the 16th September, sorry on the 14th September.
24 Now, if I go through the many meetings that were held, the next meeting was the
11:30:48 25 29th September 1992, Mr. Lydon is present, Mr. Larkin isn't, the 30th September
26 1992, Mr. Lydon is present again, Mr. Larkin is not. The 1st October 1992, he
27 is not there, no, I'm sorry -- Mr. Larkin isn't there, and I don't see
28 Mr. Lydon present either. On the 12th October 1992, now this is coming up to
29 the 16th October, minutes of the meeting again. Mr. Lydon is there but
11:31:32 30 Mr. Larkin is not.

- 11:31:34 1 A Yes.
- 2 Q 145 On the 16th October 1992 and this is the first meeting in which you say it's
3 likely that he was paid off. Mr. Lydon is present but Mr. Larkin is absent.
4 On the 28th October, which appears to be the next meeting and that's the day
11:31:55 5 before the 29th, Mr.-- neither Mr. Larkin nor Mr. Lydon are present and on the
6 29th October, Mr. Lydon is present, Mr. Larkin is not present.
7
8 So I have now gone through the two likely dates you have posited for an illicit
9 payment for Mr. Larkin. I go to the 30th October, Mr. Lydon is present and
11:32:25 10 Mr. Larkin is not there, 6th November, Mr. Lydon is present and Mr. Larkin is
11 not there. The 9th November, neither Mr. Lydon nor Mr. Larkin are present.
12 The 12th November, Mr. Lydon is present, Mr. Larkin is absent. The 30th
13 November, Mr. Lydon, sorry, no mention of either Mr. Lydon or Mr. Larkin and
14 the 2nd December, no mention of either Mr. Larkin or Mr. Lydon. The 4th
11:33:04 15 December, Mr. Lydon is present, no mention of Mr. Larkin. The 14th December,
16 Mr. Lydon is present, no mention of Mr. Larkin and the 17th December 1992,
17 Mr.-- well there's an S Lydon but that may not be D Lydon but Larkin J appears
18 on the 17th December.
19
11:33:32 20 So, I am taking that because of the resources here, just at the moment, so in
21 summary, Mr. Dunlop, from the 14th September 1992 when best wishes were wished
22 to Councillor Larkin to December 17th, 1992, Mr. Larkin, it appears, did not
23 attend at the county council offices. There's no signature for him in the
24 book. Now, so on the back of that then or on the head of that, where does that
11:34:07 25 leave your likelihood in relation to this Mr. Larkin?
26 A It leaves it where I said it was that I paid Mr. Larkin a 1,000 pounds in the
27 environs of Dublin County Council either on or after the meetings that I
28 alluded to.
29 Q 146 The 16th October or the 29th October.
11:34:33 30 A Yes.

- 11:34:33 1 Q 147 And so what you are suggesting is that he was present but he didn't sign the
2 attendance book?
- 3 A Well I am not suggesting anything in relation to his signing the attendance
4 book or anything, Mr. O'Tuathail, you asked me about signing the attendance
11:34:50 5 book, I gave you the answer, I am not making any comment in relation to whether
6 he signed the attendance book or not, I have no idea other than what you are
7 telling me. All I'm telling you is what I did with Mr. Larkin.
- 8 Q 148 Yes. But isn't, you are not willing to withdraw that particular allegation
9 against that particular councillor?
- 11:35:12 10 A No, no. I'm not, no, no.
- 11 Q 149 And it may be a matter then for the Tribunal to look at the attendance book in
12 relation to that double check that matter but I will put to you, Mr. Dunlop,
13 that if that is the quality of your evidence, likelihood, isn't the likelihood
14 there on that evidence that Mr. Larkin was not present all that period?
- 11:35:42 15 A At a council meeting?
- 16 Q 150 Yes.
- 17 A That's all I can -- that is the only thing that I could concur with you about
18 in relation to what you have just read out. After that I couldn't agree with
19 anything else.
- 11:35:53 20 Q 151 Yes. Because you say there clearly, it's likely to have occurred immediately
21 prior to or after the votes of Dublin County Council and the payments were made
22 in the environs or the vicinity of the offices of Dublin County Council in
23 upper O'Connell Street Dublin. So we are certainly away from before or after
24 the vote and we are into the environs of Dublin County Council offices. That's
11:36:15 25 what you are saying isn't it?
- 26 A We are into the environs of Dublin County Council, that's the -- environs,
27 vicinity of Dublin County Council, that's what I have said.
- 28 Q 152 And you also at a point in your evidence, you also said that you knew where to
29 find Mr. Larkin.
- 11:36:33 30 A Yes.

11:36:34 1 Q 153 He didn't appear in your own records, isn't that so?
2 A Yes.
3 Q 154 So that the suggestion, the suggestion you are now continuing with is that you
4 did pay him at that point, yes -- well all I can say, Mr. Dunlop, to you is
11:36:55 5 that that flies in the face of the evidence that's there from the council
6 meetings.
7 A The council record.
8 Q 155 Yes. And unfortunately, I don't represent Mr. Larkin, he is not represented
9 here, I believe, and it will be a matter for the Tribunal to take up the
11:37:14 10 cudgels on his behalf and to ascertain what disability he was suffering from at
11 the time, isn't that so? Yes. So -- yes and I could put to you in that
12 context that the earlier allegation there, if I could deal with some of the
13 earlier allegations you have made there in relation to my client, now you say
14 in, I think it's questions on Friday, 10th February, questions 942 to 947, you
11:37:59 15 are dealing with a diary entry. Now I have a reference here, page 130. And
16 you said there in that statement of the 7th February 2006, "It was most likely
17 the meeting was in his office. That's referring to Mr. Lydon because the
18 meeting with Tom Hand was scheduled for 9.45 at his house in Churchtown."
19 Now, your diary records record that on the 2nd October --
11:38:38 20
21 CHAIRMAN: Sorry, Mr. O'Tuathail, what's the reference there?
22
23 MR. O TUATHAIL: I thought I had a reference there.
24
11:38:47 25 CHAIRMAN: You are talking about the 10th February?
26
27 MR. O TUATHAIL: I'm talking about the 10th February.
28
29 JUDGE FAHERTY: Day 608
11:38:56 30

11:38:56 1 CHAIRMAN: questions 942 to 947.
2
3 MR. O TUATHAIL: Yes, questions 942 to 957. Yes, they are the -- page 126 of
4 the transcript.
11:39:26 5
6 CHAIRMAN: We have it now.
7 Q 156 And reference is made there in the examination to the fact that Mr. Hand was
8 ringing you at various times apparently in the Dublin County Council offices.
9 11.10, 11.40 and 2.25.
11:39:51 10 A Yes.
11 Q 157 And you were saying that you had a meeting with him at 9.45.
12 A Mm.
13 Q 158 At his house. Is it in, I think it's either, isn't it Dundrum should be
14 mentioned? Sorry. And that's the same day on the note that you say that you
11:40:20 15 visited Mr. Lydon at his place of work, isn't that so? At earlier on in that
16 morning.
17 A Yes, that's her, what date are you talking about, Mr. O'Tuathail?
18 Q 159 We are talking about the second, I think you are talking about the, sorry, it's
19 your own statement, the 2nd October 1992?
11:40:47 20 A I thought you said February earlier on.
21 Q 160 No that's the date of the hearing was the 10th February, Friday last.
22 A Yes.
23 Q 161 Generally speaking don't the calls from the county council office contradict
24 your suggestion that you met Mr. Hand at his home?
11:41:11 25 A I am not following you, I'm sorry.
26 Q 162 Mr. Hand was ringing you up asking you to, leaving messages --
27
28 JUDGE FAHERTY: It might be helpful, Mr. O'Tuathail if page 1814 were put on
29 the screen. I think that's the date for the 2nd October.
11:41:34 30

11:41:34 1 MR. O TUATHAIL: That would be --
2
3 JUDGE FAHERTY: That would be the schedule of the calls to Mr. Dunlop's office.
4
11:41:39 5 MR. O TUATHAIL: Sorry, yes, thank you, that would be helpful. Now, this is
6 the, as I read the transcript here, 2nd October, 11.10, question 942, whether
7 that corresponds, those calls on the screen don't correspond with that now.
8 Yes, your written statement, Mr. Dunlop, to cut through this, alleges that the
9 meeting was on the 2nd October 1992 and you say the meeting was at his office
11:42:37 10 with Mr. Lydon because the meeting with Tom Hand was scheduled for 9.45 at his
11 home in Churchtown.
12 A Mm.
13 Q 163 So, and Mr. Hand is represented so I am not going to trespass on his area but
14 generally speaking, if Mr. Hand is ringing you three or four times from Dublin
11:42:59 15 County Council offices on the same day?
16 A Yes.
17 Q 164 Can it be taken that the meeting at 9.45 did not take place with Mr. Hand?
18
19 CHAIRMAN: Could you put up 1780 as well beside that. It's the diary entry.
11:43:51 20
21 MR. O TUATHAIL: Yes, I see "Tom Hand" or "Tom H Churchtown", is that next
22 door to Dundrum, Mr. Dunlop?
23 A Which date are you looking at now?
24 Q 165 I am looking at the 28th, September.
11:44:04 25
26 CHAIRMAN: No, if you look at the 2nd.
27 A You should be looking at the 2nd October. And that, just for -- 9.15, for
28 clarification, Mr. O'Tuathail, that's not Churchtown, that's Chinatown on the
29 28th. We met through that with Ms. Dillon earlier, yes, the 2nd October.
11:44:26 30 Friday, 2nd October.

- 11:44:27 1 Q 166 9.45 and on the same day the phone calls were coming to you from a totally
2 different location, is that so?
- 3 A From Dublin County Council, yes.
- 4 Q 167 And that throws into doubt doesn't it, that you would have met Mr. Hand at
11:44:44 5 9.45?
- 6 A Not in my view.
- 7 Q 168 Yes. And you see you have a causal connection with the trip to Mr. Lydon and
8 when Mr. Lydon accepts that he would have in a two year period he would have
9 met you three to five times, the best he can recollect at his place of work, he
11:45:12 10 has no specific recollection of this particular meeting and of course he
11 strongly denies that at any meeting he received monies from you. Now if I
12 could come to another aspect of this, it's page -- I have it here on page 130
13 on Friday, 10th February.
14
- 11:45:41 15 JUDGE FAHERTY: Day 608.
16
- 17 MR. O TUATHAIL: It's question 974. Now, this is coming to your telephone
18 calls to your diary. Now I should ask you, you were asked about this,
19 Mr. Dunlop, but when you were in your office receiving telephone calls, are
11:46:01 20 they recorded by the secretary?
- 21 A They are, when you use the word recorded, they are not recorded, she takes a
22 note of the caller.
- 23 Q 169 And yes in all those cases, would you ever write -- she would take a note I
24 take it in a notebook which has been the background to what's up on screen in
11:46:24 25 relation to telephone calls?
- 26 A Well I think, well I don't know, I can't answer the question in relation to
27 whether she took a note or whether she typed, whether she inputted them
28 immediately into a system that she had for recording callers.
29
- 11:46:39 30 CHAIRMAN: Sorry, Mr. O'Tuathail, I think you asked Mr. Dunlop when you were

11:46:45 1 in your office receiving telephone calls, are they recorded by the secretary,
2 did you mean to see when you are not in the office?
3
4 MR. O TUATHAIL: Sorry, Chairman, I will clarify that. Clearly or is it the
11:46:58 5 case, Mr. Dunlop, that when you are not in the office, your secretary notes
6 down all calls coming in?
7 A Yes.
8 Q 170 When you are in the office and you are not available to take a call, she notes
9 it down?
11:47:12 10 A Correct.
11 Q 171 But when you are in the office and take a call?
12 A Yes.
13 Q 172 Is that noted down?
14 A No, I don't think it was.
11:47:19 15 Q 173 Yes. So that the records of telephone calls going into your office is a
16 partial record of all the calls going in?
17 A Yes and for completeness as I said to Ms. Dillon when this very question was
18 asked me, when calls come into the office and I am available in the office and
19 available to take the call, the call is, the connection is made. If I am in
11:47:47 20 the office and I am not available to take the call and I have given instruction
21 to that effect or at a meeting or on the phone already, obviously a note,
22 whether written or inputted into the word processor or computer is made and if
23 I am if I am out of the office, a record is made of the calls that have been
24 made in my absence.
11:48:06 25 Q 174 Yes. Well then and would you yourself ever make a record in that book of
26 anything that somebody is asking you to take a note, in this case we are
27 referring to Mr. Lydon's address at the time I think. There's, I am looking at
28 question 974, page 130 of the transcript of Friday, 10th February. And I have
29 1820 here which may be the correct reference for the screen. 1820 I hope it
11:48:43 30 would be. Yes, you have "9.55 there. Don Lydon. 34 Clonmore Road", etc,

- 11:49:07 1 "turn left". Now who would have written that down?
- 2 A That would have been my secretary.
- 3 Q 175 And I think you are being asked about that at question 977 and now your diary
- 4 recalls on the evening of the 7th October you have a note "Call to Don Lydon",
- 11:49:33 5 now that's the diary. And you say correct to that. And this address is given.
- 6 Now, you then say you were not never at Mr. Lydon's home, that's accepted. The
- 7 answer to question 979, "I have never been to Don Lydon's house so absolutely
- 8 other than you putting up the address there, I wouldn't have been able to tell
- 9 you where he actually lived."
- 11:49:59 10 A Mm.
- 11 Q 176 The only thing that I can say to you is that he was either couriering something
- 12 to him, some documentation or him or whatever but I certainly did not call to
- 13 his house and whether the call refers to a physical attendance of a telephone
- 14 call in relation to the entry in the diary, I just can't say but I was never in
- 11:50:20 15 Don Lydon's house?
- 16 A Yes.
- 17 Q 177 Well that's correct. The one thing about that is that at that date --
- 18 A It's correct that I was never at Don Lydon's house.
- 19 Q 178 Oh yes. That's accepted and that's correct as we see it and know it and but
- 11:50:33 20 Mr. Lydon was not living at 34 Clonmore Road, Mount Merrion on that date. So,
- 21 it's rather curious that that address would appear in your book and if
- 22 Mr. Lydon was making that call he wouldn't have given that address or those
- 23 directions?
- 24 A As I said to you and I said to Ms. Dillon. Dillon, sorry I said to Mis. Dillon
- 11:50:57 25 and I am now saying to you, I don't know why that is there, that is what is on
- 26 the telephone records. As I said also, I don't know where Senator Lydon then
- 27 lived, now lives and I have never been to his house.
- 28
- 29 CHAIRMAN: Well --
- 11:51:13 30 A And I did not offer an explanation for that.

11:51:15 1
2 CHAIRMAN: Mr. O'Tuathail, are you saying Mr. Lydon is saying that's an
3 address unknown to him?
4

11:51:22 5 MR. O TUATHAIL: Not at all, that was his address and he had bought a new
6 house in a neighbouring vicinity and he had moved out of that house, he still
7 owned it at that date of that call but he wasn't living in it. There was a
8 lady acquaintance of his wife was living in it and he sold it by the end of
9 1992 but at that specific time, and from June previous, his address, his home
11:51:51 10 address was elsewhere than at that 34 Clonmore Road. That's the background
11 explanation. So that --

12 A Sorry, chairman. I know I am not supposed to be asking questions. Could I
13 just for clarification, Mr. O'Tuathail. That is his address. That's an
14 address as I understand what you have just said. That that is an address
11:52:15 15 Mr. Thank Mr. Lydon owned that house.

16 Q 179 Owned it, he had moved out of it at the time. That was the address he had
17 previously lived in up until June of that year. He was now gone out of the
18 house so that when this record is made, the 7th October, he couldn't possibly
19 have been directing you to that former home of his, even though he was still
11:52:38 20 the owner of it and that's -- so that's one of the puzzling phone calls that
21 are logged there.
22

23 CHAIRMAN: Mr. O'Tuathail, we have to take a break for about ten minutes.
24

11:53:10 25 MR. O TUATHAIL: I am obliged to you.
26

27 The Tribunal then adjourned for a short break and resumed as follows:
28
29

12:11:07 30

- 12:11:07 1 MR. O TUATHAIL: Now, Mr. Dunlop, just to continue there in relation to the
2 various allegations now you are making, the main one being -- which is strongly
3 denied -- that you paid Senator Lydon 2,000 for his signing the motion or for
4 his vote in the Ballycullen/Beechill. Now, isn't the history of that, you
12:11:33 5 accept, I think, that Senator Lydon had a minimal enough record of phone calls
6 to your office relative to other people involved?
7 A Well, I can't make -- no, I wouldn't accept that.
8 Q 180 No, okay, well that has been opened in extenso and the Tribunal can make up its
9 mind about that. The main periods of calls were either the day before the vote
12:11:57 10 on Beechill or the day before or on the day of the 29th October 1992, isn't
11 that correct?
12 A I take -- if that's what you are saying, you are going by the records, I accept
13 that.
14 Q 181 Yes. And basically, Senator Lydon's position is that he was dealing with
12:12:19 15 Oliver Brooks and the Jones Group in relation to this, do you accept that?
16 A No.
17 Q 182 Well, one of the faxes that you received that's on record in this period when
18 you look at all the phone records that were opened on the 14th April 1992, it
19 may be 1652 is the proper note to get it up, there's a fax message from Chris
12:12:49 20 Jones to your office.
21 A Hmm.
22 Q 183 "I am anxious to get the text of submissions that Don Lydon has to make to the
23 council." Do you recollect that?
24 A Yes.
12:13:02 25 Q 184 Now, doesn't that show that Mr. Lydon was in communication with Chris Jones and
26 Oliver Brooks, the person who was acting for, one of the parties acting for
27 Mr. Jones?
28 A Oh yes, it's quite obvious he was in contact with somebody, whether Mr. Jones
29 or Mr. Brooks, yes.
12:13:21 30 Q 185 Or indeed if it was Beechill, Mr. Hussey?

- 12:13:24 1 A Could well be, yes.
- 2 Q 186 Now, you are not directly giving Senator Lydon that text, you are being asked,
3 through Chris Jones, to provide it to him, isn't that so?
- 4 A Exactly.
- 12:13:40 5 Q 187 So that tends to show that Senator Lydon was dealing, as he will be saying,
6 with Jones and Brooks and that you were providing assistance perhaps, you were
7 drafting, maybe, but you were not dealing directly with Senator Lydon?
- 8 A I wouldn't accept that's the implication of that.
- 9 Q 188 Well you see if we look at the payments received and acknowledged, if we look
12:14:08 10 at the schedule A list from the Jones Group, as to payments, Senator Lydon has
11 acknowledged a cheque for 2,000 from Chris Jones on the 27th April 1992, then
12 in November, he has acknowledged and previously declared to the Tribunal 5,000
13 pounds, an election donation arising out of a casual meeting with Mr. Jones in
14 the Goat pub for the Seanad campaign and that's acknowledged. And the Jones
12:14:42 15 schedule confirms payments of 7,000 on or before the 31st December 1992, isn't
16 that so, do you recollect that?
- 17 A Are you telling me?
- 18 Q 189 Yes, and these were bona fide political contributions which Mr. Lydon accepted
19 and then in January of 1993, after all the Beechill and Ballycullen matters had
12:15:08 20 been dealt with and gone through, he gets an unsolicited cheque from Frank
21 Dunlop & Associates for the Senate election of 1,000 pounds. That's been
22 acknowledged already to the Tribunal, isn't that so?
- 23 A By me, yes.
- 24 Q 190 So that there's two things happening here in, as we are concerned, the first is
12:15:29 25 that Don Lydon had, as he has already stated to the Tribunal, he visited the
26 Ballycullen site with Mr. Brooks, either Oliver or Frank, I think it was Oliver
27 Brooks, in April of 1992 and he was in favour of the proposition. And strongly
28 in favour of the proposition. And he was willing then to take all steps to
29 support it through the planning process, isn't that, do you accept that?
- 12:16:02 30 A Well I don't, I have no knowledge of anything that took place between Mr. Lydon

- 12:16:07 1 and Mr. Brooks.
- 2 Q 191 Yes. And the position then is if, one of the things that of course Mr. Lydon
3 strongly rejects is your contention that he asked you in your language, he
4 demanded money from you for his support for the motion, that he requested
12:16:34 5 2,000 -- well he was paid 2,000 pounds but he requested money in support for a
6 motion when he was already in favour of it and already in contact with the
7 people in whose interest it was being put forward. So what you are suggesting,
8 Mr. Dunlop, is that when it came to signing the motion, Mr. Lydon, although
9 fully aware of the situation, having visited the site, made up his mind as a
12:17:02 10 councillor, made his decision that nonetheless and in full support of
11 Mr. Oliver Brooks and the Jones Group, in the application, that he then turns
12 around, having in April received a cheque for 2,000 from Chris Jones as a
13 political contribution, he then turns around and demands money from you, isn't
14 that, isn't there a certain illogicality about the proposition that he would do
12:17:33 15 that?
- 16 A I don't see any illogicality at all.
- 17 Q 192 Yeah. Well the position is that Mr. Lydon's position is that this didn't
18 happen at all and that it's an invention on your part and that for some reason,
19 you are bearing some malice towards him.
- 12:17:55 20 A Is that, is that a question?
- 21 Q 193 Well, it is, and there's a parallel here, if I could put it to you. When you
22 first mentioned the Jones Group and monies from the Jones Group being given to
23 you, you didn't have your asterisk against the name of the Jones Group, isn't
24 that correct?
- 12:18:18 25 A That's correct.
- 26 Q 194 But now giving your evidence here six years on, you want to have an asterisk,
27 in other words that monies paid, monies paid by them were monies they knew were
28 going to buy the votes of councillors, isn't that what you are now saying?
- 29 A I explained that to Ms. Dillon, it's not what I'm actually saying, but if you
12:18:38 30 want to revert to the actual what I said actually in response to Ms. Dillon, I

- 12:18:45 1 am happy to do so but I do not want words put in my mouth.
- 2 Q 195 Yes. But you see in January of 1993, you are giving Senator Lydon a 1,000
- 3 pounds, now it might be in the same vein as you gave other politicians money in
- 4 the hope that in the future you might be able to solicit business from them or
- 12:19:11 5 solicit their favour, but do you recollect the event then that happened in, is
- 6 it April of the following year, 1993, hadn't you got an interest in Pennine
- 7 Holdings Limited?
- 8 A Yes, I had, yes.
- 9 Q 196 Yes. And what was Pennine Holdings Limited doing in relation to rezoning of
- 12:19:38 10 lands at Baldoyle in 1993?
- 11 A It was attempting to get certain proposals during the course of the Development
- 12 Plan for lands at Baldoyle.
- 13 Q 197 Yes. And this was in, if I could get the date correct here, this was on the
- 14 27th April 1993, there was a vote in the council in relation to representation
- 12:20:07 15 number 000958, Pennine Holdings Limited?
- 16 A 1990 --
- 17 Q 198 000558, Pennine Holdings Limited?
- 18 A 19 ninety?
- 19 Q 199 1993, we are talking about the 1993, the 27th April and Mr. Lydon and I think
- 12:20:29 20 the entire, I think one of the proposers of the motion may have been a Fianna
- 21 Fail councillor but Mr. Lydon and the entire Fianna Fail party deserted you on
- 22 that occasion?
- 23 A Ultimately.
- 24 Q 200 Yes. And you appeared on television and in the radio that it was a big event
- 12:20:47 25 at the time, big media event as well as a thing but basically, it was a huge
- 26 loss of money to you that you failed to get the rezoning for your company,
- 27 isn't that so?
- 28 A Correct.
- 29 Q 201 Wouldn't the value of that be represented in millions?
- 12:21:04 30 A Yes.

- 12:21:05 1 Q 202 Now, could that be the source of your ultimate naming of Senator Lydon?
- 2 A No.
- 3 Q 203 No. So you don't bear grudges even when you have lost a few million?
- 4 A No.
- 12:21:22 5 Q 204 That's very good of you.
- 6 A Yes.
- 7 Q 205 So in other words, that's one possibility that as we see it for your motivation
- 8 in these matters, Mr. Dunlop. Now, another point, I just want to move on to
- 9 another point and again, while Senator Lydon strongly denies and does deny that
- 12:21:56 10 he asked for money to sign motions, you have ended up with three motions signed
- 11 by Senator Lydon, isn't that so?
- 12 A Yes.
- 13 Q 206 Now he acknowledges that those signatures are genuine?
- 14 A Good.
- 12:22:08 15 Q 207 Yes. And his recollection as to why he might have signed three of them is, he
- 16 can't recollect that, but why did you have him sign three?
- 17 A I told Ms. Dillon, I have no recollection of asking him to sign three. I have
- 18 the copies of the three and it's my discovery that the Tribunal has in relation
- 19 to those.
- 12:22:32 20 Q 208 Oh yes.
- 21 A I have no explanation as to why. I did attempt in relation to something that
- 22 Mr. Hand had said but I am not using that as a reason, I don't have a cogent
- 23 explanation as to why I had three.
- 24 Q 209 But is that the action of a man where he must have been asked to sign three
- 12:22:50 25 copies because you have two in your office to discover to the Tribunal many
- 26 years later.
- 27 A Yes.
- 28 Q 210 That the action of a man who would bargain and sell over what would described
- 29 as his signature on a motion in the singular?
- 12:23:03 30 A Yes, I would suggest it is.

- 12:23:07 1 Q 211 And how do you base that suggest -- on the fact that --
- 2 A Well I mean if I were to be signing -- Supposing I had asked him to sign 10,
- 3 would he have signed the 10?
- 4 Q 212 Well, Mr. Lydon has always expressed himself in favour of the motion and he was
- 12:23:21 5 cooperating with Oliver Brooks and whoever in the Jones Group and it was his
- 6 independent view that this was a good proposition in planning terms and zoning
- 7 terms, he was in favour of it so he was asked to sign by whoever and he doesn't
- 8 recollect ever being in your presence signing a motion, that particular motion,
- 9 he would sign and did sign and he signed it, it appears, three times because
- 12:23:49 10 one of those is lodged on the 28th September, isn't that so?
- 11 A Correct.
- 12 Q 213 And the other significant thing about those two signatures is that there was no
- 13 second signature with the two you handed in?
- 14 A Correct.
- 12:24:05 15 Q 214 It was just Senator Lydon twice over.
- 16 A Yes.
- 17 Q 215 Now does that suggest that you were shopping around for a seconder other than
- 18 Mr. Hand?
- 19 A No.
- 12:24:16 20 Q 216 No. But you have no explanation as to why you have and in any other case,
- 21 would you have multiplicity of motions signed by a proposer or a seconder?
- 22 A No.
- 23 Q 217 So this is an unusual --
- 24 A Yes.
- 12:24:32 25 Q 218 And it does stick out in your mind as to why.
- 26 A Well as I said to Ms.Ms. Dillon and I'm now saying to you, I don't have a an
- 27 explanation, if I had I would give it to you but I don't.
- 28 Q 219 Well we will deal with that in our own evidence.
- 29
- 12:24:48 30 CHAIRMAN: Mr. O'Tuathail, if Senator Lydon has an explanation for signing

12:24:54 1 three, would you not put it to --

2 MR. O TUATHAIL: I thought I had indicated, chairman and thank you for the

3 question, he doesn't. He has no recollection. He accepts that the signatures

4 are his. And he was in favour of the motion wholeheartedly but he has no

12:25:14 5 recollection of signing those three documents. He is acknowledging that the

6 signature is his and this is I think just come up in this particular module.

7 But that question was put to Mr. Lydon and he has no recollection of the

8 circumstances in which he signed three separate ones.

9

12:25:31 10 CHAIRMAN: All right.

11

12 MR. O TUATHAIL: All I'm saying is that it's significant that the two

13 disclosed by Mr. Dunlop has no seconder at this stage, there may be an

14 explanation in that area or some explanation may arise in that area.

12:25:52 15

16 Now and finally, Mr. Dunlop, say to you that Senator Lydon, in his instructions

17 also denies that he discussed Ballycullen with you. He discussed it with

18 Mr. Brooks and he dealt with Mr. Brooks and isn't it the feature of your

19 telephone calls that, and your meetings with Mr. Oliver Brooks and you have

12:26:48 20 said it, that Mr. Oliver Brooks reported to you on matters mainly in the Fianna

21 Fail camp.

22 A Yes.

23 Q 220 And representations and lobbying he had carried out?

24 A Yes.

12:27:03 25 Q 221 Yes. And that of course had to include Senator Lydon?

26 A If it did, I have no recollection of Mr. Oliver Brooks or any other

27 Mr. Brooks --

28 Q 222 Mr. Frank Brooks?

29 A Mr. Frank Brooks, sorry, talking to me about Senator Lydon.

12:27:17 30 Q 223 Yes. Yes. Yes. So that, that's a matter then for the further evidence that

12:27:23 1 may be given in this Tribunal, so we can't resolve it between ourselves. So
2 that Senator Lydon is very clear on his position in the matter that he was in
3 favour of the proposal to rezone Ballycullen from early on and was willing to
4 support it and he never solicited a payment in relation to it, he never
12:27:55 5 received a payment in relation to it. And I will leave it at that, Mr. Dunlop.

6 Thank you.

7 A Thank you. Mr. O'Tuathail.

8

9 CHAIRMAN: Thank you, Mr. O'Tuathail. Who is next?

12:28:10 10

11 MS. DILLON: Mr. O'Dulachain please.

12

13 MR. O'DULACHAIN: Chairman, might I move up a table.

14

12:28:17 15

CHAIRMAN: Sure.

16

17 THE WITNESS WAS CROSS-EXAMINED AS FOLLOWS BY MR. DULACHAIN:

18

19 Q 224 Mr. Dunlop.

12:28:43 20

A Yes, Mr. O'Dulachain, nice to see you again.

21 Q 225 It is. Unfortunately, Mr. Hand is deceased a good number of years now.

22 A Yes.

23 Q 226 And we don't have the benefit of what he has to say about these matters. But
24 if I might first just indicate the realm of evidence you are relying on.

12:29:09 25

First, you have the motions. And that confirms that Mr. Hand had an

26 involvement in proposing the motions in relation to Ballycullen and Beechill.

27 Then you rely on the minutes of the county council. That indicates how he

28 votes. And you rely on your diaries to indicate at the very least there were

29 diary entries indicating proposed meetings with Mr. Hand. And your telephone

12:29:45 30

records indicate that there was telecommunication or at least attempted

- 12:29:52 1 telecommunication between the two of you and it also indicates that you met
2 occasionally for lunch in Chinatown. For Mr. Hand, it was Chinese, it wasn't
3 Freres Jacques or the other restaurants mentioned in your diaries, it was the
4 usual place you met. And other than that, other than those records, is there
12:30:20 5 any other written record to confirm what you say about Mr. Hand?
- 6 A No.
- 7 Q 227 So if we go back, there's no black book that you kept at the time recording who
8 was receiving what and when it was being given to them?
- 9 A No.
- 12:30:39 10 Q 228 And essentially, it's guilt by association; in other words, your documents
11 create an association and the element of guilt is what you say about that
12 association?
- 13 A It's not for me to attribute guilt, I just tell.
- 14 Q 229 No, no, you are attributing, isn't that what you have been doing for a few
12:31:13 15 years?
- 16 A I am attributing the association and why the association and what was involved.
- 17 Q 230 There's no guilt involved in proposing a motion or in voting for it and/or
18 appearing in your diary?
- 19 A Correct.
- 12:31:25 20 Q 231 Or telephoning your office or having lunch with you. You are the one who is
21 attributing to Mr. Hand and other councillors an improper motive?
- 22 A Correct.
- 23 Q 232 And the only evidence of that improper motive is what you say occurred?
- 24 A Well in Mr. Hand's case, yes. And we have gone through this in another module
12:31:51 25 and we have discovered other things in relation to what I said turned out to be
26 correct.
- 27 Q 233 Like what in relation to Mr. Hand?
- 28 A Like accounts elsewhere.
- 29 Q 234 In his own name with his own address?
- 12:32:03 30 A In Australia.

12:32:04 1 Q 235 In Australia where you had been. Yes or no?
2 A Yes.
3 Q 236 Before you gave evidence here the last time?
4 A Many, many years ago in Australia, yes.

12:32:17 5 Q 237 To the same town?
6 A Never heard of it.
7 Q 238 Perth?
8 A Was never in Perth in my life.
9 Q 239 But you have travelled extensively?
12:32:26 10 A Yes.
11 Q 240 And you have secret bank accounts in the Jersey islands?
12 A One.
13 Q 241 That you have told us about?
14 A No one.

12:32:35 15 Q 242 One that you never told us about until it was discovered.
16 A By me. Discovered by me.
17 Q 243 When?
18 A To the Tribunal.
19 Q 244 When?
12:32:47 20 A I can't remember the date but I mean it was discovered by me to the Tribunal
21 and to the Revenue Commissioners.
22 Q 245 When you were caught out.
23 A (No answer).
24 Q 246 But at least Mr. Hand's accounts are in his name with his address.

12:33:03 25
26 MS. DILLON: I think in fairness to and I don't like to interrupt anybody but
27 if Mr. O'Dulachain is putting the sequence of disclosure on behalf of the late
28 Mr. Tom Hand in relation to the bank account held in Karrinyup, then I think in
29 fairness to Mr. Dunlop, it must be put to him that the initial position adopted
12:33:20 30 by the representatives of Mr. Hand was that Mr. Hand had no such account in

12:33:25 1 Australia.

2 CHAIRMAN: That was and --

3

4 MR. O'DULACHAIN: And on the basis of representations that came from

12:33:30 5 Australia.

6

7 CHAIRMAN: Yes. But that was the position adopted by Mr. Hand's family.

8

9 MR. O'DULACHAIN: On the basis of what the bank in Australia said.

12:33:40 10

11 CHAIRMAN: I mean I don't think you are --

12

13 MR. O'DULACHAIN: Sorry if I might, I might have gone off on a track.

14

12:33:46 15 CHAIRMAN: There's no suggestion that Mr. Dunlop orchestrated the revelation

16 about the account. I think, because you were asking about was he in Australia

17 and was he in this town. I don't think that --

18

19 MR. O'DULACHAIN: I think it was very clear if I might return to that in a

12:34:06 20 minute. Essentially your evidence, your oral evidence of which we try to rely,

21 it's based on one two one discussions you had with individuals. No one else is

22 present.

23 A No.

24 Q 247 So no one else can verify what you said or what anyone else said in that

12:34:30 25 discussion.

26 A No.

27 Q 248 And insofar as payments are made or alleged to have been made, there's no

28 cheque or payment record.

29 A Other than in the instances where there were cheques made for purpose other

12:34:53 30 purposes, the answer is no.

- 12:34:58 1 Q 249 No. So that all we have ultimately is your word and in relation to that circle
2 of association, we have seen from your diaries and from your motions and from
3 the voting that there's quite a broad range of individuals involved in that
4 circle.
- 12:35:25 5 A Which circle are you talking about.
- 6 Q 250 Of councillor who are associated?
- 7 A Yes.
- 8 Q 251 And you have the power to choose which ones you are going to point the finger
9 at and which ones you are not going to point the finger at.
- 12:35:43 10 A Question?
- 11 Q 252 Well, there are councillors who have signed motions for you about whom you make
12 no allegation?
- 13 A Correct.
- 14 Q 253 If it is the case that you could get councillors to sign motions without any
15 payment, why would you opt to seek out a councillor who would seek a payment?
- 16 A Quite simply, it depends on whatever the location happens to be and whatever
17 the motion happens to be.
- 18 Q 254 But isn't that inconsistent, if you can get it, if you can get a motion signed
19 by someone who doesn't seek any payment, why would you go seeking someone who
20 will?
- 12:36:28 21 A Because it doesn't accord to the facts, Mr. O'Dulachain in relation to the
22 geography of County Dublin and the way the process worked.
- 23 Q 255 Who did you approach to sign the Beechill motion?
- 24 A The Beechill -- Tom Hand.
- 12:36:46 25 Q 256 So you approached no one before you approached him?
- 26 A No.
- 27 Q 257 You asked no one?
- 28 A No. He was --
- 29 Q 258 So you didn't approach him out of necessity?
- 12:36:57 30 A Well, he is deceased but your client, I am pausing by saying, your client was a

- 12:37:07 1 consistent signer. Not only for me, but for others. And is a consistent
2 supporter and consistently asking whether or not there was anything he could
3 do.
- 4 Q 259 And yet in Beechill, you didn't even seek out any other councillor to sign?
- 12:37:25 5 A Well we did, we had another councillor -- he signed, another councillor signed:
6 Two councillors signed.
- 7 Q 260 But it wasn't in circumstances where you had gone to three or four or five
8 councillors who refused?
- 9 A No, no, no, yes, that's correct.
- 12:37:40 10 Q 261 So there was no necessity to make any payment?
- 11 A The only necessity to make a payment is when you are asked to make the payment.
- 12 Q 262 Well can you take us through one of those discussions.
- 13 A Well, yes, let's deal with the one that we had with your client in his home in
14 relation to what would be required and I have given evidence to this effect
15 already in relation to a different module.
- 12:38:04 16 Q 263 Well in relation to Beechill.
- 17 A Yes. What would be required as I have already told Ms. Dillon, that your
18 client, your deceased client asked for five and I ended up giving him two.
- 19 Q 264 No, could you take me through the discussion?
- 12:38:22 20 A Right. Well there's not a great deal of mystery about it. And Tom wasn't
21 behind the door in asking and he made it quite clear that yes, he would be
22 willing to sign a motion but in the context of a payment. Now, in this
23 context, we are talking about two motions, we are talking about Ballycullen and
24 Beechill and he is paid for the two motions.
- 12:38:56 25 Q 265 In short, you cannot relate a conversation with Mr. Hand, can you?
- 26 A I have had so many -- I had so many conversations with Mr. Hand, Mr.
27 O'Dulachain, they weren't of any great particular depth, they related solely to
28 matters either directly in relation to the Development Plan or to colleagues of
29 his in the county council, some of whom he wasn't exactly too complimentary
12:39:34 30 about, which was reciprocated by him, I hasten to add, and by political matters

- 12:39:42 1 in general.
- 2 Q 266 But you can't relate a simple discussion in relation to Beechill?
- 3 A I am telling you quite simply the circumstances in which the conversation took
- 4 place, the end result of which was that he was willing to sign and that he was
- 12:39:55 5 paid.
- 6 Q 267 But you can't tell me the dialogue.
- 7 A No. I couldn't tell you the dialogue, it would be irrational to even attempt
- 8 to outline the dialogue. It would be better than some of the other dialogues
- 9 that you might find elsewhere, the answer is no, I can't outline the dialogue
- 12:40:16 10 to you.
- 11 Q 268 Right. So here we are, I think is it the end of September, the 28th September?
- 12 A When the motion is signed, the motion is dated the 28th September.
- 13 Q 269 Motion is dated 28th and that's your first discussion in relation to Beechill.
- 14 A No, no, it's not my first discussion in relation to Beechill, no, that's not
- 12:40:39 15 the evidence I have given already here, that we have had conversations, many
- 16 conversations, but not specifically in relation to Beechill or Ballycullen but
- 17 we have had conversation with your client in relation to the Development Plan.
- 18 Q 270 But in relation to Beechill and Ballycullen.
- 19 A Yes.
- 12:40:55 20 Q 271 And you have to have the motion in?
- 21 A The motion has to be in by a specific date, your client is telling my along
- 22 with other councillors, is telling me what the schedule of the Development Plan
- 23 is, when the likelihood is that these things are going to take place, when the
- 24 likelihood is that the motion is going to come up and that there is a specific
- 12:41:20 25 schedule in relation to time when you have to have it in by. There's a
- 26 deadline.
- 27 Q 272 It has to be in within --
- 28 A Yes, within a specific period, otherwise --
- 29 Q 273 Within a matter of days?
- 12:41:32 30 A I think it's nine days otherwise it doesn't get on to the agenda.

- 12:41:38 1 Q 274 And you are going out to see Mr. Hand whom you say will have his hand out.
- 2 A Always.
- 3 Q 275 And you haven't gone to your treasure box, you haven't, as a matter of
- 4 convenience, brought some funds with you?
- 12:42:00 5 A I am not following you.
- 6 Q 276 You are going out to get the motion signed.
- 7 A Yes.
- 8 Q 277 You are going to meet him?
- 9 A Yes.
- 12:42:05 10 Q 278 And you are saying he always wants payment?
- 11 A Correct.
- 12 Q 279 And you don't bring any payment with you?
- 13 A On that occasion, no.
- 14 Q 280 Why not?
- 12:42:15 15 A We had agreed that I would pay him some time later.
- 16 Q 281 But you hadn't agreed before you went out?
- 17 A No, no, but I just didn't have money with me.
- 18 Q 282 But you had resources at home?
- 19 A Correct.
- 12:42:27 20 Q 283 Isn't that somewhat unusual if you expected Mr. Hand --
- 21 A Not in my view, no. It's not unusual.
- 22 Q 284 And he signed two motions.
- 23 A Yes.
- 24 Q 285 And you say you agreed 2,000, 1,000 per motion?
- 12:42:53 25 A That's not the way it was put. He didn't ask for 1,000 per motion he good for
- 26 5,000 and I agreed to two.
- 27 Q 286 I thought there was a going rate?
- 28 A Yes, obviously when I tell you that he asked for five, he had a going rate in
- 29 his mind but there's, it depends on the councillor you are talking to and it
- 12:43:14 30 depends on the area, the motion that you are dealing with.

- 12:43:21 1 Q 287 So there isn't a going rate?
- 2 A There is a going rate.
- 3 Q 288 What is the going rate?
- 4 A Well, never less than a 1,000 and I have given 5,000 as you know. I have given
- 12:43:36 5 evidence already to that effect in this Tribunal so it ranges between 1 and
- 6 5,000, whatever the traffic will bear on any given occasion.
- 7 Q 289 And this depends on the council area?
- 8 A It depends on a number of factors but yes, it depends on the area.
- 9 Q 290 Now, in relation to Ballycullen, we saw that I think the fee you obtained was
- 12:44:07 10 36,000 ultimately.
- 11 A No --
- 12 Q 291 It increased but by the end of that year?
- 13 A Subject to actual clarification in relation to what Ms. Dillon outlined, at the
- 14 end of that year, I can't tell you what exactly at the end of that year, I can
- 12:44:23 15 tell you the global but I can't tell you by the end of that year.
- 16 Q 292 I think 360 houses were approved.
- 17 A Yes.
- 18 Q 293 Your fee wasn't based on the number of houses?
- 19 A No.
- 12:44:37 20 Q 294 Or the value of a site?
- 21 A I wish it was. No.
- 22 Q 295 But it had been your practice elsewhere in negotiating commercial interest, to
- 23 take a proportion of an investment?
- 24 A Yes, not a widespread practice, it happened on a number of occasions.
- 12:44:54 25 Q 296 So you had an eye to the value of what you could deliver?
- 26 A Oh yes I mean -- yes is the answer.
- 27 Q 297 You discussed the meeting then with Pat Rabbitte, you gave great detail of the
- 28 discussion you had in his home.
- 29 A Mm-hmm.
- 12:45:18 30 Q 298 And then you indicated you were heading to go Mr. Hand's I think your diary

- 12:45:24 1 shows, later that morning?
- 2 A This is in 1992?
- 3 Q 299 This is in relation to the political donations?
- 4 A Yes. November, 1992 you are talking about, is it Mr. O'Dulachain.
- 12:45:45 5 Q 300 I think it's November 192, it would have been the 5th November. In relation to
- 6 Mr. Hand, how much did you give him by way of political donation?
- 7 A In November 1992?
- 8 Q 301 Yes.
- 9 A That I can't tell you offhand.
- 12:46:21 10 Q 302 But you --
- 11 A In November 1992?
- 12 Q 303 Yes.
- 13 A The straight answer is no, I can't tell you.
- 14 Q 304 Am I correct, it is the same morning, I think I don't have the diary reference
- 12:46:43 15 page but it is the same morning you visit Mr. Rabbitte?
- 16 A On the 11th November.
- 17 Q 305 Sorry?
- 18 A Yes, the 11th November 1992.
- 19
- 12:46:53 20 CHAIRMAN: What page is that?
- 21
- 22 MS. DILLON: 1929.
- 23
- 24 MR. O'DULACHAIN: I think you are down at 10 o'clock as meeting Pat
- 12:47:13 25 Rabbitte.
- 26 A Yes.
- 27 Q 306 You know exactly what you gave Pat Rabbitte that morning, you say it's 3 and
- 28 Mr. Rabbitte says it's 2. And you are then travelling on to see Tom Hand?
- 29 A Yes.
- 12:47:27 30 Q 307 And you don't know how much you had to give Mr. Hand?

- 12:47:30 1 A No, as I sit here now, I cannot tell you that. No.
- 2 Q 308 And you are then travelling on, who next was on the beneficiary list?
- 3 A Well, it hasn't been suggested that other than the last entry on that list, it
- 4 hasn't been suggested, it hasn't arisen but the 11.30 appointment is a name
- 12:48:04 5 that doesn't arise in this module, can I say?
- 6 Q 309 But it is a political contribution?
- 7 A Yes, it is. Yes.
- 8
- 9 CHAIRMAN: Don't name, don't say his name for the moment. Well is it a
- 12:48:18 10 councillor?
- 11 A Yes, it is, yes.
- 12 Q 310 And you know how much that --
- 13 A No, not offhand.
- 14 Q 311 And then later in the afternoon, do you know how much that contribution was?
- 12:48:34 15 A There was two later in the afternoon, there's one at one o'clock and there's
- 16 one at 2.30.
- 17 Q 312 Yes.
- 18 A The one at one o'clock doesn't arise in this module, neither does the one at
- 19 2.30 but I have already given evidence to that effect on the location.
- 12:48:51 20 Q 313 And have you given evidence as to the amount?
- 21 A Yes, I have.
- 22 Q 314 So you know the amount of the first and the last?
- 23 A Yes.
- 24 Q 315 And the other amounts you don't know.
- 12:48:59 25 A As I sit here, no.
- 26 Q 316 So while you are very sure on other occasions about payments you say you make
- 27 to Mr. Hand, you don't know on this occasion?
- 28 A Not on that one at I sit here.
- 29 Q 317 Or as you have dwelt upon it over the past few years?
- 12:49:22 30 A No, at as -- I haven't given evidence in relation to it so --

- 12:49:28 1 Q 318 Nor when you first came to the Tribunal when you were mentioning Mr. Hand?
- 2 A No.
- 3 Q 319 In your first bout of evidence.
- 4 A Well I did mention Mr. Hand in my first bout of evidence from day one.
- 12:49:44 5 Q 320 From day one. Effectively as a distraction?
- 6 A In a significant amount.
- 7 Q 321 Yes, as a distraction.
- 8 A No.
- 9 Q 322 As a political mischief. It wasn't that what you are about day one?
- 12:50:01 10 A No.
- 11 Q 323 And that's what you are still about, complete political mischief?
- 12 A No.
- 13 Q 324 Isn't that the problem, Mr. Dunlop, is that knowing that you started with an
- 14 untruth, even if you are telling the truth, no one knows to what extent it is
- 12:50:15 15 true or to what extent parts of it are untrue?
- 16 A Well that's a question you are asking me, I can't adjudicate as to who thinks
- 17 what, I'm just saying no.
- 18 Q 325 Isn't it the position that as far as it concerns Tom Hand at the outset of this
- 19 Tribunal when you first gave oral evidence, you decided, you volunteered,
- 12:50:39 20 volunteered his name on to the floor of the Tribunal in circumstances where you
- 21 were denying that you had any hand, act or part in any wrongdoings yourself.
- 22 A No, that is incorrect.
- 23 Q 326 What's incorrect about it?
- 24 A You say that I offered Mr. Hand, that I was indulging in political mischief and
- 12:51:03 25 that I offered, volunteered Mr. Hand's name, that was the question you said
- 26 with some improper motive. That is not correct. While I mentioned Mr. Hand's
- 27 name in the context of the Tribunal, in specific circumstances.
- 28 Q 327 And you might confirm those circumstances.
- 29 A In that he was in receipt of payments from me and also, as it transpired, that
- 12:51:29 30 there was a request from him for a significant amount of money to be lodged

- 12:51:33 1 elsewhere.
- 2 Q 328 Now, in relation to Mr. Hand, in relation to Ballycullen and Beechill, he did
- 3 have discussions with the Jones Group about it?
- 4 A Yes, he did.
- 12:51:52 5 Q 329 So he was interested in the development?
- 6 A He had discussions with both Mr. Jones and Mr. Hussey. Organised by me,
- 7 certainly recommended by me that they should have discussions with him.
- 8 Q 330 And he was interested in the detail of the development?
- 9 A Yes.
- 12:52:13 10 Q 331 And what was going to take place?
- 11 A Yes.
- 12 Q 332 And isn't that somewhat inconsistent with your evidence is that you will he was
- 13 interested in put putting out his hand?
- 14 A Well they are not inconsistent, the two issues are not inconsistent.
- 12:52:35 15 Q 333 Well you were indicating that his only interest was putting out his hand.
- 16 A His interest was in receiving money for his support, either signature or
- 17 support, in the context of a wide variety of developments in Dublin County
- 18 Council during the course of the Development Plan. Any other interest he
- 19 manifested in relation to detail, whatever, that was his business.
- 12:53:05 20 Q 334 Are there motions he voted on for which you didn't make payment?
- 21 A Yes, I'm sure there are.
- 22 Q 335 Are there motions he signed for which you didn't make payment?
- 23 A Not if he signed them for me.
- 24 Q 336 And in relation to these motions, if we take Ballycullen, the various ones
- 12:53:37 25 sweeping all the way from the south of the county to the north, were there any
- 26 other clients of yours that had been interest in these developments?
- 27 A In Ballycullen?
- 28 Q 337 Well in the broad sweep of what was happening in the Development Plan.
- 29 A There were many, I had many clients in relation to the Development Plan, if
- 12:53:58 30 that's the question.

12:54:10 1 Q 338 In relation to Mr. Hand's -- there doesn't appear to be any financial lodgment
2 that reflects a specific sum that you say you gave.

3
4 MS. DILLON: Sorry in relation to that, the Tribunal is presently awaiting a
12:54:29 5 response from Mr. O'Dulachain's instructing solicitors in relation to a letter
6 sending out financial queries and I don't know how in the absence of the
7 Tribunal having been furnished this information that Mr. O'Dulachain is in a
8 position to put that particular question to Mr. Dunlop. It would be -- if Mr.
9 O'Dulachain has the information, I think it should in the first instance be
10 provided to the Tribunal.

11
12 CHAIRMAN: Well --

13
14 MR. O'DULACHAIN: I assume as the Tribunal hasn't put it to Mr. Dunlop, that
12:54:59 15 the Tribunal has no such information.

16
17 CHAIRMAN: No, no, but the Tribunal has sought information from your solicitor
18 as to certain details of accounts and they haven't been supplied. So firstly,
19 in relation, I don't know whether you personally are aware of that request.

12:55:21 20
21 MR. O'DULACHAIN: I am aware of the request and we are aware that as
22 concerns the request, none of the dates relate with any immediacy to the dates
23 in issue here and none of the sums relate with, in any specific way to the
24 sums.

12:55:41 25
26 CHAIRMAN: But the details haven't been furnished to the Tribunal yet.

27
28 MR. O'DULACHAIN: Well, as I understand it, that matter is in hand.

29
12:55:52 30 CHAIRMAN: All right. Well assuming that they are but what accounts are you

12:55:57 1 referring to when you say putting to this witness that there is no lodgments
2 similar to anything, any payment Mr. Dunlop says he made to your client, what
3 accounts are you referring to?

4 A Well I am referring to fairly simply as far as I understand it, Mr. Hand's
12:56:25 5 accounts. Now we haven't examined Mr. Hand's accounts, we don't have
6 Mr. Hand's bank accounts. Letters of authority to take them up were handed to
7 the Tribunal itself but we don't have them.

8
9 CHAIRMAN: Yes but you have been asked to furnish them.

12:56:47 10
11 MR. O'DULACHAIN: No, no, what we have given is letters of authority to the
12 Tribunal itself.

13
14 CHAIRMAN: Yes.

12:56:47 15
16 MR. O'DULACHAIN: To seek records from banks.

17
18 CHAIRMAN: How can you put to Mr. Dunlop that there is no such lodgment if you
19 haven't seen the --

12:56:55 20
21 MR. O'DULACHAIN: Well I have assumed it on the basis that if there were any
22 such accounts, they would have been indicated.

23
24 MS. DILLON: The Tribunal has furnished to Mr. O'Dulachain's solicitors a
12:57:05 25 schedule of lodgments within the window period. There are lodgments that are
26 unexplained within the window period to the accounts of Mr. Tom Hand and some
27 of the children of Mr. Hand. They come within the window period. I suspect
28 and I can put it no further than that, what is being suggested to Mr. Dunlop is
29 that there's no immediate cross match between the dates suggested by Mr. Dunlop
12:57:28 30 as having been the dates on which he paid Mr. Hand and any particular lodgment.

12:57:32 1 But that doesn't really address the issue because insofar as there's a query
2 outstanding between the Tribunal and the hand family, what has happened is they
3 have been provided with a schedule together with supporting bank account
4 documentation, the lodgments under query have been identified together with the
12:57:50 5 relevant bank statement and the Tribunal presently awaits an explanation for
6 the source of the monies that make up those lodgments and that information has
7 not yet been provided, although we understand that that is in hand as it were
8 at the moment, but we don't have that information. So we have given those bank
9 accounts to Mr. O'Dulachain's solicitors. As being the accounts under query
12:58:14 10 that possibly might relate to any payments that may have been made that are
11 relevant to this module.

12
13 CHAIRMAN: All right. Well I suppose we better pass over that for the moment
14 and see what further documentation comes in. He can be recalled later to deal
12:58:30 15 with it.

16
17 MR. O'DULACHAIN: Just finally in relation to the Beechill development, that
18 was a development that received the support of the county manager when it was
19 advanced.

12:58:54 20 A In broad terms, yes.

21 Q 339 And didn't go to a vote?

22 A No.

23 Q 340 And in relation to the Ballycullen development, it received a broad range of
24 support from the councillors?

12:59:04 25 A Yes, it did.

26 Q 341 And in those circumstances where there was a broad range of support, why would
27 you end up making any payment to any councillor for a vote?

28 A Well first of all, when you use the phrase "Broad range of support" that wasn't
29 guaranteed from day one, you have to start position A and go to position Z.

12:59:36 30 That was not guaranteed, significant amount of work had to be indulged in to

- 12:59:40 1 ensure that there was support. Ms. Ms. Dillon went through that in rather fine
2 detail as to how each individual councillor was approached and lobbied or
3 persuaded or otherwise.
- 4 Q 342 All right but the support seems to be so strong that why, on this particular
13:00:07 5 motion, would you have in advance agreed to pay any councillor?
6 A Because at the outset as I have just said that was not guaranteed. In fact,
7 quite the opposite. We had already seen, as Ms. Dillon outlined for us, the
8 history that what had occurred in relation to the site and the motions that were
9 put down to dezone it.
- 13:00:27 10 Q 343 And in relation to the support, it was effectively what you are telling the
11 Tribunal is all you required to ensure your position was a handful of
12 councillors --
13 A Yes, well in the councillors that I have named and I have gone through the
14 other councillors as per the questioning from Ms. Dillon as to why an in
13:00:54 15 individual cases it wasn't required because no matter what you said to them or
16 did with them, they wouldn't support it.
- 17 Q 344 But in terms of the councillors who did?
18 A Yes.
- 19 Q 345 It was only a handful?
13:01:03 20 A Yes, a handful, yes. Well it's the number that are listed in my statement.
- 21 Q 346 But doesn't that seem extraordinary that you would make those payments to a
22 handful of councillors where's an overwhelming majority backing the motion?
23 A The overwhelming majority occurs at the back end when all the work is done.
24 When we have got to the 29th October, 1992 where the issue is decided.
13:01:43 25 Beginning in February 1991, that's a significant period in which the work has
26 to be done.
- 27 Q 347 Right. And in that significant period, to achieve this result, you only have
28 to bribe a few councillors?
29 A Yes.
- 13:02:06 30 Q 348 I have no further questions.

13:02:13 1
2 CHAIRMAN: All right, Mr. O'Dulachain, thank you. It's one o'clock so we will
3 adjourn until two o'clock.
4

13:02:28 5 THE TRIBUNAL THEN ADJOURNED FOR LUNCH

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13:02:29 1 THE TRIBUNAL RESUMED AFTER LUNCH AS FOLLOWS:

2

3 CHAIRMAN: Good afternoon. Mr. Gordon, do you want to cross-examine
4 Mr. Dunlop?

14:11:01 5

6 MR. GORDON: Good afternoon, Chairman, Members of the Tribunal. Yes, with
7 your permission, I would like to ask --

8

9 CHAIRMAN: Certainly.

14:11:03 10

11 MR. GORDON: -- Mr. Dunlop some questions about his evidence. As you know, I
12 appear to represent the interests of Mr. Tony Fox and in that regard, I am
13 instructed by Sean Costello & Company, solicitors.

14

14:11:13 15

CHAIRMAN: Very good.

16

17 THE WITNESS CROSS-EXAMINED BY MR. GORDON AS FOLLOWS:

18

19 Q 349 Good afternoon, Mr. Dunlop.

14:11:22 20

A Good afternoon.

21 Q 350 Mr. Dunlop, you may recall, I think it's almost three years to the day I asked
22 you some questions before about the allegations that you are making about my
23 client, Mr. Fox. And I think when I was asking you questions for the first
24 time, you agreed with me that your practices at that time, I think we were
14:11:41 25 examining the Paisley Park module, were corrupt?

26 A Yes.

27 Q 351 And you admitted to me in your evidence that you were and could only be
28 described as a corrupt person, do you remember that?

29 A I do.

14:11:59 30

Q 352 Do you still agree with that?

- 14:12:00 1 A In certain circumstances, yes.
- 2 Q 353 Why do you now disagree if at all?
- 3 A In the context of any question that you might ask me in relation to payments to
- 4 politicians which were improper.
- 14:12:12 5 Q 354 You do agree that those, as you describe them, improper payments to
- 6 politicians, were corrupt payments?
- 7 A Yes.
- 8 Q 355 And when you are make you are making those payments, you are making those
- 9 corruptly and by extension, you were a corrupt person?
- 14:12:26 10 A Correct.
- 11 Q 356 At that point in time?
- 12 A Correct.
- 13 Q 357 Isn't that correct, Mr. Dunlop?
- 14 A Yes.
- 14:12:30 15 Q 358 And of course, you yourself will agree, Mr. Dunlop, that corruption is a crime?
- 16 It is now and it was then.
- 17 A Yes, correct.
- 18 Q 359 Isn't that right? Now, when you were making these payments, as you describe
- 19 them, what measures did you take to insulate yourself against the risks
- 14:12:53 20 involved in the commission of your crimes?
- 21 A None.
- 22 Q 360 None. Were you therefore reckless?
- 23 A By the definition of the term reckless, yes.
- 24 Q 361 Yes. Even though at that time, you had the benefit of some education, you were
- 14:13:18 25 an educated man, you were working in a professional capacity and you were there
- 26 in the chambers some times, perhaps, outside the chamber, perhaps, corrupting
- 27 local government representatives, isn't that so?
- 28 A Mutually, yes.
- 29 Q 362 And you say that you took no measures or steps whatsoever to ensure that you
- 14:13:46 30 would not be caught doing this --

- 14:13:50 1 A No.
- 2 Q 363 Did you assess the risk involved?
- 3 A I don't think I did, no.
- 4 Q 364 You don't. So are you telling the Members of this Tribunal that you set about
14:14:06 5 the commission of these various crimes without thinking at all what it was you
6 are you were getting into?
- 7 A Not really, no.
- 8 Q 365 Not really? Well, Mr. Dunlop, can I suggest to you that that's remarkable
9 evidence you are giving to the Tribunal. Surely a person -- and bearing in
10 mind all of the evidence that you have given and all of the water under the
11 bridge -- surely a person in your position, with your business in mind, would
12 have considered the consequences to yourself in the event of this bubbling to
13 the surface, in other words in the event of your activities becoming known.
14 You are saying now on oath that you did not consider that?
- 14:14:50 15 A No.
- 16 Q 366 Do you accept, Mr. Dunlop, that when you were about your business committing
17 these various crimes, that one mistake on your part might have brought this to
18 the surface?
- 19 A Yes.
- 14:15:02 20 Q 367 For example, if you approached a politician, member of local government, and
21 you asked that individual, call this individual for the sake of this exercise
22 councillor A, to exercise his or her vote in a particular way, if you told this
23 person a little about the business that you were at and if that person were to
24 say to you "I don't get involved at your level, Mr. Dunlop, I am sorry, I am
14:15:35 25 not crossing the line, I have a line and I am not going to go over it for you",
26 do you accept, Mr. Dunlop, that that type of scenario would have caused you
27 immense, in fact it would have been a catastrophe for you?
- 28 A Not really.
- 29 Q 368 Do you not think that somebody in that position that I suggest to you might
14:15:56 30 well have approached their colleagues in the chamber and perhaps -- of course

- 14:16:02 1 you weren't as notorious then as you are now, but the conversation presumably
2 would have proceeded on the following lines "There's somebody outside the
3 chamber here, he is saying his name is Dunlop, he is bad news, he is slippery,
4 mind yourself, he is trying to corrupt me and he may well try to corrupt you."
- 14:16:20 5 That would have been the end of your business there and then, Mr. Dunlop, is
6 that right?
- 7 A This is purely speculative on your part.
- 8 Q 369 No, I'm asking you questions about the risks that you must have taken but you
9 are denying that you took any.
- 14:16:36 10 A Okay. I'm saying I took no, I can't remember the word you used in your first
11 question but I took no precautions if that's the word you used.
- 12 Q 370 So you are saying you were reckless?
- 13 A In whatever definition you are giving to reckless.
- 14 Q 371 Do you agree that the scenario that I have suggested to you would have amounted
14:16:55 15 to a catastrophe for you in the business that you were in bearing the mind the
16 stakes involved, bearing in mind the money that you were getting and bearing
17 the mind the people that you say you were acting for?
- 18 A No.
- 19 Q 372 No? What was it then that gave you that peace of mind at the time, Mr. Dunlop,
14:17:13 20 tell me?
- 21 A Well I think in reply to a question that you asked me, was it three years ago or
22 someone else in the same module and I alluded to the system that existed in
23 Dublin County Council, and that system existed and for all I know exists to
24 this day.
- 14:17:33 25 Q 373 But you didn't know, Mr. Dunlop, about that system as you now describe it until
26 you yourself became involved in it.
- 27 A That is not accurate.
- 28 Q 374 Well then clear that up for me if you can?
- 29 A In evidence I already gave evidence to the effect that a person told me in
14:17:50 30 certain circumstances that monies would have to be paid. That person is not

- 14:17:56 1 involved in this module but I have already given public evidence to that
2 effect.
- 3 Q 375 So when you decided to involve yourself in this criminal activity, you were
4 told by a person who you now say is not involved in these proceedings and you
14:18:14 5 were told effectively I suppose that politicians in the chamber were
6 corruptible?
- 7 A Yes.
- 8 Q 376 That you wouldn't get them to do anything unless they received payments?
9 A Unless they received payments and that they would ask.
- 14:18:29 10 Q 377 And did this person give you a list of names, potential contacts, perhaps even
11 potential targets?
- 12 A No.
- 13 Q 378 So then how did you set about discovering the whereabouts of these various
14 people who might be corrupted, bearing in mind what you already knew or you say
14:18:48 15 you knew?
- 16 A They made themselves very readily known to me.
- 17 Q 379 So you presented yourself to the councillors and you say they approached you?
18 A If I approached them to ask them to do something, they told me what was
19 required.
- 14:19:05 20 Q 380 And was that inevitably a payment of money?
- 21 A Yes.
- 22 Q 381 When you were acting on your instructions given by the Jones Group, it's clear
23 that they had a vested interest in the Ballycullen farm lands, isn't that
24 right?
- 14:19:29 25 A Correct.
- 26 Q 382 And it must have been clear from your knowledge of the planning history as it
27 obtained at that time that the lands there, I suppose a fair summary is this,
28 they were zoned B initially, agricultural lands, isn't that so?
- 29 A Correct.
- 14:19:49 30 Q 383 And the zoning changed, they were then rezoned to A1 residential and then back

- 14:19:55 1 again.
- 2 A No, they were zoned B, then partially rezoned for office development or
- 3 industrial on a certain section. That then was taken off by a proposal that
- 4 was put forward to the council, reverting it to agriculture. Then a motion was
- 14:20:14 5 put forward to have it zoned for a mixture of A1 and leisure amenity.
- 6 Q 384 Is this the manager's proposal that you are referring to?
- 7 A The proposal in relation to the dezoning of it from industrial came from
- 8 councillor Hannon if I recollect correctly.
- 9 Q 385 Put it another way. The lands in question were zoned in a particular way at
- 14:20:42 10 the outset, that status changed and reverted back again?
- 11 A Correct.
- 12 Q 386 And it would appear from the records and to a point from the evidence that you
- 13 have been giving in these proceedings, that Councillors Muldoon, Cass,
- 14 Fitzgerald and Shatter were particularly keen to ensure that the lands remained
- 14:21:11 15 A, sorry, B, I beg your pardon?
- 16 A B, yes.
- 17 Q 387 Not to put a tooth on it, they were standing in the way.
- 18 A They certainly weren't in any way supportive of any change.
- 19 Q 388 And that's clear from the documents?
- 14:21:26 20 A Yes.
- 21 Q 389 And when you received your instructions from the Jones Group, did you
- 22 immediately become aware of their objection, if I can use that term?
- 23 A Yes, well I was told by Mr. Jones, I think I have given evidence in relation to
- 24 the examination by Ms. Dillon in relation to the attitude of Mr. Jones in
- 14:21:53 25 particular to a variety of people, including those that you have named, on foot
- 26 of their known attitude.
- 27 Q 390 And were all of those names mentioned in any conversations or instructions that
- 28 you received from Mr. Jones?
- 29 A Yes, they would have come up in conversation, yes.
- 14:22:10 30 Q 391 Of course they would have known who the persons in the council were and their

- 14:22:16 1 particular attitude or view, isn't that right?
- 2 A Yes, they would. There was a history to the lands prior to my arrival.
- 3 Q 392 And when you were receiving instructions from the Jones Group, had you at that
- 4 time, at that point in time, some experience or had you acquired any experience
- 14:22:37 5 in this business of corrupting politicians?
- 6 A Yes, I had.
- 7 Q 393 You had considerable experience if your evidence is to be believed at all?
- 8 A Yes.
- 9 Q 394 Isn't that correct?
- 14:22:47 10 A Correct.
- 11 Q 395 Therefore you must have been in the position to give to Mr. Jones, some measure
- 12 of comfort, you must have had some confidence in the proposals that perhaps you
- 13 made to him on receipt of instructions, etc etc, is that a fair assessment of
- 14 the situation?
- 14:23:05 15 A Comfort, that's one word to use, yes. I would have imagined that I told that
- 16 him there was a hard uphill struggle in relation to it which they knew
- 17 themselves.
- 18 Q 396 You must have been optimistic?
- 19 A It's going to be difficult.
- 14:23:19 20 Q 397 But nonetheless you accepted the instruction and set about your business?
- 21 A Correct.
- 22 Q 398 And it seems, from my understanding of your evidence so far, Mr. Dunlop, that
- 23 you did not make any contact at all with the councillors I have just named,
- 24 Councillor Muldoon, Cass, Fitzgerald and Shatter in relation to these
- 14:23:44 25 instructions that you received from Mr. Jones?
- 26 A That's not quite true.
- 27 Q 399 Except perhaps Councillor Cass?
- 28 A Correct.
- 29 Q 400 Why did you make no contact with Mr. Muldoon -- Ms. Muldoon, I beg your pardon,
- 14:23:59 30 Councillor Fitzgerald or Councillor Shatter at the time?

- 14:24:01 1 A Actually we did make contact with Ms. Muldoon, it may not specifically in
2 answer to a question from Ms. Dillon in relation to that, I cannot specifically
3 say to you that I never mentioned Ballycullen to Ms. Muldoon but that's in the
4 context of another development. I may well have done. The reason it is
14:24:21 5 because it was pointless.
- 6 Q 401 Why was that?
- 7 A Because they under no circumstances would they support development in that
8 area.
- 9 Q 402 You had all of the information that was given to you by the Jones Group, there
14:24:36 10 were proposals to be made in relation to these lands and you say to the
11 Tribunal that you did not approach these individual councillors?
- 12 A In relation to --
- 13 Q 403 And perhaps try in a legitimate way to change their line of thinking?
- 14 A Other than in the case of Councillor Cass and the possible exception of Ms.
14:24:54 15 Muldoon on one occasion, the others, no.
- 16 Q 404 It was pointless then making any contact with Councillor Fitzgerald?
- 17 A Yes.
- 18 Q 405 Why was that?
- 19 A Councillor Fitzgerald was a well known anti-development and an active dezone
14:25:19 20 if the opportunity arose.
- 21 Q 406 Did you not think that you might have been persuasive, bearing in mind all of
22 the information about these lands that had been given to you by the Jones
23 Group?
- 24 A No.
- 14:25:34 25 Q 407 When you say that Councillor Fitzgerald was anti-development, did you know at
26 the time that Mr. Fox was pro-development?
- 27 A Yes, I did.
- 28 Q 408 So I suppose by extension, you are saying that no need to approach Councillor
29 Fitzgerald, his views are well settled but so are Mr. Fox's views well settled?
- 14:25:57 30 A Well certainly Councillor Fitzgerald's views were well set and Councillor Fox's

- 14:26:05 1 views were well settled.
- 2 Q 409 They had opposing views essentially in relation to these matters?
- 3 A Yes.
- 4 Q 410 So having no need whatsoever to make legitimate or illegitimate contact with
- 14:26:18 5 Councillor Fitzgerald knowing his view in relation to that, there was no need
- 6 at all to make any contact, legitimate or otherwise with Mr. Fox?
- 7 A Not true.
- 8 Q 411 Why is that?
- 9 A Mr. Fox involved himself in virtually every development that I have been
- 14:26:31 10 involved in and you don't take -- that's the first point. Two, you don't take
- 11 any support for granted, I think I said that in evidence here already earlier
- 12 this week. Though you do take opportunities from time to time to see can you
- 13 recruit other people to your side.
- 14 Q 412 Mm-hmm. But just leaving aside your crimes, Mr. Dunlop, on the face of things,
- 14:27:00 15 it would appear that yes, Councillor Fitzgerald was anti but Mr. Fox was pro,
- 16 you took a line in relation to Mr. Fitzgerald, you would have known that there
- 17 was an opposing or competing view so far as Mr. Fox was concerned but yet you
- 18 didn't take that for granted?
- 19 A No.
- 14:27:18 20 Q 413 If Mr. Fox didn't know of your interest in this, what way do you think he would
- 21 have voted?
- 22 A I have no idea.
- 23 Q 414 Well looking back on it now, what do you think he would have done?
- 24 A Well I think it's speculative, so I have no idea.
- 14:27:45 25 Q 415 Well speculate, Mr. Dunlop?
- 26 A No, no, we are into speculation. I will answer the question ...
- 27 Q 416 We are in speculation with every respect, Mr. Dunlop, we are in the relevance
- 28 of speculation because you had to make assessments of this these various
- 29 individuals, you have to take a view, you had to make a judgment and you had to
- 14:27:57 30 strike or pounce, depending on what that judgment might have been. You have

- 14:28:02 1 already told us what your assessment was in relation to Mr. Fitzgerald?
- 2 A Ms. Fitzgerald.
- 3 Q 417 I beg your pardon, you knew about Mr. Fox, you knew he was pro-development but
- 4 you say no, I couldn't take that for granted?
- 14:28:13 5 A No, you never took anything for granted.
- 6 Q 418 Did you ever know of any occasion when Mr. Fox voted in such a manner, quite
- 7 apart from your interests, Mr. Dunlop, in such a way as to indicate that he was
- 8 anti-development?
- 9 A No.
- 14:28:34 10 Q 419 So he had built up, I suppose, a pattern or a reputation.
- 11 A Yes.
- 12 Q 420 Is that not something you could have depended upon?
- 13 A No.
- 14 Q 421 Do you think then that the risk was, if there was one at all, that if you
- 14:28:53 15 didn't approach Mr. Fox, didn't grease his palm, in all likelihood, he would
- 16 have voted against the zoning that you were trying to achieve?
- 17 A I don't know that.
- 18 Q 422 It makes no sense, Mr. Dunlop, what you are saying?
- 19 A I don't know that.
- 14:29:09 20 Q 423 It makes no sense what you are saying so I'm asking you to explain that?
- 21 A No. I don't know that. I don't know what way he would have voted. My policy
- 22 was as I have outlined already to lobby councillors. Which I did.
- 23 Q 424 You didn't lobby Mr. Fitzgerald?
- 24 A No, Ms. Fitzgerald.
- 14:29:26 25 Q 425 Ms. Fitzgerald. Sorry I beg your pardon.
- 26 A Certainly not, no, I did not, there was no need to lobby Ms. Fitzgerald because
- 27 I knew the exact answer that we were going to get and there was a history in
- 28 relation to Ms. Fitzgerald in the context of these lands.
- 29 Q 426 When did you first meet with Mr. Fox?
- 14:29:45 30 A When did I first meet with him? In relation to this development or ever?

- 14:29:52 1 Q 427 Ever.
- 2 A Some time in the late 1980s.
- 3 Q 428 What was the context?
- 4 A I think the context we have traversed this ground before in relation to --
- 14:30:11 5 Q 429 It doesn't matter Mr. Dunlop what we did before, I am asking you now.
- 6 A Something in relation to, something in Rathfarnham.
- 7 Q 430 And how did you find Mr. Fox on that occasion in relation to the something in
- 8 Rathfarnham?
- 9 A Well he was very helpful.
- 14:30:29 10 Q 431 Were you acting on behalf of a company who had interests in the Rathfarnham
- 11 area?
- 12 A Texas Homecare, yes.
- 13 Q 432 I would have preferred if you didn't mention that because that was not
- 14 mentioned openly in these proceedings before, Mr. Dunlop, we put the names on
- 14:30:46 15 paper but there you are.
- 16
- 17 MS. DILLON: Sorry in fact that was mentioned in open session previously.
- 18
- 19 MR. GORDON: I beg your pardon
- 14:30:54 20 A It was mentioned.
- 21 Q 433 And in your dealings with Mr. Fox at that time, how did you find him, besides
- 22 helpful?
- 23 A Well he was helpful and encouraging and would do anything to help us.
- 24 Q 434 Did you corrupt him at that stage?
- 14:31:17 25 A No.
- 26 Q 435 Did you think of corrupting him?
- 27 A He didn't ask me to.
- 28 Q 436 And was his vote important?
- 29 A His support was --
- 14:31:30 30 Q 437 Sorry I beg your pardon, his support?

- 14:31:31 1 A Yes, his support was important, he was the local elected representative.
- 2 Q 438 For the area.
- 3 A Yes.
- 4 Q 439 And did you on that occasion, Mr. Dunlop, depend on his support without making
- 14:31:43 5 a payment?
- 6 A Yes.
- 7 Q 440 So you are saying that in relation to that, because he didn't make a payment,
- 8 none was given?
- 9 A Didn't ask for.
- 14:31:52 10 Q 441 All right. So, you relied on his support, perhaps even depended on his
- 11 support, and because he did not ask for a payment, none was given.
- 12 A Correct.
- 13 Q 442 How do you square that, Mr. Dunlop, with the evidence you have just given a
- 14 moment ago?
- 14:32:20 15 A I don't see any illogicality, if you want to put --
- 16 Q 443 As I understood it, you made a distinction between Councillor Fitzgerald and
- 17 Mr. Fox and we have been through your assessment of them, you took the view
- 18 that Ms. Fitzgerald was anti and Mr. Fox for the purpose of this exercise was
- 19 pro, but he had to be given money before you could be sure he would act in your
- 14:32:52 20 interests but yet when you first met with Mr. Fox, you discovered that he was
- 21 happily, he was happy to get involved with your project, happy to give you the
- 22 support that he was giving and offering, you found that support helpful and
- 23 there was no money involved?
- 24 A No, he didn't ask.
- 14:33:15 25 Q 444 So in relation to these lands then, if Mr. Fox, on that occasion didn't ask,
- 26 what would you have done?
- 27 A I would have just lobbied him and asked him to support it, he would have given
- 28 me an answer.
- 29 Q 445 Mr. Dunlop you are making no sense. None. Do you want to think about this for
- 14:33:43 30 a moment? Do you want some time to think about what you are saying?

- 14:33:49 1 A Are you asking the questions -- I am answering the questions, just ask the
2 questions.
- 3 Q 446 I am suggesting to you that you are making no sense and I want you to tidy this
4 up before we move away from it. You were not prepared five minutes ago to say
14:34:04 5 to the Tribunal that you could take a flier, as it were, on Mr. Fox, despite
6 the knowledge that you had of him, and entrust that knowledge to bring about an
7 inevitable result, his vote. All right. And when I ask you then about the
8 assistance he gave you readily, happily, which was of enormous help to you and
9 your colleagues in relation to the Texas Homecare, completely different state
14:34:37 10 of affairs applies. Now explain that.
- 11 A I have already explained that.
- 12 Q 447 You didn't explained it?
- 13 A He didn't ask.
- 14 Q 448 Did he ask you then for a payment, Mr. Dunlop, when you lobbied him in relation
14:34:58 15 to these lands in Ballycullen?
- 16 A Yes.
- 17 Q 449 When did he ask you for that payment?
- 18 A When I met him and lobbied him about it.
- 19 Q 450 Pardon me?
- 14:35:06 20 A When I met him and lobbied him about it.
- 21 Q 451 When did you meet with him?
- 22 A Sometime from mid-April on in that year.
- 23 Q 452 What year is this?
- 24 A 1992.
- 14:35:20 25 Q 453 Where was that meeting?
- 26 A I can't tell you that. I met your client on various occasions.
- 27 Q 454 We know that, we know all that. Where did you meet him, when did you meet him.
- 28 A Do you want me to
- 29
- 14:35:37 30 CHAIRMAN: Just let him answer, he is trying to answer the question which is

- 14:35:41 1 where did you meet him.
- 2 A I can't specifically say where I met him. I have met him a variety of
- 3 occasions that I have already listed to the Tribunal in public session.
- 4
- 14:35:52 5 Q 455 MR. GORDON: Yes but you are now talking about April 1992.
- 6 A Yes.
- 7 Q 456 How many times in April 1992 did you meet with Mr. Fox?
- 8 A That I cannot tell you.
- 9 Q 457 Can you be certain you met him in April 1992?
- 14:36:02 10 A I can be certain I met your client on many occasions from that period on, yes.
- 11 Q 458 You have just said you met him in April 1992?
- 12 A Yes.
- 13 Q 459 Now did you or did you not meet him in April so we can just form a basis here?
- 14 A Yes, my answer to that would be yes.
- 14:36:16 15 Q 460 Where did you meet him?
- 16 A I have already told you I cannot tell you.
- 17 Q 461 Why do you say April 1992 if you don't know where you met him?
- 18 A There was extensive lobbying going on with all of the councillors, including
- 19 your client, in relation to developments that were taking place at the
- 14:36:33 20 Development Plan. And your client was a key element, key person in the course
- 21 of the Development Plan and in the course of that plan, and another, I met your
- 22 client on many, many occasions.
- 23 Q 462 What did he say to you when you met with him?
- 24 A He would support it.
- 14:37:01 25 Q 463 Pardon me?
- 26 A He would support it.
- 27 Q 464 Did you make the approach or did he approach you?
- 28 A I approached him.
- 29 Q 465 And did you tell him something of your business?
- 14:37:10 30 A I told him I was acting on behalf of the Jones Group, Ballycullen/Beechill.

- 14:37:15 1 Q 466 Yes. Did you tell him about your plans for this project?
- 2 A There wasn't very much to tell, Mr. Gordon. It was to get the lands zoned
- 3 during the course of the Development Plan. It was a very simple exercise.
- 4 Q 467 Did he know or did it appear to you that he knew about the exercise you
- 14:37:35 5 mention?
- 6 A The Development Plan?
- 7 Q 468 Hmm.
- 8 A Yes.
- 9 Q 469 In relation to these lands?
- 14:37:40 10 A In relation to these lands, I can't tell you. That. All I was interested in
- 11 telling him acting on behalf of the client.
- 12 Q 470 When did he mention money then?
- 13 A He would have mentioned money very early on in my lobbying of him.
- 14 Q 471 It had to be sometime in April or after?
- 14:37:56 15 A Yes.
- 16 Q 472 Do you remember the context in which this discussion took place?
- 17 A I remember the context of my telling him that I needed his support. I was
- 18 lobbying for his support. And that I recollect him saying to me at some stage
- 19 when I told him, I am not specifically saying it was at the very beginning but
- 14:38:19 20 that I told him that Don Lydon was going to be, I was going to approach Don
- 21 Lydon to sign it and Tom Hand and he said good, that's fine.
- 22 Q 473 So when did he mention the money?
- 23 A He mentioned money in the very early meetings that took place in relation to
- 24 the lobbying.
- 14:38:42 25 Q 474 What exactly did he say to you?
- 26 A The discussion took place as per --
- 27 Q 475 What did he say to you?
- 28 A As per discussions in relation to support was, you know, it will, it's going to
- 29 cost you or what are you going to give me or, you know, words of that nature.
- 14:38:57 30 I cannot specifically say to you the exact words that he used.

- 14:39:01 1 Q 476 Can you say where the words were used, where this meeting took place?
- 2 A I have already told you that.
- 3 Q 477 You haven't already told you that, Mr. Dunlop, I asked you when you first met
- 4 with him and now I'm asking about the approach that my client made apparently
- 14:39:14 5 made and the request for money, are they one or more occasions?
- 6 A There were more occasions, the many meetings took place with your client.
- 7 Q 478 Surely, Mr. Dunlop, the first occasion upon which my client made a request for
- 8 money must stand out in your mind?
- 9 A No.
- 14:39:36 10 Q 479 It doesn't? Why do you say that?
- 11 A Well in the context of your client, over the course of the Development Plan and
- 12 the subsequent Development Plan, in the totality of the 30,000-odd I gave your
- 13 client during that, those periods, there is none, no occasion on which your
- 14 client agreed to support any of the 14 or 15 developments that were involved
- 14:40:14 15 without mentioning money.
- 16 Q 480 There is one occasion.
- 17 A Sorry.
- 18 Q 481 There is one occasion and that's the Texas Homecare?
- 19 A That's not the Development Plan.
- 14:40:28 20 Q 482 There was one occasion when you lobbied him?
- 21 A It wasn't the Development Plan.
- 22 Q 483 Doesn't matter. There was one occasion when you lobbied my client.
- 23 A Mmm.
- 24 Q 484 There was no request for money made?
- 14:40:38 25 A Correct, outside of the Development Plan.
- 26 Q 485 Can I just pause there for a second, Mr. Dunlop, to ensure that there's no
- 27 misunderstanding between us here. You know that my client denies that he ever
- 28 received from you a payment of any sort, don't you know that?
- 29 A I know he denies it.
- 14:40:57 30 Q 486 Will you bear in mind when you are answering the questions, Mr. Dunlop, that is

- 14:41:01 1 his response to the allegations that you make about him. He resolutely denies
2 that you give him any money at all. Will you bear that in mind, Mr. Dunlop.
3 A Oh I bear it in mind, yes.
- 4 Q 487 So, you don't remember the first occasion when you made a corrupt payment to
14:41:23 5 Mr. Fox.
6 A No.
7 Q 488 Would it not have been the first time that you approached him in relation to
8 the Development Plan, the first project you had in mind in relation to that
9 plan?
14:41:37 10 A It could well have been, yes.
11 Q 489 It follows from your evidence that it must have been. So you make a
12 distinction then it would appear, Mr. Dunlop, between the Development Plan and
13 support of any other sort.
14 A In the context, yes, that in support of any other sort where he did not request
14:41:57 15 a payment from me.
16 Q 490 Don't you know, Mr. Dunlop, that the support that he gave you in relation to
17 Texas, the first time you met him, the it's documented?
18 A Yes.
19 Q 491 None of these other occasions are documented?
14:42:19 20 A No.
21 Q 492 Is that why you are saying this?
22 A No.
23 Q 493 Is that why you are making the distinction?
24 A No.
14:42:28 25 Q 494 There is evidence there on paper consistent with innocence, isn't that right?
26 A In relation to what?
27 Q 495 Texas?
28 A Yes, yes.
29 Q 496 And that's why you make the distinction, I suggest to you, Mr. Dunlop?
14:42:41 30 A Sorry?

- 14:42:41 1 Q 497 That's why you make the distinction, between the Development Plan and support
2 of any other type.
- 3 A No.
- 4 Q 498 Because you can't deny what it says on paper. Isn't that so?
- 14:42:56 5 A Correct.
- 6 Q 499 And you can't deny that that exercise, and you can force to agree with this was
7 a completely legitimate circumstances under which you met with Mr. Fox?
- 8 A I have never suggested otherwise.
- 9 Q 500 What I'm suggesting to you is that you can't suggest otherwise for that reason.
- 14:43:23 10 A No.
- 11 Q 501 You don't agree with that?
- 12 A Well I'm just saying to the context of the development that you mentioned, Mr.
13 Fox did not ask me for money and therefore I could not ever suggest that he
14 did.
- 14:43:36 15 Q 502 But that being the first occasion on which you had dealings with Mr. Fox, they
16 being honest, above board, above reproach, documented, you must have made an
17 assessment then of him at a later time in relation to the Development Plan?
- 18 A Yes.
- 19 Q 503 Even though you say you were being reckless about this, what assessment did you
14:43:59 20 make of him?
- 21 A That he was somebody who would support on foot of receipt of money.
- 22 Q 504 You see, Mr. Dunlop again I suggest to you that your evidence is idiotic,
23 bearing in mind what you told the Tribunal this afternoon.
- 24
- 14:44:25 25 MR. REDMOND: Mr. Chairman, on behalf of Mr. Dunlop, I have to intercede at
26 this point, the function of Mr. Gordon, if I might remind him, is to
27 cross-examine, not barrack or insult the witness on the quality of the evidence
28 and I might go further and say he put it as a statement with not even a hint of
29 a question.
- 14:44:35 30

- 14:44:35 1 CHAIRMAN: Yes, you must ask questions.
- 2
- 3 MR. GORDON: I will ask the questions. Can I suggest to you, Mr. Dunlop, what
- 4 you are saying this afternoon is wildly inconsistent?
- 14:44:43 5 A No.
- 6 Q 505 So that you are aware of the inconsistency and I put it to you, you told the
- 7 Tribunal early this afternoon that you had knowledge of the persons in the
- 8 council who were potential targets for your corruption, presumably in that
- 9 statement you include Mr. Fox?
- 14:45:04 10 A Yes.
- 11 Q 506 Therefore he was approachable, although you say the approach for money was
- 12 always made by the individual councillor, isn't that so?
- 13 A Correct.
- 14 Q 507 But your first experience with him was a completely honest and above board
- 15 experience?
- 16 A Outside the Development Plan, yes.
- 17 Q 508 So when did you discover, Mr. Dunlop, that he was one of these persons that you
- 18 could then approach, bearing in mind what you knew about him already, that he
- 19 was honest, that his dealings were honest, when did you first discover that he
- 14:45:34 20 might be a person who would take from you a bribe?
- 21 A Very early on during the course of the Development Plan.
- 22 Q 509 How early on?
- 23 A Virtually from the beginning.
- 24 Q 510 In what circumstances did you discover that he was a person or a target?
- 14:45:58 25 A Sorry I beg your pardon, when he asked me for money.
- 26 Q 511 And in what project was this request made?
- 27 A Well, there were a number of projects very early on in the Development Plan
- 28 that I was involved in. And one of which we had dealt with previously. So I
- 29 can mention it, Paisley Park. There was another which has not been a module
- 14:46:31 30 that has not been opened, that I identified myself as being involved in or

- 14:46:38 1 working on behalf of a client. And in those circumstances.
- 2 Q 512 That being of course the second, we will call it that for the moment,
- 3 transaction that you had with him?
- 4 A Sorry?
- 14:46:58 5 Q 513 That would have been the second transaction if you like, that you have with
- 6 him?
- 7 A If you were alluding to Texas Homecare, yes.
- 8 Q 514 You must have been shocked then when he made the request for money?
- 9 A Indeed I wasn't.
- 14:47:13 10 Q 515 You weren't?
- 11 A Not at all.
- 12 Q 516 Even though he had dealt with you honestly before?
- 13 A Not at all.
- 14 Q 517 Did you recruit him then at that moment?
- 14:47:31 15 A I am not going to enter into a dispute with you Mr. Gordon about the use of the
- 16 word recruit but it was a joint exercise.
- 17 Q 518 How did he know that you were a person that were likely to receive such a
- 18 request with sympathy that you could be trusted, how would he have known that?
- 19 A That, I can't answer.
- 14:47:55 20 Q 519 So you are saying he just came up to you and said look, yes of course I will
- 21 give you my support but it's going to cost you money?
- 22 A Yes during the course of discussions, yes, it is as simple as that.
- 23 Q 520 Did he mention what sort of money he would require?
- 24 A On each occasion, yes, he did.
- 14:48:17 25 Q 521 On this occasion, did he mention how much money was required?
- 26 A Yes. If money was paid, he mentioned money.
- 27 Q 522 Did he mention 1,000 pounds?
- 28 A Are you relating this to the first meeting?
- 29 Q 523 Ballycullen.
- 14:48:32 30 A Ballycullen. Yes.

- 14:48:36 1 Q 524 It follows from the amounts, Mr. Dunlop, that you have mentioned in relation to
2 other modules, that different sums were allegedly given by you to Mr. Fox?
3 A Correct, yes, correct.
- 4 Q 525 Presumably in relation to the same sort of support?
14:48:56 5 A Yes.
6 Q 526 So he would have put a value at 1,000 pounds on his support for this project
7 but a different value on his support for other projects?
8 A Yes.
9 Q 527 Why would he do that?
14:49:08 10 A Depending on the -- on what was required, what he had to do or not do in any
11 given instance.
12 Q 528 But in any given instance all you really wanted for a vote?
13 A Correct, or a signature. That didn't arise in this instance.
14 Q 529 So can we just pin it down a little bit. Are you saying that when a vote was
14:49:28 15 required, the value placed on that was 1,000 pounds, if a signature was
16 required, it was more than?
17 A He would request more.
18 Q 530 Are you saying on each and every occasion then that nothing more than a vote
19 was required, the value placed was 1,000?
14:49:53 20 A No, I am saying that on each occasion, taking them seriatim, one by one that
21 negotiations took place, he having mentioned money, we negotiated.
22 Q 531 In if that was the technique, the system, the method, you would expect to find
23 1,000 pounds in place for each vote and perhaps a different sum if a different
24 service was required.
14:50:15 25 A Yes, that would be logical.
26 Q 532 There would be no logic to any other sum applying if your evidence has a
27 modicum of truth, Mr. Dunlop, is that right?
28 A In each instance, negotiation took place at the request of your client for
29 money.
14:50:28 30 Q 533 And then the negotiation, you say in this case, was 1,000?

- 14:50:34 1 A Yes.
- 2 Q 534 By negotiation, do you mean that a request for more money might have been made?
- 3 A No, I do not.
- 4 Q 535 What do you mean?
- 14:50:42 5 A I mean that a discussion took place and that he asked for 1,000 and I agreed to
- 6 1,000.
- 7 Q 536 And when you had made this alleged purported agreement with him, Mr. Dunlop,
- 8 did you then consider that his vote, so to speak, or his support for this was
- 9 in the bag?
- 14:51:04 10 A Absolutely.
- 11 Q 537 And did you move on from councillor to councillor in that same vein?
- 12 A As a requirement, as it was required, yes. If I was asked by a councillor on a
- 13 lobbying exercise in relation to support, yes.
- 14 Q 538 And when the exercise was complete, did you honour your obligation?
- 14:51:23 15 A Yes.
- 16 Q 539 By that I mean, did you pay him 1,000 pounds?
- 17 A Yes.
- 18 Q 540 When did you make that payment?
- 19 A On any --
- 14:51:31 20 Q 541 Sorry?
- 21 A Sorry, just to answer your first question first. On any occasion that an
- 22 agreement was reached between a councillor and myself in relation to payment,
- 23 whatever the amount, whatever the circumstances, in whatever development issue
- 24 in the Development Plan, that was paid.
- 14:51:59 25 Q 542 But not always true to say, Mr. Dunlop, that the valuation of the vote and the
- 26 signature would have been the same at all times, in Mr. Fox's case.
- 27 A No.
- 28 Q 543 Do you remember paying him the 1,000 pounds?
- 29 A I remember giving your client money -- sorry, I will rephrase that. I gave
- 14:52:21 30 your client money on many occasions. And I have already outlined to the

- 14:52:28 1 Tribunal the circumstances in which I gave him the money. Very specific
2 circumstances and specific circumstances and otherwise not as specific.
- 3 Q 544 So will you answer the question now Mr. Dunlop that I asked you?
4 A Yes, I paid him money.
- 14:52:46 5 Q 545 Do you remember paying him money in this case?
6 A Sorry?
7 Q 546 Do you remember paying Mr. Fox the money in this case?
8 A Yes.
9 Q 547 The 1,000 pounds that you have mentioned?
14:52:55 10 A Yes.
11 Q 548 Tell us about your memory?
12 A I paid him in the environs of Dublin County Council.
13 Q 549 When was that?
14 A Sometime, either immediately before or after the vote, I cannot be specific.
- 14:53:04 15 Q 550 You can't put a date on it?
16 A No.
17 Q 551 Do you have any record of that payment?
18 A No, I don't.
19 Q 552 Do you know how that payment was made?
14:53:11 20 A Cash.
21 Q 553 Do you know how you transmitted the cash to Mr. Fox?
22 A I handed it to him.
23 Q 554 Do you know whether you just handed to him as raw cash or was it in an envelope
24 or --
14:53:25 25 A It normally in the context of your client I gave him and I have given evidence
26 again to this effect, I gave him money in an envelope.
27 Q 555 Did you count the money before you gave it to him?
28 A Well it would have been counted before I had arrived at the meeting or arrived
29 at the scene.
14:53:43 30 Q 556 Would there have been other payments required to be made on that particular

- 14:53:48 1 day?
- 2 A There may well have been, yes.
- 3 Q 557 And of course there may not have been the same amount of payment due to each of
- 4 the recipients, isn't that right?
- 14:53:59 5 A That -- in other circumstances, that may well have been the case. In this, no.
- 6 Q 558 That's, it just so happens to be the case that there was 1,000 in each case
- 7 paid over.
- 8 A Yes.
- 9 Q 559 So presumably if you were making a number of payments on this particular day,
- 14:54:19 10 they would have been payments in the sum of 1,000 pounds each?
- 11 A Yes, but I have not said I made all the payments on that particular day.
- 12 Q 560 Do you remember handing the money to my client, do you have a specific memory
- 13 of that?
- 14 A In this particular instance, probably not. Again, in the circumstances that I
- 14:54:36 15 gave your client so much money on so many occasions and I have given very
- 16 specific evidence in relation to an actual location in O'Connell Street when I
- 17 gave him money, I gave specific evidence to the effect I gave him money in a
- 18 hotel. The answer to your question is no.
- 19 Q 561 So you don't have a memory of giving my client 1,000 pounds in relation to
- 14:55:03 20 this?
- 21 A On this particular occasion, no.
- 22 Q 562 So it's possible, Mr. Dunlop, that you gave him no money at all?
- 23 A Sorry?
- 24 Q 563 It's possible you gave him no none money at all?
- 14:55:13 25 A That is not possible.
- 26 Q 564 Why is that?
- 27 A Because as I have already outlined to you, the nature of my relationship with
- 28 your client during the course of the Development Plan. The support that he
- 29 gave on foot of the request for money over the course of some 12, 13, 14
- 14:55:33 30 developments.

- 14:55:35 1 Q 565 You seem fairly certain that you settled on an agreement with him?
- 2 A Yes.
- 3 Q 566 That the agreement was in a particular amount for a particular service and you
- 4 don't seem to remember at all when that money was paid off?
- 14:55:48 5 A No, it's correct.
- 6 Q 567 So I suggest to you that it's possible that you didn't pay him at all?
- 7 A Not to me.
- 8 Q 568 You don't accept that it's possible you didn't pay him at all?
- 9 A No.
- 14:56:02 10 Q 569 You might have forgotten to pay him?
- 11 A Impossible.
- 12 Q 570 It's impossible?
- 13 A Impossible.
- 14 Q 571 Where did you get the figure of 1,000 pounds from?
- 14:56:10 15 A That's the figure he asked for.
- 16 Q 572 Where did you go the figure from when you were asked about it?
- 17 A Sorry, I don't that.
- 18 Q 573 Where did you go the figure from, the 1,000 pounds?
- 19 A That's the money he asked me for.
- 14:56:23 20 Q 574 You have a particular memory of that?
- 21 A Yes.
- 22 Q 575 Do you have a note of that?
- 23 A No, I don't.
- 24 Q 576 When you were asked by the Tribunal about these matters first time around, you
- 14:56:36 25 came up with a sum of 1,000 pounds.
- 26 A Yes.
- 27 Q 577 What, if anything, did you use to assist your memory on that occasion?
- 28 A Well, I do not recollect ever giving your client anything less than 1,000
- 29 pounds.
- 14:56:55 30 Q 578 Is it possible that you gave him more --

- 14:56:58 1 A On occasion -- sorry?
- 2 Q 579 Is it possible you gave him more?
- 3 A On this occasion?
- 4 Q 580 Yes.
- 14:57:03 5 A No.
- 6 Q 581 Even though you can't ever remember giving it to him?
- 7 A Correct.
- 8 Q 582 Just possibly you might, it's possible from what you are saying Mr. Dunlop you
- 9 might still owe him 1,000 pounds?
- 14:57:14 10 A I owe Tony 1,000?
- 11 Q 583 Might well do because you can't remember giving it to him?
- 12 A I don't think I owe Tony 1,000.
- 13 Q 584 You don't?
- 14 A I don't think so. If he wants me to, if he wants to highlight, if I do, he is
- 14:57:27 15 quite welcome to tell me that I do if he thinks I do owe him.
- 16 Q 585 You already know he is denying that he ever got any money from you, that he
- 17 ever got into bed with you so far as this business was concerned?
- 18 A With respect, Mr. Gordon, you were the one who said, who suggested I might owe
- 19 him 1,000.
- 14:57:43 20 Q 586 Yes.
- 21 A I don't --
- 22 Q 587 I am suggesting it's possible?
- 23 A I don't owe him 1,000 and it's not possible.
- 24 Q 588 That's why I put it to you earlier Mr. Dunlop, that these questions I ask you
- 14:57:54 25 have to be considered in the context, the context being that my client
- 26 resolutely denies that he ever got from you any money but because you were
- 27 laying off money and putting down 1,000 pounds to Mr. Mr. Fox's benefit on this
- 28 occasion, I have to ask you these questions and what you seem to be saying is I
- 29 just don't remember giving it to him. That's what makes me curious and because
- 14:58:16 30 I ask you these questions, you have to remember my client's reputation is on

- 14:58:19 1 the line, that you make a very serious allegation against my client when you
2 say you gave him 1,000 pounds and I am not happy that you are saying, I just
3 don't remember where I give it to him, do you understand?
- 4 A I can't account for your happiness or otherwise, Mr. Gordon. You asked me a
14:58:33 5 question, I will give you the answer. If I have a specific answer in a
6 specific circumstances, I will give it to you, if I don't, I will tell you.
- 7 Q 589 Is that acceptable, Mr. Dunlop?
- 8 A Not --
- 9 Q 590 That you make an allegation, just wait for the question, you make an allegation
14:58:50 10 I give him 1,000 pounds, I don't know where I did it, I can't remember it?
- 11 A Not in the context of your client, no.
- 12 Q 591 My client was a big guy, was he?
- 13 A Big? Well he is statutorily small you mean big in what sense?
- 14 Q 592 Big player in the system.
- 14:59:06 15 A He was a reasonable player.
- 16 Q 593 You have described him ten minutes ago as a major player?
- 17 A Yes, he was.
- 18 Q 594 Now, you also described him, perhaps 10 or 11 minutes ago not to put a tooth on
19 it, as a key person.
- 14:59:23 20 A Yes, he was a key person.
- 21 Q 595 Now, when you were first asked questions by this Tribunal about the politicians
22 that you corrupted, you never mentioned his name. Why is that, Mr. Dunlop?
- 23 A When, to when are you --
- 24 Q 596 When you provided in relation -- to put things in context here three separate
14:59:53 25 lists, you provided a list, Mr. Dunlop, on the, if we may have that, Chairman,
26 there was a list --
- 27
- 28 CHAIRMAN: Which list is this?
- 29
- 15:00:00 30 MR. GORDON: Part of it is redacted. It's on page 336, I think. Now that's a

- 15:00:15 1 list, Mr. Dunlop, we will call it 1 to 16, it's described there on the screen
2 as a preliminary list.
- 3 A Yes.
- 4 Q 597 And it's headed members of Dublin County Council who requested monies from
15:00:35 5 Frank Dunlop, it's stated 18th April 2000, do you see that?
- 6 A Yes.
- 7 Q 598 And this is you assisting the Tribunal after you were caught, isn't that right?
8 This is you assisting the Tribunal by providing to the Tribunal a list of
9 names, where is my client's name on it?
- 15:01:00 10 A He is not there.
- 11 Q 599 He is a major key player?
- 12 A Hmm.
- 13 Q 600 In fact you were telling the Tribunal in your own special way this afternoon,
14 that he was everywhere, he got something in the order of 30,000 pounds from you
15:01:11 15 at the time?
- 16 A The guts of.
- 17 Q 601 He could not do anything for you without receiving money.
- 18 A Correct.
- 19 Q 602 And that he was pretty much involved in all of your projects so far the
15:01:21 20 Development Plan was concerned, isn't that right?
- 21 A Correct.
- 22 Q 603 Now I would expect, bearing in mind the crystal clear evidence that you gave
23 this afternoon about my client in response to questions that I have asked you
24 to see his name first on that preliminary list.
- 15:01:39 25
- 26 MS. DILLON: I think I should point out to my friend that that list, if he
27 reads the transcript that's attached to that list is a list that was provided
28 by Mr. Dunlop prior to Mr. Dunlop recanting his evidence as it were and that
29 was a list that was provided not of corrupt payments to councillors but of
15:01:57 30 councillors who asked for legitimate political donations.

- 15:02:00 1 A Correct.
- 2
- 3 MS. DILLON: It's not a list of people who asked for improper or corrupt
- 4 payments, they are the following three lists.
- 15:02:08 5
- 6 Q 604 MR. GORDON: There's a 1992 list, Mr. Dunlop.
- 7 A Sorry Mr. Gordon?
- 8 Q 605 That list is on page 357, I think. Are you familiar with this list?
- 9 A Yes.
- 15:02:27 10 Q 606 In what context was that list given to the Tribunal?
- 11 A That I can't tell you, I don't see other than a 1992 list heading on it. Is
- 12 that not in the context of the 1992 general election? I don't see a heading on
- 13 it.
- 14 Q 607 There's another list, I think it's on page 357, if that could be called up on
- 15:02:52 15 to the screen. I beg your pardon, 339.
- 16 A Yes.
- 17 Q 608 Do you know anything about that list?
- 18 A This is headed the 1991 local election contributions.
- 19 Q 609 Hmm. Is my client's name on that list?
- 15:03:08 20 A Yes, it is.
- 21 Q 610 Right. And it would appear from that list that these were legitimate payments
- 22 or it's suggested by that list that these were legitimate payments made?
- 23 A No, that has been gone through by you before, Mr. Gordon, I suggest, and the
- 24 answer is no.
- 15:03:30 25 Q 611 No. Do you make allegations against all of those persons on that list?
- 26 A That in the context of the 1991 local elections, that it was used as a guide to
- 27 make contributions to people for their support is the evidence that I have
- 28 given.
- 29 Q 612 Do you make allegations against all of those persons on that list?
- 15:03:49 30 A Yes.

- 15:03:50 1 Q 613 Everyone of them?
- 2 A Yes. All of them have appeared in evidence in various modules.
- 3 Q 614 Do you say that all of those persons on that list received illicit payments
- 4 from you?
- 15:04:05 5 A Yes.
- 6 Q 615 I wonder if I could have, Chairman, page number 357 back on the screen for the
- 7 moment. This list here has nothing to do with the elections, is that right,
- 8 Mr. Dunlop?
- 9 A What's the heading on it, 1992 -- that's, it's in the context, it's around the
- 15:04:46 10 time of the 1992 general election. Yes, sorry I beg your pardon. The 1992
- 11 general election, yes.
- 12 Q 616 Now are there any councillors mentioned on that list?
- 13 A Yes, there are.
- 14 Q 617 Just looking, and I ask you just in a general way about the various lists we
- 15:05:09 15 have seen on screen, Mr. Dunlop, I suggest to you that when asked for a
- 16 preliminary list, whatever context or whatever it is that's supposed to have
- 17 been stated on the list, the preliminary one on page 336, my client's name does
- 18 not appear. On page 339, his name does appear. Then on page 357 does not
- 19 appear again. Now, when then, Mr. Dunlop, bearing in mind, keep those in your
- 15:05:41 20 mind, those lists, when did Mr. Fox come into your mind in relation to this
- 21 module?
- 22 A In relation to this module?
- 23 Q 618 Yes.
- 24 A When I reviewed all of the documentation in relation to the road map.
- 15:06:00 25 Q 619 Yes. And what was it particular that allowed you, if you like, to settle on a
- 26 1,000 euro, a payment for support and put him into the module?
- 27 A My review of the documentation, together with my diaries and telephone records.
- 28 Q 620 What document in particular do you rely on?
- 29 A Not one in particular.
- 15:06:24 30 Q 621 Pardon me, Mr. Dunlop?

- 15:06:27 1 A Not one in particular, you asked me which document and I said not one in
2 particular.
- 3 Q 622 Did you know that my client had voted in favour of this proposal?
4 A Oh yes I did.
- 15:06:37 5 Q 623 You would have seen that among the papers that were given to you?
6 A But I knew that already.
- 7 Q 624 Yes. But you would have seen that he voted in favour of that?
8 A Yes.
- 9 Q 625 So wouldn't that have provided you with an opportunity then to put him firstly
15:06:52 10 as a councillor at that time present at the meeting and voting at it.
11 A Oh yes.
- 12 Q 626 And then also by extension in a position to lay off 1,000 pounds on him?
13 A Not the latter.
- 14 Q 627 Well then what was it that brought him into the module, Mr. Dunlop? What
15:07:10 15 document are you referring to?
16 A There's no document in --
- 17 Q 628 There's no document now?
18 A Sorry, there's no particular document, I have already told you and already
19 other people the circumstances in which I asked for the road map and the
15:07:25 20 meetings of the council and I had my diaries and my telephone records.
21 Q 629 All right. So you have everything as your disposal and you have time to
22 reflect, how then does Mr. Fox come into the picture?
23 A Well I knew Mr. Fox supported the matter, in fact I put Mr. Fox, to use your
24 phrase, "In the frame" very early on in relation to this development in the
15:07:54 25 private sessions.
26 Q 630 Yes.
27 A In I think sometime in May 2000.
- 28 Q 631 Yes. What did you say at that time?
29 A Sorry?
- 15:08:06 30 Q 632 What did you say about Mr. Fox at that time?

- 15:08:08 1 A That he would have got money.
- 2 Q 633 And did you mention how much?
- 3 A No, I don't think there was mention of a figure in the context of the private
- 4 sessions.
- 15:08:17 5 Q 634 Why didn't you mention a figure in that context?
- 6 A I can't answer that.
- 7 Q 635 Your memory surely would have been better in May of that year than it is now?
- 8 A That sounds logical, yes.
- 9 Q 636 Yes, it does, why didn't you mention a figure in May when you were asked about
- 15:08:36 10 it?
- 11 A I don't think I was asked about it. I think I was giving --
- 12 Q 637 What do you think you were being asked about?
- 13
- 14 CHAIRMAN: Sorry Mr. Gordon.
- 15:08:46 15 A Sorry Mr. Gordon.
- 16 Q 638 With every respect?
- 17 A Are we okay? I don't think I was asked specifically about your client in that
- 18 context in the private session, I was outlining for Mr. Hanratty and
- 19 Mr. Gallagher at that time in general, a general outline of who had occurred in
- 15:09:07 20 Dublin County Council during the course of the Development Plan.
- 21 Q 639 And --
- 22 A And your name, your client's name in relation to these lands was certainly
- 23 mentioned by me.
- 24 Q 640 Yes. Could it have been mentioned in innocent circumstances? In that private
- 15:09:26 25 session?
- 26 A Innocent, how do you mean innocent?
- 27 Q 641 Well already had innocent contact with my client which you have been forced to
- 28 admit by virtue of the documents that are available, it's there in black and
- 29 white?
- 15:09:40 30 A No.

- 15:09:40 1 Q 642 So in this private session when you mentioned Mr. Fox that a possible, your
2 mention was him then was in entirely innocent circumstances?
- 3 A No.
- 4 Q 643 You didn't mention any payment of 1,000 pounds?
- 15:09:49 5 A Correct.
- 6 Q 644 So when then did the 1,000 pounds bubble to the surface?
- 7 A Well the 1,000 pounds payment, request and payment to Councillor Fox was in
8 relation to this module, on review of the documentation.
- 9 Q 645 That's what I'm interested in, it's the document that assists or refreshes your
15:10:11 10 memory and I want to see that document, Mr. Dunlop?
- 11 A You have got it, you have got the --
- 12 Q 646 Which one in particular?
- 13 A Which one, I have said already not a particular document.
- 14 Q 647 There was no particular document?
- 15:10:22 15 A I have said that twice already.
- 16 Q 648 So you have a jumble of papers and they allow you, in a non-specific way, to
17 put a 1,000 pounds to the credit of Mr. Fox when he had not been credited with
18 that amount when you were first asked about it?
- 19 A In the private session?
- 15:10:39 20 Q 649 Yes.
- 21 A No.
- 22 Q 650 But it was the documents nonetheless that helped your memory, is that what you
23 are saying?
- 24 A On the specific request by me in the Tribunal in public session, I asked for
15:10:50 25 the documents to assist in the road map is the phrase I used.
- 26 Q 651 You see I don't understand this, Mr. Dunlop, because you would expect, if you
27 were hearing the truth, that you would have nominated Mr. Fox when first asked
28 about it, as a person who had received from you a corrupt payment in relation
29 to this matter but you didn't say --
- 15:11:21 30

15:11:21 1 MS. DILLON: I should interrupt my friend, I don't want to mislead, I don't
2 think in fact he was here when we were dealing with this evidence but you will
3 recollect that when the final list was prepared and Mr. Dunlop was asked in the
4 witness-box to cross reference councillors to modules or to pieces of land, he
15:11:33 5 cross referenced Mr. Tony Fox as being a councillor who was implicated in
6 Ballycullen, he did that in public session in May of 2000. I think on the
7 third day of his evidence and it's the next, I think, list in the series that
8 my friend is looking at. I would like my friend to put the premise to him he
9 never connected Mr. Fox to Ballycullen/Beechill because he did in fact do Mr,
15:11:58 10 Mr. Dunlop, I think one of the early days in May of 2000.

11
12 MR. GORDON: I will accept that. It's just I suggest to the witness when
13 first asked, whatever context, that he doesn't mention a payment of 1,000
14 pounds.

15:12:09 15
16 CHAIRMAN: It's 2790.

17
18 Q 652 MR. GORDON: What is appearing on screen now is a document 1991 to 1993
19 inclusive. Now what does it say there, if anything at all, about Mr. Fox or is
15:12:45 20 there any information on that document as we see it on screen that would
21 have --

22 A This list, Mr. Gordon, is the list, a list comprising 13 of developments that I
23 was involved in and farm developers and developers from whom I received money
24 in relation to the Development Plan. Your client's name does not appear on
15:13:15 25 that because it's not in relation to any elected representative, it's in
26 relation to the developers.

27 Q 653 But you cross referenced this document?

28 A Correct.

29 Q 654 So then tell us about the context. I am interested to discover, Mr. Dunlop,
15:13:33 30 save there be any doubt about this, how you nominated Mr. Fox in all of this.

- 15:13:37 1 How you implicated Mr. Fox in all of this. Now this document was cross
2 referenced by you in some way --
- 3 A Yes, in the box.
- 4 Q 655 In the box. All right. So having the benefit of this document in front of you
15:13:50 5 and the benefit of whatever cross reference occurred, how did my client feature
6 then?
- 7 A Because he was involved in the development.
- 8 Q 656 Just because --
- 9 A Sorry, he was a supporter of the development, to be accurate.
- 15:14:06 10 Q 657 But if your evidence, Mr. Dunlop, is true, bearing in mind what you have told
11 us this afternoon, you would have known of my client's involvement at all
12 stages in it?
- 13 A Yes.
- 14 Q 658 In this development?
- 15:14:18 15 A Yes. But I was the one who cross referenced to this development.
- 16 Q 659 Yes. But you would have known that at all times?
- 17 A Yes.
- 18 Q 660 Your cross reference and your knowledge at all times didn't include a knowledge
19 of any money paid to Mr. Fox?
- 15:14:42 20 A Not in that instance.
- 21 Q 661 Certainly not in that instance, no. So how then did your memory start to
22 improve?
- 23 A It's not a question of how my memory started to improve, it's a question of
24 your client's involvement with the development in relation to a request for
15:15:00 25 money. Which we did, as in other developments.
- 26 Q 662 You are telling us that my client had an involvement in this development?
- 27 A He supported it.
- 28 Q 663 He supported the development. Here is a document that you cross referenced.
29 You are able to settle on a view that he was involved and therefore by
15:15:23 30 extension, corruptly involved, so when then did the money paid to him come into

- 15:15:28 1 the picture so far as your thoughts were concerned, Mr. Dunlop?
- 2 A I can't say that accurately to you now other in an in the context of reviewing
- 3 all of the documents that I have mentioned to you earlier.
- 4 Q 664 When you were asked in particular then when the money stage was arrived at who
- 15:15:48 5 you paid, who did you say you had paid?
- 6 A Sorry, when you were --
- 7 Q 665 When you were asked in particular, when we arrived at the money stage, who did
- 8 you say that you had paid?
- 9 A I think the, I have already alluded to the fact that I mentioned his name in
- 15:16:03 10 private session.
- 11 Q 666 No, no, no, we have moved on from that?
- 12 A I know but I'm going from the start.
- 13 Q 667 Yes.
- 14 A Following your plan.
- 15:16:13 15 Q 668 Yes.
- 16 A Where your client's name first came into the frame in relation to this
- 17 particular development which was in relation to the list that I made and cross
- 18 referenced his name to his support for it. And as to how much I gave him, a
- 19 1,000 pounds when I specifically said that, I just, I can't recall now.
- 15:16:41 20 Q 669 But that's not the question I asked you. The question I asked you is when we
- 21 have been through these documents and you had the benefit of these documents
- 22 now before you and you have time to reflect on what was happening at the time,
- 23 we then arrive at another stage in the process, this is the money stage, how
- 24 much did you give to each of these people, to the councillors individually.
- 15:17:00 25 The question is this, who did you nominate when first asked about it as
- 26 recipients of money in relation to this project?
- 27 A In relation to this project, I nominated, I dispute the word nominate but
- 28 that's neither here nor there, I named councillors Lydon and Hand.
- 29 Q 670 Did you name anybody else?
- 15:17:20 30 A I mentioned your client's name. And subsequently I mentioned other names.

- 15:17:30 1 Q 671 Were councillors Lydon and Hand the first names that came to mind?
- 2 A In the context of their signature of the motion, yes.
- 3 Q 672 Then your memory improved and you nominated another councillor, is that right?
- 4 A Well it's not a question of my memory improved, I am just saying to you that in
- 15:17:50 5 relation to the review of the documentation and who was involved and the
- 6 circumstances in which they are involved, yes.
- 7 Q 673 And then you named Mr. Fox?
- 8 A Yes, but Mr. Fox's name was already in the frame.
- 9 Q 674 No it wasn't, with respect, Mr. Dunlop, because you had, when you were
- 15:18:11 10 providing the names and providing information to this Tribunal about the money
- 11 that was paid over, you had all of the documents in front of you and you didn't
- 12 mention Mr. Fox.
- 13
- 14 CHAIRMAN: He did at the --
- 15:18:32 15 A I am not, I don't -- I do apologise, I don't mean to be, I am not one to appear
- 16 to be deliberately dense but I'm trying to --
- 17
- 18 CHAIRMAN: What are you asking, when he first named Mr. Fox?
- 19
- 15:18:45 20 MR. GORDON: My understanding, Chairman and Members of the Tribunal, is this
- 21 witness is telling us that he mentioned Mr. Fox in the context of these lands
- 22 in private session. And there was no further ado about it, if I can put it
- 23 that way for the moment.
- 24
- 15:19:00 25 MS. DILLON: I think the sequence of disclosure is that in public evidence
- 26 before they went into private session, Mr. Dunlop prepared a number of lists.
- 27 One was a list identifying the Ballycullen lands and he provided a list in
- 28 relation to councillors I think numbered one through to 38. Number 32 on that
- 29 list was Mr. Tony Fox. He was asked to cross reference by number only
- 15:19:20 30 development to say councillors and in public session, in April 2000, he cross

- 15:19:24 1 referenced number 32, Mr. Tony Fox, to number 2, Ballycullen Farms as a
2 councillor who was involved in the development in Ballycullen Farms.
3 Subsequently in private session he identified three councillors as having been
4 paid in connection with their support for Ballycullen. That was councillors
15:19:40 5 Hand, Lydon and Fox.
6
- 7 Q 675 MR. GORDON: Then -- I have no difficulty with that but then subsequent to
8 that cross referencing, the numbering we have just heard about from Ms. Dillon,
9 six further councillors came into the frame, is that right?
- 15:19:59 10 A Yes.
- 11 Q 676 And presumably they were obvious candidates to you because their names cropped
12 up all the time as well?
- 13 A It's not a question of being obvious candidates, it's a question of whether or
14 not they were involved in the development on the basis of support for money.
- 15:20:11 15 Q 677 Why did you name only three councillors when we were at this stage of the
16 probing process, if I can call it that?
- 17 A You are now. You are now referring to the private session, yes, sorry. I
18 can't give you an answer to that to be honest with you.
- 19 Q 678 When you, Mr. Dunlop, were examined I think about a week ago, you were asked
15:20:44 20 questions about the correspondence that was generated in terms of your dealings
21 with the Jones Group and in particular, the report that you had sent to I think
22 Christopher Jones, is that right, or Chris Jones. The plan, if I can call it
23 that. There's a plan in the book here of papers that I have on page 1500. Now
24 this is a strategy for the Ballycullen lands, this is your document, is that
15:21:31 25 right Mr. Dunlop?
- 26 A Yes.
- 27 Q 679 That was a document that would have been generated by you at the relevant time?
- 28 A Correct.
- 29 Q 680 It's dated August 1991, isn't that right?
- 15:21:40 30 A 30th August 1991.

- 15:21:42 1 Q 681 This is a plan of your crime, isn't that right?
- 2 A It's a plan in relation to a strategy for the Ballycullen lands.
- 3 Q 682 Were you planning a crime at the time you compiled that document?
- 4 A It is a plan for the --
- 15:21:53 5 Q 683 The question I asked you, were you planning a crime at the time you generated
6 this document?
- 7 A No.
- 8 Q 684 Had you already committed crimes in relation to local government officials at
9 the time you prepared this document?
- 15:22:02 10 A Correct, sorry, I would like you to rephrase that question, you mentioned your
11 local government officials. That has never been the case.
- 12 Q 685 Representatives.
- 13 A Just in case.
- 14 Q 686 Representatives.
- 15:22:17 15 A Well you used the word officials. Sorry in just in case the record will show.
- 16 Q 687 Are you saying, Mr. Dunlop, that you were planning a crime at the time you
17 generated this document?
- 18 A No.
- 19 Q 688 No, were you planning to corrupt local government representatives?
- 15:22:32 20 A No.
- 21 Q 689 At any time before you generated that document?
- 22 A I wasn't planning it, no.
- 23 Q 690 Were you acting on behalf of the Jones Group in legitimate circumstances at the
24 time you compiled that document?
- 15:22:50 25 A Yes.
- 26 Q 691 Was it your intention to proceed with your plans in a legitimate way at the
27 time you compiled that document?
- 28 A Yes.
- 29 Q 692 Even though you were in the business of, this is your evidence, Mr. Dunlop,
15:23:06 30 corrupting local government representatives.

- 15:23:10 1 A At their request.
- 2 Q 693 Did it not occur to you, Mr. Dunlop, that you would be corrupting local
3 government representatives in this project just as you had done in others?
- 4 A Did it occur to me?
- 15:23:27 5 Q 694 Yes.
- 6 A The answer to that is yes.
- 7 Q 695 And did it occur to you that when you were putting this document together, that
8 you may have had to include the document in perhaps the commission of a crime?
- 9 A No.
- 15:23:46 10 Q 696 So why is it, Mr. Dunlop, that you say that this document was compiled by you
11 in completely innocent circumstances?
- 12 A It was provided by me, prepared by me and provided by me to a client.
- 13 Q 697 But Mr. Dunlop, earlier on this afternoon, you said nothing could be done
14 without laying off money, to various different people. So you must have known
15 on the date of this, August, 1991, that you were going to get nowhere unless
16 you laid off money. Now you are saying you didn't know it?
- 17 A No, I didn't say I didn't know it.
- 18 Q 698 What are you saying?
- 19 A I have said I prepared the document for a client in relation to this strategy
15:24:30 20 that would be required to get the land rezoned.
- 21 Q 699 But your strategy, Mr. Dunlop, was a criminal one. It couldn't have been
22 anything else. Mr. Dunlop, with respect.
- 23
- 24 CHAIRMAN: Mr. Gordon, you have put this written document to Mr. Dunlop and
15:24:48 25 you have asked him, as I understand it, is this a plan which is to be conducted
26 in some sort of a corrupt way and Mr. Dunlop as I understand it, says that the
27 plan that's written and the in the strategy document does not envisage the
28 commission of any wrongdoing.
- 29
- 15:25:08 30 MR. GORDON: Yes.

15:25:09 1
2 CHAIRMAN: That's not the same as him saying that at the same time in my own
3 mind I was contemplating --
4

15:25:15 5 MR. GORDON: That's where I am going now.
6

7 CHAIRMAN: That correct Mr. Dunlop?
8 A I beg your pardon.
9

15:25:19 10 CHAIRMAN: Is that correct that the strategy doesn't, if one looks at it,
11 doesn't make any reference to any corrupt --
12 A No, it does not.
13

14 CHAIRMAN: But that in your mind you were going to use or at least you were
15:25:35 15 going to carry out the plan by using corrupt --
16 A We have already reprised this with Ms. Dillon in the context of the ways of the
17 world.
18

19 MR. GORDON: So, you did have corruption on your mind at the time this
15:25:51 20 document was generated, it might not have been generated in terms of your plans
21 but you did have corruption --
22 A I could well have done, yes.

23 Q 700 This was the advice or the report that you were giving to your principal?
24 A Correct.

15:26:07 25 Q 701 With corruption on your mind?
26 A I may well have done.

27 Q 702 It was or it wasn't?
28 A At the particular time it may well have been or it may well not have been.

29 Q 703 Mr. Dunlop, you have just told the Chairman that you did have corruption on
15:26:21 30 your mind at this time, is that so as a matter of fact tell us?

15:26:25 1 A At this particular time in the production of this document in the context of
2 the conversations with the client we have already discussed the both the ways
3 of the world so both the client and I are aware of how the ways of the world
4 operate.

15:26:37 5 Q 704 You couldn't have anything else in your mind?

6 A The main production of the document is in relation to the strategy or the main
7 object of the document, I should say, not the main production.

8 Q 705 Now, there's no need to go through this in any great detail but my client's
9 name isn't in this document, isn't that right?

15:26:56 10 A Sorry?

11 Q 706 My client's name doesn't feature in the document?

12 A No.

13 Q 707 You list in that document a number of public representatives that have to be
14 approached in relation to the project, isn't that so?

15:27:07 15 A Yes.

16 Q 708 Some of the public representatives that you have listed in that document are
17 persons that you ultimately say were corrupted in the project?

18 A Yes.

19 Q 709 Why does my client's name not feature there?

15:27:23 20 A His support may well be taken for granted.

21 Q 710 Pardon me?

22 A His support may well be taken for granted.

23 Q 711 Explain that, Mr. Dunlop.

24 A Well I have already outlined to you early on how supportive your client was in
15:27:36 25 relation to development.

26 Q 712 Wouldn't have been an obvious thing to put into the report, perhaps if you had
27 deserved -- wait for the question Mr. Dunlop -- a special place in your report
28 you might have said to your principal, there's one councillor Mr. Fox, I can
29 absolutely depend upon his support, full stop. Doesn't feature at all?

15:28:03 30 A I think you would find it very rare, Mr. Gordon, any document produced by me

- 15:28:09 1 would allude to your client in those terms, documentary.
- 2 Q 713 There might be a significance to that, Mr. Dunlop.
- 3 A Sorry?
- 4 Q 714 There might be a significance to that. Because this is one document that it
- 15:28:23 5 was prepared by you that does not mention my client.
- 6 A Correct.
- 7 Q 715 Isn't that so?
- 8 A Yes.
- 9 Q 716 And it was something that was relevant to your corrupt practices at that time,
- 15:28:36 10 cast your mind back a little while. The only other documents that were
- 11 generated by you that had any connection whatsoever to my client were documents
- 12 generated in innocent circumstances and by that I mean Texas?
- 13 A Texas Homecare, yes.
- 14 Q 717 So when you have the documents that point to innocence, you say I don't know
- 15:28:58 15 why he is not there. But in the middle of all of this, you put him in there,
- 16 do you follow?
- 17 A No, I -- I don't follow is the simple answer to your question.
- 18 Q 718 Well the documents, I suggest to you, Mr. Dunlop, not to put a tooth on it,
- 19 suggest innocence in Mr. Fox's favour?
- 15:29:21 20 A Not in my mind.
- 21 Q 719 But he is not on this one?
- 22 A I know that.
- 23 Q 720 And this was a document generated at the time that you were, on your say so,
- 24 corrupting politicians.
- 15:29:33 25 A Yes.
- 26 Q 721 In fact some of the politicians mentioned in this were, if you are to be
- 27 believed at all, corrupted ultimately by you?
- 28 A Mutually.
- 29 Q 722 And you cannot explain to the Tribunal why Mr. Fox, being the major player/key
- 15:29:52 30 player that you say he is, why he is not there?

- 15:29:55 1 A His name is not there.
- 2 Q 723 I want to know why?
- 3 A I wasn't relevant to the production of the document.
- 4 Q 724 Well just can we open the document, Mr. Dunlop and just get to the part of the
- 15:30:05 5 document where the various different councillors are named.
- 6
- 7 CHAIRMAN: Page 1503.
- 8
- 9 MR. GORDON: Just at your leisure there, Mr. Dunlop, pick out any one of the
- 15:30:29 10 councillors there who you say you corrupted in relation to this project.
- 11 A Yes.
- 12 Q 725 Do you want to say who that is?
- 13 A Well John O'Halloran's name appears.
- 14 Q 726 Was he not relevant then?
- 15:30:44 15 A Yes, he was.
- 16 Q 727 To the project?
- 17 A Yes.
- 18 Q 728 Now, his name appears there. You say he is relevant to it, my client's name
- 19 does not appear there because he may not have been relevant, is that what you
- 15:30:56 20 are saying?
- 21 A No, his name -- the heading on this is "the following is our suggested
- 22 programme of contacts in order of priority." And you will note that the vast
- 23 majority of these certainly in the first tranche are people who are
- 24 questionable in the context of support.
- 15:31:20 25 Q 729 But my client was relevant to this project, you have just said that?
- 26 A Hmm.
- 27 Q 730 So were some of the others who we will see on this?
- 28 A Yes.
- 29 Q 731 And so were some of these people, according to your evidence, corrupted.
- 15:31:35 30 A One I have mentioned.

- 15:31:36 1 Q 732 The one you have mentioned. That's just by way of example but there are other
2 names appearing also, is that right?
3
4 CHAIRMAN: Mr. Gordon I think for completeness sake, 1504 should go up as
15:31:46 5 well. That's the complete list I think in fairness to everybody.
6
7 Q 733 MR. GORDON: Yes. So Mr. Fox was relevant, if we are to believe your
8 evidence, Mr. Dunlop?
9 A Yes.
- 15:32:01 10 Q 734 To the project and you say that these names appear here because of their
11 relevance?
12 A Yes.
- 13 Q 735 So how does that make any sense putting matters in perspective this afternoon
14 now?
15:32:17 15 A It makes sense in my view.
- 16 Q 736 How? Does it make sense in your view, Mr. Dunlop?
17 A It makes sense in my view because I have outlined for Mr. Jones the following
18 is our suggested programme of contacts in order of priority. Yes. I just
19 bring your attention to the other names that are missing from that list.
- 15:32:54 20 Q 737 Sorry, Mr. Dunlop, are you going to say something there?
21 A No, no, no I just.
- 22 Q 738 Is it okay if I ask you a question, Mr. Dunlop?
23 A Perfectly.
- 24 Q 739 I thought you were going to say something to the Tribunal there. What you say
15:33:08 25 here on the second page, on page 3 of the document under the heading in
26 paragraph B, "public affairs programme", do you see that?
27 A Yes.
- 28 Q 740 And if we go down three paragraphs, you will see a sentence appearing there
29 "The following is our suggested programme of contacts."
15:33:33 30 A Yes.

- 15:33:34 1 Q 741 "In order of priority."
- 2 A Yes.
- 3 Q 742 And you mention all of the names as they appear there on screen, isn't that
- 4 right?
- 15:33:41 5 A That's correct.
- 6 Q 743 And on the next page, page 4, you set out in a different paragraph a number of
- 7 names who you mention in the context of this module and that those -- the names
- 8 appear under the heading "Other important points of contact will be" isn't that
- 9 so?
- 15:34:04 10 A Correct.
- 11 Q 744 So it doesn't appear from this document on its face, as it were, that suggested
- 12 contacts in terms of their priority or other important points of contact
- 13 included Mr. Fox.
- 14 A Correct.
- 15:34:24 15 Q 745 So if we are to take that document on its face, it would not appear that Mr.
- 16 Fox was of any importance at all?
- 17 A On its face, yes.
- 18 Q 746 Yes. That's what the document says and you can't move away from that, isn't
- 19 that right? But what you are saying to the Tribunal is now is that he was of
- 15:34:44 20 some importance?
- 21 A And have said so from the beginning.
- 22 Q 747 Crucial importance.
- 23 A And have said so since from the beginning.
- 24 Q 748 How do you explain, Mr. Dunlop, to the Tribunal?
- 15:34:56 25 A Explain what?
- 26 Q 749 How do you explain the absence of such a key major figure from his appearance
- 27 on this document?
- 28 A On its face I have no explanation.
- 29 Q 750 Is that -- just to use your own language, Mr. Dunlop, is that illogical?
- 15:35:17 30 A No, I don't think it's illogical.

- 15:35:19 1 Q 751 How is it explained?
- 2 A For example, you don't see Senator Don Lydon's name on that list.
- 3 Q 752 Why doesn't his name appear on it?
- 4 A Obviously because I am making contact with these councillors and I just didn't
- 15:35:35 5 include them in the list.
- 6 Q 753 But here's a scenario, Mr. Dunlop, where you are reporting to your principal,
- 7 crime in your mind, and you know, to use your own word words, the ways of the
- 8 world, you would expect if there was a modicum of truth about your evidence,
- 9 you would expect Mr. Lydon and Mr. Fox's name to appear on that in whatever
- 15:36:01 10 context?
- 11 A Not really.
- 12 Q 754 Not really?
- 13 A No.
- 14 Q 755 Explain that because I am not happy about this, Mr. Dunlop, you see.
- 15:36:10 15 A Why are you not happy about it.
- 16 Q 756 I want you to explain the inconsistency in what you are saying. You have
- 17 accepted that it is illogical, isn't that right?
- 18 A You are the one who said in my own terms it would be illogical, let's keep the
- 19 questions and answers separate.
- 15:36:25 20 Q 757 Is it on your terms illogical?
- 21 A No it's not illogical, I don't accept it's illogical and certainly in the
- 22 context that I have already pointed out to you that Senator Lydon's name is not
- 23 on it. It doesn't necessarily conclude that it's an exhaustive list.
- 24 Q 758 Another list that's not exhaustive?
- 15:36:42 25 A It's not exhaustive in the context of Dublin County Council and what's
- 26 required.
- 27 Q 759 Did you have this available to you when you were compiling the lists and you
- 28 were giving information to the Tribunal about your corrupt practice so as far
- 29 as Ballycullen was concerned?
- 15:36:59 30 A I can't say to you, I can't say yes or no to that.

- 15:37:07 1 Q 760 I prefer if you did say yes or no?
- 2 A I can't, I discovered it to the Tribunal, it's my document, I discovered it. I
- 3 cannot say to you whether or not I referred to it, no, I can't say that.
- 4 Q 761 So we can just, I suppose for the sake of this exercise, rule this document out
- 15:37:28 5 in terms of documents that would have refreshed your mind?
- 6 A I said I can't say yes or no.
- 7 Q 762 You can't say yes or no?
- 8 A That's what I have said to you.
- 9 Q 763 If you had the benefit of this document in front of you, you would have been
- 15:37:44 10 able to select from it the persons that you say you corrupted?
- 11 A Is this a question?
- 12 Q 764 This is a document that you put together as a report for your principal. And
- 13 it would have been, I suggest to you, of enormous assistance to you in helping
- 14 you to refresh your mind as to the events of that time. Because it tells you
- 15:38:10 15 all about the project, the procedure that you were about to embark upon, the
- 16 submission that was involved, the public affairs programme and the list of
- 17 important people that had to be contacted in relation to it. Do you see that?
- 18 A I see what you are saying, yes.
- 19 Q 765 It would have been of very significant value to you in terms of your
- 15:38:44 20 recollection because it provides a statement of events at the time?
- 21 A It may well have been or it may well not have been.
- 22 Q 766 Is this a false document?
- 23 A It's not a false document.
- 24 Q 767 Is there anything you stated that was untrue at that time?
- 15:38:52 25 A No.
- 26 Q 768 There are no untruths stated in that?
- 27 A It's a document prepared for a client in circumstances.
- 28 Q 769 In what circumstances?
- 29 A Of advising the client in relation to the strategy that would be required in
- 15:39:03 30 relation to the rezoning of the Ballycullen lands.

- 15:39:06 1 Q 770 Is this bona fide advice?
- 2 A Yes, it is.
- 3 Q 771 And do you say that you had an understanding with your principal that the ways
4 of the world would apply in any event?
- 15:39:22 5 A The ways of the world would have to apply, yes.
- 6 Q 772 That's not stated in the document?
- 7 A No.
- 8 Q 773 So that understanding between yourself and your principal of the ways of the
9 world would apply and of course the information given here, so to speak,
10 combined information communicated to you by your principal?
- 11 A I am lost.
- 12 Q 774 One was stated or orally, you told your principal orally the ways of the world
13 apply and here are, I suppose the legitimate route you might take in -- the
14 plans for the legitimate route you might take, not putting it writing of course
15 what you would ultimately do.
- 15:40:16 15 A Correct.
- 16 Q 775 And do you accept now, Mr. Dunlop, that this is the -- or do you accept that
17 this is a document that might suggest innocence on the part of Mr. Fox in
18 relation to these matters on its face?
- 19 A On its face, yes.
- 15:40:44 20 Q 776 You do accept that?
- 21 A Yes.
- 22 Q 777 That that document would be consistent with innocence on his part?
- 23 A On its face.
- 15:40:53 24 Q 778 On its face, that it's there in black and white, isn't that right?
- 25 A Correct.
- 26 Q 779 But the only thing that changes that document, of course, in terms of context
27 and relevance, is your evidence?
- 28 A Yes.
- 29 Q 780 And we know that in relation to these matters, that you have, on several
15:41:07 30

- 15:41:14 1 occasions, perjured yourself, isn't that right?
- 2 A I have not told the truth.
- 3 Q 781 But this is an honest bona fide document?
- 4 A Yes, it is.
- 15:41:24 5 Q 782 But it has to be considered in that way in context.
- 6 A Yes.
- 7 Q 783 But the context does not include Mr. Fox?
- 8 A This document?
- 9 Q 784 Yes.
- 15:41:42 10 A Correct.
- 11 Q 785 Were you surprised, Mr. Dunlop, when this document was produced to you in these
- 12 proceedings?
- 13 A Not in the slightest.
- 14 Q 786 Before giving your evidence to the Tribunal last week, when did you last see
- 15:42:08 15 this document?
- 16 A When I submitted it to the Tribunal in discovery.
- 17 Q 787 When was that?
- 18 A I have no idea.
- 19 Q 788 There or thereabouts, tell us?
- 15:42:18 20 A I have no idea, there's been so much discovery, I have no idea.
- 21 Q 789 Had to have been more than a year ago?
- 22 A I just -- there have been so many volumes and boxes of documents discovered, I
- 23 have no idea and I would not even attempt to put a date on it.
- 24 Q 790 And of course you don't know whether you used this to refresh your memory, you
- 15:42:41 25 have said that already?
- 26 A I have already said that.
- 27 Q 791 And you can't point to a single note or document that you used to refresh your
- 28 memory so far as Mr. Fox alone is concerned?
- 29 A Not in particular, no.
- 15:42:56 30 Q 792 Nor do you have a note that might suggest or confirm that you made any payment

- 15:43:00 1 to him?
- 2 A Correct.
- 3 Q 793 Isn't that correct? Isn't that correct?
- 4 A Correct, yes.
- 15:43:04 5 Q 794 How then did you remember, and bear in mind the context, Mr. Dunlop, of my
6 client got 1,000 pounds from you in relation to this matter?
- 7 A Well your client, as I have already outlined, has been in the frame from
8 virtually day one in the context of --
- 9 Q 795 So you say.
- 15:43:29 10 A Well, sorry, it's been -- Ms. Dillon has highlighted the documents in relation
11 to public and private sessions so it's not disputed, is it? Your client asked
12 me for 1,000 pounds, I was paid 1,000 pounds.
- 13 Q 796 But you don't know the date this was done, you don't know when the payment was
14 made?
- 15:43:56 15 A No.
- 16 Q 797 When the request was made, how it was made, the words that were used, where
17 this was all happening, when the payment was made, where that happened or how
18 the payment was in fact delivered, isn't that so?
- 19 A Correct.
- 15:44:13 20 Q 798 And you have accepted already in answers to questions put by me, that the
21 payment you say you paid is an assumption on your part because of the practices
22 of Mr. Fox at the time.
- 23 A Yes.
- 24 Q 799 So there was no certainty at all in what you are saying about Mr. Fox in terms
15:44:37 25 of this payment, this purported payment?
- 26 A It is not a purported payment. I have said categorically from day one that in
27 the context of your client in the Development Plan over the course of the
28 Development Plan in the larger Dublin County Council and subsequently, your
29 client and I entered into agreements for the payments of money for the support,
15:45:05 30 for your client's support for votes and on occasion signatures for motions

- 15:45:12 1 amounting in total to something of the order of 30,000 pounds. In this
2 instance, your client asked for and got 1,000 pounds.
- 3 Q 800 But you can't say that for certain?
- 4 A Yes, I can.
- 15:45:27 5 Q 801 You can't, Mr. Dunlop, because you have already told me one moment ago, one
6 moment ago, that that all derives from an assumption?
- 7 A Yes.
- 8 Q 802 Do you know the difference between assumption and certainty?
- 9 A We don't need a lecture in law, Mr. Gordon, I am telling you as I have told you
15:45:41 10 ten times already that your client persistently, consistently, regularly, in
11 the context of his support for the Development Plan in the issues that I have
12 outlined in the past and that is outlined in this module and will outline again
13 in further modules, for as long as the Tribunal continues and in this
14 particular instance, your client asked for and got 1,000 pounds.
- 15:46:16 15 Q 803 The difficulty that everybody -- I won't -- I will rephrase that. The
16 difficulty that I have with this evidence you are giving, Mr. Dunlop, and in
17 fact the sum of the totality of your evidence is that when a document is
18 produced to you in these Tribunals that is consistent with and it's black and
19 white, Mr. Fox's innocence, you don't have an answer for us?
- 15:46:41 20 A Well I -- can I just --
- 21 Q 804 You don't know why his name does not appear on that important document.
- 22 A Right the premises of your question is that this document was produced sort of
23 out of the blue to me. I produced this document. This is my document. I
24 produced it to the Tribunal. I discovered it. You wouldn't have it unless I
15:47:01 25 discovered it. I don't have any difficulty in discovering it.
- 26 Q 805 The important thing about the document, Mr. Dunlop, is that it is a record of
27 what was happening at the time. That's the important --
- 28 A It's a record of what was happening with my client, Mr. Jones.
- 29 Q 806 Well were you in this document telling Mr. Jones the truth about what was
15:47:18 30 happening?

- 15:47:19 1 A This was my recommendation in relation to Mr. Jones as to what the strategy
2 should be adopted.
- 3 Q 807 You said it was a bona fide dispatch from you to Mr. Jones.
- 4 A That was the heading on the front page.
- 15:47:31 5 Q 808 And what I need to know, Mr. Dunlop, is why, why you maintain that you gave to
6 my client 1,000 pounds when his name doesn't appear on this document.
- 7 A The reason your client received 1,000 pounds was because he asked for it. As
8 on other occasions and was paid.
- 9 Q 809 Don't you think, Mr. Dunlop, that that's all a bit woolly? I paid him --
- 15:48:02 10 A No.
- 11 Q 810 So what, I can't produce any evidence here to support what I'm saying, when I
12 receive a suggestion or a document which points in the direction of innocence,
13 I can't explain it.
- 14 A No.
- 15:48:18 15 Q 811 What does no mean?
- 16 A You asked me was it not a bit woolly, I say no.
- 17 Q 812 You say no.
- 18 A No.
- 19 Q 813 You see, Mr. Dunlop, over the passage of time, myself and others included have
15:48:32 20 referred to you as a liar, isn't that right? You have been called all sorts of
21 things in here, cheat, slippery, isn't that right? Rogue, somebody referred to
22 you, not a likable but somebody referred to as a rogue in here, isn't that
23 right?
- 24 A Yes...
- 15:48:56 25 Q 814 In the face of all of that and in the face of all these documents that are put
26 up before you and this one in particular this afternoon, you still maintain
27 this story in particular about Mr. Fox, isn't that right?
- 28 A Absolutely.
- 29 Q 815 I have not ever, Mr. Dunlop, minced by words with you when I said and put it to
15:49:18 30 you that you are lying to this Tribunal about Mr. Fox and your purported

- 15:49:24 1 involvement?
- 2 A No, you haven't.
- 3 Q 816 I have never put it in perhaps civilised terms, delicate terms. I have called
4 you a liar on instructions given by Mr. Fox, isn't that so?
- 15:49:34 5 A Yes, you have.
- 6 Q 817 Now Mr. Fox of course has given evidence in response.
- 7 A Yes.
- 8 Q 818 To your allegation and it's not been suggested that Mr. Fox was lying in
9 relation to these matters, do you know that?
- 15:49:45 10 A I haven't been present for Mr. Fox's evidence.
- 11 Q 819 Did you take any interest in what he was saying?
- 12 A Not in the slightest.
- 13 Q 820 You weren't interested?
- 14 A What was reported in the newspapers, yes.
- 15:49:55 15 Q 821 Did you read what it said in the newspapers about Mr. Fox's prior evidence?
- 16 A In general, yes.
- 17 Q 822 I wonder would you just bear with me one moment, just one matter I want to
18 consult with Ms. Smith on. Chairman, there is -- I didn't intend to be there,
19 thereabouts two hours this afternoon but I find myself in a position now where
20 I would like to complete my examination of Mr. Dunlop. I can't imagine that I
21 will be any more than 20 minutes or so but I need to take an instruction and I
22 am just wondering --
- 23
- 24 CHAIRMAN: Just as you are on that subject, there's no great difficulty but
15:51:02 25 there is a problem we have the whole time about very incorrect estimates of
26 time being given of -- we were told that one cross-examination today would take
27 a day and it took less than half a day, we were told that yours would take an
28 hour and it's now --
- 29
- 15:51:21 30 MR. GORDON: Believe you me, Chairman, the estimate that you were given for

15:51:25 1 one day today was one that I was heavily relying upon because I had to adjust
2 my own arrangements to ensure that I was here on time to conduct my examination
3 of Mr. Dunlop. I did not as I say intend to be any more this afternoon, I
4 don't intend to be at all if it's of any comfort.

15:51:46 5
6 CHAIRMAN: Do you want us to rise for a few minutes.

7
8 MR. GORDON: would you allow me because the instruction I want to take is an
9 instruction in conjunction with my client who is not here at the moment.

15:51:56 10
11 CHAIRMAN: We will rise.

12
13 MR. GORDON: I was going to say would you allow me continue for ten minutes
14 and no more tomorrow morning.

15:52:05 15
16 MS. DILLON: We have five witnesses listed tomorrow, we had intended to deal
17 with today. We have been seriously put out in terms of our schedule.

18
19 CHAIRMAN: We will sit at a quarter past ten.

15:52:13 20
21 MS. DILLON: That would allow us to start the other witnesses some of whom
22 have come at short notice tomorrow and some of whom we would be anxious to take
23 at half ten.

24
15:52:22 25 CHAIRMAN: We will sit at quarter past 10?

26 A Yes, chairman, no problem.

27
28 MS. DILLON: We were going to, subject to, we have relatively short evidence
29 in relation to the late Cyril Gallagher, if you were in a position to deal with
15:52:39 30 that today and relatively short evidence in relation to the late Councillor

15:52:43 1 Larkin.

2 CHAIRMAN: It doesn't concern Mr. Dunlop unless he wants to.

3

4 MS. DILLON: No, it's not a matter that would concern Mr. Dunlop, it relates

15:52:50 5 primarily to financial matters.

6

7 CHAIRMAN: All right. Well you can step down.

8

9 MS DALTON: I propose to deal with the evidence of the late Mr. Cyril

15:53:02 10 Gallagher. Prior to his death at the request of the Tribunal, Mr. Gallagher

11 filled out a questionnaire on the 26th March 1998, if I could have page 585

12 please. At question 22 Mr. Gallagher was asked "Were you aware of any payment

13 or offer of payment or other benefit to any public representative, member of An

14 Bord Pleanala, local government official or official of An Bord Pleanala in

15:53:26 15 connection with the zoning, planning, bylaw or tax designation status of any

16 property or in connection with the provision of services including roads,

17 sewage, water mains, wayleaves, etc, to any property." Mr. Gallagher ticked.

18 No.

19

15:53:41 20 On the following page, page 586 please at question 24, "Are you aware of any

21 act or omission by any public representative, member of on An Bord Pleanala,

22 local government official or of official of An Bord Pleanala which could

23 involve corruption or involve attempts to influence by threats, deception or

24 otherwise to compromise the disinterested performance of public duties",

15:54:05 25 Mr. Gallagher ticked no and that document is signed by Mr. Gallagher on the

26 26th March 1998.

27

28 Mr. Gallagher provides no additional information to the questionnaire. On the

29 20th December 1999, the Tribunal wrote to Mr. Gallagher in relation to another

15:54:24 30 development and he was asked to provide a statement dealing specifically with

15:54:27 1 matters at paragraph 8F and if I could have page 590 please.

2 At paragraph F, Mr. Gallagher was asked "Whether you were at any time and for

3 any purpose in receipt of any payments, donations or benefits including any

4 form of gift assistance, service facility and entertainment or other benefit of

15:54:50 5 a non-monetary nature from any parties who were involved in this particular

6 development or from any person or companies acting on behalf of the developers.

7 The parties would appear to have acted on behalf of the developers are Frank

8 Dunlop & Associates, Shefran, and Frank Dunlop." Mr. Gallagher replied at page

9 591 on the 31st January and that's at page 591 please. "My answer to your

15:55:18 10 queries A to F is no in all cases."

11

12 On the 15th March 1999 on page 598, Mr. Gallagher attended for private

13 interview at the Tribunal, he was asked at question 246, "Do you have any bank

14 accounts" and he responded "yes". And at 247, can I ask you where are they.

15:55:43 15 A, "One is in Ulster bank at Dublin Airport an the other is in Allied Irish in

16 Swords, in Main Street" and on the following page, which is page 599 he was

17 asked at question 257. "Do you have any deposits elsewhere. No. Any post

18 office accounts and he replied no."

19

15:56:03 20 Mr. Gallagher died on the 20th March 2000. At page 2711 please, there is an

21 application for a grant of probate and on the following page, 2712, there's a

22 schedule of the late Mr. Gallagher's assets which show that Mr. Gallagher did

23 in fact have 60,603.72 pounds s in an An Post account.

24

15:56:29 25 On the 19th January 2006 of the Tribunal wrote to the solicitor for the

26 personal representatives of the late Mr. Gallagher and that's at page 2855.

27 The Tribunal identifies a number of lodgments to this account which are set out

28 on the attached schedule. If I could have page 2857 please. The first

29 lodgment was lodged by Mr. Gallagher on the 25th September 1992. That's at

15:57:03 30 2858 please. And at page 2859 on the 26th November 1992, Mr. Gallagher made a

15:57:16 1 lodgment of 1,000 pounds. That's to his AIB account, 30436052. On the 9th
2 September 1992, there was a cash lodgment in the sum of 500 pounds which was
3 made at O'Connell Street and that's to his Ulster Bank account. That's at page
4 2860. And the following three lodgments are also at 2860. 15th September
15:57:46 5 1992, there was a 400 lodgment, the 6th October 1992, there was a 1,000 pound
6 lodgment an the 3rd November 1992, there was a 320 pound lodgment.

7
8 At 2861 please, on the 6th November 1992, there was a lodgment of 33696, that's
9 pound and at 2862 on the 5th October 1992, there was a lodgment of 2,000
15:58:17 10 pounds.

11
12 That's 2862 and actually if I could have page 2863 please, you can see that
13 that is a cash lodgment. Those are the transactions relating to the late
14 Mr. Gallagher which fall within the window of the period. Chairman. And we
15:58:45 15 have no explanation for those lodgments.

16
17 CHAIRMAN: What was his occupation?

18
19 MS. DALTON: He retired from Eircom in 1992, Chairman.

15:58:58 20
21 MR. QUINN: Similarly with the late Mr. Jack Larkin, Mr. Larkin died on the
22 6th May 1998. Prior to his death in March 1998, Mr. Larkin had been asked by
23 way of questionnaire and if I could have 751 please, whether or not he was
24 aware of any payments or offer of payments or benefits to any public
15:59:21 25 representatives, members of An Bord Pleanala, local government officials or
26 officials of An Bord Pleanala in connection with the zoning, planning, by law
27 or tax designation status of any property or in connection with the provision
28 of services including road, sewers, water mains, wayleaves etc. to any property
29 and again he answered no.

15:59:37 30

15:59:38 1 Similarly if I could have 752 please he was at question 24 asked "If he was
2 aware of any acts or omissions by public representatives, members of An Bord
3 Pleanála, local government officials, or other officials of An Bord Pleanála,
4 which could have involved corruption or involve attempts to influence by threat,
15:59:56 5 deception or otherwise compromising the disinterested performance of public
6 duties" and again he responded no.

7
8 Mr. Larkin's solicitors were written to in the context of this module and were
9 provided with a schedule of lodgments in late 1992, if I could have 3031
16:00:19 10 please. There was a lodgment on the 18th November 1992 to the account of Jack
11 Larkin. The representatives of the late Mr. Larkin have applied to the
12 Tribunal, if I could have 3211 by letter dated 3rd February 2006 and as will be
13 apparent from the third paragraph of that letter they say that in relation to
14 the lodgment of the 8th November 1992 to the account of Jack Larkin, "our
16:00:53 15 client has no knowledge as to the source of this.

16
17 However they do say as you are aware the deceased received payments from Fingal
18 County Council and that should be Dublin County Council and Fingal County
19 Council have informed us by way of letter 28th March 2001 that they did not
16:01:09 20 give any records for payments to the deceased prior to the 1st April 1993."

21
22 If we could have 6715 please. It goes on to say "Again we have advised you
23 previously that another source of reference would be the bank that the bank
24 have advised they were unable to assist with records in 1993 so it's unlikely
16:01:29 25 they had any records for 1992. Sorry, that should be 775. I'm sorry.

26
27 This is a letter to the solicitors for the estate of the late Mr. Larkin,
28 deceased, and as appears there, that letter on the 28th March 2001, they said
29 "There are no records retained of any payments made before the 1st April 1993."
16:01:54 30 If we return to 3031, there are a number of other lodgments that are, there are

16:02:00 1 two lodgments on the 14th October 1992 of 1,000 and 1,200 pounds to the account
2 of John Frances Larkin, trading as John Larkin and Sons, and on the 17th
3 November 1992 and on the 16th December 1992, there are two further lodgments of
4 1,200 and 1,300 pounds respectively.

16:02:19 5
6 And in relation to those in the letter of the 3rd February 2006 at 3211, the
7 estate advised the Tribunal in relation to the second account in the names of
8 John and Frances Larkin trading as John Larkin and Sons, "This was a
9 partnership account, as referred to also in previous correspondence. Our
16:02:38 10 client is of the view there more than likely will be lodgments for rent. We
11 have also previously confirmed to you that Frances Larkin confirmed to you the
12 deceased never made any personal lodgments to the partnership account and any
13 lodgments to the partnership accounts were for rents from properties in the
14 partnership."

16:02:56 15
16 And finally at 3031, there's a lodgment on the 9th October 1992 to the account
17 of John Larkin and Frances Larkin, loan account. This is a loan account with
18 AIB and at 3211, the estate advised the Tribunal, "With regard to the third
19 account namely John Larkin, Frances Larkin, loan account, our client has no
16:03:19 20 idea to the source of the 600 pounds referred to."

21
22 CHAIRMAN: Do you know his occupation?

23
24 MR. QUINN: Mr. Larkin I understand was a retired auctioneer. And, as I
16:03:33 25 understand, was retired for 10 years prior to his death.

26
27 CHAIRMAN: All right. 10.15 tomorrow.

28
29 THE TRIBUNAL RESUMED UNTIL THE FOLLOWING DAY,
16:04:25 30 THURSDAY, 16TH FEBRUARY, 2006.

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