

09:37:34 1 **THE TRIBUNAL COMMENCED AS FOLLOWS ON**

2 **THURSDAY 16TH MARCH 2006 AT 10.30 AM:**

3
4 MR. QUINN: Morning, sir.

10:41:58 5
6 CHAIRMAN: Morning, Mr. Quinn.

7
8 MR. QUINN: Now, Mr. Dunlop please.

10:42:02 10 **FRANK DUNLOP RETURNS TO THE WITNESS BOX AND CONTINUES TO**

11 **BE EXAMINED BY MR. QUINN AS FOLLOWS:**

12
13 CHAIRMAN: Morning, Mr. Dunlop.

14 A. Morning, Chairman, morning judges.

10:42:23 15 Q. 1 Morning, Mr. Dunlop. Mr. Dunlop, before I commence this morning I want to
16 correct one matter that was brought to my attention by your solicitor, at one
17 stage I made reference to a sum of 19,000 as being a sum that may have been
18 payable to you by Mr. White, but in fact its either 15 or 14, isn't that right?

19 A. That's correct, yes.

10:42:40 20 Q. 2 Now, I think yesterday we were dealing with your first meeting with
21 Mr. Gallagher and I was asking you to date that meeting for the Tribunal and I
22 am wondering if overnight, you had any better recollection of when you may have
23 first met Mr. Gallagher, deceased?

24 A. Yes, well, Mr. Quinn, I said after I had met, after my first meeting with
10:43:14 25 Mr. White, I said that in my statement I spoke to GV Wright and Cyril
26 Gallagher. I cannot tell you how soon after our meeting with Mr. White that
27 was. Having spoken to him about the proposal, and as I have said in the
28 statement, excuse me, that he was dubious and particularly dubious about the
29 time frame which Mr. White anticipated that this matter would be dealt with in
10:43:45 30 the council. He having elicited his support, he asked for money and I agreed

10:44:00 1 and some time after that I met him again and paid him the money.

2 Q. 3 Now, in your statement you say that when he asked you for money, you indicated

3 to him that whatever arrangement had been reached between himself and Mr. White

4 for his involvement and support ought to apply, isn't that right?

10:44:17 5 A. Yes.

6 Q. 4 Did you say that to Mr. ...

7

8 MR. HAYDEN: Apologise, I was here yesterday that is not what Mr. Dunlop said,

9 in my respectful submission it is not correct to put the question in the form

10:44:35 10 it was to elicit an answer, yes.

11

12 Q. 5 MR. QUINN: If I could have page 788 of Mr. Dunlop's statement please and I

13 will read the paragraph, Mr. Dunlop to you and to my friend, a copy of this has

14 been already furnished to my friend.

10:44:51 15

16 The statement says "Cyril Gallagher asked me for money for his support. I said

17 that I understood perhaps wrongly, that Mr. White had already spoken to him,

18 that is Cyril Gallagher, and that whatever arrangement had been arrived at

19 between them would cover his, Cyril Gallagher's involvement and support. Mr.

10:45:08 20 Gallagher said that he had indeed spoken to Mr. White but that no arrangement

21 had been arrived at. He said Mr. White had a been in contact with him to let

22 him know that I was involved."

23 A. Yes.

24

10:45:21 25 MR. HAYDEN: Precisely, sir.

26

27 Q. 6 Am I putting anything incorrect to you?

28 A. No, with respect, Mr. Quinn, I ...

29

10:45:25 30 MR. HAYDEN: I might just make the point I would like to make. And then

10:45:29 1 people, perhaps with ...

2

3 CHAIRMAN: Just explain what you say Mr. Quinn shouldn't have put to him.

4

10:45:35 5 MR. HAYDEN: What I understood Mr. Quinn to have said was that whatever
6 arrangement already applied was now to continue. That's what I understood the
7 question from Mr. Quinn to be and what Mr. Dunlop's statement, which Mr. Dunlop
8 correctly and fairly says in his statement was what he had said yesterday,
9 which is a different play out to the way the question was put by Mr. Quinn.

10:45:59 10 Now, I don't have the concession of the facility of the transcript being put up
11 in front of my screen like you do, sir, but I am sure my hearing isn't too bad.

12

13 MR. QUINN: Well, I will just read to my friend to assist him what the

14 transcript records me as having said.

10:46:14 15 Q. 7 "Question: Now, in your statement you say when he asked you for money you
16 indicated to him that whatever arrangement had been reached between himself and
17 Mr. White for his involvement and support ought to apply, isn't that right?"

18 A. That is correct as far as my recollection is concerned.

19 Q. 8 I am not sure my friend still has an objection to in light of what I had put on
10:46:39 20 screen.

21

22 MR. HAYDEN: What's on screen is that Cyril Gallagher said that he had spoken
23 to Mr. White but that no arrangement had been arrived.

24

10:46:46 25 MR. QUINN: I wasn't putting to Mr. Dunlop what Mr. Gallagher had said to
26 Mr. Dunlop, I was putting to him what he had said to Mr. Gallagher.

27

28 CHAIRMAN: Anyway we'll continue and you can raise it again.

29 Q. 9 MR. QUINN: Now, Mr. Dunlop.

10:47:06 30 A. Sorry Mr. Quinn, yes.

10:47:09 1 Q. 10 I will repeat the question. In your statement you say that you said to
2 Mr. Gallagher when you spoke to him, that you presumed that whatever
3 arrangement had been arrived at between himself and Mr. White in support of his
4 involvement ought to apply, isn't that right?

10:47:25 5 A. Correct.

6 Q. 11 Is that correct, did you say that to Mr. Gallagher?

7 A. Yes, I did.

8 Q. 12 And when you said that to Mr. Gallagher what did you imply by that?

9 A. I implied that a, some arrangement by way of financial inducement might have
10:47:39 10 been arrived at between Mr. White and Mr. Gallagher.

11 Q. 13 And what led to you that conclusion?

12 A. What led me to that conclusion was my initial meeting with Mr. White in which
13 he had said that he had spoken to both GV Wright and Cyril Gallagher, that both
14 of them -- well in particular he said that GV Wright was totally on side and
10:48:04 15 that Cyril Gallagher was enthusiastic about the project.

16
17 But, as I said to you yesterday my retention by Mr. White related to eliciting
18 and ensuring support from others, other councillors, but I made the point to
19 you yesterday that the strong impression was left with me that they were

10:48:29 20 concerned about Cyril Gallagher's support. Sorry Mr. White was concerned about
21 Cyril Gallagher's support.

22 Q. 14 Did you discuss with Mr. White the prospect of him paying Mr. Gallagher or
23 Mr. Wright?

24 A. No. What Mr. White said was that GV is totally on side, he's fully supportive,
10:48:52 25 totally on side, you needn't worry about GV, I am looking after GV.

26 Q. 15 What did you understand by that?

27 A. What I understood that to mean was that some arrangement had been arrived at by
28 way of financial arrangement or inducement between Mr. White and GV Wright and
29 that when he spoke about Mr. Gallagher, and in the context of which I outlined
10:49:22 30 to you yesterday, they seemed to be a concern in relation to Mr. Gallagher,

- 10:49:26 1 notwithstanding the fact that he was talking about other councillors as well,
2 that he would leave Mr. Gallagher to me.
- 3 Q. 16 But if that is the case Mr. Dunlop, why were you then in the position to say to
4 Mr. Gallagher or to imply to Mr. Gallagher that perhaps Mr. White had
10:49:44 5 arrangement for, to look after him?
- 6 A. Well I wanted to find out if anything had occurred between Mr. White and Cyril
7 Gallagher.
- 8 Q. 17 Why didn't you ask Mr. White when he left you with the impression that he
9 looked after Mr. Wright?
- 10:50:01 10 A. Well I didn't, this is the first occasion that I had met Mr. White, I had never
11 met Mr. White before whereas Cyril Gallagher was a friend of mine.
- 12 Q. 18 And did Mr. Gallagher tell you that Mr. Wright, Mr. White hadn't looked after
13 him?
- 14 A. Yes. He said that there was no arrangement and as I have said in my statement,
10:50:23 15 he said he had spoken to Mr. White but no arrangement had been arrived at.
- 16 Q. 19 Yes. Had an arrangement been discussed?
- 17 A. That was not made clear.
- 18 Q. 20 Did you inquire into whether or not an arrangement had been --
- 19 A. No, I did not. It was sufficient on the basis of my relationship with
10:50:38 20 Mr. Gallagher that if Mr. Gallagher said that no arrangement had been arrived
21 at, that was sufficient as far as I was concerned.
- 22 Q. 21 Now, did you arrive at an arrangement with Mr. Gallagher?
- 23 A. Yes, I did.
- 24 Q. 22 And what arrangement did you arrive at?
- 10:50:52 25 A. I arrived at that I would give him 2,000 pounds.
- 26 Q. 23 And how did you arrive at 2,000 or did you settle on 2,000?
- 27 A. I cannot absolutely say to you that Cyril Gallagher asked for more but in the
28 context of having Cyril Gallagher in support and on side, I thought that that
29 was a suitable arrangement.
- 10:51:16 30 Q. 24 Did you envisage that you might have to pay additional monies to other

10:51:21 1 councillors at this time?
2 A. Yes, I did. In the context of what had happened with Mr. White who expressly
3 said to me that he was concerned about keeping other people on side, and he
4 used the plural, councillors.

10:51:37 5 Q. 25 Yes. Did you say to Mr. White that what, did you ask him what he meant by
6 keeping people on side?

7 A. No.

8 Q. 26 Perhaps he intended to convey the impression that by keeping councillors on
9 side he intended some form of lobbying or.

10:51:58 10
11 MR. HAYDEN: I wonder, sir, if that is a proper question?
12
13 CHAIRMAN: It is a proper question this is an inquiry it's not a court case.

14 Its an inquiry so we have to try and understand as best we can what any
10:52:12 15 witness, and on this occasion its Mr. Dunlop, what he means by what he says.
16 Otherwise its left in the air. And these questions, he has to be cross
17 examined.

18
19 MR. HAYDEN: Sorry, sir, I entirely understand its not a court case and I have
10:52:30 20 enough exposure here to be well acquainted with the procedure and practices,
21 however I am also aware of the fact that there is a basic level for both sides
22 I have asked for a ruling on the question, you have ruled my objection
23 inappropriate, so be it. But at least to note on the record, but it is not an
24 open ended system where anything can be put in a fashion that creates an
10:52:56 25 impression --

26
27 CHAIRMAN: No, but we have to try and understand what -- all these things that
28 are said that Mr. Dunlop says, I mean says were said to him by Mr. White and
29 anybody else, could have ten different meanings, we have to try and work-out
10:53:09 30 what the correct meaning is.

10:53:10 1
2 MR. HAYDEN: Absolutely and what Mr. Dunlop has said is that he never asked for
3 an interpretation of what was said by Mr. White and what now is being done is
4 conjecture at best being suggested to him by by Mr. Quinn.

10:53:23 5
6 CHAIRMAN: Yes. Well no, he is being asked what did he understand him to mean
7 and it could have a number of different meanings so the different meanings
8 should be properly put to him. Mr. White will have an opportunity to give his
9 evidence as to what he, first of all he if he said any such thing and if he
10 did, what he meant by that.

11
12 MR. HAYDEN: Yes. Surely, sir, the question is what did he think Mr. White
13 meant by that, that would be the question put and then whatever answer --
14

10:53:56 15 CHAIRMAN: Yes, but the Tribunal can't be, doesn't have to stop then at that
16 answer, it can make all sorts of inquiries as to what might have been made.
17

18 MR. HAYDEN: Just to note the objection.
19

10:54:10 20 Q. 27 MR. QUINN: Mr. Dunlop, what I was putting to you was a more benign
21 interpretation of what Mr. White might have meant, do you understand?

22 A. Yes. I do.

23 Q. 28 Not necessarily that he had paid, and this was in ease of Mr. White's position.
24 Would you accept that perhaps what he could have meant was that other
10:54:28 25 councillors required to be lobbied as opposed to have been looked after
26 financially?

27 A. Yes. Well, he may well have, but in the context of the meeting with him and in
28 the context of my never having met this man before and in the context of the
29 introduction and in the context of the fact that this was a material
10:54:46 30 contravention, this is not the Development Plan, this is a material

10:54:50 1 contravention, this is in 1990 before the process of the Development Plan
2 began. And it was very clearly obvious to me that this was an opportunity to
3 get a material contravention to the plan in advance of the Development Plan and
4 the very context in which Mr. White outlined the proposal, having discuss it
10:55:22 5 had with GV Wright and reporting to me that GV said that this, with luck we can
6 have this done in six weeks.

7
8 Now, that really would, at that time in my mind was unprecedented and therefore
9 the total orientation of the approach, what was said, the nature of it and the
10:55:47 10 culture of it, that was my interpretation of it.

11 Q. 29 In relation to the money you paid to Mr. Gallagher, that's the 2,000, do you
12 say that that was paid after you had received the 5,000 from Mr. White?

13 A. Yes.

14 Q. 30 The last 2,000 I think you say you received on the 15th August, isn't that
10:56:09 15 right?

16 A. Correct, yes.

17 Q. 31 So it would have been sometime after the 15th August?

18 A. Well, it would have been in the context of receiving some money from Mr. White,
19 whether between the first payment of the 3,000 or the second payment of the
10:56:22 20 two.

21 Q. 32 Are you saying that the 2,000 you gave to Mr. Gallagher came out of either the
22 three or the two cash you had received from Mr. White?

23 A. Yes, correct.

24 Q. 33 Did you tell Mr. White that you had paid Mr. Gallagher 2,000?

10:56:39 25 A. No, but I assured Mr. White that Mr. Gallagher was on side, supportive.

26 Q. 34 Did you tell Mr. White that you proposed, if asked, to pay Mr. Gallagher?

27 A. Sorry, Mr. Quinn, I missed the beginning of that.

28 Q. 35 Did you tell Mr. White in advance that you proposed to pay Mr. Gallagher, if
29 asked?

10:56:57 30 A. No, I did not.

- 10:56:59 1 Q. 36 How do you say that Mr. White knew that you were going to pay money for support
2 in relation to this motion?
- 3 A. I go back again to the context of the meeting that I had with Mr. White, its
4 origination, the language that was used, the very phraseology that I need not
10:57:20 5 worry about GV, he was looking after GV and he was leaving Cyril to me, as well
6 as other councillors. Now in, as matters eventuated as I said to you
7 yesterday, I have no recollection of speaking to anybody else other than GV and
8 Cyril Gallagher, GV Wright and Cyril Gallagher.
- 9 Q. 37 The payments if any to councillors would have had to have come out of the
10:57:44 10 10,000 that you were to get, isn't that right?
- 11 A. Yes.
- 12 Q. 38 And a success fee of four, which would be 14,000?
- 13 A. Yes, correct.
- 14 Q. 39 But yet you had fixed your fees with Mr. White at a time when you didn't know
10:57:57 15 what your expenditure was going to be in relation to the motion, isn't that
16 correct?
- 17 A. Correct, yes.
- 18 Q. 40 Was there any commercial reality to that Mr. Dunlop?
- 19 A. Well on the face of it you might suggest that there wasn't, but certainly in
10:58:18 20 circumstances that no money was ever handed over by me to any elected
21 representative unless I was asked and in those circumstances this was in the --
22 this was in 1990, it was not in the context of the Development Plan, I didn't
23 see it as uncommercial.
- 24 Q. 41 You have given evidence in other modules where you have had to, you say look
10:58:39 25 after several different councillors?
- 26 A. Yes.
- 27 Q. 42 The same reality might have obtained here, namely that you could have met
28 resistance from a number of councillors and your pay out could have been as
29 much as or indeed in excess of what you had agreed as your consideration for
10:58:56 30 your employment by Mr. White, isn't that right?

- 10:58:58 1 A. Yes and on other occasions I think I have given evidence to the effect that
2 that was account case.
- 3 Q. 43 But surely you would have left yourself some room, so as to have some profit
4 from the venture I suggest to you if you were, if it was your intention to pay
10:59:13 5 councillors from your income, isn't that right?
- 6 A. Yes.
- 7 Q. 44 But there was no room here other than the possibility of the 4,000 success fee?
- 8 A. Correct.
- 9 Q. 45 Now, in relation to Mr. Gallagher, if I could have page 301 please, in your
10:59:27 10 statement to the Tribunal you refer to Mr. Gallagher (deceased) and you set out
11 at the top of that page on screen the payments that you say you made to him?
- 12 A. Yes.
- 13 Q. 46 Isn't that right? You there do not set out any payment as having been made in
14 1990, isn't that right?
- 10:59:43 15 A. That's correct, yes.
- 16 Q. 47 You do however refer to 3,000 estimated, isn't that right?
- 17 A. Yes.
- 18 Q. 48 In the course of your statement I think you said you had paid him once or twice
19 in the Malahide, in the Grand Hotel in Malahide?
- 10:59:58 20 A. Correct.
- 21 Q. 49 Are you saying that the 2,000 you paid on this occasion is to be included in
22 that 3,000 or are you saying that the 2,000 that you allege you paid him was
23 omitted from that statement?
- 24 A. No I have, without any attempt at redacting in relation to that statement, it
11:00:15 25 goes on to say and specifically says White, Duff, Swords.
- 26 Q. 50 I accept that.
- 27 A. That 2,000 pounds was paid.
- 28 Q. 51 But the 18,000 at the top I am referring to Mr. Dunlop, are you saying that
29 figure should be increased by a further 2,000?
- 11:00:29 30 A. No, no.

11:00:29 1 Q. 52 Are you saying that the 2,000 --
2 A. No, I am saying that's the totality.
3 Q. 53 But there is no payment for 1990 and this payment definitely occurred in 1990?
4 A. Well the, the matters were related to 1990.
11:00:43 5 Q. 54 No, but it was paid in 1990?
6 A. Correct, yes.
7 Q. 55 But there is no reference to a payment in 1990 to Mr. Gallagher?
8 A. No.
9 Q. 56 Was that an oversight on your part?
11:00:51 10 A. I don't regard it as an oversight in the context of the totality of what I said
11 in relation to paying him 2,000 for the Duff/White lands.
12 Q. 57 No, but if you look at the make up of the 18,000?
13 A. Yes.
14 Q. 58 Its 1,000 in 1991?
11:01:04 15 A. Election.
16 Q. 59 4,000 in 1992, 10,000 in 1993 and then there is an undated estimate of 3,000?
17 A. Fine.
18 Q. 60 Now if I could have 308 please? At 308 you say that you would have paid
19 Mr. Gallagher, you see the bottom of 308, you say "On a number occasions I met
11:01:26 20 Mr. Gallagher for lunch, usually at the Grand Hotel Malahide, having collected
21 him at his home in Swords and on at least two if not more such occasions, I
22 gave him individual sums of 1,000. I estimate these payments at 3,000. These
23 payments were made to him on the basis of a mutual understanding that he would
24 look out for those developments in which I had an interest on behalf of
11:01:46 25 clients" do you understand?
26 A. Yes.
27 Q. 61 Are you saying that the 2,000 you are now referring to is included in that
28 3,000 or is it separate?
29 A. I have never regarded it as separate to the total amount I gave to the
11:02:00 30 Tribunal, that I paid him 2,000 pounds in 1990 in relation to this particular

11:02:04 1 project.
2
3 JUDGE FAHERTY: Mr. Dunlop, I think what Mr. Quinn is asking you, in the
4 earlier document we saw the earlier part, was 18,000 pounds. You said that was
11:02:19 5 the totality?
6 A. Yes.
7
8 JUDGE FAHERTY: As I understand your evidence, of payments you allege you made
9 to Mr. Gallagher (deceased), isn't that correct?
11:02:28 10 A. Yes.
11
12 JUDGE FAHERTY: What Mr. Quinn is asking you is the 2,000 you say you allege
13 you gave him in relation to the material contravention in addition or is it
14 included in that totality?
11:02:41 15 A. No, no, its included in the context of my statement then which refers to the
16 2,000 pounds made in relation to the White/Duff Lands.
17
18 JUDGE FAHERTY: But does that mean then, are you telling us then that it was
19 20,000 you paid to the late Mr. Gallagher?
11:02:54 20 A. No, no, 18,000.
21
22 JUDGE FAHERTY: So what Mr. Quinn was putting to you, by if you like
23 elimination, that if you attribute 1,000 in '91, 4,000 in '92 and 10,000 in '93
24 by deduction, logically then the 2,000 must fall within the estimated 3,000.
11:03:12 25 That's as I understand what Mr. Quinn is asking you, that's the question we
26 want you to answer?
27 A. Well the answer is, yes. I understood judge, sorry, I understood Mr. Quinn
28 the, initially he referred to the 3,000, but I have always said that I gave
29 Cyril Gallagher 2,000 in relation to the White Swords, Duff Lands and they were
11:03:34 30 included in the statement that I made in this narrative statement.

- 11:03:41 1 Q. 62 So when we are looking at the 3,000?
- 2 A. Yes.
- 3 Q. 63 The figure there, as included in the 18, we are referring 2,000 of that relates
- 4 to the Duff?
- 11:03:51 5 A. To the Duff Lands.
- 6 Q. 64 Now, if we can have 308 please? In your statement, dealing with that 3,000 you
- 7 don't attribute any of those payments to the Duff Lands, isn't that right?
- 8 A. Correct, yeah.
- 9 Q. 65 Secondly you refer to individual sums of 1,000?
- 11:04:05 10 A. Yes.
- 11 Q. 66 Not sums of 2,000, isn't that correct?
- 12 A. Yes.
- 13 Q. 67 So, I am just wondering do you want to the revise your statement Mr. Dunlop in
- 14 that regard?
- 11:04:14 15 A. No, other than in the context of the 3,000 that I gave him, 2,000 in relation
- 16 to the Duff Lands but --
- 17 Q. 68 And that would leave one other thousand over?
- 18 A. Correct.
- 19 Q. 69 For his support in relation to other developments you were looking out for, is
- 11:04:30 20 that correct?
- 21 A. Yes.
- 22 Q. 70 Now, you know from the opening and from the documents circulated that there are
- 23 no lodgements of 2,000 to Mr. Gallagher's account during this period, if I
- 24 could have 844 and 845 please, do you accept that Mr. Dunlop?
- 11:04:49 25 A. I am guided by the Tribunal's discovery, yes.
- 26 Q. 71 So, by August 1990 you are saying that of the 5,000 cash which you received
- 27 from Mr. White, you had already parted with 2,000 of that money?
- 28 A. Yes.
- 29 Q. 72 And that left you with 3,000, together with the balance outstanding from Mr --
- 11:05:18 30 A. Nine, yes.

- 11:05:19 1 Q. 73 Where did you lodge that 3,000 in cash can I ask you?
- 2 A. I didn't lodge it.
- 3 Q. 74 You didn't lodge it?
- 4 A. No.
- 11:05:26 5 Q. 75 What would you have expended that 3,000 on?
- 6 A. Well that would have been money would have been kept for other purposes, I
- 7 can't say definitively that it was for purposes in relation to anything to do
- 8 with the particular material contravention but I doubt if I, to the best of my
- 9 recollection I did not lodge it.
- 11:05:54 10 Q. 76 But you can't recall what you expended it on?
- 11 A. No.
- 12 Q. 77 Did you make any other disbursements in relation to this project to
- 13 councillors?
- 14 A. No, I did not. No. I remind you Mr. Quinn for completeness in relation to the
- 11:06:06 15 fact that this is the only person that I spoke to.
- 16 Q. 78 Was it wise to pay Mr. Gallagher the entire sum of 2,000 when you were at the
- 17 beginning of your project, in other words would it have been wiser to pay 1,000
- 18 or indeed a lesser sum and a promise of the balance?
- 19 A. No, I don't think so, not -- not in the context of Cyril. Cyril Gallagher was
- 11:06:37 20 evincing concerns about --
- 21 Q. 79 But in fairness Mr. Gallagher, his concerns were something he couldn't make any
- 22 great contribution to isn't that right? They were his concerns about what the
- 23 planners might do as opposed to what he might do?
- 24 A. Two things. He was concerned about what the planners might do the planner's
- 11:06:58 25 reaction might be and the time frame. He was very concerned in relation to the
- 26 context of, while he welcomed the possibility of an hotel, I think he was
- 27 somewhat concerned about other aspects of the project.
- 28 Q. 80 But they were genuinely held views by an experienced councillor as to how this
- 29 project might be received by the planners?
- 11:07:22 30 A. Yes.

- 11:07:23 1 Q. 81 But he had no input or contribution to make to the planners view on the
2 project, isn't that right?
- 3 A. Other than and I have no evidence to suggest that he did, but other than
4 meeting with the planners.
- 11:07:35 5 Q. 82 Yes. Well we do know that he is recorded as being at a planning meetings if we
6 can have 935 please, on the 17th September 1990, both himself and Councillor
7 Wright, Devitt and Mulvihill appeared at a planning meeting to speak in support
8 of the project, do you see that on screen?
- 9 A. Yes, I see that, yeah.
- 11:08:01 10 Q. 83 And again on the 19th November 1990, if we can have 951 the file again appears
11 to have been discussed at a council committee meeting and he was asked to be
12 relisted for C Gallagher. Similarly at 957 on the 17th of December "re-list
13 for C Gallagher for next meeting to allow time to assess additional information
14 lodged." If we can have 980 that's 21st January 1990, voted and passed.
- 11:08:33 15 Mr. Gallagher is not noted as having been present at that meeting but he was at
16 one on 18th February '91, if we can have 982 please and similarly on the 14th
17 March 1991, if we can have 987.
- 18
- 19 Can I ask you Mr. Dunlop did Mr. Gallagher report back to you regularly in
11:08:53 20 relation to his support for this project?
- 21 A. I had numerous conversations with Cyril Gallagher about it, he kept saying to
22 me, one issue that he was concerned about was the time frame that the issue
23 that everybody had to confront was that this was too quick.
- 24 Q. 84 Is there any good why you couldn't have discussed with Mr. White the fact that
11:09:21 25 you were proposing to pay Mr. Gallagher if he asked you for money?
- 26 A. Other than that I didn't know this man, this man was introduced to me. I never
27 met him before. And as I evidenced yesterday, on foot of the arrangement that
28 we arrived at, at his offices, I made a note a memo to myself.
- 29 Q. 85 Is there any reason why you couldn't have told Mr. White subsequently that you
11:09:59 30 had paid Mr. Gallagher?

- 11:10:01 1 A. There is no reason why I couldn't have, but I didn't.
- 2 Q. 86 So could Mr. White say that he had no knowledge of the fact that you either
- 3 intended to or did in fact pay councillors?
- 4 A. Well that's a matter for Mr. White.
- 11:10:18 5 Q. 87 I understand that is his position in fairness to him?
- 6 A. Fine. That is his position, I can only give you, Mr. Quinn, the context of my
- 7 meeting with Mr. White and the arrangements with Mr. White and what was said.
- 8 Q. 88 Did you ever ask Mr. White if he had paid Mr. Wright?
- 9 A. No, I did not.
- 11:10:41 10 Q. 89 Or how much he might have paid Mr. Wright?
- 11 A. No, I did not.
- 12 Q. 90 Did you ever ask Mr. Wright if he had received money?
- 13 A. No.
- 14 Q. 91 You knew Mr. Wright quite well?
- 11:10:49 15 A. Yes, I did.
- 16 Q. 92 And you had given him money or you alleged to have given him money in other
- 17 cases, isn't that right?
- 18 A. Correct.
- 19 Q. 93 So a discussion in the context of receiving money wouldn't have been out of the
- 11:11:01 20 question vis-a-vis yourself and Mr. White?
- 21 A. It wouldn't have been out of the question but it did not take place.
- 22 Q. 94 But you could have asked him?
- 23 A. Oh, I do could have, yes.
- 24 Q. 95 Did Mr. Gallagher ask you if any other councillor was being paid in relation to
- 11:11:16 25 his support?
- 26 A. No, not on this occasion or ever.
- 27 Q. 96 Now, if we can have 789 please? In your statement just to return to your
- 28 statement you go on to say that "In or about this time I was approached by Joe
- 29 Tiernan of Tiernan Homes with a view to acting for him in relation to lands
- 11:11:36 30 owned by Christian Brothers at Balheary, Swords. Mr. Tiernan informed me that

11:11:43 1 he had spoken to Cyril Gallagher about the matter and that he was hopeful that
2 something would be done with regard to those lands during the course of the
3 Development Plan. Subsequently I discovered that Cyril Gallagher had told
4 Mr. White that I was acting for another developer who had an option on
11:11:58 5 neighbouring lands. Mr. White informed me that Cyril Gallagher had so told
6 him.
7
8 We discussed the matter and Mr. White was of the view, sustained by information
9 he said he received from others that the Christian Brothers lands would no be
11:12:08 10 rezoned in the Development Plan. Neither of us saw any particular difficulties
11 with regard to my acting for Joe Tiernan and we continued to meet regularly up
12 until the 14th December 1991. Difficulties with regard to payment of the
13 outstanding amounts arose however and Mr. White repeatedly assured me that
14 everything would be okay because he was dealing with an international
11:12:19 15 consortium and if negotiations concluded successfully, the matter would be
16 resolved satisfactorily. Mr. White invited my wife and I to attend an annual
17 fundraising function on be behalf of the O'Donovan Rossa Cumman of Fianna Fail
18 at Kilmainham Hospital on Friday 7th December 1991".
19 Could I have 565 please.
11:12:41 20
21 Mr. White told the Tribunal and you will have seen from his statement,
22 Mr. Dunlop, that your relationship with him terminated not long after it
23 commenced on the basis that he felt you were acting for a landowner that had a
24 completing interest?
11:12:56 25 A. Well that is not sustained by the level of contact between Mr. White and
26 myself.
27 Q. 97 Of course he mightn't have heard of your involvement until a much later stage,
28 isn't that right?
29 A. Yeah, that's quite possible but between the 30th May 1990 and the 14th December
11:13:09 30 1991 which is a considerable period, there was quite a level of contact between

- 11:13:14 1 us.
- 2 Q. 98 And you say that by the time you met Mr. White at the Kilmainham Hospital for
- 3 that dinner on the 7th December 1991, you were still working on foot of the
- 4 agreement that you had with him?
- 11:13:25 5 A. Well what I was doing is I was trying to extract from Mr. White, the remainder
- 6 of the fee.
- 7 Q. 99 We know that the vote on, in relation to this matter took place I think on the
- 8 22nd or 23rd April 1991, isn't that right?
- 9 A. Correct, yes.
- 11:13:49 10 Q. 100 You had contacts with Mr. White after the vote on the successful vote on the
- 11 matter, isn't that right?
- 12 A. Yes, yes, I did.
- 13 Q. 101 We saw those yesterday?
- 14 A. Yes, I did.
- 11:13:51 15 Q. 102 Why were you contacting Mr. White after the successful vote?
- 16 A. Well from a business like point of view, I mean the matter had been concluded
- 17 successfully an I was looking for the fee.
- 18 Q. 103 You were looking for 9,000?
- 19 A. Yes, looking for the remainder of the fee.
- 11:14:05 20 Q. 104 Yes. And what excuse was Mr. White giving you for his failure to pay the
- 21 balance of the sums outstanding?
- 22 A. As I recollect, to the best of my recollection Mr. White told me that he was or
- 23 his company, one or other was in negotiation with an international company
- 24 again to the best of my recollection, I think it was Motorola, and that if that
- 11:14:32 25 was successful everything would be fine and there was an element of long
- 26 fingering the exercise, but I think as the level of contact will show, that
- 27 either between telephone calls or meetings we certainly weren't, couldn't have
- 28 been meeting at that stage about anything to do with material contravention
- 29 because the matter had concluded.
- 11:14:58 30 Q. 105 So are you saying that the meetings after April, May 1991, all concerned the

- 11:15:04 1 possibility of you receiving payment of the monies outstanding?
- 2 A. Yes, to my recollection, yes.
- 3 Q. 106 If we could have 528 please a meeting on the 6th March 1991, that would have
4 been in advance?
- 11:15:15 5 A. In advance, yes.
- 6 Q. 107 There was a meeting I think on the 24th October, 559, are you saying that that
7 meeting related to your outstanding fees?
- 8 A. Yes and again, again I cannot absolutely say to you, Mr. Quinn, who generated
9 these meetings.
- 11:15:37 10 Q. 108 Yes.
- 11 A. They are in my diary, the fact that they are there and they are not deleted
12 means that certainly as I have said in other modules, to the best of my
13 recollection those meetings took place. So in the event that the matter is
14 concluded there is only one outstanding issue.
- 11:15:58 15 Q. 109 There is a meeting on the 22nd of November, 560 and a further meeting on the
16 29th November at 563 and are you saying that those meetings in late 1991 were
17 all in relation to the balance outstanding to you on foot of the agreement?
- 18 A. To the best of my recollection, yes.
- 19 Q. 110 In your statement at 789 you go on to say that "Mr. White and I agreed to meet
11:16:23 20 in the Shelbourne on 14th December 1991" if we could have 566 please "to
21 discuss outstanding matters to the best of my recollections matters remained
22 unresolved and I do not believe that I was paid any further monies in relation
23 to this or any other project by Mr. White. I have no recollection of ever
24 receiving a cheque from Mr. White."
- 11:16:41 25 Now, before I get to the cheque, did you have, did Mr. White retain you in
26 relation to any other project?
- 27 A. No, no, he did not.
- 28 Q. 111 Mr. White owed you 9,000 pounds as of December 1991, isn't that right?
- 29 A. In my view, as a result of the arrangement arrived at in July in his office.
- 11:16:57 30 Q. 112 Did Mr. White ever query the amounts outstanding, I know he queried or he you

- 11:17:02 1 gave explanations as to why he couldn't meet the payments but did he ever query
2 that there was 9,000 outstanding?
- 3 A. No.
- 4 Q. 113 Did you ever consider sending Mr. White an invoice for the balance outstanding?
- 11:17:16 5 A. Not in the circumstances.
- 6 Q. 114 When you say not in the circumstances what you mean by that?
- 7 A. Because we had an arrangement that it would be paid in cash.
- 8 Q. 115 Mr. White had no idea that you had given 2,000 of the cash which you say you
9 have received to Mr. Gallagher?
- 11:17:31 10 A. Certainly not from me.
- 11 Q. 116 Yes. And you weren't prepared to sue him because you had been paid in cash?
- 12 A. No -- sorry, no is the answer.
- 13 Q. 117 Now Mr. White, if I could have page 396 please? He has a recollection of
14 paying you a cheque for 2,500 pounds. Do you have any recollection of
11:17:51 15 receiving a cheque for 2,500 pounds in relation to this project?
- 16 A. Yes, I know that Mr. White has said this and to the very best of my
17 recollection I do not recall ever receiving a cheque for 2,500 pounds from
18 Mr --
- 19 Q. 118 Was there ever any discussion between yourself and Mr. White concerning a
11:18:12 20 cheque for 2,500 pounds?
- 21 A. Not to my recollection.
- 22 Q. 119 So is it the case that from December 1991 to date you have had no contact with
23 Mr. White, and as far as you are concerned Mr. White owes you 9,000 pounds from
24 this venture?
- 11:18:30 25 A. Yes. As and from the 14th December 1991 until yesterday, to the best of my
26 recollection, I never actually physically laid eyes on Mr. White, or spoke to
27 him.
- 28 Q. 120 Now going back to Mr. GV Wright, I think you have told the Tribunal that
29 Mr. White told you he was looking after Mr. GV Wright, isn't that right?
- 11:18:53 30 A. Yes.

- 11:18:53 1 Q. 121 When you spoke with the Tribunal legal team in relation to this matter, in May
2 of 2000, I think you had a different recollection of events vis-a-vis
3 Mr. Wright, isn't that correct?
- 4 A. That's correct, yes.
- 11:19:06 5 Q. 122 I think at that time you suggested that you may have paid Mr. Wright a sum of
6 1,000 pounds in relation to this venture, isn't that right?
- 7 A. That's correct.
- 8 Q. 123 And I think when you were asked why that allegation hadn't been included in
9 your statement you instructed your solicitors to write to the Tribunal advising
11:19:26 10 that you were withdrawing that allegation, isn't that right?
- 11 A. I think the phrase used, Mr. Quinn, was that "it was erroneous".
- 12 Q. 124 Can you indicate to the Tribunal why or how you came to make such an erroneous
13 statement concerning this matter to the Tribunal?
- 14 A. Well the statement that I made in relation to GV Wright was in private session,
11:19:46 15 without the benefit of any of the, what we have referred to previously as the
16 road map, and having said it in the private session, when I was doing my
17 statement for the Tribunal I realised it was wrong.
- 18 Q. 125 But how could you get such an important matter wrong Mr. Dunlop?
- 19 A. Well you see, this was, Mr. Wright did not get money from me on this occasion,
11:20:18 20 he got money from me on other occasions. But the matter having been drawn to
21 my attention by the Tribunal, we said it was erroneous.
- 22 Q. 126 If we could have 729 please? This is an extract of the transcript, Mr. Dunlop,
23 of that interview. And at questions 19 and 20, particularly at 20, when you
24 were asked having advised the legal team that Mr. Gallagher had received 2,000
11:20:53 25 pounds, you said: "Can you remember anybody else who gave money? Answer: GV.
26 I cannot remember the exact amount that I gave GV, but I am certain that it was
27 just 1,000 pounds because I am absolutely certain from the comments that had
28 been made to me that GV was elsewhere?"
- 29 A. Yes.
- 11:21:12 30 Q. 127 Can I ask you in the first instance what did you mean by GV was elsewhere?

- 11:21:16 1 A. That I don't know. I have no recollection of saying that, but I don't know
2 what it means.
- 3 Q. 128 Could it means GV's support was elsewhere?
4 A. Not in this instance, no.
- 11:21:26 5 Q. 129 He certainly physically wasn't elsewhere, isn't that right?
6 A. No.
- 7 Q. 130 But you were certain at that time, that is May 2000, that you had given him
8 1,000 pounds?
9 A. Yes.
- 11:21:37 10 Q. 131 And you said that that was erroneous?
11 A. That is correct. In 2003 when we were written to by the Tribunal.
- 12 Q. 132 Now you referred to the possibility of a consortium. Can I ask you when
13 Mr. White retained you initially did he give you to understand that there were
14 others involved in this project other than himself/Nosaka?
- 11:22:02 15 A. No. I think what I said in my statement, I was not made aware of any
16 arrangements, financial or otherwise, between Mr. White and the Duff family or
17 anybody else. Obviously Nosaka was mentioned at an early stage. My
18 understanding was that Mr. White was Nosaka or was a large party in Nosaka,
19 Mr. White never explained that to me.
- 11:22:38 20 Q. 133 He never gave you to understand that he was acting on behalf of a consortium?
21 A. Not that I understood.
- 22 Q. 134 But at the conclusion of your arrangement or at the latter of your relationship
23 he did refer to a consortium, is that right?
24 A. Yes, but what that meant I don't know. There was no other names mentioned if a
11:23:02 25 consortium existed or not, there was no reference to individuals or corporate
26 entities.
- 27 Q. 135 Now Mr. Wright had a recollection of meeting you in the Dail bar, and if I
28 could have 7828 please? Do you recall any such meeting?
29 A. Well I met Mr. Wright in the Dail bar on many occasions, but in the context
11:23:21 30 of -- I don't see any reference to the Dail bar.

- 11:23:35 1 Q. 136 Well you deny actually its 789, you deny you ever met Mr. Wright in the Dail
2 Bar in Leinster House. Did you ever meet Mr. Wright in Leinster House? Not
3 necessarily in the Dail Bar, but in Leinster House in connection this matter?
4 A. In connection with that matter? Absolutely, I have no recollection whatever of
11:23:54 5 ever meeting GV Wright in the Dail Bar or in the environs of Leinster House in
6 relation to this matter.
7 Q. 137 Can I ask you, Mr. Dunlop, did you do anything other than pay Mr. Gallagher
8 2,000 pounds in relation to this project?
9 A. When you say "do anything other than".
11:24:08 10 Q. 138 Yes?
11 A. Other than speaking to GV Wright and Cyril Gallagher.
12 Q. 139 Was that the extent of your contribution to this matter?
13 A. That was the extent of my contribution to the matter, other than the
14 conversations, meetings with Mr. White.
11:24:28 15 Q. 140 Did you ever arrange any PR activity or liaise on behalf of Nosaka with local
16 resident groups?
17 A. There was a meeting arranged, to the best of my recollection, in somewhere in
18 Swords, I just cannot recall all of the details, but I do know that there was a
19 meeting arranged and I think we, it was alluded to yesterday in reference to an
11:24:58 20 extract from my diary.
21 Q. 141 That was in September, I think, 1991?
22 A. Yes.
23 Q. 142 1990?
24 A. 1990.
11:25:04 25 Q. 143 Yes.
26 A. Now --
27 Q. 144 512 please.
28 A. Yes.
29 Q. 145 Other than that meeting?
11:25:20 30 A. No.

11:25:22 1
2 CHAIRMAN: What, sorry Mr. Quinn what meeting are you referring?
3 Q. 146 This is a meeting of the 27th September if I'm correct of 1990?
4 A. 8 o'clock yes.
11:25:32 5 Q. 147 The 8 o'clock meeting. With those local residents that is residents close to
6 the Duff Lands?
7 A. Yes, but I understand that Mr. White has said that there was a meeting
8 arranged, I have no recollection of it, I have organised and attended many
9 residents meetings from time to time but I just cannot recollect being present
11:25:56 10 at it.
11
12 JUDGE FAHERTY: Mr. Quinn just before you go on there was a series of
13 questions there you put to the witness about meeting Mr. White in the Dail Bar.
14 Q. 148 That's right it was Mr. Wright said it.
11:26:09 15
16 JUDGE FAHERTY: On the on the transcript, it's coming up as Mr. Dunlop
17 answering I have never met Mr. G C Wright in the Dail Bar in the context of
18 this matter but he met him many times but your question was about Mr. White was
19 it?
11:26:21 20 Q. 149 That's correct.
21
22 JUDGE FAHERTY: I am concerned the transcript is recording GV Wright.
23 A. Well, I think Mr. Quinn as per Mr. Kennedy's intervention yesterday if we maybe
24 name the party A and B, but I understood what you said to me, had I met
11:26:36 25 Mr. White in the Dail Bar. I have no recollection of ever meeting Mr. White in
26 the Dail Bar in relation to this matter.
27 Q. 150 Sorry, if I could have 416 in fact I said that Mr. Wright had said you had met,
28 in fact it was Mr. White.
29
11:26:52 30 JUDGE FAHERTY: That's the point I am making. That it's coming up.

- 11:26:56 1 Q. 151 Sorry. You see paragraph ten 10 and 11 of Mr. White's statement Mr. Dunlop,
2 particularly 11 "To the best of my memory I got a phone call from Pilgrim
3 Limited or Mr. Dunlop's office to ask if I could go to Leinster House to meet
4 with Mr. Dunlop. I cannot recall details but believed it was mainly to discuss
11:27:18 5 arrangements for a meeting with the residents association in Swords. The
6 meeting took place in the bar of Leinster House, when GV Wright came into the
7 bar in company. He came over to say hello and Mr. Dunlop made some comment
8 abouts the Nosaka development which he said he was aware of and supported. The
9 meeting with Mr. Dunlop was quite short." Now, that's Mr. White?
- 11:27:36 10 A. Yes.
- 11 Q. 152 Do you recollect that?
- 12 A. No. I don't recollect any such meeting and it appears from that statement by
13 Mr. White that this was some what of an ad hoc arrangement or something that
14 was arranged at very short notice, but I have no recollection of that.
- 11:27:52 15 Q. 153 But it also appears from that Mr. Dunlop, would you accept that Mr. White is
16 not showing the same, Mr. Wright as having the same level of knowledge and
17 interest and support in this project as you seem to suggest was conveyed to you
18 by Mr. White at that first meeting?
- 19 A. Perhaps yes, but I wouldn't have -- that wouldn't have struck me as odd in the
11:28:18 20 context of either GV or his modus operandi.
- 21 Q. 154 Thank you very much, Mr. Dunlop.
- 22
- 23 CHAIRMAN: All right I am sure there are parties who wish to cross examine
24 Mr. Dunlop. So rather than break his cross-examination in ten or 15 minutes
11:28:52 25 what we might do now is take a ten minute break, during that time perhaps the
26 parties who wish to cross examine Mr. Dunlop might agree amongst themselves the
27 order in which they will do that, it would help. If you can't agree we'll
28 impose some sort of order, all right?
- 29
- 11:29:12 30 Thank you.

11:29:13 1

2

THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK.

3

AND RESUMED AGAIN AS FOLLOWS:

4

11:29:24 5

MR. QUINN: Thank you, Mr. Dunlop.

6

7

CHAIRMAN: Now, have we agreement as to who, as to the order.

8

9

MR. HAYDEN: I think so, sir. I am going to kick off first and then follow on.

11:44:41 10

11

CHAIRMAN: That's fine.

12

13

MR. HAYDEN: I think by Mr. Montgomery and Mr. Kennedy.

14

11:44:47 15

CHAIRMAN: All right.

16

17

MR. HAYDEN: I think that is the running order.

18

19

CHAIRMAN: All right.

11:44:48 20

21

THE WITNESS WAS CROSS EXAMINED BY MR. HAYDEN AS FOLLOWS:

22

Q. 155 Mr. Dunlop, I act on behalf of Mr. White, hopefully I will pronounce it

23

correctly all the time, and I'm instructed by William Fry solicitors?

24

A. Mr. Hayden could you move closer to your microphone?

11:45:03 25

Q. 156 Could I move closer to you?

26

A. No, will you come closer to your microphone I can only barely hear you.

27

Q. 157 All right. I was trying to keep a dulcet tone rather than high octane, but in

28

any event, in relation to who I act for, I presume you got that bit, I am for

29

Mr. White.

11:45:21 30

A. Well, I presumed that bit, yes.

11:45:23 1 Q. 158 Anyway that being said, in relation to some of your evidence, unfortunately,
2 sir, we didn't get a transcript of yesterday, so I am working off the notes as
3 best I can.
4

11:45:34 5 CHAIRMAN: All right.

6 Q. 159 The speed of which Mr. Quinn is able to navigate through the documentation
7 caught me sometimes, so hopefully I will be able to deal with them, but
8 Mr. Dunlop, just particularly in light of your evidence this morning am I
9 correct to, in understanding your evidence to be the effect that on the basis
11:45:55 10 of your initial meeting and there are disputes between Mr. White and yourself
11 as to the number of meetings and when they start and when your engagement
12 commenced but I will come back to those in a minute.
13

14 Your first -- it is on the basis of your first meeting with Mr. White that to
11:46:12 15 use your phrase in the context of that meeting and in the context of the
16 discussion that was had then, that you made a number of assumptions as to
17 Mr. White's position vis-a-vis Mr. Gallagher and Mr. Wright?

18 A. What I said was Martin, Mr. Hayden, was that at the meeting with Mr. White the
19 first meeting, Mr. White told me that GV Wright was fully supportive and on
11:46:46 20 side. And that I needn't worry about GV Wright, he was looking after him. The
21 context of the meeting was that I had been recommended to him on the basis that
22 I would secure the support of others, other councillors and in the context of
23 the only other councillor that Mr. White mentioned was Cyril Gallagher, and
24 from the context of that conversation I understood that Mr. White was, had an
11:47:26 25 arrangement with GV Wright and that he was leaving Cyril Gallagher to me.

26 Q. 160 And in that regard, this is an individual you had never met before, no prior
27 experience of?

28 A. Correct.

29 Q. 161 And you didn't ask him a straightforward question to the effect, if you are
11:47:44 30 correct in what you say, you never asked him either then or subsequently?

- 11:47:49 1 A. No, I certainly did not.
- 2 Q. 162 And in that regard you never told him that you were going to do whatever it is
3 you say you did in relation to dealing with Mr. Gallagher?
- 4 A. No, I did not, other than to tell him that Mr. Gallagher was fully on side.
- 11:48:06 5 Q. 163 And in the overall scheme of things that wouldn't be an unusual process would
6 it, in the, leave aside that, I won't use the word in the context of because
7 its been much bandied about over the years, but getting the politician's view
8 when it comes to a particular development is not an unusual process, its how
9 that view is ultimately sought to be influenced is what this Tribunal is about
11:48:33 10 I presume?
- 11 A. Well there are two elements to that question. The first part is no, its not
12 unusual and secondly, yes.
- 13 Q. 164 And in this regard you come to the process with your knowledge as to how and
14 what it is you have done prior to meeting Mr. White on this project and you
11:48:52 15 have a particular view of how the process works?
- 16 A. Yes.
- 17 Q. 165 You have no idea what Mr. White's view was as to what was to happen and how the
18 process worked and you never told him your view?
- 19 A. I never told him my view. He didn't express his view other than in the context
11:49:09 20 of the words used.
- 21 Q. 166 And in that regard, if I'm -- in that regard the arrangement you reached, you
22 say, and I will come back to that in a moment but take it for the minute that I
23 am going with the sequence of events you described, you say you had the
24 discussion on the 25th July 1990 in which you did a handwritten note?
- 11:49:36 25 A. Correct.
- 26 Q. 167 And that was an agreement which was to the effect it was going to be
27 effectively the 14,000, 10,000 VAT plus 4,000 success fee and that was the
28 extent of the sum that was agreed for your services and whatever those services
29 were to be?
- 11:49:53 30 A. Correct.

- 11:49:55 1 Q. 168 And you are telling the Tribunal that out of that whatever you were to do with
2 the money was a matter for yourself?
3 A. Correct.
4 Q. 169 And was that service that you were to provide to include dealing with what was
11:50:08 5 the initial position from Mr. Collins, you see from his statements so forth,
6 the PR and dealing with the general getting everybody on side and by everybody
7 I mean the locals, everything on side in relation to as few objections as
8 possible for any material contravention or any planning application?
9 A. That was the totality of the fee.
11:50:31 10 Q. 170 Yes. For all of that?
11 A. Yes.
12 Q. 171 And in relation to that, I'm just, Mr. Quinn in fairness did touch on this,
13 Mr. White was never again contacted by you for a change or an increase in that
14 fee or anything, isn't that correct?
11:50:54 15 A. No. He didn't suggest and I didn't ask.
16 Q. 172 And I know yesterday there was an exchange between yourself and Mr. Quinn in
17 relation to a revised agreement in which the sum went up to 19,000 however that
18 was incorrect, isn't that right?
19 A. I think Mr. Quinn made that clear at the outset of the opening this morning
11:51:15 20 that it was incorrect.
21 Q. 173 Don't worry about Mr. Quinn. Just that was incorrect?
22 A. It was incorrect, yes.
23 Q. 174 Yet yesterday you seemed to be suggesting that that interpretation came from
24 your statement?
11:51:26 25 A. No.
26 Q. 175 In any event we are now back to the original version of what you say was the
27 agreement?
28 A. We always were with it.
29 Q. 176 Yes. And in fact in fairness to you Mr. White will say that it was, again a
11:51:39 30 10,000 fee plus VAT, his understanding was that you were, you had been

- 11:51:47 1 recommended to him by Mr. Collins to deal with issues that were arising in
2 relation to the public reaction and making sure there was little objection or
3 resistance, resistance is the wrong phrase, but as little public objection or
4 resistance to the planning application as possible?
- 11:52:06 5 A. I see. Well --
- 6 Q. 177 You have seen his statement no doubt at this stage and no doubt you are --
- 7 A. Yes, I am encouraged by Mr. White's confirmation as to the note that I took at
8 the meeting on the 25th July that it was 10,000 pounds plus VAT plus 4,000
9 pounds success fee.
- 11:52:24 10 Q. 178 That's not what I said, Mr. Dunlop. What I said was as to the fee when and
11 what note I will come back to. The fee is, the sum the 10,000 and VAT is
12 certainly his understanding and that's in his statement, so if we can have less
13 of the L and H and more of what I actually ask you?
- 14 A. I can never remember the L and H, it wasn't my style, Mr. Hayden.
- 11:52:52 15 Q. 179 In any event you then prepared the statement and as you may not be aware
16 Mr. White -- Fry's have only received your narrative I think you furnished it
17 to the Tribunal on the 9th March '06 and we received it at some stage after
18 that, so this is the narrative that Mr. Quinn has brought you through?
- 19 A. Yes.
- 11:53:15 20 Q. 180 And in fairness to you, you have gone through that and set out a number of
21 events, I take it when you went through the statement it was a reflection of
22 the various diary entries and so forth and the accuracy that is set out
23 therein, the accuracy set out is based in part on the diary entries?
- 24 A. On the totality of the information available to me in relation to this project.
- 11:53:41 25 Q. 181 And I think just before the break you had indicated that your relationship with
26 Mr. White continued long after the material contravention vote had taken place?
- 27 A. Yes, well the record shows that.
- 28 Q. 182 And you are aware, are you not, that -- maybe you are not, from his statement,
29 that Mr. White's position is that his first engagement or contact with you came
11:54:10 30 in late 1990 and ended in early 1991, and he had no contact with you

11:54:16 1 thereafter?

2 A. Well that's Mr. White's position.

3 Q. 183 Yes.

4 A. The record, my record shows differently.

11:54:23 5 Q. 184 Yes, I know. I am just putting it on the record.

6 A. Yes.

7 Q. 185 And support for that position by you is borne out by, in your statement, I

8 think in relation to the period going into 1991, page 789 of your statement, is

9 borne out then where you talk about the 7th of December 1991, 14th December

11:54:48 10 1991 and so forth?

11 A. Yes.

12 Q. 186 So if your statement is accurate and if your diaries are accurate then it seems

13 that this transaction completely, or this sequence of events completely

14 contradicts Mr. White's position that, after you were realising you were

11:55:05 15 supporting another individual he terminated your engagement?

16 A. Well the only way I can answer that, Mr. Hayden, is that if you take for

17 example the 7th of December 1991, that's a public -- sorry that's a private

18 function at which there were hundreds of people present, some of them are in

19 this room, who were at that function, at least one, well there are three,

11:55:28 20 Mr. White, myself and another person was at that function.

21 Q. 187 It wasn't me anyway.

22 A. So that's a matter of record, of record for other people and I have had, I had

23 another meeting with Mr. White subsequent to that. After that point, I have

24 had no contact with Mr. White, not out of any animosity or inimical relations

11:55:54 25 or anything like that, I just have had no further contact with Mr. White.

26 Q. 188 And as you are aware, even as recently as yesterday, dates are a pretty major

27 issue when we get to all of this, is that correct?

28 A. Yes.

29 Q. 189 So in that regard, can I ask you, as you have said in your statement the 7th,

11:56:17 30 as you picked the 7th December as an example to show to the Tribunal, page 565

11:56:19 1 in your statement you make reference to it, Mr. White invited my wife and I to
2 attend an annual fundraising function on behalf of a

3 A. My wife and me -- sorry I beg your pardon.

4 Q. 190 On the 7th and you say 1991. Isn't that correct?

11:56:36 5 A. Yes.

6 Q. 191 This is your diary entry for that?

7 A. Yes.

8 Q. 192 Can I ask you and similarly so in relation to the 14th December, in relation to
9 1991 the 7th December, the 7th December 1991 wasn't a Friday, Mr. Dunlop?

11:56:56 10 A. What date was it?

11 Q. 193 Do you want me to tell you?

12 A. Well its, I'm looking at the diary.

13 Q. 194 I know you are looking at the diary.
14

11:57:06 15 CHAIRMAN: Are you saying the 7th December wasn't a Friday?
16

17 MR. HAYDEN: Not in 1991 anyway.
18

19 CHAIRMAN: Well is there a bigger picture of the diary? It says 1991 -- well
11:57:31 20 somebody has printed in 1991. Have we got the original of the diary.
21

22 MR. HAYDEN: I can help if its any assistance to the Tribunal, I have actually
23 done this one. On 1991 the 7th December is a Saturday.
24

11:57:43 25 CHAIRMAN: The 7th December.
26

27 MR. HAYDEN: Is a Saturday.
28

29 CHAIRMAN: Right well we can check that, we can get a copy of the diary it
11:57:50 30 will take a few moments.

11:57:52 1 Q. 195 MR. HAYDEN: Well when we are at it there is one or two more, this is going to
2 have a bearing on in relation to the accuracy of Mr. Dunlop's evidence and his
3 statements. Can I ask you then also, obviously if its not the 7th December
4 1991 that statement is incorrect?

11:58:08 5 A. Well its a function in Kilmainham Hospital, organised by I think I have it in
6 my statement.

7 Q. 196 I am not saying you weren't at a function in Kilmainham, Mr. Dunlop?

8 A. On a Friday night, December 1991.

9 Q. 197 I am not saying you weren't at a function in Kilmainham, I am just saying you
11:58:27 10 weren't at a function in Kilmainham with Mr. White in 1991?

11 A. Well I was his guest.

12 Q. 198 Yes, in 1990.

13 A. Well I was his guest at the function is what I am telling you.

14 Q. 199 Absolutely. But what I am asking you Mr. Dunlop, since you are emphatic in
11:58:43 15 relation to why you say things are as you say as distinct from Mr. White's view
16 of life is because you rely on your diaries and so forth. I have to put it to
17 you that the 7th December 1991 is a Saturday, that whatever that document is
18 that is on the Tribunal's desk, on the screen at the moment is not an extract
19 from your diary of 1991?

11:59:04 20 A. Well that's my diary but I don't know -- all I can go on is that its a
21 replication of my diary, I don't see any other date.

22 Q. 200 The next document if I might ask you to address your mind to.

23

24 CHAIRMAN: Mr. Hayden just before you leave that, was Mr. White at a dinner in
11:59:23 25 Kilmainham in 1990?

26

27 MR. HAYDEN: Yes.

28

29 CHAIRMAN: With Mr. Dunlop.

11:59:30 30

11:59:30 1 MR. HAYDEN: With Mr. Dunlop in 1990.

2

3 CHAIRMAN: Well Mr. Dunlop that's being stated that this dinner which we see
4 here as recorded in 1991 is the, if the date is correct, in fact took place a

11:59:45 5 year earlier in 1990. Do you know other than or short of seeing the diary can
6 you --

7 A. Well short of seeing the diary, but I mean all I can say is that I was only
8 ever at one function in this location as a guest of Mr. White.

9

12:00:07 10 MR. QUINN: I think in Carrickmines I an issue arose, sir, in relation to
11 Mr. Dunlop diaries for 1990 and 1991 and I think at that time Mr. Dunlop gave
12 evidence that it was his practice some times to carry over at the end of one
13 year's diary onto the following year and Mr. Hayden may very well be correct
14 that when we see the original diary we may very well find what we are seeing
15 here is the 1990 diary which is carried over into 1991 but Mr. Kavanagh's
16 procuring --

17

18 CHAIRMAN: But you wouldn't be carrying over a diary in December.

19

12:00:47 20 MR. QUINN: It would be the -- we have sent for the original in any event.

21

22 CHAIRMAN: That might possibly happen January, but anyway --

23

24 Q. 201 MR. HAYDEN: Can I ask you then Mr. Dunlop to keep the old flow going, to turn
12:01:02 25 to page 566? Again you make a play of, an issue of this not an issue, but you
26 refer to this date the 14th December in your statement again at page 789 in
27 which you say "Neither of us saw any particular difficulty with regard to my
28 acting for Joe Tiernan and we continued to meet regularly up to and including
29 the 14th December 1991."

12:01:27 30 That's what you actually say in your statement and you are aware that

12:01:30 1 Mr. White's position is that when he realised or understood you were acting for
2 somebody else, a developer in the locality he terminated your employment, your
3 engagement, well he is saying this happened in early 1991. I'm just putting
4 this in context, where you are saying no that's not the case, as I understand
12:01:49 5 your statement to be because you continued to meet long after early 1991 and
6 here is an example, another example that you are meeting on the 14th December
7 1991.

8 A. Yeah well, in the context of Mr. Tiernan and the lands nearby, the Mountgorry
9 lands.

12:02:11 10 Q. 202 I am not talking about that?

11 A. Well what I am saying is that Mr. White raised this issue with me, but not to
12 my recollection that he terminated my employment.

13 Q. 203 We are not talking about -- I am just putting it to use your own phrase in the
14 context of why I am putting to you, your statement, your evidence as I
12:02:29 15 understood it to Mr. Quinn was that even though Mr. White knew about
16 Mr. Tiernan?

17 A. Yes.

18 Q. 204 It wasn't a big problem for him?

19 A. Yes.

12:02:36 20 Q. 205 And here is evidence of why, because I continued to meeting him long after this
21 and here I am meeting the man again on the 14th December 1991?

22 A. Well it wasn't a big problem with him.

23 Q. 206 Sorry I am putting it to you. Sorry, its Mr. White's position that it was and
24 he ceased your engagement there and then. There's nothing about not paying or
12:02:54 25 that there was difficulty with monies. He felt that there was a conflict and
26 that was the end of your engagement on behalf of Nosaka for what he says was
27 your engagement which was dealing with the locals and so forth, but if you look
28 at the 14th December 1991 page 566 its down as a Friday. And in 1991 in the
29 diary the 14th of December is a Saturday. Of course in 1990 the 14th December
12:03:31 30 is a Friday?

12:03:32 1 A. Mm-hmm.

2 Q. 207 A whole year earlier. So if that diary entry is what you are relying upon its
3 not a diary entry for 1991 Mr. Dunlop?

4 A. Well all I can say to you is my relationship with Mr. White was not terminated
12:03:53 5 in the context that you have outlined, we did have a discussion. We did
6 continue to have contact and I can't say any more to you.

7 Q. 208 Can I ask you to turn to page 563.
8

9 CHAIRMAN: Sorry, Mr. Hayden, just so that we'll be clear about this, because
12:04:10 10 if the previous date was an incorrect date in the diary then surely this must
11 be incorrect.
12

13 MR. HAYDEN: Yes, it is that's my point. Its an entire year out.
14

12:04:21 15 CHAIRMAN: But so I thought you said that the 14th of December in 1990 was a
16 Friday.
17

18 JUDGE FAHERTY: Yes but not a Friday in '91.
19

12:04:31 20 MR. HAYDEN: Not in 1991.
21

22 CHAIRMAN: Whereas in the -- oh, yes.
23

24 MR. HAYDEN: In 1991 its a Saturday.

12:04:39 25
26 CHAIRMAN: All right yes.
27

28 MR. HAYDEN: So that's yet another -- if the diaries are correct and since you
29 say your statement is based upon your diaries you couldn't have been meeting
12:04:49 30 him in 1991 as you suggest in your statement, could you?

12:04:52 1 A. Well on the premise that you put forward, yes. No, is the answer, the premise
2 you put forward, but what I have said to you is that I had continuing contact
3 with your client.

4 Q. 209 As I said to you there was no contact and the only reason that you are
12:05:09 5 suggesting, sorry the reason I am putting this to you is that your support for
6 your theory of the continuing contact is based upon an incorrect premise by
7 you, because those are not the diary dates for 1991?

8 A. Well no, that is not as I recollect my relationship with your client.

9 Q. 210 Can I ask you then to page 563. This is November 29th, I think is the date,
12:05:41 10 again the 29th of November in 1991 is in fact a Friday?

11 A. Mm-hmm.

12
13 CHAIRMAN: Can we see the full page again of that diary? It might be better
14 at this stage if we were to rise and just get the diaries. So we'll, I think
12:06:08 15 it will take about five minutes.

16
17 MR. QUINN: I have one witness, sir, Mr. Collins who is in difficulty in the
18 afternoon.

19
12:06:14 20 CHAIRMAN: All right we might --

21
22 MR. QUINN: If we could take Mr. Collins' evidence and then we could return to
23 Mr. Dunlop.

24
12:06:19 25 CHAIRMAN: Mr. Hayden you don't mind that.

26
27 Mr. Hayden: No, I have a personal difficulty at two o'clock.

28
29 CHAIRMAN: This is only a few minutes. All right Mr. Dunlop would you just
12:06:33 30 step down for a few minutes.

12:06:35 1 A. Sure. Certainly.

2

3

THE WITNESS THEN WITHDREW.

4

12:06:39 5 MR. QUINN: Mr. Collins evidence could run until one o'clock if Mr. Hayden has
6 a difficulty at one --

7

8 CHAIRMAN: Well then we'll just rise for a few minutes. And if it doesn't
9 suit Mr. Collins this afternoon --

12:07:00 10

11 MR. QUINN: Wednesday.

12

13 CHAIRMAN: Right.

14

12:07:03 15 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK AND**

16 **RESUMED AGAIN AS FOLLOWS:**

17

18 CHAIRMAN: Mr. Hayden, the position is its going to be another ten or 15
19 minutes before we can access the safe where the diaries, the original of
12:29:06 20 Mr. Dunlop's diaries are kept. So realistically its going to be two o'clock
21 before we can return to it. So you have a difficulty I know this afternoon.

22

23 MR. HAYDEN: What I was going to say to you sir, there are other topics I can
24 finish out.

12:29:24 25

26 CHAIRMAN: Yes. Certainly we were going to give you the choice, either if you
27 want to defer your cross-examination until another day or if you want to
28 continue and see how far you get before one o'clock? We think we know the
29 answer, we think its because each diary has a November and December from the
12:29:50 30 previous year and it would seem, because we have been able to check elsewhere

12:29:56 1 and certainly the days are as you suggest they are for the period
2 November/December, but we think we know why this has come up as a 1991 diary
3 whereas it should be a 1990 diary, but rather than surmise, we would prefer to
4 see the diaries.

12:30:15 5
6 So the option you have is you can continue with, up to one o'clock with
7 Mr. Dunlop or alternatively you can, because you are probably not going to
8 finish realistically today or you can defer your cross-examination of
9 Mr. Dunlop to next week, next Wednesday.

12:30:32 10
11 MR. HAYDEN: I think I am due back with Mr. White on the 31st, if I could do
12 it to that date.

13
14 CHAIRMAN: That's fine, yes, if you would prefer to that.

12:30:45 15
16 MR. HAYDEN: If that would be possible it would be fantastic.

17
18 CHAIRMAN: All right. Mr. Dunlop is here on the 31st.

19
12:30:52 20 MR. HAYDEN: Sorry I didn't mean to be --

21
22 CHAIRMAN: That's fine we can defer your cross-examination and we'll inform
23 your solicitors in the meantime as to the result of the search for the diaries.

24 That leaves other people, I don't know whether others would want to wait until
12:31:10 25 two o'clock at least to see the diaries or does anybody want to start to cross
26 examine Mr. Dunlop at this stage?

27
28 MR. MONTGOMERY: I am to go next Mr. Chairman and I think it would probably be
29 more appropriate to wait till two o'clock.

12:31:36 30

12:31:36 1

CHAIRMAN: All right well then we'll rise till two o'clock.

2

3

THE TRIBUNAL THEN ADJOURNED FOR LUNCH.

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THE TRIBUNAL RESUMES AS FOLLOWS AFTER LUNCH:

12:31:43 1
2
3 MR. QUINN: Good afternoon, sir, I think before the cross-examination of
4 Mr. Dunlop proceeds, I should in some way give an explanation for the matters
14:05:56 5 which have, which arose this morning, it's a matter which did arise in previous
6 modules and its a matter which has come up from time to time.

7
8 It would appear that the original diaries confirm this to be the case, and they
9 are in the Tribunal now. That Mr. Dunlop's 1991 diary commenced some time in
14:06:19 10 October 1990, in other words the 1991 diary includes October, November and
11 December twice, both in relation to 1990 and 1991.

12
13 If I could get up please number 559, this is a copy of the diary circulated
14 with the brief, and as does appear and has, is referred to as "FD.diary 1991",
14:06:51 15 which is absolutely correct. But it is that portion of the diary which
16 predates January 1991, in other words we are looking at October 24th in this
17 case 1990.

18
19 Now, if I could have 1075 please? This is in fact Mr. Dunlop's 1990 diary, and
14:07:11 20 you will see from the 24th October there is no entry, however for the 23rd
21 October there is, you will see that there is a carry over from the 1990 diary
22 to the 1991 diary for the same date.

23
24 Now, finally if I could look at 1076 please, this is Mr. Dunlop's diary again
14:07:38 25 for 1991 but it is the 24th October 1991 and quite clearly there is no entry
26 there for Mr. White.

27
28 So the confusion stems from the fact that, that portion of the 1991 diary
29 circulated with the brief was for October the 24th 1990.

14:08:00 30

14:08:00 1 Now, similarly in relation to the other dates, if I take the 22nd of November
2 1991 at 560, this is the copy diary circulated and if we take up 1077, this is
3 a copy of Mr. Dunlop's 1990 diary for the 24th November and you will see there
4 that he had ceased to enter up meetings on his 1990 diary and switched across
14:08:32 5 to his 1991 diary.
6
7 And if we can have 1078 please? This is the actual 24th November, 1991 diary
8 entry.
9
14:08:45 10 If I move to the next entry which was the 29th of November, if we can have 563
11 please? This is the circulated diary for that date, in fact whilst one is
12 looking at the 1991 diary we are looking at an entry for the 29th November
13 1990. And if I could have 1079 please? This is Mr. Dunlop's diary for the
14 29th November 1990 and again it is clear and it appears that he was operating
14:09:19 15 out of his 1991 diary at this time.
16
17 And if we look at 1080? This is the correct date, 29th of November 1991 and
18 there is no reference or entry here for Mr. White.
19
14:09:36 20 If I move to the 7th of December, 565, this is the circulated diary and it is
21 certainly the 1991 diary, but what we are looking at is an entry for the 7th
22 December 1990. But if we look at Mr. Dunlop's 1990 diary which is at 1081 you
23 will see that its blank, as Mr. Dunlop is operating out of the 1991 diary.
24
14:10:06 25 And again if we can have 1082 this is Mr. Dunlop's diary for the 7th December
26 1991 and there is no entry for any meeting with Mr. White.
27
28 In relation to the 14th December, if we can have 566 please? This, we are now
29 looking at the 14th, an entry in Mr. Dunlop's 1991 diary for the 14th December
14:10:33 30 1990, for a 12 noon meeting with Mr. White. If we could have 1082 please,

14:10:43 1 sorry 1083, this is Mr. Dunlop's 1990 diary for the 14th December and at 1084
2 we have Mr. Dunlop's diary for the 14th December 1991, and again there is no
3 entry for a meeting with Mr. White.
4

14:11:04 5 The issues I say I rose in the Carrickmines Module, if we can have 1088 we have
6 included with the brief a portion of the transcript on that date, on day 346
7 where this matter was addressed and dealt with.
8

9 So there is just one other matter which obviously I will be addressing with
14:11:31 10 Mr. Dunlop when I come to re examine him on the 31st, namely Mr. Dunlop would
11 appear to have been required to provide a statement, a more detailed narrative
12 statement to the Tribunal on the 23rd January 2006 in relation to these
13 matters.
14

14:11:47 15 Mr. Dunlop received the brief on this matter on the 22nd February 2006 and
16 Mr. Dunlop's more detailed narrative, which I have opened and detailed, in
17 detail, was received on the 9th March 2006. So Mr. Dunlop had available to him
18 the brief in this case, or in this portion of the module when he came to
19 provide his narrative and he has indicated over yesterday and again today,
14:12:19 20 referred in that narrative to entries which he said supported his claim that he
21 had a contact with Mr. White after the material contravention vote in April
22 1991 and as late, he says, as December 1991.
23

24 CHAIRMAN: So that the brief that Mr. Dunlop was provided with in more recent
14:12:42 25 times prior to his more recent statement would have included the error that we
26 have witnessed this morning?
27

28 MR. QUINN: Yes, in fact it wasn't an error in the sense that what we were
29 looking at was the -- but, yes, it.
30

14:13:00

14:13:00 1 CHAIRMAN: All right. So the position is, insofar as Mr. White is concerned
2 and Mr. Hayden presumably will return to this on the 31st of March, is that the
3 recorded possible meetings between Mr. Dunlop and Mr. White in October,
4 November, December period of sorry, of 1991 were in fact meetings during that
14:13:33 5 period in 1990.

6
7 MR. QUINN: In 1990. And the last recorded diary entry for Mr. Dunlop with
8 Mr. White would appear to be at page 528 which is the 6th March 1991.

9
10 CHAIRMAN: All right.

11
12 MR. QUINN: And the vote was on the 22nd April 1991.

13
14 CHAIRMAN: All right.

14:13:55 15
16 MR. QUINN: Sorry for the confusion.

17
18 CHAIRMAN: All right if Mr. Dunlop returns to the witness box. I think
19 Mr. Montgomery is going to cross examine him.

14:14:04 20
21 **FRANK DUNLOP RETURNS TO THE WITNESS BOX AND.**

22 **IS CROSS EXAMINED BY MR. MONTGOMERY:**

23
24 A. Sorry, Chairman, my apologise.

14:14:53 25
26 CHAIRMAN: All right Mr. Montgomery.

27
28 Q. 211 MR. MONTGOMERY: Good afternoon Mr. Dunlop?

29 A. Yes, Mr. Montgomery.

14:14:59 30 Q. 212 Mr. Dunlop how well would you have known the late Mr. Gallagher?

- 14:15:04 1 A. Reasonably well.
- 2 Q. 213 Would you indicate to us the closeness or otherwise of the friendship, or
3 whether there was a friendship or was there a friendship?
- 4 A. Yes, I was in his home. I went to lunch with him very frequently, I attended
14:15:24 5 functions with him. We spoke very, very regularly, hardly a week passed in the
6 context of various things happening in Dublin County Council from the early 90s
7 on, that I would not have spoken to him. I attended various functions with him
8 and his late wife, the both of them dead, at the behest of others. We sat
9 together and I would have been quite friendly with him.
- 14:16:00 10 Q. 214 Would you say this friendship, effectively commenced?
- 11 A. Well it began in a Fianna Fail context because I was involved with Fianna Fail.
12 I can't absolutely say to you when I ever first met Cyril Gallagher, but I
13 certainly would have met him in a Fianna Fail context prior to anything
14 happening in Dublin County Council.
- 14:16:35 15 Q. 215 Well would you have gone out to lunch with him in say the late 80s, middle 80s?
- 16 A. No. I don't think I have gone out to lunch with him at that stage. I think
17 that began in the 90s, the early 90s, 1990. I would certainly have been with
18 him in -- if you forgive me for saying so, Mr. Montgomery, Cyril liked to have
19 a quiet drink and I have been in various places with him as distinct from
14:17:13 20 eating, I have been in various places with him down through the years when he
21 was having a drink.
- 22 Q. 216 And if I understood your evidence and your statements correctly, this was the
23 first time that you had ever given him money?
- 24 A. Yes, to the best of my recollection that is the case. I may well have given
14:17:33 25 him or supported him in relation to functions that he was attending or raffles
26 that were being conducted on behalf of the Fianna Fail party.
- 27 Q. 217 I would accept that.
- 28 A. Yes.
- 29 Q. 218 Were you in any way surprised that he would have asked for money?
- 14:17:56 30 A. No, I wasn't.

- 14:17:58 1 Q. 219 Would you explain why?
- 2 A. Well I think Mr. Montgomery, it was an understanding on my part that this was
- 3 part of the culture that existed in Dublin County Council and I think I have
- 4 given evidence to that effect previously, I didn't invent it.
- 14:18:20 5 Q. 220 No, I listened to you giving that evidence.
- 6 A. Right okay. But the answer to your question is no I wasn't surprised. But you
- 7 will recall what I said was that when he did ask me I asked him what
- 8 arrangement he had arrived at with Mr. White.
- 9 Q. 221 You seem to keep a very very comprehensive diary, having examined some of the
- 14:18:56 10 diaries not just the ones for today, I noted you don't seem to have indicated
- 11 going to lunch in the Grand Hotel with Cyril Gallagher at any time?
- 12 A. Yes, certainly I would accept that, as far as I recollect the subject of
- 13 diaries has come up this morning, but no, as far as I recollect there is no
- 14 reference to that with Cyril, but that is -- I would be in telephone contact
- 14:19:19 15 with Cyril or he with me or I would initiate the contact and the arrangement
- 16 would be made.
- 17 Q. 222 So it is a possibility that having got as you say you did, 3,000 in cash in the
- 18 Shelbourne, that you would have picked up the phone and said to Cyril let's go
- 19 and have lunch I have money?
- 14:19:38 20 A. No, no I wouldn't put it in that context and I wouldn't put it in those terms.
- 21 Q. 223 I am sure you wouldn't, but coming down to basics is that not what would have
- 22 happened?
- 23 A. On the, on the request by him.
- 24 Q. 224 And would he have made this request prior to your making arrangements with
- 14:19:58 25 Mr. White or --
- 26 A. No he would have -- when I spoke to him after speaking to Mr. White, and to use
- 27 the word I lobbied him in relation to the matter, and I made an arrangement
- 28 with him and then we went to lunch subsequently.
- 29 Q. 225 But what I was asking what would have happened if in fact he didn't ask you for
- 14:20:21 30 money?

- 14:20:21 1 A. Well nothing would have happened.
- 2 Q. 226 And how would you have gone about further proceeding to fulfil your brief for
3 Mr. White?
- 4 A. Well my brief for Mr. White as I have outlined this morning was that, to ensure
14:20:36 5 that other councillors were kept on side, were on side, and as I have outlined
6 that there was a concern in relation to Mr. Gallagher because of the timing
7 issue that it was too soon, but if Mr. Gallagher had said to me that yes there
8 is no problem with that I will support it, that would have been the end of the
9 matter.
- 14:20:58 10 Q. 227 And would you have found it strange to check with other councillors as to
11 whether they were going to assist as well?
- 12 A. Yes, I would.
- 13 Q. 228 So that the reality of the situation was that there was no way that you would
14 have known that Cyril Gallagher, the late Cyril Gallagher was in fact going to
14:21:21 15 ask you for payment?
- 16 A. Well I wouldn't have known. I mean he -- as I said in other modules, this is
17 not a scenario where I went around doling out money without people asking me.
18 This was on the basis of request.
- 19 Q. 229 You see the reason I am asking you this, Mr. Dunlop, is that you have given
14:21:43 20 evidence of your predilection of putting an asterisk opposites a donation?
- 21 A. Yes.
- 22 Q. 230 And you have explained to the Tribunal that the reasoning for this was to
23 remind you that this donation was to be used in part for corrupt purposes?
- 24 A. Yes.
- 14:22:02 25 Q. 231 But when you got payment from Mr. White you put an asterisk after the donation
26 and you have just given us evidence that you didn't know it was going to have
27 to be corrupt?
- 28 A. No, what I said this morning in relation to what Mr. White said to me --
- 29 Q. 232 I am not interested in reality in what you said this morning, Mr. Dunlop, I am
14:22:22 30 asking you why did you put the asterisk there in a situation that you were not

- 14:22:26 1 aware, you had no previous dealings on a financial nature with Mr. Gallagher,
2 that you didn't know that he was going to require payment or not?
- 3 A. No, its not a question of what I knew Mr. Gallagher or what Mr. Gallagher did
4 or did not know or what I knew about what Mr. Gallagher did or did not know. I
14:22:43 5 did not -- Mr. White said to me you needn't worry about GV I am looking after
6 him, I will leave Cyril Gallagher to you and other councillors.
- 7 Q. 233 And Mr. White denies this?
- 8 A. Well, I mean I have said from the very outset, as is everyone's privilege in
9 this Tribunal which as the Chairman pointed out is fact finding. Mr. White is
14:23:10 10 entitled to say what he wants to say what he wants to say and what he believes.
- 11 Q. 234 You see the difficulty is that Mr. Gallagher isn't here to say what he
12 believes.
- 13 A. Yes, I know that.
- 14 Q. 235 You stated in your most recent statement that you rang Mr. Gallagher, that you
14:23:28 15 brought him to Malahide and said I have got the money and there is the envelope
16 is that how you dealt with it?
- 17 A. I would have made an arrangement with Cyril, either by telephone or on meeting
18 him as I said to you at the outset of this cross-examination, that I met Cyril
19 quite frequently in locations including Dublin County Council and I would have
14:23:49 20 made the arrangement with him either by telephone or face-to-face, that we
21 would meet and I would come and collect him.
- 22 Q. 236 When you made your first statement and you listed the payments that you had
23 made including those to Mr. Gallagher, you as Mr. Quinn pointed out this
24 morning, omitted to mention the 2,000 pounds the subject matter of the current
14:24:12 25 module?
- 26 A. No, I mentioned it in relation to the White/Duff Lands in the context of the
27 payments that I made to Mr. Cyril Gallagher.
- 28 Q. 237 No, no Mr. Dunlop. You listed specific payments to Mr. Gallagher and you
29 omitted the specific 2,000. You included ...
- 14:24:27 30 A. That's not correct.

14:24:29 1 Q. 238 You are now saying you included the 2,000 in the generality of the 3,000
2 figure?

3 A. Correct and I listed specifically a payment of 2,000 to Mr. Gallagher in
4 relation to the Duff/White lands.

14:24:39 5 Q. 239 Not at that time?

6 A. On the page that was put up this morning.

7

8 MR. REDMOND: Mr. Chairman that page should be put up that matter has been
9 dealt with but if we must go through it again it should be put up.

14:24:53 10

11 CHAIRMAN: What's the number again?

12

13 JUDGE FAHERTY: 301.

14

14:24:56 15 MR. QUINN: 301.

16

17 CHAIRMAN: Now, Mr. Dunlop, where is the 2,000 specific --

18 A. White/Duff Swords lands asterisk 2,000 pounds.

19

14:25:13 20 CHAIRMAN: That's the second last paragraph?

21

22 Q. 240 MR. MONTGOMERY: Oh I see that.

23 A. And that is dated, for the avoidance of any doubt, that is dated if my
24 recollection is correct, in October 2000. Its not dated there, but as far as I
14:25:36 25 can recollect.

26 Q. 241 Now, if I can revert to another part of your evidence, you stated that once
27 having dealt with Mr. Gallagher you let the matter lay, let him do whatever
28 needed to be done?

29 A. Yes.

14:26:15 30 Q. 242 And can you talk to other councillors in relation to ...

- 14:26:21 1 A. No, because of the circumstances in relation to what Mr. White and Mr. GV
2 Wright were doing and as it transpires in the vote in April of 1991, the vast
3 majority of the Fianna Fail party voted for it.
- 4 Q. 243 Yes, but you said earlier on that when I started this cross-examination that
14:26:44 5 Mr. Gallagher hadn't asked for and didn't receive 2,000 you would have gone to
6 the other councillors?
- 7 A. I would have gone -- If Cyril for example had said I am not in favour of this,
8 I do not support this that would certainly have been a serious red flag in
9 relation to this matter. The fact that Cyril was in favour of it, was from
14:27:05 10 Swords. GV was from Malahide. GV said that the lands lay in Cyril's electoral
11 area and Cyril's bailiwick and if he was against it we would have serious
12 problems in relation to the other councillors.
- 13 Q. 244 Oh I accept that.
- 14 A. Yes, so the fact that Cyril was in favour of it would in my view, combined with
14:27:30 15 that of GV Wright, in a Fianna Fail meeting, prior to, as took place at Fianna
16 Fail meetings to decide prior to council meetings what way people would vote,
17 that would have been enough if GV Wright and Cyril Gallagher were in favour of
18 it. I do not recollect approaching anybody else in relation to this matter.
- 19 Q. 245 Well Mr. Dunlop you are aware from your meeting, from your initial briefing
14:28:00 20 from Mr. White that both Mr. Gallagher and GV Wright were taking behind the
21 application?
- 22 A. But --
- 23 Q. 246 Sorry let me finish I accept you say there was reservations on the part of
24 Mr. Gallagher, but those reservations as was said fairly this morning, were in
14:28:16 25 relation to technical matters on which Mr. Gallagher would have had no control?
- 26 A. That -- sorry.
- 27 Q. 247 I'm putting to you that you were fully aware and from your knowledge of the
28 dealings of the County Council that the briefing you had got from Mr. White was
29 sufficient to let you know completely that both Mr. Wright and Mr. Gallagher
14:28:37 30 were behind the proposal and that in fact he wouldn't need paying?

14:28:41 1 A. Well I note from Mr. White's statement that there is an omission in relation to
2 the concerns expressed by Cyril Gallagher to me about the timing, that this was
3 a major concern in relation to Cyril Gallagher, he felt that the officials
4 would not be in favour of it in relation to the timing and secondly, in
14:29:03 5 relation to the services and infrastructure available in Swords itself.

6 Q. 248 Mr. Dunlop that's the first time services and infrastructure has been mentioned
7 in this connection?

8 A. You mentioned technical matters.

9 Q. 249 Yes I did. And the reason I did so I believe you are taking the question or
14:29:20 10 the averment to delay or not the right time or the timing not being right was
11 made in the, to use your phraseology in the context of the reservations
12 regarding how long it would take to get the matter through, having it been said
13 it could be done in six weeks and Cyril Gallagher had reservations about that?

14 A. Yes, he had reservations.

14:29:45 15 Q. 250 That's nothing to do with the question of Swords or infrastructure?

16 A. Yes, he had reservations. He did not believe that Robert White, who had
17 evinced a statement to me from GV Wright, that if with luck we can get this
18 thing done in six weeks. I specifically said to Robert White, before I ever
19 met GV Wright or spoke to GV Wright or Cyril Gallagher about that, that didn't
14:30:16 20 seem to me to be a possibility. Cyril was concerned at all times in relation
21 to that type of timing, he did not believe that that could be done, that it
22 wouldn't be done and wasn't done.

23 Q. 251 He was believing that that couldn't be done within five or six weeks?

24 A. Correct.

14:30:34 25 Q. 252 But he didn't then nor nobody up till now, have indicated that his reservation
26 might include those in regard to sewerage or infrastructure?

27 A. Well Cyril Gallagher knew Swords like the back of his hand and in relation to
28 anything that came forward vis-a-vis the, that particular electoral area on a
29 planning basis he had a very very good idea of what could or could not be done,
14:31:03 30 within specific time frames and remember that while Mr. Gallagher was very

- 14:31:12 1 enthusiastic in relation to an hotel, he was not absolutely a hundred percent
2 enthusiastic about the rest of the development.
- 3 Q. 253 Why do you infer that, where is there any shred of evidence to that?
- 4 A. Well I mean in conversations that I had with him, Mr. White himself told me at
14:31:31 5 the first meeting that Cyril was very enthusiastic about an hotel because.
- 6 Q. 254 Yes, we accept that.
- 7 A. To use the phrase that Cyril used to me, people get married in Swords and they
8 have to go to Malahide for the reception. That was the phrase that was used.
- 9 Q. 255 We are all aware of that. What I am saying to you is that the reservations in
14:31:54 10 relation to timing had only relevance to the statement that GV Wright is
11 alleged to have made that could be done in five or six weeks, do you agree with
12 that?
- 13 A. That was the statement GV Wright made to Robert White.
- 14 Q. 256 Do you agree?
- 14:32:09 15 A. Robert White made that statement to me and Cyril Gallagher repeated to me.
16 This is not going to happen in the time frame that Robert White or anybody else
17 thinks, because --
- 18 Q. 257 Go on.
- 19 A. Yes, because as I have outlined to you Cyril Gallagher knew what had to be done
14:32:25 20 or what could be done or what could not be done in the context of his own
21 electoral area. He wasn't -- if you for give me for saying so Mr. Montgomery,
22 Cyril Gallagher was a very nice, laid back gentleman, he wasn't stupid. He was
23 a very active local councillor and he knew what was going on in his own area.
- 24 Q. 258 Well I am glad to hear you have such high regard for the man?
- 14:32:50 25 A. Yes, I do.
- 26 Q. 259 But I still come back to the point that there isn't one scintilla of evidence
27 that his reservations in relation to the application or to the proposal had
28 anything to do with matters other than the length of time the immediacy, if I
29 can use that word, of the inability to have the matter dealt with?
- 14:33:11 30 A. The inability of the motion, to have the motion dealt with, within the time

- 14:33:16 1 frame was contingent on his knowledge about what the planners would or would
2 not accept.
- 3 Q. 260 Mr. Dunlop, the phrase used within five or six weeks is the phrase we are
4 referring to?
- 14:33:28 5 A. Correct.
- 6 Q. 261 We all would accept it wouldn't be done within that time?
- 7 A. Why was it said then.
- 8 Q. 262 I am not going answers I am not asking you because I am sure you don't know the
9 answer?
- 14:33:40 10 A. All I know is I can report what was said to me by Mr. White reporting GV Wright
11 and Cyril Gallagher saying it to me personally, that these people were going
12 too fast.
- 13 Q. 263 One of the things I can't come to terms with is you know Mr. Gallagher this
14 well, almost intimately, you never paid him money before, you are now aware
14:34:06 15 when he says he wants 2,000 to go ahead with this motion; you take him to lunch
16 after you have received the initial payment from Mr. White, and that you gave
17 him 2,000 to look but you can't remember when that was?
- 18 A. Well I have given you the -- I have given you the parameters of when it was.
- 19 Q. 264 I don't want the parameters.
- 14:34:24 20 A. Well I can't give you the exact date.
- 21 Q. 265 I believe you can't but I understand this is obviously a water shed and you are
22 dealing with Cyril Gallagher from then on, prior to this particular payment he
23 was your friend, your acquaintance?
- 24 A. Yes.
- 14:34:38 25 Q. 266 Following the payment, he was I won't say your puppet?
- 26 A. That's a very unfair comment, Mr. Montgomery.
- 27 Q. 267 I know it is but that's effectively what you are implying?
- 28 A. No, that is not what I am implying and I object strenuously to you using that
29 phrase.
- 14:34:57 30 Q. 268 Mr. Dunlop, I am putting to you that your memory in relation to this payment is

- 14:35:01 1 completely wrong, A that he didn't ask for it and B that you didn't pay it and
2 other than your direct evidence, there isn't a scintilla of paper to prove that
3 you ever, its your word against the word of the deceased?
- 4 A. Well, I reject that.
- 14:35:20 5 Q. 269 In the light of the fact that in the last 24 hours you have to apologise for
6 two particular wrong statements you made in here, you are still going to say
7 its definitive that -- You were wrong in relation to your payment to Mr. Larkin
8 and you were wrong in relation to your alleged payment to Mr. Wright. Is there
9 any reason why you shouldn't be wrong in relation to your payment to
14:35:46 10 Mr. Gallagher?
- 11 A. For the avoidance of doubt, Mr. Montgomery, which is a phrase that you will be
12 well aware of it, there is --
- 13 Q. 270 You used it particularly often.
- 14 A. Yes, because you are a legal representative and you understand it. In relation
14:36:00 15 to Mr. Larkin, I concurred with Ms. Dillon here yesterday morning in relation
16 to the date, not the amount or the location. In relation to GV Wright in a
17 statement that I made in private and when I did my road map in relation to the
18 totality of all of this I did not include him, the Tribunal brought that to my
19 attention, I said yes, the reason he was not included was that it was
14:36:30 20 erroneous. I am not and will not resile from the statement that I have made in
21 relation to your, the representatives of Cyril Gallagher's estate.
- 22 Q. 271 To go back to the payment from Mr. White. When you were discussing your
23 arrangement with him in relation to the amount that you would get, had you in
24 deciding the amount you would ask for, had you made allowances for or had you
14:37:04 25 taken into account monies that you might have to spend to obtain cooperation so
26 to speak?
- 27 A. Yes, I knew that there was a distinct possibility that I would be asked, excuse
28 me, for monies.
- 29 Q. 272 Notwithstanding the fact that you as you already told us that you had or would
14:37:28 30 agree that if such a project was backed by both Mr. Wright and Mr. Gallagher it

- 14:37:34 1 would go through, that the Fianna Fail machine would keep it on the rails.
- 2 A. Yes and as I have said to you earlier in response to a question, this matter
- 3 would not arise at all and we would not be having this discussion if
- 4 Mr. Gallagher did not ask.
- 14:37:48 5 Q. 273 I am not dealing with it at that stage. I am dealing with it at the stage that
- 6 you were discussing it with Mr. White?
- 7 A. Yes.
- 8 Q. 274 How much would you get?
- 9 A. Yes.
- 14:37:56 10 Q. 275 And having agreed and you now say in your own mind with allowances made for
- 11 monies you might have to expend, you subsequently get paid or the entry into
- 12 your books with an asterisk after it, indicating that at that stage you
- 13 accepted you were going to have to pay somebody. The only person that you knew
- 14 you would have to pay then presumably was Mr. Gallagher and he hadn't yet asked
- 14:38:22 15 you.
- 16 A. No, I don't know how -- I don't know what the logic of what you are asking me
- 17 to do is. This statement --
- 18 Q. 276 The logic is that you had struck a bargain with Mr. White you made allowances
- 19 within the figures for a payment to be made to a councillors or councillors?
- 14:38:40 20 A. Yes.
- 21 Q. 277 When you got that paid made you entered into your books with an asterisk
- 22 indicating that monies would have to be paid from it?
- 23 A. I entered into which books.
- 24 Q. 278 We asked where you had it wrote with an asterisk?
- 14:38:53 25 A. No the only -- the only asterisk that appeared doesn't appear in any account
- 26 books.
- 27 Q. 279 I know that.
- 28 A. The only asterisk that appears is in relation to the statement that I made.
- 29 Q. 280 I know that.
- 14:39:02 30 A. Yes.

- 14:39:03 1 Q. 281 What I am saying in effect is that you were making an allowance for monies that
2 wouldn't normally have had to be paid because you knew that Mr. Wright and
3 Mr. Gallagher were behind it, isn't that so?
- 4 A. But again in response to a question ten minutes ago, this matter would not
14:39:24 5 arise if Mr. Gallagher had not asked for the money. Yes, is the answer to the
6 question in relation to dealing with Mr. White. I had made allowance in the
7 discussion with Mr. White that some monies might have to be disbursed.
- 8 Q. 282 Mr. Dunlop, I am putting it to you that your assertion of making payments to
9 Mr. Gallagher is purely a device as to how to explain to the revenue or those
14:39:54 10 others that might be involved as to what your disbursements were in relation to
11 the activities.
- 12 A. Yes, well we have had this matter dealt with before Mr --
- 13 Q. 283 Yes, we have but I am putting it to you now?
- 14 A. You asked me a question and I do have the facility to reply. We have had this
14:40:10 15 matter put to me before the answer is "no" and in the totality as you saw here
16 of 18,000 to Cyril Gallagher will pale into insignificance in relation to the
17 payments to other people, but the fact of the matter is Mr. Gallagher, your
18 client, or the client's estate you are representing, asked me and that's why he
19 got it.
- 14:40:36 20 Q. 284 And that's your word versus the inability of a dead person to answer you?
- 21 A. You keep saying that.
- 22 Q. 285 Because its a fact.
- 23 A. Yes you keep saying that and I have no difficulty whatsoever in saying it,
24 there are a lot of people alive, a lot of councillors and former councillors
14:40:52 25 still alive about whom I have made allegations of a similar nature, in far
26 greater amounts and I do not have the slightest hesitation in repeating them
27 and will do so in various Modules the fact that your client is dead is sad, I
28 was at his funeral, do I not like saying these things, this is a Tribunal of
29 Inquiry where the facts are, people are trying to establish the facts.
- 14:41:22 30 Q. 286 Thank you Mr. Dunlop?

14:41:23 1 A. Thank you Mr. Montgomery.

2

3 CHAIRMAN: Mr. Kennedy?

4

14:41:26 5 **WITNESS CROSS EXAMINED BY MR. KENNEDY**

6 Q. 287 Thank you Chairman. Mr. Dunlop Martin Kennedy for GV Wright.

7 A. Yes.

8 Q. 288 For the avoidance of doubt I think the Tribunal is not only to establish fact

9 but hopefully to get at the truth, would you agree?

14:41:40 10 A. That's a matter for the Chairman.

11 Q. 289 Would you agree with that proposition?

12 A. Absolutely.

13 Q. 290 Thank you.

14 A. Its not an earth shattering statement, Mr. Kennedy.

14:41:48 15 Q. 291 Let us go fort then Mr. Dunlop, page 788 Mr. Kavanagh please.

16

17 In the main paragraph Mr. Dunlop in the centre of that page you say "Some time

18 after my first meeting with Mr. White, I spoke to both GV Wright and Cyril

19 Gallagher." can you give us a clue as to when you spoke to Mr. Wright?

14:42:20 20 A. Well its exactly as I stayed said, some time after. I do not have a particular

21 date.

22 Q. 292 So you can't give us any idea of when you spoke to Mr. Wright?

23 A. Well --

24 Q. 293 Except to tell us that it was some time after?

14:42:37 25 A. Well in accord with the, an answer that I gave to Mr. Montgomery, in relation

26 to Mr. Gallagher, I would have met your client, very, very regularly. He was

27 an active manager of files as he himself says.

28 Q. 294 My question was simply when.

29 A. Sorry, Mr. Kennedy, you are just going to have to wait a moment.

14:43:04 30 Q. 295 I will be very patient, carry on.

- 14:43:06 1 A. And I would have met him, very, very, regularly. So I cannot give you a
2 specific date. But the fact that Robert White told me that GV was a very
3 supportive, on side, the natural reaction that I would have, having had an
4 arrangement with Mr. White would be to speak to GV Wright. I don't mean to be
14:43:32 5 offensive to Mr. White but Mr. White's understanding about what might or might
6 not be done in relation to a particular development that he obviously had an
7 acute interest in from a financial point of view and otherwise, not might fully
8 accord with what the political realities were or the realities at Dublin County
9 Council.
- 14:43:53 10 Q. 296 Where might you have met him?
- 11 A. I couldn't -- I might have met him in Dublin County Council, I might have met
12 him in his office in Malahide, I might have met him in the Dail, I might have
13 met him anywhere.
- 14 Q. 297 Might have you met him in the Shelbourne Bar?
- 14:44:08 15 A. No. I have never met GV Wright in the Shelbourne Bar.
- 16 Q. 298 Near the window at the front?
- 17 A. No. That was Mr. White, Mr. Kennedy.
- 18 Q. 299 Did you ever meet Mr. White and Mr. Wright together at the same meeting?
- 19 A. I have been asked that question I think by Mr. Quinn. I have no recollection
14:44:34 20 of meeting them together. I do acknowledge that there is an entry into my
21 diary which says GV/Rob White.
- 22 Q. 300 You are reading my mind Mr. Dunlop, could we have page 512 please?
- 23 A. I am delighted that we are --
- 24 Q. 301 We are ad idem on this one anyway.
- 14:44:54 25 A. Good.
- 26 Q. 302 Now, you know what I am referring to, would you give us your summary of what
27 that's about?
- 28 A. Yes.
- 29 Q. 303 What we are referring to, Chairman, is --
14:45:07 30

- 14:45:07 1 CHAIRMAN: The 27th.
- 2 Q. 304 The 27th. "R W" I think?
- 3 A. No "Rob W."
- 4 Q. 305 Are we looking at page 512.
- 14:45:19 5
- 6 CHAIRMAN: It says "12 o'clock GV/Rob W".
- 7 A. Is that the one you are referring to Mr. Kennedy?
- 8 Q. 306 Yes, what's that about?
- 9 A. Well that, all I can say about that is that obviously that entry is there
- 14:45:35 10 because either of some arrangement to meet GV and Robert White together and
- 11 that either happened if it did I have no recollection of it, absolutely none.
- 12 I notice a comment in I think it was Mr -- what's his name -- Tim Collins yes,
- 13 I notice Mr. Collins says and GV Wright himself says there is a possibility
- 14 that he ran into me in the Dail Bar with Robert White or Mr. Collins says that,
- 14:46:16 15 and Mr. White himself says something to the effect that he got a call from
- 16 either GV Wright or my office to go to the Dail for a meeting. I have no
- 17 recollection of any such meeting.
- 18 Q. 307 So just to summarise, you are answering my first few questions by saying you
- 19 don't know when you met Mr. Wright, you don't know where you met him and you
- 14:46:38 20 don't have any recollection of a meeting with Mr. White?
- 21 A. Correct.
- 22 Q. 308 Are you suggesting in this module, Mr. Dunlop, that your brief or instructions
- 23 extended beyond mere promotion and public relations work at which you were
- 24 quite expert?
- 14:46:57 25 A. Well thank you for that. But yes, the orientation of the brief from Mr. White
- 26 was specifically in relation to ensuring that other councillors were
- 27 supportive. Yes there was -- in answer to the second part of your question,
- 28 yes there was as ensued, a dimension in relation to local matters including
- 29 residents.
- 14:47:29 30 Q. 309 So it did extend beyond promotion and PR is that the answer you are giving?

- 14:47:34 1 A. Yes.
- 2 Q. 310 You are telling us as well that you spoke to no other councillors other than GV
- 3 Wright or Cyril Gallagher, that's singularly unique circumstance to quote
- 4 yourself, when you compare this to your other activities. You only spoke to
- 14:48:00 5 two people?
- 6 A. By that -- what, I fail to follow you on the latter part.
- 7 Q. 311 Well you are agreeing that you only spoke to two people?
- 8 A. No. I fail to follow you on the latter part your other activities.
- 9 Q. 312 You seem to peek to a lot of people in other matters in other modules, names
- 14:48:16 10 are tripping off your tongue like Snowflakes?
- 11 A. I beg your pardon, yes. Appropriate in the weather conditions we are having.
- 12 Yes, the truth of the matter is that in this particular issue, on this
- 13 particular issue and I think I have already outlined this with Mr. Montgomery,
- 14 in the circumstances where you have two people of the status of GV Wright and
- 14:48:43 15 Cyril Gallagher, particularly the latter because he came from the area in which
- 16 the lands were located who were supportive, that fact alone at a meeting of the
- 17 Fianna Fail councillors prior to a council meeting, it would be very odd in
- 18 fact it would be completely unusual if any other councillors showed any
- 19 negativity towards it, once Cyril Gallagher was in support.
- 14:49:11 20 Q. 313 Just picking you up on something you said there. This is a material
- 21 contravention matter its not a rezoning matter?
- 22 A. Correct, yes.
- 23 Q. 314 So what prior Fianna Fail meetings are you referring to?
- 24 A. Fianna Fail regularly met.
- 14:49:25 25 Q. 315 No, what meeting are you referring to that took place prior to the 21st of,
- 26 22nd of April when this material contravention decision was made?
- 27 A. Before any council meeting.
- 28 Q. 316 No, what meeting are you referring to?
- 29 A. Mr. Kennedy just a moment. Before any council meeting Fianna Fail met in the
- 14:49:56 30 upper --

- 14:49:56 1 Q. 317 Mr. Dunlop could you deal with this please?
- 2 A. In the upper room.
- 3
- 4 CHAIRMAN: I think he is trying to explain.
- 14:49:56 5 A. Yes. In the upper room of Conway's to decide what attitude they would adopt.
- 6 Now, this may not be pleasing to you or your client or any other Fianna Fail
- 7 councillor but that is what happened. Meetings took place in the upper room of
- 8 Conway's before virtually every council meeting, whether they related to
- 9 material contraventions, or issues arising in the Draft Development Plan, as to
- 14:50:19 10 what way people would vote.
- 11
- 12 That is why I was satisfied and happy with Cyril Gallagher. If Cyril Gallagher
- 13 was on side -- if Cyril Gallagher was on side he would make that clearly known
- 14 to his colleagues at the Fianna Fail meeting.
- 14:50:42 15 Q. 318 But you personally didn't witness any meeting taking place before the material
- 16 contravention matter came?
- 17 A. I have never attended Fianna Fail meetings prior to council meetings, but you
- 18 can rest assured from me that they took place because I waited on numerous
- 19 occasions for these meetings to conclude, so that I would be fully aware as to
- 14:51:02 20 what the attitude of the party was.
- 21 Q. 319 Were you present on the 22nd of April 1991?
- 22 A. I don't recollect that I was.
- 23 Q. 320 You have no diary note to corroborate that one way or the other?
- 24 A. No.
- 14:51:16 25 Q. 321 I think its your evidence generally Mr. Dunlop that you only paid County
- 26 Councillors when they ask for a payment, am I correct in that?
- 27 A. In relation to support for votes, yes.
- 28 Q. 322 Rezoning and material contravention?
- 29 A. Yes.
- 14:51:29 30 Q. 323 Was there ever an occasion when you made a payment, where it hadn't been sought

14:51:36 1 by a councillor?

2 A. Offhand, no.

3 Q. 324 Well I will try and jog your memory?

4 A. Yes.

14:51:44 5 Q. 325 This relates to a matter that I can't be over specific about because it relates
6 to another module, but I think you did pay a visit to Malahide?

7 A. Yes.

8 Q. 326 In November 1992?

9 A. I will give you the exact date.

14:51:59 10 Q. 327 Mid November?

11 A. It was after the election was called, I travelled to Malahide to your client's
12 office.

13 Q. 328 Accompanied by another gentleman?

14 A. Accompanied by another gentleman, correct.

14:52:08 15 Q. 329 Now, what I want to put to you is that, we don't have it here but I think
16 hopefully you won't disagree, in your private session with the Tribunal.

17 A. Yes.

18 Q. 330 Where you made a comment in regards to the motivation behind that visit?

19 A. Yes.

14:52:25 20 Q. 331 You very fairly said, Mr. Dunlop, that no request was made of my client for
21 such a payment, is that correct?

22 A. That your -- that is correct.

23 Q. 332 Thank you Mr. Dunlop?

24 A. That is correct, sorry Mr. Kennedy. That is correct in the context that your
14:52:45 25 client had previously undertaken to give full support for that particular
26 development.

27 Q. 333 I am merely evincing that to show that there was at least one occasion when you
28 made a payment that had not been asked for?

29 A. Yes, but I notice that you didn't ask me to revisit the conversation that took
14:53:04 30 place in Malahide.

14:53:05 1 Q. 334 I am only asking you to answer the questions that I am putting to you, if you
2 wish to expands that's a matter for yourself?

3 A. Well I am just pointing out that like many others in this room, the ability to
4 redact seems to be increasing by the day.

14:53:18 5
6 JUDGE FAHERTY: That's a comment.

7
8 CHAIRMAN: Mr. Dunlop, I mean was that an occasion when you made a payment, as
9 suggested by Mr. Kennedy, which had been unsolicited or hadn't been asked for?

14:53:33 10 A. Yes. In relation to the general election for GV Wright's support for
11 Quarryvale.

12
13 CHAIRMAN: So therefore it was a payment that you made which hadn't been asked
14 for?

14:53:41 15 A. Yes but Quarryvale was discussed at the meeting in the presence of another
16 person.

17
18 CHAIRMAN: That's fine. But the, but just to get back to the point that was
19 raised by Mr. Kennedy, you paid money or money was paid on that occasion which
20 hadn't been requested?

21 A. Well sorry, Mr. Chairman, we can go down a long road on it, but for clarity I
22 was asked by a client whether or not it would be appropriate to give
23 contribution to Mr. Kennedy's client. My understanding and I can be corrected
24 on this by the gentleman concerned, was that an approach had been made to that
25 gentleman by a colleague of Mr. White's -- of Mr. Wright's, from another county
26 in the south, that contribution towards the election would be welcome on foot
27 of his support for Quarryvale. I made the contribution.

28
29 CHAIRMAN: But are you suggesting then that, that contribution was made as a
30 result of an indirect -- indirectly a request being made?

14:54:56 1 A. Well in relation to Mr. Kennedy's question I have to say that GV Wright did not
2 ask me. Sorry, Mr. X asked me would it be appropriate to make the contribution
3 because he had been approached by a colleague of Mr. Wright's.
4

14:55:14 5 CHAIRMAN: Well did you understand it to be, while a request hadn't been made
6 to you personally by Mr. Wright, did you understand it to have, to be a payment
7 being made as a result of a request possibly made through a third party?

8 A. Correct.

9 Q. 335 Sadly, Mr. Dunlop, you didn't give such an expansive summary in your private
14:55:33 10 interview. There was no plenipotentiary from the south mentioned in that
11 interview?

12 A. Well the plenipotentiary can speak for himself he will be named and can speak
13 for himself.

14 Q. 336 I am just merely saying you didn't say anything about that in private
14:55:50 15 interview, you said fairly and you said it complimentary that you had
16 acknowledged there was at least one occasion when a politician didn't ask for
17 money?

18 A. Well let's not be too shy about being careful about language, your client did
19 not ask me. You asked me did I ever give money to anybody who didn't ask me
14:56:07 20 and that is the answer.

21 Q. 337 I think the answer is, yes?

22 A. In the circumstances that I have outlined.

23 Q. 338 Just to go back to the County Council meeting of the 24th April, 1991. The
24 vote there was 37 for, 13 against and one abstention and if we can see page
14:56:34 25 four please.

26

27 JUDGE FAHERTY: 47.

28 Q. 339 If I could direct your attention to what the manager is quoted as having said
29 to the meeting?

14:56:46 30

- 14:56:46 1 I think its clause 58, sub-paragraph one. The "The manager stated that having
2 regard to all the considerations listed in the reports, there would be no
3 objection in the event of the council passing the resolution in favour of
4 granting planning permission." So does that suggest or resolve there is an
14:57:08 5 underlying willingness on the part of the planners having gone through your
6 usual consideration and preparation of reports that they were, to use a word
7 you use in the context of Mr. Wright and Mr. Gallagher, enthusiastic, about
8 what was before them that evening?
- 9 A. Well on its face as you extract out that paragraph that would appear to be the
14:57:31 10 case.
- 11 Q. 340 And might it have something to do with the fact in the proposal very generously
12 provided for a distributor road to be funded by the developer?
- 13 A. It may well do. Yes.
- 14 Q. 341 A rather gracious gesture, I would have said by a development, which obviously
14:57:50 15 influenced the council?
- 16 A. I would say that the gracious gesture by the developer, it was probably the gun
17 was put to his head, that the only way this matter could be done is if I think
18 the name of the road is Jugback Lane, if some distributor road was provided to
19 alleviate the difficulties there. I cannot -- I am speculating.
- 14:58:10 20 Q. 342 The point I am making, Mr. Dunlop, is that it impressed management, it
21 impressed those who prepared reports and this seemed to be something that was
22 going to get through without much more than your PR input and your skills which
23 didn't go beyond PR in this particular case, that's what I am putting to you?
- 24 A. Well the corollary of that Mr. Kennedy is why then was Mr. White anxious to
14:58:40 25 have my services.
- 26 Q. 343 For PR purposes?
- 27 A. For one meeting of residents association?
- 28 Q. 344 In your evidence this morning, Mr. Dunlop, if we can move on, you told us that
29 GV Wright was on side, fully supportive, that this had been relayed to you by
14:58:59 30 Mr. White, which I think is accepted?

- 14:59:01 1 A. Was fully supportive and on side.
- 2 Q. 345 Could we see page 728 please? The question and the answer given at number 18 I
3 think there is a reference to "he giving me the money with the expressed
4 intention that people", does that mean plural, is that plural people?
- 14:59:40 5 A. That's what it does appear, yes.
- 6 Q. 346 That would be on side. So who are we talking about?
- 7 A. Councillors.
- 8 Q. 347 How many?
- 9 A. The number of councillors were not specified. Mr. White's brief was to ensure,
14:59:55 10 to me, was to ensure that other councillors and I have said it here in my
11 statement, that I took to mean other than your client and Mr. Gallagher.
- 12 Q. 348 I am just directing your attention to the word "people".
- 13 A. Yes.
- 14 Q. 349 How many are we talking about?
- 15:00:15 15 A. There were more than two councillors in Dublin County Council.
- 16 Q. 350 But you only dealt with two, in fact you really only dealt with one.
- 17 A. Contributed.
- 18 Q. 351 So is the use of the word people an inaccurate --
- 19 A. No, no, this is in reference to Mr. White. Gave me the money with an express
15:00:35 20 intention and knowledge that I would ensure that people would be on side. The
21 fact that Mr. Gallagher was the only one doesn't take from the substance of the
22 statement. Do you accept that?
- 23 Q. 352 I am just asking you whether were there more than would people involved or were
24 there only two involved. Your evidence is that it was only Mr. Wright and
15:00:59 25 Mr. Gallagher?
- 26 A. Correct.
- 27 Q. 353 Now, you say that you got 5,000 pounds sitting there in the window at the front
28 of the Shelbourne?
- 29 A. Yes.
- 15:01:14 30 Q. 354 I don't think its the bar I think its the nice room at the front, and that you

- 15:01:20 1 outlayed 2,000 of that to Mr. Gallagher?
- 2 A. Yes.
- 3 Q. 355 And you got this money I think and you implied you were a bit circumspect but
- 4 you implied that you didn't trust Mr. White?
- 15:01:38 5 A. Did I use that word?
- 6 Q. 356 Well no but I think you implied it, you are very good with the English language
- 7 but that was the impression that I was left with, what I am getting at is
- 8 whatever your feelings were about Mr. White, he gives you only 5,000 pounds,
- 9 and you give away 2,000 of it to Mr. Gallagher?
- 15:01:57 10 A. Yes.
- 11 Q. 357 What was in it for you?
- 12 A. Well the, that was part of the fee from Mr. White, if you recollect the
- 13 arrangement that I had --
- 14 Q. 358 Oh yeah the handwritten note I have a very clear view of that in my mind?
- 15:02:10 15 A. Good.
- 16 Q. 359 But you never got paid?
- 17 A. Correct.
- 18 Q. 360 I think it was put to you earlier, it wasn't a very attractive commercial
- 19 proposition if what you were telling us is the case?
- 15:02:21 20 A. Yes. Mr. Quinn put that question earlier this morning and I think I dealt with
- 21 that on the basis of which I said yes on the face of it, it would appear not to
- 22 be and there were other similar circumstances in other modules.
- 23 Q. 361 Right. I just want to direct your attention again to page 728 still there.
- 24 You say something, about people who got money would have been there and I am
- 15:02:54 25 taking that to mean a reference to the Shelbourne Hotel?
- 26 A. Sorry Mr. Kennedy where are you, I am sort of lost here.
- 27 Q. 362 Question 18, it may be on the next page, if you can just go forward a little
- 28 bit? Yeah. Question 19 "In cash? Yes, in cash. People who would have got
- 29 money would have been there."
- 15:03:36 30 A. And you think that means the Shelbourne.

- 15:03:39 1 Q. 363 Well I -- I wouldn't be the English scholar you are but that's what I take out
2 of it?
- 3 A. I am not an English scholar now, Mr. Kennedy, please don't indulge in
4 hyperbole.
- 15:03:53 5 Q. 364 But what does it mean people who would have got money would have been there?
6 A. Well it certainly doesn't mean the Shelbourne.
- 7 Q. 365 It follows on after your allegation that you got some cash in the Shelbourne
8 Hotel, not in the Grand Hotel in Malahide, in the Shelbourne Hotel, so what
9 does that mean?
- 15:04:13 10 A. Well I can't tell you exactly what it means but it certainly doesn't refer to
11 the Shelbourne and there is no evidence on anybody's part, Mr. White's or mine,
12 that there is anybody else present in the Shelbourne other than Mr. White and
13 myself, if Mr. White acknowledges that I met him in the Shelbourne.
- 14 Q. 366 This is your private interview let's remind you about that?
- 15:04:33 15 A. You don't need to.
- 16 Q. 367 "I went in and spoke to Cyril Gallagher" what does that mean?
17 A. Well it means I spoke to Cyril Gallagher.
- 18 Q. 368 Where?
19 A. I have already said -- I have already said in relation to Mr. Montgomery that I
15:04:50 20 could have met Mr. Gallagher in a multitude of locations.
- 21 Q. 369 Mr. Dunlop, you are being asked a series of questions in this interview and you
22 are telling the interviewer, I think it was counsel, that you are making an
23 allegation that you were paid cash sitting near a front window in the
24 Shelbourne Hotel?
- 15:05:10 25 A. Sorry Mr. Kennedy, repeat that.
- 26 Q. 370 You are telling the interviewer that you were paid cash in the Shelbourne
27 Hotel?
28 A. No, no.
29
- 15:05:19 30 CHAIRMAN: Could we see the preceding paragraph?

15:05:22 1 A. Could we have a look at it?
2 CHAIRMAN: I think we have to go back to the previous page.
3
4 MR. QUINN: 728.

15:05:36 5
6 JUDGE FAHERTY: 728.

7 Q. 371 I think earlier on you are talking about -- I think if you scroll on, what I am
8 asking you is where were you when you went in to see Mr. Gallagher?
9

15:06:00 10 MR. REDMOND: Mr. Chairman, Mr. Redmond, for Mr. Dunlop, it is patently obvious
11 that the answer of question 19 explicitly states that he met the individual in
12 question at the Grand Hotel in Malahide.
13

14 MR. KENNEDY: Where is that?

15:06:14 15
16 MR. REDMOND: If we go onto the answer to question 19 it states quite
17 explicitly and I will read it when it comes up on the screen.
18

19 The very last line of the answer to question 19. "I certainly gave Cyril 2,000
15:06:35 20 pounds on that occasion. The meeting took place in the Grand Hotel in
21 Malahide" and I think it is explicitly clear and when the full answer is put up
22 any further questions in relation to a supposed meeting between that individual
23 Cyril Gallagher and Mr. Dunlop in the Shelbourne Hotel makes no sense.
24

15:06:54 25 CHAIRMAN: Yes, but Mr. Kennedy was asking him what the sentence "People who
26 would have got money would have been there. I went in and spoke to Cyril
27 Gallagher". Where was Mr. Dunlop referring to?
28

29 MR. REDMOND: But in answer to that Chairman it is patently obvious if you put
15:07:15 30 the entire answer to question 19, the meeting is located in the Grand Hotel in

15:07:16 1 Malahide and it cannot be reasonably suggested, as it was, that the meeting
2 took place in the Shelbourne Hotel.

3 Q. 372 MR. KENNEDY: I think my friend is helping me, because you never met
4 Mr. Gallagher in the Shelbourne Hotel?

15:07:33 5 A. Well in response to that Mr. Kennedy --

6 Q. 373 Is that what we are --

7 A. When did I ever suggest that I met Mr. Kennedy, sorry Mr. Gallagher in the
8 Shelbourne, please point that out to me, I await --

9 Q. 374 No, I am agreeing with you.

15:07:46 10 A. Oh thank you.

11 Q. 375 But what I am still confused about, where you say people who would have got
12 money would have been there. Now are we now in Malahide?

13 A. I went in and I spoke to Cyril Gallagher -- the meeting, the payment to Cyril
14 Gallagher took place in the Grand Hotel in Malahide, I have already replied to
15 a question in relation to that to Mr. Montgomery.

15:08:16 16 Q. 376 But you are saying people who would have got money would have been there, is
17 this in the Grand Hotel?

18 A. There was no other person present in the Grand Hotel other than Cyril and
19 myself and whatever other people were dining --

15:08:32 20

21 JUDGE FAHERTY: Mr. Dunlop you said Cyril, do you mean Mr. White, you just
22 said there was nobody -- oh in the Grand Hotel, yes, I beg your pardon.

23 A. No, no.

24

15:08:43 25 JUDGE FAHERTY: What Mr. Kennedy is asking you and in fairness to Mr. Kennedy,
26 if you look at the very bottom of question 18 the last lines of that and your
27 answer "there was an agreement for 10,000 and 5,000 was paid over in the corner
28 Shelbourne Hotel in the lounge at the meeting that I had with him in relation
29 to it."

15:09:01 30 A. Correct.

15:09:02 1 Q. 377 And "In cash" is a question asked of you and you confirm question in cash.

2 A. That's Mr. White.

3
4 JUDGE FAHERTY: Absolutely. I don't think Mr. Kennedy has any issue with

15:09:11 5 that. The very next line is "People who would have got money would have been

6 there" Mr. Kennedy isn't suggesting as I understand Mr. Kennedy's line and he

7 will correct me if I am wrong, that necessarily Mr. Gallagher got money,

8 Mr. Cyril Gallagher (deceased) on that day, but he is putting to you that that

9 line of questioning and the answer you gave suggests that not alone was

15:09:33 10 Mr. White in the vicinity of the Shelbourne but Mr. Gallagher might have been

11 in the vicinity of the Shelbourne I am not sure if Mr --

12 Q. 378 That's correct.

13

14 JUDGE FAHERTY: Because you keep saying you never gave money to Mr. Gallagher

15:09:46 15 in the Shelbourne you gave it in the Grand Hotel, but what Mr. Kennedy is

16 putting to you is that forget about the actual paying over of the money your

17 answer on that private interview suggests Mr. Gallagher might have been in the

18 vicinity of the Shelbourne Hotel when you were negotiating with Mr. White?

19 A. Certainly if that imputation --

15:10:05 20

21 JUDGE FAHERTY: I think that's the thrust of Mr. Kennedy's?

22 A. I can absolutely discount that. There is no question that Mr. Gallagher was

23 either in the room or in the vicinity as far as I am aware in the Shelbourne

24 Hotel on that date.

15:10:22 25 Q. 379 MR. KENNEDY: Certainly what you are suggesting is that people were there "I

26 went in and spoke to Cyril Gallagher." Where was all this going on?

27 A. Well I spoke to Cyril Gallagher after I had spoken to Mr. White at some stage.

28 Q. 380 "I went in."

29 A. Mr. Kennedy --

15:10:45 30 Q. 381 Its there in black and white.

- 15:10:46 1 A. There is lots of things in black and white as you know and we have seen a lot
2 of other things in black and white from other people --
3
4 CHAIRMAN: But I think Mr. Kennedy if you read further on it says "I certainly
15:10:58 5 gave Cyril 2,000 on that occasion, the meeting took place in the Grand Hotel"
6 that's clearly linked I think. The only mystery is what is meant by the term
7 by the sentence "People who would have got money would have been there" whether
8 that refers to the Shelbourne Hotel or the Grand Hotel or somewhere else is not
9 clear and probably will remain --
- 15:11:24 10 Q. 382 MR. KENNEDY: I won't labour that Chairman. Question 20 on page 729 perhaps we
11 can get to the black and white of this Mr. Dunlop, can you remember anybody
12 else -- I think the question was you got money or to whom you gave money, is
13 that what the question was?
- 14 A. Which question are you referring to now.
- 15:11:52 15 Q. 383 Question 20.
- 16 A. "Can you remember anybody else who gave money" is what's typed notwithstanding
17 the solecism of the English language, can you remember anybody else who gave
18 money?
- 19 Q. 384 What do you think the real question was?
- 15:12:06 20 A. Well my recollection is quite clear, can you remember anybody else to whom you
21 gave --
- 22 Q. 385 To whom you gave money?
- 23 A. Correct.
- 24 Q. 386 Would you help, would you read on what's the answer?
- 15:12:17 25 A. The answer is "GV. I cannot remember the exact amount that I gave GV but I am
26 certain that it was just 1,000 because I was absolutely certain from the
27 comments that had been been made to me that GV was elsewhere."
- 28 Q. 387 Okay just to analyse the answer you are saying in a private interview to the
29 tribunal that you gave GV Wright just 1,000 pounds?
- 15:12:42 30 A. Correct.

- 15:12:44 1 Q. 388 And can I just bring you through the language you use. "I am certain that it
2 was just 1,000 pounds" what does the word certain mean Mr. Dunlop?
3 A. Well what the normal English language.
4 Q. 389 What it says?
15:13:00 5 A. What it says exactly. What it says on the tin.
6 Q. 390 Because I was absolutely certain -- you make another statement. So you are
7 using very finite language there, very definite language, very clear language.
8 Now was that a true statement?
9 A. No.
15:13:26 10 Q. 391 What was it?
11 A. It was an error.
12 Q. 392 Was it a lie?
13 A. It was an error in the context of the -- prior to any preparation of the road
14 map that I had requested, this is the private sessions of May 2000, April or
15:13:48 15 May 2000.
16 Q. 393 May 2000.
17 A. I think it's May, yes. I am not sure, I think it is May.
18 Q. 394 Would you not remember it because the month before you sat in that very box and
19 you were in some difficulties and you were sent away by the Chairman's
15:14:05 20 predecessor to construct your road map or think about constructing your road
21 map, isn't that right?
22 A. Well no that's not exactly what the judge said but that's neither here nor
23 there, the fact of the matter is that on that occasion I made statements and
24 the judge asked me to reflect.
15:14:21 25 Q. 395 You made erroneous statements.
26 A. Correct.
27 Q. 396 To use your own to give you the benefit of the doubt, I use your own words.
28 You made erroneous statements. And this was a month later. And you had been
29 given time to reflect, isn't that right?
15:14:37 30 A. This is a month later in private session, prior to any road map of what

- 15:14:43 1 happened through the totality of the Development Plan.
- 2 Q. 397 But you had been given a little slap on the hand, you had been told to go away
- 3 and think about what you were going to say thereafter and a month later you say
- 4 that you gave GV Wright 1,000 pounds?
- 15:14:57 5 A. Yes.
- 6 Q. 398 And you are now telling us that that was an error?
- 7 A. Yes, it was.
- 8 Q. 399 I have another word for it which I won't put to you. You say it was an error?
- 9 A. Yes it was an error which was corrected.
- 15:15:11 10 Q. 400 When?
- 11 A. When I drew up the road map and when the Tribunal alluded to the fact that it
- 12 did not include 1,000 pounds payment to GV Wright and I said yes that is
- 13 correct, what was said in the private session was in error.
- 14 Q. 401 That was only revealed as a result -- well it was revealed in this way because
- 15:15:37 15 it was a decision of the High Court which directed the Tribunal to produce
- 16 private statements to the extent that they were relevant to individual modules,
- 17 were it not for that High Court judgement we might never be having this
- 18 question and answer session, and you only instructed, it was only in 2003?
- 19 A. Correct.
- 15:16:00 20 Q. 402 In a letter that was written by your solicitors, this is three years later.
- 21
- 22 MR. REDMOND: Mr. Chairman, again on behalf of Mr. Dunlop, a statement was
- 23 made, the full narrative statement in October 2000 which was handed in to the
- 24 Tribunal does not suggest that there was a 1,000 pound payment, so as of
- 15:16:19 25 October 2000 that statement made in the private sessions were no longer relied
- 26 upon by Mr. Dunlop.
- 27 Q. 403 MR. KENNEDY: But you remain silent in that statement. You didn't say anything
- 28 about what you had said earlier. I mean you had made a statement that you had
- 29 made a payment to Mr. Wright?
- 15:16:43 30 A. Yes.

- 15:16:43 1 Q. 404 We have only now discovered this in the last few weeks?
- 2 A. You have only discovered this in the last few weeks.
- 3 Q. 405 Yes. Because I didn't know you made that statement in private session until I
- 4 saw the brief and my client didn't know that?
- 15:16:59 5 A. Well I can't account for when you or your client saw anything, all I am
- 6 answering is to the best of my ability, the questions you are putting to me in
- 7 relation to the statement and as my own counsel has pointed out, in my
- 8 narrative statement of October 2000 it was not included, subsequently the
- 9 Tribunal wrote to me through my solicitors --
- 15:17:24 10 Q. 406 I will deal with that now in a moment.
- 11 A. To confirm, or to ask about the statement in the private session --
- 12
- 13 JUDGE FAHERTY: 326.
- 14 A. And we replied, as I have outlined to you.
- 15:17:54 15
- 16 MR. KENNEDY: I think later on in that, just perhaps -- sorry.
- 17
- 18 CHAIRMAN: No just Judge Faherty reminded me that all this arose before the
- 19 High Court judgement.
- 15:18:10 20
- 21 MR. KENNEDY: I realise that, Chairman.
- 22
- 23 CHAIRMAN: I know you wouldn't have seen the previous or at least the private
- 24 interview until recently.
- 15:18:22 25
- 26 MR. KENNEDY: But I fully appreciate that Chair been but what I am putting to
- 27 the witness is that he had made a statement to, in private session, he then
- 28 makes his narrative statement after he has compiled what he calls his road map,
- 29 but his statement that you had made a payment was still hanging out there, that
- 15:18:42 30 Mr. Wright had been made a payment, that he never actually got?

- 15:18:45 1 A. Well its one of the occasions he didn't get of the 12,500 I gave to your client
2 over the course of the 90s this was one payment that was not made to him, but
3 it wasn't hanging out there, because nobody else knew about it, it was made in
4 private session as the Chairman has just pointed out.
- 15:19:12 5 Q. 407 Now, this morning when you were answering some questions that were put to you,
6 I think you acknowledged that you never asked Robert White if he had paid money
7 to GV Wright?
- 8 A. Correct.
- 9 Q. 408 And you were asked as a follow on question did you ask, did you ask GV Wright
10 did he ever get money and you answered in the negative to both of those?
- 11 A. Yes, I never asked GV Wright.
- 12 Q. 409 So you had no knowledge of any payments made to Mr. Wright by any other party,
13 and in particular by Mr. White?
- 14 A. Other than the comments made that I attributed to Mr. White in my evidence.
- 15:19:55 15 Q. 410 Now, I just want to remind you as well, Mr. Dunlop, that in that private
16 interview you went on to deal with Mr. Liam Lawlor who was recently deceased
17 and you made a rather apt comment, where you said its not relevant to this but
18 it just fell out of the page?
- 19 A. If its not relevant its not relevant.
- 15:20:18 20 Q. 411 Well I will say it. "This is where we are dealing with fairy tales of Ireland
21 and playing with mirrors". Do you recall saying that?
- 22 A. If its in the transcript I said it.
- 23 Q. 412 Now, could we have page 324 please. This is a letter that the Tribunal sent to
24 you, Mr. Dunlop, I think on the second page if you can --
- 15:20:56 25 A. Date, what date is this?
- 26 Q. 413 Its the 19th May of '03, I think the second page I think in the context of
27 Mr. Wright.
- 28
- 29 It says there we are back onto the private interview "I enclose for your
15:21:21 30 attention" this is the third or fourth paragraph down "an extract of your

15:21:26 1 client's private interview with Members of the Tribunal's legal team on 19th
2 May 2000 in which your client identified Councillor GV Wright as having been in
3 receipt of funds in connection with the proposed rezoning of these lands.
4

15:21:38 5 Your client should explain why Mr. Wright was subsequently excluded from his
6 narrative statement. In the event that such exclusion was an error, your
7 client should deal with in detail -- your client should deal in detail with his
8 dealings with Mr. Wright."
9

15:22:01 10 That was as recently as '03 you were written to, to explain why you had -- was
11 it an error or what was it. So they drew your attention to that as recently as
12 May '03 and your reply, it was I think a poor choice of words, the question was
13 put to you in the event that such evidence was an error, who was to say what it
14 was at that time, other than that you had all that had happened was that you
15 had said in May 2000, that you had made a payment and you are trying to explain
16 away having made that erroneous statement by not having repeated it or said
17 anything about it in a subsequent narrative statement you made at the end of
18 2000 but the Tribunal are still bothered by this and they write to you in this
19 letter and they ask you that question, in the event that such -- they ask you
15:23:03 20 to explain, comment on it and they say "In the event that such exclusion of an
21 error, your client should deal in detail with his dealings with Mr. Wright." it
22 only took you 12 days to reply to that.
23

24 If we could look at 325 please?

15:23:33 25
26 JUDGE FAHERTY: 326 I think, Mr. Kennedy, that's the reply you are looking
27 for?

28 Q. 414 Thank you. A letter from your solicitors LK Shields and it says -- yes in the
29 penultimate paragraph.
30

15:24:01

15:24:01 1 "Mr. Dunlop has asked me to bring to your attention."
2 A. What paragraph Mr. Kennedy the, penultimate, yes.
3 Q. 415 Forget about the kind regards but the penultimate paragraph before that
4 "Mr. Dunlop has asked me to bring to your attention that the reference to
15:24:20 5 councillor GV Wright during the course of the private interview on May 19th
6 2000 was erroneous."
7 A. Yes.
8 Q. 416 "Insofar as it was indicated during the course of the interview that Mr. Dunlop
9 had made a payment to councillor GV Wright in relation to these lands" I have
15:24:39 10 to put it to you that that's the first time you tried to give an explanation
11 about that payment.
12
13 I think your logic and reasoning in suggesting that the statement you made at
14 the end of 2000 in which you made no reference to it at all wasn't an
15:24:55 15 explanation. Silence is sometimes worse than comment. You remained silent
16 about it in your narrative statement of 2000 and here you pick up on the word
17 "error" used in the Tribunal letter to you, to your solicitors and you agree
18 that the payment was erroneous, sorry the statement was erroneous. The
19 original statement was a lie Mr. Dunlop, was it not?
15:25:23 20 A. The original statement was an error.
21 Q. 417 Why did it only take you 12 days to say that?
22 A. I have very efficient solicitors.
23 Q. 418 Did you instruct them to say that?
24 A. Yes, I did. Its clear, "Mr. Dunlop has asked me to bring to your attention."
15:26:01 25 Q. 419 Could we have 786 please? I think this was a narrative statement that you
26 delivered quite recently, Mr. Dunlop, and that I think is, if we could perhaps
27 go back to 328 firstly, its a letter from the Tribunal to you, and if you look
28 at B, this is a letter from the Tribunal to your solicitors "What led him to
29 believe and to state in your client's private interview on the 18th May 2000,
15:26:59 30 that Mr. GV Wright was one of the councillors who was in receipt of funds in

15:27:03 1 connection with the proposed rezoning of the Duff Lands".
2
3 You were asked to provide a narrative statement and comment and respond to that
4 particular question. You furnished a narrative statement, but I can't find any
15:27:20 5 answer or comment in your latest narrative statement attempting to answer that
6 question, so could I ask that question of you now Mr. Dunlop.
7
8 What led you to believe and to state in your private interview on the 18th May
9 2000, that Mr. GV Wright was one of the councillors who were in receipt of
15:27:40 10 funds in connection with the proposed rezoning of the Duff Lands, what is your
11 answer to that question, Mr. Dunlop?
12 A. To repeat again what I said. On the 19th May 2000 I made a statement. I
13 provided a narrative statement to the Tribunal, if my memory serves me right on
14 the 9th October 2000, which I did not include Mr. Wright.
15:28:15 15
16 The letter to which you have alluded from the Tribunal to my solicitors asking
17 me to, whether this was an error or not, I instructed my solicitors and as you
18 have pointed out the reply was delivered in 12 days, that question was
19 answered.
15:28:31 20 Q. 420 But this is another question?
21 A. Yes, the question was answered. Its the same question.
22 Q. 421 No. Can I ask you this question again and if you can try and give me an answer
23 on behalf of my client?
24 A. But as I have said --
15:28:44 25 Q. 422 Whom you made a mistaken statement about?
26 A. As I said to you about five minutes ago. This is the one occasion in which
27 your client did not get paid by me as distinct from the occasions on which he
28 did amounting to 12,500 pounds in total.
29 Q. 423 We are dealing here with --
15:29:01 30 A. No, you have asked me a question.

15:29:02 1
2 CHAIRMAN: Yes, but Mr. Dunlop Mr. Kennedy is asking you, quite
3 understandably, what prompted you, during the, that private interview to allege
4 that Mr. GV Wright had been paid 1,000 pounds? Something, I mean is it your
15:29:23 5 answer that you just assumed he was paid or did you believe at the time that
6 you had in fact paid him?
7 A. Yes, I think the latter. I believed at the time that he had been paid and as I
8 have explained to Mr. Kennedy, when I sat down with the agreement of the
9 Tribunal to go through each of the developments during the course of the
10 Development Plan and in relation to other issues that I had raised here in the
11 witness box myself in which includes this one, which does not relate to the
12 Development Plan, I erroneously said that Mr. Wright got 1,000 pounds.
13
14 When I was doing my reply, my narrative statement as a consequence, I excluded
15:30:13 15 him and I was then written to by the Tribunal asking whether or not that was an
16 error.
17 Q. 424 Mr. Dunlop, the question in the latest letter you haven't answered. You told
18 us that that's what you believed at the time?
19 A. Yes.
15:30:27 20 Q. 425 In May 2000. The question you are being asked is what lead you to that belief?
21 A. Because Mr, of Mr. Wright's close involvement in relation to this particular
22 issue.
23 Q. 426 Right. So you are frankly and fairly tell us you made an error?
24 A. Yes, I have said that about ten times already.
15:30:51 25 Q. 427 Well that's a convenient word to use, others would use other words but I am not
26 going to. I will just conclude now by giving you an opportunity, Mr. Dunlop,
27 both to the Tribunal collectively and to my client personally and individually,
28 to apologise for that error?
29 A. No, under no circumstances whatever. I have given an explanation to, for it.
15:31:13 30 I was asked a question and I have publicly admitted that it was an error. That

15:31:18 1 is sufficient in the context of my relationship with your client on an ongoing
2 basis throughout the Development Plan.

3 Q. 428 Thank you Mr. Dunlop.

4

15:31:37 5 CHAIRMAN: All right?

6 A. Thank you Mr. Kennedy. Any further parties? Do you want to delay your
7 cross-examination of your client.

8

9 MR. REDMOND: I think it would be appropriate to wait until the 31st so that I
10 can give Mr. Hayden his due and there is also another matter which I will want
11 to make a submission to the Tribunal in relation to the diaries issue and I
12 think that should wait until Mr. Hayden has concluded his questions.

13

14 CHAIRMAN: All right.

15:32:18 15

16 JUDGE FAHERTY: Mr. Dunlop I am not going to, I have a number of questions but
17 I am leaving them until the cross-examination and examination by various
18 witnesses have been concluded but I have one question about Cyril Gallagher
19 (deceased) and because his solicitor is here I am going to ask you the, raise
20 it with you?

21 A. Yes.

22

23 JUDGE FAHERTY: I just want to ask you you have said that when you spoke to
24 Mr. Gallagher about this matter he asked for money?

15:32:43 25 A. Yes.

26

27 JUDGE FAHERTY: And you gave him as a result 2,000 pounds?

28 A. Yes.

29

15:32:48 30 JUDGE FAHERTY: Is that correct?

15:32:49 1 A. Yes.
2
3 JUDGE FAHERTY: You have also told us that you heard from Mr. White and
4 gleaned that Mr. Gallagher had concerns about the timing of this particular
15:33:03 5 project and had reservations, is that correct?
6 A. That's correct yes, sorry, yes that's true.
7
8 JUDGE FAHERTY: And I just want to ask you, when Mr. Gallagher, you say asked
9 you for money?
15:33:15 10 A. Yes.
11
12 JUDGE FAHERTY: And you haven't told us or suggested that Mr -- other than you
13 said he asked for a sum of money and you agreed on 2,000 pounds, you haven't
14 qualified or said Mr. Gallagher suggested it was a political donation or
15:33:31 15 anything like that, you simply asked for 2,000 pounds?
16 A. Yes.
17
18 JUDGE FAHERTY: And you understood as I understand it from his asking and you
19 giving it, that that was for his support for this material contravention?
15:33:42 20 A. Correct.
21
22 JUDGE FAHERTY: I just want top ask you, why do you think did Mr. Gallagher
23 speak of his reservations to you?
24 A. Oh, yes he did.
15:33:53 25
26 JUDGE FAHERTY: That's my question really, why would he bother talking about
27 reservations or concerns if he was simply minded to ask for money for his vote,
28 because at the end of the day, this material contravention could only happen if
29 the County Councillors voted on it, no matter what the planner would say in
15:34:11 30 their reports we know in fact the manager ultimately supported this. So I am

15:34:15 1 just wondering why would Mr. Gallagher bother discussing reservations or timing
2 if he was simply going to ask you for money and vote on the basis that if he
3 got money he would vote for it?
4 A. Two things judge. One you are correct in saying that in relation to the
15:34:32 5 material contravention going through it is a reserve, it was a reserve
6 function, it was the single only issue other than voting during the Development
7 Plan that councillors could get things done. So in that context -- yes, Cyril
8 Gallagher as I think I replied to Mr. Montgomery, was the type of man who knew
9 what was going on. He felt that this was the timing of this was wrong, while
15:34:59 10 very much he welcomed the hotel aspect and he kept repeating that to me, but he
11 felt the timing was wrong and certainly that it would not be done in six weeks,
12 and he expressed those reservations to me otherwise I wouldn't be able to say
13 that he did so.
14

15:35:16 15 JUDGE FAHERTY: Thank you very much.

16 A. Thank you judge.
17

18 CHAIRMAN: All right thank you Mr. Dunlop.

19 A. Thank you Chairman.
20

15:35:24 20

21 **THE WITNESS THEN WITHDREW:**
22

23 MR. QUINN: Mr. Dunlop is to return then on the 31st of March to resume
24 cross-examination.
25

15:35:29 25

26 CHAIRMAN: Yes he has agreed to that.
27

28 Mr. Doyle: Sir if we could have Ms. Ann Marie white.
29

15:35:44 30

15:35:56 1

2

ANN MARIE WHITE, HAVING BEEN SWORN, WAS EXAMINED AS.

3

FOLLOWS BY MR. DOYLE:

4

15:36:01 5

CHAIRMAN: Good afternoon Ms. White.

6

A. Good afternoon.

7

Q. 429 Afternoon, Ms. White. I just want to take you through the statement that you

8

have given to the Tribunal and there are some questions arising out of that

9

statement. Ms. White, I believe that the Tribunal wrote a letter to you,

15:36:27 10

that's page 374, if I could have that please. The letter is dated 4th July

11

2003 and in that letter a number of questions were asked of you, I believe that

12

your statement to the Tribunal, that's dated 21st July 2003 at page 381 is a

13

response or your response to the questions raised in that earlier letter.

14

15:36:53 15

Now, I think that in the statement you say that your children were attending

16

the riding school of the Duff family I think it was?

17

A. That's correct, yes.

18

Q. 430 And I think that you became friendly over a time with the Duff family?

19

A. We did.

15:37:07 20

Q. 431 I suppose I should also clarify to those present here, you were married or are

21

married to Mr. Robert White?

22

A. I was married. I am divorced.

23

Q. 432 Okay very well. Now, I believe that ultimately your daughter, Elaine married

24

Brian Duff?

15:37:21 25

A. She did.

26

Q. 433 Who would be the son of one of the Duff family?

27

A. Correct.

28

Q. 434 Some time in about 1995. Now, I believe that you say in your statement that

29

you had no personal interest in the Duff Lands?

15:37:36 30

A. No, absolutely not.

- 15:37:37 1 Q. 435 Right. You would have accept, would you that your husband would have had a lot
2 of dealings with the Duff's and lands relating to the Duff site?
3 A. Well he was involved with that, yes.
- 4 Q. 436 All right. And I think that you were a director of a company called Nosaka
15:37:54 5 Limited, isn't that correct?
6 A. I was.
- 7 Q. 437 And if we can have page 703 please? I think you can see this is the Companies
8 Office print out in relation to Nosaka Limited. I think you will see there as
9 I am sure you are aware that you are named as a director, White Ann Marie, 3
15:38:14 10 Avoca Road, Blackrock, Co Dublin, director and indeed you are also referenced
11 as secretary of Nosaka Limited?
12 A. Yes.
- 13 Q. 438 I think you say that you have some recollection that Nosaka had an option over
14 certain lands owned by the Duff family?
15:38:32 15 A. Yes.
- 16 Q. 439 You want to say you recollect that this option was never exercised by Nosaka
17 Limited?
18 A. That's correct.
- 19 Q. 440 Now, I think just in relation to Nosaka Limited and your directorship, the
15:38:43 20 directorship you held, do you know the dates that you held directorship in this
21 company?
22 A. No, I have no recollection.
- 23 Q. 441 Right. I see.
24 A. I mean I know they were around that time, but I don't actually know the dates.
- 15:38:55 25 Q. 442 There is reference in the document bottom part of the document to change of
26 director and secretary and its dated 1st of the 8th '89 to 25th of the 6th 1992
27 would you have any recollection whether or not you would have ceased being a
28 director around 1992?
29 A. If it says that, I am sure those are the dates.
- 15:39:17 30 Q. 443 Very well. So you accept you would have been a director during the relevant

- 15:39:21 1 period from late 1989 to some time in 1992?
- 2 A. Something like that, yes.
- 3 Q. 444 Could I just ask you in relation to that, were you a director of any other
- 4 companies during this period?
- 15:39:31 5 A. When I was married to my husband, I was director of the companies that he was
- 6 involved with, Tara Ware Limited and Dublin Diamonds.
- 7 Q. 445 Very well. And I think that you go on to say, just to move way from that for a
- 8 moment, I think you go on to say you had some knowledge of 37 acres at Balheary
- 9 and the letter from the Tribunal refers to that and you say that you think
- 15:39:57 10 there were they were acquired by Nosaka Limited from Henry Baker?
- 11 A. Yes.
- 12 Q. 446 I know that the Tribunal has other statements in and reference to Harry Baker,
- 13 would you know is it Harry?
- 14 A. I think Harry is a nickname for Henry, isn't it?
- 15:40:11 15 Q. 447 Very well. You say you recall that certain lands, and I am sure that the area
- 16 meant for this lands were purchased at arms length from Henry Baker?
- 17 A. Yeah.
- 18 Q. 448 So as far as you are aware these 37 acres were purchased at arms length what
- 19 did you mean by arms lengths?
- 15:40:28 20 A. I actually asked that. I don't actually know what the meaning of that is, I
- 21 have it in my statement and I am being honest saying that I obviously was
- 22 helped with it at the time that I made my statement and I am not sure what it
- 23 means now.
- 24 Q. 449 Very well. I think that you might have been mistaken maybe with the option
- 15:40:49 25 agreement, would that be possible?
- 26 A. The option. I am really not sure because my involvement was so little, it was
- 27 so little at the time. That is the absolute truth.
- 28 Q. 450 Right. Now, again just getting back to Nosaka, I believe that a mortgage was
- 29 taken out in favour of ICC in relation to certain lands at Balheary?
- 15:41:08 30 A. Mm-hmm.

- 15:41:09 1 Q. 451 And you say that you have no specific knowledge as to the mortgage created in
2 favour of ICC?
- 3 A. That's correct.
- 4 Q. 452 Now, if we can look again at the document at page 702, the company's printout
15:41:24 5 document please, the previous page. We'll see from that document that's up in
6 front of you on the screen, that there is reference to the taking out of a
7 mortgage on certain lands at Balheary, and you can see an actual mortgage over
8 37 acres at Balheary, Swords, County Dublin, about half way down the page
9 there. "Particulars of property. ICC mortgage." Have you found it?
- 15:41:57 10 A. Yes.
- 11 Q. 453 Now, you say you have no specific -- again could you clarify that, you have no
12 specific --
- 13 A. I have no specific. I was so -- I was okay I was a director and I was the
14 company secretary but it was -- my husband at the time did all of the work. He
15:42:14 15 ran the business and I have really no recollection of anything that went on
16 other than what I would hear from time to time and now, reading about it you
17 know, I have some recall, but I don't actually remember the time. It was a
18 time when I was very involved bringing up my children and that was my life at
19 the time.
- 15:42:40 20 Q. 454 Very well. I see. Could we look at page 831 please? This document you will
21 see Ms. White, is a document creating an account for Nosaka Limited?
- 22 A. Mm-hmm.
- 23 Q. 455 The date is the 5th October 1989 and you can see the account number is
24 59642028?
- 15:43:02 25 A. Mm-hmm.
- 26 Q. 456 And the two names are RF White it looks like and Ann M White?
- 27 A. That's correct.
- 28 Q. 457 You confirm that would be you?
- 29 A. Yes.
- 15:43:11 30 Q. 458 And that is your signature?

- 15:43:12 1 A. Yes.
- 2 Q. 459 And again the top right-hand side of that document is you can see where there
- 3 is the signature authority either Robert or Ann White to sign?
- 4 A. Yes.
- 15:43:22 5 Q. 460 So you had complete signing authority in relation to this?
- 6 A. I only just seen that now, I have no recollection of that actually.
- 7 Q. 461 But you would accept that is your signature?
- 8 A. Well absolutely.
- 9 Q. 462 And from the face of the document it would seem that you had complete signing
- 15:43:38 10 authority in relation to this bank account in relation to this company?
- 11 A. Yeah but I don't think I signed any cheques, that's my recollection.
- 12 Q. 463 Very well. Now, I'll be coming back to that in a moment, if we can just
- 13 continue on with your statement and deal with that.
- 14
- 15:43:55 15 You say in your statement you go on to say "The day to day operations of Nosaka
- 16 Limited" that's page 382 please "you say that the day to day operations of
- 17 Nosaka Limited were at all times handled by my husband Robert White and I have
- 18 no details and no recollection of how or when Nosaka Limited disposed of their
- 19 interest in the land purchased from Henry Baker. The Tribunal letter refers to
- 15:44:17 20 the subject lands which I presume from the title of the Tribunal letter is the
- 21 Duff lands. I am not aware that the Nosaka ever had an interest in the Duff
- 22 Lands therefore I cannot say whether they ever disposed of any interest in the
- 23 Duff Lands."
- 24 A. That's correct.
- 15:44:29 25 Q. 464 Okay. Just in relation to the previous page, you make reference in paragraph
- 26 two to Nosaka having an option over certain lands owned by the Duff family.
- 27 Would you accept that, it would seem to be some confusion within the face of
- 28 the, within your statement?
- 29 A. Well I don't know what to say to that.
- 15:45:10 30 Q. 465 All right. Now, I think that as we have said your daughter Elaine was married

- 15:45:18 1 to one of the Duff sons, isn't that correct?
- 2 A. That's correct, yeah.
- 3 Q. 466 And would you ever have had any discussions between the families, yourself with
4 your daughter or with your son-in-law or with them at any stage in relation to
15:45:31 5 Nosaka and their lands, the Duff Lands?
- 6 A. I don't remember that. I don't recall having those kind of conversations with
7 my son-in-law or my daughter about things like that, no. I mean I am quite
8 sure there were discussions going on, but I have -- it was not my -- it wasn't
9 the most important thing in my life. The most important thing at that time was
15:45:55 10 my children and bringing up my kids and that's what I was doing. I wasn't -- I
11 don't remember a particular conversation, you know. But it was happening
12 around me obviously.
- 13 Q. 467 Yes. You would have discussed it maybe with your husband?
- 14 A. I am sure.
- 15:46:11 15 Q. 468 You have no recollection of any specific --
- 16 A. No, not specifics.
- 17 Q. 469 All right. You go on to say "That you have no, you cannot say with a degree of
18 any certainty as to whether the lands acquired from Henry Baker were part of
19 the subject lands, the Duff Lands, because the Duff Lands were not defined. In
15:46:27 20 any event, if they were defined I could still not have given an answer to this
21 question."
- 22 A. Mm-hmm.
- 23 Q. 470 In relation to Mr. Duff you said you met Mr. Duff on two occasions, Mr. Dunlop
24 I am sorry, on two occasions, both being social occasions. And I think in
15:46:42 25 relation to the dates earlier on today I think there is a diary reference 565
26 to a meeting, a social occasion in December 1990?
- 27 A. Yeah that would have been a dinner in Kilmainham, a fundraising dinner in
28 Kilmainham, I think it was a Cumman dinner or something like that, I would
29 definitely have met him there and perhaps bumped into him one other time.
- 15:47:09 30 Q. 471 And would you, you say you were not aware of any dealings with Nosaka Limited

- 15:47:14 1 or, had or may have had with Mr. Dunlop.
- 2 A. No, I wasn't aware of -- I mean I had nothing to do with Mr. Dunlop having an
3 interest in Nosaka or being employed by Nosaka, I had no notion of that at the
4 time.
- 15:47:28 5 Q. 472 I see. Begun I have to put to you as a director of the company and your
6 husband being heavily involved and you were out socially meeting with
7 Mr. Dunlop, I have to ask you did not arise in any conversation at all in
8 relation to any dealings with Mr. Dunlop and Nosaka?
- 9 A. I honestly can't remember.
- 15:47:51 10 Q. 473 You also say you have no idea who recommended Mr. Dunlop to Nosaka?
- 11 A. Absolutely.
- 12 Q. 474 I think that you were also as a result obviously it makes sense that in the
13 circumstances you were not aware of the termination of the services of
14 Mr. Dunlop. And were unaware of the fact that he had ever been retained by
15 Nosaka Limited?
- 15:48:11 15 A. Yeah I just --
- 16 Q. 475 And I think in relation to Tim Collins or Tim Rowe, that's Pilgrim Associates
17 architects?
- 18 A. I actually when I met Mr. Rowe today I recognised him, but I had said in my
15:48:23 20 statement that I didn't know him, when I met him today I recognised his face,
21 but its a long, long time since I have seen him. And the other people
22 Mr. Collins I met maybe socially a couple of times.
- 23 Q. 476 And again you wouldn't have known or would you have known that they had any
24 dealings with Nosaka Limited?
- 15:48:46 25 A. I would have known that they were associates of my husband's but I really
26 didn't know what was going on.
- 27 Q. 477 And I think you say finally in your statement that you were unaware of Nosaka
28 Limited having made any political donations in respect of your husband playing
29 in a Fianna Fail golf outing in Malahide?
- 15:49:10 30 A. Yes, that's correct, absolutely.

- 15:49:14 1 Q. 478 Can I ask you did you ever have any friendship with Mr. GV Wright or Mr. Cyril
2 Gallagher?
- 3 A. I didn't know Mr. Gallagher. I knew GV Wright's wife, Monica, I played golf
4 with her because I play a lot of golf and I would have come across her and
15:49:35 5 socially, yes, I would have known GV and Monica together.
- 6 Q. 479 And would you ever have had any discussions with Mr. GV Wright or indeed his
7 wife?
- 8 A. Absolutely not.
- 9 Q. 480 With regard to Nosaka Limited?
- 15:49:48 10 A. Absolutely not.
- 11 Q. 481 Or with regard to the development of the Duff Lands?
- 12 A. Absolutely not.
- 13 Q. 482 If I could just move on to page 831. Again this is a document called up
14 earlier in relation to the bank account which you are a co-signature. 59642028
15:50:19 15 is the account number, do you accept that?
- 16 A. Yes.
- 17 Q. 483 The title of the account is Nosaka Limited, if I could go to page number 8
18 please. Ms. White, I believe that Nosaka Limited had an account with Ulster
19 Bank Limited and that's what the earlier document refers to, isn't that
15:50:48 20 correct?
- 21 A. Sorry, yeah.
- 22 Q. 484 And I think you can see from this document, page number 8 -- sorry page 836,
23 apologise. Again you can see this is an Ulster Bank account and its Dorset
24 Street, Dublin and its the address to which the accounts were sent were the
15:51:27 25 Directors, Nosaka Limited, 3 Avoca Road, Blackrock, County Dublin the account
26 number is 596420278. That's the account for the previous document refers?
- 27 A. Yes.
- 28 Q. 485 If you could go, look at that document and go down to the third last entry
29 there, 30th April 1990. There is a withdrawal 35,000, you see that there?
- 15:51:50 30 A. Yes.

- 15:51:51 1 Q. 486 Have you any knowledge of that withdrawal?
- 2 A. Absolutely not.
- 3 Q. 487 Do you know where that money might have gone or for what reason anybody might
- 4 have withdrawn 35,000 from Nosaka?
- 15:52:05 5 A. No.
- 6 Q. 488 Right. If we go to page 839 please. Again you will see it's a similar class
- 7 of document relating to the same account and addressed again to the Directors
- 8 of Nosaka Limited. And on the 28th of May 1990, that's three lines from the
- 9 top, three lines down from the top, there is a withdrawal for 10,000 pounds.
- 15:52:33 10 A. On the 20 -- sorry.
- 11 Q. 489 20th of May 1990?
- 12 A. I don't have that page up.
- 13
- 14 JUDGE FAHERTY: It's a different page.
- 15:52:42 15 Q. 490 Page 839?
- 16 A. I have from August to November in this.
- 17 Q. 491 Sorry, it might be 838, sorry my copy of the document -- that's it yes, my
- 18 apologies Mrs White. The third line down from that 28 of May 1990, withdrawal,
- 19 10,000. Again I have to ask you have you any knowledge of that or why 10,000
- 15:53:07 20 might have been withdrawn from the account on that date?
- 21 A. I personally wouldn't have knowledge of withdrawal of the money, but it could
- 22 have been used -- I mean we went on a couple of holidays or something, I don't
- 23 know. But that's -- I have no knowledge of the actual withdrawal.
- 24 Q. 492 Could I ask you to have a look at page number 841 please? Again this is a
- 15:53:36 25 similar document, addressed again to the Directors of Nosaka Limited, the same
- 26 account. And on the sixth line down, the 21st of February 1991 there are two
- 27 debits, one of 8,500 to R White and the other of 2,000 to R White. Again I
- 28 have to ask you have you any knowledge of those, that transaction?
- 29 A. No.
- 15:54:07 30 Q. 493 Or why indeed those transactions would have taken place around those dates,

- 15:54:13 1 21st of February '91?
- 2 A. No.
- 3 Q. 494 In relation to, you will see on the same line there, 21st February 1991 there
- 4 is EMA or EMR, not clear from the document EMR Grove; have you any knowledge of
- 15:54:31 5 that entity, that company, whatever it is?
- 6 A. No.
- 7 Q. 495 And finally in relation to page 843. Again it's a similar document to
- 8 addressed to the Directors of Nosaka Limited, the same account. 4th October
- 9 1991 and that is the fifth line up from the bottom of the document, 4th October
- 15:54:56 10 '91 again there is a debit 7,000 and its attributed to R White. Again have you
- 11 any knowledge of that transaction?
- 12 A. No.
- 13 Q. 496 Why a transaction, or that transaction would have taken place around that date?
- 14 A. No.
- 15:55:20 15 Q. 497 Finally, two final questions, Ms. White. Could we have page number 401? Again
- 16 this is a letter, Ms. White, from Robert White to the Tribunal. That's a
- 17 statement of Robert White's to the Tribunal, and at number 7 he states that:
- 18 "The only payment made to Mr. Dunlop or his company was one cheque for
- 19 approximately 2,500 by Nosaka Limited." Have you any knowledge of that
- 15:55:54 20 payment?
- 21 A. No.
- 22 Q. 498 Did you ever sign any cheque for 2,500?
- 23 A. No.
- 24 Q. 499 Finally, in relation to Nosaka Limited, of which you are a director, have you
- 15:56:09 25 any knowledge of a consortium or any other parties who might have been involved
- 26 with Nosaka Limited?
- 27 A. No.
- 28 Q. 500 Thank you very much Mrs. White.
- 29
- 15:56:23 30 CHAIRMAN: All right. Do you have any questions?

15:56:26 1
2 JUDGE FAHERTY: Just as, a director were you obliged to sign off on the
3 company accounts Mrs. White, yes?
4 A. I would have been I am sure.

15:56:33 5
6 JUDGE FAHERTY: At the end of any particular year, do you ever recall seeing
7 any, outlining any, or seeing any reference of expenditure to either Mr. Dunlop
8 or any company associated with Mr. Dunlop?
9 A. I don't recall anything like that.

15:56:46 10
11 JUDGE FAHERTY: Would you have gone through the company accounts as a
12 director?
13 A. I don't remember, I really don't. I don't remember much about the time at all.
14

15:56:57 15 JUDGE FAHERTY: I see, right.
16 A. Thank you very much.
17

18 CHAIRMAN: Thank you very much.
19

15:57:01 20 **THE WITNESS THEN WITHDREW.**
21

22 MR. QUINN: We had intended to deal with other witnesses, but obviously we lost
23 some time. I wonder would the Tribunal consider sitting on Tuesday at 11.30?
24

15:57:12 25 CHAIRMAN: 11.30 on Tuesday? So we'll sit in relation to this module on
26 Tuesday at 11.30.
27

28 MR. QUINN: And possibly again on Wednesday.
29

15:57:22 30 CHAIRMAN: And Wednesday at 10.30, but not again after that until the 31st,

15:57:25 1 because we are starting a new module. Just so the parties will know, for their
2 own convenience. All right, Tuesday then at 11.30.

3

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THE TRIBUNAL THEN ADJOURNED TO

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TUESDAY 21ST MARCH 2006 AT 11.30 AM

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