

THE TRIBUNAL RESUMED AS FOLLOWS ON THURSDAY,

23RD MARCH, 2006, AT 10:30 A.M:

CHAIRMAN: Good morning.

Today we commence a new Module known as the Lissenhall Module.

As its name suggests this inquiry concerns the rezoning of lands at Lissenhall near Swords, in north County Dublin.

Ms. Dillon will shortly read her opening statement.

It is expected that the duration of this Module will be approximately two weeks.

When Ms. Dillon concludes her opening statement the Tribunal will invite those listed to give evidence in this Module to apply for a grant of representation.

Unless otherwise specified, such a grant will be one of limited representation.

And which will permit a party's legal representative to participate in the hearings to the extent necessary to enable that party protect his or her interests.

An application for grant of representation may be made either after the opening statement is concluded, or at a later stage in the public hearings, if preferred.

Also, when Ms. Dillon concludes her opening statement any party listed as a witness in this Module. Will be provided with an opportunity to make a reply to the opening statement, either today, or if they wish to consider the opening statement overnight, tomorrow morning.

10:35:52 1
2 There is no compulsion whatsoever on any party to make such a reply unless they
3 wish to do so.
4

10:35:52 5 In practice few parties have veiled of this invitation in the past.
6
7 All parties who give evidence in this Module will be afforded an opportunity to
8 make submissions to the Tribunal at some future date.
9

10:35:53 10 Finally, and in ease particularly of the parties and their legal
11 representatives, the following might be noted.
12
13 Public hearings in this Module are scheduled for today and tomorrow, Friday.
14 and Tuesday Wednesday and Thursday of next week. On Friday week the 31st of
10:35:59 15 March, the Tribunal will have public hearings, but these will be devoted to
16 some outstanding issues in the Duff Module.
17
18 And then the following week public hearings in this Module are scheduled for
19 Monday, somewhat unusually, and Tuesday April the 3rd and 4th. And further,
10:36:19 20 such further days after that as are necessary. There will be no sittings, in
21 any event on Friday the 7th of April.
22
23 And sitting days beyond that date will be announced later.
24

10:36:32 25 And these, as one might expect, these scheduled sittings are subject to change
26 where necessary. And where any such changes are to be made, parties will be
27 notified as soon as possible.
28
29 All right. Ms. Dillon.
10:36:50 30

10:36:50 1
2
3 MS. DILLON: Good morning, Sir.
4
10:36:52 5 The Lissenhall Module.
6
7 Could I have page 650, please.
8
9 At the beginning. If we could just increase the coloured portion. At the
10:37:01 10 beginning I want to outline that some what unusually in this Module there are
11 two separate pieces of land that are the subject matter of the joint rezoning
12 motion. The lands coloured blue on the map that's on screen are the lands the
13 more northern portion of the lands, they are the Rayband lands. The green
14 lands which are immediately south of that are the Duffy lands. And they are
10:37:22 15 owned by separate people. The northern by a company called Rayband limited.
16 And the southern green lands by an individual called Mr. Duffy.
17
18 Both of these pieces of land came to be the subject matter of a joint rezoning
19 motion. Both parcels of land appear on two maps in the Development Plan, map
10:37:43 20 6 and map 30, therefore in, each case in which we come to consider the rezoning
21 of these lands it will be necessary to look at both pieces of land. And in
22 addition to that, at two maps. Map 6 and map 30.
23
24 So the map that's on screen is an extract from map 30 of the Draft Development
10:38:01 25 Plan 1991. There are two coloured plots of land. The northern portion of
26 the lands bear the designation B and are coloured blue. The B designation is
27 a designation for agriculture zoning. These are the Rayband lands, which are
28 owned by Rayband Limited. Immediately south of these lands are green lands
29 which have a designation G or high amenity. These are the Duffy lands. The
10:38:26 30 Rayband lands were purchased by Rayband Limited. After their purchase in the

10:38:30 1 course of the review of the 1983 Draft Development Plan for County Dublin
2 Rayband entered into an a arrangement with an adjoining landowner, namely
3 Mr. Duffy, to seek a joint rezoning.
4

10:38:43 5 On most of the maps that will be looked at in the course of this Module there
6 are therefore two plots of land which together were the successful joint
7 rezoning motion. The lands in addition are displayed on two maps in relation
8 to the Development Plan map 30, on page 650 please.
9

10:38:59 10 And map 6, page 651.
11

12 So if you look at the top portion of that. This is an extract from map 6.
13 And again, the lands can be seen because the lands apparently have been mapped
14 on both 6 and map 30.

10:39:24 15

16 Now, on page 217 this is an increased version, or an increased extract from map
17 30. And the blue lands are the Rayband lands. And the green lands with the
18 designation G are the Duffy lands. On 218 is the extract from map 6, where
19 the blue lands again can be seen are the Rayband lands and the green lands are
20 the Duffy lands.
21

22 The planning history of the Lissenhall lands.
23

24 The Duffy and Rayband lands together will be referred to as the Lissenhall
10:40:03 25 lands. The lands are located north of Swords on the main Dublin Belfast dual
26 carriage way road.
27

28 645 please.
29

10:40:11 30 This is the location map and outlined in red on the location map is the general

10:40:17 1 or approximate location of the lands the subject matter of this Module.
2
3 In the 1983 Development Plan for County Dublin the Lissenhall lands were zoned
4 as follows.

10:40:26 5
6 B, that is the Rayband lands, to protect and provide for the development of
7 agriculture.
8
9 G, the Duffy lands, to protect and approve high amenity area. These lands can
10:40:38 10 be partially seen on map 5 of the Development Plan 1983.
11
12 At 191, please.
13
14 Now, if you go to the very northern portion of that map, the very top of that
10:40:48 15 map, it's quite difficult to see. The southern portion that's there marked G
16 is the Duffy lands. The little blue portion can be seen is the only portion
17 of the Rayband on the 1983 plan.
18
19 Now, the balance of the Rayband lands are at a general map on 195.

10:41:08 20
21 And this is the entire of the Dublin plan. And the northern part of the
22 Rayband lands were apparently outside the functional area and therefore are not
23 mapped specifically in the 1983 plan, other than on map 5 as seen.
24

10:41:23 25 Rayband Limited completed the purchase of the lands in or around June of 1989.
26 In October 1989 a planning application was submitted for the Lissenhall lands.
27 The application was for 120 houses, a use not permitted by the 1983 zoning.
28
29 It was considered that a Section 4 application to the Council might be
10:41:47 30 necessary. It is understood that this application was withdrawn, primarily

10:41:53 1 due to an adjoining business, a Kennels, which was incompatible with housing.
2 I will refer to this again later.
3
4 The bulk of the Lissenhall lands were mapped in the Draft Development Plan 1990
10:42:04 5 on map 6. And the balance of the lands were on map 30.
6
7 Map 6 related to the scheduled town of Swords. At 215.
8
9 The Lissenhall lands being the Rayband and Duffy lands. Excuse me.
10:42:22 10
11 CHAIRMAN: Do you want a break, Ms. Dillon?
12
13 MS. DILLON: The Lissenhall lands being the Rayband and Duffy lands were zoned
14 B and G in the 1990 Draft Development Plan for County Dublin.
10:42:35 15
16 The B zoning was an agriculture zoning on the Rayband lands. And the G zoning
17 was a high amenity zoning on the Duffy lands.
18
19 Prior to the first public display of the 1991 draft plan for County Dublin, on
10:42:47 20 the 2nd of September, 1991, Dublin County Council did not receive any motions
21 seeking the rezoning of the Lissenhall lands. The first public display
22 concluded on the 3rd of December 1991. In that public display the
23 Lissenhall lands were zoned B, agriculture. And G, high amenity.
24
10:43:08 25 The draft written statement had noted that there was a considerable amount of
26 undeveloped industrially zoned lands in the Swords area. Page 230, please.
27
28 Now, if you look at paragraph (5.8.12.1) which is that column yeah. Paragraph
29 5.8.12.1 notes that there are 119 hectares of industrial zoned lands in
10:43:35 30 Swords, of which 36 hectares are developed. A considerable amount of the

10:43:41 1 undeveloped lands have planning permission for development. There are
2 therefore sufficient serviced lands available to accommodate normal demands for
3 the foreseeable future.

10:43:51 5 On the 2nd of December 1991 representation number 366 was received by Dublin
6 County Council in connection with the Lissenhall lands. This representation
7 was made by Mannahan and Associates town planners on behalf of Rayband and on
8 behalf of Mr. Declan Duffy, who owned the adjoining lands. Whilst the
9 covering letter sought residential zoning for the Lissenhall lands, the text of
10:44:12 10 the submission itself sought industrial zoning.

11
12 On the 18th of March, 1993, Dublin County Council received a motion and map
13 signed by councillors Cyril Gallagher, now deceased. And councillor Anne
14 Devitt seeking the rezoning of the Lissenhall lands to E, industrial.

10:44:31 15
16 247, please.

17
18 This is a copy of the motion signed by councillor Gallagher, deceased, and
19 councillor Devitt.

10:44:42 20
21 And at 248. Is the map which accompanied the motion. And you will note that
22 the motion, the lands outlined in red, cover both the Rayband and the Duffy
23 lands. And it's signed by councillor Gallagher and councillor Devitt.

10:44:57 25
26 This motion was given the reference No. 15.13 Q 1.

27 The motion came to be considered at a meeting of Dublin County Council on the
28 21st of May 1993. The motion was proposed by councillor Gallagher and
29 seconded by councillor Devitt.

10:45:13 30

10:45:13 1 Councillor Tipping proposed and councillor O'Callaghan seconded, an amendment
2 to the motion. Namely, that the proposed industrial use be restricted to
3 light industrial.

10:45:24 5 287, please. This is the amending motion by councillor Tipping and councillor
6 O'Callaghan.

8 This amendment was passed unanimously, the substantive motion as amended,
9 seeking to rezone the lands to light industry was then passed by 49 votes in
10:45:37 10 favour, 15 against and two abstentions. The vote is recorded on page 299.

11
12 And this is an extract from the minutes which records the vote in favour of
13 rezoning the lands to light industrial.

10:45:52 15 Due to this change in the proposed zoning status of the Lissenhall lands from B
16 and G to E, light industry, the proposed changes were publicly displayed for
17 one month, from the 1st of July 1993 to the 4th of August 1993, the proposed
18 changes were:

10:46:08 20 310 please.

21
22 Change 2A from B to E. And change 2 B from G to E on map 6. This is the
23 extract from map 6. If beside that we could have 311, please.

10:46:20 25 This is the extract from map 30. And the changes on map 30 from 4 A and 4 B,
26 go to E.

27
28 So changes 2A and 4 A were the Rayband lands. And changes 2 B and 4 B were
29 the Duffy lands.

10:46:46 30

10:46:46 1 Prior to the confirming meeting at which the confirmation of the rezoning would
2 take place, certain motions were received by Dublin County Council seeking to
3 rescind the proposed new zonings on the Lissenhall lands. The manager
4 recommended that the proposed changes be deleted. In other words, that the
10:47:03 5 councillors do not confirm the proposed changes to light industry.

6
7 The confirming meeting.

8
9 The matter came to be decided by the Council at a confirming meeting on 22nd of
10:47:14 10 September 1993, having previously been discussed at a meeting of 21st of
11 September 1993 when a motion to reverse the zoning of change 2A on map 6 was
12 proposed. But not voted upon at that meeting. This motion to reverse the
13 proposed changes to the Rayband lands was proposed by councillor Ryan on 21st
14 of September 1993 and was then withdrawn by him on the 22nd of September 1993.

10:47:40 15
16 Change 2A on map 6 and change 4 A on map 30 were then confirmed. As this was
17 the only motion relating to the Rayband lands. This meant that the Rayband
18 lands were then confirmed zoned as light industry.

19
10:47:55 20 Insofar as change 2 B at page 310 is concerned and 4 B at page 311, which are
21 both on screen, was concerned, being the Duffy lands. The manager again
22 recommended that the changes be deleted. Councillor Ryan proposed a motion to
23 reverse change B. And this was put and defeated by 33 against, 29 in favour
24 with no abstentions.

10:48:18 25
26 Two other motions to reverse the proposed rezonings were also put and lost.

27
28 Change 2 B on map 6 and 4 B on map 30 were then confirmed. This meant that
29 the Duffy lands were also confirmed zoned as light industry.

10:48:32 30

10:48:32 1 The end result was that in the Dublin County Development Plan 1993 the
2 Lissenhall lands were zoned E, light industry on map 6 and map 30.
3
4 366, please.

10:48:45 5
6 This is an extract from the final map 30. And 365 is an extract from map 6.
7 And the lands coloured purple or dark blue on those maps are lands zoned
8 industry and the words "light industry" appear on the Duffy and the Rayband
9 lands if the northern portion could be increased, please.

10:49:11 10
11 We will see there the designation "light industry" which was put on those lands
12 because of the amending motion which had been put to the Council.
13

14 The parties in this Module.

10:49:27 15
16 1. Rayband Limited was incorporated on the 21st of December 1987, the then
17 directors were Mr. Rory O'Donnell and Richard Beatty. By 2003 the directors
18 were Patrick Joseph Moran, otherwise apparently known as Mr. Joe Moran, Mr.
19 Richard George Hayes and Mr. John Moran. The registered offices of Rayband is
10:49:49 20 IFG House in Booterstown. IFG is a publicly quoted company with its registered
21 offices at the same address.

22
23 On 6th of October 1988, Mr. Patrick Joseph Moran, Mr. Richard Hayes and
24 Mr. Michael Hughes, were appointed directors of Rayband. And Mr. Richard
10:50:02 25 Hayes was appointed secretary. 998 shares were allotted. The share holdings
26 in Rayband were -- the shareholders in Rayband were, John J. O'Brien Churchtown
27 Limited. A Moran family company, which had 599 shares. IFG securities
28 Limited, which had 299 shares. And Mr. Michael Hughes, who held 100 shares.

29
10:50:25 30 The then percentage shareholding in Rayband, in other words in 1988 was as

10:50:31 1 follows:
2
3 1. John J. O'Brien Limited 60.02 %. IFG 29.96%. Mr. Michael Hughes
4 10.02%. Total 100%.

10:50:46 5
6 John J. O'Brien, Churchtown Limited was then owned by members of the Moran
7 family with the biggest shareholding held by Mr. PJ or Joe Moran. The
8 directors were PJ Moran, William Moran and Mr. Richard George Hayes.

9
10:51:02 10 IFG securities limited, the other shareholder in Rayband, was then owned by
11 various members of the Moran family together with Richard Hayes, Edward
12 Hallanan, Phillip Derwin and Clayhithe Overseas Investment Limited. The
13 directors were various members of the Moran family, together with some other
14 persons.

10:51:20 15
16 On the 6th of October 1988, pursuant to a shareholders agreement, the Rayband
17 investors Michael Hughes, IFG Securities Limited and John J O'Brien, Churchtown
18 Limited, agreed to lend 520,000 pounds to Rayband and IFG Securities obtained
19 30% of the shareholding are for 2 hundred thousand pounds.

10:51:43 20
21 On the 1st of June 1989 Mr. Donal Lynch was appointed company secretary of IFG
22 Securities Limited.

23
24 In 1987 the Pilgrim Group Dublin Limited otherwise to be called Pilgrim, was
10:51:55 25 incorporated and the directors included Mr. Tim Rowe, who is a witness in this
26 Module, Mr. Tim Collins, likewise a witness, Mr. Denis Moore and Mr. Des
27 Richardson.

28
29 Mr. Tim Collins was a director of Pilgrim and was also the person whom it is
10:52:09 30 said, originally identified the Lissenhall lands as being for sale. And

10:52:14 1 informed Mr. Michael Hughes about the lands and that the owner of the lands was
2 willing to sell. He is also apparently the person who introduced Mr. Frank
3 Dunlop to the Lissenhall project.
4

10:52:24 5 In April 1991 a company called Collins Consultancy Services Limited, was
6 formed. A company with which Mr. Collins appears to have had an association.
7

8 The lands. The lands were previously owned by a company called Walls
9 Properties Limited, of which Mr. Paul Walls was the main shareholder. The
10:52:44 10 lands amounted to approximately 18.5 acres adjoining the Dublin Belfast road.
11 The lands as purchased were hatched in red by Mr. Paul Walls on a map at 1976,
12 please.
13

14 Now, if the portion in covering the lands can be increased. And you will see
10:53:04 15 that there is a portion on, if it could be increased again. The lands are
16 marked there by Mr. Paul walls the vendor of the lands. It will be seen that
17 the Rayband lands have two portions to them. A northern portion, which is the
18 portion that was the subject matter of the rezoning motion and the southern
19 portion, which is also hatched red. Which looks like a small bulge adjoining
10:53:31 20 the Duffy lands. Those lands were not the subject matter of any rezoning
21 motion. Because those lands were already zoned E, industrial, in the draft
22 plan.
23

24 So that the full site of the 18.5 acres includes a bulge which is beside
10:53:49 25 Mr. Duffy's lands and which is immediately south of the main portion of the
26 Rayband lands. This southern portion already had industrial zoning in the
27 draft plan 1990 and thereafter.
28

29 The zoning applications which will be referred to again and which I have
10:54:00 30 already referred to, related only to the northern portion of the Rayband lands.

10:54:04 1 And did not include the small southern portion which was already zoned E,
2 industrial.

3
4 In March 1989 Walls Properties Limited were offering the lands for sale. The
10:54:16 5 auctioneer was an estate agent called Mr. Shane Redmond. By the 28th of April
6 1989 it had been agreed that 18.5 acres were to be sold to Rayband for a price
7 of 277,500 pounds or 15,000 pounds an acre. The transaction was completed on
8 the 30th of June 1989 and the contract was signed by Mr. Michael Hughes for
9 Rayband.

10:54:37 10
11 IFG group PLC formerly Credit Finance Bank PLC, became a public company in
12 October 1989, following a restructuring.

13
14 On 11th of October 1989 the entire shareholding in IFG Securities Limited was
10:54:53 15 transferred to IFG Group PLC, who therefore acquired IFG securities Limited.

16
17 IFG Securities Limited, was a shareholder in Rayband, as outlined.

18
19 In September 1989 Mr. Tim Rowe of Pilgrim Architects made an application to
10:55:09 20 Dublin County Council for planning permission for 120 houses on the Rayband
21 lands, acknowledging in the application that this would be a material
22 contravention as the lands were mainly zoned B, agriculture.

23
24 The planning application was given register reference 89 A 1644. And the
10:55:28 25 receipt for the planning fee issued to Mr. Michael Hughes.

26
27 On 9th of October 1989 Lissenhall Kennels Limited, whose lands and business are
28 immediately south of Rayband's lands. Page 703, please. Lodged an objection
29 to the proposed planning application pointing out the dangers of residential
10:55:46 30 development adjoining a commercial kennels. Including a quarantine kennels.

10:55:50 1
2 If one could increase the map at the centre. One will see that the word
3 "Kennels" is written on the map immediately south of the large portion of the
4 Lissenhall lands.

10:56:03 5
6 Yes. It appears that there was a Kennels situated immediately south of the
7 lands purchased by Rayband. And they objected to the proposed residential
8 development.

10:56:20 9
10 On the 10th and 17th of October 1989 Rayband Limited paid two cheques, each of
11 10,000 pounds to Pilgrim Associates. On the 16th of October 1989 councillor
12 Anne Devitt proposed the initiation of a material contravention procedure in
13 connection with these lands for planning application 89 A 1644. But this was
14 not agreed. The Roads and Sanitary Services Departments of Dublin County
15 Council were opposed to the development of housing.

10:56:45 16
17 On 22 of November 1989 the Department of Agriculture and Food wrote to Dublin
18 County Council outlining it's concerns about the proposed application by
19 Rayband. These concerns related to the facts that Lissenhall Kennels and
20 cattery were the only state approved quarantine facility for mandatory
21 quarantine. The Minister had fundamental concerns about the proximity of
22 proposed residential development to the Kennels.

10:57:01 23
24 On 29th of November 1989 Rayband withdrew its planning application.

10:57:18 25
26 In December 1989, apparently following a meeting with Mr. Ray Burke in the
27 Burlington Hotel, Mr. Joe Moran decided to apply for industrial use for the
28 Lissenhall lands and sought the backing or support of the Industrial
29 Development Authority.

10:57:32 30

10:57:32 1 Subsequently, a formal application for rezoning to industrial was made to
2 Dublin County Council.

3
4 By the 31st of December 1989 there had been a small change in the shareholding
10:57:43 5 of Rayband. The issued shares were now 1, 000 in number having previously
6 been 998. And the division of the shareholding was as follows. John J
7 O'Brien Churchtown Limited 600 shares or 60%. IFG Securities Limited 300 shares
8 or 30%. Mr. Michael Hughes 100 shares or 10%.

9
10:58:04 10 In the Draft Development Plan for 1990 the Lissenhall lands were zoned B,
11 agriculture. The Rayband lands. And G, high amenity, the Duffy lands.

12
13 On the 19th of January 1990 map 6 of the 1990 Draft Development Plan was noted
14 by Dublin County Council. And the Rayband lands from zoned B agriculture and
10:58:29 15 the Duffy lands were zoned G, high amenity.

16
17 A planning application for an improvement to the existing access road at
18 Lissenhall and improved shared access between Mallinsons and Sons Limited, The
19 Eastern Health Board and Rayband, was refused by Dublin County Council on the
10:58:42 20 1st of February 1990.

21
22 By November 1990 Michael Hughes of Rayband had contacted Mr. Anthony Mannahan
23 about the Rayband lands. No steps were taken at that time. On 12th of June
24 1991 the Moran family interest transferred their shareholding in John J.

10:58:58 25 O'Brien Churchtown Limited, to Drumcove Property Limited. John J. O'Brien
26 Churchtown Limited, owned 60% of the shares of Rayband, so this was transferred
27 to Drumcove. Drumcove was incorporated on the 5th of April 1991 and its
28 directors, as of 26th of April, were Patrick Joseph Moran, Colm Moran and
29 shareholders were members of the Moran family. The principal shareholder in
10:59:23 30 Drumcove appears to have been Mr. Patrick Joseph Moran.

10:59:25 1
2 In October 1991 contact was made with Mr. Duffy, the adjoining land owner.
3 Mr. Anthony Mannahan, the town planner, was also preparing a submission to
4 Dublin County Council seeking the rezoning of the Rayband lands.

10:59:38 5
6 By the 2nd of December 1991 Mr. Mannahan had prepared a joint submission to
7 Dublin County Council for both the Rayband lands and the Duffy lands. And had
8 submitted this had to Dublin County Council.
9

10:59:49 10 The submission was given reference No. 366 and the submission sought the
11 rezoning of the -- both plots of land to industrial.
12

13 E. It had apparently been accepted by Mr. Hughes and Mr. Joseph Moran that
14 the chances of a residential development on the Lissenhall lands were slight in
15 view of the objections of the Kennel owners.

11:00:06 16
17 The books and records of Rayband Limited and its related and connected
18 companies do not record, insofar as the Tribunal is aware, any payments to
19 Mr. Frank Dunlop, Frank Dunlop & Associates or is Shefran Limited in 1991.

11:00:24 20
21 Whilst the diaries of Mr. Dunlop record contact with Mr. Tim Collins in 1991,
22 there is nothing to date to indicate that any such contact was in connection
23 these lands, the Lissenhall lands, or the affairs of Rayband.
24

11:00:36 25 The involvement of Mr. Frank Dunlop in the Lissenhall project.
26

27 In September and October 1992 extensive contact is recorded between Mr. Tim
28 Collins and Mr. Frank Dunlop. On the 30th of October 1992 Mr. Tim Collins
29 confirmed a meeting between Mr. Frank Dunlop and Mr. Michael Hughes, for the
30 2nd of November 1992. It is likely that a meeting in connection with the

11:00:59 1 affairs of Rayband and its desire to have its land rezoned took place in or
2 around this time. It appears to be the case that by the end of December 1992
3 Rayband Limited had agreed to pay Mr. Frank Dunlop 12, 500 pounds because this
4 sum was accrued in its account for the year end 31st December 1992 as a
11:01:19 5 liability to be incurred.

6
7 It is agreed by Mr. Frank Dunlop, Mr. Colm Moran, a brother of Mr. Patrick
8 Joseph Moran, Tim Collins and Mr. Hughes that Mr. Collins introduced Mr.
9 Dunlop to the Lissenhall project and to Mr. Michael Hughes.

11:01:35 10
11 According to Mr. Colm Moran Mr. Dunlop met with Mr. Hughes, Mr. Collins and
12 Mr. Colm Moran. Mr. Tim Collins does not refer to this meeting and according
13 to Mr. Dunlop, he met with Mr. Collins and Mr. Moran together, with at least
14 one other person, whose identity he cannot now recall.

11:01:54 15
16 It should be noted that when Mr. Dunlop first gave evidence to the Tribunal in
17 April 2000 he provided a list of developers whom he said had paid him monies in
18 the course of and in connection with the Development Plan review. Mr. Dunlop
19 provided a list called 1991 - 1993 inclusive. Listing such developers who
11:02:13 20 paid him money.

21
22 The Lissenhall project and its promoters do not appear on that list. Whilst
23 Mr. Dunlop mentioned Mr. Joe Moran and Mr. Tim Collins in the course of his
24 private interviews with the Tribunal, he did not do so in connection with the
11:02:26 25 Lissenhall lands. And he did not disclose his knowledge of, or involvement
26 with, the Lissenhall lands until he provided his first narrative statement to
27 the Tribunal in October 2000.

28
29 The allegedly corrupt agreement or understanding.

11:02:40 30

11:02:40 1 In his first statement to the Tribunal, in October 2000 by way of an asterisk
2 Mr. Dunlop told the Tribunal that monies were given to him in this project in
3 the full knowledge that payments to councillors were required to achieve
4 support. In the full statement there is an asterisk beside the portion
11:02:59 5 dealing with the Lissenhall lands.
6

7 Page 38, please.
8

9 If we could just see the, I think it is the third last paragraph.
11:03:11 10

11 Sorry, the second last paragraph.
12

13 This is the introduction to Mr. Dunlop's October 2000 statement. In it he
14 says "throughout this document the inclusion of an asterisk beside a particular
11:03:26 15 development denotes that monies were given to me with regard to that
16 development in the full knowledge that payments to councillors were required to
17 achieve support."
18

19 If one turns to page 40, which is where Mr. Dunlop deals with the Lissenhall
11:03:40 20 development. One sees that there is an asterisk beside Lissenhall in that
21 statement. Thereby, denoting that Mr. Dunlop was telling the Tribunal in
22 October 2000 that the monies were paid to him in the knowledge that payments
23 would have to be paid to be made to councillors. According to Mr. Dunlop he was
24 requested to act for the owners and promoters of the Lissenhall lands as a
11:03:59 25 lobbyist with Dublin County Councillors to ensure that the lands were rezoned.

26 In his latest statement confirmed to those present at the meeting in his office
27 that there would be a requirement for the payment of monies to councillors.
28 Did he not name any councillors to those present, nor did he specify how many
29 would require payment. He explained that a signature or signatures on a
11:04:20 30 motion was likely to be obtained only by the payment of money at the request of

11:04:24 1 some councillors.
2
3 Mr. Dunlop recollects Mr. Tim Collins and Mr. Colm Moran and one other person
4 being present but cannot recall his identity.

11:04:32 5
6 Mr. Tim Collins denies that he had any direct business or personal relationship
7 with Frank Dunlop, but confirms introducing Mr. Michael Hughes to Mr. Dunlop.
8 Mr. Michael Hughes denies having any knowledge or finance arrangements or
9 payments, in respect of the said lands. Mr. Colm Moran denies having any
11:04:51 10 knowledge of arrangements financial, or otherwise, made with public
11 representatives in relation to the lands.
12
13 Mr. Patrick Joseph or Joe Moran denies equally any such knowledge and also
14 states that he believes that no payments were made by Rayband or any of its
11:05:04 15 officers in connection with the rezoning of these lands.
16
17 Issue.
18
19 The Tribunal will have to determine whether or not the promoters and owners of
11:05:11 20 the Lissenhall lands understood knew or believed that payments would have to be
21 made to councillors in order to achieve the rezoning of these lands.
22
23 Payment to Mr. Tim Collins by Mr. Frank Dunlop.
24

11:05:23 25 Mr. Dunlop will tell the Tribunal that in late 1993 he paid Mr. Tim Collins a
26 sum of 2,000 pounds in cash by way of recognition to Mr. Collins for
27 introducing Mr. Dunlop to the client in the Lissenhall lands. This payment
28 occurred apparently after a discussion between Mr. Dunlop and Mr. Collins.
29 Mr. Collins' position in relation to this matter is not yet known.
11:05:47 30

11:05:47 1 The fee arrangement.
2
3 According to Mr. Michael Hughes Mr. Dunlop stated that his fee was to be 12,
4 500 plus 12, 500 success fee if the zoning was successful. According to Mr.
11:05:59 5 Dunlop's first narrative statement to the Tribunal in connection with the
6 Lissenhall lands. Page 40 please.
7
8 Mr. Dunlop received not less than 5,000 pounds. According to the
9 documentation furnished to the Tribunal the monies paid to Mr. Dunlop appear to
11:06:15 10 be as follows.
11
12 January 1993, 12, 500 pounds. July 1993, 12, 100 pounds. November 1993, 3,
13 025 pounds. Total, 27, 625 pounds.
14
11:06:32 15 Mr. Frank Dunlop was furnished with the brief containing the above
16 documentation. In his latest statement to the Tribunal provided recently on
17 21st of March, 2006, Mr. Dunlop now confirms that he was paid a total of 27,
18 625 pounds, in connection with the rezoning of the Lissenhall lands.
19
11:06:51 20 These sums were all paid to Mr. Dunlop by IFG Securities Limited and not by
21 Rayband. Mr. Joe Moran confirms that he authorised the payment to Mr. Dunlop.
22
23 The first payment.
24
11:07:03 25 On the 5th of January 1993 it appears that Mr. Frank Dunlop met with
26 Mr. Michael Hughes and Mr. Tim Collins. On the 5th of January 1993 IFG
27 Securities Limited wrote a cheque in favour of Mr. Frank Dunlop for 12, 500
28 pounds signed by Mr. Donal Lynch and Mr. Colm Moran.
29
11:07:28 30 On 6th of January 1993 Mr. Dunlop lodged 12, 500 pounds to his INBS account

11:07:31 1 number 284491910, one of his war chest accounts, being the lodgement apparently
2 of the full amount of this cheque although a withdrawal was made on the same
3 day. The payment is not otherwise recorded in the books of Mr. Frank Dunlop
4 and no invoice in connection with the payment is available.

11:07:48 5
6 The Tribunal will examine the treatment of this payment and any other payment
7 in the hands of Mr. Dunlop and his related or connected companies. And in the
8 hands of Rayband and IFG Securities Limited and their related and connected
9 companies.

11:08:02 10
11 The alleged payments to councillors.

12
13 According to Mr. Dunlop, these monies were given to him with regard to the
14 Lissenhall development in the full knowledge that payments to councillors would
11:08:11 15 be required to achieve support.

16
17 Mr. Hughes, Joseph Moran, Colm Moran, all deny such knowledge. According to
18 Mr. Dunlop he paid councillors Cyril Gallagher, now deceased, councillor Tom
19 Hand, now deceased, and councillor Tony Fox 1,000 pounds each for their
11:08:30 20 support. Councillor Fox denies any such payment. Councillor Gallagher,
21 prior to his death, denied any knowledge of any improper or corrupt payments.

22
23 There are certain lodgements to the financial and bank accounts of these
24 councillors and to the bank accounts of certain members of the family of two of
11:08:47 25 the councillors that are the subject of present inquiry by the Tribunal.

26
27 In the course of the present Module the Tribunal will inquire in public into
28 the source of these lodgements for which there is not yet a satisfactory
29 explanation. Lodgements which are unexplained will require to be explained.

11:09:01 30

11:09:01 1 The Tribunal will inquire into all of the circumstances surrounding these
2 alleged payments. And the Tribunal will also have to determine whether or not
3 such payments were in fact made by Mr. Dunlop and if so the purpose of such
4 payments.

11:09:13 5
6 The Rayband Duffy agreement.

7
8 Rayband agreed with Mr. Declan Duffy the adjoining landowner that Rayband would
9 apply to rezone Mr. Duffy's lands. And that if Rayband succeeded in getting
10 Mr. Duffy's lands rezoned then Mr. Duffy would give, or cede 2 acres of his
11 land to Rayband. Rayband agreed to bear all cost associated with the
12 rezoning. A legal agreement to this effect was signed in the March of 1993.
13 The lands to be acquired by Rayband are identified by four or five Xs on page
14 1079.

11:09:50 15
16 In the centre of that map, in the centre of the map. Which is the border
17 effectively between the Duffy lands and the southern bulge portion of the
18 Rayband lands. There are five Xs on a portion of land. And these were the
19 two acres that Mr. Duffy agreed to give to Rayband, if Rayband succeeded in
20 rezoning the Duffy lands.

21
22 According to Mr. Shane Redmond, auctioneer, he negotiated this agreement. As
23 far as the Tribunal is aware, notwithstanding the agreement and the successful
24 rezoning of both the Duffy and Rayband lands, the two acres have not actually
25 been ceded to Rayband. By this time in early 1993, no motion had been put to
26 Dublin County Council seeking to rezone the lands. In the absence of any such
27 motion any proposed rezoning would not be debated by the council.

28
29 The rezoning motion. On the 18th of March 1993 Dublin County Council received
11:10:35 30 a motion and map dated 18th of March 1993, signed by councillors Cyril

11:10:58 1 Gallagher, deceased, and councillor Anne Devitt. Seeking the rezoning of the
2 Rayband and Duffy lands to E, industrial. The map used was the one attached
3 to the Mannahan submission and according to Mr. Dunlop, Mr. Gallagher asked for
4 1,000 pounds for his signature.

11:11:14 5
6 Mr. Dunlop in his latest statement to the Tribunal of the 21st of March, 2006,
7 says that he asked councillor Devitt to sign the motion and she agreed to do
8 so.

9
11:11:24 10 However, in his first narrative statement to the Tribunal in October 2000, he
11 had stated whilst Ms. Devitt signed the motion he had no recollection of the
12 circumstances in which she did so.

13
14 Ms. Devitt herself cannot recollect how she came to sign the motion.

11:11:40 15
16 Mr. Michael Hughes, Joe Moran and Mr. Richard Hayes, who described themselves
17 as the owners of the Lissenhall lands provided an undertaking to Ms. Anne
18 Devitt, that the industrial development would only be carried out in such a way
19 as to not to interfere with or hinder with the Lissenhall Kennels.

11:12:01 20
21 2046. Now, this is dated March of 1993. And it's signed by Mr. Joseph
22 Moran, Michael Hughes and Mr. Richard Hayes. And they describe themselves in
23 the second perhaps "we the under signed, being the owners of the said land,
24 hereby undertake" -- and it's set out then in the body of the undertaking to
11:12:22 25 develop the lands in a way that wouldn't interfere with the operation of the
26 Lissenhall Kennels. And that undertaking was directed to councillor Anne
27 Devitt who had signed the motion seeking the rezoning of the lands.

28
29 The rezoning meeting.

11:12:35 30

11:12:35 1 On the 21st of May 1993 at a meeting of Dublin County Council the Duffy and
2 Rayband lands and the motion to rezone them came to be considered. The motion
3 was proposed the by councillor Gallagher and seconded by councillor Devitt.
4 The manager's report recommending no change in the zoning had been considered
11:12:51 5 at the previous meeting of a Dublin County Council, on the 17th of May 1993.
6 An amendment to the substantive Gallagher Devitt motion was proposed by
7 councillor Tipping and seconded by councillor O'Callaghan and the amendment
8 limited the type of industrial to light industry. The amendment was passed
9 unanimously. The substantive amended motion was then put and past 49 in
11:13:16 10 favour, with 15 against and 2 abstentions. The lands were therefore rezoned
11 for light industry.

12
13 The second payment or the success fee.

14
11:13:24 15 On the 24th of May 1993, three days after the rezoning meeting, Frank Dunlop &
16 Associates raised an invoice to Mr. Michael Hughes, of Rayband, in the sum of
17 12, 100 pounds being "agreed success fee re Lissenhall". In the sum of 10,000
18 pounds plus VAT at 2, 100 pounds. This is marked paid by IFG S by cheque No.
19 502051 on the 2nd of July 1993.

11:13:54 20
21 Cheque No. 502051 was debited from the account of IFG Securities Limited on the
22 2nd of July 1993. Rayband did not write a cheque to Mr. Dunlop at the time.

23
24 The payment is recorded -- this payment is recorded in the cash receipts book
11:14:11 25 of Frank Dunlop & Associates and formed part of a lodgement of 22, 141 pounds
26 to the current account of Frank Dunlop & Associates.

27
28 The Tribunal will examine the treatment of this payment in the hands of
29 Mr. Frank Dunlop and his connected and related companies and in the hands of
11:14:28 30 IFG Securities Limited and Rayband Limited and its connected and related

11:14:34 1 companies. The second public display, the 1st of July 1993 to 4th of August
2 1993.
3
4 The second public display of The Draft Development Plan took place between 1st
11:14:43 5 of July 1993 and 4th of August '93, the proposed changes to the Rayband and
6 Duffy lands were displayed on map 6 and map 30. On map 6, 1205, please.
7
8 The Rayband changes are change 2A, this is the extract from map 6. And the
9 Duffy changes are changes 2 B. If we could increase the shaded portion the at
11:15:14 10 the top. You will see the words "2A" written. 2A are the Rayband lands.
11 The change proposed is from B, agriculture to industry, light industry, on map
12 6 there is a change 2 B. And that is proposing the change from G, high
13 amenity, to E, industry.
14
11:15:32 15 On map 30, which is at 1206.
16
17 The changes are 4 A and 4 B and. 4 A relates to the Rayband lands and the
18 change there is from B, agriculture to industry. And the change 4 B is the
19 Duffy lands. And the change is from amenity to light industry.
11:15:53 20
21 On the 16th of September 1993 the manager's report on map 6 and Swords was
22 read. It recommended no change in the zoning of any substantial area of land
23 and recommended that a study should be set en train to present a report leading
24 to adopting a coherent plan within a year of setting up the new Fingal County
11:16:13 25 Council. Consideration of map 6 was deferred to the next meeting on a
26 proposal from councillor Gallagher, seconded by councillor Devitt.
27
28 On the same day, the 16th of September 1993, a motion seeking to adopt
29 manager's report was lodged with Dublin County Council.
11:16:30 30

11:16:30 1 Motions to de zone.
2
3 Prior to the meeting of the 16th of September 1993 Dublin County Council
4 received a number of motions seeking to de zone the Duffy and Rayband lands
11:16:43 5 back to the former zoning, as in the 1991 draft plan. In other words, seeking
6 to rezone the Rayband lands back to agriculture, B. And the Duffy lands back
7 to high amenity, G.
8
9 The submission of these motions to Dublin County Council meant that it was
11:16:59 10 likely there would be another vote at the confirming meeting. The motions
11 were.
12
13 1. Map 6 2A councillor Ryan and Kelleher. 1300, please.
14
11:17:09 15 This is a motion seeking to rescind the change 2A on map 6. No.2 at 1315.
16 Is a motion by councillor Tipping, O'Callaghan, Breathnach, Gilmore and
17 Billane, seeking to rezone 2 B on map 6.
18
19 At 1366 is a motion by councillor Higgins.
11:17:38 20
21 1320 is a motion by councillors Ryan and Kelleher.
22
23 The meeting of the 21st of September 1993.
24
11:17:49 25 The manager's report as previously circulated was considered again with an
26 additional recommendation from the manager that extra zoning in the Swords area
27 be kept to a minimum so as not to overload infrastructure. The maximum extra
28 zoning should be for a population of 2,000 or 65 acres. Neither the first
29 manager's report nor the additional recommendation to the manager's report was
11:18:10 30 adopted by members of the Council.

11:18:12 1
2 Insofar as the Lissenhall lands, the Rayband and Duffy lands are concerned, the
3 members of Dublin County Council came to consider change 2A on map 6. And 4 A
4 on map 30 the Rayband lands.

11:18:25 5
6 The change proposed here was from B agriculture to E, light industry. The
7 manager recommended that the amendment be deleted. In other words, that the
8 lands revert to B, councillor Ryan proposed a motion seeking that. But the
9 meeting concluded prior to any vote.

11:18:41 10
11 The meeting of Dublin County Council of the 22nd of September 1993. The
12 confirming meeting.

13
14 This meeting resumed consideration of the Lissenhall lands. Councillor Ryan,
11:18:52 15 who had proposed the motion on the previous day, seeking to revert the proposed
16 the zoning, withdrew his motion and this was agreed. As this was the only
17 motion in connection with the Rayband lands, change 2A and 4A were then
18 declared confirmed.

19
11:19:07 20 In other words, the Rayband lands were confirmed rezoned from B, agriculture to
21 E, light industry.

22
23 The meeting then considered the Duffy lands. The proposal to change the Duffy
24 lands from G, high amenity to light industry. And again the manager
11:19:23 25 recommended that the amendment be deleted.

26
27 Three motions seeking to rezone the lands back to G, high amenity was proposed.
28 The first was proposed by Councillor Ryan who had withdrawn his motion in
29 connection with the Rayband lands and seconded by councillor Kelleher.

11:19:40 30

11:19:40 1 And this was lost, with 33 against and 29 for.
2
3 The second and third motions were also put and also lost. This meant that the
4 changes to the Duffy lands, the change from high amenity to light industry, was
11:19:54 5 then confirmed.
6
7 And the Duffy and Rayband lands were zoned E, light industry.
8
9 On the same afternoon, that is the 22nd of September, 1993, councillor Sean
11:20:06 10 Gilbride rang Mr. Dunlop's office and is recorded as telling him that
11 "Lissenhall was okay".
12
13 In the 1993 Development Plan the Duffy and Rayband lands were zoned light
14 industry and this plan was adopted on the 10th of December 1993.
11:20:23 15
16 The third payment.
17
18 Following the confirmation of the rezoning on the Rayband and Duffy lands at
19 Lissenhall a further payment was made to Mr. Dunlop in connection with the
11:20:32 20 lands.
21
22 On the 28th of September 1993 Mr. Dunlop issued an invoice to Mr. Joe Moran, in
23 the sum of 2, 500 pounds plus VAT total 3, 025. The invoice refers to "an
24 agreed fee".
11:20:48 25
26 On the 1st of October 1993 two cheques were drawn by IFG Securities Limited,
27 one for 3,000 pounds and one for 25 pounds both in favour of Frank Dunlop.
28 These funds of 3,000 and 25 pounds form part of a composite lodgement of 7, 190
29 made on 2nd of October 1993 to the current account of Frank Dunlop &
11:21:11 30 Associates.

11:21:11 1
2 The three payments.
3
4 The three payments to Mr. Dunlop by or on behalf of Rayband were all drawn on
11:21:25 5 the bank account of IFG Securities Limited and not on the account of Rayband.
6 The total paid to Mr. Dunlop was 27, 625 pounds of which 12, 000 pounds was
7 allocated by IFG Securities to the account of John J. O'Brien Churchtown
8 Limited and 10, 830 pounds of which was allocated to the account of Rayband,
9 with IFG Securities Limited. The balance may be accounted for by way of a VAT
11:21:44 10 payment. The Tribunal will inquire into all of these payments and their
11 treatment in the books and accounts of the payee and its connected and related
12 companies.
13
14 On the 23rd of December 1993. The entire shareholding in John J O'Brien
11:21:59 15 Churchtown limited previously held by Mr. Patrick Joseph Moran, or Joe Moran
16 and Drumcove Property Limited, was transferred to another company Estholme
17 Limited and Mr. PJ Moran. Estholme Limited was incorporated on 7th of October
18 1982 and the principal shareholder is Mr. Moran.
19
11:22:19 20 Documentation lately discovered to the Tribunal show on the 29th of July 1994
21 and 5th of August 1994 cheques in the sum of 7,500 pounds were paid to the
22 Shane Redmond Group. The total paid appears to be 15,000 pounds.
23
24 It appears from the documentation that Mr. Shane Redmond regarded his
11:22:39 25 professional fees as being forthcoming once there was confirmation of the
26 Lissenhall lands being rezoned. He describes his contribution to the rezoning
27 as irrefutable.
28
29 2076, please.
11:22:54 30

11:22:54 1 And this is a letter to Mr, from Mr. Shane Redmond, of the Shane Redmond Group,
2 to Mr. Colm Moran. And the second paragraph says "in my discussion with
3 Michael Hughes and yourself it was agreed that my professional fees would be
4 forthcoming once confirmation of the land being rezoned.

11:23:18 5
6 This objective was achieved and my contribution to the rezoning was
7 irrefutable".

8
9 The fees are described as professional fees and Mr. Redmond's contribution to
11:23:30 10 the rezoning of the Lissenhall lands is not yet known.

11
12 According to Mr. Redmond, these were professional fees for negotiating the
13 agreement to acquire the two acres from Mr. Duffy, which were a reduction on a
14 fee originally agreed at 20,000 pounds.

11:23:44 15
16 In 1994 there continued to be contact between Mr. Dunlop and Mr. Michael Huges
17 and also between Mr. Dunlop and Mr. Tim Collins.

18
19 The two acres which had been agreed to be given by Mr. Duffy to Rayband Limited
11:23:57 20 had not been transferred. Throughout 1994, 1995 and 1996 it appears that Mr.
21 Dunlop continued to have contact with Mr. Tim Collins. And it also appears to
22 be the case that the two acres were not transferred. Mr. Tim Collins became
23 marketing director of Project Architects but was no longer so by May of 1997.

24
11:24:19 25 The Lissenhall lands were neither developed or sold.

26
27 In 1998 Mr. Michael Hughes sold his interest in Rayband and thereby his
28 interest in the also Lissenhall lands to Mr. Joe Moran's company Estholme
29 Limited and IFG Securities Limited, for 100,000 pounds.

11:24:36 30

11:24:36 1 In mid 1997 a company incorporated in Guernsey Universal Management Consultants
2 Limited, entered into negotiations for the purchase of these lands. According
3 to the documentation discovered to the Tribunal Mr. Patrick Russell and
4 Mr. Albert Reynolds were the principals behind Universal Management Consultant
11:24:58 5 Limited or UMC. According to Mr. Russell, Mr. Tim Collins who was negotiating
6 or dealing with the proposed sale of the Rayband lands as Lissenhall to UMC
7 told Mr. Russell and Mr. Reynolds that he, Mr. Collins, had a 10% interest in
8 the development. This is denied by Mr. Collins and the shareholders in
9 Rayband.

11:25:20 10
11 Mr. Russell proposed a joint venture between a Derry based building company
12 O'Neill Brothers Limited and UMC Limited in connection with the development of
13 the Lissenhall lands.
14

11:25:30 15 This joint venture company was to be called Province Properties Limited and was
16 to acquire and develop 20 acres of industrial lands at Lissenhall. It is
17 assumed that the lands are the Rayband lands. And it is not yet known if the
18 increase in the acreage from 18.5 acres originally purchased is attributable to
19 the two acres that were to be acquired from Mr. Duffy.

11:25:59 20
21 Documentation discovered to the Tribunal suggests that Mr. Tim Collins was to
22 be paid 50,000 pounds described as a contribution to landlords expenses on
23 closing this sale. Less a payment stated to have been already made to
24 Mr. Collins.

11:26:09 25
26 Mr. Collins denies receipt of any such prior payment.
27

28 The joint venture agreement provided for a payment of sterling 600,000 pounds
29 by O'Neill Brothers Limited to "buy out a minority interest in the site". It
11:26:24 30 is not known who is or was the minority interest in the site.

11:26:28 1
2 By this time it would appear that Mr. Michael Hughes had already been bought
3 out by he Estholme Limited and or IFG Securities Limited and or Mr. Joe Moran.
4 These heads agreement between UNC Limited and O'Neill Brothers were signed by
11:26:45 5 Mr. Albert Reynolds and Mr. Patrick Russell and also by Mr. Desmond O'Neill and
6 Mr. Falim O'Neill, all of whom have been asked to identify the minority
7 interest referred to.

8
9 Sterling funds were apparently Injected into the project by O'Neill Brothers,
11:27:00 10 although the lands were ultimately not purchased by O'Neills or UMC Limited or
11 any related or connected company. It appears that in November 1998 Mr. Albert
12 Reynolds and Patrick Russell agreed to settle UMC's differences with O'Neills
13 by UMC agreeing to pay 350,000 pounds to O'Neill's. And to pay 20,000 pounds
14 to a Mr. Noel Gallagher and further 20,000 pounds to a person described as A N
11:27:29 15 other. Despite queries it is not yet known who A N Other was or is.

16
17 The matter did not settle and ultimately proceedings were issued in the High
18 Court which were compromised and UMC Limited was later dissolved. It is not
19 therefore as of yet known who, if any person or body, was or is the minority
11:27:48 20 interest holder declared to exist in relation to the Rayband lands or the
21 company owning the Rayband lands in the course of these negotiations.

22
23 Among the issues that appear to arise for determination of the Tribunal in the
24 course of this Module are the following.

11:28:04 25
26 Did Mr. Frank Dunlop make the payments alleged to the councillors and if so for
27 what purpose?

28
29 What was the state of knowledge, if any, of Mr. Frank Dunlop's allegedly
11:28:14 30 corrupt activities on the part of the stated or admitted owners of Rayband?

11:28:17 1
2 Who are and were the true owners of Rayband?
3
4 What was Mr. Tim Collins' interest, if any, in the Rayband company and lands?
11:28:25 5
6 And what was the precise role played by the various advisors to Rayband in the
7 course of the development and rezoning of the lands and subsequently?
8
9 That concludes the opening statement?
11:28:35 10
11 CHAIRMAN: All right.
12
13 Are there any parties here who wish to reply to the opening statement? All
14 right.
11:28:44 15
16 Are there any parties here who wish to seek representation in relation to this
17 Module?
18
19 MR. REYNOLDS: I would ask for representation.
11:29:02 20
21 CHAIRMAN: Mr. Collins, certainly.
22
23 MR. BURKE: Mr. Chairman, I would ask for a grant of limited representation
24 for the estate of Tom Hand.
11:29:12 25
26 MR. GORDON: I would ask for representation on behalf of Tony Fox.
27
28 CHAIRMAN: Yes. Certainly.
29
11:29:20 30 MR. O HOISIN: I appear with Mr. Shanley for Mr. Moran. Mr. Joe Moran, Mr.

11:29:27 1 Colm Moran, Mr. Michael Hughes, Mr. Richard Hayes and Mr. Donal Lynch. And I
2 would ask for, instructed by Sweeneys solicitors. I would ask for limited
3 representation in relation to these witnesses.

4
11:29:42 5 CHAIRMAN: That's Mr. Joe Moran, Colm Moran?

6
7 MR. O HOISIN: Richard Hayes and Donal Lynch.

8
9 CHAIRMAN: All right. Granted.

11:29:51 10
11 MR. O HOISIN: Thank you, Chairman.

12
13 CHAIRMAN: All right. Mr. Dunlop I think is the first witness.

14
11:29:56 15 MR. O HOISIN: Chairman, I should have said I should asked for limited
16 representation for Rayband as well. Obviously, I'm instructed by them. And
17 any of the associated companies.

18
19 CHAIRMAN: All right.

11:30:12 20
21 We'll take a break now rather than go into evidence.

22
23 So ten minutes.

24
25
26
27
28
29
30

11:30:31 1 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**

2 **AND RESUMED AS FOLLOWS:**

3

4 MS. DILLON: Mr. Frank Dunlop, please.

11:48:57 5

6 **MR. FRANK DUNLOP, HAVING BEEN SWORN, WAS EXAMINED**

7 **AS FOLLOWS BY MS. DILLON:**

8

9 CHAIRMAN: Good afternoon, Mr. Dunlop.

11:49:33 10

Good afternoon, Chairman.

11

12 MS. DILLON: Good afternoon

13 Good morning, Ms. Dillon. Sorry.

14

11:49:33 15

Q. 1 MS. DILLON: If I can take you back, first of all, very briefly to a matter I referred to in the opening statement to evidence that you gave on Day 148 of the public hearings.

18

19 And you will recollect, Mr. Dunlop, that you prepared a number of lists in the
11:49:48 20 course of those days that have been dealt with including a list that's
21 entitled, 1991 -1993 inclusive. And a redacted copy of that list is at page
22 141 and 142.

23

24 I am going to hand you an unredacted copy of the list, Mr. Dunlop. The
11:50:35 25 document that's on screen, Mr. Dunlop, page 141 and 142 is entitled 1991 -
26 1993. And all of the unredacted versions -- numbered that are on screen.
27 The unredacted ones are matters that have already been dealt with in public.
28 and the ones that are redacted are modules that are coming up in the future;
29 isn't that correct?

11:50:57 30

A. Yes.

- 11:50:58 1 Q. 2 I want you to look at the unredacted copy that I've handed you. And confirm
2 that the Rayband and Lissenhall lands are not re recorded on that list.
- 3 A. That's correct.
- 4 Q. 3 So on Day 148 in April 2000 when you were giving this evidence you were asked
11:51:14 5 to identify for the Tribunal those developers who had paid you money in the
6 course of the review of the Development Plan; isn't that right?
- 7 A. Correct.
- 8 Q. 4 And you provided that list. Listed 1 through 13. I think you added on No.
9 13; isn't that correct?
- 11:51:30 10 A. Yes, that's correct, yes.
- 11 Q. 5 And you didn't identify there the Rayband lands?
- 12 A. That's correct.
- 13 Q. 6 Can you explain to the Tribunal how that was?
- 14 A. Well in short no, I can't. Other than that it -- I didn't recall it at the
11:51:46 15 time when I was producing this list here. And as to why. Again, I don't
16 know. You will recall that in the overview of what I was saying was that I
17 would prepare the -- a road map in relation to who paid me money and who
18 didn't.
- 19 Q. 7 Yes, that arose in the course of the private interviews, which I am going to
11:52:16 20 come to, Mr. Dunlop. Just to concentrate on the list. This is not a list
21 that you actually prepared in the witness box.
- 22 A. No, That's correct.
- 23 Q. 8 In fact you produced that list to the Tribunal. You had already prepared it
24 before you came in on Day 148, that's correct. You are recorded at page 139 as
11:52:32 25 producing an already prepared list, at question 42. You are asked at question
26 43 to make a list of the sources of money to your account. And you say at
27 question 44, "would you accept an already written list?" and the answer was
28 yes, if you have one already written out. At page 141 and 142 is that you
29 came prepared on bay 148 with the list?
- 11:53:02 30 A. That's correct.

- 11:53:02 1 Q. 9 So it wouldn't be correct to suggest at all that it was due to pressure in the
2 witness box that caused you not to remember the Rayband lands; isn't that
3 right?
- 4 A. Yes, and I hope I didn't suggest that to you either.
- 11:53:16 5 Q. 10 Well in case there might be any suggestion that that's the case, Mr. Dunlop?
- 6 A. Certainly.
- 7 Q. 11 So the position is you prepared this list and you came armed, as it were, with
8 this list. At the time your concern was to explain the sources of various
9 lodgements to bank accounts; isn't that right?
- 11:53:30 10 A. As best I could.
- 11 Q. 12 And you prepared a list of the developers with whom you had dealings in
12 connection with the Development Plan in 1991 - 1993?
- 13 A. Correct.
- 14 Q. 13 And you identified, as best you could the amount of money that you were paid in
15 relation to those developments; isn't that correct?
- 11:53:44 16 A. That's correct, yes.
- 17 Q. 14 You didn't include the Rayband development?
- 18 A. That's correct.
- 19 Q. 15 But you then subsequently attended at the Tribunal in private interview; isn't
20 that correct?
- 11:53:54 21 A. Correct.
- 22 Q. 16 And in the course of your private interviews with the Tribunal you did mention
23 Mr. Tim Collins; isn't that right?
- 24 A. That's correct.
- 11:54:01 25 Q. 17 And you also mentioned Mr. Joe Moran?
- 26 A. Yes, did I.
- 27 Q. 18 Did you in the course of your private interviews identify the Lissenhall lands
28 with being a matter with which you were involved?
- 29 A. Not that I recall that I specifically said Lissenhall. But I did allude to
11:54:17 30 Mr. Collins and Mr. Moran.

11:54:19 1 Q. 19 Yes. But did you -- yes. And we can go through your allusions to
2 Mr. Collins and Mr. Moran for accuracy Mr. Dunlop. Are you suggesting in the
3 course of your suggestions with the Tribunal about Mr. Collins and Mr. Moran,
4 that you referred to the Lissenhall lands or Rayband?

11:54:36 5 A. No, I can't say that to you definitively as I sit here now, as to what I said
6 in relation to Lissenhall in the private session, other than that I mentioned
7 Mr. Collins and Mr. Moran. I'm not -- no, I cannot say to you as I sit here
8 now it would be wrong of my to suggest that I did specifically identify the
9 lands at Lissenhall in the private interviews.

11:54:57 10 Q. 20 Or Rayband?

11 A. Or Rayband.

12 Q. 21 Or Mr. Michael Hughes?

13 A. Definitely not Mr. Michael Hughes.

14 Q. 22 Right. Now, well if we look at what you did tell the Tribunal at Mr. Collins.
11:55:09 15 At page 170. And at question 90. What's mentioned there is you mention in
16 this context Tim Collins what was his involvement or "input" and you're talking
17 about a company called Berrraway, which is a company with which Mr. Des
18 Richardson is associated; isn't that correct?

19 A. That's correct, yes.

11:55:31 20 Q. 23 And you answered "Tim Collins, I do not think Tim Collins had anything at all
21 to do with Navan". Now, Navan was a development that you were personally
22 involved in?

23 A. That's correct.

24 Q. 24 And it's nothing to do with Lissenhall?

11:55:40 25 A. That's correct, absolutely nothing.

26 Q. 25 I think Tim Collins was partner participant or let's call it a founder in
27 relation to the City Quay site, that is what that related to, he definitely was
28 involved in some way to City Quay. No, it's too far off. I've no reason to
29 believe it was, it just came into my head. From an aesthetic point of view
11:55:59 30 it's a rotten looking building it's like a bar."

11:56:00 1 And then your counsel intervenes and then Mr. Gallagher asks a question about
2 Mr. Dennaghan and then Mr. Hanratty asks a question, "what is the situation
3 generally with Mr. Tim Collins were you ever aware of any association between
4 Tim Collins and other tax designation?" 171. And you answer "No not tax
11:56:18 5 designation I would be aware of Tim Collins' role development sites and the
6 marrying up of potential buyers or developers, for example I believe he has a
7 relatively strong role contractual or otherwise with Fyffes for example in
8 relation to a significant land or property, it's always either a disposal of it
9 or buying more. Tim has a role in relation to that.

11:56:37 10
11 And you go on to say "Tim has come to me on a number of occasions. I remember
12 one in particular where he came to me and said that he had land down in Cork
13 and wanted to know if -- wanted to be involved in it. I looked at it and said
14 for Tim for God's sakes don't even mention it to me, I would not be interested.
11:56:51 15 I think he has a relationship with Manor Park Homes, with Moran, was it Joe
16 Moran?" Do you see that?

17 A. Yes, yes, I do.

18 Q. 26 Is there anything in that passage that I've just quoted from that would
19 identify Mr. Joe Moran, Mr. Tim Collins or yourself as having any involvement
11:57:07 20 in Rayband or the Lissenhall lands?

21 A. No, absolutely nothing.

22 Q. 27 Alright, we go onto the rest of the extract at page 171 and Mr. then Gallagher
23 says Moran yes and then you say "on a scout exercise you know land to buy or
24 whatever. That was essentially his role as I think it was referred to on a
11:57:22 25 previous occasion his role in the Ambrose Kelly project, architect company, that
26 he was out there sort of on a marketing. You know he was bringing in
27 potential clients with potential land or marrying up land with potential buyers
28 for the purposes of", and there's an interjection and you are asked about lands
29 in Lucan and you say not in connection with lands. And then Mr. Hanratty says
11:57:42 30 were you ever aware of any marrying up in respect of lands a that did get

11:57:47 1 designation? And you say "he came to me on a number of occasions. And one of
2 them was that land in Cork and the other was to do with Joe Moran or Manor Park
3 Homes, which I had no role in as it turned out. Anecdotal. He may well have
4 been involved in the purchase of lands in Lucan by Castlethorn."

11:58:01 5
6 Now, what you're telling the Tribunal there, Mr. Dunlop, is that Mr. Collins
7 came to you twice. One was in relation to Cork, which was nothing to do with
8 Lissenhall; isn't that right?

9 A. Correct.

11:58:09 10 Q. 28 Now, what you are telling the Tribunal there Mr. Dunlop is that Mr. Collins
11 came to you twice, one was in relation to Cork, which is nothing to do with
12 Lissenhall and the other was something to do with Mr. Joe Moran. And Mr.
13 Moran has something to do with Lissenhall; isn't that right?

14 A. Correct.

11:58:15 15 Q. 29 You then go on to say "that I had no role in it as it turned out."

16 A. Yes.

17 Q. 30 So I suggest to you that you couldn't have been talking about Lisenhall.

18 A. No, I don't think so.

19 Q. 31 Alright, so there's nothing in any of that, anyway, to indicate that you were
11:58:24 20 when you were talking about Mr. Collins or Mr. Moran that you had in mind
21 Lissenhall; isn't that correct?

22 A. That's correct.

23 Q. 32 And if one goes through the balance of that relates to Airlie Stud lands in
24 Lucan; isn't that right?

11:58:36 25 A. Yes, that's correct, yes.

26 Q. 33 And it's nothing to do with these lands?

27 A. No, nothing whatsoever.

28 Q. 34 And I think it moves on some what further. But at no stage in relation to the
29 discussions that you have, where you discussed Mr. Collins and Mr. Moran, do
11:58:52 30 you ever indicate to the Tribunal that you were involved in a development in

11:58:57 1 Lissenhall; isn't that right?

2 A. Correct.

3 Q. 35 Now, why was that, Mr. Dunlop?

4 A. Well, I just didn't recall it at the time. That's the only explanation I can

11:59:06 5 give you, Ms. Dillon. And didn't -- well we're dealing with it in private

6 session so I'll stick with that. No, I just didn't recall it.

7 Q. 36 So that you had come to the Tribunal on Day 148 armed with a list of developers

8 for whom you say had paid you money. You had not included Lissenhall, Rayband

9 or Mr. Joe Moran on that list; isn't that correct?

11:59:30 10 A. Correct.

11 Q. 37 You then had come in private sessions I think over six or seven days to the

12 Tribunal and you were discussing very much the same type of material.

13 A. Yes.

14 Q. 38 Now you did mention two of the people involved in Lissenhall; isn't that

11:59:39 15 correct, Mr. Tim Collins?

16 A. Correct.

17 Q. 39 You accept that Mr. Collins introduced you to the project?

18 A. Absolutely, yes.

19 Q. 40 And you accept that you knew Mr. Moran had an involvement in it; isn't that

11:59:49 20 right?

21 A. Yes, I did.

22 Q. 41 You dealt with Mr. Colm Moran, Mr. Joe Moran's brother.

23 A. Yes.

24 Q. 42 And you did mention both of those in the private interview.

11:59:58 25 A. Yes, I did.

26 Q. 43 So how was it then that you didn't recollect the fact that you had been paid by

27 Mr. Moran ultimately in connection with the Lissenhall lands?

28 A. Well that, as I said to you already, I just can't give you an explanation for

29 that other than to say I didn't recall or recollect it on that occasion.

12:00:15 30 Q. 44 You provided a statement to the Tribunal in October 2000; isn't that right?

12:00:20 1 A. Yes.

2 Q. 45 And you had concluded the private interviews with the Tribunal in May of 2000
3 having commenced your public evidence in April of 2000; is that right?

4 A. Yes.

12:00:29 5 Q. 46 In your statement to the Tribunal in October 2000 you identified for the first
6 time the lands at Lissenhall; isn't that right?

7 A. That's correct.

8 Q. 47 Page 40, please.

9

12:00:40 10 Now, this was your original statement about Lissenhall to the Tribunal. And
11 the presence of an asterisk on that statement indicates that you believed that
12 the payments were made to you in the knowledge by the developer that payments
13 would be made to councillors; isn't that correct?

14 A. As in my introduction to that statement in October 2000.

12:01:04 15 Q. 48 Well what you outlined then in the statement is that "these were lands in
16 Swords in the ownership of a Mr. Duffy and Rayband Limited. I was introduced
17 to the development by Mr. Tim Collins. I had a meeting with Mr. Collins and a
18 Mr. Moran in my office. To the best of my belief and recollection I received
19 a sum of not less than 5,000 pounds in connection with the development" you
12:01:27 20 then set out how you prepared a motion and whom you paid in connection with the
21 lands; isn't that right?

22 A. Correct.

23 Q. 49 First and foremost if we just deal with what occurred between May and 2000 and
24 October of 2000 when you provided this statement that caused you to recollect
12:01:43 25 this development.

26 A. Well, as previously stated, Ms. Dillon. We had -- I had the benefit of the
27 documentation which the Tribunal supplied to me in relation to all of the
28 motions and the maps in relation to what had occurred in the Development Plan
29 between 1991 and 1993. And in relation to Lissenhall I made a statement on
12:02:13 30 foot of that documentation because I was involved in it, I recognised I was

- 12:02:17 1 involved in it.
- 2 Q. 50 And that occurred after you had been supplied with copies of the minutes of the
- 3 meeting of Dublin County Council?
- 4 A. Correct.
- 12:02:25 5 Q. 51 Does it follow from that, Mr. Dunlop, that if you hadn't ever been supplied
- 6 with that documentation you would never have recollected that you had an
- 7 involvement in the rezoning of the Rayband and Duffy lands?
- 8 A. Yes it could well be.
- 9 Q. 52 If you don't remember or if you didn't remember being involved in the lands,
- 10 how can you recollect who you paid or who you bribed in the connection with the
- 11 lands?
- 12 A. Well because at the time this is 1993, at the time there is a well established
- 13 pattern in relation to both the people and the method in relation to getting
- 14 matters signed and votes.
- 12:03:03 15 Q. 53 You come to the Tribunal, Mr. Dunlop, with a stated position which you changed
- 16 very early on; isn't that correct?
- 17 A. Yes.
- 18 Q. 54 In April of 2000. You attend for private interview. At the private
- 19 interview you do discuss payments you say you have made to Mr. Fox,
- 12:03:19 20 Mr. Gallagher and Mr. Hand for other developments; isn't that correct?
- 21 A. Correct.
- 22 Q. 55 You never identified the Lissenhall development in either your earliest public
- 23 evidence or your private interviews because you have forgotten it?
- 24 A. That's correct.
- 12:03:31 25 Q. 56 You have forgotten it and you don't recollect it until you are provided with
- 26 documentation from the Tribunal that shows the lands were rezoned at a
- 27 particular time?
- 28 A. That's correct.
- 29 Q. 57 So if you have forgotten the development, it follows, does it not, Mr. Dunlop,
- 12:03:46 30 you had forgotten the councillors also. You had forgotten having paid

- 12:03:54 1 councillors in connection o to it?
- 2 A. At that time, yes.
- 3 Q. 58 So what did you find in the documentation that caused you to recollect that you
- 4 had paid the councillors you now say you've paid?
- 12:03:59 5 A. In relation to the documentation with specific relation to Lissenhall I
- 6 recognised that I was involved in it. I recognised that I had undertaken to
- 7 procure the motion. I recognised who the people that I'd approached in
- 8 relation to it. And I consequently made the statement I did.
- 9 Q. 59 Well councillor Gallagher, deceased, signed the motion; isn't that right?
- 12:04:27 10 A. Yes.
- 11 Q. 60 And his signature appears at the bottom of a motion together with councillor
- 12 Devitt's?
- 13 A. That's correct.
- 14 Q. 61 There is nothing in the documentation with which you were furnished Mr. Dunlop,
- 12:04:36 15 by the Tribunal, to indicate either councillor Fox or Councillor Hand had
- 16 anything to do with the Lissenhall lands; isn't that correct?
- 17 A. That's correct.
- 18 Q. 62 So how was it if your position was, in May of 2000 that you didn't recollect
- 19 this enterprise at all and the people involved with it. How was it that you
- 12:04:53 20 were able in October 2000 to tell the Tribunal that you had paid Councillor
- 21 Hand and you had paid councillor Fox in connection with this, in connection
- 22 with this land?
- 23 A. Well as I have said to you before, Ms. Dillon, in other modules and doubtless
- 24 in future modules will say again. There's hardly a Module that the Tribunal
- 12:05:13 25 is investigating that either councillor Fox or Councillor Hand were not paid at
- 26 their request in relation to their support.
- 27 Q. 63 Are you telling the Tribunal, Mr. Dunlop, that it is -- you have a generalised
- 28 belief about councillor Hand and councillor Fox that has them at the top of a
- 29 list in your head of people you paid rather than an actual specific
- 12:05:36 30 recollection of paying councillor Fox and councillor Hand in connection with

- 12:05:41 1 Lissenhall?
- 2 A. No. I wouldn't accept a generality of that statement. I was requested by
- 3 both councillor Hand and councillor Fox, in relation to virtually, and I'm
- 4 using the word "virtually" for convenience sake. Virtually every single time
- 12:06:00 5 I approached them for support they asked for and received money from me.
- 6 Q. 64 So is it the position that because it's your belief that councillor Hand and
- 7 councillor Fox consistently asked you for money, that they must have asked you
- 8 for money in connection Lissenhall?
- 9 A. No, no, no it's not that they must have. They did.
- 12:06:17 10 Q. 65 But that's the point, Mr. Dunlop.
- 11 A. Uh-huh.
- 12 Q. 66 Are we talking about here an actual recollection by you of being asked for
- 13 money by councillor Hand and councillor Fox and paying it. Or a supposition
- 14 on your part that because they had previously asked, they must have asked in
- 12:06:33 15 this case?
- 16 A. No, no, no not a supposition. As I said to you, in each, if we call it a
- 17 Module, of the Development Plan. When I approached both councillor Hand and
- 18 councillor Fox, that was the -- their orientation. That was their approach to
- 19 the matter.
- 12:06:54 20 Q. 67 How do you know that you actually approached councillors hand and councillor
- 21 Fox in relation to Lissenhall?
- 22 A. Because I virtually approached every single councillor except in unusual
- 23 circumstances where it wouldn't be required. But councillor Fox and
- 24 councillor Hand were people who proffered themselves in support on many
- 12:07:18 25 occasions. But these were people that I regularly canvassed for support.
- 26 Because they were essential to the support, they were essential to the vote.
- 27 Q. 68 You say at page 2101 "councillor Tony Fox requested 1,000 pounds for his
- 28 support for the rezoning of the Lissenhall lands".
- 29 A. Yes.
- 12:07:43 30 Q. 69 That's an allegation of corruption against Mr. Fox and against yourself?

- 12:07:46 1 A. Yes.
- 2 Q. 70 If you agreed to pay it. You say, "I paid him 1,000 pounds in cash either
- 3 before the vote in May 1993 or sometime thereafter"?
- 4 A. Correct.
- 12:07:56 5 Q. 71 Would you outline to the Tribunal where councillor Fox was and where you were
- 6 and how that conversation arose where Mr. Fox asked you for 1,000 pounds?
- 7 A. Well the normal -- sorry. I won't say the normal --
- 8 Q. 72 No, no, Mr. Dunlop. In this particular case?
- 9 A. Yes.
- 12:08:13 10 Q. 73 In relation to this particular corrupt request?
- 11 A. Yes.
- 12 Q. 74 I would like you to outline to the Tribunal the precise circumstances where you
- 13 met Mr. Fox, what transpired between you in relation to these lands?
- 14 A. Well I met Mr. Fox in the environs of Dublin County Council. Sorry, let me
- 12:08:36 15 start again. I normally met Mr. Fox in the environs of Dublin County Council
- 16 unless otherwise stated or agreed between us. And we have instances of that
- 17 in the past. I would meet councillor Fox almost every time I attended Dublin
- 18 County Council either in the environs of the council itself, and by that I mean
- 19 the lobby of the Council, or in the Fianna Fail room in the Council, or in a
- 12:09:02 20 local hotel.
- 21 Q. 75 Well in relation to the Lissenhall lands, where did you meet him?
- 22 A. Well I cannot specifically say to you where I met him.
- 23 Q. 76 What transpired in relation to the Lissenhall lands with councillor Fox?
- 24 A. I asked him for his support. And as I did on previous occasions and
- 12:09:20 25 subsequently, and he agreed on payment that he would do so on the payment of
- 26 1,000 pounds.
- 27 Q. 77 And do you actually remember asking councillor Fox for his support for the
- 28 Lissenhall lands?
- 29 A. Yes, I do.
- 12:09:32 30 Q. 78 Can you outline to the Tribunal what has caused this, you to remember this in

- 12:09:37 1 view of the fact that when you initially told the Tribunal about the developers
2 who had paid you you couldn't even remember the development itself?
- 3 A. Well because as I've said to you five minutes ago. Councillor Fox was -- I
4 don't want to be dismissive about this. But was one of my regulars. He was
12:09:55 5 one of the people that I always went to and sought his support. And did so on
6 this occasion and in the past and again in future modules.
- 7 Q. 79 Is it the height of your evidence, sorry, Mr. Dunlop. Is the same, does the
8 same position pertain in relation to councillor Hand, that he always asked you
9 for money as well?
- 12:10:14 10 A. Yes.
- 11 Q. 80 And therefore when you recollected that you were involved in Lissenhall, you
12 decided or you recollected that Mr. Hand must have asked you for money and must
13 have been paid?
- 14 A. No, I didn't recollect or decide that he must have asked me. He did ask me.
- 12:10:30 15 Q. 81 But is it because they always asked you that you remember?
- 16 A. Well they -- as I've said to you five minutes ago. On virtually every
17 occasion that I canvassed them in relation to their support there was a request
18 for money.
- 19 Q. 82 And when you initially -- when you provided your first statement to the
12:10:51 20 Tribunal Mr. Dunlop in, relation to Lissenhall. You initially told the
21 Tribunal at page 40 that you had received a sum of not less than 5,000 pounds
22 in connection with the development?
- 23 A. That's correct.
- 24 Q. 83 Is that correct?
- 12:11:03 25 A. Yes.
- 26 Q. 84 You you then subsequently on day 352 on 4th of February, 2003. I think when
27 Mr. O Tuathail had asked you to make certain lists. You had already
28 identified Rayband in your statement of October 2000.
- 29 A. That's correct.
- 12:11:19 30 Q. 85 And you had identified a sum of not less than 5,000 pounds.

- 12:11:22 1 A. That's correct, yes.
- 2 Q. 86 You were then asked to provide another list at day 352.
- 3
- 4 Page 157, please.
- 12:11:29 5
- 6 You refer to Rayband Limited. And you identify the amount that you would have
- 7 received as 10,000 pounds
- 8 A. That's correct.
- 9 Q. 87 Now, were either of those figures correct; the 5,000 or 10,000?
- 12:11:43 10 A. Well certainly the 5,000s with not correct. The 10,000 is correct in the
- 11 context that was an invoice for 10,000 pounds.
- 12 Q. 88 Are suggesting to the Tribunal that there was something on that document on
- 13 screen that should have led the Tribunal to believe when you said 10,000 you
- 14 meant it as a part payment of 20, 000 -- 27, 650?
- 12:12:04 15 A. No I did not suggest that.
- 16 Q. 89 So what you were telling the Tribunal in fact on day 352 Mr. Dunlop, was that
- 17 the amount of money you recollected having received from Rayband was 10,000
- 18 pounds?
- 19 A. Correct, yes.
- 12:12:13 20 Q. 90 Now, when you did you first become aware, or know for sure, that the amount you
- 21 had been paid in fact in relation to the Lissenhall development was
- 22 significantly greater sum?
- 23 A. Well when the Tribunal confirmed to me that a cheque to the value of 12, 500
- 24 pounds was from IFG Securities.
- 12:12:34 25 Q. 91 So you received the brief from the Tribunal containing all of the
- 26 documentation?
- 27 A. Correct.
- 28 Q. 92 Following receipt of the brief from the Tribunal, in common with other parties
- 29 who had got brief, you then sent in another statement; isn't that correct?
- 12:12:49 30 A. That's correct. The Tribunal requested a statement from me.

- 12:12:51 1 Q. 93 Yes. But the Tribunal had requested the statement I think, Mr. Dunlop,
2 initially in May of 2004?
- 3 A. Yes.
- 4 Q. 94 Isn't that right?
- 12:13:01 5 A. Yes.
- 6 Q. 95 The Tribunal had sought an extended statement from you and had sent you a
7 number of reminders in relation to the Lissenhall lands; isn't that correct?
- 8 A. Yes.
- 9 Q. 96 You didn't provide any statement extended statement until the 21st of March of
12:13:13 10 this year ; isn't that right?
- 11 A. That's correct.
- 12 Q. 97 You did so having had the benefit of the brief of documents that the Tribunal
13 had circulated; isn't that right?
- 14 A. That's correct.
- 12:13:21 15 Q. 98 And it is in that statement on the 21st of March 2006 that you identify for the
16 first time that the full amount that you receive from Rayband was 27, 625
17 pounds; isn't that right?
- 18 A. Correct.
- 19 Q. 99 Now, if your initial figure was correct, Mr. Dunlop, let us say, that the
12:13:44 20 amount you had received was 5,000 pounds.
- 21 A. Not less than.
- 22 Q. 100 But the sum is 5,000 pounds; isn't that right?
- 23 A. Yes.
- 24 Q. 101 And there had been no other evidence. Your expenses associated with the
12:13:56 25 rezoning were 3,000 pounds, because that's what you paid out, you say in,
26 bribes?
- 27 A. Correct.
- 28 Q. 102 So that your net profit was 2,000 pounds?
- 29 A. Correct.
- 12:14:05 30 Q. 103 If your second figure was correct, Mr. Dunlop, the profit, the amount that you

12:14:10 1 had paid was 10,000 pounds. Your expenses are 3,000 so your net profit is
2 7,000; isn't that right?

3 A. Correct.

4 Q. 104 In this figure at 27, 625, your profit is 24, 625 pounds; isn't that right?

12:14:24 5 A. Correct.

6 Q. 105 Because your expenses stayed the same; isn't that right?

7 A. Yes.

8 Q. 106 Sorry. You now say and I'll come to deal with this, you paid 2,000 pounds to
9 Mr. Collins?

12:14:37 10 A. Yes.

11 Q. 107 I'll come to deal with that, we'll stick with the councillors for the moment.
12 That would mean looking at the figure now that your profit is 24, 625; isn't
13 that right?

14 A. Correct.

12:14:46 15 Q. 108 But the information in relation to the increase in money and the funds you were
16 actually paid comes not from you, Mr. Dunlop, or your bank accounts. It comes
17 from IFG Securities Limited and Rayband?

18 A. That's correct.

19 Q. 109 So that the best information that you have provided to the Tribunal is based on
12:15:05 20 your recollection?

21 A. Uh-huh.

22 Q. 110 In relation to the amount you received; isn't that correct?

23 A. That's correct.

24 Q. 111 And your first the estimate of what you got was 5,000. And your second the
12:15:13 25 estimate of what you got was 10,000. And your best estimate being 10,000 is
26 out by 15,000; isn't that right?

27 A. Correct.

28 Q. 112 So how could it be, Mr. Dunlop, that you can be so inaccurate in relation to
29 the money that you received in connection with Lissenhall and yet say that you
12:15:30 30 are precisely correct in the money you say you paid out?

- 12:15:35 1 A. Well, in relation to the money I received in relation to Lissenhall. We
2 discovered an invoice to Rayband or IFG Securities, I can't remember which one,
3 in the name of Michael Hughes for 10,000 pounds plus VAT. In relation to the
4 initial payment from IFG Securities of 12, 500, for which there is no invoice,
12:16:00 5 and no VAT, I have to say to you that quite genuinely and transparently I had
6 no recollection of it whatsoever until such time as it was produced and it was
7 confirmed that that lodgement into the INBS account was for that amount.
8 Notwithstanding the fact that we had produced the INBS account showing a
9 lodgement of 12 and a half and withdrawal of 2 -- and a half.
- 12:16:29 10 Q. 113 The Tribunal provided that information to you; isn't that the position?
11 A. Correct, yes.
- 12 Q. 114 Now, you had that information, that raw data in your possession. You had the
13 information in relation to the lodgements to the INBS. You had your cash
14 receipts book, you had all of that documentation available to you.?
- 12:16:44 15 A. Well, the payment of 12,500 pounds is to Frank Dunlop.
- 16 Q. 115 Yes.?
- 17 A. The payment of the 10,000 pounds plus VAT is to Frank Dunlop & Associates. So
18 the cash receipts book in relation to Frank Dunlop & Associates, yes, we that.
19 There are no cash receipts book in relation to Frank Dunlop. There is only
12:17:05 20 the lodgement which we discovered to you of the 12,500 to the INBS account in
21 January of 1993.
- 22 Q. 116 What I'm putting to you, Mr. Dunlop, is that your best effort at recollecting
23 what you were paid in this, is out by a minimum of 65%. Being the 10,000
24 pounds.
- 12:17:21 25 A. Yes, well I don't know what the percentage is but I accept premise, yes.
- 26 Q. 117 How is it then that you say if you get it so very wrong in relation to how much
27 you received from this development. How can you definitively state that you
28 have an absolutely correct in relation to what you paid out?
- 29 A. Well because there were regular payments. Unless in other circumstances,
12:17:45 30 which I've already identified, and where there is documentary evidence to

- 12:17:50 1 support it, in relation to payments to councillors, I paid these amounts.
- 2 Q. 118 Well, is there any documentary evidence available in relation to the payments
- 3 you say you made in Lissenhall?
- 4 A. None.
- 12:18:02 5 Q. 119 None. That is the position?
- 6 A. Correct, yes.
- 7 Q. 120 There isn't a shred of paper of any description; isn't that right, in relation
- 8 to...
- 9 A. Correct.
- 12:18:11 10 Q. 121 So you are basing your allegation that you paid councillors Gallagher, Hand and
- 11 Fox, on your memory?
- 12 A. Yes.
- 13 Q. 122 Isn't that correct?
- 14 A. Yes.
- 12:18:28 15 Q. 123 And is it not the case that your memory has been demonstrably incorrect
- 16 already in this Module, in relation to this Module in relation to the amount
- 17 you received?
- 18 A. Yes.
- 19 Q. 124 And that is my question. If your memory is so inaccurate in relation to what
- 12:18:35 20 you got. Why do you say your memory is without fault in relation to what you
- 21 paid out?
- 22 A. Because I know -- I knew the people involved and I had relationships with the
- 23 people involved.
- 24 Q. 125 Were you introduced to this, to the Lissenhall project by Mr. Tim Collins?
- 12:18:52 25 A. Yes.
- 26 Q. 126 Would you outline to the Tribunal the circumstances in which you first met
- 27 Mr. Collins and what you saw Mr. Collins' function as?
- 28 A. In relation to Lissenhall or when I first met him?
- 29 Q. 127 When you first met Mr. Collins.
- 12:19:08 30 A. To the best of my recollection I first met Mr. Collins in a political context.

- 12:19:13 1 he is associated with Fianna Fail. Either directly or tangentially, in
2 whatever circumstances you wish to look at. But he -- I met him among a group
3 of people of that type, who were involved in Fianna Fail in a particular area.
- 4 Q. 128 Well what does that mean Mr. Dunlop? I mean, when you say you met him he was
12:19:44 5 among a group of people who were in that particular area?
- 6 A. Supporters of Fianna Fail. I could have met him at a support function, I
7 could have been introduced to him by somebody else that I knew in relation to
8 Fianna Fail, or whatever. I cannot exactly say to you the very first occasion
9 that I ever met Tim. But those would have been the circumstances in which I
12:20:08 10 did come across him.
- 11 Q. 129 You met him in political circles initially?
- 12 A. Yes.
- 13 Q. 130 Did you develop a working relationship with Mr. Collins?
- 14 A. Working relationship, yes.
- 12:20:20 15 Q. 131 What was the nature of your working relationship with Mr. Collins?
- 16 A. Well the working relationship was that Mr. Collins on a number of occasions
17 came to me and introduced me to a variety of people who had an interest in
18 having lands rezoned in Dublin County Council and asking me to become involved.
19 That's one element. A second element is that there were a number of occasions
12:20:44 20 on which Mr. Collins came to me with suggestions, or recommendations in
21 relation to becoming involved personally in land either through purchase or
22 joint venture with others. And thirdly, there was -- there was an occasion,
23 at least one, in which Mr. Collins and others and I became involved in a
24 project.
- 12:21:08 25 Q. 132 This is a different?
- 26 A. This is completely different. It's nothing whatsoever to do with this
27 particular Module or any other Module. It's just a straight forward deal
28 involving the payment of monies for the purchase of an option.
- 29 Q. 133 And were you involved in that with Mr. Tim Collins as equity shareholders or
12:21:30 30 partners?

12:21:30 1 A. Yes.

2 Q. 134 Of that?

3 A. Yes, and others.

4 Q. 135 And others.

12:21:33 5 A. Yes.

6 Q. 136 Mr. Collins has told the Tribunal, at page 9, please.

7

8 And I just want to draw your attention to paragraph five, just so you know what

9 Mr. Collins is saying "as previously explained to the Tribunal, I had no direct

10 relationship, business or personal with Frank Dunlop".

11

12 Do you agree with that?

13 A. Well lets look at that -- can we break that down for a second, with a paragraph

14 is it it, Ms. Dillon?

12:22:01 15 Q. 137 Paragraph five.?

16 A. "I had no direct relationship, business or personal with Frank Dunlop". Well

17 no direct. I think as we will proceed you will establish, or I will establish

18 that there was consistent direct relationship. "Business". I have outlined

19 to you the nature of the -- in No. 3 of the list that I gave, you in relation

12:22:27 20 to the contacts with Mr. Collins. And I can name for you the other people who

21 were involved as well. "Or personal". Personal is a wide, is an expansive

22 word. Does that mean that he never met me or he never spoke to me or we never

23 heard any relationship whatsoever. The fact of the matter is that I spoke to

24 Tim Collins very, very regularly. I met him not as regularly as I spoke to

12:22:54 25 him on the telephone. He is instantly recognisable to me, as I am to him.

26 Q. 138 Your telephone attendances in your diaries record extensive contact with

27 Mr. Collins?

28 A. Correct.

29 Q. 139 I don't think it suggested that it was confined solely to the Lissenhall

12:23:08 30 project?

- 12:23:08 1 A. Absolutely not.
- 2 Q. 140 It would be your evidence -- that would appear to suggest Mr. Dunlop, I'm not
3 putting words in your mouth. You don't agree with Mr. Collins when he says
4 that he had no direct business relationship with you?
- 12:23:20 5 A. I certainly don't.
- 6 Q. 141 I think you have provided the documentation to the Tribunal. And it shows
7 extensive contact between yourself and Mr. Collins; isn't that correct?
- 8 A. That's correct, yes.
- 9 Q. 142 And that contact is not limited, although it is involved in Lissenhall. It's
12:23:34 10 not limited to Lissenhall lands; isn't that right?
- 11 A. No, and I would not wish the Tribunal or you to infer that it is solely related
12 to Lissenhall, as we will discover as we proceed.
- 13 Q. 143 I'm going to take you through the contacts shortly, Mr. Dunlop.
14
- 12:23:50 15 I think in summary, it would appear to show fairly consistent and regular
16 contact between yourself and Mr. Collins; isn't that right?
- 17 A. That is correct, Ms. Dillon. Just -- I'm sorry to detain you now for a
18 second. But as a matter of just pure exercise, I record, unless I am counting
19 wrongly, 62 telephone calls to my office from Tim Collins between the 1st of
12:24:21 20 January 1993 and the 1st of June 1993. In a six-month period there were 62
21 messages.
- 22 Q. 144 Well if we go back to an earlier period in that, Mr. Dunlop, back to October
23 1992, when the first. You have your first meeting I think it is in relation
24 to the Lissenhall lands.
- 12:24:40 25
- 26 Can you outline to the Tribunal the circumstances in which Mr. Collins first
27 came to discuss or mention the Lissenhall lands to you
- 28 A. Yes. Well as I've said in my statement. I cannot absolutely and
29 categorically say the date on which this occurred. I say in late, either late
12:24:58 30 1992 or early 1993.

- 12:25:00 1
2 Now, from a logical point of view, it is absolutely apparent and patently
3 obvious that the contact was in late 1992 because there is a receipt of a
4 cheque from IFG Securities in the first week of January in 1993. Which could
12:25:22 5 only be contingent on a meeting that had already taken place in relation to the
6 matter, I suggest.
- 7 Q. 145 Well with respect that may not necessarily be correct, Mr. Dunlop. Because
8 the date of that cheque that you are referring is the same date as a meeting
9 with Mr. Michael Hughes. I'm not suggesting that is so. With respect to
12:25:39 10 you, I don't think that you can -- make that decision as clearly as that?
- 11 A. I'm not. What I'm saying is that I cannot categorically say to you whether
12 the initial meeting, organised by Tim Collins, with people representing
13 Rayband, as I have always understood it Rayband, as it appears in the minutes
14 of Dublin County Council, that I cannot absolutely say to you whether that
12:26:04 15 initial meeting took place in late 1992 or early 1993.
- 16 Q. 146 What I would like you to outline to the Tribunal is what Mr. Collins said to
17 you. How he introduced the project to you before he ever met anybody else.
18 because I mean presumably he discussed it with you first Mr. Dunlop, before any
19 meeting was set up with anybody else.
- 12:26:21 20 A. Yes. Well, again in, fairness to Mr. Collins. And in ease of the position
21 that he is establishing, or he is taking. I think it is logical that that
22 would have occurred. Again, but just to take your point in relation to the
23 last question. That is a presumption that I am making. That we would have
24 discussed it. He would have said to me I have somebody, Rayband, or X, Y or Z
12:26:46 25 company. They have lands in north County Dublin. They want something done,
26 you know, will you help?
- 27 Q. 147 Do you remember in fact and if you don't, please say so, what Mr. Collins said
28 to you when he introduced the project to you?
- 29 A. No, I don't.
- 12:26:59 30 Q. 148 Just to turn briefly to go through some documents. 902. October 1992, Mr.

- 12:27:05 1 Dunlop. This is your telephone messages for that date. And I want to draw
2 to your attention 9:40 Tim Collins, at Ambrose Kellys wants to talk to you on
3 three issues. He ring again at 11.10. And at 12.05 he rings and he confirms
4 meetings on Monday. 10:00 Paul Creaven and 11:00 Michael Hughes.
- 12:27:25 5 A. Yes.
- 6 Q. 149 I think, it seems to be the position that Mr. Michael Hughes was one of the
7 directors of Rayband and was 10% shareholder in the company.
- 8 A. Yes.
- 9 Q. 150 And that would suggest that this is Mr. Collins confirming a meeting with you
12:27:36 10 and Mr. Hughes. He is confirming the meeting on Friday for the following
11 Monday; isn't that the position?
- 12 A. Yes.
- 13 Q. 151 9:03 please, on Monday 2nd of November Mr. Collins rings and he says "Paul
14 Creaven won't be ready until the end of the week but the 11:00 meeting is still
12:27:54 15 on. And the 11.00 meeting is the Michael Hughes meeting; isn't that correct?
- 16 A. That's correct.
- 17 Q. 152 If we turn to your diary at 9:04. We see recorded, 10:00 there's no entry for
18 Mr. Hughes. But Paul Creaven with Tim Collins is diaried for 10:00 on the 2nd
19 of November?
- 12:28:13 20 A. Yes.
- 21 Q. 153 There's nothing to suggest in that sequence of documentation Mr. Dunlop , that
22 the meeting with Mr. Hughes did not take place?
- 23 A. No, there's not, no.
- 24 Q. 154 In fact, if one looks at what Mr. Collins is telling you on the 2nd of
12:28:25 25 November. he is cancelling one meeting but confirming the other as going ahead.
- 26 A. That appears to be the case.
- 27 Q. 155 And subject to what anybody else may say in relation to it that you at least
28 had met with Mr. Michael Hughes by or on the 2nd of November 1992; isn't that
29 correct?
- 12:28:39 30 A. Correct.

- 12:28:39 1 Q. 156 Now, you knew Mr. Hughes only as in connection with Rayband; is that correct?
- 2 A. Correct.
- 3 Q. 157 You did not have any other dealings with him?
- 4 A. No.
- 12:28:47 5 Q. 158 Is it fair to assume that all of the references then to Mr. Huges throughout
6 your diary and the telephone attendences, relate to this project?
- 7 A. I would suggest that that is the case, yes.
- 8 Q. 159 Now, do you recollect anything about a meeting with Mr. Hughes in October or
9 November of 1992?
- 12:29:01 10 A. Let me put it another way in answer. I don't recollect a meeting about this
11 issue at the initial stages, other than a group meeting. By that I'm not
12 suggest -- that Mr. Hughes was -- I didn't meet Mr. Hughes. I do not
13 recollect meeting Mr. Collins and Mr. Hughes together alone. I do recollect a
14 meeting at which there were a number of people present.
- 12:29:25 15 Q. 160 You have identified to the Tribunal that you recollect a meeting at which
16 Mr. Colm Moran was present?
- 17 A. Correct, yes.
- 18 Q. 161 Mr. Tim Collins was present?
- 19 A. Yes.
- 12:29:34 20 Q. 162 Yourself and another person whom you couldn't recollect?
- 21 A. Correct.
- 22 Q. 163 Do you think it's likely now that the other person who you couldn't recollect
23 was Mr. Hughes?
- 24 A. Yes, it is likely but I am loathe to say so categorically.
- 12:29:45 25 Q. 164 And your diaries record another meeting on 5th of January 1993, which I will
26 come to in a moment. They are the two recorded meetings around this time?
- 27 A. Yes.
- 28 Q. 165 And do you recollect that there was a single meeting at which all of the
29 discussions took place or do you think that there were a number of meetings?
- 12:30:04 30 A. Well first for ease of the point that I am making, is that I recollect a

- 12:30:08 1 meeting at which there were a number of people present at which a discussion
2 took place as to the Lissenhall lands.
- 3 Q. 166 And in that was the discussion which involved a discussion in connection with
4 the monies that would have to be paid out?
- 12:30:21 5 A. Correct.
- 6 Q. 167 But is it your position then that you can't recollect whether that meeting in
7 fact took place know on 2nd of November 1992 or subsequently or maybe up to
8 January of 1993.
- 9 A. Correct.
- 12:30:32 10 Q. 168 But that there was and such a meeting?
- 11 A. That there was such a meeting, yes.
- 12 Q. 169 I'll come back to talk to you very briefly about that meeting. Just before we
13 come to January 1992. I just want to run very briefly through the balance of
14 the contacts that's record in the your diary for Mr. Tim Collins in November
15 1992.
- 16
17 At 905, please.
18
- 19 At 11:55 Mr. Collins rings. At 9:06 on the 10th of November at 2:10
12:31:03 20 Mr. Collins rings and again at 3:12. On 907, the same day. And at 9:08 on
21 19th of November, Mr. Collins rings also.
- 22 A. Sorry, Ms. Dillon, could you go back to the previous one after Mr. Collins rang
23 in the afternoon there's a note.
- 24 Q. 170 907. At 3:12. Do you see there, sorry?
- 12:31:27 25 A. No, no, the one at 2:06.
- 26 Q. 171 9:06?
- 27 A. No, no the timing of the day that he rang at 2:06 there's a note. Yes. No,
28 no, sorry. I beg your pardon. I thought that that note referred to the
29 meeting with Mr. Collins. It doesn't.
- 12:31:44 30 Q. 172 Before we go any further. There is something that I should have said to you.

12:31:48 1 I think there is another individual called Mr. Tim Collins, who is a civil
2 servant; is that correct? Do you know another Tim Collins. May the Tribunal
3 take it that all entries in your diaries relate to Mr. Tim Collins who was with
4 Project Architects and Pilgrim Architects?

12:32:04 5 A. Yes, there is another individual called Tim Collins, who used work in a
6 specific depart -- I think he was could consultant to the department. I think
7 he worked in the Department of Health and Environment subsequently. But you
8 can take it that Dr. Tim Collins is the person you are referring to, not Tim
9 Collins.

12:32:26 10 Q. 173 Yes?

11 A. You can take it that in my diary this is Tim Collins of this Module.

12 Q. 174 And that is of Pilgrim, formerly of Pilgrim Associates and Project Architects?

13 A. Yes.

14 Q. 175 And not any other Tim Collins?

12:32:42 15 A. No.

16 Q. 176 Can you outline to the Tribunal, regardless of when the meeting took place, Mr.
17 Dunlop. As best you can, what was discussed at that meeting. Particularly
18 in relation to payments that would have to be made?

19 A. What was discussed at the meeting was the proposal in relation to the
12:32:57 20 Lissenhall lands. What was required to be done in the context of the
21 Development Plan. I was told by the people present that a submission had been
22 made, which obviously would have had to have been made otherwise there couldn't
23 have possibly have been a motion put forward unless there was a submission
24 made. But I was told that a submission had been made. I don't recollect
12:33:25 25 either being given a copy of that submission or seeing that submission. But
26 that's not to say that I may well have been provided with a copy of it, but I
27 don't recollect being provided with it or actually seeing it.
28
29 That this was in either the latter part of '92 or the earlier part of 1993.

12:33:48 30 The Development Plan is in full flight. The requirement for the motion and

12:33:56 1 signatures is as at the very beginning of -- as it would have been at the
2 beginning of the Development Plan. They would have been a time frame within
3 which this motion would have had to have been submitted. And I cannot
4 absolutely say to you that was the 18th of March 1993. Notwithstanding that,
12:34:20 5 that is the date of the motion in my handwriting. And I would have been
6 provided either with the map or I obtained the map under my own resources.
7 But the likelihood is that I was provided with the map at that that meeting.

8
9 A discussion took place as to the requirements. And I acknowledged and
12:34:44 10 confirmed that there would be a requirement for payment to politicians and
11 signature and support.

12
13 This matter arose not from my side of the table. This matter arose in casual
14 conversation, indicating to me that the people on the other side of the table
12:35:10 15 were aware that payments would have to be made to politicians. And I
16 confirmed that.

17 Q. 177 When you say there were three people the other side of the table; is that
18 correct?

19 A. Yes.

12:35:21 20 Q. 178 That's Mr. Collins, Mr. Colm Moran and Mr. Michael Hughes?

21 A. Yes.

22 Q. 179 Okay. Can you identified for the Tribunal which of them raised the topic
23 about payments to councillors?

24 A. No, I can't. But there was a discussion. A discussion took place in the
12:35:35 25 context of what was required and it's in the context of that discussion that it
26 was indicated to me that these people knew that payments would have to be made.
27 And I confirm it. I would not have raised the issue. Or I would not have
28 said other than in oblique terms and watching their reaction as to what my
29 usage of the word "oblique" words would be. These people said to me that they
12:36:07 30 knew that matters would have to be dealt with in this manner.

- 12:36:10 1 Q. 180 And what precisely was said to you, Mr. Dunlop? If the language was
2 unambiguous, what language was used?
- 3 A. Well, in a conversation that took place. I cannot absolutely say to you what
4 the exact language used was. But it certainly would have been along the lines
12:36:30 5 is that we know what you have to do. And I have a recollection, almost in the
6 context of a jokeose way, that one or other of the people present said that the
7 councillors, some councillors were asking for quite a lot of money. That it
8 was known.
- 9 Q. 181 That comment was made by one of the other three people?
- 12:36:59 10 A. Yes.
- 11 Q. 182 Who were at the meeting?
- 12 A. Yes.
- 13 Q. 183 That some councillors were asking for a lot of money and that was known?
- 14 A. Yes.
- 12:37:05 15 Q. 184 And from that did you take it or did you understand from that, that there was a
16 knowledge or understanding on the part of the other people at the meeting that
17 councillors were going to have to be paid to get the lands rezoned?
- 18 A. Yes.
- 19 Q. 185 Did you have any other discussion about payments to councillors other than that
12:37:20 20 discussion with them at that meeting?
- 21 A. No, I don't think I did.
- 22 Q. 186 In your statement to the Tribunal, at 2097.
23
24 You state as the following. "I confirmed to those present at the meeting in
12:37:36 25 my office in relation to the proposal for the rezoning of the lands at
26 Lissenhall that there would be a requirement for the payment of monies to
27 councillors".
28
29 Now, you state there that you don't tell the Tribunal that in fact the subject
12:37:47 30 was introduced by the other people at the meeting

- 12:37:50 1 A. Well I used the word I confirmed.
- 2 Q. 187 You then state, "I did not name any councillor, nor did I specify how many
3 would require payment."
- 4 A. Correct.
- 12:38:02 5 Q. 188 You then go on to explain "I did explain that a signature or signatures could
6 not be obtained easily and the likelihood was that such a signature or
7 signatures could be obtained and support guaranteed only by the payment of
8 money at the request of some councillors."
- 9 A. Yes.
- 12:38:12 10 Q. 189 Was that discussed at the meeting?
- 11 A. Yes.
- 12 Q. 190 Well when I asked you two minutes ago was there anything else discussed in
13 relation to payments you said no.
- 14 A. Well that's payments.
- 12:38:21 15 Q. 191 But what you are explaining there if you are correct, Mr. Dunlop, that you told
16 the people who were at the meeting that the signature on the motion would
17 normally require payment.
- 18 A. Absolutely. But the cat is out of the bag at this stage, Ms. Dillon.
- 19 Q. 192 They have already raised the topic?
- 12:38:37 20 A. The cat has escaped at this stage. It's a question of my explaining the
21 mechanics, which they obviously knew already. My explaining the mechanics.
22 It's in relation to signatures and support.
- 23 Q. 193 And that such people would normally require to be paid?
- 24 A. Yes.
- 12:38:52 25 Q. 194 And because that's what you say in your statement; isn't that right?
- 26 A. Correct.
- 27 Q. 195 And that's what you advised them?
- 28 A. Yes.
- 29 Q. 196 That you said that a signature or signatures could not be obtained easily and
12:39:05 30 that the likelihood was that such a signature or signatures could be obtained

- 12:39:08 1 and support guaranteed only by the payment of money at the request of some
2 councillors."
- 3 A. For ease of reference. This is 1993. It's not 1991 it's 1993 -- well late
4 1992 or early 1993.
- 12:39:23 5 Q. 197 Yes. It's coming to the end of the development?
- 6 A. Correct, and people are getting -- they are worried and there has been a
7 significant amount of publicity in relation to what is going on in Dublin
8 County Council and the end date in relation to the Development Plan, which was
9 the latter part of '93.
- 12:39:45 10 Q. 198 What you are saying, Mr. Dunlop, is that people were beginning to panic,
11 landowners. Because not planning perhaps. They needed to get their affairs
12 in order this was their last chance in relation to the Development Plan?
- 13 A. Panic would be the wrong word because they were not the authors of the
14 schedule. The authors of the schedule were Dublin County Council itself. As
12:40:07 15 I think I explained to you in a previous Module; what happened was they started
16 with map 1 and went to map 30. In this particular instance, if my
17 recollection is correct, and no doubt you will point out if it's not, I think
18 they started the other way. And they were now coming, we were coming into the
19 start of 1993, the thing is to conclude by the end of 1993. And we're now
12:40:30 20 dealing with the matters relating to the north county.
- 21 Q. 199 And you knew, of course, that the first public display was over. You knew,
22 obviously, what you were told; that other than the rezoning submission having
23 gone in, by December of 1991 nothing else had happened in relation with these
24 lands?
- 12:40:47 25 A. Well I knew nothing. Again, just for completeness. I have no recollection
26 of being told anything about the lands or the history of the lands consonant
27 with what you described in your opening statement.
- 28 Q. 200 That's not what you say in your statement, what you say is "as I recollect
29 matters I was told that a submission had been made to the County Development
12:41:07 30 Plan within the required time frame".

- 12:41:10 1 A. A submission.
- 2 Q. 201 Yes.
- 3 A. Which was absolute. There was no point my having a discussion with the
- 4 representatives of Lissenhall unless they had a submission made. It's one of
- 12:41:19 5 the first questions I would ask.
- 6 Q. 202 That's what I had put to you -- was that you were told Mr. Dunlop that they had
- 7 lodged a submission by December 1991, but that other than that nothing had
- 8 been done.
- 9 A. Correct, but you outlined in the your opening statement matters in relation to
- 12:41:31 10 planning applications. I don't know anything about that.
- 11 Q. 203 You were being asked about the fact that you were told at the meeting that a
- 12 submission had been made?
- 13 A. Yes.
- 14 Q. 204 Other than that, nothing had been done?
- 12:41:41 15 A. Yeah.
- 16 Q. 205 So the brief that you are given is to achieve the rezoning on the Lissenhall
- 17 lands; isn't that right?
- 18 A. Solely.
- 19 Q. 206 Did you know of the involvement of an adjoining landowner Mr. Duffy?
- 12:41:53 20 A. Yes. I have a recollection of being told about a Mr. Duffy. I don't
- 21 recollect, although I'm aware that another witness will say that he and I met
- 22 Mr. Duffy. I have no recollection of ever meeting Mr. Duffy and I could not
- 23 identify him if he was in this room. I was aware that there was a Mr. Duffy
- 24 involved. I was not aware of the relationship between Mr. Duffy and Rayband,
- 12:42:32 25 as you outline in the your opening statement. I was aware that the submission
- 26 in relation to the lands were made in the name of Rayband and Duffy. But I
- 27 have absolutely no recollection of having any dealings with Mr. Duffy.
- 28 Q. 207 Certainly when you got the map, Mr. Dunlop?
- 29 A. Yes.
- 12:42:50 30 Q. 208 In relation to the motion. You knew that there were two pieces of land

- 12:42:54 1 involved?
- 2 A. Yes.
- 3 Q. 209 And you knew, I presume, from the submission that had gone in, that the two
- 4 pieces of land. they were first of all zoned differently anyway to start
- 12:43:03 5 with?
- 6 A. Correct.
- 7 Q. 210 And secondly, two different owners?
- 8 A. It was a composite body of land with two owners. It was a composite piece of
- 9 land.
- 12:43:13 10 Q. 211 But you were dealing only with one owners?
- 11 A. Absolutely.
- 12 Q. 212 What were told? Why didn't you contact Mr. Duffy? What were you told about
- 13 Mr. Duffy?
- 14 A. I don't recollect being told very much about Mr. Duffy. As I say, unless
- 12:43:28 15 somebody can absolutely confirm to me that I ever met him, which I will accept.
- 16 I don't recollect even meeting him. But the line of argument in relation to
- 17 the lands was that these lands were, a submission had been made. It was
- 18 required that a motion be put forward for the rezoning for a vote. And that I
- 19 was going to be dealing solely with identified people as it turned out Mr. Tim
- 12:43:57 20 Collins and Mr. Michael Hughes.
- 21 Q. 213 The job that you are being asked to do, Mr. Dunlop, as is clear from the
- 22 documentation. Was to seek to achieve rezoning on two parcels of land, one
- 23 owned by Rayband and one owned by Mr. Duffy?
- 24 A. Correct.
- 12:44:10 25 Q. 214 You're dealing with Rayband you fix a price with Rayband. I'll come to deal
- 26 with that in a second. You are also benefiting another client, another
- 27 person, a Mr. Duffy; isn't that right?
- 28 A. Yes.
- 29 Q. 215 Did you ever seek to meet Mr. Duffy or obtain payment from Mr. Duffy. Did you
- 12:44:25 30 have any discussions with Mr. Collins or Mr. Moran or Mr. Hughes in relation to

- 12:44:29 1 Mr. Duffy?
- 2 A. No, not that I can recollect.
- 3 Q. 216 And what did you understand -- you were going to be paid only by Rayband; isn't
- 4 that correct?
- 12:44:37 5 A. Correct, yes.
- 6 Q. 217 In relation to the Duffy and Rayband lands?
- 7 A. It was a composite entity as presented to me by Rayband and their
- 8 representatives. As I said to you, I have no recollection of meeting
- 9 Mr. Duffy. I certainly have no recollection of ever dealing with Mr. Duffy in
- 12:44:54 10 the context of the receipt or payment of money.
- 11 Q. 218 You didn't differentiate between the two parcels of land other than that they
- 12 had different zoning?
- 13 A. Correct.
- 14 Q. 219 And you treated the application for rezoning was a single motion for both
- 12:45:07 15 parcels of land?
- 16 A. That's correct.
- 17 Q. 220 And you have no recollection of meeting with Mr. Duffy?
- 18 A. I have no recollection of meeting Mr. Duffy. As I said to you, I'm aware that
- 19 a councillor will say that he and Mr. Duffy and I met. But I have no
- 12:45:20 20 recollection of that.
- 21 Q. 221 And I think that -- sorry. And insofar as that meeting took place, whether it
- 22 was in November or whether it was in January, you had a discussion about your
- 23 fees; is that right?
- 24 A. Yes, obviously.
- 12:45:33 25 Q. 222 And what fee did you discuss?
- 26 A. Well, that I cannot say. Consonant with what I've said to you in relation to
- 27 the payment of the 12,500 on the 6th January 1993, I cannot recollect the
- 28 nature of the fee discussed.
- 29 Q. 223 Do you accept from the documentation that's been disclosed in the brief that
- 12:45:56 30 you received three separate payments?

- 12:45:57 1 A. Oh yes, I do.
- 2 Q. 224 I'll go through those papers with you briefly, Mr. Dunlop. That that's the
3 position that the documentation discloses?
- 4 A. Correct.
- 12:46:06 5 Q. 225 And that those payments seem to be an initial payment then a payment after the
6 first successful motion and then a payment after the confirming meeting?
- 7 A. Yes, with the clarification that the second payment for 10,000 plus VAT is
8 specifically designed -- or described I should say, sorry. Is specifically
9 described as a success fee.
- 12:46:30 10 Q. 226 Yes. So that you are satisfied that you, indeed, it seems to be from the
11 other statements. That the other people who are at the meeting say that you
12 sought a fee of 12,500 pounds plus a success fee of 12,500 pounds.
- 13 A. Yes. But that wouldn't follow in relation to the payments in a were made.
- 14 Q. 227 If you leave aside the payments made. We'll just try and establish what the
12:46:51 15 agreement might have been?
- 16 A. Yes.
- 17 Q. 228 Do you dispute that the agreement you made was for 12,500 pounds plus 12,500
18 pounds success fee?
- 19 A. Yes. I would dispute it on the basis of why would I then send an invoice for
12:47:04 20 10,000 if that was an success fee.
- 21 Q. 229 Did you subsequently send an invoice for 2,500 pounds plus VAT.
- 22 A. Yes.
- 23 Q. 230 If one looks at the net fee it was 12,500 pounds plus VAT.
- 24 A. Correct.
- 12:47:18 25 Q. 231 For the second payment?
- 26 A. Yes.
- 27 Q. 232 The first payment was 12,500 pounds with no VAT.
- 28 A. Or invoice.
- 29 Q. 233 Or invoice, so the net fee would have been 25,000 pounds with VAT on one
12:47:31 30 portion?

12:47:31 1 A. That's correct.

2 Q. 234 If one looks at the net fee. Do you agree that the fee that you probably
3 agreed was 12,500 pounds plus 12,500 pounds success fee?

4 A. On the basis of the net fee, yes.

12:47:43 5 Q. 235 Can you remember with whom you agreed that?

6 A. Specifically, no. But given the identity of the person to whom I sent the
7 invoice, Mr. Michael Hughes, obviously a discussion took place in which he was
8 involved and which an agreement was reached. At this remove, I don't have any
9 reason to doubt that a discussion about fees, as would be normal, took place at
10 a very early stage. So whenever the first meeting is established in relation
11 to this matter, that that arrangement would have been arrived at.

12 Q. 236 Well the first meeting is the meeting we have just looked at in November.

13 A. Yes.

14 Q. 237 The second meeting is referred to on page 929.

12:48:45 15
16 On the 4th of January, 1993.

17 A. Yes.

18 Q. 238 At 11:21 Mr. Tim Collins is recorded as confirming a meeting tomorrow here with
19 Michael Hughes?

12:48:54 20 A. Correct.

21 Q. 239 Do you see that? He had previously rung at 9:37. And your diary for 5th of
22 January 1993, at 968, please.

23
24 Has no entry. But has a note at 10:00.

12:49:11 25 A. Yes.

26 Q. 240 You see that?

27 A. I do, yes.

28 Q. 241 Do you think it's likely. And then the third thing that I should show you
29 that occurred on that date, which is on the 5th of January. Is. Page 930,
12:49:24 30 please.

- 12:49:26 1
2 And if this could be turned around. This is dated 5th of January 1993. It's
3 a cheque drawn on IFG Securities in the sum of 12,500 pounds payable to Frank
4 Dunlop.
- 12:49:37 5 A. Yes.
- 6 Q. 242 Taking those two matters, the fact that there's a record of a meeting with
7 Mr. Hughes being set up for the 5th of January and that a cheque in the sum of
8 12,500 pounds was drawn on the same date. Does that suggest that you had a
9 meeting with Mr. Hughes in or around the 5th of January at which this cheque
10 was handed over?
- 11 A. That is likely.
- 12 Q. 243 Not a cheque drawn by Rayband it's IFG Securities cheque?
- 13 A. And made payable to me personally.
- 14 Q. 244 I think that you deal with that cheque, Mr. Dunlop, by lodging it to your Irish
15 Nationwide Building Society account?
- 16 A. That's correct, yes.
- 17 Q. 245 936. This is one of the accounts that you previously describe as your war
18 chest account; isn't that right?
- 19 A. Correct.
- 12:50:09 20 Q. 246 And if one looks 6th of January 1993 there is a cheque lodgement of 12,500
21 pounds followed almost immediately by a cheque withdrawal of 2,500 pounds;
22 isn't that correct? On the same date.
- 23 A. That's correct, yes.
- 24 Q. 247 You lodged the full proceeds and then drew a cheque for 2,500 pounds; isn't
25 that correct?
- 12:50:35 26 A. That's correct.
- 27 Q. 248 What is the significance of you lodging that cheque to what you have previously
28 described as your war chest account, Mr. Dunlop?
- 29 A. First of all, the payment is to Frank Dunlop, it's not to Dunlop and
12:50:49 30 Associates. The Irish Nationwide Building Society is in the name of Frank

- 12:50:54 1 Dunlop. And this, as I have said to you previously, was an account which was
2 used for the purposes of lodging money and withdrawing money for will
3 availability of cash. For use, as I have so described.
- 4 Q. 249 This is an account that wasn't disclosed to your auditors or accountants or
12:51:15 5 Revenue Commissioners or anybody else, Mr. Dunlop, at that time; isn't that the
6 position?
7 A. Yes.
- 8 Q. 250 This is one of approximately four accounts that you used to fund your
9 activities; isn't that right?
12:51:23 10 A. Yes.
- 11 Q. 251 Into which monies you didn't want traced were put. And out of which you made
12 cash withdrawals, including the money you say you used to pay councillors;
13 isn't that the position?
14 A. That's correct.
- 12:51:31 15 Q. 252 What is the significance of you putting 12,500 pounds from IFG Securities
16 Limited into that account?
17 A. The significance is, in the first instance, it's made payable to me.
18 secondly, that it is an intention of mine that these monies will be used as
19 some of the monies in that account were used, with other accounts, for the
12:51:51 20 purposes that you've just outlined.
- 21 Q. 253 When you accepted the job in relation to Lissenhall. You knew you were going
22 to have to make disbursements; isn't that correct?
23 A. That's correct.
- 24 Q. 254 Because if your previous evidence is correct in relation to this. It was your
12:52:12 25 fairly standard practice to make payments on zoning matters?
26 A. On request.
- 27 Q. 255 So you knew you were going to have to make disbursements?
28 A. That's correct.
- 29 Q. 256 Is that one of the reasons why you put that money into that account?
12:52:18 30 A. That is the likelihood, yes.

- 12:52:20 1 Q. 257 So that you would have it available for you to make untraceable payments, for
2 whatever purpose?
- 3 A. Yes.
- 4 Q. 258 Can you outline the circumstances in which you came to make the payment to
12:52:32 5 Mr. Tony Fox?
- 6 A. Well, as I've said to you earlier, by some twenty minutes ago, I would have
7 canvassed Mr. Fox, as was my norm, in relation to all developments in relation
8 to the Development Plan and would have asked him for his support. And he
9 would have given it or, as was normal as well. And that I would have paid
10 him, agreed to pay him, at his request, the sum of 1,000 pounds, which was
11 fairly regular amount. There were occasions when it was much larger. And
12 there were occasions when it was slightly larger. But that he would agree
13 to -- that he agreed to support on payment of 1,000 pounds.
14
- 12:53:20 15 The likelihood is , that as I have outlined to you also, that I met Mr. Fox
16 quite regularly, at my attendance at Dublin County Council, in the environs of
17 Dublin County Council and that I paid him there. And that I paid him there on
18 other occasions as well.
- 19 Q. 259 It would seem certainly that by the 5th of January, Mr. Dunlop, you had been
12:53:42 20 retained in relation to this matter. That's the 5th of January 1993 because
21 you've been paid 12,500 pounds?
- 22 A. Correct.
- 23 Q. 260 So from this stage on you embark upon whatever active it's you are going to
24 embark on in order to get the rezoning. The first of which would be to get
12:53:58 25 the matter on the agenda?
- 26 A. Well to get the motion signed and submit it, yes.
- 27 Q. 261 To get the motion in?
- 28 A. Correct, yes.
- 29 Q. 262 Because if you don't get the motion in on time there's going to be no
12:54:08 30 discussions no rezoning?

12:54:08 1 A. There's no dance, yes.

2 Q. 263 Between 5th of January 1993, I think the actual motion is dated 18th of March,
3 1993; isn't that right?

4 A. Well ...

12:54:19 5 Q. 264 1173, please.

6

7 Q. 265 It's on screen.

8 A. Yes.

9 Q. 266 Did you prepare that motion, Mr. Dunlop?

12:54:31 10 A. Yes, that motion is in the type face of my office and that was prepared in my
11 office.

12 Q. 267 And the date the handwritten notation 18.3.'93. Is that in your handwriting?

13 A. Yes.

14 Q. 268 Does that suggest that the motion was signed in or around that time?

12:54:48 15 A. Certainly I would suggest that that is the case.

16 Q. 269 Now, what did you do between the 5th of January 1993 when you were paid your
17 first payment of 12,500 pounds and March of 1993, in order to advance the
18 prospects of these lands being rezoned?

19 A. Well a number of things. One, the location of the lands is important,
12:55:10 20 obviously, it's in the north county. So therefore your immediate attention is
21 drawn to the fact that if the local support doesn't exist, there's not much
22 point in seeking support elsewhere.

23 Q. 270 Uh-huh?

24 A. So it is palpably evident that I would have approached people on the north
12:55:32 25 side, particularly Cyril Gallagher. In the context of support. And others.
26 Now, notwithstanding the fact that you would have the support of an
27 identifiable councillor from a local area in which the lands are located. You
28 needed other bodies to support it as well.
29 But the fact that somebody at the status of Cyril Gallagher was going to sign
12:56:00 30 the motion or it was my intention to seek his signature, would be an indication

- 12:56:04 1 of, a strong indication to other councillors that the matter was at least
2 viable.
- 3 Q. 271 Mr. Christopher Gallagher was a member of the Fianna Fail party; is that
4 correct?
- 12:56:15 5 A. Yes, he was.
- 6 Q. 272 And would have been regarded in the 1993 as a very Senior member of the Fianna
7 Fail party in north County Dublin?
- 8 A. Yes.
- 9 Q. 273 And Ms. Anne Devitt was a member of the Fine Gael party.
- 12:56:25 10 A. Correct.
- 11 Q. 274 Senior member of the Fine Gael party?
- 12 A. Yes, correct.
- 13 Q. 275 And I think subsequently went on to become Chairperson or Deputy Chairperson of
14 the County Council?
- 12:56:37 15 A. That's correct, yes.
- 16 Q. 276 Having the signatures of Mr. Gallagher and Ms. Devitt, would that bring with it
17 some degree of support because of the fact that they were from opposite members
18 of the political divide?
- 19 A. Yes it would.
- 12:56:47 20 Q. 277 Was this part of the cross party approach that you favoured with other people
21 in adopting, in securing the success of these motions?
- 22 A. Yes, it was a well known method of trying to ensure or send a signal certainly
23 to members of, the signatories parties, that by virtue of the fact that their
24 signature was on was on it.
- 12:57:09 25 Q. 278 Yes?
- 26 A. That it was meritorious of support.
- 27 Q. 279 And I think the Tribunal has heard evidence from other people that it was the
28 practice of the Fianna Fail party to have meetings in advance of the Council
29 meetings at which attempts were made to discuss upcoming matters on the agenda
12:57:27 30 and to see how people would approach the matters?

12:57:29 1 A. I can absolutely attest that that is the case.

2 Q. 280 I think the Tribunal has also heard evidence that Fianna Fail tended to present
3 a united front in relation to matters before the Council, in general?

4 A. Correct.

12:57:41 5 Q. 281 But that there was a similar but not as completely a united front in relation
6 to the Fine Gael party; would that be correct?

7 A. There were individuals in the Fine Gael party, who for whatever reason,
8 ideological or otherwise, indicated from time to time, and some of them quite
9 consistently, that they would not support development of any sort. And I
10 think we have established that in another Module.

11 Q. 282 If I can take you back and very briefly go through your telephone attendances
12 or February or March. Will I take that up at two o'clock.

13

14 CHAIRMAN: It's just one o'clock. We'll sit again at two o'clock.

12:58:19 15

16 MS. DILLON: May it please you.

17

18

19

12:58:33 20

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

22

23

24

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THE TRIBUNAL RESUMED AS FOLLOWS AT 2:00 P.M.:

12:58:38 1
2
3 MS. DILLON: Good afternoon, Mr. Dunlop
4 Q. 283
14:05:47 5 I propose to take you through the records of contact between yourself and
6 certain councillors and other people connected to Rayband for 1993.
7 If we could have page 969, please.
8 And you will note there that 9:47 you have a telephone call from Mr. Tim
9 Collins in Ambrose Kelly, he is asking you to call him.
14:06:18 10 A. Yes.
11 Q. 284 Would that have been in connection with some matter that you both were involved
12 in together?
13 A. Yes.
14 Q. 285 Not necessarily confined to Lissenhall?
14:06:26 15 A. Correct.
16 Q. 286 On 7th January at 9:70 you receive a telephone call at 2:21 Mr. Sean Gilbride?
17 A. Yes.
18 Q. 287 9:71 on 8th of January at 3:01 Mr. Gilbride rings you and tell us you that he
19 is in Dublin County Council for the next hour or so. And 4:15 Mr. Collins is
14:06:50 20 recorded as contacting you.
21 A. That's correct.
22 Q. 288 9:72. The 11th of January, 1993, you received two telephone calls from Mr.
23 Tim Collins, one at 10:13 and 11:05 Mr. Collins wants to set up at meeting on
24 Wednesday.
14:07:06 25 A. Correct.
26 Q. 289 That's not connected with this Module but another matter; is that correct?
27 A. Another Module. Sorry, may well be connected to another Module. I think the
28 name may well be wrong but it's not germane to this issue.
29 Q. 290 973. On the 12th January 1993, you receive a telephone call at 2:15 from Tony
14:07:25 30 Fox?

14:07:26 1 A. Yes.

2 Q. 291 And can you recollect or is it possible for you to recollect at this remove
3 what that contact was about?

4 A. The only contact I had with Tony related to matters vis a vis the Development
14:07:40 5 Plan or matters in Dublin County Council. So he's looking for me for some
6 reason or another in relation to something that is on the agenda or he has some
7 issue that he wants clarified.

8 Q. 292 And at 974.
9

14:07:53 10 A diary entry for 13th of January 1993. And again, Mr. Tim Collins is
11 recorded there in connection with land at the airport. That's not the
12 Lissenhall lands

13 A. No.

14 Q. 293 You would be in a position to say that by reason of the other person at that
14:08:08 15 meeting; isn't that right?

16 A. Correct.

17 Q. 294 975.
18

19 On 13th of January 1993. At 25 past 12 Mr. Tom Hand contacts you. Again, is
14:08:19 20 it fair to say that the matters of mutual interest to your Mr. Hand were the
21 Development Plan

22 A. Correct.

23 Q. 295 1:06 Mr. Tim Collins rings again; isn't that right?

24 A. That's correct, yes.

14:08:29 25 Q. 296 And again, the matters that you had in common with Mr. Collins related to the
26 various projects that you had ongoing together?

27 A. Correct. And in concert with the diary reference that you've just outlined.

28 Q. 297 Yes. But that there were other matters with which you were involved with
29 Mr. Collins other than the Lissenhall matters?

14:08:49 30 A. Correct.

14:08:50 1 Q. 298 In general would it be fair to say that Mr. Collins introduced you to these
2 developments or developers?
3 A. Yes, he did.
4 Q. 299 What did Mr. Collins, do you know what Mr. Collins thought you could bring to
14:09:07 5 any of these developments Mr. Dunlop?
6 A. I think quite basically that I could get it done.
7 Q. 300 And did Mr. Collins know how you set about getting things done in terms of
8 getting rezoning?
9 A. Well in the context of the meeting that I had with Mr. Collins and others that
14:09:16 10 I outlined to you pre lunch in relation to the comments that were made to me,
11 yes.
12 Q. 301 And on the 18th of January, 1993. At 991.
13 At 11:00 a meet something recorded with Mr. Collins. It's not recorded the
14 matter, what it is in connection with. You see that
14:09:34 15 A. Yes, I do, yes.
16 Q. 302 And again, at 992.
17
18 On 18th of January, 1993. At 9:40 you have a call from Tom "will call later.
19 two items to be taken care of today". Is that a telephone call from Mr. Hand?
14:09:48 20 A. Yes, it is.
21 Q. 303 And the two items he is referring to. Were they two items probably on the
22 agenda at Dublin County Council on that day?
23 A. Correct?
24 Q. 304 And these were the items that Mr. Hand would have had an interest in together
14:10:00 25 with yourself; is that correct?
26 A. Correct.
27 Q. 305 But neither of those could relate to Lissenhall; isn't that correct?
28 A. Correct.
29 Q. 306 10:19. Gilbride at home, is that Mr. Sean Gilbride?
14:10:11 30 A. Yes.

- 14:10:12 1 Q. 307 992, please.
2
3 That's Mr. Sean Gilbride telling you he is at home. And at 2:44 Mr. Tim
4 Collins rings again; isn't that correct?
- 14:10:21 5 A. That's correct, yes.
6 Q. 308 993. 19th of January 1993. 11:00 Mr. Sawn Gilbride rings and tell you that
7 he is at home and Mr. Tom Hand leaves the same message?
8 A. Yes.
9 Q. 309 At 994 on 20th of January 1993. 2:14 there's a message from Mr. Sean Kilbride.
14:10:40 10 He'll call again. He's moving around.
11 A. Yes.
12 Q. 310 And again on 401. 995 on the same day. Mr. Sean Gilbride rings?
13 A. Correct.
14 Q. 311 And at 1996 on 21st of January 1993 there is two telephone calls there
14:10:55 15 Mr. Collins, 405 and 4:58.
16 A. Correct.
17 Q. 312 On 22nd of January at 997 there is a telephone call from Mr. Collins at 10:40
18 and 11:50 Mr. Tom Hand.
19 A. Correct.
- 14:11:09 20 Q. 313 On 25th of January, at 998. You have a meeting at 11:30 with Mr. Tim Collins?
21 A. Yes.
22 Q. 314 It's not indicated on your diary the matter that was to be discussed at the
23 meeting. And I suggest it could have been one of a number of projects that
24 you had with Mr. Collins?
14:11:28 25 A. Yes.
26 Q. 315 At 999. On 25th of January. You have a telephone call at 11:40 from
27 Mr. Michael Hughes. This is Mr. Michael Hughes of Rayband; isn't that
28 correct?
29 A. That's correct.
14:11:41 30 Q. 316 And he rings you about Swords and he'll call back again?

14:11:45 1 A. Correct.

2 Q. 317 Rings again at 12:59?

3 A. Correct.

4 Q. 318 2:14 Mr. Collins rings. He mentioned a name of another person, Mr. Shelly

14:11:53 5 that's not in connection with --

6 A. No connection with this development, Module sorry.

7 Q. 319 So Mr. Hughes is looking for you in January. Presumably, he wants to know

8 what progress has been made?

9 A. Yes.

14:12:04 10 Q. 320 At that stage you haven't got a motion signed?

11 A. That's correct.

12 Q. 321 You have already been paid half your fee?

13 A. Yes.

14 Q. 322 At page 1000. 26th of January 1993. The following day at 11:46 Mr. Michael

14:12:19 15 Hughes calls.

16 A. Yes.

17 Q. 323 At 25 past twelve Mr. Tony Fox calls and leaves a number?

18 A. Yes.

19 Q. 324 Mr. Tom Hand calls at 2:10 and Michael Hughes calls again. He calls again at

14:12:29 20 4:36?

21 A. Correct.

22 Q. 325 So Obviously Mr. Hughes has rung you twice the previous day and on three

23 occasions on this day seeking to make contact. Again, only in connection

24 Lissenhall, Mr. Dunlop?

14:12:41 25 A. No other reason.

26 Q. 326 At page 1002. 27th of January. The record shows that Mr. Collins called at

27 10:48. And Tom, at home is that reference to Mr. Tom Hand at 11:45?

28 A. Yes.

29 Q. 327 Tim Collins calls 12:25. Again at 12:55. Mr. Tom Hand calls at 2:40. 3:51

14:13:04 30 Mr. Tim Collins calls looking for a drawing. And needs to speak to you on one

- 14:13:09 1 or two other points and at 4:58 Mr. Tim Collins calls again?
- 2 A. Correct.
- 3 Q. 328 So you have four or five calls on that day from Mr. Tim Collins?
- 4 A. Yes.
- 14:13:18 5 Q. 329 All that would all have been relating to projects that you were involved in
- 6 together; is that right?
- 7 A. Yes.
- 8 Q. 330 One of which could have been the Lissenhall project?
- 9 A. Yes.
- 14:13:25 10 Q. 331 Isn't it likely that he might have wanted to discuss the Lissenhall project
- 11 with you in view of the number of calls from Mr. Michael Hughes the day before?
- 12 A. Yes.
- 13 Q. 332 1003. 28th of January 1993. 10:30 there are calls from Mr. Tim Collins
- 14 about a map.?
- 14:13:42 15 A. Yes.
- 16 Q. 333 Had you got it for him. 12:09 Mr. Tom Hand rings. He is in Dublin County
- 17 Council at the information desk.
- 18 A. Yes.
- 19 Q. 334 Tim Collins rings again about the map and is given a message. Sean Gilbride
- 14:13:57 20 rings 2:35 to tell you he is in Dublin County Council. 3:12 Tom rings. Is
- 21 that Mr. Tom Hand?
- 22 A. Correct.
- 23 Q. 335 3:43, 1004, please. Sean Gilbride rings again. 4:10 Mr. Tim Collins rings
- 24 looking for a map. 4:50 Tom rings to tell you he is at home. Is that
- 14:14:18 25 Mr. Tom Hand?
- 26 A. Yes.
- 27 Q. 336 Again on that day, there's three contacts between Mr. Collins and yourself;
- 28 isn't that right?
- 29 A. That's correct.
- 14:14:26 30 Q. 337 On the 29th of January, at 1005. At 9:15 Mr. Collins rings?

14:14:34 1 A. Uh-huh.

2 Q. 338 And 11:02 Mr. Paul Walls rings?

3 A. Yes.

4 Q. 339 Was that telephone call in connection with a separate development in which you
14:14:44 5 were involve the with Mr. Walls?

6 A. Yes, it was and Mr. Collins.

7 Q. 340 That was my next question. Was Mr. Collins also involved in that development?

8 A. Yes.

9 Q. 341 I think that's the subject matter of another Module ; isn't that right?

14:14:57 10 A. Correct.

11 Q. 342 11:35 there is a Mr. John Butler. Was Mr. Collins also involved in that
12 matter?

13 A. Yes, he was.

14 Q. 343 That's a separate matter also; isn't that correct?

14:15:08 15 A. Right.

16 Q. 344 On that day alone Mr. Collins contacts you and also people involved in two
17 other modules contact you also?

18 A. Correct.

19 Q. 345 At 1006. On 1st of February 1993. 10:40 Mr. Tom Hand contacts you and 11:
14:15:24 20 30 Mr. Michael Hughes; is that correct?

21 A. Do we have it?

22 Q. 346 10:40 for Mr. Tom Hand?

23 A. Date?

24 Q. 347 1st of February. 1993?

14:15:34 25 A. I have the 29th of January.

26 Q. 348 Sorry, 1006, please. 10:40 Mr. Tom Hand and 11:30 Mr. Michael Hughes?

27 A. Correct, yes.

28 Q. 349 And on 2nd February 1993, 1007 please.

29

14:15:47 30 At 11:18 Mr. Seam Gilbride rings. He won't be in the Dail until after two

- 14:15:54 1 o'clock. And at 2:25 Mr. Tom Hand rings.
- 2 A. Correct.
- 3 Q. 350 Now, I think it's fair to say that there are other councillors names recorded
- 4 on these documents but they are not directly involved in this Module; isn't
- 14:16:05 5 that right?
- 6 A. Correct.
- 7 Q. 351 As an overall statement. Disagree with me if you want. But for the month of
- 8 January there is a lot of contact recorded passing between councillors and
- 9 yourselves. Some of which I have identified specifically because they relate
- 14:16:17 10 to people involved in this Module; isn't that correct?
- 11 A. Correct, yes.
- 12 Q. 352 I think you've previously told the Tribunal, Mr. Dunlop, what is being recorded
- 13 on these documents are messages left for you when you weren't there to take the
- 14 call?
- 14:16:29 15 A. That's correct.
- 16 Q. 353 In addition to that, there would have been calls that you did take; isn't that
- 17 right?
- 18 A. As I said previously, Ms. Dillon. Either messages for me while I'm either not
- 19 there or else I cannot be contacted because I am on another telephone call.
- 14:16:43 20 Q. 354 But in addition to that, also calls that you did take?
- 21 A. Absolutely.
- 22 Q. 355 At 1008. 3rd of February. Mr. Tim Collins calls about drawings; isn't that
- 23 correct? 10:50.
- 24 A. Yes.
- 14:16:58 25 Q. 356 Yes. And at 1021. On 4th of February 1993 Mr. Sean Gilbride contacts you
- 26 again at 12:12.
- 27 A. Yes.
- 28 Q. 357 And on 5th of February 1993. 1022 Mr. Tim Collins rings at 11:40 about
- 29 drawings?
- 14:17:16 30 A. Yes.

14:17:16 1 Q. 358 Mr. Gilbride rings at 2:30 and Tom rings at 3:12. Is that Mr. Hand?
2 A. That's correct.
3 Q. 359 8th of February 1993. 1023. 10:53 Mr. Tim Collins rings. 3:35 Mr. Sean
4 Gilbride rings?
14:17:33 5 A. Correct.
6 Q. 360 4:45 on same day, 1024 Mr. Tim Collins rings again?
7 A. Yes.
8 Q. 361 9th of February 1993. 1025 Mr. Collins calls at 10:00?
9 A. Correct.
14:17:46 10 Q. 362 Mr. Hand at 10:58?
11 A. Yes.
12 Q. 363 And on 10th of February. 1027.
13
14 1027.
14:17:59 15 Mr. Sean Gilbride rings leaving message that Marian got the call.
16 A. Yes.
17 Q. 364 Is that right? 11th of February 1993. 1028. Mr. Tom Hand rings at 10:57.
18 A. Yes.
19 Q. 365 1029. Mr. Sean Gilbride rings at 12:00?
14:18:26 20 A. Yes.
21 Q. 366 Sorry. 11:18?
22 A. Yes.
23 Q. 367 To tell you he is at home until 12:00.
24 A. Yes.
14:18:26 25 Q. 368 1030. 12:30 Mr. Tony Fox rings.
26 A. Yes.
27 Q. 369 12:30 Mr. Sean Gilbride rings at 4:35?
28 A. Correct.
29 Q. 370 Again, all of these contacts with the councillors would have been in connection
14:18:39 30 with the development plan; is that correct, Mr. Dunlop? Yes. At 1032 on the

14:18:43 1 17th of February 1993. Mr. Sean Gilbride rings at 1:10?

2 A. Yes.

3 Q. 371 At 1031. On February 18th you have an entry in your diary for TH Sandymount,
4 is that Mr. Hand?

14:19:00 5 A. Tom Hand, yes.

6 Q. 372 Is that a meeting you would have had with Mr. Hand?

7 A. Yes, it was, in a restaurant in Sandymount.

8 Q. 373 Do you have any idea at this remove what that meeting was in connection with?

9 A. Obviously in relation to a matter in Dublin County Council.

14:19:13 10 Q. 374 1033, please. On the 19th of February 1993. Mr. Hand rings at 10:55.

11 A. Uh-huh.

12 Q. 375 Mr. Michael Hughes, Swords, will call on Monday at 2:45?

13 A. Yes.

14 Q. 376 Now, that's Mr. Michael Hughes of Rayband; isn't that correct?

14:19:32 15 A. Yes.

16 Q. 377 19th of February, 1993, Mr. Dunlop, by this stage you still haven't obtained a
17 motion?

18 A. Correct.

19 Q. 378 You haven't any signatures on a motion?

14:19:40 20 A. That's correct.

21 Q. 379 Now, notwithstanding that you have been paid isn't that right?

22 A. Correct, yes.

23 Q. 380 On the 22nd of February, 1034. 12:20. Mr. Tim Collins contacts you.
24 12:20. 1034.

14:19:57 25 A. Yes.

26 Q. 381 1035. 3:20 Sean Dublin County Council for the next ten minutes, is that a
27 reference to Mr. Sean Gilbride?

28 A. Yes.

29 Q. 382 Same date following page 1036. Mr. Tim Collins rings at 3:30. 4:00 Tom
14:20:17 30 rings in Dun Laoghaire. Will call again. Is that Mr. Tom Hand?

- 14:20:22 1 A. Correct.
- 2 Q. 383 Now, I think in on the 1st of March 1993. 1037, please.
- 3 Mr. Tim Collins rings 10:20
- 4 A. Yes.
- 14:20:36 5 Q. 384 Mr. Paul Walls rings at 12:20. That's not in relation to this matter.
- 6 A. No.
- 7 Q. 385 3:05 Mr. Tom Hand rings. Is that correct?
- 8 A. Correct, and there are other calls in that list in relation to other
- 9 developments as well. Not in relation to Lissenhall sorry.
- 14:20:52 10 Q. 386 1038. On 2nd of March. There is a phone call to -- from Sean at 11 in
- 11 Dublin County Council from 11:30 onwards.
- 12 A. Yes.
- 13 Q. 387 You have previously told the Tribunal I think in the Fox and Mahony Module that
- 14 contact was in relation with the Fox and Mahony lands, also a project that you
- 14:21:13 15 had ongoing at that time?
- 16 A. Yes.
- 17 Q. 388 Similarly in relation to 230. Mr. Sean Gilbride you told the Tribunal that
- 18 that was likely to have been in connection with Fox and Mahony Module?
- 19 A. Correct.
- 14:21:23 20 Q. 389 And at 4:45 there's a telephone contact with Mr. Tom Hand ; isn't that right?
- 21 A. Correct.
- 22 Q. 390 Now, I think at 1039. On 3rd of March in your diary a meeting is recorded
- 23 with Mr. Sean Gilbride. I think you have previously told the Tribunal that
- 24 was in connection with Fox and Mahony; isn't that correct?
- 14:21:42 25 A. Correct.
- 26 Q. 391 On 3rd of March. 1040.
- 27
- 28 Mr. Tom Hand at 1:45 rings and leaves a message that he is in the Council and
- 29 he wants to see you; isn't that right?
- 14:21:54 30 A. Yes.

- 14:21:55 1 Q. 392 Do you have any idea what that was in connection with, Mr. Dunlop?
- 2 A. Particularly no. In the context of the developments taking place in Dublin
- 3 County Council inevitably in relation to one of the matters.
- 4 Q. 393 Yes. Would it have also been matter at which Mr. Hand would have required to
- 14:22:11 5 have been paid?
- 6 A. In relation to saying he wants to see me, possibly.
- 7 Q. 394 At 1041.
- 8
- 9 4th of March 1993. There's a message 11:30 Tom won't meet you tomorrow at
- 14:22:25 10 10:00 there's planning meeting at 2:30 he's at home if you will call him.
- 11 A. Yes.
- 12 Q. 395 3:20 Mr. Hand rings and says he is meeting him around 1. Asks that you call
- 13 him?
- 14 A. Yes.
- 14:22:37 15 Q. 396 104 2. On the same date there is a note by the person whom makes these notes
- 16 that they have contacted Tom Hand at 1 in the Gresham tomorrow, the 5th of
- 17 March?
- 18 A. Yes.
- 19 Q. 397 Message from Tim Collins at 5:20 looking for GV Wright's number and gave him
- 14:22:58 20 the general Dail number?
- 21 A. Correct.
- 22 Q. 398 Do you have any idea what that contact was in relation to, with Mr. Collins?
- 23 A. At this remove I don't. Quite surprising that he would be looking for GV's
- 24 number from me. That's the record of the call.
- 14:23:17 25 Q. 399 I think the telephone records of the 5th of March 1993. 1043. Record at
- 26 12:10 Mr. Tim Collins rings. 12:30 Mr. Sean Gilbride rings?
- 27 A. Correct.
- 28 Q. 400 5:10. 1044, please. Mr. Sean Gilbride rings again?
- 29 A. That's correct.
- 14:23:30 30 Q. 401 Now, in your diary for that day. 1039.

- 14:23:34 1
2 For 5th of March. You have an entry "TH Gresham"
- 3 A. That's correct, yes.
- 4 Q. 402 Is that Mr. Hand?
- 14:23:44 5 A. That is Mr. Hand.
- 6 Q. 403 And that's the meeting that was arranged through somebody in your office that's
7 referred to on the 4th of March 1993. Where the meeting for the Gresham was
8 set up; isn't that correct?
- 9 A. Correct, yes.
- 14:23:59 10 Q. 404 Now, at this stage it's the 5th of March 1993, Mr. Dunlop, you have not yet got
11 a motion sign in the connection with these lands; isn't that correct?
- 12 A. Yes.
- 13 Q. 405 Is it likely one of the matters you were discussing with Mr. Hand were the
14 Lissenhall lands?
- 14:24:12 15 A. It's quite likely. And others.
- 16 Q. 406 And other councillors?
- 17 A. No, and other developments. And other issues in relation to the Development
18 Plan.
- 19 Q. 407 And equally, at that meeting. If we could just increase the 5th of March,
14:24:25 20 please.
21
- 22 Now, following the meeting with Mr. Hand in the Gresham. You have a meeting
23 at S Gill, that's Mr. Gilbride; isn't that correct
- 24 A. Yes.
- 14:24:38 25 Q. 408 And LC and MJC that's Liam Creaven and Michael Joseph Cosgrave?
- 26 A. That's correct.
- 27 Q. 409 Is it likely that those meetings were also in relation to the Development Plan?
- 28 A. No question that they were.
- 29 Q. 410 Isn't it also the position at this time you had a project in which you had a
14:24:57 30 personal interest yourself?

- 14:24:57 1 A. That's correct.
- 2 Q. 411 That was going to be coming up before Dublin County Council; isn't that right?
- 3 A. That's correct.
- 4 Q. 412 That was ultimately unsuccessful?
- 14:25:04 5 A. Correct.
- 6 Q. 413 Two of the major supporters you had in relation it to that project in which you
- 7 had an interest yourself were Mr. Creaven and Mr. Cosgrave?
- 8 A. That's correct.
- 9 Q. 414 Is it it likely that you were discussing that development, which is the Pennine
- 14:25:18 10 Holdings matter?
- 11 A. Yes, and others.
- 12 Q. 415 Yes. Now, I think on the Monday 8th of March at 1045.
- 13
- 14 You have an entry in your diary. If you could increase the 8th of March,
- 14:25:35 15 please.
- 16
- 17 Now, I think the first entry relates to a separate matter, but you have an
- 18 entry Tom Hand question mark; isn't that right?
- 19 A. Correct, yes.
- 14:25:45 20 Q. 416 And again, is it likely that that was in connection with the development plan?
- 21 A. Yes, it is likely but the question mark. I cannot say to you exactly why the
- 22 question mark is there. Whether that was supposed to a be a meeting, or why I
- 23 put a question mark after it I don't know.
- 24 Q. 417 Yes. That might be explained by a telephone message that Mr. Hand left on the
- 14:26:09 25 same day for you, 8th of March 1993. 1046, please.
- 26
- 27 And I want to draw to your attention that Mr. Hand rings at 11:05 and 11:35.
- 28 A. Yes.
- 29 Q. 418 And the message he leaves at 11:35 is, get your diary in order.
- 14:26:26 30 A. Yes.

- 14:26:26 1 Q. 419 That would seem to suggest whatever meeting you had arranged tentatively with
2 Mr. Hand on 8th of March hadn't taken place?
- 3 A. Yes, he is chiding me for missing out on a meeting or something.
- 4 Q. 420 Also on the same day at those entries there's a reference to a meeting with
14:26:42 5 Mr. Paul Walls at 11. That was in relation to separate lands. This is under
6 the entry 9:10, Mr. Dunlop. The last entry. At the very top of the page?
- 7 A. Sorry. I beg your pardon. Yes.
- 8 Q. 421 That's in relation to a separate matter which Mr. Walls had an interest isn't
9 that correct?
- 14:26:59 10 A. Correct.
- 11 Q. 422 Mr. Collins rings at 10:15.
- 12 A. Correct.
- 13 Q. 423 Mr. Hand rings 11:05 and 11:35. And then Mr. Collins rings again. A meeting
14 has to happen Godfrey Higgins, Nassau Chahar, Frank Dunlop and Tom Collins as
14:27:14 15 Nassau is going away, at 1047, any time from 10:00 onwards. Was that a
16 separate matter that you were dealing with, with Mr. Collins?
- 17 A. Yes, and has no relationship whatsoever to Dublin County Council.
- 18 Q. 424 So that was another matter that you were dealing with, with Mr. Collins?
- 19 A. Correct.
- 14:27:31 20 Q. 425 Was that a matter. Whatever it was. To which you were introduced by
21 Mr. Collins?
- 22 A. Yes.
- 23 Q. 426 And again at 1047. Mr. Gilbride rings. He is in the house until 12:45 and
24 then he's in Dublin Council.
- 14:27:46 25 A. Uh-huh.
- 26 Q. 427 The meeting with Mr. Collins and others is confirmed for the following day.
27 That's an unrelated matter?
- 28 A. Correct.
- 29 Q. 428 9th of March 1993 at 1048 please.
14:28:00 30 11:15 Mr. Michael Hughes rings.

14:28:01 1 A. Yes.

2 Q. 429 And on the same day. 1049, please.

3

4 Mr. Tim Collins rings at 1:05. Mr. Tom Hand rings at 3:05 and Mr. Tony Fox

14:28:14 5 rings at five to four.

6 A. Correct.

7 Q. 430 Insofar as Mr. Hand and Mr. Fox are concerned. They would have been related

8 to the Development Plan?

9 A. Correct.

14:28:21 10 Q. 431 I think you have told the Tribunal previously in relation to Mr. Fox, that was

11 likely also to have been in connection with Fox and Mahony; isn't that correct?

12 A. That's correct, yes.

13 Q. 432 That development. Now, I think on 10th of March 1993 at 1050.

14

14:28:37 15 Mr. Hand rang at 2:00. He left a message that he wants to do that bit of

16 business. Please contact him before the end of today. He is in Dublin

17 County Council presently.

18 A. Correct.

19 Q. 433 Can you identified what bit of business that Mr. Hand wanted to do with you at

14:28:52 20 this time?

21 A. At this remove, no. But it relates to Dublin County Council and the fact that

22 he is ringing from Dublin County Council. It relates to the Development Plan

23 in some fashion or other.

24 Q. 434 Is it likely that -- do you recollect that you might have asked Mr. Hand to

14:29:08 25 sign this motion?

26 A. No, I don't think so. Because of what I outlined to you pre lunch.

27 Q. 435 Mr. Hand's geographical location?

28 A. Correct.

29 Q. 436 He represented the south county?

14:29:18 30 A. Yes.

14:29:19 1 Q. 437 And you would prefer to have north County councillors signing the motion?
2 A. And by this stage Ms. Dillon it's 1993. As I suggested to you, the charade of
3 people signing from outside the area is well and truly blown, even though you'd
4 take any signature that you could. The remit was to get the signatures from
14:29:37 5 the local area in as much as possible.
6 Q. 438 1051. Which is the same day but at 3:40 Mr. Hand rings again and says he's in
7 Dublin County Council 'til, 4:15 he'd like to hear from you.
8 A. Yes.
9 Q. 439 On the 11th of March 1993.
14:29:53 10
11 at 1052.
12
13 at 10:05 Sean rings. Leaves a message he's in the Council before 11:00. Is
14 that Sean Gilbride?
14:30:02 15 A. Yes.
16 Q. 440 And at 10:45 Mr. Tom Hand rings?
17 A. Yes.
18 Q. 441 Again, would these matters have related to Dublin County Council?
19 A. Correct.
14:30:11 20 Q. 442 You have told the Tribunal it's probably relating to Fox and Mahony?
21 A. Yes.
22 Q. 443 And on the 12th of March 1993. 1054.
23
24 At 2:20 Mr. Hand rings. He rings again at 2:55. And at 4:15 Sean Gilbride
14:30:26 25 rings. He missed you in the Royal Dublin, he is in Dublin County Council now
26 A. Yes.
27 Q. 444 I think on that day, 12th of March, that the motion in fact for the rezoning of
28 the pocket and Mahony lands was signed by Mr. Gilbride.
29 A. That's correct. In relation to the Fox and Mahony module.
14:30:44 30 Q. 445 At this stage coming to the a 15th of March you still hadn't got a motion

14:30:49 1 signed?

2 A. Correct.

3 Q. 446 In relation to the Lissenhall lands?

4 A. Yes.

14:30:52 5 Q. 447 All of these motions have to be lodged with the Council by a particular date;

6 isn't that right?

7 A. Each Module of the plan on a pre scheduled basis set out by the management

8 deadlines for the signatures of the motion. So the motions in relation to

9 something that was going to take place we'll say in September didn't have to be

14:31:12 10 signed then. So you progressed in relation to the particular time frame.

11 Q. 448 I find the date by which these motions had to be in, Mr. Dunlop. Certainly

12 the rezoning motion here is May. It's likely that it had to be in in March;

13 isn't that right?

14 A. That's correct, yes.

14:31:28 15 Q. 449 Now, I think on the 15th of March 1993. 1056.

16

17 Mr. Hand contacts you at 3:20. Mr. Gilbride at half past three, telling you

18 he is in Dublin County Council and Mr. Collins rings a 4:00.

19 A. Correct.

14:31:44 20 Q. 450 Mr. Collins rings again at 1057 at 4:45.

21 A. Correct.

22 Q. 451 On 16th of March, which is 1059. But the entries are actually on 1060.

23

24 1060 please.

14:31:59 25

26 You have telephone calls from at 5:10 from Tom and also from Mr. Paul Walls.

27 but they don't relate to Lissenhall; isn't that correct?

28 A. That's correct, yes.

29 Q. 452 Now, on the 18th of March, Mr. Dunlop, the motion is signed; isn't that right?

14:32:14 30 A. Yes.

- 14:32:15 1 Q. 453 1173, please. Is it the position that it's likely those signatures were
2 obtained on that date on 18th of March?
3 A. Yes, it is.
- 4 Q. 454 And if one looks first at your diary for that date Mr. Dunlop. 1055.
14:32:35 5
6 For 18th of March. If we could increase that, please.
7
8 You will see that at 2:30 you have an entry for Cyril Gallagher.
9 A. Correct.
- 14:32:48 10 Q. 455 Is that correct?
11 A. Correct.
- 12 Q. 456 Now, it's quite hard to read if we could just increase it again very slightly.
13 It's after they Therese Ridge's name I think and before The Development Plan
14 entry. You have Gallagher I think for 2:30; isn't that right?
- 14:33:04 15 A. Well there's an entry at 1:00 for The Gresham, Therase Ridge, then 2:30 Cyril
16 Gallagher and then somebody with a question mark and then 3:30 and then 3:45.
- 17 Q. 457 I'll come to deal with the entry 3:45 in a second, Mr. Dunlop. Dealing first
18 Cyril Gallagher, is it likely that's the occasion on which you met him?
19 A. That's correct.
- 14:33:24 20 Q. 458 And you got him to sign the motion?
21 A. Correct.
- 22 Q. 459 Had you met and discussed the signing of the motion prior to meeting him on
23 18th of March?
24 A. Yes, I would have met him and others members of the Council in relation to this
14:33:37 25 particular Module.
- 26 Q. 460 And had Mr. Gallagher indicated to you when you met him previously that he
27 would sign but that he would require to be signing for the motion?
28 A. Correct.
- 29 Q. 461 Had you already agreed by the time you met him a fee or price in connection his
14:33:52 30 signature?

- 14:33:52 1 A. Yes.
- 2 Q. 462 Did you pay him on the day that he signed the motion for you?
- 3 A. To the best of my recollection, yes.
- 4 Q. 463 So is it the position then that you would have attended with 1,000 pounds in
- 14:34:04 5 cash?
- 6 A. Yes.
- 7 Q. 464 In an envelope with Mr. Cyril Gallagher?
- 8 A. In in an envelope or other otherwise, yes.
- 9 Q. 465 How do you mean otherwise?
- 14:34:12 10 A. I might not have had it in an envelope.
- 11 Q. 466 Where did you meet Mr. Gallagher on in a date?
- 12 A. Well, I would say -- suggest to you the likelihood is that I met Mr. Gallagher
- 13 in The Royal Dublin Hotel.
- 14 Q. 467 And you would have handed in him 1,000 pounds --
- 14:34:27 15 A. Yes.
- 16 Q. 468 Not necessarily in an envelope?
- 17 A. No.
- 18 Q. 469 In the lounge, or some public part of The Royal Dublin Hotel.
- 19 A. In the bar or sitting down in the bar elsewhere in the hotel, yes.
- 14:34:39 20 Q. 470 With no concern or attempt to hide what was happening?
- 21 A. No.
- 22 Q. 471 And Mr. Gallagher signed the motion. Did he sign the motion after you'd
- 23 handed over the money?
- 24 A. I cannot absolutely say to you whether he signed the motion first, or I handed
- 14:34:54 25 over the money first. But it was one transaction.
- 26 Q. 472 And Was Mr. Gallagher the first sign to sign, he signed ahead of Ms. Devitt?
- 27 A. Yes.
- 28 Q. 473 I think if we look at the entry that's on the screen. 3:45 you have an entry
- 29 for Anne Devitt?
- 14:35:09 30 A. That's correct, yes.

- 14:35:10 1 Q. 474 And is that the occasion on which you obtained Ms. Devitt's signature on the
2 motion?
- 3 A. To the best of my recollection, yes.
- 4 Q. 475 Does that mean that you would have contacted her prior to this?
- 14:35:20 5 A. Yes. I would have spoken to Anne Devitt, as with a lot of other people, in
6 relation to other matters. And particularly in relation to matters vis a vis
7 the north county. And she had indicated or would have indicated that she was
8 willing to sign.
- 9 Q. 476 You don't suggest that you paid any money to Ms. Devitt for her signature in
10 relation to this motion?
- 11 A. I do not suggest it and neither I do suggest that I was asked.
- 12 Q. 477 In fact, I think insofar as Ms. Devitt is concerned. It's your position she
13 never asked for money for her support?
- 14 A. Correct.
- 14:35:54 15 Q. 478 Is that the position that?
- 16 A. Is the position.
- 17 Q. 479 Do you recollect meeting Ms. Devitt on the 18th of March?
- 18 A. I don't absolutely recollect meeting her. I met Anne Devitt, as with lots of
19 other councillors, on a very regular basis during the course of The Development
14:36:12 20 Plan in locations -- at the location of the council or in the environs of the
21 council daily while The Development Plan was going on. So to suggest that I
22 absolutely remember meeting her. I met her to obtain her signature. And she
23 appended her signature. That's all I can say to you.
- 24 Q. 480 I think in the first statement that you provided to the Tribunal --
- 14:36:31 25 A. Uh-huh.
- 26 Q. 481 In connection with this matter. You could not recollect?
- 27 A. Correct.
- 28 Q. 482 Meeting Ms. Devitt; isn't that correct?
- 29 A. Yes.
- 14:36:38 30 Q. 483 Is it with the assistance of looking at your diaries. And by reference to the

- 14:36:41 1 fact that her name appears in the diary for the 18th of March. And that the
2 motion appears to have been signed on the 18th of March that you met the
3 connection that you must have met her?
- 4 A. Correct.
- 14:36:50 5 Q. 484 Rather than having an actual recollection. 1063, please.
6
7 At 9:50 that morning you receive a telephone call from Mr. Michael Hughes
- 8 A. Correct.
- 9 Q. 485 I think also at 3:05 and 1064. Mr. Hand rings and tell you he is in The
14:37:16 10 Royal Dublin?
11 A. Yes.
- 12 Q. 486 At this stage you have obtained the signature of two councillors on the motion
13 and it will be lodged with Dublin County Council. Is that all you had done in
14 January February and March in order to achieve the rezoning or had you spoken
14:37:35 15 to other councillors in order to seek their support?
16 A. Oh, yes. I would have spoken to, on a regular basis, as I've suggested to
17 you, with a cross-section of councillors on an ongoing basis about a variety of
18 issues that were before the Council at this particular time in the development
19 plan, including Lissenhall, yes.
- 14:37:56 20 Q. 487 And notwithstanding that, you didn't have a motion. You would still have been
21 seeking their support?
- 22 A. Yes. Because you would be anxious to ascertain to the best extent possible,
23 as to their attitude but more particularly to establish whether or not there
24 was anything that you might, that might be turn out to be an impediment.
14:38:18 25 Somebody might have a view that they weren't going to support it that's
26 something you were going to have to deal with.
- 27 Q. 488 Do you recollect anything of that sort in connection with the Lissenhall lands
28 being made aware by any particular councillor that there was a problem or a
29 difficulty with the lands or location or adjoining landowners or any matters
14:38:35 30 such as that?

- 14:38:37 1 A. Not particularly, no.
- 2 Q. 489 And at 1065
- 3
- 4 I think it's the 19th of March, 1993. Your telephone messages record a
- 14:38:46 5 message from Tom Hand at 10:00 and again 3:05.
- 6 A. Yes.
- 7 Q. 490 And he says that he needs to speak to you. And at 1066.
- 8
- 9 On the 22nd of March 1993. Mr. Collins contacts you at 11:00. Mr. Hand at
- 14:39:00 10 11:05. Mr. Hughes at 11:10
- 11 A. Correct.
- 12 Q. 491 At this stage presumably you are able to report progress to Mr. Hughes?
- 13 A. The motion is in.
- 14 Q. 492 He contacts you again at 2:50?
- 14:39:13 15 A. Correct, yes.
- 16 Q. 493 The position is unless you get the motion on the agenda nothing is going to
- 17 happen?
- 18 A. By the due date.
- 19 Q. 494 1067, please. The same date Mr. Tim Collins rings at 5:05.
- 14:39:27 20 A. Yes.
- 21 Q. 495 Just to let you know he rang?
- 22 A. Yes.
- 23 Q. 496 Is that right?
- 24 A. That's correct, yes. Sorry.
- 14:39:33 25 Q. 497 And again at 1082.
- 26
- 27 On 23rd of March 1993 Mr. Collins rings twice. 9:45 and 10:50. And Mr. Hand
- 28 rings at 11:25.
- 29 A. Correct.
- 14:39:43 30 Q. 498 And again, Mr. Hand rings at 3:55 at 1083. On the same day.

14:39:49 1
2 Now, the messages also record contact with other councillors; isn't that
3 correct?
4 A. Correct, yes.

14:39:55 5 Q. 499 And on 24th of March. On the second part of the telephone messages. 1085.
6 Mr. Collins rings. Mr. Hand rings and Mr. Gilbride rings. Mr. Collins rings
7 at 2:45 and 4:40. Mr. Hand at 2:50 and Mr. Gilbride at five.
8 A. Correct.

9 Q. 500 On all of these contacts, would it be fair to say with Mr. Hand and Gilbride,
10 that none of them specifically related to Lissenhall. But Lissenhall could
11 have been discussed at all or any of these contacts if you made contact?
12 A. Yes. And they are reporting to me information that they think that I need to
13 know.

14 Q. 501 And I think then in subsequent. There were subsequent telephone messages in
14:40:41 15 March where Mr. Collins, Mr. Hand and Mr. Gilbride contact you; isn't that
16 correct?
17 A. Correct.

18 Q. 502 And I think Mr. Tony Fox does not contact you until 31st of March 1993. 1095.
19
14:40:53 20 I think Mr -- the message records Mr. Fox leaves a number and he asks that you
21 call him.
22 A. Yes.

23 Q. 503 Again, would your position be, Mr. Dunlop, that had to be in connection with
24 something to do with the development plan?
14:41:07 25 A. Correct.

26 Q. 504 And I think again in April of 1993 your diary and telephone records record
27 contact with Mr. Tim Collins, Tom Hand and Sean Gilbride; isn't that correct?
28 A. Correct.

29 Q. 505 And I think on one occasion on 8th of April 1993. 1103. With Ms. Anne
14:41:28 30 Devitt. Is that correct?

14:41:33 1 A. What time.

2 Q. 506 You see Ms. Devitt 10:30. At 1103?

3 A. Yes.

4 Q. 507 Yes. Would it be fair to say that Ms. Devitt didn't normally contact your

14:41:43 5 office?

6 A. No, that's correct. Sorry. That is correct. She wouldn't normally be

7 contacting me at my office.

8 Q. 508 Would you have known Ms. Devitt socially Mr. Dunlop?

9 A. Yes.

14:41:52 10 Q. 509 Would she have been one of a number of people with whom you were accustomed

11 with others to take lunch on an infrequent if nonetheless regular basis?

12 A. Yes, we had this little group called the two by four or the four by two clubs.

13 I can't remember what it is, but it's a description it's a joiners er a

14 carpenters description of a plank. 2 by 4, 4 by 2 -- whatever. We met

14:42:17 15 regularly either for lunch and/or dinner. Anne Devitt was one of the group.

16 Q. 510 In that capacity, before Lissenhall even came to be considered. You knew

17 Ms. Devitt on certainly a social basis and would have been reasonably friendly

18 and familiar with Ms. Devitt?

19 A. Correct.

14:42:34 20 Q. 511 As you were with other people who attended those lunches and dinners?

21 A. Correct.

22 Q. 512 I understand that you normally paid, Mr. Dunlop, for those outings; is that

23 correct?

24 A. Yes. I think latterly one or other of them paid or they clubbed together.

14:42:48 25 Certainly in the initial stages I paid.

26 Q. 513 Yes. That would mean when you went to speak to Ms. Devitt, for example, that

27 you wouldn't have been calling to her cold. You would have known her and

28 known her socially?

29 A. Oh absolutely, yeah. I mean, let's not be disingenuous. There was a warm

14:43:06 30 relationship between all of these people and myself.

- 14:43:08 1 Q. 514 Now, I think there's one matter I want to draw to your attention about March of
2 1993.
3
4 2046, please.
- 14:43:16 5
6 And if we could have a hard copy of this for Mr. Dunlop, please.
7
8 This is a letter to Councillor Anne Devitt
- 9 A. Uh-huh.
- 14:43:30 10 Q. 515 Mr. Dunlop. It's signed by Mr. Michael Hughes, Mr. Richard Hayes and Mr. Joe
11 Moran.
12
13 Looking at the document. Does that appear to you a document that you had
14 typed in your office?
- 14:43:39 15 A. Yes, it does. When that was put on screen this morning by you in your opening
16 statement, I acknowledge that that is something that was prepared in my office.
- 17 Q. 516 Can you outline, as best you can, the circumstances in which you came to
18 prepare this document, Mr. Dunlop?
- 19 A. Well, I don't really have a recollection in relation to the subject matter of
14:44:02 20 it. But, obviously, it is something that Anne Devitt was lobbied about or
21 information was provided to her in relation to it about the rezoning of the
22 lands causing -- which may have caused interference to the Lissenhall Kennels,
23 as they're called. But I don't -- I genuinely don't recollect preparing this
24 matter. Obviously, it was something that was an issue in relation to
14:44:36 25 Councillor Devitt. It was prepared by me on foot of instructions from
26 somebody else.
- 27 Q. 517 Yes. You accept it's a document that emanated from your office?
- 28 A. I have no doubt whatsoever looking at the type face I have no doubt whatsoever.
- 29 Q. 518 It's also not a document that you have furnished to the Tribunal?
- 14:44:51 30 A. Correct. Also might I draw your attention to the fact that it is quite

14:44:56 1 unlikely that anybody else would ever designate or address Councillor Anne
2 Devitt as leader of the Fine Gael group other than people who would be aware of
3 that.

4 Q. 519 Like yourself?

14:45:06 5 A. Correct.

6 Q. 520 Briefly to go through the letter addressed to Councillor Devitt.
7
8 Presumably, Mr. Dunlop, you would have drafted this letter on foot of
9 instructions you received from somebody?

14:45:16 10 A. Yes.

11 Q. 521 That somebody is likely to have been somebody on the Rayband side. You
12 weren't dealing with Mr. Duffy?

13 A. Correct.

14 Q. 522 That is likely to have been Mr. Michael Hughes or some other person with whom
15 you dealt; isn't that right?

16 A. Well of the three people who have signed the letter, I only ever dealt with
17 Mr. Michael Hughes. I do not know and have never met, to the best of my
18 knowledge, Mr. Richard Hayes. To the best of my knowledge, other than seeing
19 him socially, I have never been introduced nor met Mr. Joe Moran.

14:45:49 20 Q. 523 If we look at the letter.
21
22 "Dear Councillor Devitt".
23
24 It's headed, to go back very slightly.

14:45:53 25
26 "Re lands at Lissenhall, Swords. Addressed as you say to Councillor Anne
27 Devitt, Fine Gael Group, Dublin County Council.
28
29 "Dear Councillor Devitt." Now, assuming that the contents of this are
14:46:04 30 accurate, Mr. Dunlop, for the moment.

- 14:46:06 1
2 The letter says, "You requested an undertaking regarding the development of the
3 lands at Lissenhall, outlined in red on the attached map. Which are the
4 subject of a zoning motion under the Draft Development Plan review currently
14:46:16 5 underway in Dublin County Council"
- 6 A. Uh-huh.
- 7 Q. 524 Now those lands had to be the subject matter of your motion, if I can call it
8 that Mr. Dunlop, the one that you'd had signed by Councillor Devitt and
9 councillor Gallagher; isn't that right.
- 14:46:27 10 A. Yes correct although I'll draw your attention to the fact that there is no
11 date. Other than March 1993. There is no day.
- 12 Q. 525 Yes?
- 13 A. We don't know what day that letter was sent.
- 14 Q. 526 We know it's dated March 1993?
- 14:46:38 15 A. Yes.
- 16 Q. 527 We also know that you obtained councillor Devitt's signature on the 18th March
17 1993.
- 18 A. Correct.
- 19 Q. 528 The letter then says "we under thar signed, being the owners of the said lands,
14:46:50 20 hereby undertake as promised to proceed with the proposed industrial
21 development at this location in such fashion only as not to interfere, as or
22 cause to interfere with, or hinder in any way, the operations of the Lissenhall
23 Kennels. Now would you have drafted that Mr. Dunlop on foot of instructions
24 you'd received?
- 14:47:05 25 A. Given the language that's used. I would suggest that that was drafted by me
26 on instructions from others.
- 27 Q. 529 So somebody would have told you that the under signed, the owners of the land
28 were Mr. Michael Hughes, Mr. Joe Moran and Mr. Richard Hayes?
- 29 A. Correct.
- 14:47:20 30 Q. 530 Likewise "we hereby undertake to inform the owners of the said kennels at such

- 14:47:27 1 time when finalised and ready for submission to Dublin County Council". We
2 trust the above under takings freely given meet with your requirements."
- 3 A. Yes.
- 4 Q. 531 Now this was an undertaking to councillor Devitt, who obviously had a concern
14:47:40 5 about any development not interfering with Lissenhall Kennels.
- 6 A. Correct.
- 7 Q. 532 The purpose was to give some measure of comfort and through her and presumably
8 to the owner of the kennels; isn't that right?
- 9 A. Yes.
- 14:47:52 10 Q. 533 And they're undertaking also to inform the owners of the Kennels any proposed
11 development after the zoning takes place?
- 12 A. Correct.
- 13 Q. 534 To sort of nip in the bud any potential conflict?
- 14 A. Yes.
- 14:48:03 15 Q. 535 It would appear from the way that the letter is drafted that the undertaking
16 had been requested by councillor Devitt?
- 17 A. Yes, it does.
- 18 Q. 536 She had a concern in relation to the management of the kennels or the owner of
19 the kennels?
- 14:48:16 20 A. Correct.
- 21 Q. 537 On the instructions that you were given. You drafted the letter; isn't that
22 correct?
- 23 A. Correct.
- 24 Q. 538 You must have been informed then that Mr. Joe Moran, Richard Hayes and Michael
14:48:25 25 Hughes were the owners of the land?
- 26 A. Certainly otherwise their names would not have been typed for signature.
- 27 Q. 539 Yes. Now, there is no mention in this under taking of Rayband; isn't that
28 right?
- 29 A. There's not.
- 14:48:37 30 Q. 540 But you had understood if I understood your earlier evidence correctly. That

- 14:48:41 1 the submission you were making to the Council and the rezoning was on behalf of
2 Rayband, the owner of the lands?
- 3 A. Correct. Other than the designation on it on the submission to Dublin County
4 Council of Rayband Limited/Duffy.
- 14:48:54 5 Q. 541 Yes. Insofar as the Duffy is concerned. That relates to the separate Duffy
6 lands?
- 7 A. Correct.
- 8 Q. 542 The owner of the land was Rayband Limited; is that correct?
- 9 A. Yes.
- 14:49:06 10 Q. 543 Yet however, when you came to prepare this document you must have been made
11 aware that the owners of the lands, or the persons describing themselves as the
12 owners of the land was Mr. Richard Hayes, Mr. Joe Moran and Mr. Michael Huges?
- 13 A. Correct.
- 14 Q. 544 You didn't have any dealings with Mr. Hayes and never met him?
- 14:49:19 15 A. Not to my knowledge.
- 16 Q. 545 You didn't have any dealings with Mr. Joe Moran in connection with these lands
17 but you did know him to see; isn't that correct?
- 18 A. I know him to see, I've seen him socially.
- 19 Q. 546 Not in connection these lands?
- 14:49:30 20 A. No contact whatsoever. Except subsequently through Mr. Collins. Where he
21 intervened. Where Mr. Collins intervened with Mr. Moran.
- 22 Q. 547 That's in relation to payment?
- 23 A. Correct.
- 24 Q. 548 Of your fees in September after the rezoning?
- 14:49:44 25 A. Correct. No, in --
- 26 Q. 549 In October?
- 27 A. No, no, no. In relation to the invoice for the 10,000 in May.
- 28 Q. 550 In May?
- 29 A. Yes.
- 14:49:52 30 Q. 551 You approached Mr. Collins because the invoice wasn't paid?

14:49:55 1 A. Correct.

2 Q. 552 I'll come to deal with that invoice in a few moments. You had been dealing
3 with Mr. Michael Hughes?

4 A. Correct, yes.

14:50:03 5 Q. 553 But you were not able in the statements that you provided to the Tribunal to
6 identify Mr. Michael Hughes as a person with whom you had been dealing?

7 A. That's correct.

8 Q. 554 You didn't remember him?

9 A. No, don't remember.

14:50:13 10 Q. 555 But you did remember that the people you had dealings with were Mr. Colm Moran?

11 A. Yes.

12 Q. 556 And Tim Collins?

13 A. Correct.

14 Q. 557 But it's quite clear from this document that Mr. Hughes was describing himself
14:50:24 15 as an owner of the lands; isn't that right?

16 A. Yes. We the under signed by the owners of the said lands.

17 Q. 558 But this would have been by you on instruction.

18 A. On instruction, Instruction yes.

19 Q. 559 I think you've agreed in April of 1993 that you would have had contact with
14:50:40 20 various people including Mr. Collins, Mr. Gilbride, Mr. Hand and I think we've
21 in summary you would have been meeting these people on an ongoing and regular
22 basis; is that correct?

23 A. That's correct, yes.

24 Q. 560 2103, please. I think your diary also records. On 21st of April 1993 you
14:51:02 25 have an entry at 9:00 for Mr. Shane Redmond.

26 A. Yes.

27 Q. 561 Now, do you know Mr. Shane Redmond?

28 A. Yes, I do, yes. I don't know him very well. I know him to see him. And I
29 do recollect on meeting and speaking to him on a number of occasions on in the
14:51:20 30 environs of Dublin County Council, where he was representing other people.

- 14:51:23 1 Q. 562 Did you ever meet with Mr. Redmond in connection with these lands?
2 A. Not to my knowledge.
3 Q. 563 You see the entry that appears after Mr. Shane Redmond's name in the diary?
4 A. Yes.
- 14:51:32 5 Q. 564 Does that relate to Mr. Redmond or otherwise. Do we have the original diaries?
6 A. I took the precaution of bringing my own photocopy. Yes, it says 9:00 Shane
7 Redmond and then spoke to Eata half an hour and then 11:30. I have no reason to
8 believe that it is not the same Shane Redmond that you alluded to in your
9 opening statement.
- 14:52:03 10 Q. 565 The Eata whom you spoke to for half an hour. That's nothing to do with
11 Mr. Redmond?
12 A. No.
- 13 Q. 566 And then the next entry is 11:30 that's Mr. Liam Creaven and Micky Joe
14 Cosgrave, is that right from the County Council.
- 14:52:15 15 A. Yes.
- 16 Q. 567 But what business would you have been dealing with Mr. Shane Redmond on the
17 21st of April 1993?
18 A. At this remove I cannot say to you. Other than to say that I know
19 Mr. Redmond. I met him on a number of occasions in the environs of Dublin
14:52:30 20 County Council. I know that he is an auctioneer on the north side of Dublin.
21 And apart from that I'm afraid I don't have any recollection of talking to him.
22 Now, it says 9:00. Which is an early hour. So I don't have any recollection
23 of the meeting.
- 24 Q. 568 On the same date 21st of April 1993 at 1194.
14:52:56 25
26 9:30 Mr. Tim Collins rings you. And says that he needs to speak with you.
27 He needs to speak to you.
- 28 A. Yes.
- 29 Q. 569 9:30?
14:53:05 30 A. Yes, 9:30.

- 14:53:07 1 Q. 570 Is it possible that those two contacts are connected. That you were meeting
2 Shane Redmond at 9. And you were then contacted by Mr. Collins at 9:30?
3 A. It is possible, yes.
- 4 Q. 571 But you don't actually recollect the project with which you were involved with
14:53:26 5 Mr. Redmond would have required you to meet him in April of 1993?
6 A. No.
- 7 Q. 572 Were you aware of Mr. Redmond having any contact with councillors in connection
8 with the Lissenhall lands?
9 A. Not in relation to the Lissenhall lands, no.
- 14:53:37 10 Q. 573 Were you aware of Mr. Redmond having contact or lobbying councillors in
11 relation to any development?
12 A. I was aware of Mr. Collins' presence at the Council during --
- 13 Q. 574 Not Mr. Collins. Mr. Redmond?
14 A. I beg your pardon. I was aware of Mr. Redmond's presence at the council
14:53:51 15 offices during the course of The Development Plan. And him speaking to
16 councillors. In relation to what or what particular Module I don't know.
- 17 Q. 575 When you say Module do you mean lands or developments?
18 A. Lands. items before The Development Plan.
- 19 Q. 576 Are you saying that what you had seen Mr. Redmond an auctioneer by profession?
14:54:14 20 A. Yes.
- 21 Q. 577 An Auctioneer in the north county?
22 A. Correct.
- 23 Q. 578 And you had seen Mr. Redmond previously in Dublin County Council.
24 A. Yes.
- 14:54:20 25 Q. 579 And did he appear to you to be seeking the support of councillors or lobbying
26 councillors?
27 A. Well he was speaking to councillors.
- 28 Q. 580 Yes?
29 A. And, as indeed were quite a lot of other people in ease of Mr. Redmond. But,
14:54:35 30 I mean, certainly he was, I saw him there on a number of occasions talking to

- 14:54:40 1 councillors.
- 2 Q. 581 And did you ever discuss with Mr.-- did you ever discuss with Mr. Redmond
- 3 having seen him around the Council talking to councillors. Did you ever
- 4 discuss with Mr. Redmond about his involvement with the councillors?
- 14:54:53 5 A. No.
- 6 Q. 582 Notwithstanding that you would both have been involved in the same type of
- 7 business it would appear?
- 8 A. No. We might have exchanged pleasantries with one another. But, no, I have
- 9 no recollection ever talking to Mr. Redmond about any substantive matter
- 14:55:10 10 relation to The Dublin County Council Development Plan.
- 11 Q. 583 Did any of the people with whom you were involved in the Lissenhall project
- 12 such as Mr. Collins or Mr. Colm Moran or Mr. Michael Hughes ever suggest or
- 13 indicate to you that Mr. Redmonds with working on their behalf?
- 14 A. Not to my knowledge, no. I've no recollection of any such reference.
- 14:55:30 15 Q. 584 But specifically when you were retained. Your function was to deal with the
- 16 councillors?
- 17 A. Correct.
- 18 Q. 585 And to obtain rezoning?
- 19 A. Correct.
- 14:55:37 20 Q. 586 In circumstances in which you say it was known by Mr. Moran and Mr. Collins and
- 21 Mr. Hughes already that councillors would have to be paid?
- 22 A. Yes.
- 23 Q. 587 Now, you know that Mr. Colm Moran and Mr. Michael Hughes deny that they had any
- 24 such knowledge and deny that they were aware of any of your activities in
- 14:55:56 25 relation to the councillors Mr. Dunlop?
- 26 A. Yes, I'm wear of that, Ms. Dillon. I can't imagine what sort of parallel
- 27 universe people were occupying. But certainly I'm aware of what they say.
- 28 It is not in accord with my recollection.
- 29 Q. 588 On the 29th of April 1993. At 1124.
- 14:56:19 30

14:56:19 1 Mr. Hughes contacted you. Twice on that day. 1124 and 1125.
2
3 I think that what was happening at this stage at the end of April. It was
4 likely that the matter was going to come on for the rezoning was going to be
14:56:41 5 heard; isn't that right?
6 A. Correct, yes.
7 Q. 589 And the matter was going to come before the Council?
8 A. Yes.
9 Q. 590 Presumably, Mr. Hughes was contacting you about this matter?
14:56:50 10 A. Yes.
11 Q. 591 Do you have any recollection of meeting Mr. Hughes in or around this time or
12 discussing any of these matters with him?
13 A. No. To the best of my recollection, I met Mr. Hughes only on a small number
14 of occasions. Most of the contact I had with him was by telephone. I think
14:57:12 15 my diary -- I think my diary indicates that I had a meeting with Mr. Hughes in
16 The Royal Dublin Hotel in or around the 17th of -- sometime in April I think.
17 March or April. I'm not quite sure. But the contact from Mr. Hughes at all
18 times was in relation to the proposal and the zoning, what was happening.
19 Q. 592 Yes. I think it was the 17th of May. And the matter did come up on the 17th
14:57:39 20 of May but it wasn't dealt with on 17th of May but on the 21st I think the
21 sequence, Mr. Dunlop?
22 A. Yes.
23 Q. 593 That's correct. I think in any event, at this stage what was happening was
24 that the rezoning motion was approaching. Presumably Mr. Hughes wanted to
14:57:53 25 know how matters were progressing in terms of the work that you were doing?
26 A. And what the likelihood was of the outcome.
27 Q. 594 Yes. Can you recollect what work you had done other than getting the motion
28 signed Mr. Dunlop?
29 A. In association with the other developments that were taking place at Dublin
14:58:11 30 County Council at the same time. I would be meeting the councillors regularly

14:58:15 1 in relation to any item that I had for discussion or vote, in relation to The
2 Development Plan. So it -- as we progress through the schedule, as to what's
3 on the agenda and whether it's going to be taken on a particular day. The
4 likelihood is that I am talking to a wide range of councillors on that day to
14:58:37 5 ensure if it comes up it's supported.

6 Q. 595 Certainly it appears to have been your standard practice that you would record
7 the Development Plan meetings in your diary?

8 A. Yes.

9 Q. 596 And seek to attend them as often as possible?

14:58:47 10 A. Yes.

11 Q. 597 I think certainly most of the councillors who have given evidence to the
12 Tribunal indicated that you were a familiar figure to them in or around Dublin
13 County Council throughout the Development Plan?

14 A. Yes.

14:58:58 15 Q. 598 At 1126. 30th of April 1993. Mr. Hughes calls again. At 11:05. Mr. Tim
16 Collins is took looking for a map and leaves a message that he will try
17 Mr. Michael Hughes?

18 A. Sorry, I beg your pardon.

19 Q. 599 10:30 and 11:05?

14:59:17 20 A. Yes.

21 Q. 600 That would mean that Mr. Collins, the map he is looking for, is something
22 Mr. Hughes would have had. That's presumably the Lissenhall lands?

23 A. Correct.

24 Q. 601 Would it be in the contact that you had with Mr. Collins, which occurred in
14:59:31 25 January, February, March and April of 1993. Would you have discussed the
26 Lissenhall situation on an ongoing basis with him?

27 A. Oh, yes.

28 Q. 602 Would you have regarded Mr. Collins as one of the promoters of the Lissenhall
29 matter?

14:59:43 30 A. Well I would have regarded him as a linkage. He would either raise the issue

- 14:59:48 1 with me, or I would raise it with him on the basis that he was the introducer
2 of the Lissenhall lands to me. And in association with other developments
3 that Mr. Collins was involved in and introduced me to, we would discuss them
4 regularly.
- 15:00:03 5 Q. 603 Did you pay Mr. Collins?
6 A. Not at this stage.
- 7 Q. 604 Was it after the rezoning that you paid Mr. Collins?
8 A. Yes, late in 1993.
- 9 Q. 605 Was that when the matter had been confirmed and was successfully put to bed
15:00:15 10 insofar as the zoning was concerned?
11 A. Yes.
- 12 Q. 606 Would you just outline to the Tribunal your recollection of the circumstances
13 in which you came to pay Mr. Collins?
14 A. Yes. Mr. Collins and I had a discussion in which we discussed various issues,
15:00:32 15 that he and I were involved in, in the context of the Dublin -- The Development
16 Plan. And he intimated to me that he had brought a number of people to the
17 table. He had introduced me to a number of people. And it was mutually
18 agreed between us that I would give him something in recollection of him
19 introducing the Lissenhall lands.
- 15:00:59 20 Q. 607 Did you agree a price with Mr. Collins?
21 A. Yes, I gave him 2,000 pounds.
- 22 Q. 608 Did Mr. Collins nominate a fee?
23 A. Well, I'm not -- I can't suggest to you that he nominated the fee. It was
24 mutually agreed between us that's what I would give him. I gave it to him in
15:01:16 25 my office.
- 26 Q. 609 In relation to the other developments that Mr. Collins introduced you to. Did
27 you pay him similarly?
28 A. No, I did not.
- 29 Q. 610 Why in relation to these lands?
15:01:24 30 A. He raised the issue with me.

- 15:01:26 1 Q. 611 When you originally prepared your statement to the Tribunal in relation to the
2 Lissenhall lands. You didn't indicate then, Mr. Dunlop, that you had paid any
3 money to Mr. Collins; isn't that correct?
- 4 A. He's not a politician.
- 15:01:38 5 Q. 612 Fair point. Nonetheless it's a payment in connection with the Lissenhall
6 lands; isn't that right?
- 7 A. Unquestionably, yes.
- 8 Q. 613 In relation to the other matters that Mr. Collins introduced you to. He did
9 not seek to be paid in relation to those; is that correct?
- 15:01:51 10 A. Correct.
- 11 Q. 614 Well what led him to -- what led to the circumstances in which you came to
12 discuss the fact that he'd be entitled to anything in relation to the
13 Lissenhall lands?
- 14 A. As I said to you, the issue was raised by Mr. Collins with me. And it was
15 mutually agreed. Mr. Collins, obviously, had associations with other people
16 in relation to other developments. But in relation to this one, this was
17 successful. And as I said, I didn't -- I didn't -- to be quite blunt about
18 it. I didn't find any difficulty about Tim raising the issue with me or us
19 discussing it between ourselves. He had actually brought Lissenhall to the
15:02:35 20 table. I think as is generally agreed by everybody. All parties concerned.
21 And it was a recognition on my part for him bringing it. It was a business
22 relationship.
- 23 Q. 615 Did Mr. Collins ask you for the money?
- 24 A. He asked me to show recognition for the fact that he had brought it to the
15:02:53 25 table.
- 26 Q. 616 He asked to be paid for introducing you to the Lissenhall project?
- 27 A. Yes.
- 28 Q. 617 A finders fee or something of that nature?
- 29 A. Correct.
- 15:03:00 30 Q. 618 This was something raised by Mr. Collins to you. It wasn't something

- 15:03:04 1 volunteered by you?
- 2 A. No, no, it was an issue raised by Mr. Collins with me. I didn't have any
3 difficulty about it.
- 4 Q. 619 Did you not then subsequently expect that there would be similar applications
15:03:14 5 by Mr. Collins in relation to other parcels of land?
- 6 A. Well, in fairness to Mr. Collins, if I did, which I don't recollect. He
7 didn't actually.
- 8 Q. 620 And was Mr. Collins the only non-politician you paid in connection with the
9 Lissenhall lands, Mr. Dunlop?
- 15:03:28 10 A. I would have to say probably, yes.
- 11 Q. 621 So insofar as you made disbursements?
- 12 A. Yes.
- 13 Q. 622 In connection with the Lissenhall lands. The they amount it a sum of 3,000
14 pounds paid by way of three payments to three councillors.
- 15:03:47 15 A. To politicians.
- 16 Q. 623 And a sum 2,000 pounds to Mr. Collins; is that correct?
- 17 A. Yes.
- 18 Q. 624 And there were no other disbursements made by you to politicians or
19 non-politicians in relation to the Lissenhall lands?
- 15:03:59 20 A. No.
- 21 Q. 625 And did you have -- did you incur similar type expenses in any other
22 development that you were involved in?
- 23 A. In relation to non-politicians?
- 24 Q. 626 Yes.?
- 15:04:09 25 A. No. As I sit here now today, no. I would have to say no.
- 26 Q. 627 So was this a unique event in your life in the projects that you managed in
27 Dublin County Council that you paid Mr. Collins?
- 28 A. Yes.
- 29 Q. 628 And yet, it is only on the 21st of March 2007 (sic) that you came to inform the
15:04:30 30 Tribunal of it; isn't that correct?

- 15:04:32 1 A. Yes.
- 2 Q. 629 Why is that, Mr. Dunlop?
- 3 A. Well as I said to you, he's not a politician. And this Tribunal and
- 4 everything associated with it is in relation to payments to politicians. Tim
- 15:04:43 5 is not a politician, though he is closely associated with politics.
- 6 Q. 630 Is it because you weren't asked the question Mr. Dunlop. Is that what you're
- 7 suggesting?
- 8 A. No, I wouldn't suggest that -- that's a well known canard that's used
- 9 politically. I wouldn't suggest that's the case. I did tell my solicitor
- 15:05:02 10 that, you know, that I did give money to Mr. Tim Collins.
- 11 Q. 631 Do you know whether Mr. Tim Collins received money from anybody else involved
- 12 in the Lissenhall project?
- 13 A. I have no knowledge whatsoever of any payments of any such nature.
- 14 Q. 632 I think on the 13th of May 1993. 1142. Mr. Hughes contacted you. And I
- 15:05:32 15 think on 17th of May. 1169, please.?
- 16 A. You're going far too quickly Ms. Dillon.
- 17 Q. 633 Sorry. 10:50. Mr. Hughes contacted you. I think on 17th of May. 1169.
- 18
- 19 There's an entry in your diary for 11:30 with Michael Hughes M Hughes at The
- 15:05:53 20 Royal Dublin; isn't that correct?
- 21 A. That's correct.
- 22 Q. 634 I think the record shows that the first rezoning meeting was listed 17th of May
- 23 1993?
- 24 A. To the best of my recollection, yes.
- 15:06:02 25 Q. 635 But that in fact I don't think that it was dealt with on that occasion; isn't
- 26 that correct?
- 27 A. Correct, yes.
- 28 Q. 636 And it was subsequently dealt with I think on the 21st of May?
- 29 A. 21st, yes.
- 15:06:13 30 Q. 637 Isn't that right?

- 15:06:14 1 A. Yeah.
- 2 Q. 638 Now, did you introduce Mr. Hughes to councillors when you attended at The Royal
3 Dublin with him on the 17th of May?
- 4 A. No, I don't think I did.
- 15:06:27 5 Q. 639 You don't think you did?
- 6 A. No, I don't think I did, I don't have any recollection of introducing him to
7 anybody on that date.
- 8 Q. 640 Did you have any discussion with Mr. Hughes at that stage about what you had
9 done in order to achieve the rezoning of the lands?
- 15:06:39 10 A. No.
- 11 Q. 641 So what did you discuss with Mr. Hughes?
- 12 A. Well, the discussion would be what the possibilities of positive outcome would
13 be. And other than telling him that, you know, councillors had been canvassed
14 and the prospects looked reasonably good, I don't think I discussed anything
15 further with him.
- 15:07:01 16 Q. 642 I think the matter came on and was dealt with by the Council on 21st of May;
17 isn't that correct?
- 18 A. The 21st? Yes, the 21st of May, yes.
- 19 Q. 643 And I think that the motion was originally proposed by councillors Gallagher
15:07:24 20 and Devitt; isn't that correct? And an amendment was proposed then by
21 councillor Tipping?
- 22 A. That's correct, yes.
- 23 Q. 644 And the amendment, which is at 1175, please.
24
- 15:07:36 25 The amendment. The effect of the amendment which was dated 21st of May, 1993.
26 was to limit any industrial zoning to light industry; isn't that correct?
- 27 A. That's correct, yes.
- 28 Q. 645 And that was accepted and passed?
- 29 A. Yes.
- 15:07:56 30 Q. 646 Isn't that correct? And then there was a vote on the substantive Gallagher

15:08:02 1 motion? Which was successful with 49 for and 15 against ; isn't that right?

2 A. Correct.

3 Q. 647 And the vote is recorded at 1187. If we just go through the councillors who

4 voted against him. You might indicate Mr. Dunlop, those councillors about to

15:08:25 5 whom you spoke or whom you lobbied in connection with their support for the

6 Lissenhall lands.

7 A. Yes.

8 Q. 648 Councillor Sean Ardagh?

9 A. Yes, it is likely that I would have spoken to Sean Ardagh among the Lissenhall

15:08:41 10 lands about other lands as well.

11 Q. 649 You don't suggest that you paid Mr. Ardagh; is that right?

12 A. No.

13 Q. 650 Sean Barrett?

14 A. I cannot absolutely say that I ever discussed the Lissenhall lands with Sean

15:08:53 15 Barrett. I did discuss other lands with him. I cannot absolutely say that I

16 discussed Lissenhall with him.

17 Q. 651 Cahill Boland?

18 A. Yes, because of Cahill Boland's location on the north side.

19 Q. 652 Peter Brady?

15:09:07 20 A. It's a possibility though Peter Brady was from the Lucan area and was more

21 concerned about matters there.

22 Q. 653 Seamus Brock?

23 A. Unlikely.

24 Q. 654 Was that because Mr. Brock's political affiliation?

15:09:20 25 A. No. I think Seamus wasn't -- I don't want to suggest that he wasn't a

26 frequent attender. But he wasn't somebody that was available at a minute's

27 notice for support or votes.

28 Q. 655 Mr. Buckley?

29 A. Definitely not.

15:09:43 30 Q. 656 Mr. Butler?

15:09:44 1 A. Quite possibly.

2 Q. 657 Ms. Cass?

3 A. No.

4 Q. 658 Ms. Coffee?

15:09:49 5 A. Possibly.

6 Q. 659 Mr. Liam Cosgrave?

7 A. Possibly.

8 Q. 660 Michael Joseph Cosgrave.

9 A. Yes.

15:09:54 10 Q. 661 Mr. Liam Creaven?

11 A. Yes.

12 Q. 662 Anne Devitt?

13 A. Yes.

14 Q. 663 Jane Dillon Byrne?

15:09:58 15 A. Definitely not.

16 Q. 664 Is that because of her political affiliation?

17 A. Yes.

18 Q. 665 Mr. Dockrell?

19 A. Possible, but unlikely.

15:10:07 20 Q. 666 Ms. Elliott?

21 A. No.

22 Q. 667 Ms. Farrell?

23 A. Yes.

24 Q. 668 Mr. Fox?

15:10:11 25 A. Yes.

26 Q. 669 Mr. Gallagher?

27 A. Yes.

28 Q. 670 Mr. Gilbride?

29 A. Yes.

15:10:14 30 Q. 671 Mr. Greene?

15:10:15 1 A. Again, possible.

2 Q. 672 Mr. Hand?

3 A. Definitely.

4 Q. 673 Mr. Hannon?

15:10:28 5 A. Possibly.

6 Q. 674 Mr. Hanrahan?

7 A. Yes.

8 Q. 675 Ms. Keane?

9 A. Doubtful. Very doubtful.

15:10:28 10 Q. 676 Mr. Keating?

11 A. Doubtful again.

12 Q. 677 Mr. Kelleher?

13 A. No.

14 Q. 678 Mr. Kennedy?

15:10:33 15 A. Because Mr. Kennedy represents the Swords area in the north county, yes.

16 Q. 679 Mr. Laing?

17 A. Unlikely.

18 Q. 680 Mr. Larkin?

19 A. Yes.

15:10:42 20 Q. 681 Mr. Lohan?

21 A. It is possible. I knew Mr. Lohan otherwise than as a member of Dublin County

22 Council. So it is possible that I did speak with him, yes.

23 Q. 682 Mr. Lydon?

24 A. Yes.

15:10:52 25 Q. 683 Mr. Lines?

26 A. Independent. It's possible.

27 Q. 684 Ms. McGuinness?

28 A. Yes.

29 Q. 685 Mr. McGrath?

15:11:02 30 A. Yes.

15:11:02 1 Q. 686 Ms. Maher?

2 A. Joan Maher represents the north side Baldoyle area. It's quite possible I did

3 discuss it with her. But Joan was not well disposed towards development.

4 Q. 687 Mr. Marren?

15:11:19 5 A. Unlikely.

6 Q. 688 Mr. Matthews?

7 A. Yes.

8 Q. 689 Ms. Mitchell?

9 A. Yes, it is possible that I spoke to Olivia about it in the context of meeting.

15:11:29 10 She was a member of the club that I outlined to you earlier on.

11 Q. 690 With Ms. Devitt?

12 A. Yes.

13 Q. 691 Mr. Morrissey?

14 A. Before we go on to Mr. Morrissey. Could I just say to you, Ms. Dillon. That

15:11:41 15 Ms. Mitchell, Olivia would be quite concerned about whether or not Anne was

16 supporting something. She would be guided by the support that Anne would.

17 If Anne said she was for it, not necessarily follow it. But she certainly

18 would seek to establish whether or not Anne was in favour or not.

19 Q. 692 Mr. Morrissey?

15:12:01 20 A. Possible.

21 Q. 693 Ms. Muldoon?

22 A. No.

23 Q. 694 Mr. O'Connor?

24 A. Possible.

15:12:05 25 Q. 695 O'Halloran?

26 A. Yes.

27 Q. 696 Ms. Ormonde?

28 A. Yes.

29 Q. 697 Ms. Owen?

15:12:11 30 A. Yes, Nora represented the north side.

- 15:12:13 1 Q. 698 Ms. Quinn?
- 2 A. No.
- 3 Q. 699 Mr. Ryan?
- 4 A. Possible.
- 15:12:17 5 Q. 700 Ms. Terry?
- 6 A. Unlikely.
- 7 Q. 701 Mr. Wright?
- 8 A. Yes.
- 9 Q. 702 So you would have spoken to the majority of the people who voted in the favour?
- 15:12:26 10 A. Yes.
- 11 Q. 703 Would that have been your normal practice?
- 12 A. That would be the normal practice to get it around as many of the councillors
- 13 as possible, in recognition of the fact that there were some councillors that
- 14 it was pointless talking to but that didn't necessarily mean that you wouldn't.
- 15:12:42 15 Q. 704 So the end result on the 21st of May was that it was a successful enterprise
- 16 because the lands albeit limited to light industry were rezoned?
- 17 A. That's correct, yes.
- 18 Q. 705 So there had been a move on the colour of the map, as it were, Mr. Dunlop.
- 19 From high amenity and agriculture respectively and now zoned industrial?
- 15:13:01 20 A. Correct.
- 21 Q. 706 On the 24th of May 1993. At 1191. You issued an invoice; is that right?
- 22 A. That's correct, yes.
- 23 Q. 707 Now, the invoice is directed to Michael Hughes of Rayband Limited 19
- 24 Fitzwilliam Square Dublin 2.
- 15:13:19 25 A. Yes.
- 26 Q. 708 Did you issue an invoice in relation to the first payment of 12,500?
- 27 A. Not that I recollect. And there is no such invoice extant.
- 28 Q. 709 This invoice claims as a claim for 10,000 pounds plus VAT; isn't that right?
- 29 A. Yes.
- 15:13:30 30 Q. 710 If no invoice issued for the first it was a straight payment of 12,500?

- 15:13:35 1 A. Yes.
- 2 Q. 711 And there was no VAT element in it?
- 3 A. Yes.
- 4 Q. 712 Was that your agreement with Mr. Moran and Mr. Hughes when you made your
15:13:42 5 arrangement with them in relation to payment?
- 6 A. The only answer that I can give to that is, yes. It is obvious that if that
7 was the arrangement, as I said to you pre lunch, in relation to the payment of
8 12 and a half plus 12 and a half notwithstanding it's in two tranches; 10 and 2
9 and a half, yes.
- 15:14:03 10 Q. 713 Now , that invoice was not paid immediately; isn't that correct, Mr. Dunlop?
- 11 A. That's correct.
- 12 Q. 714 And I think that in fact you had some contact with, late in May early of June
13 you sought contacted Mr. Collins, isn't that right, and Mr. Colm Moran were
14 contacting you. You were seeking payment for this invoice?
- 15:14:24 15 A. Yes. In fairness, I think my contact was with Mr. Tim Collins. I do know
16 that Mr. Colm Moran rang my office because that's recorded. But certainly I
17 was seeking payment.
- 18 Q. 715 I think you received payment and it's recorded in early July of 1993; is that
19 correct?
- 15:14:51 20 A. Um, ... sorry.
- 21 Q. 716 I think if we look at --
- 22 A. Yes, on the 2nd -- well it was paid by IFG Securities on the 2nd of July 1993.
- 23 Q. 717 If we look at 1244. The record of the 1st of July 1993. At 12:45. Tim
24 Collins leaves a message that he had phoned Joe Moran in IFG a brother of Colm
15:15:15 25 Moran. Trying to track down Colm. A bit annoyed this thing has not been put
26 it bed. Tim suggested Frank call IFG in the afternoon and he leaves a number.
- 27 A. Yes.
- 28 Q. 718 Did you do that?
- 29 A. I cannot recall whether I did or not.
- 15:15:30 30 Q. 719 At 4:30. Next page, please. 1225. 4:30 on the same day. You get another

- 15:15:37 1 message from Mr. Collins that the cheque was ready for you at Joe Moran's
2 office?
- 3 A. Yes.
- 4 Q. 720 On the following day on 2nd of July.
- 15:15:45 5
6 1226.
7
8
- 9 Q. 721 You get a phone call from Joe Moran that the cheque is ready at 19 Fitzwilliam
10 Square. Ask for Donal Lynch, who is the accountant; is that correct?
- 11 A. Yes.
- 12 Q. 722 You subsequently make a lodgement to your bank I think you acknowledge receipt
13 of the payment on the 8th of July 1993. And you make a lodgement then to your
14 bank I think, Mr. Dunlop, at page 1234 please.
- 15:16:17 15 A. Before you leave that page on the screen, Ms. Dillon. Can I just point out to
16 you. 2:30 Joe Moran rang. Cheque ready 19 Fitzwilliam Square. Ask for
17 Donal Lynch.
- 18 Q. 723 Yes?
- 19 A. I think in fairness. I don't mean to suggest that you did -- that I spoke to
15:16:31 20 Joe Moran. I don't that's a message from Joe Moran to my office.
- 21 Q. 724 Yes?
- 22 A. He has left the message. I mean, it doesn't necessarily it actually means
23 that I did not speak to him by virtue of the fact that it is so described.
- 24 Q. 725 It means that you didn't speak to him on that occasion?
- 15:16:47 25 A. Yes.
- 26 Q. 726 Not that you didn't speak to him at all?
- 27 A. I have no recollection of ever speaking to Joe Moran about anything.
- 28 Q. 727 Insofar as the record goes, the message was left on that occasion?
- 29 A. Absolutely.
- 15:16:59 30 Q. 728 And I think on the 6th July '93 at 124, please.

15:17:01 1
2 There is a lodgement of 22, 141 pounds to your accounts. Included in that is
3 the payment of 12, 100 pounds that had been paid by Rayband; isn't that right
4 A. Yes, that's what we discovered to the Tribunal, yes.

15:17:16 5 Q. 729 Yes. Sorry, that's what?
6 A. This is?
7 Q. 730 Documentation?
8 A. Sorry, I beg your pardon yes.
9 Q. 731 Discovered to the Tribunal. Payment by IFG Securities?

15:17:28 10 A. That's correct, yes.
11 Q. 732 It's not a payment from Rayband?
12 A. No, no.
13 Q. 733 Right. Now, the -- you lodged the money on this occasion, Mr. Dunlop through
14 the current account of Dunlop and Associates?

15:17:41 15 A. That's correct, yes.
16 Q. 734 You also record receipt of this money in your cash receipts book; isn't that
17 right?
18 A. Correct.
19 Q. 735 And the treatment by you of these funds are markedly different to the treatment

15:17:53 20 of the funds that you received in January, in the sum of 12,500 pounds; isn't
21 that correct?
22 A. Yes.
23 Q. 736 The books and records of Frank Dunlop & Associates record properly the receipt
24 of these funds?

15:18:05 25 A. Yes.
26 Q. 737 The other money you received in January was treated entirely differently.
27 A. Correct.
28 Q. 738 Would you now explain to the Tribunal why it was that you treated these funds
29 in such a different way?

15:18:15 30 A. Well, this invoice was issued and VATed from my office, to Michael Hughes.

- 15:18:27 1 And on receipt it was lodged into the bank account because I regarded it as a
2 legitimate payment in relation to the success fee for the public affairs
3 consultancy services provided.
- 4 Q. 739 Yes. If you regarded this payment as a legitimate payment, Mr. Dunlop. Does
15:18:43 5 that mean that you did not regard the earlier payment in January as legitimate?
6 A. Correct.
- 7 Q. 740 You regarded it as improper?
8 A. Yes.
- 9 Q. 741 Not legitimate. By you in any event?
15:18:52 10 A. Yes.
- 11 Q. 742 1191, please.
12
13 The services that are described on the invoice is described as " To agreed
14 success fee, vis a vis public affairs consultancy services at Lissenhall"
- 15:19:05 15 A. Yes.
- 16 Q. 743 By that do you mean this is the success fee for getting the Lissenhall lands
17 rezoned?
18 A. Correct.
- 19 Q. 744 What you are doing here is putting in a fee of 10,000 pounds plus VAT?
15:19:15 20 A. Yes.
- 21 Q. 745 Whereas the earlier payment was payment made directly to you with no element of
22 VAT?
23 A. It was paid directly to Frank Dunlop and no element of VAT.
- 24 Q. 746 Now, you did have contact thereafter, is that correct, with Mr. Hughes and
15:19:30 25 Mr. Collins. And I think indeed Mr. Gilbride and Mr. Hand and other
26 councillors; isn't that right?
27 A. Yes.
- 28 Q. 747 But I think the matter, the rezoning meeting came up I think on 21st of
29 September 1993; isn't this right?
15:19:48 30 A. That's correct, yes.

- 15:19:49 1 Q. 748 Prior to that the council had received a number of motions which sought to
2 upturn the zoning you'd achieved on the lands; isn't that correct?
3 A. That's correct, yes.
- 4 Q. 749 Were you made aware of that?
15:19:59 5 A. Yes, I was.
- 6 Q. 750 And were you contacted by Mr. Collins and by Mr. Hughes?
7 A. Yes. This would be normal practice in relation to matters that had been
8 zoned.
- 9 Q. 751 That motions would come in that would try to upset?
15:20:20 10 A. An attempt to de zone them back to the original or something else.
- 11 Q. 752 Certainly in July of 1993. At 1263. Mr. Hughes was contacting you.
12 A. Yes.
- 13 Q. 753 Sorry. at 1263. At 11:15.
14 A. Correct, yes.
- 15:20:32 15 Q. 754 And by the 6th of August. 1319. A motion had been received, signed by
16 councillors Kelleher and Ryan. And this sought to set aside the change on map
17 2A, which was the Rayband lands in effect; isn't that right?
18 A. Correct, yes.
- 19 Q. 755 And then other motions were received at 1320.
15:20:57 20
21 Which sought to set aside 2 B, the Duffy lands
- 22 A. Yes.
- 23 Q. 756 Also signed by councillor Ryan and Kelleher?
24 A. Yes.
- 15:21:10 25 Q. 757 And I think other motions were received also. I think at 1315. On 7th of
26 September.
27
28 This is a motion by councillor Tipping, O'Callaghan, Gilmore, Branock and
29 Billane and again map 6 change 2 B. And they are seeking to upturn the zoning
15:21:35 30 that's been achieved; isn't that right?

- 15:21:36 1 A. Correct.
- 2 Q. 758 This again is the Duffy lands?
- 3 A. Yes.
- 4 Q. 759 And these motions came on I think, Mr. Dunlop, for -- came on before the
- 15:21:44 5 Council on the 22nd of September, 1993; isn't that right?
- 6 A. Or the 21st?
- 7 Q. 760 It was mentioned on the 21st, but dealt with on the 23rd?
- 8 A. Yes.
- 9 Q. 761 Can you ask you. When these motions came in. Would you have been informed
- 15:22:02 10 about the fact that these motions had been received by Dublin County Council?
- 11 A. Yes. The normal practice would be I would be informed about that by one or
- 12 other or more of the councillors who knew of my involvement.
- 13 Q. 762 Would you have been informed by the councillors who knew of your involvement,
- 14 or would you have been informed by the promoters?
- 15:22:21 15 A. It's likely that both. Normally, the councillors would be the people first
- 16 would become aware that de zoning motions had been submitted because they would
- 17 either be either be circulated by them or keeping an eye out for receipt of
- 18 them.
- 19 Q. 763 Certainly circulated with the agenda.
- 15:22:38 20 A. Yes.
- 21 Q. 764 It would have recorded the fact that these motions had been received?
- 22 A. Yes.
- 23 Q. 765 And at 1291, on the 13th of September Mr. Michael Hughes calls you.
- 24 A. Yes.
- 15:22:47 25 Q. 766 You can see at 4:15 he calls you. Your diary throughout September records
- 26 record contact with Mr. Tim Collins and also Mr. Hand and Mr. Gilbride; isn't
- 27 that correct?
- 28 A. That's correct.
- 29 Q. 767 And again on the 16th of September Mr. Michael Hughes contacts you at 1313.
- 15:23:04 30

15:23:04 1 Now, I think also on that date. At another motion was received by Dublin
2 County Council. At 1299, please.
3
4 And this was a motion seeking to adopt manager's report.

15:23:20 5
6 I should tell you, Mr. Dunlop. That the manager's report recommended that
7 there be no rezonings.
8 A. Yes.
9 Q. 768 And what should happen is that an area plan effectively should be prepared for
10 the area. That should go before the new Fingal County Council. That was
11 ultimately unsuccessful and not accepted by the councillors.
12 A. This was a strategy by the manager to try and -- preempt their rezoning of the
13 lands in the knowledge that the Council was breaking up into separate entities.
14 Q. 769 Yes. There were a large number of rezonings proposed around the Swords area
15 and north County Dublin?
16 A. Yes.
17 Q. 770 The manager proposed rather than dealing with any of those rezonings that a
18 special plan would be prepared that would be submitted to Fingal County
19 Council. And that would have had the effect, had it been passed, of taking
15:24:04 20 all the proposed rezonings off the agenda?
21 A. Correct.
22 Q. 771 But that wasn't successful because the councillors refused to accept that?
23 A. Correct.
24 Q. 772 But on certainly by the 21st of September a number of motions directly
15:24:15 25 effecting the Lissenhall lands had been received by Dublin County Council?
26 A. That's right.
27 Q. 773 And you would have been informed of that by the councillors you think who were
28 involved?
29 A. Well certainly in the first instance. I wouldn't doubt for a moment that I
15:24:29 30 was not informed of it by the promoters or representatives of the promoters.

15:24:35 1 But given the culture that existed at the time, in relation to de zoning
2 motions councillors would be the first to be aware of it.

3 Q. 774 When you became aware of the fact that these motions had come in. Would you
4 again have had to engage in the same type of activity that you engaged had in
15:24:52 5 for the rezoning motions?

6 A. Yes. With the proviso that an attitude had developed on the part of quite a
7 significant number of councillors that they were not going to be dictated to by
8 the manager.

9 Q. 775 But would you have regarded it as part of your brief that you would now at this
15:25:17 10 stage in September have had to canvass the councillors or ensure that the
11 numbers were in place in order to ensure that any of these motions were
12 defeated?

13 A. Yes.

14 Q. 776 And you would have carried out the same exercise again?

15:25:23 15 A. Correct.

16 Q. 777 Does that mean you would have approached councillors hand, Gallagher and Fox to
17 ensure that they remained supportive?

18 A. Correct.

19 Q. 778 And were further funds not sought from you by them in relation to their
15:25:35 20 continued support?

21 A. Further funds sought from them by me?

22 Q. 779 Yes.

23 A. No.

24 Q. 780 Is it your evidence that it was a case of once they were bought they stayed
15:25:46 25 bought, is that the position?

26 A. Loathe as I am to concur with that I have no option but to concur with it yes.

27 Q. 781 Is it the position that you never paid for a confirming meeting, Mr. Dunlop.
28 You pay for the initial rezoning. You achieved that and then you assume and
29 the councillor ensures that their support remains on side as it were for the
15:26:07 30 confirming meeting?

- 15:26:08 1 A. Yes.
- 2 Q. 782 That they don't break ranks as it were?
- 3 A. They don't break ranks.
- 4 Q. 783 How, I mean it would seem, Mr. Dunlop, that that would have been a golden
15:26:17 5 opportunity for the councillor, if they were involved in bribery and looking
6 for money, to have sought a further payment for you in support of their
7 continued support and their vote.
- 8 A. Yes, that seems eminently logical. But in the context of what was going on in
9 Dublin County Council with other motions. These people were in receipt of
15:26:38 10 money for other matters.
- 11 Q. 784 Is it the position then that once the councillor had been paid in respect of
12 the rezoning motion. When it came to the confirming motion they stayed with
13 the lands, as it were and didn't look for any further payment?
- 14 A. Yes, with the exception in one exception that has been a matter of evidence
15:26:55 15 previously. Where councillors sought monies to be lodged elsewhere.
- 16 Q. 785 Are you you can talking about Mr. Tom Hand?
- 17 A. Yes.
- 18 Q. 786 In relation to the money in Australia?
- 19 A. Yes.
- 15:27:08 20 Q. 787 That's a matter of a separate Module?
- 21 A. Yes.
- 22 Q. 788 In any event, the motions were unsuccessful?
- 23 A. Correct.
- 24 Q. 789 And the lands were rezoned to light industry?
- 15:27:18 25 A. To light industry, yes.
- 26 Q. 790 On the day of the day of this successful confirming meeting on the 22nd. You
27 received a telephone call. At 1322. From Mr. Sean Gilbride.
- 28 A. Yes.
- 29 Q. 791 And, in which the message he left was that Lissenhall was okay?
- 15:27:35 30 A. Yes.

- 15:27:35 1 Q. 792 That would suggest that you weren't there yourself, Mr. Dunlop?
- 2 A. Yes.
- 3 Q. 793 Is that like likely?
- 4 A. Uh-huh.
- 15:27:41 5 Q. 794 I think also in earlier in the day you had received three telephone calls from
6 Mr. Michael Hughes, four telephone calls from Mr. Michael Huges on the previous
7 page. 1331.
- 8 A. Yes.
- 9 Q. 795 So obviously Mr. Hughes was concerned about matters in relation to the
10 confirming meeting. But in any event, Mr. Gilbride rang and told you
11 Lissenhall was okay?
- 12 A. Yes. And that call is preceded by another call and by another call subsequent
13 to it.
- 14 Q. 796 When Mr. Hand rings at 3:55.
- 15:28:12 15 A. Yes.
- 16 Q. 797 And then you receive another call subsequent to that from who?
- 17 A. From John O'Halloran.
- 18 Q. 798 From Mr. O'Halloran. Were they all in connection with?
- 19 A. What I'm suggesting to you that it is the norm, or would have been the norm,
15:28:23 20 for councillors to keep me informed as to what was going on in relation to the
21 Council. And these calls could quite conceivably, certainly in the case of
22 Mr. Gilbride was, but the others could well have been too.
- 23 Q. 799 1322. Certainly, whatever Mr. Hand may have contacted you about or
24 Mr. O'Halloran may have contacted you about. I suggest it's unlikely
15:28:45 25 Mr. O'Halloran was contacting you about this. Leaving that aside. Certainly
26 Mr. Gilbride is ringing you about Lissenhall?
- 27 A. Yes.
- 28 Q. 800 Mr. Gilbride is not a person you say you paid in connection with Lissenhall?
- 29 A. Yes.
- 15:28:58 30 Q. 801 Even though he supported it and I think you say you sought his support. He

- 15:29:01 1 nonetheless rang you to give you that information?
- 2 A. Correct.
- 3 Q. 802 I think that Mr. Gilbride had dealt with that previously in a previous Module.
- 4 And he thought that he had signed the motion in relation to Lissenhall. Do
- 15:29:13 5 you need something, Mr. Dunlop?
- 6 A. Can I go to the toilet? Two minutes.
- 7
- 8 CHAIRMAN: We can rise for five minutes.
- 9
- 10 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**
- 11 **AND RESUMED AS FOLLOWS:**
- 12
- 13 Thank you, Chairman. Sorry.
- 14
- 15:35:26 15 CHAIRMAN: All right.
- 16
- 17 MS. DILLON: Good afternoon. I think after the successful confirming meeting
- 18 you issued one further invoice, which is the third payment; is that correct?
- 19 A. Yes.
- 15:35:40 20 Q. 803 That was 28th of September 1993.
- 21
- 22 At 1344.
- 23
- 24 And this is addressed to Mr. Joe Moran Rayband Limited 19 Fitzwilliam Square.
- 15:35:53 25 A. Yes.
- 26 Q. 804 Is that because the previous cheque had come to you through Mr. Moran insofar
- 27 as contact had been made by Mr. Joseph Moran with your office?
- 28 A. It is possible, yes. But, I mean, I cannot say definitively that that is the
- 29 case, but it is possible.
- 15:36:14 30 Q. 805 Certainly the previous invoice had issued to Mr. Michael Hughes?

- 15:36:18 1 A. Yes.
- 2 Q. 806 Invoices to Mr. Joe Moran?
- 3 A. Yes.
- 4 Q. 807 This invoice is dated 28th of September 1993?
- 15:36:24 5 A. Yes.
- 6 Q. 808 Which is four days after the successful confirming meeting. Sorry. Six
- 7 days?
- 8 A. Correct.
- 9 Q. 809 Which is on 22nd of September. And the amount there is 2,500 pounds plus VAT.
- 15:36:37 10 A. Correct, yes.
- 11 Q. 810 Now, the amount you were paid on the previous invoice was 10,000 pounds; isn't
- 12 that right?
- 13 A. That's correct.
- 14 Q. 811 This is the sum here excluding VAT 2,500 pounds.
- 15:36:49 15 A. Yes.
- 16 Q. 812 It's Mr. Michael Hughes' and Colm Moran's recollection the fee structure agreed
- 17 with you was for 12,500 pounds fee, plus 12,500 pounds success fee.
- 18 A. That is what they say, yes.
- 19 Q. 813 That is what they say. These two invoices taken together provide for a net
- 15:37:09 20 fee of 12,500 pounds; isn't that correct Mr. Dunlop?
- 21 A. That's correct.
- 22 Q. 814 The earlier invoice had been described as, to agreed success fee.
- 23 A. Yes.
- 24 Q. 815 10,000 pounds. This fee is to agreed fee in relation to public affairs
- 15:37:22 25 strategy?
- 26 A. Correct.
- 27 Q. 816 What do you say this payment was in connection with?
- 28 A. I have no idea what it relates to in relation to a public affairs strategy,
- 29 other than that it relates to the lands at Lissenhall and the zoning. Unless
- 15:37:43 30 it was agreed, which I don't recollect, unless it was agreed that the payment

- 15:37:49 1 of 12, 500 pounds was scheduled on the basis of 10 and 2 and a half. But I do
2 not recollect that.
- 3 Q. 817 Certainly the sequence appears to be this in relation to the three payments.
4
- 15:37:59 5 In 1993 January you receive a first payment which you lodged to your war chest
6 account, which is a cheque made out to Frank Dunlop.
7 A. Correct.
- 8 Q. 818 Thereafter there are two invoices one of which issues after the first rezoning
9 meeting.?
- 15:38:12 10 A. That's correct.
11 Q. 819 And which is paid some 6 weeks to 7 weeks later in early July.
12 A. Paid --
13 Q. 820 By IFG Securities?
14 A. That's correct, yes.
- 15:38:19 15 Q. 821 And then there is a third payment which takes place after the successful
16 confirming meeting?
17 A. Correct.
- 18 Q. 822 And which is payable again on a cheque from IFG Securities.
19
- 15:38:30 20 1365.
21
22 This is a cheque drawn. And again this cheque is made payable to Frank
23 Dunlop; isn't that correct?
24 A. That's correct, yes.
- 15:38:41 25 Q. 823 And this cheque and the cheque for 25 pounds, at 1366.
26
27 Which makes up the cheque total amount of 3025. A cheque for 25 pounds. Is
28 also payable to Frank Dunlop.
29 A. Correct.
- 15:38:56 30 Q. 824 And these funds are lodged by you. They are recorded in the books and

- 15:39:00 1 accounts of Frank Dunlop & Associates; isn't that right?
- 2 A. That's correct, yes.
- 3 Q. 825 And lodged together with other monies to the current of Dunlop and Associates.
- 4 Isn't that right?
- 15:39:10 5 A. Correct.
- 6 Q. 826 They are treated in the same way as the previous payment for 12, 100 plus VAT?
- 7 A. Yes.
- 8 Q. 827 Previous payment of 10,000 pounds plus VAT?
- 9 A. Yes.
- 15:39:20 10 Q. 828 And they are treated in the a different manner by you to the first payment of
- 11 12,500 pounds; isn't that right?
- 12 A. Correct.
- 13 Q. 829 And these are recorded as being received by Frank Dunlop & Associates, by you;
- 14 isn't that correct?
- 15:39:33 15 A. Correct, yes.
- 16 Q. 830 But the cheque are made out to Frank Dunlop in the same way as the very first
- 17 cheque was made out to Frank Dunlop?
- 18 A. That's correct.
- 19 Q. 831 That would suggest I think we don't have the second cheque. That would
- 15:39:46 20 suggest that certainly insofar as IFG were concerned there is no difference in
- 21 the way they draw the first and third cheque; isn't that right?
- 22 A. Correct.
- 23 Q. 832 We dent have the second cheque.
- 24 A. I certainly haven't seen it.
- 15:39:59 25 Q. 833 That would mean, that means, Mr. Dunlop, that you treated the monies
- 26 differently; isn't that right?
- 27 A. Correct.
- 28 Q. 834 When you received the monies?
- 29 A. Yes.
- 15:40:06 30 Q. 835 By lodging them to different accounts and treating them in a different way?

- 15:40:11 1 A. Two different accounts, yes.
- 2 Q. 836 And you issued an invoice in relation to the second and third payment, but you
3 didn't issue an invoice, you say, in relation to the first payment?
- 4 A. Not that I'm aware of.
- 15:40:26 5 Q. 837 Throughout 1993, Mr. Dunlop, the balance of 1993. You continued to meet with
6 Mr. Collins. And you have many telephone contacts recorded in your telephone
7 attendances with Mr. Collins; isn't that right?
- 8 A. Yes.
- 9 Q. 838 Is it correct that these did not relate to Lissenhall, or did they relate to
15:40:56 10 Lissenhall?
- 11 A. In 1993?
- 12 Q. 839 Yes. After the meeting. After the confirming meeting in September?
- 13 A. If post the confirmation meeting. Other than a meeting that I had with Tim
14 Collins in my office in relation to the payment.
- 15:41:02 15 Q. 840 Yes?
- 16 A. That we have alluded to earlier. These would relate to other matters that I
17 was dealing with, with Tim Collins, either directly relating Dublin County
18 Council or other matters.
- 19 Q. 841 Now, insofar as the councillors are concerned. It is Mr. Fox's position that
15:41:24 20 he never received any money from you. You are aware of Mr. Fox's stated
21 position in relation to your allegations that you paid him?
- 22 A. On an ongoing basis I'm aware of that, yes.
- 23 Q. 842 I think insofar as Mr. Gallagher is concerned. He had, prior to his death,
24 informed the Tribunal that he was not aware of any matters involving
15:41:43 25 corruption; isn't that right? You've seen the documentation in relation to
26 that?
- 27 A. Yes.
- 28 Q. 843 Insofar as Mr. Colm Moran is concerned and Mr. Patrick Joseph or Joe Moran are
29 concerned, and Mr. Hughes are concerned. It is denied that they were aware
15:42:00 30 that you were making any payments, if I can put it like that, on behalf of the

15:42:04 1 Lissenhall lands or otherwise. You are aware of this, Mr. Dunlop?

2 A. Yes, I am.

3 Q. 844 But it is your position that at the first meeting and the only time at which

4 you discussed this matter, they raised the topic with you and told you that

15:42:17 5 they were aware that payments would have to be made; is that correct?

6 A. Correct.

7 Q. 845 Now, I think that you did in early 1994, you received some telephone contact

8 from Mr. Michael Hughes.

9

15:42:36 10 1454, please.

11

12 This is a record of the 4th of January 1994.

13

14 Can you recollect why Mr. Hughes might have been contacting you in January of

15:42:52 15 1994?

16 A. No.

17 Q. 846 And again on the 15th of February 1994.

18

19 At 1462, please.

15:43:00 20

21 Mr. Tim Collins rings at 3:30 and Mr. Michael Hughes at 3:35.

22 A. Well in relation to Mr. Hughes I don't know. The issue insofar as I'm

23 concerned and insofar as Dublin County Council is dead. Is put to bed.

24 Q. 847 Yes. On the 16th of February 1994.

15:43:19 25

26 At 1463.

27

28 At 10:35 Mr. Michael Hughes contacts you and leaves a number.

29 A. Yes.

15:43:27 30 Q. 848 And on the 23rd of February.

15:43:28 1
2 At 1464.
3
4 At 4:30 Mr. Michael Hughes contacts you.
15:43:33 5 A. Yes.
6 Q. 849 On the 9th of March. 1994.
7
8 At 1465.
9
15:43:38 10 Mr. Michael Hughes contacts you. And he gives you the substance of his calls.
11 He leaves the same number. He is ringing you about documents that you have
12 for him.
13 A. Yes.
14 Q. 850 What documents would you have had for Mr. Hughes Mr. Dunlop?
15:43:53 15 A. Well the only conceivable documents that I could have are documents that I had
16 either got from him or from Lissenhall in relation to the lands. Or it could
17 well be copies of documentation from Dublin County Council.
18 Q. 851 Now, throughout 1996, 1997, and I think early into 1998, your diaries continued
19 to record contact with Mr. Tim Collins.
15:44:16 20 A. Yes.
21 Q. 852 You would have had ongoing projects with Mr. Collins?
22 A. Yes.
23 Q. 853 Did you ever have any discussion throughout that period with Mr. Collins about
24 the Lissenhall lands, other than the ones you have described to the Tribunal?
15:44:28 25 A. Not that I can recall. The matter was over and done with.
26 Q. 854 Were you aware that Mr. Michael Hughes was bought out of Rayband at any stage?
27 A. No, I have no knowledge of any of the internal financial arrangements or
28 business relations internally.
29 Q. 855 Were you aware of any interest expressed by Jersey based company in purchasing
15:44:45 30 the lands UMC Limited in 1998?

15:44:48 1 A. No.

2 Q. 856 Did your involvement cease with this last telephone contact in 1994 with
3 Mr. Michael Hughes looking for documents?

4 A. Yes.

15:44:56 5 Q. 857 You did have ongoing contact with Mr. Collins but not relating to the
6 Lissenhall lands?

7 A. Correct.

8 Thank you, Mr. Dunlop.

9 Some parties here will have questions for you.

15:45:10 10 Thank you, Ms. Dillon.

11

12 CHAIRMAN: Is there any agreement as between the parties as to the order?

13

14 MR BURKE: Yes, Chairman. It's agreed that I'll go first. I'm just looking
15 at my watch. It's a quarter to four. I'll be at least half an hour.
16 Possibly 45 minutes. Certainly no more than an hour.

17

18 My preference would be if I could get a clean sweep or run at it rather than
19 break up overnight.

15:45:44 20

21 MS. DILLON: We have five witnesses listed for tomorrow. I would be anxious
22 if it could be started. We have 15 minutes at least now.

23

24 CHAIRMAN: We'll certainly do 15 or 20 minutes, Mr. Burke.

15:45:51 25

26 MR. BURKE: Very good.

27

28 **THE WITNESS WAS THEN EXAMINED AS FOLLOWS**

29 **BY MR. BURKE AS FOLLOWS:**

15:45:54 30

- 15:45:57 1 Q. 858 Mr. Dunlop, I hope you're keeping well.
- 2 A. Very well. And you, Mr. Burke?
- 3 Q. 859 Very well too.
- 4
- 15:46:02 5 Could I have page 1892, please.
- 6
- 7 Now, Mr. Dunlop, have you got that in front of you?
- 8 A. Yeah.
- 9 Q. 860 You will see that's a statement from Mr. Hughes, Mr. Michael Hughes. And
- 15:46:16 10 during, on that page you he makes a reference to the fact that you had stated
- 11 that you felt that this rezoning was not going to be controversial. Does that
- 12 ring a bell with you. Do you agree with that recollection?
- 13 A. I recollect that I had a conversation, as I outlined to Ms. Dillon, with the
- 14 promoters of the land in relation to the possibilities of what might or might
- 15:46:38 15 not happen.
- 16 Q. 861 Yes. But do you have a recollection of stating that you didn't think that
- 17 this was going to be a controversial. Your exact quote. It might be on the
- 18 next page. Yes, there it is, "Mr. Dunlop noted that it was not a
- 19 controversial site and it had a lot going in its favour. He seemed very
- 15:46:57 20 confident that he would be able to successfully lobby for the rezoning". Is
- 21 that accurate? Would that tally with your recollection?
- 22 A. No.
- 23 Q. 862 What is your recollection?
- 24 A. My recollection would be that these people came to me -- for seeking my support
- 15:47:10 25 for rezoning of these lands. It is highly unlikely that any early meeting
- 26 that I had with them. That I would describe it as not a controversial site.
- 27 And it had a lot going in its favour. That may well be the promoters belief.
- 28 Q. 863 Could I have page 1913.
- 29
- 15:47:29 30 That's a statement by Mr. Colm Moran.

15:47:31 1
2 And he supports, more or less, what Mr. Hughes is saying. He says that you
3 felt it was achievable. Do you see that statement there?
4 A. Which paragraph are you referring to?
15:47:55 5 Q. 864 It might be on the next page. Just bear with me for a moment.
6
7 JUDGE FAHERTY: It's the very last sentence 6 the first paragraph.
8
9 MR. BURKE: It's at the bottom of the first paragraph
15:48:08 10 A. This is the one -- he indicated that he could assist in obtaining the rezoning?
11 Q. 865 Yes.
12 A. Well that was the purpose that they attended at my office, to achieve my
13 assistance. To obtain my assistance in the rezoning.
14 Q. 866 Yes. He has a reference to you. You appreciate that? He indicated that he
15:48:26 15 could assist in obtaining the rezoning. And he felt it was achievable?
16 A. Yes.
17 Q. 867 You agree with that statement?
18 A. Again, in relation to what I said to the statement by Mr. Hughes. It's
19 unlikely that, at an early meeting, having been introduced to it that you would
15:48:44 20 say that it was achievable. You would outline what the difficulties were
21 rather than saying it was achievable.
22 Q. 868 Mr. Dunlop, I'm not asking you what was logical or likely. I'm not asking you
23 to speculate. I'm Simply asking you, in the first instance, do you remember
24 whether you said something like that or not?
15:48:59 25 A. No, I don't recall saying that.
26 Q. 869 Do you recall not saying it? Do you recall saying something that would be
27 contrary to that or is it just that you don't have a particular recollection?
28 A. No, I have a recollection of a debate, a discussion with the promoters of the
29 land in relation to what they hoped to achieve and what could be done to do
15:49:18 30 that.

- 15:49:18 1 Q. 870 Yes. And they would have outlined their plans to you. You are an expert in
2 the field and you would have given feedback to them, presumably?
- 3 A. As I said it Ms. Dillon, they outlined the location of the site, the fact that
4 a submission had been made, which was paramount, of paramount importance. And
15:49:39 5 that councillors would have to be lobbied for their support.
- 6 Q. 871 And what was your feedback to them?
- 7 A. My feed back to them was that, yes, the matter would have to be submitted to
8 Dublin County Council, by way of a motion. That such a motion would have to
9 have signatures and that the councillors would have to be canvassed for their
15:50:05 10 support.
- 11 Q. 872 With regard to whether it might be a success or not, that's what I mean. Did
12 you give them a feedback on that?
- 13 A. No, I don't think, Mr. Burke, it was ever a policy to say that something would
14 be a success or not. Because until such time as I established whether or not
15:50:23 15 there was a level of support for it, you could not say whether it was going to
16 be successful or not.
- 17 Q. 873 I'm looking at your very recent statement. 21st of March. You say on the
18 first page in the second paragraph. About four or five lines down "I
19 recollect that the stated preference was for residential zoning but a more
15:50:42 20 realistic option was industrial zoning".
- 21 A. Yes.
- 22 Q. 874 Who was stating that the more realistic option was industrial zoning?
- 23 A. They were.
- 24 Q. 875 I see. Very good.
- 15:50:53 25
- 26 I just want to clarify something. So that there is absolutely no doubt about
27 it. The money you allege you paid to the councillors.
- 28 A. Yes.
- 29 Q. 876 Came from one of your secret funds, from your war chest?
- 15:51:05 30 A. Cash I had available to me, yes.

15:51:08 1 Q. 877 Cash that you had available to you. When do you say that you first met Colm
2 Moran?

3 A. My recollection is that Mr. Moran attended at my office with Mr. Collins. As
4 I said to Ms. Dillon, there was another person whom I couldn't identify.

15:51:28 5 Q. 878 Uh-huh?

6 A. Present. But.

7 Q. 879 Well was it --

8 A. That was an early meeting with the developers, yes. With the promoters.

9 Q. 880 That you're referring here in your statement. That was the first time that
10 you met him?

11 A. Yes.

12 Q. 881 And the same obviously applies to Mr. Michael Hughes. I think he is the man
13 whom you now concede is probably the man whose name you couldn't remember?

14 A. I think so yes.

15:51:51 15 Q. 882 I see. The thing I don't understand, Mr. Dunlop, is why you had to confirm to
16 these people, these strangers you had just met, that there was corruption in
17 Dublin County Council and implicitly by your knowledge of it and your
18 explanation of the mechanics of it, that you were participating in it. It was
19 not necessary for you to get the cash from them, you have just told me that you
15:52:15 20 had your own funds, your own war chest. You could have turned around to them
21 and you could have said that's nonsense. That's exaggeration. Or certainly
22 you could have said to them that may be the case but it doesn't involve me.

23
24 Remember, these people were complete strangers. Why were you so reckless with
15:52:35 25 your improper activities.

26 A. Well apart altogether with the specific definition of the word "reckless". I
27 did say to Ms. Dillon that this matter was raised by the other side of the
28 table. And I acknowledged -- I confirmed it, I acknowledged --

29 Q. 883 That's my question. I have been very specific. I am not contradicting you
15:52:57 30 and saying that you brought it up. I am going on your version.

15:53:00 1 A. Yes.

2 Q. 884 I am saying that I don't understand why you had to confirm it you had 27, 625

3 punts available to you at the end of the day. 3,000 of which, you allege you

4 paid to the councillors. It was a very small sum when you take the global

15:53:19 5 figure into account. You did not have to tell these strangers all about the

6 corruption.

7

8 I want an explanation as to why you did.

9 A. Well I think, Mr. Burke, as I have said in my statement, and I use the word

15:53:34 10 advisedly. I confirmed. That means that the matter was raised by them. So

11 it was an acknowledgement by them that the procedures obtained at Dublin County

12 Council. There was no point in not, in not recognising it or denying it at

13 this stage. These are men of the world.

14 Q. 885 With respect, Mr. Dunlop, you're not answering my question.

15:53:55 15

16 Why did you confirm it?

17 A. Because they said they knew what was going on. There was no point in denying

18 it.

19 Q. 886 So you were prepared to confirm to perfect strangers your involvement in this

15:54:07 20 activity?

21 A. Yes, one of whom wasn't a perfect stranger. Mr. Collins wasn't a perfect

22 stranger to me.

23 Q. 887 I've asked you about the first time you met Mr. Michael Hughes and Colm Moran

24 and it was at this meeting. They were strangers to you therefore.

15:54:20 25 A. In the company of Mr. Collins.

26 Q. 888 I didn't mention Mr. Collins?

27 A. Yeah but they were in the company of Mr. Collins.

28 Q. 889 So you are saying that by their mere association with Mr. Collins, you had

29 deemed their characters such that you would have no fear about revealing your

15:54:35 30 role in corruption to them?

15:54:36 1 A. No, did I not say that. I'm sure the transcript will show that I did not.
2 The transcript will show that I didn't even imply that, let alone say it --

3 Q. 890 I am asking the question on foot of what you said to me less than 60 seconds
4 ago. Why did you bring Mr. Collins' name into your answer 60 seconds ago?

15:54:54 5 A. Because you said they were complete strangers, I pointed out to you that
6 Mr. Collins was present. He wasn't a stranger to me.

7 Q. 891 I accept. I've seen all the documentation. I accept you know Mr. Collins.
8 There is no dispute about that.
9

15:55:04 10 But you had not met the other two gentlemen.

11 A. That's correct.

12 Q. 892 They came in. And you without missing a beat confirmed to them that there is
13 corruption and you are involved with it. I want an explanation as to why. I
14 am going to use the word again. So reckless.?

15:55:23 15 A. Well, I can -- we can traverse this 50,000 times, Mr. Burke. You are going to
16 get the same answer. So, like, these people came to me on foot of an
17 introduction by a man that I knew; Mr. Collins.
18

19 The issue in relation to what would be required vis a vis payments to
15:55:41 20 councillors in Dublin County Council was raised by the other side of the table
21 in circumstance that is I have already outlined to Ms. Dillon. I confirmed
22 that. Acknowledged it. I didn't have any reason not to so acknowledge or
23 confirm at that meeting. Notwithstanding the identity, or otherwise of the
24 people that you alluded to.

15:56:00 25 Q. 893 In the past in this forum you have given descriptions of how you slid money
26 between gaps in seats in pubs. How you were careful about not being seen when
27 you went around corners passing money to people.
28

29 How can you square that with your blase attitude with these two complete
15:56:21 30 strangers?

15:56:21 1 A. Sorry for the delay in replying Mr. Burke. I'm just slightly gob smacked by
2 the connection that you are making.

3 Q. 894 On the one hand you are being very discrete on the other hand you are not.

4 A. As far as I am concerned, there is no disparity whatsoever.

15:56:40 5 Q. 895 So there's no disparity between being extremely secretive and discreet and
6 sliding money between gaps in seats. And then when you meet complete
7 strangers low and behold, you acknowledge your involvement?

8 A. If they raise their issue and knowledge of it yes.

9 Q. 896 I see. I'll move on.

15:56:57 10

11 Now, Mr. Dunlop. Did you have what I'm going to describe as a racket going on
12 here? I'll describe what I mean by that. Were you telling your clients at
13 this stage that you were going to need to pay them, pay the councillors a
14 figure, perhaps as much as 12,500 in this instance. And that they had had to
15 pay you that money and that that is why you were so blase on this occasion with
16 these complete strangers.

17 A. Well in reply to that. I just draw your attention, Mr. Burke, to what I
18 actually said.

19 Q. 897 Forget what you said. You can answer the question to me afresh.

15:57:40 20

21 CHAIRMAN: Wait now. Just let Mr. Dunlop say what he's going to say.

22 A.

23 I'm going to say the same thing. So not to preempt you, Mr. Burke.

24

15:57:50 25 But I mean, I confirmed to those present at the meeting in my office in
26 relation to the proposal for the rezoning of the land at Lissenhall, that there
27 would be a requirement for monies to councillors I did not name any
28 councillors, nor did I specify how much would be required. I did explain that
29 a signature or signatures could not be obtained easily and that the likelihood
15:58:06 30 of such signatures could be obtained and support guaranteed only by the money

15:58:10 1 at the request of some councillors.
2
3 Now, does that answer your question?
4 Q. 898 No. I'll put it this way. Did you ever once tell a client that you required
15:58:20 5 money thereafter you took the money from the client and you did not spend it on
6 the bribing of councillors?
7 A. Let me deal with that in the tri partite fashion that you put it. Did I ever
8 receive money from?
9 Q. 899 From?
15:58:42 10 A. A developer for the payment of a councillor. That's contingent on the
11 developer being aware that I was receiving the money to pay the councillor.
12 Q. 900 Correct.?
13 A. So in this instance. So we're dealing with this instance. Did I receive the
14 money and not pay the councillor?
15:58:58 15 Q. 901 Yes.?
16 A. No.
17 Q. 902 Ever?
18 A. Well I cannot absolutely. In the circumstances that you have outlined. The
19 parameters with which you've put forward the premise that it falls that the
15:59:12 20 developer must have known that he was giving me the money for payment to a
21 councillor.
22 Q. 903 Correct.
23 A. Now, we're dealing with this instance. In this instance where a discussion
24 had taken place in relation to the raising of the matter by the other side of
15:59:30 25 the table. I did not specify. I did not name. And I did not say how much
26 would be required to give to councillors.
27 Q. 904 With respect, now, you've drifted away from the question. The question is, on
28 any occasion did you ever take money from a developer who knew what was afoot,
29 who was wise in the ways of the world, to use your phrase of last week. And
15:59:50 30 you did not apply it in the manner the client expected? Yes or no?

15:59:59 1 A. Well the only way I can answer that question, Mr. Burke, is it's contingent on
2 the developer knowing that I was going to pay money to a named councillor.
3 And I don't have any recollection other than using the phrase that you've
4 alluded to earlier on about last week, "the ways of the world".

16:00:31 5
6 In this particular instance in relation to Lissenhall, the matter being raised
7 by the other side of the table. I did not specify any amounts that we would
8 be required to be paid to councillors. Nor did I identify the councillors.

9 Q. 905 Do you realise that you have just contradicted sworn evidence that you have
16:00:43 10 given in this forum.

11
12 I'll point out to you where.

13
14 In February 2004. You were cross-examined about money you took from
16:00:51 15 Mr. Kennedy

16 A. Yes.

17 Q. 906 Chairman, I can give you the exact day. I think it's 357.

18
19 I'll give you the correct citation tomorrow.

16:01:03 20
21 In any event, at question 462. Which is a question posed by Michael O'Higgins
22 senior counsel.

23
24 Two or three lines there was a discussion about money you had taken from
16:01:11 25 Mr. Kennedy which you hadn't applied in the manner you told him. And
26 Mr. O'Higgins, senior counsel, asked you the following question "but you
27 certainly weren't going to tell him" that's a reference to Mr. Kennedy "you
28 spent it promoting somebody else's interest were you?"

29 A: No I wasn't.

16:01:32 30 Q: You would have sat there and lied through your teeth that's the last thing

16:01:37 1 you were going to tell him.
2 A: Absolutely."
3
4 Now, can you square that testimony from February 2004 with what you've just
16:01:47 5 told us here now.
6 A. You know, you have not in any way, as far as I'm concerned, outlined any logic
7 to the comparison that you're making.
8
9 You asked me a question did I ever spend money other than in the way that I was
16:02:05 10 given it by a developer who knew that I was going to pay councillors.
11 Q. 907 Mr. Kennedy gave you money and you didn't spend it on the councillors?
12 A. I did spend money on the councillors in relation to Mr. Kennedy.
13 Q. 908 Would you like me to read you the quote again?
14
16:02:18 15 CHAIRMAN: Well he said -- the evidence in Carrickmines was that he had paid
16 councillors.
17
18 MR. BURKE: Yes.
19
16:02:25 20 I think the sum that was at issue, Chairman, was a sum of 25,000 pounds. He
21 admitted that he spent that money on another project.
22
23 I'll read his answer again" but you certainly weren't going to tell him you
24 spent it promoting somebody else's interest were you? No I wasn't". There is
16:02:44 25 your admission that you spent Mr. Kennedy's money on somebody else.
26 "Q: You would have sat there and lied through your teeth. That's the last
27 thing you were going to tell him. A: Absolutely."
28
29 So you have admitted that had Mr. Kennedy asked you about money you'd have lied
16:02:58 30 through your teeth.

16:02:59 1
2 Your answer is you would have absolutely.
3
4 So how can you square that with what you're telling us here today?
16:03:05 5 A. As far as I'm concerned, there is absolutely no contradiction in the context of
6 the monies made available to me by various people for the purposes of which I
7 used it. That is in the context of The Development Plan.
8 Q. 909 We'll leave it to the Tribunal to decide on that.
9
16:03:22 10 We'll move on.
11 A. I think that's wise.
12 Q. 910 There was -- I take it that whilst notwithstanding all of the alleged
13 corruption that you have testified about. That you were providing an active
14 legitimate service as a lobbyist. And you certainly were able to persuade some
16:03:48 15 councillors to vote on the merits of the particular zonings?
16 A. Oh, yes they didn't ask for money.
17 Q. 911 Such as in this instance, Anne Devitt's signature was forthcoming; wasn't it?
18 A. Yes.
19 Q. 912 You said by getting her it showed others councillors that there was merit to
16:04:03 20 this particular rezoning.
21 A. Her signature would be of value in the context of other people voting for it,
22 yes.
23 Q. 913 Page 53, please.
24
16:04:10 25 Well page 53 will simply show the support that was there for this rezoning at
26 the end of the day. 49 in favour and 15 against.
27
28 There was an awful lot of support for this motion. You didn't have to pay
29 money out on your account to the vast overwhelming majority of the councillors
16:04:40 30 not to speak of the councillors who vote in the favour of it, isn't that that

- 16:04:46 1 the case, Mr. Dunlop?
- 2 A. That's the end result, Mr. Burke.
- 3 Q. 914 Did you take soundings at all, before the vote to see how this motion was
- 4 likely to fair?
- 16:04:56 5 A. Yes, I would have spoken, to as I indicated to the Ms. Dillon, I would have
- 6 spoken to quite a wide range of councillors, including the ones I alluded to
- 7 when she read out the names.
- 8 Q. 915 And you had a particular reason for that. Aside from particular interest in
- 9 it you would have had the success fee of 10,000 plus VAT riding on it as well;
- 16:05:17 10 isn't that right?
- 11 A. Well the fact that you were associated with it you would try and do the best
- 12 you can to get it zoned.
- 13 Q. 916 Indeed. When, to the best of your recollection, when did you realise that
- 14 this motion was a winner?
- 16:05:32 15 A. Well, you never realise a motion -- or you didn't not realise ever that a
- 16 motion was a winner with Dublin County Council until such time as the
- 17 proverbial song was sung. Because you did not know at any given time what
- 18 might happen on the floor. As it is evidenced in this particular development
- 19 or proposal, there was a motion put forward by some -- by somebody else in
- 16:06:01 20 relation to the lands. So you -- while you would have a fairly good idea of
- 21 what the level of support might be, at any given moment prior to, in the
- 22 immediate lead up to a vote, that didn't necessarily guarantee you until such
- 23 time as the vote was taken.
- 24 Q. 917 Well, after Anne Devitt signed the motion. Did that encourage you to think
- 16:06:25 25 that it might be satisfactory?
- 26 A. Yes. Well, I think I listened with interest to Ms. Dillon's opening statement
- 27 in relation to contact that was made with Ms. Devitt prior to my ever becoming
- 28 involved. But, yes, Ms. Devitt's support of the motion would be, to a large
- 29 extent, responsible for people taking a view on it.
- 16:06:48 30 Q. 918 And her signature was forth coming quite easily too; wasn't it?

- 16:06:52 1 A. Her signature was forth coming. To the best of my recollection and in the
2 circumstances outlined by Ms. Dillon in relation to the concerns that she had,
3 vis a vis the owners of the kennels nearby. But there didn't seem to be major
4 difficulty.
- 16:07:11 5 Q. 919 There didn't seem to be a major difficulty?
6 A. Yes.
7 Q. 920 Therefore, you didn't have to pay money over to the two councillors. Even if
8 they voted against you, because perhaps you had refused to pay them. There
9 still would have been a majority of 47 to 17; isn't that right?
- 16:07:35 10 A. On the figures, yes.
11 Q. 921 So there was no need?
12 A. Numerically correct.
13 Q. 922 There was no need to pay out money for this to be a success. You see from an
14 early stage it was going to be a success?
- 16:07:45 15 A. No, you could not see from an early stage, Mr. Burke, it would be a success.
16 I have already outlined to you the circumstances in which success can or cannot
17 be ascertained. No, monies paid, were paid on foot of requests.
18 Q. 923 I'm not asking you whether there was a request or not. I'm saying normally
19 there was a requirement for the success of this motion.
- 16:08:07 20 A. Whether there is a requirement or not for the success of this motion. That's
21 in a hypothetical scenario being posited by you. I'm telling you what the
22 scenario happens to be on the ground and in relation to the context that I had
23 with the councillors.
24 Q. 924 I'm saying to you throwing money around like that was like burning money in
16:08:28 25 these circumstances. It was unnecessary. You could have kept the money.
26 The motion would have passed easily. You had the support of people like Anne
27 Devitt and others?
28 A. Oh, no, Mr. Burke, you'd want to get off that a parallel universe.
29 Q. 925 You went through, not less than half an hour ago, all of the people that you
16:08:45 30 lobbied. You must have had a good idea which way the wind was blowing.

16:08:50 1 A. As you progress you are quite right. As you progress and as you talk to
2 people about this and other developments, You get a feeling in relation to what
3 might or might not occur. But, until such time as the actual matter is voted
4 on and is passed, and contingent on something happening on the floor, as in
16:09:13 5 this particular instance, you cannot guarantee it. You couldn't possibly say
6 that it was going to be a success.

7 Q. 926 Mr. Dunlop, you appreciate the difficulty that I am in and that my client has
8 passed on?

9 A. Yes.

16:09:25 10 Q. 927 I have to look at figures and try and make deductions and so on and so forth.

11 A. I fully appreciate that, Mr. Burke.

12 Q. 928 Thank you for that understanding.

13

14 Now, in the a last Module, Ballycullen. We saw that you under estimated the
16:09:40 15 amount of money that you received by, I think the figure was 42,000 pounds;
16 isn't that correct?

17 A. Whatever the figure was, yes.

18 Q. 929 And then you had to be recalled at the very end of the Module and two further
19 cheques amounting to 4, 500 pounds were produced.

16:09:53 20

21 MS. DILLON: Just to clarify that, just to be absolutely clear about what
22 happened.

23

24 One sum of 2,500 pounds had been disclosed by Mr. Dunlop and accounted for in
16:10:03 25 the figure. But the actual cheque had not been provided.

26

27 There was a single additional cheque of 2,000 pounds made out to cash which had
28 not been disclosed.

29

16:10:12 30

16:10:12 1
2 MR. BURKE: I'm indebted to Ms. Dillon for that. So the figure we're talking
3 about was an under estimation of 44,000 pounds?
4 A. Whatever the figure is.
16:10:29 5 Q. 930 I see. Now, initially.
6 A. Uh-huh.
7 Q. 931 You had posited in your statement of October of 2000 that you'd got not less
8 than 5,000?
9 A. Correct.
16:10:30 10 Q. 932 3,000 to go out to the councillors on your account?
11 A. Uh-huh.
12 Q. 933 And now we learn 2,000 to Mr. Collins?
13 A. Yes.
14 Q. 934 5,000 in. 5,000 out.
16:10:40 15 A. Yes.
16 Q. 935 Now, there's a pattern developing here, Mr. Hand?
17 A. Dunlop. Mr. Dunlop. Not Mr. Hand.
18 Q. 936 Sorry.
19 A. Mr. Hand is deceased.
16:10:52 20 Q. 937 You're minimizing the amount of money coming in and you're Maximizing the
21 amount of money going out. Do you see that there's a pattern developing
22 there. That's all I'm asking you. Do you see that there's a pattern?
23 A. No. Quite the contrary as it turns out.
24 Q. 938 Well there is a pattern in this Module and a pattern in Ballycullen and maybe
16:11:08 25 there will be more patterns that we'll see further down the road.
26
27 I think this is a damage limitation strategy on your behalf, Mr. Dunlop, to
28 keep back the knowledge from the Revenue Commissioners, the full extent of the
29 money that you are getting in and then spend as much as you can, such as we
16:11:28 30 saw. You said last week or the week before that you paid Jack Larkin, the

16:11:33 1 late Jack Larkin 1,000 pounds in the environs of Dublin County Council and the
2 unfortunate man was in hospital. And that's an impossibility, You had to
3 concede that you were wrong about that. But I say that this fits this pattern.
4 Minimise the money in. Maximise the money out.

16:11:50 5
6 Do you see that pattern?

7 A. Is this a question, Mr. Burke?

8 Q. 939 Yes. Do you see the pattern?

9 A. Well two things I have to just say to you response to that. Monies received
16:11:59 10 by me have been disclosed to the Revenue Commissioners. That's point number
11 one. Two. Documentation supplied by me and my company, by my company and
12 myself to the Tribunal, in the instance that you allude to in the first case
13 amounted to far more than the amount that I said that I received.
14

16:12:25 15 So the documentation internally in the company showed that we were in receipt
16 of far more monies.
17

18 Secondly --

19 Q. 940 This was all after the Tribunal started investigating you.

16:12:34 20 A. If you are going to continually interrupt my flow I will have to reserve the
21 right to interrupt your flow, so the third point I was going to make in
22 relation to this was that I don't have any difficulty whatsoever in relation to
23 the amounts of money received by me personally or by the company in relation to
24 any matter vis a vis The Development Plan in Dublin County Council.

16:13:01 25 Q. 941 Again, Mr. Dunlop, I'll leave the issue on the basis that the Tribunal can
26 assess that for themselves.
27

28 Now, moving on.
29

16:13:12 30 Is it the case that you are sacrificing up small fry and protecting some larger

16:13:18 1 fish? You come here, month in, month out, and you tell us about dead
2 councillors and how much money they got. Is your knowledge of corruption
3 limited to councillors?

4 A. The reason I pause again, Mr. Burke, is that, you know, I just have to jump
16:13:39 5 back into a previous Module. I have heard this so many times before, by you
6 and your Senior, in another instance, in another Module. And the answer quite
7 simply emphatically and irrefutably is no.

8 Q. 942 So you are not aware of any corrupt practices by people outside of Dublin
9 County Council?

16:14:05 10 A. I am not aware. I have no proof. Other than what I am giving evidence to,
11 in relation to the questions that you are asking me about your deceased client,
12 in relation to the Lissenhall lands.

13 Q. 943 Can I have page 175, please.
14

16:14:18 15 Now, this is the private sessions we saw pages 177 and 172 earlier on when you
16 were being asked questions by Ms. Dillon. Page 175 is the last page of that.
17

18 There's a discussion there, I am not going to say anybody's name out. There
19 is a discussion there about tax designations.

16:14:44 20 A. Uh-huh.

21 Q. 944 And all of a sudden there's -- let me remind you. These are the private
22 sessions.

23 A. Oh, I'm quite aware of that.

24 Q. 945 These were sessions that were never meant to be made public.

16:14:54 25 A. Well certainly, I was assured that they weren't. That's neither here nor
26 there. That's a matter for the Tribunal and the High Court.

27 Q. 946 It was the High Court that decided that they should be.

28 A. Yes.

29 Q. 947 And this is a discussion about tax designations. Are you aware of any
16:15:10 30 corruption involving tax designations, Mr. Dunlop?

16:15:15 1 A. Directly, no.

2 Q. 948 Indirectly?

3 A. One doesn't live in an unreal world, Mr. Burke.

4 Q. 949 Well we know you are wise to "the ways of the world", to use your colourful

16:15:28 5 phrase.

6 A. Thank you. That's very gracious of you to use that phrase again.

7 Q. 950 Thank you. Certainly I don't want you to say any names. But what knowledge

8 have you got of corrupt practices, improper practices, wrongful practices,

9 whatever way you want to put it with regard to tax designations?

16:15:48 10 A. I have already said to you I don't have any direct knowledge.

11 Q. 951 Do you see then notwithstanding this was a private session and you believed

12 that they were going to be kept under wraps forever. A brief discussion then

13 took place off the record. What was so sensitive that it had to be off the

14 record? What was that discussion about?

16:16:06 15

16 MS. DILLON: There's no record of that discussion.

17

18 CHAIRMAN: Where's the? He is entitled to ask, what was the discussion.

19 A. I am delighted you brought that to my attention. I can't remember what the

16:16:24 20 brief off-the-record discussions was. I think there were a number of those

21 brief off the record discussions during private sessions.

22

23

24 Q. 952 MR. BURKE: Mr. Dunlop it must have been something particularly sensitive.

16:16:33 25 That you were not prepared to go on the record even in secret sessions. You

26 can't look me in the eye and tell me you don't remember what you discussed.

27 You are talking about tax designations. In a secret session and then you go

28 off the record.

29

16:16:48 30 Did you discuss tax designations off the record?

- 16:16:51 1 A. I cannot recall that for you now as I sit here.
- 2 Q. 953 Fine. You cannot recall?
- 3 A. No.
- 4 Q. 954 Are you going to state expressly that you didn't?
- 16:16:59 5 A. No, I'm not.
- 6 Q. 955 So you might have?
- 7 A. Oh, absolutely.
- 8 Q. 956 You might have, whether it's on this occasion or any other occasion, because
- 9 you have just told us that there were other off-the-record discussions?
- 16:17:10 10 A. Uh-huh. It's conceivable, yes.
- 11 Q. 957 So you are quite happy and you're prepared to spill the beans on the dead
- 12 councillors. Poor Mr. Larkin is in the hospital, couldn't possibly be in the
- 13 environs of Dublin County Council yet you say that they pay him a 1, 000. You
- 14 go off the record protecting the bigger players?
- 16:17:33 15 A. I'm not protecting anybody.
- 16 Q. 958 Who has the power?
- 17 A. I think the evidence that I have given so far in this Tribunal over the course
- 18 of six years, would indicate to any rationale being or a person arriving here
- 19 from Mars, that I wasn't concerned with protecting anybody. Dead or alive.
- 16:17:55 20 Q. 959 Well, then, answer the question. Why go off the record?
- 21 A. You are going to have to ask the people who conducted these interviews. I'm
- 22 not saying to you that definitively that a conversation about tax designation
- 23 did not occur. I am not saying to you definitively that a conversation in
- 24 relation to tax designation did occur. I am saying to you that I personally
- 16:18:20 25 do not have any record of any involvement with a tax designation issue
- 26 directly. I alluded to that earlier on in the beginning of this answer.
- 27 Q. 960 Indirectly you have some knowledge?
- 28 A. As I said, we live in the real world.
- 29 Q. 961 Who has the power to grant tax designations?
- 16:18:40 30 A. The Government. The Minister for Finance in fact.

16:18:43 1 Q. 962 Cabinet members?
2 A. Yes.
3 Q. 963 Are you telling us that you have indirect knowledge of improper tax
4 designations by cabinet Ministers?
16:18:49 5 A. No, I didn't say I have indirect. All I said, like anybody else I could be
6 sitting in any seat in this room and give you the same answer. I could be
7 sitting at the press desk, I could be sitting down with the lawyers I could be
8 sitting in your Chair. And you would be given the same answer, Mr. Burke.
9 Q. 964 Mr. Dunlop, if I could put you at ease for a moment and address the Tribunal.
16:19:12 10
11 Mr. Chairman, will it be possible to find out what discussions took place off
12 the record in light of the decision in the O'Callaghan case, the High Court
13 decision? It does seem that the same principles would apply.
14
16:19:25 15 CHAIRMAN: It would apply, if I could just answer that, if there was a record.
16 As far as I'm aware, there is no record of what's off the record.
17
18 In fairness to Mr. Dunlop. It doesn't state there that he sought that
19 whatever they were talking about.
16:19:40 20
21 MR. BURKE: I asked him five or six times. That was at the back of my mind.
22 I put it to him, I put it to him and he didn't once say what you said. I'm
23 reading from that that he was complicit in that going off the record.
24
16:19:52 25 CHAIRMAN: He may be. It's unfair to suggest that he asked that whatever was
26 being discussed should go off the record.
27
28 MR BURKE: Again, in light of the O'Callaghan decision. There must be someone
29 somewhere in the Tribunal.
16:20:08 30

16:20:08 1 CHAIRMAN: The O'Callaghan decision refers to documented records of either
2 statements or discussions with witnesses. So --
3
4

16:20:33 5
6 MR. BURKE: Could one be brought into being. The people who were party to
7 this discussion could sit down tonight or tomorrow and they could give their
8 recollection of what was said. And they could be distributed to us. And
9 then, I can further cross-examine Mr. Dunlop on this.

16:20:41 10
11 CHAIRMAN: Well, there is no record of what we're aware of. So it would be
12 difficult I would imagine at this remove to discover it. If Mr. Dunlop
13 himself can't remember what was being discussed, it's unlikely that anybody
14 else can.

16:20:56 15
16 MR. BURKE: Well, could that be put to the test, Mr. Chairman?
17

18 CHAIRMAN: Well, we can see if anything can be found. But I don't know. I
19 don't hold out much hope.

16:21:07 20
21 MS. DILLON: Sorry, if I could just address that.
22
23 If there was any record it would already have been included in the white
24 folder, now as My Friend is well aware. He has all the prior statements of
16:21:19 25 Mr. Dunlop. Including a full and complete record of everything that
26 transpired in the private interviews in accordance with O'Callaghan.
27
28 Had there been any discussion recorded with the off the record matter which
29 recorded what Mr. Dunlop had said off the record, whether it was a note taken
16:21:32 30 by the Tribunal or a stenographic record he would have it.

16:21:35 1
2 There is none such.
3
4 MR BURKE: I accept that.

16:21:38 5
6 CHAIRMAN: Mr. Burke is asking is there any way of finding out from those who
7 participated in the discussion as to what was discussed when it went off the
8 record. We could certainly make that inquiry. But we won't have it by
9 tomorrow, I would imagine.

16:21:53 10
11 MR. BURKE: Well in its own good time.
12
13 CHAIRMAN: I think we'll just leave it there. you are clearly not going to
14 finish today.

16:22:01 15
16 MR. BURKE: I have only one or two questions, I could finish them.
17
18 CHAIRMAN: All right.
19

16:22:06 20 MR. BURKE: Thank you, Mr. Chairman.
21

22 Q. 965 Now on the 3rd of March wrote to my solicitor Mr. Matthews here on my left.
23 Stating that they were writing to your solicitors seeking further information
24 as to the date or approximate date, of the payment, that's the alleged payment
16:22:20 25 to Mr. Hand. So that when such information is received it would be furnished
26 to you at that stage.
27 Now, that was on the 3rd of March. And your statement is on the 21st of
28 March.
29

16:22:32 30 Did you get a letter, I presume you did, asking for the approximate or timing

16:22:40 1 of the payment?

2 A. I'm sure we did, yes

3 Q. 966 Why didn't you put it on page four of your statement. I'll read out what you

4 said. "Councillor Tom Hand agreed to support the motion for the payment of 1,

16:22:51 5 000 which he received and he duly supported the moment when it came before a

6 special meeting of Dublin County Council". There is no time, date or location?

7 A. No.

8 Q. 967 So you don't have a recollection of the time, date or location?

9 A. The actual time, date or location, no.

16:23:04 10 Q. 968 We have seen phone records. We have seen diary and there are references to

11 Tom, to Tom Hand, to other Toms. But you don't have any, in your head, memory

12 of a time, date, or location of giving him that 1,000 in this matter; isn't

13 that the position?

14 A. For the avoidance of doubt, Mr. Burke. Just in case there is miss --

16:23:28 15 misinterpretation here. The reference to other Toms in my diary. The vast

16 majority of the Toms in my diary relate to the, to your client. To the estate

17 of your client. --

18 Q. 969 They are not exclusively referring to him. There are other Toms --

19 A. Yes, but the vast majority is the phrase I used, of the Toms in my diary and

16:23:53 20 it's patently obvious that it is your client, the estate of your client we're

21 concerned with. And as to the second part of your question, no.

22 Q. 970 In any event, you can't give us the precise, time, date and location?

23 A. Correct.

24 Q. 971 Do you still maintain that you don't keep a little black book, didn't keep a

16:24:12 25 little black book?

26 A. I'm delighted you asked me this question. I was waiting for somebody to ask

27 me this question --If I had a little black book I would have very early on

28 submitted it to this Tribunal. And neither you nor I, nor the three eminent

29 Judges nor anybody else would be sitting here today. The matter would be

16:24:35 30 done, dusted and concluded.

16:24:38 1 Q. 972 Unless, Mr. Dunlop, the little black book contains the names of people you wish
2 to protect and/or it contains the real amounts of money which you were
3 receiving from these people, which you are trying to hide from the Revenue
4 Commissioners.

16:24:53 5 A. Well, Mr. Burke, can I just say to you. Just for ease of the job that you
6 have to do, which I fully recognise. And for ongoing good relations between
7 all of us, including yourself and myself. I can absolutely assure you that
8 there is no such black book. Or a book of any other colour, either.

9 Q. 973 Thank you very much, Mr. Dunlop. Thank you, Chairman, forgiving an extension
10 of time.

11
12 CHAIRMAN: Are we sitting tomorrow at ten?

13
14 MS. DILLON: We have one witness listed for ten o'clock who has to be taken at
15 ten o'clock. It's anticipated that he will be finished by a quarter past ten.
16 A very short witness.

17
18 CHAIRMAN: If we say not before a quarter past ten for Mr. Dunlop.

19
20 MS. DILLON: And ten o'clock for the other witness, yes.

21
22 I'm obliged

23
24 CHAIRMAN: Very well.

16:26:15 25
26 **THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,**
27 **FRIDAY, 24TH MARCH, 2006, AT 10:00 A.M.**

28
29
30