

10:25:08 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON THURSDAY,**

2 **14TH DECEMBER, 2006, AT 10.30 A.M.:**

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10:25:08 5 CHAIRMAN: Good morning, Mr. O'Neill. We apologise for the late start. It
6 was due to a problem that arose that had to be dealt with. Very well.

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9 MR. O'NEILL: The matter listed is the cross-examination of Mr. Frank Dunlop.

10:46:32 10
11 But in advance of his cross-examination, it's my intention to briefly deal with
12 the information which was considered by the Tribunal subsequent to his having
13 completed his evidence in direct. Namely, the payment of 1,200 pounds. And
14 the indication from Mr. Liam Lawlor that this found itself lodged to the
10:46:55 15 account of Mrs. Lawlor.

16
17 CHAIRMAN: All right.

18
19 MR. O'NEILL: I've indicated this to Mr. Gordon, who has no objection to my
10:47:08 20 interruption of this matter.

21
22 CHAIRMAN: All right.

23
24 MR. O'NEILL: Mr. Dunlop, please.

10:47:11 25
26 **MR. FRANK DUNLOP, PREVIOUSLY SWORN, WAS QUESTIONED BY**

27 **MR. O'NEILL AS FOLLOWS:**

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10:47:11 30 CHAIRMAN: Good morning Mr. Dunlop

10:47:20 1 A. Good morning, Chairman, good morning, Members of the Tribunal.
2 MR. O'NEILL: Good morning, Mr. Dunlop.
3 A. Mr. O'Neill.
4 Q. 1 Following upon the completion of your evidence in direct, Mr. Dunlop. The
10:47:34 5 Tribunal has focused upon references made to a payment which was invoiced from
6 you to Mr. Brendan Hickey. At City West Limited on the 4th of January 1994.
7 And I think that documentation was circulated to you?
8 A. Yes, yes.
9 Q. 2 And you've had the opportunity of considering it over the past number of days.
10:47:57 10
11 And if we look on screen at page 2497.
12
13 We'll see a copy of your invoice. No. 2497, please.
14
10:48:07 15 I think this document is familiar to you, Mr. Dunlop, is that right?
16 A. Yes, that's correct, yes.
17 Q. 3 And the only additions on it that were not your own are the reference at the
18 end to it being paid by cheque No. 121. And you may be aware that the evidence
19 of Mr. Hickey has been that that was a payment made by him in respect of this
10:48:37 20 invoice. Now, do you have any recollection of the circumstances in which this
21 invoice came to be generated?
22 A. No, I don't.
23 Q. 4 No?
24 A. And I think I've -- I think I indicated that to you previously.
10:48:49 25 Q. 5 All right. You had indicated, I think, in your direct evidence that insofar as
26 you billed for any work for City West, that was in relation to work done in
27 1991?
28 A. Yes.
29 Q. 6 And with one exception. And that was the work which you did in advance of the
10:49:10 30 opening of the bridge over the Naas Road?

- 10:49:12 1 A. Correct.
- 2 Q. 7 Which was billed for separately and which we've already considered in the
3 documentation, is that right?
- 4 A. That is correct, yes.
- 10:49:19 5 Q. 8 Now, this document here, as you know, as you can see from its face, is
6 generated on the 4th of January 1994. It doesn't particularly set out the time
7 during which the service was provided. But it is, it has a narrative saying
8 "to media training costs re City West Developments". Have you any memory of
9 having ever having performed a service of media training in and around 1994
10:49:49 10 which led to the generation of this invoice?
- 11 A. No, I never provided media training services to anybody from City West.
- 12 Q. 9 Okay. Well, can you indicate why it was then that this particular invoice was
13 generated. I think you accept it as being an invoice?
- 14 A. Oh, yes.
- 10:50:03 15 Q. 10 From Frank Dunlop?
- 16 A. Yes.
- 17 Q. 11 And I think you may also accept. I'm putting it to you. That this is not a
18 payment which went through your books?
- 19 A. No.
- 10:50:11 20 Q. 12 It cannot be found within the books of account of Frank Dunlop & Associates at
21 this time?
- 22 A. That is correct.
- 23 Q. 13 Right. Well perhaps you might explain then how this invoice came to be
24 generated?
- 10:50:23 25 A. Well, how it came to be generated. I obviously generated it. What the actual
26 reason for the generation is, other than the nonsense wording as we agreed it
27 was on the last day. I have absolutely no idea why it was generated. In the
28 circumstances of the particular date. And unless somebody can other wise
29 indicate to me that there was a specific undertaking by me for City West in
10:50:57 30 relation to a fee generating exercise, I have no idea. And I'm just looking

10:51:04 1 for the document. My own statement in relation to this matter. Yes, I have
2 it. All I've said in relation to it is that it is an invoice raised in
3 relation to lands at City West. That is all I have any recollection of. I
4 don't have any recollection of raising it for a specific purpose.

10:51:22 5 Q. 14 If the position is, Mr. Dunlop, as you have stated now that, firstly, you never
6 provided training services to City West?
7 A. That is correct.

8 Q. 15 And if it is the case that you have no recollection of billing for any service
9 to City West after the 1993 bridge invoice?

10:51:42 10 A. Yes.

11 Q. 16 It would appear to follow from that, that this is what I might term a bogus
12 invoice, insofar as it does not reflect any actual service provided by you to
13 City West at the time?
14 A. Yes. Well, I would slightly resile from the word "bogus". Obviously, there
15 was an agreement between the addressee and myself as to the provision of an
16 invoice for some purpose. The amount being 1,200 pounds. There's no VAT
17 attached. What that purpose was, at this remove, I have no idea or
18 recollection.

10:52:04 19 Q. 17 I know that you resile somewhat from agreeing with my description of it as
20 bogus. But if in fact it is outlining or claiming that a particular service
21 was provided when you know in fact that no such service was provided, it
22 follows as a matter of course that this document is bogus?

23 A. It is bogus in the sense that other than the agreement between the addressee
24 and myself that I would provide an invoice on agreement that an amount would be
10:52:53 25 paid. Obviously, the invoice would not have been submitted to Mr. Hickey
26 unless there had been an agreement between him and me.

27 Q. 18 Uh-huh um,?

28 A. On the provision of an invoice as to payment. What that agreement was or what
29 the genesis of the amount or the generation of the invoice, I really -- while I
10:53:15 30 would like to. I really genuinely have no recollection of it.

10:53:19 1 Q. 19 I appreciate that you've no recollection of it. But it follows from your
2 evidence that since you did not provide any media training facilities to the
3 person to whom the invoice is directed?
4 A. Yes.

10:53:32 5 Q. 20 It means that what is shown on the face of the document is not the reality of
6 your demand for payment, isn't that right?
7 A. Correct.

8 Q. 21 And therefore, there is some unexplained, as of yet, reason why it is that an
9 actual exchange of funds took place which was reflected in a document which is
10 not an accurate document?
11 A. Correct.

12 Q. 22 Isn't that so?
13 A. That is correct, yes.

14 Q. 23 Fine. And obviously, whatever the legitimate purpose of this exchange of funds
15 was, it is not reflected in this document?
16 A. Certainly not reflected in the document. Certainly not.

17 Q. 24 So that there must have been some reason to conceal the true purpose of the
18 payment and to reflect it in a manner other than the reality, isn't that so?
19 A. I would accept that, yes.

10:54:23 20 Q. 25 Okay?
21 A. Because otherwise that wording would not have been used.

22 Q. 26 Well, if we move through the other documents which were circulated to you then.
23 And these, of course, are not your own documents but those generated by
24 Mr. Liam Lawlor in his dealings with the Tribunal?
10:54:37 25 A. Yes.

26 Q. 27 We might look first at document 3064.
27
28 Which is a document generated by Mr. Lawlor. At the top he has Liam Lawlor
29 1994
10:54:48 30 A. Uh-huh.

10:54:49 1 Q. 28 Response to queried lodgements over 1,000 pounds. The explanation for that is
2 that the Tribunal requested him to provide details in respect of a series of
3 payments which were evident in his accounts and those with which he was
4 connected and for which no explanation had been provided to that time.

10:55:07 5
6 He itemises a particular expenditure here in the sum of 1,200 pounds into AIB.
7 He identifies the source as Brendan Hickey and he goes on then to put out a
8 narrative that it's copy of written notes on lodgements arising from fundraiser
9 and he refers to disc B 1.42. That, by way of explanation, is that the
10:55:34 10 documentation which was provided to the Tribunal was supplied on disc,
11 discovery. And in it, it contained the next document I'd ask you to look at.

12
13 Which is at page 3065.

14
10:55:48 15 And the -- 3065, the very last item of that. You'll see is Brendan Hickey via
16 FD 1,200 pounds lodged AIB. It's the 12th of January of 1994. And for
17 completeness then.

18
19 Document 3063.

10:56:10 20
21 Is the bank account at AIB, which is the bank account of Mrs. Hazel Lawlor, the
22 widow of Mr. Lawlor. And it is in respect of the period January 1994. And we
23 see the entry is for the 12th of January as reflecting a lodgement on that day
24 of 1,200 pounds.

10:56:32 25
26 And I take it that you have no recollection of paying any other sum of 1,200
27 pounds to Mr. Lawlor which he could refer to as being a Brendan Hickey payment
28 save the one that is reflected in the documents which we have just considered,
29 isn't that right

10:56:55 30 A. Correct.

- 10:56:55 1 Q. 29 Is it your evidence that this 1,200 pounds cheque, which was paid to you on
2 foot of this invoice, found itself with Mr. Lawlor?
- 3 A. Yes. Just for background, Mr. O'Neill. I don't recollect giving an endorsed
4 or otherwise cheque to Mr. Lawlor. I have had engagements with Mr. Lawlor in a
10:57:24 5 variety of formats, I think we have visited some of them and I'm sure we'll
6 visit more of them again. But the likelihood is, given the circumstances in
7 which the documents highlight, not only the dates in relation to the drawing
8 down of the invoice and the payment and the lodgement. It is quite likely that
9 I gave that cheque to Mr. Lawlor.
- 10:57:52 10
- 11 Now, as I've said to you, I have no recollection of the circumstances in which
12 the invoice from me to Mr. Hickey was drawn down. And I certainly do not
13 recall ever asking either Mr. Hickey or any of his partners, for any sum of
14 money, either by cheque or otherwise, for payment to Mr. Lawlor.
- 10:58:14 15
- 16 So the payment was made to me by cheque. Whether I endorsed it or not, I
17 cannot tell you. I'm sure that can be discovered if necessary by the Tribunal.
18 But the likelihood is that the circumstances that you have outlined are
19 correct. That that cheque found it's way into Mrs. Hazel Lawlor's account via
10:58:39 20 Mr. Lawlor
- 21 Q. 30 Now, obviously, you wouldn't have volunteered a payment to Mr. Lawlor?
- 22 A. No.
- 23 Q. 31 Unless there had been a request or demands made of you?
- 24 A. Yes.
- 10:58:48 25 Q. 32 Right. And does it follow that the Tribunal can conclude that Mr. Liam Lawlor
26 did in fact ask you in January 1994 to provide him with 1,200 pounds?
- 27 A. He may well not have asked me to provide him with 1,200 pounds. He may well
28 have asked me, as he did on many occasions, I think I've given evidence to that
29 effect. For money and I may well have given him that cheque in -- on foot of
10:59:18 30 his request for money.

10:59:18 1 Q. 33 Uh-huh. Well, is it more likely Mr. Lawlor. I'm sorry, Mr. Dunlop. That you
2 went to Mr. Hickey to seek this money in the knowledge that it was not going to
3 be lodged to your own legitimate accounts but that it was going to be passed on
4 to Mr. Lawlor?

10:59:39 5 A. I would, in assistance to the Tribunal. I would doubt that. I will take
6 seriatum. I will take the circumstances again. It is obvious from the
7 invoice, as you outlined, that the wording on the invoice is a nonsense.
8 Therefore, it does not reflect whatever the true position was in relation to
9 the generation of the invoice. But I have absolutely and I -- I think I can
11:00:12 10 say with the greatest conviction that I never went to Mr. Hickey or any other
11 person connected with Mr. Hickey specifically looking for money for
12 transmission to Mr. Lawlor. However, the question you did ask me was a little
13 more subtle. That is, is it possible that I went to Mr. Hickey looking for
14 money in the knowledge that I knew that Mr. Lawlor might ask me for money.
11:00:39 15 That is possible.

16 Q. 34 Well certainly at its lowest level, it would be a coincidence and a
17 considerable coincidence that at the time that Mr. Lawlor is looking for money?

18 A. Yes.

19 Q. 35 From you. That you equally are looking for money from Mr. Hickey for a purpose
11:00:58 20 that you cannot recollect at this point in time. But which was a purpose which
21 was intended to be concealed, effectively?

22 A. Yes.

23 Q. 36 As regards the reality of that situation?

24 A. Yes, that is correct.

11:01:09 25 Q. 37 Isn't that right?

26 A. Yes.

27 Q. 38 And if we advance that somewhat to where the probabilities are. Could I
28 suggest to you that it is more probable than improbable that you made this
29 particular request for monies in the knowledge that it was to be transmitted
11:01:27 30 onward to Mr. Lawlor?

11:01:28 1 A. In the broad perspective of my relationship with Mr. Lawlor. I would not say
2 that that was a probability, Mr. O'Neill. I think I did indicate on a number
3 of occasions and I do so again now. That Mr. Lawlor was a frequent visitor to
4 my office, particularly on Thursdays and Fridays. With a specific remit in
11:01:53 5 mind. And that was the collection of money. Where I got that money, where I
6 sourced that money, from what accounts I withdrew it or whether or not I had
7 money in other forms in my possession, including a cheque from Brendan Hickey.
8 That is a likely explanation. But I have to say to you quite definitively that
9 I never asked Mr. Hickey. I never prepared an invoice for Mr. Hickey for
11:02:29 10 money, for transmission to Mr. Lawlor. I never spoke of such a matter to
11 Mr. Hickey. It is unlikely that I would have made an invoice for that odd
12 amount, it's a slightly odd amount. It's 1,200 pounds. It's not 1,000 or
13 2,000 it's 1,200. And the likely explanation I would suggest, without being
14 absolute about it. The likely explanation is that Mr. Lawlor called looking
11:03:01 15 for money and I had this cheque available and I endorsed it and gave it to him.
16 Q. 39 Without identifying Mr. Lawlor as the politician involved. Is it possible that
17 you went to Davy Hickey Properties and said look, my stash of cash, confluence
18 of funds, whatever it might be called, is deplete and I'm getting requests for
19 more money in order to keep my commitments or my status with these people
11:03:32 20 going. I need an advance of funds. Give me 1,200. I'll give you whatever
21 invoice you want in respect of it?
22 A. No.
23 Q. 40 No?
24 A. No. Because simpliciter, if I was short of cash I don't think I'd be going to
11:03:49 25 Brendan Hickey or Davy Hickey Properties looking for 1,200 pounds. I might be
26 going to them, if those circumstances obtained, I might be going to them
27 looking for other money. That never occurred.
28 Q. 41 How can you discount that as a possible scenario leading to this payment given
29 that you accept that it was a payment which was not going to be put through the
11:04:10 30 books?

11:04:10 1 A. Uh-huh.

2 Q. 42 That's the first thing. You accept that it's a payment that was going to be
3 reflected by an invoice which I have called bogus. I'm not sure if you
4 seriously contest that that is what it was. We'll call it any name you want.

11:04:24 5 But it's not a legitimate invoice, isn't that right?

6 A. It's just a sobriquet.

7 Q. 43 It was generate in a way where it was intended that the donor of the funds
8 could stand behind this document as being a legitimate heading of expense at a
9 time when you knew, and I suggest he must have known, that it was not so. Now,
11:04:46 10 in that scenario, is there any aspect of that that you disagree with as being
11 the circumstances in which this document came to be generated, firstly?

12 A. No. Because I have said to you, Mr. O'Neill. I've no recollection of the
13 circumstances in which it was generated.

14 Q. 44 Uh-huh?

11:05:03 15 A. Or any discussion that I had with Brendan Hickey in relation to a payment. I
16 have said that the invoice is, as you outlined. It would not have been drawn
17 down. You are quite correct, were it not for the fact that a discussion must
18 have taken place in relation to the payment. I mean, I wasn't in the business
19 of rushing around to Brendan Hickey with an invoice saying pay me this. So
11:05:34 20 there must have been a discussion leading to it. I don't have any recollection
21 of it. I don't mean to be in any way dismissive or treat the matter as in any
22 way insubstantial. But it is a small amount of money in the circumstances of
23 the amounts of money that we have been talking about. But I am of the view. I
24 know you will probably push me a little harder than that. But, I mean, I am
11:06:08 25 of the view that the circumstances that probably obtained in relation to this
26 payment is that Liam Lawlor arrived in my office looking for money. And that
27 in a facilitation, notwithstanding how the invoice was generated or the
28 purposes of it. That in a facilitation of him, I gave him the cheque.

29 Q. 45 In relation to your dealings, which had extended back some years with Davy
11:06:31 30 Hickey Properties. Could I suggest to you that the only circumstance in which

11:06:36 1 you had not accounted to them for payments, legitimately, was in circumstances
2 where you had paid that money to politicians?

3 A. Yes, that is true.

4 Q. 46 Yes. And is there any reason to believe that this document does not reflect a
11:06:54 5 similar type of transaction, namely, a payment to a politician?

6 A. I can accept the logic of that argument but in the circumstances that I've
7 outlined to you, I'm adamant that I have never had a discussion with either
8 Brendan Hickey or an associate of his in relation to the monies to be asked for
9 and received for payment to a politician.

11:07:25 10 Q. 47 And whilst you are so adamant. Equally, you are adamant in the situation that
11 you're not in a position to advance any explanation whatsoever?

12 A. Correct, yes.

13 Q. 48 As an alternative or otherwise?

14 A. Yes. Other than saying to you, Mr. O'Neill. And I think I have by, both by
11:07:40 15 demeanour and co-operation, if for one second I believed that I had had such an
16 arrangement with Mr. Hickey or an associate of his for that specific purpose I
17 would not hesitate to say so. But I have no recollection of ever having done
18 so.

19 Q. 49 Thank you Mr. Dunlop.

11:08:08 20 A. Thanks, Mr. O'Neill.

21

22 CHAIRMAN: Mr. Gordon?

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THE WITNESS WAS QUESTIONED BY MR. GORDON AS FOLLOWS:

- 11:08:11 1
- 2
- 3 Q. 50 MR. GORDON: Mr. Dunlop, if I can immediately deal with this issue that
- 4 Mr. O'Neill has brought up this morning.
- 11:08:19 5
- 6 As I understand it, and I take it that it's your understanding Mr. Dunlop,
- 7 we're here dealing with what is defined by the Tribunal as the Baldoyle Module?
- 8 A. Correct.
- 9 Q. 51 And as I understand that, it involves an investigation by the Tribunal into the
- 11:08:35 10 circumstances surrounding the application for the rezoning of the Baldoyle
- 11 lands in the spring and early summer of 1993?
- 12 A. Correct, yes.
- 13 Q. 52 I think it is Mr. O'Neill's case, as well as yours, that Davy Hickey Properties
- 14 had no interest whatsoever in Baldoyle. However tenuous, as of May of 1993, at
- 11:09:08 15 the latest?
- 16 A. No, I don't think I could accept that, Mr. Gordon. I have outlined the genesis
- 17 of my arrangement and my relationship with the Davy Hickey Properties personnel
- 18 in relation to the Baldoyle lands. And the ongoing, the ongoing contact,
- 19 including contact in relation to the story in the Irish Independent on the
- 11:09:42 20 morning of the.
- 21 Q. 53 Yes. That was on the 27th of April?
- 22 A. Yes.
- 23 Q. 54 And as I understand your evidence, your evidence was and obviously there's
- 24 disagreement between us on this. But I don't need to go into that. Your
- 11:09:54 25 evidence and it's the case as put by Mr. O'Neill, that Davy Hickey, if you
- 26 like, lost interest in the project around that time. And you put it as
- 27 extending from the 27th of April into maybe the first or second week in May
- 28 after the Greencore scandal had broken?
- 29 A. Yes. Well two things about that question, Mr. Gordon. One is let me take the
- 11:10:14 30 latter part first. In relation to the Greencore scandal. I have no

11:10:18 1 recollection whatsoever.

2 Q. 55 I understand that?

3 A. Of that being an issue.

4 Q. 56 I understand?

11:10:22 5 A. And I think it is.

6 Q. 57 I think that's put to you?

7 A. I think it's a cul-de-sac.

8 Q. 58 Yes?

9 A. Arising out of something that was made by a person who can't now account for

11:10:33 10 himself, that's Mr. Lawlor. But notwithstanding that. My evidence has been

11 that I had a relationship with the personnel of Davy Hickey. They negotiated

12 the option. They paid for various fundings. The verbal arrangement that I had

13 with them. The oral contract or arrangement that I had with them was on the

14 basis that if this land was rezoned that they would become directly involved.

11:10:59 15 Q. 59 Yes?

16 A. To that point neither of the personnel involved in Davy Hickey Properties took

17 any action, public action in relation to the project.

18 Q. 60 Yes.

19 A. They attended no meetings, they made no presentations. They met no officials,

11:11:18 20 they met no councillors or politicians in relation to this. So when the story

21 of the -- of April 1993 broke in relation to the vote that day, I had contact

22 with one or other of the personnel for a number of -- I was going to say a

23 number of days. But for some time after that I was aware that an apology was

24 being sought.

11:11:50 25 Q. 61 Yes. It was published on the 30th of April, isn't that correct?

26 A. That's correct, yes.

27 Q. 62 I think not wishing to cut you short Mr. Dunlop?

28 A. Yes.

29 Q. 63 It is Mr. O'Neill's case. And I understood it effectively to be yours, at

11:12:02 30 least to some level. That as of around that time in 1993?

- 11:12:06 1 A. Uh-huh.
- 2 Q. 64 Davy Hickey, for whatever reason?
- 3 A. Yes.
- 4 Q. 65 Had indicated that they didn't want to be involved in this any more?
- 11:12:14 5 A. Correct, yes.
- 6 Q. 66 Okay. That's as much as I wanted to establish?
- 7 A. Yeah, well I think that was common cause.
- 8 Q. 67 Yes?
- 9 A. I mean, whether it was the story in the Irish Independent.
- 11:12:26 10 Q. 68 Yes?
- 11 A. And obviously without being disingenuous, I have read the evidence of both
- 12 Mr. Hickey and Mr. Shubotham.
- 13 Q. 69 Yes?
- 14 A. And whether or not Mr. Hickey ever believed that this was a substantive project
- 11:12:52 15 or otherwise, nonetheless, the contact was as I have outlined.
- 16 Q. 70 Yes. I understand. But what I really want to, I suppose, address with you,
- 17 Mr. Dunlop. Is this cheque which Mr. O'Neill has somewhat belatedly sought to
- 18 bring into the equation, shall we say, is a cheque written in January of 1994.
- 19 I would suggest to you, clearly, it is entirely unconnected with Baldoyle,
- 11:13:13 20 whatever else is connected?
- 21 A. Yes. As I said to Mr. O'Neill, would that I was able to say to you
- 22 definitively that it was or was not. I'm not. Which is something of, I know
- 23 it sounds a bit trite now that it's only 1,200 pounds. But, I mean, 1,200 was
- 24 quite a substantial amount of money in 1994, even then. But the payment in
- 11:13:37 25 relation to Baldoyle, I have outlined.
- 26 Q. 71 I understand?
- 27 A. I do not recollect ever having a conversation with Brendan Hickey.
- 28 Q. 72 Yes?
- 29 A. In relation to the payment of 1,200 pounds for Baldoyle.
- 11:13:48 30 Q. 73 Of course.

11:13:49 1 A. And in my statement I referred to City West.

2 Q. 74 Yes?

3 A. And in the invoice itself. Notwithstanding the verbiage that's used in the body

4 of the invoice relates to City West.

11:14:04 5 Q. 75 Yes. Well, I simply wish to observe and I think you agree with me. That as of

6 January 1994 the rezoning application for Baldoyle had failed some six months

7 earlier?

8 A. That's correct.

9 Q. 76 Now, if I can also ask you to look at the invoice itself, Mr. Dunlop, for a

11:14:27 10 moment.

11

12 I'm not sure what number it is on the screen.

13

14 MR. O'NEILL: 2497.

11:14:35 15

16

17 MR. GORDON: That's an invoice which is made out on the notepaper of Frank

18 Dunlop & Associates

19 A. Correct.

11:14:41 20 Q. 77 That is what I might describe as your main trading company, shall we say?

21 A. I didn't.

22 Q. 78 Addressed to Mr. Hickey in City West limited. And the language on the invoice

23 is to media training costs re City West Developments.

24

11:14:54 25 Now, you've indicated earlier that you say that that's nonsense language. I

26 think you were referring primarily to language and invoices which you addressed

27 last week, isn't that so?

28 A. Yes.

29 Q. 79 The language in this invoice is not the same as the language in the other

11:15:09 30 invoices, isn't that right?

- 11:15:10 1 A. That is right, yes.
- 2 Q. 80 If I can just ask you to turn for instance, to invoice 1764. Which is one of
- 3 the invoices we were talking about last week. That's an invoice on the
- 4 notepaper of Shefran Limited, isn't that so?
- 11:15:24 5 A. Correct.
- 6 Q. 81 And that uses the following language. To refresher facilities vis-a-vis
- 7 professional, strategic communications and education. That's the language
- 8 which you described as nonsense?
- 9 A. Correct, yes.
- 11:15:34 10 Q. 82 Now, the language on this invoice of January 1994 is quite different. Because
- 11 it says to media training costs re City West Developments. That's a much more
- 12 specific designation, isn't it?
- 13 A. Yes, it is, yes.
- 14 Q. 83 And you've heard or you've read of course the evidence of Mr. Hickey to the
- 11:15:52 15 effect that his recollection is that around that time there was a major
- 16 presentation to I think the Xylex corporation which is ultimately became one of
- 17 the anchor tenants in City West?
- 18 A. Xylex.
- 19 Q. 84 You remember that company?
- 11:16:09 20 A. I remember one of the companies that was going to go into the business park.
- 21 Q. 85 And it ultimately did?
- 22 A. It yes and it's still there.
- 23 Q. 86 You agree that it went in as one of the anchor tenants?
- 24 A. Yes.
- 11:16:21 25 Q. 87 And I take it that everybody involved in this particular project, including
- 26 yourself, was very excited at the prospect of Xylex coming in?
- 27 A. Oh, absolutely, yes.
- 28 Q. 88 And Mr. Hickey has said that it was very important that a thoroughly
- 29 professional presentation was made to Xylex and that you were involved in
- 11:16:41 30 assisting them in preparing for that presentation. Is that possible?

- 11:16:44 1 A. I have read Mr. Hickey's evidence, obviously Mr. Gordon.
- 2 Q. 89 Yes?
- 3 A. I have absolutely no recollection of ever giving a presentation or being
- 4 involved in a presentation or training anybody for a presentation to Xylex. I
- 11:16:59 5 do know and I did know because of conversations that I had with Brendan.
- 6 Q. 90 Yes?
- 7 A. With Mr. Hickey.
- 8 Q. 91 Yes?
- 9 A. On the basis that you have outlined in the circumstances, that you have
- 11:17:09 10 outlined about the exciting prospect that there would be a major American
- 11 company coming in to the business park as an anchor tenant. But I have no
- 12 recollection whatsoever in relation to the circumstances that Brendan outlined.
- 13 Now, can I just for completeness, say to you. You may well be going to ask me
- 14 this any way. But if that were the case and I had been involved, yes, I could
- 11:17:46 15 understand how that invoice would have been generated. I'm not absolutely
- 16 certain whether or not the sobriquet of educational facilities would apply.
- 17 The reason I explained that that was used in the Shefran invoices was because
- 18 educational training or facility didn't attract VAT. But I just have to say to
- 19 you that I cannot discount Mr. Hickey's recollection.
- 11:18:15 20 Q. 92 Yes?
- 21 A. He is quite entitled to say that that is his recollection. Certainly I have no
- 22 recollection of. I have no recollection of ever being involved in a
- 23 presentation for Davy Hickey Properties with any company.
- 24 Q. 93 But I think in general, if we can just leave aside Xylex for the moment, Mr.
- 11:18:36 25 Dunlop?
- 26 A. Yeah.
- 27 Q. 94 Assisting people in preparing for presentations of this type would be the kind
- 28 of thing or one of the things that you would actually do as part of your job?
- 29 A. Oh, yes I often did it.
- 11:18:46 30 Q. 95 Yes?

- 11:18:47 1 A. Yes.
- 2 Q. 96 So providing assistance and advice on how to make a presentation is the kind of
3 thing that somebody like Mr. Hickey might look to you for?
- 4 A. If that is conceivable.
- 11:18:58 5 Q. 97 Yes. And undoubtedly I would suggest to you, it is advice that you gave not
6 just in the context perhaps of Xylex but generally throughout the City West
7 project?
- 8 A. Well I --
- 9 Q. 98 There were many presentations, weren't there?
- 11:19:16 10 A. Yes. And I -- there were many -- well let's define presentation in the
11 presentation. I presented to elected representatives in relation to City West.
12 There were no physical attributes to that presentation. There was no slide
13 show, there was no documentation. I introduced Mr. Hickey and Mr. Shubotham to
14 individual politicians in relation to it. I have no recollection of ever
11:19:41 15 attending or being part of a presentation to a prospective anchor tenant.
- 16 Q. 99 I see?
- 17 A. Or an individual company.
- 18 Q. 100 Do you remember US Medical?
- 19 A. US Medical. It's either US Medical or another name on the company, I can't
11:19:59 20 remember the name.
- 21 Q. 101 I beg your pardon. US Surgical?
- 22 A. I knew it was ...
- 23 Q. 102 Yes, yes.
- 24 A. I organised a meeting for US Surgical. I think with the Taoiseach of the day.
- 11:20:11 25 Q. 103 Yes?
- 26 A. At the request of either Brendan Hickey or David Shubotham, I can't absolutely
27 recollect which.
- 28 Q. 104 I think you were in contact with senior personnel in the IDA about that?
- 29 A. Yes, yes.
- 11:20:23 30 Q. 105 In 1992?

11:20:24 1 A. Yes. But I've never, in relation to a presentation, which is why I was anxious
2 for you to define presentation. I don't recollect ever being present at a
3 presentation other than, if you want to define presentation as being present at
4 an introductory meeting, which I obviously was when I introduced US Surgical
11:20:43 5 and Brendan and David to the Taoiseach of the day. But apart from that.
6 Q. 106 Well I'm not talking about necessarily being physically present at the
7 presentation Mr. Dunlop. I think you've agreed with me that advising people on
8 how to go about making such a presentation is precisely the kind of thing that
9 you would do?
11:21:01 10 A. Oh, yes it is, yes.
11 Q. 107 So, you don't absolutely disagree with Mr. Hickey's recollection that around
12 this time that at the end of 1993 he looked to you for assistance as to how
13 they would make a presentation to Xylex?
14 A. Well as I said, Mr. Gordon. In ease of Mr. Hickey. His recollection may well
11:21:25 15 be better than mine on this occasion.
16 Q. 108 I understand.
17
18 Now, if I can again just turn to the sequence of events here. Invoice is dated
19 the 4th of January. And it seems that the cheque was negotiated around the
11:21:36 20 12th of January. Which would seem to indicate that you sent out the invoice in
21 the ordinary way to Mr. Hickey and that he sent a cheque four or five days
22 later?
23 A. That is correct.
24 Q. 109 Which I would I would suggest, is the kind of thing that Mr. Hickey would do in
11:21:51 25 the normal could you say of trade?
26 A. Yes, yes.
27 Q. 110 And again, I think you've already dealt with this with Mr. O'Neill. What I
28 would suggest to you that the overwhelming probability must be that on an
29 occasion around the 12 of the of January you were with Mr. Lawlor in some
11:22:10 30 circumstances and for convenience sake, you endorsed this cheque which you

- 11:22:14 1 happened to have received that day from Mr. Hickey?
- 2 A. Yes, Mr. Gordon. I am without discounting the circumstances that are outlined
- 3 by Mr. O'Neill.
- 4 Q. 111 Yes?
- 11:22:32 5 A. I enter the caveat that you've just now repeated. And that is that in my view
- 6 that is the probable explanation given my relationship with Mr. Lawlor.
- 7 Q. 112 Yes. Thank you, Mr. Dunlop.
- 8
- 9 If I could move on now to a few other matters.
- 11:22:43 10
- 11 If I can take you to the 21st of April, in the first instance. Very briefly
- 12 Mr. Dunlop. This was the day after the aborted meeting of the Council on the
- 13 20th of April
- 14 A. Yes.
- 11:23:00 15 Q. 113 And I think there was considerable newspaper coverage on the 21st of April of
- 16 what had happened the previous day?
- 17 A. I think so, yes.
- 18 Q. 114 And if I can ask to you turn to pages 2047 and 2048, please.
- 19
- 11:23:13 20 We see there an article in the Irish Independent and if we can go to the main
- 21 body of the article. If we can. I think it may be on page 2048. It's a
- 22 particular section that I'm looking for.
- 23
- 24 I think we will find, unfortunately, Chairman, I can't actually read it
- 11:23:54 25 A. I'll read it for you.
- 26 Q. 115 My eyesight is failing. It needs to be enlarged a little bit for me. Thank
- 27 you. Yes. If I can ask to you turn to the section of the column headed
- 28 infrastructure.
- 29
- 11:24:17 30 A. Yes.

- 11:24:18 1 Q. 116 I think that records "Council engineers have recommended against the rezoning
2 application?
3 A. Uh-huh.
4 Q. 117 They said the infrastructure of roads and services could not support the
11:24:30 5 development and it would encroach on the green belt."
6
7 So I think that that indicates that not only was there unease, if you like,
8 among local organisations but there was unease on the part of the Council
9 engineers themselves at the time
11:24:47 10 A. Yes.
11 Q. 118 Yes?
12 A. I would concur with that.
13 Q. 119 Yes. I think that would seem to corroborate Mr. Hickey's evidence that he, as
14 an engineer, was concerned that there were difficulties about proceeding with
11:25:02 15 this particular project?
16 A. Yes, I have seen Mr. Hickey's evidence again.
17 Q. 120 Yes?
18 A. I've seen to that effect and I would not discount.
19 Q. 121 Yes?
11:25:10 20 A. His professional capacity as an engineer to make a judgement of that nature,
21 yes.
22 Q. 122 Thank you. Now, if I can ask you a few questions about Shefran Limited,
23 please, Mr. Dunlop.
24
11:25:32 25 Firstly, if I can turn back to page 1764. I think that that is the Shefran
26 Limited notepaper, as you were using it, isn't that so?
27 A. That is correct, yes.
28 Q. 123 And I think that in its heading describes the company as public affairs
29 consultants?
11:26:04 30 A. Correct.

11:26:06 1 Q. 124 Yes. So I think that is representing to somebody who would receive such a
2 document that this is a trading company?
3 A. Correct, yes.
4 Q. 125 Yes. And can you help me a little as to when Shefran was incorporated?
11:26:21 5 A. Hmmmm.
6 Q. 126 Approximately?
7 A. I know, Mr. Gordon, we have supplied the information to the Tribunal. But
8 momentarily I'm at a loss.
9 Q. 127 Yes?
11:26:36 10 A. As to the actual date. There is an actual date of incorporation or the
11 establishment.
12 Q. 128 Was it back in the '80s sometime?
13 A. Well, it was certainly if not in the late '80s it was certainly the beginning
14 of the 1990's. But it's certainly in and around from '89 onwards.
11:26:54 15 Q. 129 I see. As I say, nothing turns on it but just to get some idea as to ...?
16 A. Yes. Well maybe this will be of assistance to you. I established Frank Dunlop
17 & Associates in October November of 1989.
18 Q. 130 I see?
19 A. Shefran was not established at that particular time, it was subsequent to that.
11:27:13 20 So it's from 1989 onwards.
21 Q. 131 I see. I see. And I think we know that when you took a share in the City West
22 project in lieu of fees. That was taken in fact in the name of Shefran
23 Limited?
24 A. Correct.
11:27:30 25 Q. 132 Isn't that so. And I think that when in the course of 1991, I think it was the
26 additional lands at Saggart were bought. You also invested in those lands,
27 keeping your share I think the same as you had in the main City West project?
28 A. Yes.
29 Q. 133 And the company that paid for your share of the Saggart lands was Shefran
11:27:57 30 Limited?

- 11:27:57 1 A. That's correct.
- 2 Q. 134 And I think we see that at page 446. Where Shefran Limited is recorded there
- 3 by my clients as paying about 15,670 pounds in May of 1991 in relation to
- 4 Saggart?
- 11:28:14 5 A. Correct.
- 6 Q. 135 Yes. Did Shefran Limited have a bank account?
- 7 A. At that particular point I would say no.
- 8 Q. 136 Yes. But it acquired one shortly afterwards, I take it?
- 9 A. It has a bank account.
- 11:28:40 10 Q. 137 Yes?
- 11 A. I cannot actually tell you when the bank account was established but there is a
- 12 bank account.
- 13 Q. 138 Yes. We'll come to that shortly. In fact, we might as well come to it
- 14 directly. If I can ask for document 3058.
- 11:28:42 15
- 16 This is a file note prepared I think by Mr. Ahern
- 17 A. Yes.
- 18 Q. 139 And it's dated the 29th of July of 1992?
- 19 A. Yes.
- 11:28:54 20 Q. 140 And this concerns an application that you were then making to the bank for a
- 21 facility to be advanced to Shefran Limited?
- 22 A. Correct.
- 23 Q. 141 And at the top of the note there is a record that the company's current account
- 24 is then in credit to the tune of 32,843 pounds?
- 11:29:18 25 A. Correct.
- 26 Q. 142 So that would seem to tell us that as of July 1992, in any event, Shefran
- 27 Limited had a bank account?
- 28 A. Correct.
- 29 Q. 143 And not only had a bank account but that it was in credit?
- 11:29:31 30 A. Yes.

11:29:32 1 Q. 144 I think in addition this particular document tells us why Shefran limited was
2 incorporated by you. And if I can turn to the, I suppose it's the third
3 paragraph down.
4

11:29:55 5 Where Mr. Ahern has recorded the following:
6
7 Shefran Limited is a complimentary company to Dunlop & Associates Limited, a
8 very successful PR company since commencing business in 1988. The turnover for
9 the financial year ending 30th of November 1991 amounted to 478,000 which
11:30:15 10 should generate net profit in the order of 20, 25 percent in off balance sheet
11 terms. This company enjoys a good core clientele base with other fee income
12 channelled through Shefran Limited, bearing in mind Murray Consultants hold a
13 40 percent stake in the business".
14

11:30:38 15 It would appear the reason why Shefran Limited was incorporated was to receive
16 fee income in your business
17 A. Correct.
18 Q. 145 And I take it that it was used routinely for that business?
19 A. Yes.

11:30:48 20 Q. 146 And I think Shefran Limited continues to exist today and in fact that is the
21 entity which from time to time receives income from the City West project?
22 A. Correct. As well as income in my wife's name and my own name.
23 Q. 147 I see two separate entities. Two various sources?
24 A. Yes.

11:31:10 25 Q. 148 Again, it's something that Mr. Hickey touched upon. It's again no harm in
26 mentioning it with you. The investors in City West didn't in fact see any
27 return on their investment and their hard work for a period of approximately
28 seven years?
29 A. Yes. I don't know whether anybody suggested that it would be seven, five or
11:31:31 30 ten.

- 11:31:31 1 Q. 149 Yes?
- 2 A. But certainly there was a very real appreciation that because of the capital
- 3 investment required, not only in the purchase, the capital investment required
- 4 in preparing the land and in providing infrastructure, that it would be some
- 11:31:52 5 time.
- 6 Q. 150 This was going to be a long-term project?
- 7 A. Correct, yes.
- 8 Q. 151 Yes. And of course, the times that were in it didn't help. I think you had
- 9 the Gulf War and a recession and general depression in the country in the early
- 11:32:04 10 90's?
- 11 A. Well I don't recollect ever being worried about the Gulf War or the general
- 12 recession.
- 13 Q. 152 Yes?
- 14 A. Certainly the point that you make is correct; that it was a long-term
- 11:32:16 15 investment.
- 16 Q. 153 Yes. Now, if I can ask you a little bit about what happened subsequently to
- 17 the option held by Pennine Holdings Limited in relation to the Baldoyle lands.
- 18
- 19 My understanding is that in April of 1994 Pennine Holdings Limited, namely,
- 11:32:38 20 yourself, sold the option
- 21 A. That is correct. I think the 24th or the 26th of April 1994. I'm not
- 22 absolutely certain as to the actual date. But the thrust of what you say is
- 23 correct.
- 24 Q. 154 Yes. And I think you sold the option to Mr. Mulryan?
- 11:32:53 25 A. Correct, yes.
- 26 Q. 155 Yes. And I think that over a period of time having sold the option you
- 27 received in or about a million pounds for that option?
- 28 A. Yes. The terms of the option in April 1994 were contingent on my absolute
- 29 correct recollection as contained in a document that's been discovered to the
- 11:33:16 30 Tribunal and signed by both parties, myself and Mr. Mulryan. Was for an

- 11:33:23 1 initial payment for the sale of the option for annual payments I think of
2 50,000 pounds and then for an ultimate payment. That fell by the wayside and
3 the payments in relation to the actual option were not paid. Again, this is
4 documentation that has been discovered to the Tribunal, were not until 1999.
- 11:33:45 5 Q. 156 Yes. And indeed, I'm now about to refer to some documentation which has not
6 been circulated by the Tribunal as part of this Module. But which I've alerted
7 my colleagues to. But which I think is relevant to bring to the attention of
8 the Tribunal in this context?
- 9 A. Uh-huh.
- 11:34:01 10 Q. 157 First of all, I think you swore an affidavit of discovery on the 17th of
11 February of 2005. And that's to be found at page two of LKSFDAFF4, which is
12 the reference which has been given to me by my colleagues. And I think at
13 section K of that affidavit which is to be found on page 36 of the affidavit.
14 You identify a series of payments from Mr. Mulryan's company Ballymore?
- 11:34:36 15 A. I'm quite certain that is the case. It's on the screen now, yes. Correct.
- 16 Q. 158 As I understand it, all of the payments identified there in fact refer to the
17 sale of the option in relation to the Baldoyle lands?
- 18 A. That is correct.
- 19 Q. 159 And I think that indicates that you received payments in or about a million
11:34:55 20 pounds. But as you say, those payments, first of all, commenced in November of
21 1999. And went on into the year 2000?
- 22 A. Correct.
- 23 Q. 160 And I think if I can also bring to your attention the back, backing
24 documentation which was included with that affidavit by you. We see, first of
11:35:21 25 all, that there was a handwritten agreement. The general effect of which was
26 that payments to you in relation to the sale of the option would begin at a
27 time when Mr. Mulryan had exercised the option. So in basic terms, there was
28 to be a deferral of the main payment at least?
- 29 A. Oh, sorry.
- 11:35:48 30 Q. 161 Until such time as he exercised the option?

- 11:35:51 1 A. Sorry, I was slightly confused by the way you were approaching the question.
- 2 Q. 162 Sorry Mr. Dunlop?
- 3 A. No, no, you're correct. That's correct.
- 4 Q. 163 Yes. We have it on screen now?
- 11:36:00 5 A. Uh-huh.
- 6 Q. 164 I think that's the handwritten document signed by both yourself and
- 7 Mr. Mulryan?
- 8 A. That's correct.
- 9 Q. 165 And it recites the manner in which payments are intended to be made, isn't that
- 11:36:11 10 so?
- 11 A. That is correct, yes.
- 12 Q. 166 And I think as I say, the structure was a simple one, if you like. Namely, the
- 13 main payment to you would only be triggered when Mr. Mulryan had himself
- 14 triggered the exercise of the option?
- 11:36:31 15 A. Yes. I think, correct me if I'm wrong Mr. Gordon, but I think the date. The
- 16 option date, the out turn on the option is 1996. January 1996. I'm not
- 17 absolutely certain.
- 18 Q. 167 Yes?
- 19 A. But it was for five years from the date it was negotiated.
- 11:36:49 20 Q. 168 Yes. And I think the lands in fact weren't rezoned until sometime around 1996
- 21 or 1997?
- 22 A. I would imagine the process began. I wasn't involved.
- 23 Q. 169 I understand?
- 24 A. So I don't have a particular ad rem recollection because I wasn't involved. I
- 11:37:09 25 think in or around that time the relevant local authority, Fingal County
- 26 Council began a Development Plan or began a process whereby these lands were
- 27 either partially rezoned or an indication was given that ultimately a large
- 28 proportion of the lands would be rezoned .
- 29 Q. 170 Yes. And if I can just refer back to the schedule in the affidavit of
- 11:37:32 30 discovery for a moment.

11:37:32 1
2 I think it's quite clear from the schedule and indeed the documents that lie
3 behind that schedule. Which is item K in the affidavit.
4

11:37:40 5 All of the monies paid by Ballymore Properties were paid to you or on your
6 account?
7 A. That's correct.
8 Q. 171 Yes. Just to come back, briefly, to US Surgical, Mr. Dunlop?
9 A. Uh-huh.

11:38:20 10 Q. 172 If I can turn to page 1716.
11
12 I think the second item there. It's
13 A. Yeah.
14 Q. 173 Diary or a, it's part of your telephone diary. Sorry.

11:38:42 15
16 If we could go to page 1715. I'm sure we'll get the actual date. Yes, it's
17 the 18th of May 1992, uh-huh
18 Q. 174 And if we can return now, please, to 1716.
19

11:38:53 20 We see there at 5:05 Mr. Colm Donlon of the IDA, PR director of US Surgical
21 Corporation wants to meet with you, Wednesday 27th at 4:15 or in the office. I
22 think that indicates the involvement which you had in relation to the
23 prospective arrival of US Surgical into City West
24 A. That's correct.

11:39:17 25 Q. 175 And obviously a lot of people were involved. This was potentially an enormous
26 project, isn't that?
27 A. So huge.
28 Q. 176 I think if they came in they were going to take something in the order of 80
29 acres of the land?
11:39:29 30 A. Yes.

11:39:29 1 Q. 177 So it would have transformed the viability of the project overnight had it come
2 off, would that be a fair statement?
3 A. That would be absolutely correct.
4 Q. 178 And obviously, everybody who could help was involved in it and you were too?
11:39:46 5 A. Oh, yes.
6 Q. 179 Yes?
7 A. I have no doubt, as I said, the evidence that I gave and the evidence that
8 Mr. Hickey gave. There was a very great anxiety on the part of everybody that
9 this should be facilitated as much as possible, including organising a meeting
11:40:03 10 with the then Taoiseach.
11 Q. 180 Around this time we see not only this telephone record but also references in
12 your diary to meetings in relation to the US Surgical Project?
13 A. That's correct, yes.
14 Q. 181 Yes. And I merely bring these to your attention, Mr. Dunlop. By way of what
11:40:18 15 we would say is an example of the kind of involvement that you did have on an
16 ongoing basis. Not in relation to rezoning or in relation to a Section 4. But
17 in relation to this enormous project which was City West?
18 A. Yes. For context, Mr. Gordon. I would not disagree with what you're saying.
19 The issues arising were. Well let me put it another way for you.
11:40:49 20 Q. 182 Yes?
21 A. My relationship in relation to the project wasn't on a daily basis. But issues
22 arose from time to time including matters like US Surgical.
23 Q. 183 Yes?
24 A. Or as per the evidence of Mr. Hickey in relation to Xylex. Although I have no
11:41:02 25 recollection of ever attending a meeting but issues did arise from time to
26 time. Without reprising what I said here previously. Like such matters as the
27 opening of the bridge across the Naas Road, which was part of the
28 infrastructure that had to be put in. These were issues that arose from time
29 to time that both Mr. Hickey and Mr. Shubotham together or one and other of
11:41:23 30 them and I dealt with it.

11:41:23 1 Q. 184 Yes. I think other issues might have been Baldonnel, for instance. I think
2 there were issues in relation to problems over the flight path into the
3 Baldonnel Aerodrome?
4 A. That was a particularly serious issue.

11:41:36 5 Q. 185 Yes?
6 A. But if I might suggest to you. Again, correct me if I'm wrong, Mr. Gordon.
7 Because I don't have any documentation in relation to -- in front of me in
8 relation to that.

9 Q. 186 Yes?
11:41:48 10 A. But you are absolutely correct. That was a very early on in the project.
11 Because it related to the possibility that Baldonnel or the Air Corps might
12 become a potential objector to anything that might take place in City West on
13 the basis of over flights.

14 Q. 187 But I think that Baldonnel was an issue, as I understand it, for quite some
11:42:19 15 time?
16 A. Yes, it was, yes.

17 Q. 188 And it went on right into 1992, 1993 as I recall it?
18 A. Yes.

19 Q. 189 Yes?
11:42:26 20 A. There were meetings, which were arranged by me in relation to Baldonnel. There
21 was a meeting, I should say there was at least one meeting.

22 Q. 190 Yes?
23 A. Between myself and the then Minister in relation to Baldonnel. If my
24 recollection is correct, I think it was Mr. Wilson. And the object of the
11:42:59 25 exercise was to alleviate any concerns that Baldonnel might have had in
26 relation to the nature of the development, the height of buildings.

27 Q. 191 Yes?
28 A. And obviously not to put a tooth on it the concern of Davy Hickey Properties
29 and myself was to ensure that Baldonnel and the Air Corps did not become an
11:43:22 30 objector.

- 11:43:23 1 Q. 192 Yes?
- 2 A. Which they did not.
- 3 Q. 193 Another example of where you would have been of assistance was in relation to
- 4 getting the wayleave to build the sewer under the park?
- 11:43:41 5 A. Yes. Well, certainly I can't describe what my role was in relation to actually
- 6 getting the wayleave. It's a technical matter.
- 7 Q. 194 No. I think you were of assistance in getting access to the people that they
- 8 needed to talk to?
- 9 A. I think in that particular one. Again, in the absence of documentation in
- 11:44:03 10 front of me, Mr. Gordon. I think that was in relation to organising a meeting
- 11 with the head of the Council's Park Department.
- 12 Q. 195 Yes. I think that was in mid 1992?
- 13 A. Yes, yes, it would have been.
- 14 Q. 196 If I can just turn briefly to. Yes, if I can ask you to look briefly at 1721.
- 11:44:34 15
- 16 This is a note of I think a meeting which you had with somebody in the bank at
- 17 a time when you were considering and this was I think in and around May or so
- 18 of 1992. Buying out Mr. Bolger's interest in City West or at least part of it,
- 19 is that correct
- 11:44:58 20 A. Yes. I think the note is not self explanatory. But, I mean, it does give you
- 21 some hint as to.
- 22 Q. 197 Yes?
- 23 A. The nature of the conversation that was taking place.
- 24 Q. 198 Exactly. So there was the possibility?
- 11:45:19 25 A. Yes.
- 26 Q. 199 Of a deal. And this was a discussion that you had in which you're looking at
- 27 various assets. And I think the US Medical possibility features as part of
- 28 your engagement at that time?
- 29 A. Yes.
- 11:45:29 30 Q. 200 US Surgical, I beg your pardon?

11:45:31 1 A. US Surgical, yes.

2 Q. 201 You have it down there as approximately 80 acres, isn't that so?

3 A. Yes, that's correct.

4 Q. 202 And I think we see at page 1723. Again, reference to US Surgical as being

11:45:47 5 potentially a major player, if they came in?

6 A. Yes. This was in the circumstances as I outlined to you as per your

7 description of it, which I concurred with.

8 Q. 203 Yes?

9 A. That if US Surgical came in, at that particular time, it would have immediately

11:46:05 10 transformed the financial profile of the business park.

11 Q. 204 Yes. If you just bear with me a moment, please, Mr. Dunlop?

12 A. Certainly Mr. Dunlop, yes.

13 Q. 205 Thank you, Mr. Dunlop. I've no more questions?

14 A. Thank you Mr. Gordon.

11:46:44 15

16 CHAIRMAN: Took us a little bit by surprise.

17

18 Just, Mr. Dunlop, when it came to the stage when you were preparing to sell and

19 presumably there was some negotiation with Mr. Mulryan

11:47:06 20 A. Yes.

21 Q. 206 Was there any discussion at that stage with Mr. Hickey, Mr. Shubotham or anyone

22 from Davy Hickey or Davy's?

23 A. No, none.

24 Q. 207 And when can you recall would negotiations have started with Mr. Mulryan?

11:47:25 25 A. Either Mr. Mulryan or an agent of his.

26 Q. 208 Uh-huh.

27

28 CHAIRMAN: Uh-huh

29 A. Whose name has not appeared in this Tribunal and has no relevance really.

11:47:37 30 Approached me in relation to Baldoyle. Or I approached Mr. Mulryan directly or

11:47:42 1 this agent. But I never had a discussion about the sale of the option with
2 either Mr. Hickey or Mr. Shubotham arising out of what occurred in 1993. And
3 that was they didn't want to have anything more to do with it - the option is
4 yours, you can do what you like with it.

11:48:01 5
6 CHAIRMAN: And did they, to your knowledge, make any attempt to discuss it
7 with you?

8 A. Never.

11:48:06 10 CHAIRMAN: Even after the sale and the collection of a million?

11 A. 1.2 I think it was actually, Mr..

12

13 CHAIRMAN: 1.2.

14 A. No. Neither gentlemen Mr. Hickey nor Mr. -- ever raised the issue with me.

11:48:25 15 Either directly, indirectly, seriously or jocosely. And I'm not aware of how
16 they became aware that the option had been sold. The option was mine. And as
17 per their, I suppose I shouldn't use the word resiling but as per their
18 statement, they didn't want to have anything to do with it. I'm interested in
19 Mr. Hickey's comment that I reprised with Mr. Gordon that is that he never
11:48:53 20 believed that this was a project of any substance. Now, Brendan Hickey never
21 said that to me, to my face. But both Mr. Hickey and Mr. Shubotham made it
22 palpably obvious to me in the circumstances of 1993 that they just didn't want
23 to have anything whatsoever to do with Baldoyle.

24

11:49:13 25 CHAIRMAN: And just to go back then to when Pennine Holdings

26 A. Yes.

27

28 CHAIRMAN: Was established or took ownership of the option

29 A. Uh-huh.

11:49:23 30

11:49:23 1 CHAIRMAN: Would you have believed owners of the company. Say, I know at the
2 time there was only an investment of what, 5,000 pounds
3 A. Yes.
4

11:49:40 5 CHAIRMAN: But supposing in those early stages if somebody had offered, say,
6 half a million for the option to buy the option. How do you think that money
7 would have been distributed?
8 A. Well, I can't account for how it might have been distributed. But I can tell
9 you what I would have done. I would have spoken to Brendan Hickey and David
11:50:01 10 Shubotham immediately.
11

12 CHAIRMAN: For what purpose
13 A. Because the option had been and as per the evidence of Mr. Hickey. He
14 negotiated the option. I signed the option. The totality of the option, I
11:50:16 15 haven't done the figures. But, I mean, if the option were called in, would
16 amount to five or seven million, I'm not absolutely certain on the figure. I
17 didn't have five or seven million. And I didn't go to bed every night worrying
18 about where I was going to get the five or the seven million to pay for the
19 option.
11:50:35 20

21 CHAIRMAN: But if somebody had approached you, like Mr. Mulryan did, either
22 directly or indirectly ultimately
23 A. Yes.
24

11:50:41 25 CHAIRMAN: And say offered you 500,000 for the option
26 A. Yes:
27

28 CHAIRMAN: No outlay on your part. How do you think that money would have
29 been distributed?
11:50:49 30 A. Well I think that, well, again, I just -- without being dismissive in the

11:51:03 1 context of it being hypothetical. I would have felt obliged to go to
2 Mr. Hickey and to Mr. Shubotham in these circumstances at that time. Because
3 of the nature of the relationship in relation to Baldoyle. Brendan had drawn
4 up the -- had negotiated the option. I had signed it, at the request of
11:51:16 5 Anthony Collins, on the instructions of Brendan. And I would have felt
6 obliged. Other than saying to you, on the basis of the hypothesis that you
7 outlined, I can't say absolutely but I would have felt because of my
8 relationship at that time in the context of the option I would have gone to
9 them and said I have been offered. Sean Mulryan has come to me or Mr. X has
11:51:43 10 come to me. He knows that I had this option on John Byrne's land in Baldoyle.
11 And he's offered me 500,000. What should I do? Will I accept it, will I
12 reject it? And if I had accepted it I would obviously have accepted it in
13 circumstances where there would have been a division.
14

11:52:00 15 CHAIRMAN: But would you have believed at that time that there was, that they
16 had a claim on the money? I know you might have approached them on the basis
17 that you wanted to, if you like, as a matter of gratitude. That's a different
18 A. Yes.
19

11:52:18 20 CHAIRMAN: I'm talking about your view at that time as to what your legal
21 obligation to Davy Hickey would have been. Would you have believed there was
22 any?

23 A. Oh, yes. I would have believed that I had an obligation. Given the
24 circumstances in which the project had come into being.

11:52:37 25
26 CHAIRMAN: Uh-huh
27 A. Notwithstanding differences between Mr. Hickey and Mr. Shubotham and myself
28 about who brought the project to them or not. But that doesn't go to the
29 substance of the issue. The substance of the issue is that on receipt of the
11:52:53 30 information Mr. Hickey negotiated the option with Mr. Byrne. At his request,

11:52:58 1 via his solicitor Mr. Collins. I signed the option. Legally, I think Judge
2 Faherty raised this issue on the last day. Legally that was my option and had
3 I or had the option been sold or had it gone to the vote and the vote, which
4 the likelihood was actually that it would have been passed, that I would have
11:53:22 5 been in receipt of a profit of ten million. Divisible by myself and the other
6 director who was an employee of mine and only signed at my request. Had no
7 knowledge or involvement in the company whatsoever.

8
9 I would, at that stage, whether it was then, prior to the vote, or at the vote,
11:53:42 10 have discussed the matter with Mr. Hickey or Mr. Shubotham. On the basis that
11 they had paid for the option and they had paid for all of the outstanding
12 professional fees, including giving me 10,000 pounds.

13
14 CHAIRMAN: When did this change then in your own mind take place between that
11:54:03 15 view, you might have had?

16 A. Yes.

17
18 CHAIRMAN: Had that hypothetical situation occurred and the moment when you do
19 the deal with Mr. Mulryan and your -- you're now beneficially entitled to a lot
11:54:19 20 of money. So at what stage, because your evidence to us is that in relation to
21 the deal with Mr. Mulryan. That you never went back even to

22 A. No. I would be very surprised, Chairman, if either Mr. Hickey or Mr. Shubotham
23 told me or gave evidence to the effect that I did. I never went back.

24
11:54:40 25 CHAIRMAN: No, no, I accept that

26 A. Yes.

27
28 CHAIRMAN: I mean, I'm not suggesting that there was any such discussion. But
29 I'm just wondering what happened? When did the change and how and in what
11:54:54 30 circumstances did the situation change from the hypothetical offer of half a

11:54:59 1 million, which you would have felt legally obliged to share with the Davy
2 Hickey people

3 A. Uh-huh.

4
11:55:06 5 CHAIRMAN: And the time when you do the deal with Mr. Mulryan when you don't
6 feel any way obliged to discharge or to pay a share or to share the proceeds

7 A. Well, we've had an intervening event. And the intervening event is that the
8 matter has gone down the swanny. In dramatic circumstances, including bringing
9 various names, which have never appeared before and of which I knew nothing,
11:55:38 10 into the public domain. Demanding, leading to a demand for an apology. An
11 apology being given. And either Brendan Hickey or David Shubotham or both of
12 them together saying look it, that's it, we don't have anything further to do
13 with this. That's yours, do what you like with it.

14
11:55:59 15 CHAIRMAN: And are you saying that they said that to you or?

16 A. We didn't have a meeting. But certainly there were telephone calls in the --
17 at the time in relation to the story in the Irish Independent. I do recall
18 specifically being told by one or other of them that an apology was being
19 demanded and would be obtained on foot of legal advice, obviously. And would
11:56:21 20 be obtained and was. But, I mean,.

21
22 CHAIRMAN: All right

23 A. One or other or both of them made it palpably clear to me that they didn't want
24 to have anything further to do with this. that this was something of a
11:56:36 25 corporate blot.

26
27 CHAIRMAN: If we go back then just once again to the hypothetical purchase of
28 the option in the early stages for half a million. How would you have dealt
29 with Mr. Lawlor

11:56:47 30 A. How would I have dealt with Mr. Lawlor? Well, I think I would have dealt with

11:56:51 1 Mr. Lawlor on the basis that Mr. Lawlor would, more than likely. And that is
2 all I can say because he did not, there was no arrangement between Mr. Lawlor
3 and myself, as I've said in my statement and which is absolutely correct. But
4 I would be very, very surprised in those circumstances if Mr. Lawlor did not
11:57:12 5 approach me on foot of information arrived at or received from other sources.
6 He would have approached me for money.
7

8 CHAIRMAN: Well, are you saying that you didn't see him as being a beneficial
9 owner.

11:57:26 10 A. No.
11

12 CHAIRMAN: Who did you think was paying Mr. Lawlor? I mean, he was doing a
13 great deal in terms of advising and assisting.

14 A. Yes.
15

11:57:36 16 CHAIRMAN: So who do you think. And you must have understood him that he
17 would be looking for money and probably getting money. So who did you think
18 was paying him or how was he going to be paid

19 A. Yeah. Well there are two things to that, Chairman. One is in my long
11:57:57 20 relationship with Mr. Lawlor I have no difficulty whatsoever in saying that he
21 asked for and he received monies on a variety of occasions for a variety of
22 reasons. Either being involved or directly introducing me to clients. And
23 I've given evidence to that effect.
24

11:58:18 25 I have no evidence. I do not know. I'm conscious of the fact that you asked
26 me who do I think. But I do not know if Mr. Lawlor ever received any monies
27 from anybody. And with due respect to everybody. I mean, I'm not mentioning
28 names here by allocating any possibility of imputation of guilt or otherwise.
29 I have no evidence that Mr. Lawlor received any monies from Mr. Byrne, who was
11:58:49 30 the owner of the land. Mr. Shubotham, who was partner in Davy Hickey

11:58:54 1 Properties. Mr. Hickey, who was a partner, managing director of Davy Hickey
2 Properties. And/or myself, other than in circumstances where I did give
3 Mr. Lawlor money. But there was no arrangement as to Mr. Lawlor's "beneficial
4 interest" in these lands where they were rezoned. I never had a discussion.

11:59:21 5
6 CHAIRMAN: Was Mr. Lawlor paid anything or did he approach you looking for
7 payment when you sold or after you sold the option?

8 A. No.

11:59:27 10 CHAIRMAN: No. Well are you saying that he never raised the subject with you?

11 A. I wouldn't say he didn't raise the subject with me. He may. I shouldn't say
12 he may. I think the best way of describing it is that he made a number of
13 remarks which indicated to me that he knew that I'd sold the option to Sean
14 Mulryan but he did not know how much I'd got.

11:59:48 15
16 CHAIRMAN: Did he seek any payment from you

17 A. No, no.

18
19 CHAIRMAN: Arising from that

11:59:52 20 A. No, he did not.

21
22 CHAIRMAN: All right.

23
24 CHAIRMAN: Sorry, I should have asked Mr. Redmond do you want to ask?

12:00:00 25
26 MR. REDMOND: No, I have no questions.

27
28
29
30

THE WITNESS WAS QUESTIONED BY MR. GORDON AS FOLLOWS:

- 12:00:03 1
- 2
- 3
- 4 MR. GORDON: Arising out of those questions, Mr. Chairman.
- 12:00:07 5
- 6 Q. 209 If I can ask Mr. Dunlop one other thing
- 7 A. Yes.
- 8 Q. 210 I think it's quite clear from the fact that you were able to sell the option
- 9 for a substantial sum of money in the early part of 1994. That even without
- 12:00:22 10 the benefit of rezoning this option had a value in 1993?
- 11 A. Certainly in Mr. Mulryan's mind, yes.
- 12 Q. 211 Yes. Well, within months of the rezoning having failed, you were in a position
- 13 to sell that option without any added benefit at all?
- 14 A. Correct.
- 12:00:44 15 Q. 212 For a very substantial sum to Mr. Mulryan?
- 16 A. Correct.
- 17 Q. 213 It would seem to indicate that throughout 1993 the option had a value
- 18 regardless of what happened in the Council chamber?
- 19 A. Well, it certainly had -- substantially.
- 12:00:58 20 Q. 214 Yes?
- 21 A. I would agree with what you say. It certainly had a value. There is
- 22 absolutely no doubt about that. As I gave evidence on examination by
- 23 Mr. O'Neill. I think the irony, Mr. Gordon, is that this matter,
- 24 notwithstanding Mr. Hickey's lack of faith in it. This matter very nearly was
- 12:01:22 25 rezoned. And if it wasn't for what I might describe loosely as procedural
- 26 difficulties on the floor, which if I, and I'm not naming anybody else, which
- 27 if I had been a little bit more alert, might have actually resulted in some
- 28 rezoning.
- 29 Q. 215 Yes. Just one other matter very briefly. You referred to the ten million --
- 12:01:44 30 if the matter, if the land was rezoned?

12:01:47 1 A. Yeah.

2 Q. 216 I think it is clear from the option agreement. And you wouldn't disagree with

3 me when I say whoever held the option had a lot of work to do, even after the

4 rezoning before they could exercise that option, isn't that so?

12:02:00 5 A. Correct, yes.

6 Q. 217 Thank you.

7

8 CHAIRMAN: All right.

9

12:02:03 10 MR. O'NEILL: There is one point of correction that I would like to draw the

11 Tribunal's attention to.

12

13 That is a number of questions which were posed of Mr. Dunlop were posed by

14 Mr. Gordon on the basis that I was making a case of one sort or the other.

12:02:18 15

16 And I just want to correct that. That there is in fact no case being made by

17 the Tribunal. And that I did not intervene at any point in the course of the

18 cross-examination to correct that.

19

12:02:29 20 But I believe that the record should show that the facts are being elicited

21 for the benefit of the Tribunal. Not in the establishment of a case one way or

22 the other.

23

24 Thank you.

12:02:43 25

26 MR O TUATHAIL: No questions, Mr. Chairman.

27

28 CHAIRMAN: All right. Thank you very much, Mr. Dunlop. Thank you.

29

12:02:48 30 **THE WITNESS THEN WITHDREW**

12:02:50 1

2

3

CHAIRMAN: We'll just rise for ten minutes or less.

4

12:02:53 5

MR. O'NEILL: Very good.

6

7

8

THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK

9

AND RESUMED AS FOLLOWS:

12:03:08 10

11

12

MR. O'NEILL: The next witness, Sir, is Mrs. Therese Ridge.

13

14

Mrs. Ridge, could you come forward to the witness box, please.

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12:22:29 1 **MS THERESE RIDGE, HAVING BEEN SWORN, WAS QUESTIONED**

2 **BY MR. O'NEILL AS FOLLOWS:**

3

4

12:22:29 5 CHAIRMAN: Good afternoon, Ms. Ridge

6 A. Good afternoon, Chair, and members.

7

8 MR. O'NEILL: Good afternoon, Mrs. Ridge

9 A. Sorry, I just lost one of my pages.

12:23:11 10

11 CHAIRMAN: Certainly.

12 A. Yes. Good afternoon.

13

14 MR. O'NEILL: My name is Desmond O'Neill and I'm counsel to the Tribunal. And

12:23:20 15 I'll be taking you through

16 A. Sorry, I'm looking in the wrong direction.

17 Q. 218 You were. And I'll be taking you through the examination of your evidence in

18 this Module, Mrs. Ridge?

19 A. Yes.

12:23:30 20 Q. 219 You were a member of Dublin County Council as a Councillor from 1985 until

21 1993, is that so?

22 A. That's correct.

23 Q. 220 And you were the acting Chairperson of the Council from the 17th of February of

24 1993 for a six-month period thereafter which would have expired, as I

12:23:50 25 understand it, in August, is that so?

26 A. No, no, not six months.

27 Q. 221 Right?

28 A. I would have been finished at the end of June.

29 Q. 222 The end of June?

12:23:57 30 A. The AGM of the Council is always the last week of June or the first week of

- 12:24:03 1 July.
- 2 Q. 223 Right. The date of your commencement in that role, am I accurate in that,
3 believing it to be the 17th of February?
- 4 A. I think so because I became the acting Chair whenever the then Deputy Eithne
12:24:25 5 Fitzgerald became a junior Minister. And whatever the Government was formed at
6 that time.
- 7 Q. 224 Yes?
- 8 A. Because she was no longer -- junior Ministers, would no longer be allowed
9 members or to stay on County Councils.
- 12:24:37 10 Q. 225 Yes. I think our information comes really from the expenses records of the
11 Council rather than from a specific?
- 12 A. Sorry.
- 13 Q. 226 Date of appointment or formal recognition of your appointment. In any event, I
14 think from the point of view of this particular examination. It is the case
12:24:57 15 that you were the Chair of all of the meetings that were the relevant meetings
16 in the Pennine Holdings options attempts to rezone their lands in 1993. I'll
17 put the dates to you?
- 18 A. Yes, I think there may have been one or two meetings that I was out of the
19 country for. I think -- I know I didn't Chair a meeting on the 10th of May.
- 12:25:21 20 Q. 227 Yes?
- 21 A. Because I was in France.
- 22 Q. 228 Sure. I don't believe that that is a date upon which the, any substantive
23 issue considering the rezoning of the Pennine option lands was dealt with?
- 24 A. Well, I can't remember but I do remember that.
- 12:25:35 25 Q. 229 Right. We will examine in the course of your evidence, Mrs. Ridge, the
26 meetings of the 20th of April, the 27th of April, the 4th of May and the 6th of
27 May?
- 28 A. Right.
- 29 Q. 230 And also if we are to treat the visit to the site on the 18th of May as a
12:25:57 30 meeting, you were present on that occasion also, isn't that right?

- 12:26:00 1 A. Yes.
- 2 Q. 231 Yes. I think that the Tribunal has been told that Mr. Frank Dunlop was the
3 public face of this particular project to rezone the Baldoyle lands which were
4 in the ownership of Mr. John Byrne, through companies of his, including Melvin
12:26:23 5 Securities and Endcamp Limited. You may have been aware of that fact, that Mr.
6 Dunlop was the public face of this project?
- 7 A. I certainly was, yes.
- 8 Q. 232 Yes?
- 9 A. I couldn't be sure. Maybe coming up towards that vote. But I would, yes. Of
12:26:46 10 course, I was aware that he was in effect the person. I was only aware, as I
11 remember, I think of Pennine Holdings. I didn't know anything about any other
12 company names that I am aware of it.
- 13 Q. 233 Yes. The role of Mr. Dunlop in this project, as far as the Council was
14 concerned, at the time, was that he was the proposer of the project, isn't that
12:27:19 15 so?
- 16 A. How do you mean?
- 17 Q. 234 The proposer of the project. He was the person who was behind the application
18 to have the?
- 19 A. Yes.
- 12:27:28 20 Q. 235 Draft Development Plan varied so as to allow for development in circumstances
21 where the plan which had been put on public display did not allow for that
22 development. That was the purpose of the variations, was to deal with what was
23 on the public display between September of 1991 and December of 1991?
- 24 A. I believe that to be correct, yes.
- 12:27:53 25 Q. 236 Councillors seeking to vary the plan from what was shown on that Draft Plan,
26 which was circularised at that time, were required to bring a motion before the
27 Council which would be debated before the Council and the Council would make
28 its decision upon it, isn't that so?
- 29 A. Yes.
- 12:28:15 30 Q. 237 Yeah. Now, we know that the period during which this exercise took place ran

12:28:28 1 from March of 1993 and effectively concluded with the site visit which took
2 place in May of 1983, the 18th of May. And the law agent's advices which were
3 tendered to the Council immediately thereafter, isn't that so?

4 A. I don't remember it ever coming back to the Council after the site meeting.

12:28:56 5 Q. 238 Yes. And the reason for that was because the law agent's advice, which was in
6 the form of the opinion of Mr. John Gallagher, Senior Counsel, was that the
7 decision which had been taken on the 27th of April was a valid decision and
8 consequently the subsequent motions and actions all fell, isn't that so?

9 A. That is so.

12:29:18 10 Q. 239 Yeah?

11 A. And I referred all items regarding that particular project back to the law
12 agent.

13 Q. 240 Yes?

14 A. As you're probably aware.

12:29:32 15 Q. 241 Now, I think if we start, perhaps, with the background of your relationship
16 with Mr. Frank Dunlop as and from the year of the first commencement of the
17 Council's consideration of motion concerning Pennine Holdings, which was in
18 early 1993.

19

12:29:53 20 I think that it is the case that you've given evidence in earlier Modules that
21 you were a great friend of Mr. Frank Dunlop's, isn't that so?

22 A. Yes. And he has described me as 'we were great friends' quote in one of his
23 statements, yes, that is true.

24 Q. 242 And I think that you've already given evidence that he was a friend of yours
12:30:15 25 for a long time prior to your having become a councillor?

26 A. I first met him in 1980 or 1981. I became a Councillor in 1985.

27 Q. 243 Yes. Your friendship with him predated, in other words, your initial
28 appointment as or election as a Councillor in 1985 and consequently, you'd been
29 good friends for at least eight years during which period you were a
12:30:41 30 Councillor, isn't that so, prior to 1993 when this review process was to take

12:30:47 1 place?

2 A. Yes. That would be fair I think. As far as I can remember, it's a long time

3 ago.

4 Q. 244 Certainly --

12:30:53 5 A. Oh, no I did know him for that period of time, yes.

6 Q. 245 And I think I'm using your words rather than mine. I'm putting to you what you

7 have given in evidence in earlier Modules in which you say that you were a

8 friend of his for a long time prior to this?

9 A. Yes.

12:31:09 10 Q. 246 Yes. And when it came to the consideration of these particular motions, you

11 would have been having a fair degree of contact with Mr. Dunlop independent of

12 your, let's say, Councillor role.

13 A. Yes. We maintained a friendship for all those years. I can't be specific on

14 it because it's so long ago.

12:31:42 15 Q. 247 Yeah?

16 A. But we would certainly have maintained that friendship.

17 Q. 248 And I think that you've indicated in earlier evidence that you would be

18 contacting him on family matters, more his family matters rather than yours, at

19 this time he had a particular family difficulty with his son, for example, a

12:32:01 20 matter upon which you communicated with him, isn't that right?

21 A. I did. And that was in as far as my memory serves me, February to March of

22 1993.

23 Q. 249 Yes.

24 A. And I would have been in contact and well as a friend would be at a time like

12:32:23 25 that.

26 Q. 250 And by way of another marker, I suppose, of your relationship and the extent of

27 that relationship. He facilitated you by providing typing facilities for your

28 thesis and your masters degree, isn't that right?

29 A. Well he did. But I came to an arrangement with his secretary Norma, and I paid

12:32:45 30 her for the work.

- 12:32:46 1 Q. 251 Yes?
- 2 A. Because it was quite extensive over -- I have referred to this before.
- 3 Q. 252 Yes?
- 4 A. Over a two year period of both essays and the final thesis.
- 12:32:55 5 Q. 253 Yes. Now, again, I'm just referring to that on the basis --
- 6 A. He did give me the facility of using his office with Norma. Usually after
- 7 hours.
- 8 Q. 254 Exactly. I'm just illustrating that as one of the examples that you were
- 9 having contact with him and a relationship with him that went beyond your role
- 12:33:13 10 as a Councillor, though of course you did also discuss Council affairs with
- 11 him, isn't that so?
- 12 A. Well, perhaps because.
- 13 Q. 255 Perhaps?
- 14 A. Because we're talking about, is it nearly 14 years now?
- 12:33:33 15 Q. 256 Yes?
- 16 A. It's very hard to remember.
- 17 Q. 257 I'm just trying to establish for the benefit of the Tribunal, what it was that
- 18 your relationship was with Mr. Dunlop around this time and to distinguish as
- 19 between the interpersonal relationship which you had with him going back to
- 12:33:50 20 your time in college and subsequently the time of your election and the years
- 21 that followed after that?
- 22 A. Uh-huh.
- 23 Q. 258 As opposed to the, let's say the practical work of the Council, which was an
- 24 adjunct to that relationship, isn't that so?
- 12:34:05 25 A. Well, when I unexpectedly inherited the Chair, for want of a better
- 26 description, I think I said it when I was here before. I think everybody
- 27 wanted to talk to the Chair as such. I don't mean me as a person. I mean to
- 28 the Chair. But I was also exceptionally busy because I was to a certain extent
- 29 a prisoner in the chamber. Like, other councillors could come in and out and
- 12:34:37 30 have conversations but I would be literally sitting until, it would be the

12:34:44 1 meeting would be over or I left for a comfort break or something like that.

2 Q. 259 Yes?

3 A. So I can't -- I can't really say because it's too long ago.

4 Q. 260 Okay. What you can't really say is you cannot identify precisely what contacts

12:35:02 5 you may have had with Mr. Dunlop in connection with Council affairs as opposed

6 to personal affairs, is that?

7 A. Yes, I would say that.

8 Q. 261 Fine. The Tribunal has the benefit, Mrs. Ridge, of the telephone attendance

9 records which were being maintained by Mr. Frank Dunlop's secretary during the

12:35:21 10 period between March and late May of 1993, which would be the subject of our

11 examination in the course of today?

12 A. Yes.

13 Q. 262 And I'll -- I'm just going to deal with those contacts which appear to be

14 contacts from you to him. That is by way of telephone contact. The records,

12:35:47 15 I'm not sure if you can recollect particularly what the basis upon which these

16 records were kept was, from your last examination. But the evidence has been

17 that Mr. Dunlop's secretary recorded the names of persons who had phoned

18 looking for Mr. Dunlop but had been unsuccessful in getting him at the time and

19 his evidence was that generally when given the names of these parties he would

12:36:12 20 ring them back as soon as it was time for him to do so. So that in general if

21 there is a record of a telephone call having been made to him on a particular

22 day, it is his belief that he would have followed that up by contacting that

23 person back and discussing the matter with them. So it's in that context that

24 I'm just going to ask you about these exchanges.

12:36:35 25

26 And again, I'm going to confine them really to the days upon which there would

27 appear to be contacts on the same day with Mr. Dunlop by parties whose

28 connection with the Pennine Holdings option is the subject of the current

29 inquiry of the Tribunal. In other words, I'm not going to go through every

12:36:57 30 single contact there is. But in the event that there's a contact on a day when

12:37:10 1 one of the councillors who was either a promoter of the Pennine Holdings
2 project or one of the individuals that is Mr. Hickey or Mr. Shubotham was in
3 contact with him on a day when you also were in contact with him. I'm going to
4 touch briefly on those references.

12:37:21 5
6 So the first of those commenced on the 8th of March of 1993. And to put that
7 in context. The 12th of March 1993 was the date upon which councillors wishing
8 to propose variations of the plan insofar as they effected Baldoyle were
9 obliged to lodge them. And on the 8th of March 1993 we'll see at pages 1877
12:37:54 10 and 1878 Mr. Dunlop was contacted by you. Also by Mr. John O'Halloran,
11 Mr. Sean Gilbride, Mr. Liam Creaven and Mr. Liam Lawlor on two occasions that
12 day. And on the following two days later we'll see that on the 10th of
13 March --

14 A. I beg your pardon what, date did you say that?

12:38:24 15 Q. 263 1877. The date of it is the 8th of March 1993?

16 A. Sorry, I was just looking at the second page.

17 Q. 264 Sure. As you wish, Mrs. Ridge, we can dwell on the particular detail of each
18 one of these or it might be convenient perhaps if I just list them all firstly.
19 Because as I understand it, you don't have a particular memory of any one of
12:38:48 20 them, is that right?

21 A. Well, obviously, if the message is left it's pretty obvious.

22 Q. 265 Yes?

23 A. But I did notice when I went through the file myself.

24 Q. 266 Yes?

12:39:00 25 A. And I see a number of calls where it just says Therese Ridge rang.

26 Q. 267 Yes?

27 A. And I also notice that I, I think more often than not left a message. So I'm
28 thinking if Therese Ridge rang it might have been in response to having had Mr.
29 Dunlop look for me, if you know what I mean.

12:39:22 30 Q. 268 Yes?

12:39:23 1 A. I don't necessarily mean that I was ringing him. But it's of no great matter
2 to me. I'm take the calls as you suggest.

3 Q. 269 Fine. As I say, I'm just going to refer to the calls on days when the parties?
4 A. The dates.

12:39:36 5 Q. 270 Who were otherwise interested in had similar contacts with you.
6
7 They were the 8th of March 1993. Which we saw a little earlier.
8
9 On that date you rang but so did Mr. Liam Creaven. Mr. Liam Lawlor. Mr. John
12:39:52 10 O'Halloran and Mr. Sean Gilbride.
11
12 And the next reference was on the 10th of March 1993.
13
14 On that occasion there is a reference to Mr. Liam Lawlor, Mr. John Byrne,
12:40:09 15 Mr. John O'Halloran, Mr. Brendan Hickey, Councillor Tom Hand and yourself.
16
17 And on the following day, the 11th of March 1993.
18
19 There were telephone calls from Mr. David Shubotham, Mr. John O'Halloran,
12:40:28 20 Mr. Liam Lawlor, Mr. Sean Gilbride, and yourself.
21
22 On the 15th of March Mr. Dunlop was contacted by Mr. Liam Lawlor, Mr. Michael
23 Joe Cosgrave, Mr. Sean Gilbride and by yourself.
24
12:40:45 25 On the 16th of March he was contacted by Mr. Liam Lawlor on two occasions. By
26 Mr. Liam Creaven, by Mr. John Byrne and by you.
27
28 On the 18th of March he was contacted by Mr. Liam Lawlor on three occasions and
29 by you.
12:41:03 30

12:41:03 1 On the 22nd of March 1993.
2
3 He was contacted by Mr. John Gore Grimes. Sorry. He received a fax of
4 documents for Mr. John Gore Grimes from Mr. Liam Lawlor, I should correctly
12:41:19 5 state. He heard from Mr. John Byrne and also from you.
6
7 On the 24th of March. He was contacted by Mr. David Shubotham, Mr. Brendan
8 Hickey. They are the persons in Davy's stockbrokers and Davy Hickey
9 Properties. By you.
12:41:37 10
11 And on the 25th of March, the following day. He was contacted by Michael Joe
12 Cosgrave, by Mr. Brendan Hickey, by Mr. Liam Creaven, by Mr. Sean Gilbride and
13 by you.
14
12:41:50 15 On the 26th of March he was contacted by -- sorry did you want me to
16 A. No, no, I have it here actually because I have them written down. Apologies.
17 Q. 271 Very good. On the 26th of March he was contacted twice by Mr. John Byrne. By
18 Mr. Michael Joe Cosgrave and by you.
19
12:42:10 20 On the 29th of March he was contacted twice by you. By Mr. John Byrne, by
21 Mr. Sean Gilbride, by Mr. Brendan Hickey.
22
23 And on the 31st of March he was contacted by Mr. Tony Fox, by Mr. Sean Gilbride
24 and by you.
12:42:38 25
26 On the 7th of April he was contacted by Mr. John Gore Grimes and by you.
27
28 On the 15th of April he was contacted that day by Mr. John Byrne, by Mr. John
29 O'Halloran, by Mr. Sean Gilbride, on three occasions, by Mr. Michael Joe
12:42:51 30 Cosgrave and by you.

12:42:52 1
2 He was also contacted by Mr. Liam Creaven.
3
4 He was further contacted on the 26th of April by Mr. Cosgrave, by you, by
12:43:05 5 Mr. Liam Creaven, by Mr. Liam Lawlor, by Mr. Sean Gilbride, by Mr. David
6 Shubotham.
7
8 And on the 27th of April he was contacted by Mr. Brendan Hickey, by Mr. Liam
9 Lawlor, by Mr. David Shubotham, by Mr. John Gore Grimes, and by you.
12:43:32 10
11 On the 4th of May he was contacted by Mr. Liam Lawlor on two occasions, by
12 Mr. Cosgrave, that's Mr. Michael Joe Cosgrave, by Mr. O'Halloran and by you.
13
14 On the 5th of May he was contacted by Mr. John O'Halloran, on two occasions,
12:43:56 15 Mr. Liam Lawlor, Mr. Sean Gilbride on four occasions and by you and by
16 Mr. Michael Joe Cosgrave.
17
18 On the 14th of May he was contacted by you, by Mr. John Gore Grimes, and by
19 Mr. John Byrne.
12:44:17 20
21 On the 18th of May he was contacted by Mr. Sean Gilbride and by you.
22
23 Sorry. That was a diary entry I think of an intended meeting perhaps. But a
24 phone contact on the same day between by Michael Joe Cosgrave, Mr. Liam Lawlor,
12:44:38 25 Mr. John O'Halloran and by you.
26
27 That is the period in question.
28
29 I'm just illustrating that during that period there were these contacts between
12:44:48 30 Mr. Dunlop and yourself on days upon which the other parties named had an

- 12:44:53 1 interest, as far as we can establish, in the motions which were before the
2 Council in connection with the Pennine rezoning motions.
3
4 Now, I don't think that you have a particular recollection of any one of those
12:45:08 5 contacts, is that right?
6 A. No. But if there's a note after the call.
7 Q. 272 Yes?
8 A. It might trigger something for me. But I, to be quite, how would I say. There
9 is no -- let's say I made my own calls.
12:45:31 10 Q. 273 Yes?
11 A. I didn't do them in conjunction with any of the persons that you have included
12 at any time.
13 Q. 274 Right. And in relation then to the motion?
14 A. Sorry, excuse me. I would have had no knowledge of their calls until I saw
12:45:52 15 the -- or mine, I'm presuming.
16 Q. 275 Right. Mr. Dunlop has indicated that on the days upon which that he recorded
17 these or his secretary recorded these contacts. That he in general would have
18 followed these matters up, as I say, with phone calls and back to the person
19 who had been unable to contact him and whose name had been left in his diary.
12:46:17 20 And that on the occasions when it was material for him to discuss the East View
21 project, as it was called by him, or the Pennine Holdings rezoning project as
22 it is considered by the Tribunal. That he would have discussed these matters
23 from time to time with those parties.
24
12:46:36 25 Have you any recollection of Mr. Dunlop ever discussing with you on the
26 telephone the proceedings before the Council of motions which were concerned
27 with his project, be it East View or Pennine Holdings, whichever way you want
28 to call it
29 A. I am not familiar with the term East View.
12:46:59 30 Q. 276 Okay?

- 12:46:59 1 A. That's -- I don't know what it is. But I presume it's something to do with
2 that general plot of land.
- 3 Q. 277 Yes?
- 4 A. What did you ask me as well, sorry?
- 12:47:11 5 Q. 278 I was asking you whether or not you had any recollection of discussing with Mr.
6 Dunlop in any of the telephone calls which you might have had on the dates that
7 we have covered here, which were dates in and around the motions which were
8 before the Council. Do you have any recollection of discussing with Mr. Dunlop
9 in telephone conversations the motions which concerned his project in Baldoyle,
10 whether you call it East View, Pennine or what have you?
- 11 A. Okay.
- 12 Q. 279 You could identify his project, I take it, as opposed to anybody else's?
- 13 A. Of course.
- 14 Q. 280 Because it was a very large project and it was covered in the press at the
15 time?
- 12:47:49 16 A. Yeah.
- 17 Q. 281 Do you remember having any such conversations with him?
- 18 A. Mr. O'Neill, in my response to the queries I said that I was lobbied by Frank
19 Dunlop. And I am not conscious of lobbying by phone. I think Mr. Dunlop's
12:48:06 20 lobbying was specifically with the majority of councillors who would have been
21 on the north side of the river, if you like, or out that way. I would not.
22 Would doubt very much that I ever discussed that matter with him on the phone.
23 Because I was neither a proposer nor a seconder nor I had no part in the
24 proceedings other obviously than as Chair. So I don't have any extra knowledge
12:48:43 25 than that.
- 26 Q. 282 Fine. I'm going to turn now, Mrs. Ridge, to deal with the series of meetings
27 at which this matter came for discussion?
- 28 A. Yes.
- 29 Q. 283 Now, I've -- I will press it firstly. And if at any point you want to stop
12:49:03 30 me. Because I don't intend to do it on a question and answer basis throughout?

12:49:07 1 A. Okay.

2 Q. 284 I'm just going to go through the sequence of events. If you want further
3 elaboration or clarification of any point?

4 A. I understand.

12:49:14 5 Q. 285 Just stop me and we can look at the minutes which deal with the matter?

6 A. Indeed.

7 Q. 286 So, if we look first to the meeting of the 20th of April?

8 A. Yes.

9 Q. 287 You might recollect that that meeting involved an agenda where the following
12:49:32 10 matters were going to be considered at that meeting.

11

12 Firstly, the withdrawal of the Michael Joe Cosgrave, Liam Creaven, Sean
13 Gilbride and Cyril Gallagher motion. That is motion No. 145 G 1. The first
14 matter that was to be dealt with that day was the withdrawal of that motion by
12:49:54 15 its promoters.

16

17 The next matter which was to be dealt with was the proposed amendment of
18 Michael Joe Cosgrave and Liam Creaven's motion. That was 14 5(g)(ii)

19 A. I remember that because it was taken from the floor. I think.

12:50:15 20 Q. 288 Yes?

21 A. And caused some disruption, I think.

22 Q. 289 That's right.

23

24 The third matter was the proposal of a motion to defer Councillor Healy's
12:50:30 25 motion and Councillor Cosgrave's motion to the date not before the 27th of
26 April. That was another motion which was put forward.

27

28 The next matter was dealt with was an adjudication as to a suggestion by
29 Councillor Anne Devitt, proposing to have the matter put. That was the subject
12:51:01 30 of a decision that day as well.

12:51:04 1
2 And I'll now deal with the results of those issues.
3
4 The first of them, that is the withdrawal of the motion of Councillor Cosgrave
12:51:14 5 and his three colleagues, was agreed. It didn't require a vote.
6
7 The second matter was the proposed amendment of another motion which was before
8 the Council at the time by councillors Michael Joe Cosgrave and Liam Creaven.
9
10 That matter was not determined that day because of disorder in the house, it
11 wasn't concluded
12 A. Yes, I remember that.
13 Q. 290 The next matter was the motion which had been put forward to defer
14 consideration of Mr. Cosgrave's motion until the 27th on the basis that certain
12:51:56 15 councillors felt that there should be a week's adjournment so as to allow for
16 that matter to be examined and the maps to be considered. That motion was put
17 and voted against by a majority. The majority against allowing there to be a
18 deferment of a week was 35 against the adjournment to 26 in favour.
19
20 And that was a motion upon which you cast a vote. And your vote was a vote
21 against it being adjourned.
22
23 The next matter then was the proposal to have the meeting extended beyond the
24 time of 1:30, which under standing orders required the matter to be dealt with.
12:52:52 25
26 That was proposed by you and seconded by Councillor Anne Devitt. And it went
27 before the body of members. 40 members voting in favour of an extension of the
28 time of the meeting. 19 of the members voting against that motion.
29
12:53:12 30 The matter having been extended, there was then a proposal by Councillor Devitt

12:53:19 1 after the expiry of half an hour on the issue to have the motion voted on and
2 that led to disorder in the chamber as a result of which the matter in its
3 entirety was adjourned for one week until the meeting of the 27th of April.
4 That is a summary of what took place at that meeting

12:53:43 5 A. I would say that's correct, yes.

6 Q. 291 Yes. And insofar as there were votes on that occasion which might be
7 considered to be votes which would have allowed for the advancement of a motion
8 before the members of the Pennine Holdings Limited variation. Your votes were
9 votes that allowed for that to happen. If I analyse the votes. There was a
12:54:13 10 vote to adjourn the matter for a week. And that vote was voted -- sorry. That
11 motion was voted against by you?

12 A. I'm not following you there now, with respect.

13 Q. 292 Sorry. The motions which were before the chamber on that day were motions
14 which could go in favour of or could be against the interests of Pennine
12:54:43 15 Holdings Limited. The voting, for example, on the matter being adjourned for a
16 week from the 20th to the 27th might be considered to be against the interest
17 of the promoters of that motion it might be. Insofar as there was a vote to
18 adjourn the matter, you were not in favour of it being adjourned, isn't that
19 right?

12:55:12 20 A. Well, if that's what the record shows.

21 Q. 293 That's what the record shows?

22 A. Yeah.

23 Q. 294 Now, I'm going to turn now to the motions, the subsequent motion, which is the
24 motion of the 27th of April. And it in effect was a resumption of the
12:55:29 25 unfinished business of the previous motion?

26 A. Uh-huh.

27 Q. 295 The motions on the agenda, therefore, were firstly, Councillor Healy's motion
28 to retain the green belt zoning for the Baldoyle lands. There was after that,
29 it's the second item. The motion of Councillor Michael Joe Cosgrave and Liam
12:55:50 30 Creaven to rezone those lands in the manner in which was detailed in the motion

12:55:58 1 paper?

2 A. That's true.

3 Q. 296 And in addition, there were motions proposed from the floor that day. And I'll

4 run through those in sequence. Firstly, there was a motion by Michael Joe

12:56:17 5 Cosgrave and Liam Creaven to defer their motion, that is motion No. 2 and its

6 amendment to a date not later than the 15th of May of 1993. There was a motion

7 from Councillor Maher seeking the withdrawal of her proposed amendment to the

8 Healy motion.

9

12:56:45 10 There was a motion from the floor from Councillor John O'Halloran, seconded by

11 Councillor Liam Cosgrave, to defer all decisions in relation to Baldoyle,

12 pending a site visit to take place on the lands. They were three motions which

13 came from the floor effectively. And I'll just deal with how each of those

14 motions from the floor was dealt with.

12:57:15 15

16 Firstly, the motion to defer, which was that of councillors Michael Joe

17 Cosgrave and Liam Creaven. Was put to a vote. And there was a majority in

18 favour of it being deferred to a date not later than the 5th of May. That was

19 carried by 37 votes in favour, 33 votes against. And your vote was a vote in

12:57:44 20 favour of that taking place.

21

22 The next motion was Councillor Maher's motion to withdraw her amendment to

23 Councillor Healy's motion. And that was taken without a vote. It was agreed

24 that she could withdraw her proposed amendment

12:58:02 25 A. Yes.

26 Q. 297 The third matter was Councillor O'Halloran's and Councillor Liam Cosgrave's

27 motion to have a site visit on these lands before there would be any decision.

28 And on that issue, the Manager offered a view; that that motion was out of

29 order. And you, as Chairperson of the meeting, accepted this advice of the

12:58:32 30 Manager's and deemed that motion to be out of order. So that is how the three

12:58:38 1 motions from the floor were dealt with.
2
3 And then the meeting went on to deal with the substantive motions of the day.
4 And because Councillor Cosgrave and Creaven's motion had been deferred to an
12:58:53 5 unspecified date but not later than the 15th
6 A. Uh-huh.
7 Q. 298 The first matter to come up with the Healy motion to have the Baldoyle lands
8 retain their B and G zoning?
9 A. That's right.
12:59:06 10 Q. 299 And that was voted on and passed by majority of 43 councillors in favour with
11 three against and 23 abstentions?
12 A. Uh-huh.
13 Q. 300 Yes?
14 A. That's right.
12:59:18 15 Q. 301 Now, as a consequence of that motion having passed, it was necessary to revisit
16 a motion which had also been approximated earlier in the day. And that was the
17 deferral motion of Councillors Cosgrave and Creaven. And the Manager indicated
18 that in view of the fact that the motion of Councillor Healy had passed, the
19 adjourned or deferred motion of Councillors Cosgrave and Creaven fell as a
12:59:51 20 consequence, isn't that so?
21
22 Now, we'll hear that as a result of that, certain councillors were dissatisfied
23 with the decision making process that had been involved at the meeting of the
24 27th of April. And in advance of the next meeting on the 4th of May of 1993,
13:00:21 25 Councillor John O'Halloran communicated with you as Chairperson and he and
26 councillors Sean Gilbride intended to table a motion at that meeting which
27 would in effect be a reinstatement of the motion which had come from the floor
28 from Councillor O'Halloran on the 27th and which had been ruled out of order on
29 that occasion.
13:00:58 30

13:00:58 1 And if we deal with that motion. The events of that day. The minutes would
2 record that on the day the membership was advised of Councillor O'Halloran's
3 letter of the same date. Its contents were opened to the members. It was a
4 letter which was effectively challenging your decision of the 27th. And there
13:01:16 5 was also a proposal at that meeting of a motion which would have the effect of
6 deferring matters until such time as the site, as a site visit took place.

7 A. Excuse me that's the 6th of May?

8 Q. 302 No, it's the 4th of May?

9 A. The 4th of May. Yes.

13:01:37 10
11 CHAIRMAN: I wonder, Mr. O'Neill. It's gone one o'clock. This might be an
12 appropriate time to stop. So we'll sit again at two o'clock

13 A. Yes.

14
13:01:45 15 CHAIRMAN: All right.

16
17
18
19

13:01:46 20 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH.**

21
22
23
24
25
26
27
28
29
30

13:01:58 1

2

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

3

4

13:02:03 5

6

MR. O'NEILL: Kneel Mrs. Ridge, please.

7

8

9

CHAIRMAN: Good afternoon

14:08:10 10

Q. 303

11

12

MR. O'NEILL: Good afternoon, Mrs. Ridge.

13

14

14:08:19 15

We were considering the various motions which were held in relation to the Pennine Holdings Limited lands and the variation of the Draft Development Plan which would follow in the event that those motions were successful. And we had dealt with a meeting which took place on the 20th of April, a meeting which took place on the 27th of April, a meeting which took place on the 4th of May and that matter was adjourned until the 6th of May. And I'd like now just to deal with a synopsis of what came on the 6th of May

16

17

18

19

14:08:49 20

21

Q. 304 Yes. On the 6th of May there was a resumption of the agenda which had been listed for the 4th of May.

22

23

24

14:09:05 25

And on this occasion the councillors were advised of Mr. John O'Halloran's letter of the 4th of May. And the proposed motion which he and Councillor Sean Gilbride wished to bring before the membership.

26

27

28

29

14:09:31 30

The members were advised of the Manager's response by letter to you of the 5th of May 1993. Which reviewed the history of the events from the 27th of April until the 5th of May. And which concluded that the motions which were being

14:09:38 1 proposed were out of order just as the motion of the 27th had been out of
2 order.

3
4 And the members were also advised of a letter of the 6th of May from the
14:09:52 5 Manager indicating that the second motion was also out of order. And the
6 meeting then had a number of matters put from the floor. The first was
7 Mr. John O'Hagan. Sorry, Mr. John O'Halloran and Mr. Sean Gilbride's proposal
8 to amend the motion of which they had given notice on the 4th by the addition
9 of the words "Tuesday the 18th of May". And that, we understand, was to give
14:10:24 10 effect to curing a defect in the original motion because it didn't comply with
11 standing orders, in that it didn't provide for a specific date upon which the
12 motion, the visit was to take place. And therefore, this amendment was geared
13 towards bringing the intended amendment into conformity with the Standing
14 Orders.

14:10:45 15
16 The next matter that came from the floor was that councillors Maher and Ryan
17 proposed that all procedural matters and disputes that were arising in relation
18 to the Pennine motion, which was in numbered be dealt with when legal advice is
19 available to the Council and after the present review for the whole county is
14:11:11 20 complete.

21
22 And then those matters were dealt with before the body of members.

23
24 Firstly, the motion to amend was put and was passed 33 votes in favour, four
14:11:26 25 votes against and one abstention. And the substantive motion to defer
26 decisions in relation to Baldoyle until such time as a site visit had taken
27 place on the 18th of May was passed with a majority being 34 votes in favour,
28 four votes against and one abstention.

29
14:11:50 30 And the Ryan Maher motion was then withdrawn by Councillor Maher on the basis

14:12:02 1 that Mr. Ryan was accepting the Manager's advices that the motion was out of
2 order.

3
4 And I think that effectively concluded the business of that day. The result of
14:12:15 5 that being that there would be a meeting to take place on the 18th of May,
6 on-site in Baldoyle, isn't that right?

7 A. Yes and --

8 Q. 305 Now, I'm going to return to why it was that these motions were considered at
9 all in some detail?

14:12:34 10 A. Yeah.

11 Q. 306 But if we just review those three motions then. I think the two significant
12 meetings of the four I have mentioned were the meeting of the 27th, which was
13 effectively the business of the 20th which had been adjourned to that date.

14 And the business which took place on the 6th, which was effectively the

14:12:54 15 business of the 4th and had been adjourned to that day, isn't that right?

16 A. I would agree, certainly.

17 Q. 307 And before dealing with those, might I suggest that the reason why the matter
18 had been adjourned in the first instance was because of controversy in relation
19 to proposals to rezone the Baldoyle lands. And that that controversy, both
14:13:19 20 appearing in the media and elsewhere, had led to some disorder in the house
21 which necessitated the first adjournment, is that so?

22 A. I'd say it was more than some disorder.

23 Q. 308 Yes?

24 A. Yes.

14:13:34 25 Q. 309 It was considerable?

26 A. Indeed, yes.

27 Q. 310 And I think this became a contentious matter from both sides, there might have
28 been more than two sides. But it was a contentious matter throughout, isn't
29 that right?

14:13:49 30 A. It was extremely contentious and it was noisy and it was very hard to be in the

- 14:13:59 1 Chair with, I did say to the Chairman the last time I was here, in the small
2 chamber I think we had up to 70 people and you could have maybe 15 people
3 shouting across at each other and what have you. So it was rather unruly..
- 4 Q. 311 Very good. In advance of the first of those substantive meetings, that was the
14:14:25 5 one on the 27th?
- 6 A. Uh-huh.
- 7 Q. 312 It was apparent, I think, to you and to all other councillors, that this was
8 likely to be a heated exchange on the day, isn't that right?
- 9 A. I think you're under describing it. It was exceedingly heated, yes.
- 14:14:40 10 Q. 313 And have you any recollection of Mr. Dunlop making contact with you in advance
11 of that meeting to discuss how that should, that eventuality might be dealt
12 with in the event that there was contention on the floor?
- 13 A. No, I don't. I am aware that there was a lot of, maybe contention your word is
14 good. But as I said to you before, I was in the Chair. I may have met him on
14:15:14 15 my way into the chamber but I would have had my secretary with me, who used to
16 bring all of the enormous bundles of paper. I'm not aware that I had a
17 conversation with him. I don't think I had actually but I was certainly aware
18 from the newspaper article and the general discussion around the chamber before
19 I went in even. There was a frisson that had never been there before, let's
14:15:43 20 say.
- 21 Q. 314 Okay. And I think that was unlikely to be surprising to you given what had
22 happened exactly a week before, isn't that right? The meeting of the 20th
23 broke up in disorder?
- 24 A. Oh, sorry, yeah.
- 14:15:54 25 Q. 315 So that coming to the meeting of the 27th it was no surprise that this was also
26 going to be?
- 27 A. This was going to be a difficult meeting.
- 28 Q. 316 Yes?
- 29 A. Yes.
- 14:16:03 30 Q. 317 Now, there was one additional component to the matter on the 27th. And that

14:16:10 1 was the fact that there had been a publication in the Irish Independent that
2 day of the fact that Mr. Dunlop and those associated with him were going to
3 make ten million pounds profit if you and your colleagues voted this matter
4 through, isn't that right?

14:16:24 5 A. That was in the independent.

6 Q. 318 It was in the independent. And I take it that you were aware of that in
7 advance of the meeting?

8 A. Not until I arrived in for I can't think, I can't remember if it was 10.30
9 because I wouldn't have seen the paper and I -- I do not believe I was aware of
14:16:43 10 it until I arrived. I know I wasn't aware of it until I arrived in the
11 chamber.

12 Q. 319 And the belief that you had when you went to the meeting was that the
13 substantive motions of Councillor Healy and Councillor Cosgrave and Creaven
14 would be debated before the house that day, isn't that right?

14:17:06 15 A. Well, they were on the agenda.

16 Q. 320 Yes?

17 A. And I presume that we would have gone down the agenda in the usual manner and
18 would have come to those motions.

19 Q. 321 And do you have any recollection as to being surprised or otherwise when
14:17:22 20 Councillor Cosgrave moved to have his motion adjourned or deferred to a date
21 not before the 15th of May? Could you understand. Well, firstly, were you
22 surprised by that move. And secondly, could you understand why this was taking
23 place given that this would now be the third occasion upon which it would be
24 debated if that motion was successful? It had been on the agenda for the 20th.

14:17:55 25 It had not been reached because of disruption and disorder in the house. It
26 had been facilitated by being put into the 27th for hearing. Before it got to
27 hearing one of the proposers stood up and wanted to defer the matter further
28 and on this occasion to something like two weeks or so thereafter. That would
29 have been the third occasion upon which this motion would find itself before a
14:18:19 30 meeting chaired by you. And I'm wondering whether or not you have any

- 14:18:23 1 recollection of being surprised by such an application being made before the
2 Council and. And two, do you recollect any reason being advanced for this
3 course of action being pursued by its promoters?
- 4 A. I have no recollection whatsoever other than as there was a hype around the
14:18:56 5 chamber, so I suppose nothing would have surprised me at that stage.
- 6 Q. 322 Yes.
- 7 A. Besides, it's the right of the proposer and seconder to do that.
- 8 Q. 323 Absolutely. But we know that in the context of any motion to defer proposed at
9 this time. It had been the intention, I believe, of the Council to try and
14:19:25 10 wrap up its review of the Draft Development Plan as soon as possible given that
11 the five year review period had been extended by over five more years between
12 1988 when there should have been a new plan. We were now 1993. There still
13 wasn't one. And there was pressure on all the councillors to bring this to a
14 conclusion, isn't that right?
- 14:19:53 15 A. Yes, I do remember getting letters from the Department of the environment as to
16 when we were going to finish. But can I say, as Chair, if a Councillor has a
17 seconder, whether it's to defer, delete or add to by way of amendment on the
18 subject. It would be -- it's up to the members to decide whether they're going
19 to go with that or not.
- 14:20:22 20 Q. 324 Yes?
- 21 A. And I am in a way, in that matter I have just another vote. I could not say
22 no, you cannot do this.
- 23 Q. 325 Yes. And we know that the vote to defer, well firstly, the application to
24 defer required the matter to be put to the vote of all those members then
14:20:48 25 present?
- 26 A. Yeah.
- 27 Q. 326 And it was voted in favour of by 37 with 33 voting against that motion?
- 28 A. Uh-huh.
- 29 Q. 327 Now, I think we can see from the minutes that this was a matter upon which the
14:21:09 30 mover of the motion to defer, that is Councillor Cosgrave, was questioned as to

- 14:21:15 1 exactly what he hoped to achieve by this because of the fact that there hadn't
2 been notice given of the fact that this motion to defer was going to be brought
3 and the consequences of it, it seems, were not considered by those present?
- 4 A. Well, again, I would have no role whatsoever other than taking if -- I think I
14:21:48 5 said it before. If the motion was on the agenda, if anything regarding it
6 wanted or needed to be changed by the proposer or seconder.
- 7 Q. 328 Yes?
- 8 A. I had no role other than to accept and let it be voted upon.
- 9 Q. 329 Right. Now, we know that it was voted upon and deferred. Do you have a
14:22:11 10 recollection yourself of whether or not you appreciated that in the event that
11 Councillor Healy's motion went ahead and was passed, that a consequence of that
12 would be that the motion of Councillor Cosgrave and Creaven which had been
13 adjourned to not before, not later, rather, than the 15th. That that would
14 fall automatically. Were you aware of that at the time? Were you conscious of
14:22:40 15 that at the time?
- 16 A. I don't know because, as you have referred to it yourself, there was still
17 constant bickering going between.
- 18 Q. 330 Yes?
- 19 A. Different groupings and my interest was to control the chamber as best I could
14:23:05 20 and try and get the business done. So I would have always spoken to Mr. Smith
21 who would have been on my right-hand side at all of these meetings with regard
22 to the most suitable course to pursue because, the minutes don't show it, but
23 there would have been a very acrimonious debate going on during all of this
24 time.
- 14:23:32 25 Q. 331 Right. And we know that Mr. Smith did give advice to you in relation
26 specifically to the motion which was sought to be advanced at that meeting by
27 Councillor O'Halloran and seconded by Councillor Liam Cosgrave, isn't that
28 right?
- 29 A. He said that it wasn't in order.
- 14:23:53 30 Q. 332 He said it was his advice was that it was out of order but it wasn't his

- 14:23:58 1 decision ultimately. It was the decision of the members but you in your
2 capacity as the Chairperson adopted his advice and concluded that it was in
3 fact out of order and therefore it was not put to the members, isn't that
4 right?
- 14:24:17 5 A. That's right.
- 6 Q. 333 And it would appear from the minutes of the meeting that it was only after
7 Councillor Healy's motion had been put and passed by a majority of 43 to retain
8 the green belt, that it was then indicated by Mr. Smith that the consequence of
9 that was that the earlier motion of Councillors Cosgrave and Creaven now fell,
10 isn't that so?
- 11 A. Well, I can't remember the consequences but that is what happened. He did say
12 that, yes.
- 13 Q. 334 And that is the sequence that, the sequence that I have just put to you?
- 14 A. Yeah.
- 14:24:51 15 Q. 335 Is the one which appears in the minute, isn't that right?
- 16 A. Okay.
- 17 Q. 336 So that it wasn't a matter which was advised to the councillors specifically
18 and noted in the minute before the Healy motion. It was advised afterwards?
- 19 A. I can't remember but if you're telling me that that's what happened.
- 14:25:08 20 Q. 337 Well that's what the minute says?
- 21 A. I accept that.
- 22 Q. 338 I take it that if anybody had an issue to take with the minute, that it would
23 have been a matter corrected at the next meeting of the Council. The minutes
24 are circulated after the meetings, isn't that right?
- 14:25:24 25 A. That is true and adopted, yeah.
- 26 Q. 339 And this was a meeting on the 27th. The minutes of which and the meeting
27 itself, its decisions came in for considerable scrutiny thereafter by lawyers
28 and others, because of the belief?
- 29 A. Directions from.
- 14:25:42 30 Q. 340 Sorry?

- 14:25:42 1 A. From the Manager. I always called Mr. Smith the Manager.
- 2 Q. 341 Yes?
- 3 A. Yeah.
- 4 Q. 342 What I'm saying is that what was -- the minutes and what took place at the
- 14:25:57 5 meeting, whether it be the decisions of the councillors themselves, the rulings
- 6 of you as Chairman, or the advices given by means of direction or otherwise,
- 7 from the Manager. These were all matters, I think you would agree, which were
- 8 scrutinised after this meeting on the 27th because of the implications and
- 9 consequences of the decision, isn't that so?
- 14:26:23 10 A. I'm sure they were.
- 11 Q. 343 Well, you know it because Mr. O'Halloran amongst others wrote to you
- 12 challenging your decision indicating that it was not a proper decision. And
- 13 indeed, at the meeting itself there was a walk out by certain parties
- 14 indicating the whole matter was illegal, isn't that right? So you're not in
- 14:26:42 15 any way disputing, I think, but that this was contentious and what I'm putting
- 16 to you is if there was any error in the minutes themselves, they would have
- 17 been corrected in the next meeting. And since they weren't, I think the
- 18 Tribunal may take it that the minutes are an accurate record of what happened
- 19 at the meeting, isn't that so?
- 14:27:02 20 A. Yes. I have never heard any query about the minutes before.
- 21 Q. 344 Right?
- 22 A. And if they were adopted, they were adopted.
- 23 Q. 345 Yes. Now, from the point of view of Pennine Holdings Limited, which were the
- 24 promoters of the project in Baldoyle, in the event that the lands were rezoned.
- 14:27:24 25 The decisions of the 27th of April amounted to complete defeat of their
- 26 entitlement to have their property rezoned. And it was so interpreted in the
- 27 press that the matter had been a victory for the Greens and the lands were now
- 28 going to remain as green belt at least for the next five years or so. You
- 29 might remember that level of media coverage?
- 14:27:50 30 A. I do.

- 14:27:50 1 Q. 346 Of the event at the time?
- 2 A. I do.
- 3 Q. 347 And at the same time, have you any recollection of Mr. Dunlop coming to you or
- 4 you going to Mr. Dunlop to discuss with him the consequences for him of the
- 14:28:04 5 decisions of that day?
- 6 A. No. But I am aware that I phoned him at, on that day, the 27th. Because you
- 7 may remember it was also widely published in the media, Mr. Dunlop was in the
- 8 foyer and he gave an interview to television, I think, and to the press. But
- 9 he -- that was quite short. And he was, to my mind, well I suppose exceedingly
- 14:28:43 10 upset and I thought perhaps even unwell. How and ever, I know that I rang to
- 11 see how he was. I certainly did. And as my memory serves me, I think he came
- 12 to the hotel to a group of people. Not, we didn't discuss the thing at all. I
- 13 think people felt confused and quite amazed about the turn of events. But.
- 14 Q. 348 Uh-huh?
- 14:29:21 15 A. No, I would be, I think, on safe ground to say I did not -- I discussed
- 16 personal feeling, if you like, but certainly not the implications.
- 17 Q. 349 Right?
- 18 A. To be quite honest, they are so complex. I wouldn't be speaking about them any
- 19 anyway.
- 14:29:48 20 Q. 350 Right. I think you know that on the 4th of May you received a letter from
- 21 Councillor John O'Halloran?
- 22 A. Yes.
- 23 Q. 351 And a draft motion behind it. And the evidence from Mr. Dunlop to the Tribunal
- 24 was that these documents were typed up in his office. That they were signed in
- 14:30:04 25 the first instance by Mr. O'Halloran and that he, Mr. Dunlop, then brought the
- 26 documents. That is the motion paper, to Councillor Gilbride and had him sign
- 27 it. And that he then brought the motion down to the secretariat in advance of
- 28 the hearing of the motion that morning and filed those documents with the
- 29 secretariat. Are you aware of that?
- 14:30:29 30 A. Absolutely not.

- 14:30:30 1 Q. 352 No. If Mr. Dunlop was engaged to the extent that he says he was in that
2 action, would it be a surprise to you to know that he was so involved in the
3 detail of that particular motion?
- 4 A. Yes because John O'Halloran has spoke from the floor that day.
- 14:30:56 5 Q. 353 Yes?
- 6 A. Seeking to defer. I have no recollection at all of there -- it seemed to be he
7 just stood up and said it, I think, because again it's so long ago. But I know
8 that Mr. O'Halloran -- sorry. Excuse me. Mr. O'Halloran has always maintained
9 that he acted on his own -- of his own volition and that he carried it through
10 on his own volition. And I had no contact with Mr. O'Halloran to discuss this
11 whatsoever other than that he sent me the letter and then it was entered into
12 the minutes.
- 13 Q. 354 Yes?
- 14 A. And into the meeting.
- 14:31:44 15 Q. 355 Yes. It became the business of the day?
- 16 A. Yes.
- 17 Q. 356 And as I think we saw a little earlier. It was read into the record and
18 adjourned to the 6th?
- 19 A. I put it to you this way. I received a letter from John O'Halloran on the
14:31:56 20 matters that you have mentioned and that was the first that I knew about the
21 letter, was when I received it.
- 22 Q. 357 Right?
- 23 A. And I couldn't tell you where it came from or how it came from but it was
24 possibly left in my office, I don't know.
- 14:32:09 25 Q. 358 And I think that we know that the substance of the complaint that
26 Mr. O'Halloran had at the time was that he was effectively challenging the
27 decision that you had taken on the 27th in relation to his motion, isn't that
28 right?
- 29 A. That is right.
- 14:32:24 30 Q. 359 He was saying effectively you were wrong in the way in which you went about it

14:32:28 1 and he was suggesting that the matter should come back before the Council and
2 again your advice from Mr. Smith by way of direction or whatever you call it,
3 was that the decision was correct and it should be stood by, isn't that right
4 that?

14:32:44 5 A. That is correct.

6 Q. 360 Right. And when it came to the 6th of May obviously as far as you are
7 concerned if your decision of the 27th of May was a correct decision?

8 A. Uh-huh.

9 Q. 361 You would not have entertained any of those motions that were being brought by
14:33:08 10 Mr. O'Halloran at that time or indeed by the other councillors in relation to
11 the same matter because there already had been a ruling on the 27th which
12 covered that issue, isn't that right?

13 A. Yes. But I think the question posed with Mr. O'Halloran's letter was that he
14 claimed that at a meeting following the one of the 27th that a Councillor had
14:33:45 15 been allowed seek a similar deferment.

16 Q. 362 Yes?

17 A. And that that was not ruled out of order. And he claimed it was of a similar
18 nature.

19 Q. 363 Right?

14:33:55 20 A. To what had happened on the 27th. And I think that was the basis of his
21 argument that not so much what the motion was as such but that different
22 treatment had been given to another Councillor for what he claimed to be a
23 similar situation.

24 Q. 364 Yes?

14:34:16 25 A. And he had asked me to, in his letter, to -- he wanted it read into the Council
26 minutes.

27 Q. 365 Yes. And as we know, no effective discussion on the merits or otherwise of his
28 motion took place on the 4th. It was adjourned by agreement, deferred by
29 agreement to the meeting which was going to take place two days later on the
14:34:42 30 6th, isn't that right? That is what the record shows?

- 14:34:45 1 A. I'm sure you're right.
- 2 Q. 366 In advance of that meeting taking place, were you aware that Mr. Frank Dunlop
3 had sought and had obtained the opinion of counsel as to the propriety and
4 legitimacy of the decisions which had been taken on the 27th by you?
- 14:35:06 5 A. Well, I'm not certain but I know that I was informed or saw and I can't
6 remember. Well I am -- I think I did because I was aware that there had been a
7 contrary opinion suggested by another eminent lawyer as to my decision being
8 wrong.
- 9 Q. 367 Well, could I put it this way. If we try and fix it in time, firstly. As of
14:35:45 10 the 6th of May, which was the day upon which the adjourned motion was to take
11 place. In advance of that motion commencing, Mr. Dunlop was in possession of
12 an opinion from counsel, which challenged the validity of your decision?
- 13 A. Uh-huh.
- 14 Q. 368 Are you aware of that?
- 14:36:06 15 A. I just don't know.
- 16 Q. 369 Fine. Mr. Dunlop also says that he made the contents of that opinion known to
17 you prior to the commencement of the meeting on the 6th. Indeed, I think he
18 went as far as to say that the purpose of getting the opinion with the urgency
19 involved here was to have it in advance of the hearing at which that issue
14:36:33 20 would be debated before the chamber. Does that assist you in any way in
21 knowing that in going into the meeting on the 6th of May that you had had the
22 benefit of seeing or being told of the views expressed by Mr. Dunlop's counsel?
- 23 A. I really do not know.
- 24 Q. 370 I see.
- 14:37:02 25 A. May I add to that.
- 26 Q. 371 Yes?
- 27 A. You're talking about confusion upon confusion. But my duty, I had a duty to
28 myself, first of all. I was not going to set myself up for a legal challenge,
29 if I had given a wrong ruling. And secondly, on that day, and I have to
14:37:30 30 actually perhaps my advisor might help me with this matter. I specifically and

14:37:40 1 at all times stated that whatever decision was taken that day and it's recorded
2 in the minutes, that I would send it back to the law agent no matter what.

3
4 So I don't know with regard to what I may have heard or what I mightn't have
14:37:59 5 heard or whatever. I was faced with a majority of councillors. Now, I mean,
6 this is a democracy. So whether we like it or not, I have whatever. I can't
7 remember the vote. I think I had 33 people in front of me, all shouting that I
8 take the vote. Take the vote. And they wanted to support Councillor
9 O'Halloran's motion. So I did state categorically that I was going to allow
14:38:34 10 the motion purely on the basis that I had been told before that there was a
11 possibility that I was wrong. That Councillor O'Halloran certainly thought
12 that I was wrong and that I wasn't taking any chances in this matter. I may
13 not have used those exact words.

14
14:38:55 15 Chairman, I want to emphasise. That everything I have here, all decisions
16 taken in relation to this matter, would be referred to the law agent for
17 advice. And that was my final issue with that whole day

18 Q. 372 Sure. I think we can deal specifically with what the minutes recorded as being
19 your decision on the day and the reasons for it?

14:39:22 20 A. Yes.

21 Q. 373 Very shortly. But my queries really were directed towards establishing what
22 information you had in advance of the meeting which effectively allowed you to
23 entertain a revision of the decision you had taken on the 27th. I know that it
24 subsequently was to be interpreted in the press as a U-turn. I'm not
14:39:48 25 suggesting that it was. But that is what was suggested in the press after the
26 meeting had been held. So I'm trying to establish what the factual basis was
27 for your decision on the day to effectively reopen an issue which you had
28 decided upon on the 27th in a particular way. And more particularly, the
29 extent to which, if at all, your decision was influenced by any contact
14:40:17 30 you'd had with Mr. Dunlop in advance of that decision, do you understand where

- 14:40:21 1 I'm coming from?
- 2 A. I do. But what I want to say to you is that I based my decision on me doing
3 the right thing as Chairman of Dublin County Council. And on the fact that if
4 I was wrong on my first occasion, was I not going to compound it by not
14:40:44 5 allowing for the second vote. And in effect, the law agent's advice was my
6 last, was my, what you would say, my flagpole. Because I was not going to walk
7 myself into a situation of further litigation perhaps by anybody.
- 8 Q. 374 I do understand then that you don't have a memory as to whether or not you did
9 consider with Mr. Dunlop the opinion of his counsel prior to the meeting at
14:41:23 10 which you pronounced your decision?
- 11 A. I have no memory of speaking with Mr. Dunlop.
- 12 Q. 375 Right?
- 13 A. I don't know what Mr. Dunlop has said. But I'm giving -- I genuinely, as I
14 said in here one day before. I can't invent something to suit the situation.
- 14:41:53 15 Q. 376 Sure?
- 16 A. I do not remember.
- 17 Q. 377 If it's of assistance to you to know what Mr. Dunlop said. He said that he
18 obtained the opinion of counsel?
- 19 A. Yes, I read his evidence about Mr. Birmingham and I being of the same
14:42:00 20 persuasion.
- 21 Q. 378 Yes. And that armed with that opinion he went to you in advance of the
22 meeting. That he acquainted you with the contents of that opinion and I think
23 he may have ventured that because of your political alignment with the Council
24 that that may have been an influencing factor. But leaving that aside. He
14:42:21 25 certainly made the point that you had had sight of this opinion before you made
26 your decision in the Council on that day. And that's the issue with which I'm
27 asking you whether or not you dispute or whether or not you --
- 28 A. I don't dispute it. I have no memory of it.
- 29 Q. 379 Okay?
- 14:42:36 30 A. But I would like to say that I have, if I did get it at that time, I would have

14:42:45 1 read an opinion of, I think, I think he was the former Minister in local
2 Government at one stage. He had been a City Councillor and I should have
3 imagined that Mr. Birmingham's opinion was well worth looking at.

4 Q. 380 Uh-huh?

14:43:01 5 A. But I am not certain. I don't think you can understand how hard it is to
6 remember when you're running in to chair a meeting of 70 people. There are
7 about ten people trying to talk to you on the way in. I do not wish to say
8 anything other than I have no memory of a conversation. I am very conscious of
9 Mr. Birmingham's thing. Perhaps I was handed a copy of it, I do not know. I
10 do not know.

11 Q. 381 Well, I can show you a copy of it, if you think it would be an aid to you?

12 A. I actually have one.

13 Q. 382 You do?

14 A. I do.

14:43:42 15 Q. 383 It's circulated in the brief of documents which went out to you quite some time
16 ago?

17 A. Yeah.

18 Q. 384 And presumably, you read it since. And is there anything in it that recalls or
19 brings back to memory the fact that you may have considered that in advance of
14:43:57 20 the meeting of the 6th or not, which is the only issue we're dealing with at
21 the moment?

22 A. No. Because as I remembered this meeting. It was noisy but it was really a
23 question of a battle between the people who didn't want the motion to proceed
24 and those who did.

14:44:14 25 Q. 385 Yes?

26 A. And I can't even remember a reference to anything other than in the long run I
27 have, I'm not certain but I have a feeling Mr. Smith said sure I had to take
28 the motion anyway even if it was only for the visit because the law agent had
29 advised and you, I'm sure, have that before you. That it would be quite
14:44:43 30 appropriate for the visit to the site to take place. I don't know if you have

14:44:50 1 that in front of you. But I remember it being in the advice.

2 Q. 386 That was a letter which you received from Mr. Smith in which he suggested that?

3 A. Yeah.

4 Q. 387 Without prejudice this might be a way of going forward?

14:45:02 5 A. Yeah.

6 Q. 388 Rather than it being the advice of the lawyers themselves?

7 A. Well okay.

8 Q. 389 I don't think he attributed that to the law agent certainly as being

9 something --

14:45:11 10 A. Well, okay. I'm taking my instructions from the planning Manager. As far as

11 I'm concerned, the vote only resulted in, not as far as I'm concerned. The

12 factual reality is that we did go on the site meeting.

13 Q. 390 Yes?

14 A. And from my point of view, that was the end of the whole issue.

14:45:36 15 Q. 391 Yes?

16 A. I had no dealings with it ever again.

17 Q. 392 Right. We might look, perhaps, at the minutes themselves.

18

19 At page 2193. Which deals with the

14:45:50 20 A. Could you put that ...

21 Q. 393 Yes?

22 A. Up, please.

23 Q. 394 Yes, of course. 2193. The very top of the page there?

24 A. Yes.

14:45:59 25 Q. 395 You will see that the Manager again advised that the motions before the meeting

26 were out of order. The Chairman informed the members that because there was a

27 doubt as to the correctness of her decision when ruling the motion proposed by

28 Councillor O'Halloran, seconded by Councillor Liam Cosgrave out of order at the

29 meeting on the 27th of April 1993, she was ruling the motions now before the

14:46:24 30 Council in order but that all decisions taken in relation to the matter would

- 14:46:29 1 be referred to the law agent for advice.
- 2
- 3 That was, is that an accurate record of what took place at the time?
- 4 A. Yes.
- 14:46:36 5 Q. 396 And that allowed for the members to debate the merits, or otherwise, of
- 6 Councillor O'Halloran's proposal to visit the site. And we know that they did
- 7 so and voted in favour of that course being followed, isn't that right?
- 8 A. That's true.
- 9 Q. 397 And the opportunity for that to be debated has its origin in your decision to
- 14:47:01 10 review effectively what you had decided in, on the 27th of April and to
- 11 effectively reverse that decision, isn't that right?
- 12 A. Would you say that again, please.
- 13 Q. 398 The opportunity for the councillors present at the meeting to vote on the issue
- 14 as to whether or not there should or should not be a site meeting. Has its
- 14:47:25 15 origin in the fact that you made the ruling, which I've just read, so as to
- 16 allow this to happen. That ruling being a reversal of the ruling which had
- 17 been made on the 27th of April. Do you understand?
- 18 A. Yes. Yes. But on the -- that any decisions taken in relation to this matter
- 19 would be referred to the law agent.
- 14:47:52 20 Q. 399 Yes. For advice.
- 21 A. Yes I presume.
- 22 Q. 400 At this point in time you hadn't got any advice from or sorry I should say from
- 23 the Council hadn't got any law advice because it wouldn't come exclusively to
- 24 you. But the law agent hadn't provided the advice on this issue as to the
- 14:48:13 25 validity or otherwise of the decision of the 27th of April and that advice
- 26 would not come to the Tribunal until the 25th of May when the opinion of John
- 27 Gallagher Senior Counsel?
- 28 A. Yes.
- 29 Q. 401 Was circulated, isn't that right?
- 14:48:30 30 A. That's correct.

- 14:48:31 1 Q. 402 Yes. Now, you'll be aware that one of the motions that was before the house
2 that day was a motion, as we see at page 2192. Proposed by Councillor Malone
3 and Councillor Ryan. That all procedural matters and disputes in relation to
4 representation and they give the number there. Be dealt with when legal advice
14:48:58 5 is available to this Council and after the present review motions etc. for the
6 whole county is completed.
7
8 Why was it that you didn't support that particular motion, which would have had
9 the effect of deferring a decision until such time as the law agent's opinion
14:49:18 10 was available?
11 A. Well, I presume, I don't presume. I know that the argument for and against is
12 missing from this and we've said this on many occasions. It's very
13 unfortunate. But in the long run a proposal was put and for 29 people voted
14 for it including myself. And 22 against. And again, as I said earlier, that's
14:49:46 15 the way the Council votes work.
16 Q. 403 And I think in --
17 A. Sorry.
18 Q. 404 Sorry?
19 A. I have no. I have no memory of any particular issue other than the for's
14:49:59 20 explaining why it shouldn't -- sorry. Why it shouldn't be deferred. And then
21 the against's saying the reverse.
22 Q. 405 Yes?
23 A. And three minutes to everybody and.
24 Q. 406 Sure?
14:50:09 25 A. The usual.
26 Q. 407 Just for correction. The vote that you refer to here, the 29 for and the 22
27 against. That was in connection with the suggestion that the question now be
28 put?
29 A. Oh, I beg your pardon. I do apologise.
14:50:26 30 Q. 408 And not in relation to the other motion.

14:50:28 1 A. That's the one that's up in front of me then here.

2 Q. 409 The motion that's up in front of you there was a motion which subsequently was
3 withdrawn by those councillors?

4 A. Okay.

14:50:39 5 Q. 410 Later in the day. What the members were voting on in the area there as to the
6 question being put was in relation to the motion to amend Councillor
7 O'Halloran's motion. It wasn't, in other words,?

8 A. Okay.

9 Q. 411 This vote is not to deal with that.

14:51:03 10

11 JUDGE FAHERTY: It was in relation to the date being added I think, just so
12 that Ms. Ridge understands. On the day, Mrs. Ridge

13 A. Yes.

14

14:51:11 15 JUDGE FAHERTY: Mr. O'Halloran and Mr. Gilbride had the motion in, because it
16 was a pre written motion that was before the Council

17 A. On the 27th.

18

19 JUDGE FAHERTY: No, this was on the 6th of

14:51:21 20 A. Sorry, I beg your pardon.

21

22 JUDGE FAHERTY: But they hadn't put in, as I understand, a date. And Standing
23 Orders needed a date for a site visit

24 A. Oh, yes, that's right. And the date was subsequently put in.

14:51:35 25

26 JUDGE FAHERTY: It was. And that I think was the question or the amendment
27 that when the question was put, that's the substance of that particular, is
28 that right, Mr. O'Neill?

29 Q. 412

14:51:43 30

- 14:51:43 1 MR. O'NEILL: As I understand it. The question being put was not being put in
2 relation to the -- council's motions of councillors Ryan
- 3 A. It was the other one.
- 4 Q. 413 It was the other one. Because we know that the motion of Councillor Ryan was
14:51:58 5 withdrawn by them after the vote was taken on the other matter which was?
- 6 A. Yeah, I follow you.
- 7 Q. 414 But the question, in other words, of there being a deferral for the purpose of
8 seeking legal advice is, was certainly an option which could have been
9 exercised by you on that day rather than ruling that the motions were in order
10 subject to receiving subsequent advice. Do you appreciate the two options that
11 were there and open to you?
- 12 A. I do. But the councillors voted against that.
- 13 Q. 415 Yes. But you ruled -- it was as a result of your ruling that you may have been
14 incorrect in your ruling on the 27th that the councillors permitted to discuss
14:52:27 15 this matter at all, isn't that right?
- 16 A. Oh, I beg your pardon, yes, yes.
- 17 Q. 416 Now, that decision that you made to allow for them to?
- 18 A. Site meeting.
- 19 Q. 417 Consider that matter. Stemmed from a revision by you of the view that had been
14:53:08 20 expressed on the 27th, isn't that so?
- 21 A. Review by me.
- 22 Q. 418 Yes. You had changed your mind effectively.
- 23 A. I don't know that I had changed my mind but I had been subjected to letters or
24 letter and it was put that I had made an incorrect decision.
- 14:53:33 25 Q. 419 Yes?
- 26 A. And I don't know if I'm changing my mind when I refer everything back to the
27 law agent.
- 28 Q. 420 Right. If it was the case, Mrs. Ridge --
- 29 A. What I did allow.
- 14:53:44 30 Q. 421 Yes?

- 14:53:45 1 A. If you're asking me -- well no. I'll say no more. You go ahead.
- 2 Q. 422 Sure. If Mr. Dunlop is correct in his evidence. And I'm not making a
3 judgement on whether he is or otherwise. That he acquainted you with the
4 contents of the opinion of Council which effectively had challenged your
14:54:12 5 decision. Do you think it would have been appropriate for you to sit on this
6 issue at a meeting of the Council in the knowledge that you had been subjected
7 to a discussion on that issue with the developer, in which the developer was
8 advancing counsel's opinion to you for your consideration? Do you understand
9 what I'm putting to you? If Mr. Dunlop is correct in saying to you that he
14:54:41 10 went to you and said here is George Birmingham's opinion which supports the
11 view that you were in error in your decision on the 27th. This is a matter
12 which is now going to come up at the meeting in the next half hour or so. He
13 says you're wrong. Do you think it would have been appropriate for you to have
14 sat as the Chairman at the meeting that having occurred?
- 14:55:03 15 A. Well, I wouldn't know how to answer that. Because, first of all, I think I've
16 already stated that I have no recollection of having such a conversation with
17 Mr. Dunlop. I said I may have had something handed to me fourteen years ago, I
18 do not know. Thirdly, why would you put that question to me? Because if I was
19 to take the advice would you have the same question if I took the advice of the
14:55:40 20 county's law agent.
- 21 Q. 423 You didn't have the advice of the county's law agent at the time?
- 22 A. No. I really don't know where you're coming from in that because --
- 23 Q. 424 I'm asking you essentially, Mrs. Ridge. Given that you had a position here
24 which was effectively quasi judicial. You had a role that was greater than the
14:55:59 25 other councillors insofar as you were the person who could make the rulings
26 from the Chair. You, therefore, had an interest in the matter that was before
27 you.
28
- 29 In those circumstances, in advance of the meeting, did you consider that there
14:56:14 30 was anything improper in going on to sit at a meeting where you were going to

14:56:22 1 be considering a motion. Firstly, which would have had a benefit possibly to a
2 friend of your's, who was a great friend of yours for years before that. And
3 in circumstances where that person on his account, had given you a copy of an
4 opinion of counsel which you were going to, on a matter which you were going to
14:56:42 5 deal with at the forthcoming meeting.
6

7 I think I've outlined for you the factual content of the question that I'm
8 asking you. And that is whether or not you ever considered you were in any way
9 compromised by that performance of Mr. Dunlop's in advance of the meeting?

14:56:59 10 A. I would have to say no. Because my memory is that I did not have -- I have
11 absolutely no distinct memory of either a conversation or having possession of
12 the judgement. But I would have to say. And you are an eminent lawyer. Would
13 that have been a wrong thing if you had that extra information?

14 Q. 425 Well, I think that's probably something that your own lawyers would advise you
14:57:30 15 in relation to. But there is certainly a legal principle that one should never
16 be a judge in one's own cause. That's the first thing. And equally, if one is
17 performing a quasi judicial function, certainly you should not have
18 discussions with interested parties without bring that to the attention of all
19 other parties who are present and had an interest. So that if you were the
14:57:57 20 Chairperson on this day, as we know you were, certainly I suspect your lawyers
21 would say that you would either have to say to them I have been approached by
22 the individuals who are interested in this variation in advance of the meeting.
23 And they have asked me to revise my decision on the basis of counsel's opinion
24 which they have shown me.

14:58:22 25 That information was never disclosed to the body of members. What the members
26 did have before them was an amount of documentation, including the letters from
27 Councillor O'Halloran, the response there to from the Manager, the advices
28 received by you. But nowhere in any of that were they informed. Were they the
29 councillors informed, if it was the case, that before the meeting you had been
14:58:46 30

14:58:49 1 shown an opinion of counsel which was generated by the developers and which was
2 challenging your decision and in respect of which you were going to follow
3 effectively in the meeting which was held subsequent to the receipt of that
4 opinion. I don't know if that answers your queries

14:59:08 5 A. No, I know what you're saying. But I made absolutely no reference to, as my
6 memory serves me, at all, to any other advices when the discussions were going
7 on in the chamber. As I've said, I think twice before.

8 Q. 426 Uh-huh?

9 A. Getting through the meeting was, from my point of view, getting something done
14:59:37 10 with the fact that I had a majority of councillors.

11 Q. 427 Right?

12 A. Shouting for this motion to be taken.

13 Q. 428 All right?

14 A. And how long can you sit there and -- I think I actually acted in the best
14:59:56 15 interests of the Council and from my own point I thought I was being fair.

16 Q. 429 We know that the motion that was voted upon, that is the substantive motion,
17 was to allow for a meeting to take place on the 18th of May and one did in fact
18 take place on that date?

19 A. That's right.

15:00:16 20 Q. 430 And the motion which was debated before the chamber on the 6th did not
21 specifically deal with what was to happen in relation to the motion of
22 Councillors Creaven and Cosgrave which had been intended to be heard before the
23 15th of May but which had been pronounced on as having fallen because of the
24 decision on the 27th of April, isn't that right?

15:00:45 25 A. Yeah.

26 Q. 431 And we'll see from the documentation which was generated in the days
27 immediately after the meeting of the 6th that the proceedings of the Council on
28 the 6th at the meeting we've referred to were discussed by three individuals on
29 the 8th of May two days later. They were Mr. John Gore Grimes, who is the
15:01:16 30 solicitor acting for Mr. Byrne, who was the owner of the land.

- 15:01:19 1
2 Mr Frank Dunlop who was the public face of the project to develop those lands
- 3 A. Uh-huh.
- 4 Q. 432 And Mr. Liam Lawlor whose role is as yet to be determined. The three of those
15:01:32 5 gentlemen met and we'll see at page 2210. That they were discussing the
6 proceedings of the Council based on counsel's opinion and the opinion of
7 counsel was Mr. George Birmingham's opinion. And this is a note prepared by
8 Mr. Gore Grimes. You'll have seen it in the brief of documentation?
- 9 A. Yes, I have.
- 15:01:56 10 Q. 433 In it he makes reference Mr. Gore Grimes, to the fact that letters were to be
11 drafted over the weekend and Mr. Lawlor and Mr. Dunlop were to come into to see
12 him on Monday and he is to check the legal implication of these letters. Those
13 letters in effect were letters intended to be drafted by Mr. Dunlop and
14 Mr. Lawlor over the weekend which would be brought in to Mr. Gore Grimes and
15:02:22 15 settled or reviewed and inquired into as to their suitability by him the
16 following Monday. That's what this attendance says.
17
18 And we'll see that the letters in question appear to be letters which were to
19 be written to and letters which were to be sent by you to those who were in
15:02:46 20 communication. I think you're aware of that from the documentation which had
21 been circulated to you
- 22 A. I am. And I would like to ask my legal advisor to just say, to come in on the
23 basis of these letters.
- 24 Q. 434 Well, I don't think that it would be appropriate at this point in time,
15:03:10 25 Mrs. Ridge, for that to happen. Because this is an inquiry in which the
26 Tribunal is seeking to elicit information from you?
- 27 A. Okay.
- 28 Q. 435 Rather than to receive a summary from your lawyers?
- 29 A. Oh, no it wouldn't be a summary.
- 15:03:32 30 Q. 436 In either event it can never be evidence of the circumstance.

15:03:32 1 A. Okay.

2 Q. 437 He has the opportunity I have to say, when my questioning has concluded?

3 A. That's fine. I'm not in dispute on you.

4

15:03:35 5 CHAIRMAN: Just on that. When Mr. O'Neill concludes his examination of you.

6 If you want to

7 A. Ask questions.

8

9 CHAIRMAN: Talk to your lawyer for a few minutes before

15:03:45 10 A. No, I may not have to. It's just. I was reading my own handwriting which is

11 shocking. So I just wanted to. You please go ahead Mr. O'Neill. Sorry for

12 interrupting you.

13 Q. 438

14

15:03:58 15 MR. O'NEILL: Not at all.

16

17 If we look to page 2853. You will see that this is a draft letter. It is

18 intended to be sent to you

19 A. Yeah.

15:04:07 20 Q. 439 And it's dated --

21 A. I have a copy of that. It was in the file sent to me.

22 Q. 440 Indeed. It was intended to be sent to you dated 12th of May.

23

24 And you have hard copy in front of you there ?

15:04:21 25 A. Yes.

26 Q. 441 In any event, I think you know from looking at the document. That it is a

27 document which if completed and sent would have been a letter coming to you

28 from two councillors, that is Michael Joe Cosgrave and Liam Creaven, isn't that

29 right?

15:04:37 30 A. That's right. That's correct.

- 15:04:41 1 Q. 442 Did you ever receive this letter?
2 A. I haven't the faintest idea.
3 Q. 443 Does that mean that you may have received it and you've forgotten it or that
4 you simply don't know whether you did or did not receive it?
15:04:53 5 A. I don't think I received any letter from the two gentlemen. But, as you know,
6 and as I know, they sent me a subsequent letter giving out to me. Well
7 reprimanding me for not having come back to them. I still was not aware of any
8 letter. Perhaps they did, I don't know. I don't know. What did they say.
9 Q. 444 Well it is in front of you on screen at page 2853.
15:05:25 10
11 What they were doing in this letter was firstly reviewing what had taken place
12 on the -- at the meeting on the 27th of April 1993.
13 A. Oh, I know the content, yes.
14 Q. 445 You know the content?
15:05:38 15 A. Yes, yes, I do.
16 Q. 446 And as far as the minutes are concerned, the matters, that is the minutes of
17 the meeting on the 27th. The matters which are set out in this letter of the
18 12th are accurate in that regard, isn't that right?
19 A. I'm sure they are.
15:05:55 20 Q. 447 Where it sets the factual basis for the queries or concerns that are contained
21 in this letter, it is by reference to what happened at the meeting?
22 A. It is, yes.
23 Q. 448 It is, yes.
24 A. Excuse me just for a second now. I took -- I'm trying to find the hard copy
15:06:15 25 here. I have it now. Sorry for holding you up.
26 Q. 449 Not at all. What the authors of this letter are seeking from you as the named
27 Chairperson of the Council is confirmation that their interpretation of the
28 Standing Orders is correct and they specifically then go on to seek your
29 confirmation A, that Councillor Healy agencies motion No. 5.1 should have been
15:06:51 30 taken prior to our deferral motion. And B, that had Standing Orders been

15:06:56 1 adhered to in Councillor Healy agencies motion put to the members prior to
2 our's, the resulting vote would have been to the following effect. And they
3 set out the effects that there would have been.
4

15:07:07 5 Now, in raising that query of you

6 A. Uh-huh.

7 Q. 450 The queries that are raised there are queries to which the answer is contained
8 in counsel's opinion, which was given to Mr. Dunlop in advance of the meeting
9 of the 6th. Mr. Dunlop say that is he is the author of this particular letter
10 with the assistance of Mr. Lawlor. And that this document was generated so as
11 to create a paper trail leading to this matter coming before the Council and
12 this documentation being read into the minutes of a Council meeting as had been
13 the case with the earlier correspondence that I've referred you to.
14

15:07:59 15 So, firstly it would appear on the face of this document, that it is pertinent
16 on the 12th of May to an issue which was then current before the Tribunal,
17 before the Council following upon the meeting of the 6th.

18 A. Well, I have no knowledge of that ever coming on to the minutes of the Council.
19 As a matter of fact, I don't think, going from memory now. I don't think we
20 ever went back to.

15:08:29 21 Q. 451 Yes?

22 A. Baldoyle, to use that term.

23 Q. 452 Yes?

24 A. And I -- if I received those letters. If I received them. And maybe I did, I
15:08:57 25 don't know. I had large volume of correspondence every day, I would have sent
26 them. I would not have had the competence to deal with, I don't mean I'm
27 incompetent. But these questions are rather detailed, I would have sent it to
28 the Manager.

29 Q. 453 Yes. The letters themselves, as I indicated to you, were letters, that is this
15:09:13 30 letter and its accompanying letter, which was a letter addressed to the Manager

15:09:17 1 dealing with a number of technical or infrastructural issues in relation to
2 Baldoyle. Those letters were considered by Mr. Gore Grimes, that is
3 Mr. Byrne's solicitor. And by Mr. Lawlor and by Mr. Cosgrave -- by Mr. Dunlop
4 before being sent.

15:09:39 5
6 And Mr. Dunlop says that he secured the signatures of both Mr. Cosgrave and
7 Mr. Creaven to these letters and that he brought them to the Council and
8 delivered them.

9
15:09:50 10 Have you any reason to believe that that didn't happen?

11 A. I have no reason to believe anything one way or the other.

12 Q. 454 Right?

13 A. Because I know nothing about Mr. Creaven's and Mr. Cosgrave's dealings with Mr.
14 Dunlop.

15:10:06 15 Q. 455 And whilst these letters raise questions which were to be answered by you. Mr.
16 Dunlop also says that he drafted the reply which was to come from you to these
17 queries. And that the existence of that documentation is to be found at page
18 2218 which was an attendance again of Mr. Gore Grimes on the 11th of May of
19 1993. Where he says that he was attending a consultation with George
20 Birmingham when he approved the letters to be written by Mr. Michael Josphe
21 Cosgrave to the Chairperson and by the Chairperson back to him. And also the
22 request for information to be submitted regarding the deferral of the motion.

23
24 Now, if that letter, if that attendance, I should say, is an accurate
15:11:10 25 attendance of what took place that day. It would appear that Mr. Gore Grimes
26 on the 11th had before him what appeared to be a letter to be written by
27 Michael Joseph Cosgrave to you. And a letter to be written by you back to
28 Michael Joseph Cosgrave, isn't that the only interpretation that one can take
29 from what is recorded in this document

15:11:36 30 A. Well Mr. O'Neill. I have never met Mr. Gore Grimes. I know nothing of anybody

15:11:47 1 writing letters on behalf of other people. I don't know anything about the
2 content. It's as Chair I have said it's possible I received these in
3 correspondence. But I do not think, for one minute, that I have ever permitted
4 anyone, ever, to write a letter for me. And I hope I'm right when I say that.
15:12:14 5 But I imagine I am. Because I have -- I have to say I have no knowledge
6 whatsoever.
7
8 As far as I'm concerned, when we finished the bus trip. And may I point out
9 that we went on several other bus trips not to do with Baldoyle. It was quite
10 common. We went out to Glenamuck and we went out to Swords and I don't know
11 where else. But that's neither here nor there.
12
13 I don't know where this is coming from. I don't know why it's coming. But I
14 know that I would appear, maybe you might agree with me, to have acted in a
15:12:51 15 completely opposite direction as to the letters or what was being requested of
16 me. Because on the letter of the 2nd of June it would appear that I hadn't
17 responded at all. So if I was supposed to be helping, if I may use that
18 term, why would I not respond to the -- councillors' first letter is the 12th
19 of May. And I have a letter on the 2nd of June, we wrote to you asking you to
15:13:22 20 confirm blah blah. "To date we have not received this response".
21
22 Q. 456 We will get to that letter shortly, Ms. Ridge. What I am enquiring from you at
23 the moment is whether or not you have any knowledge of what is recorded by
24 Mr. Gore Grimes on this date, which is on the 11th --
15:13:40 25 A. When I said to you before I can't remember. What I said to you. What I say to
26 you now is I most definitely, definitely, definitely, I'm not aware of having
27 even met Mr. Gore Grimes. And I know nothing of this.
28 Q. 457 Yes. This attendance obviously doesn't suggest that he met with either
29 Councillor Michael Joe Cosgrave or with you. But rather that what he is
15:14:05 30 recording is that he considered letters which had been drafted, supposedly

15:14:12 1 coming from both of these persons. That he approved them and that he then went
2 to a meeting with Mr. Liam Lawlor and Mr. Frank Dunlop where the letters were
3 approved by all three of them save that they made one addition, which was to
4 deal with the CPO for the itinerants site. Now, we'll see from the documents
15:14:41 5 that are before the Tribunal that there is indeed a reference to a CPO on the
6 itinerants site included as an addendum to one of those letters.

7
8 So we may take it as a probability that the letters, whether you signed them or
9 didn't sign them, or whether you saw them or didn't see them, are the letters
15:15:03 10 that we have considered on screen a moment ago. And that is a letter of the
11 12th of May

12 A. Yes.

13 Q. 458 Supposedly directed to you and signed --

14 A. I have those.

15:15:13 15 Q. 459 You know those letters. They are the only letters, I suggest, that match the
16 description of those recorded by Mr. Gore Grimes as having been considered by
17 counsel and by Mr. Lawlor and by Mr. Dunlop prior to being amended in a
18 particular way, isn't that so?

19 A. Mr. O'Neill. I would be -- I am absolutely stupefied to think that Mr, that
15:15:48 20 Mr. Grimes?

21 Q. 460 Mr. Gore Grimes.

22 A. Mr. Lawlor or anyone would be writing drafts for me.

23 Q. 461 Right. And indeed, the reason for that I take it, is that it would be a
24 shocking event if they had done so?

15:16:03 25 A. Well, I just want to say that that when I saw these in the files. I first of
26 all didn't know what the first letter meant. Because it's addressed in my
27 opinion to Mr. Michael Joe Cosgrave. Copied to Mr. Liam Creaven. It's full of
28 mistakes. It's very badly written. It says draft but where's the letter? The
29 real letter, if it exists.

15:16:27 30 Q. 462 Oh, I see. You are referring to a letter which we haven't yet considered.

15:16:31 1
2 That's at page 2205
3 A. Yeah.
4 Q. 463 We will get to that, Mrs. Ridge?
15:16:36 5 A. I had that stapled on to that for my own convenience.
6 Q. 464 Absolutely. But what we were considering were the documents which are in
7 perfect English and which are dated the 12th of May 1993.
8
9 At 2853. Which were drafted by Mr. Frank Dunlop, according to himself. Isn't
15:16:58 10 that right? There's no -- there's no
11 A. Oh, the ones from the two councillors.
12 Q. 465 Yes, the ones supposedly from the two councillors?
13 A. What can I say?
14 Q. 466 But for better or for worse, I think you were going to agree with me that. If
15:17:12 15 it was the case that you were shocked if it had been the case that somebody was
16 drafting letters for you. That shock would be because it would be improper for
17 somebody to have done so, isn't that right?
18 A. Well, I don't remember anyone ever even discussing this matter with me.
19 Q. 467 Yes. Certainly from the point of view of those attending the meetings, that is
15:17:37 20 Mr. Gore Grimes and Mr. Birmingham. Mr. Gore Grimes, Mr. Dunlop and
21 Mr. Lawlor. They had before them the documents that we see on screen, isn't
22 that right?
23 A. Well, I believe that they had, yes.
24 Q. 468 I believe they probably had too?
15:17:52 25 A. Yes.
26 Q. 469 And those documents on their face would appear, if they were drafted by either
27 Mr. Dunlop or Mr. Lawlor. They would appear -- it would appear to follow from
28 that, that the authors of those documents believed that they could get the
29 persons whose names were on the bottom of them to sign them, isn't that so?
15:18:17 30 A. Well, I would be amazed in as much as my knowledge, for the third time, of

15:18:26 1 Mr. Gore Grimes is nil. And I think I stated in this Tribunal some time ago
2 that I was not aware that the late Mr. Liam Lawlor played any part whatsoever
3 in the whole Council area. And I certainly didn't know that he was a drafter
4 of documents with Mr. Dunlop.

15:18:53 5 Q. 470 Just for completeness, we'll look at a document which is identical in its terms
6 to the one on screen.

7

8 It's at page 2227.

9

15:19:05 10 The only distinction between it and the one that we see on screen is that this
11 one now bears the heading of the Fingal Area Committee, you see that?

12 A. That's true.

13 Q. 471 Yeah. Mr. Dunlop says that he had blanks of this correspondence in his office.
14 And that he freely typed information on it. And had it signed by councillors

15:19:26 15 Cosgrave and Creaven. You are utterly unaware of that, isn't that right?

16 A. I was on the south, the Belgard committee. I wouldn't have had any dealings
17 with the Fingal committee and wouldn't have had their notepaper.

18 Q. 472 If these letters were sent, and that's either of the two that we've seen so
19 far, the one without the Fingal area heading or the Fingal area committee
15:20:00 20 letter. They were letters which on their face were seeking a response, isn't
21 that right? They weren't merely a complaint for the record. They wanted a
22 reply?

23 A. Yeah.

24 Q. 473 And do you believe that you ever drafted a reply to such a letter?

15:20:07 25 A. I very, very much doubt it. I would have -- I am sure I would have consulted
26 the planning Manager because I would not have been able to answer properly.

27 Q. 474 Right?

28 A. The queries on the letter of the 12th of May. Because.

29 Q. 475 We --

15:20:35 30 A. They were very technical, for me anyway.

15:20:38 1 Q. 476 Well, yes. Are you talking about the ones in relation to the Standing Orders?
2 A. I'm talking about the queries on the whole, the -- there's A and B and.
3 Q. 477 Yeah?
4 A. And there's another bit about requesting clarification.
15:20:54 5 Q. 478 Yes.
6 A. To the best of my knowledge, I didn't respond to that.
7 Q. 479 Very good. You mentioned a little earlier in your evidence, and you quoted
8 from a letter of the 2nd of June of 1993. Again, this is a letter addressed to
9 you. It says "we wrote to you on the 12th of May last" you know that?
15:21:18 10 A. Oh, yes.
11 Q. 480 Do you have a recollection of receiving that letter?
12 A. Hmmm. No, well may I just put it this way to you. I had a full-time
13 secretary. And letters that were not marked private and confidential, and I
14 don't think these were, would have gone to her and I -- if I got these letters.
15:21:47 15 If.
16 Q. 481 Uh-huh?
17 A. She would have just typed up to the Manager a note to say will you deal with
18 ... I wouldn't have dealt with it at all.
19 Q. 482 Well, there'd have to be a response, which was more than a mere
15:22:02 20 acknowledgement. I can understand that anything coming into the office --
21 A. Well, it would appear that I didn't respond.
22 Q. 483 Yes?
23 A. Hence, the letter of the 2nd of June.
24 Q. 484 Well, I suggest that that isn't the interpretation to draw from it. But we'll
15:22:16 25 see that as we go through it?
26 A. Okay.
27 Q. 485 You believe that you didn't draft any response to the letter, isn't that right?
28 A. I don't think I drafted. If I -- if I got these -- I don't mean -- I know I
29 got the letters. I would have sent them for answer to somebody who would have,
15:22:36 30 like the planning Manager, I'm sure I would have sent them to or someone in the

15:22:40 1 Planning Department, or perhaps even the secretariat, I don't know.

2 Q. 486 The letter at 2301 on screen is a letter again on the heading of the Fingal
3 Area Committee?

4 A. Fingal, yeah.

15:22:52 5 Q. 487 And again, this is a letter which Mr. Dunlop says that he drafted, although it
6 was a letter to go out with the signatures of Michael Joe Cosgrave and Liam
7 Creaven at the bottom of it. And again, it is a letter sent to you. And in
8 the body of that it records the fact that or attributes to you the fact that
9 you replied on the 25th of May to the letter of the 12th of May. Now, we've
15:23:19 10 already seen the letters of the 12th of May. They are the letters from
11 Councillors Creaven and Cosgrave seeking your ruling in relation to or seeking
12 your confirmation that their understanding of the Standing Orders was correct?

13 A. Okay.

14 Q. 488 And they say in this letter that you received -- you replied on the 25th of May
15:23:40 15 saying that you had forwarded our letter to the Manager for a response from the
16 law agent.
17
18 Now, if that is correct, it would mean that the letter of the 12th,
19 irrespective of who sent it, was in fact received in the secretariat by you and
15:23:59 20 was responded to in terms saying that it had been forwarded to the law agent
21 for his opinion, isn't that right

22 A. Well it certainly would appear.

23 Q. 489 On it face?

24 A. I see it in front that letter.

15:24:11 25 Q. 490 Yes?

26 A. It's just -- just bear with me for a minute.

27 Q. 491 Yes.

28 A. You say I responded on the 25th.

29 Q. 492 I can't say that, Mrs. Ridge?

15:24:29 30 A. I beg your pardon.

- 15:24:30 1 Q. 493 That you replied on the 25th of May. Now, the writers of that letter are
2 writing that letter to you. And they are saying that you replied to their
3 letter of the 12th on the 25th of May. And that in doing so, you said that you
4 had forwarded their letter to the Manager for a response from the law agent.
15:24:49 5 You'll see that?
6 A. Okay. Well that's there.
7 Q. 494 That's what's there and on its face it would mean that the letter that we had
8 been discussing earlier in fact found itself with the Chairman's office in the
9 County Council and received a reply on the 25th.
15:25:06 10 A. Yes, that would be -- well that would appear to be the case.
11 Q. 495 And if that was the case. And of course I can't say it is. But if it was the
12 case?
13 A. Sorry, go ahead.
14 Q. 496 As a matter of probability, it would mean that for that to be dealt with in any
15 way would have involved your consideration of that letter. To indicate that it
16 was going to be treated in a particular way. In other words, that its content
17 was going to be sent to the law agent for a detailed response, that letter
18 would only have issued if you had given that direction?
19 A. To the law agent.
15:25:47 20 Q. 497 No. To the -- to your secretary who wrote -- who dictated the letter which
21 went out on the 25th of May to Councillors Creaven and Cosgrave in response to
22 their letter of the 12th. This letter tells us that there was a letter of the
23 12th?
24 A. Okay.
15:26:09 25 Q. 498 That it was received in the Council?
26 A. Okay.
27 Q. 499 That it was sent to you?
28 A. I did say I didn't remember getting letters but I didn't think I did say that I
29 possibly had. I've had so much post and blah blah blah.
15:26:22 30 Q. 500 Exactly. But having been received it was dealt with. And what I'm putting to

- 15:26:26 1 you is that since it was sent to you. The only person who could have dealt
2 with it was you. And that therefore, when there is a reference to your reply
3 of the 25th of May I suggest that that means that you considered the letter of
4 the 12th of May and you replied to it in the manner described here?
- 15:26:50 5 A. And what is that manner? I don't know what you mean. In the manner described
6 here. If I replied it would have been to tell them just that I had sent it to
7 the law agent.
- 8 Q. 501 Yes, that is the manner?
- 9 A. Sorry, I misunderstood you.
- 15:27:05 10 Q. 502 But, I mean, even to make that decision it would involve you reading the letter
11 and seeing is this a matter that I can deal with myself?
- 12 A. Uh-huh.
- 13 Q. 503 Is it a matter upon which I can simply write back to them saying I am simply
14 aware of Standing Orders and they are as follows. That's one course that could
15 be adopted. Another course could be to say I'm sending it on to the law agent
16 for his view. And it would appear that it was that course that was followed.
17 Do you understand?
- 18 A. Yes.
- 19 Q. 504 But, if that is so, that was a decision taken by you?
- 15:27:37 20 A. Well, I would think I made the right decision; to send it to the law agent.
- 21 Q. 505 But it confirms, could I suggest, the fact that you received the letter of the
22 12th?
- 23 A. Well, I cannot deny that when you say.
- 24 Q. 506 Right?
- 15:27:51 25 A. But what I'm saying is from distance of fourteen years. I don't know how many
26 letters would I have received. But I have not. I am saying that I don't
27 remember receiving it. I have no problem with saying now that I see it here
28 and that I gave a response. I mean, I saw it in the files some time ago so I
29 was aware of it. But that I sent the stuff up to the law agent.
- 15:28:19 30 Q. 507 Fine. Now, in relation --

15:28:22 1 A. Which I thought was the right thing to do.

2 Q. 508 In relation to the correspondence from the councillors. You will recall that

3 the evidence of Mr. Dunlop has been he drafted both the letters that were sent

4 to you and he also drafted your response to those letters. You disagree with

15:28:45 5 that?

6 A. Why would I send it to the law agent then?

7 Q. 509 You can offer that as a qualification on it. I'm asking you to comment for the

8 moment whether or not Mr. Dunlop's accounts of those is accurate. Namely, that

9 he drafted the letter to you. I think you now accept that that letter in fact

15:29:06 10 reached you. But he also drafted a response. I'm not saying that it is the

11 response of the 25th. But he drafted a response which was to be sent to you.

12 A. But did I ever get that.

13 Q. 510 Sent by you, I should say.

14 A. Did I ever get that draft? I don't believe I did.

15:29:21 15

16 CHAIRMAN: We don't know. I can't say that.

17

18 You did refer --

19 A. Sorry, Mr. O'Neill.

15:29:27 20 Q. 511 Of course.

21 A. With great respect, these letters. I think I did exactly the right thing in

22 sending them to the law agent. And it would be -- maybe I'm thinking. I don't

23 know. You may, probably have a different opinion to me. But I would think

24 that would be totally opposite to what Mr. Dunlop would have been seeking by my

15:30:00 25 sending it to the law agent for an opinion. That's what I think.

26 Q. 512 Sure?

27 A. Now, looking at this.

28 Q. 513 A letter of the 25th of May, if sent, to the law agent for advices. 25th of

29 May. Would have been a letter sent after the time at which Mr. John

15:30:21 30 Gallagher's opinion had been received which had indicated that the decision of

15:30:27 1 the 27th of April was a correct decision and all other matters then fell as a
2 consequence of that. There would be no point in sending the matter to the law
3 agent on the 25th of May because the law agent already had the opinion of
4 counsel dealing specifically with the matter on that date.

15:30:52 5 A. Are you suggesting that I didn't write until that time?

6 Q. 514 Well that's what the reply seems to suggest. It says that you replied on the
7 25th of May saying that you had forwarded our letter to the Manager. You see
8 that?

9 A. Yeah, but I wrote back to them on the 25th of May.

15:31:10 10 Q. 515 Yes?

11 A. To say that I had sent it to the Manager. But I didn't say. Is there no
12 record of when I sent it to the Manager?

13 Q. 516 The file is not available to the Tribunal other than the documentation which
14 has been circulated to you and that documentation has come from the files of
15 Mr. Frank Dunlop?

16 A. And why can we not have the one from the Council?

17 Q. 517 Well, that is a very good question, Mrs. Ridge. But unfortunately, I'm not the
18 Council. The Council tell us that it is no longer in existence?

19 A. Now, Mr. O'Neill.

15:31:45 20 Q. 518 All we can do is --

21 A. I want to say that I am quite shocked at this business of the proposal for me
22 to write the response. And that there is there's any inference whatsoever that
23 I would have delayed.

15:31:59 25 When I -- when I -- if I did receive this letter and I -- because I'm looking
26 at it here. So I would -- I would have sent that. That would have been sent
27 to the Law Department or whoever it was.

28 Q. 519 Yes?

29 A. Because I have stated, truthfully, that I haven't got the capacity to answer
15:32:22 30 the queries in it. And I'm actually quite -- most distressed, as a matter of

15:32:30 1 fact, over this matter.

2 Q. 520 Mrs. Ridge, the letter which was sent was sent on the 12th of May. I think you

3 now accept that it is probable that that letter was received by you, isn't that

4 so?

15:32:45 5 A. Well it's in Mr. Dunlop's file.

6 Q. 521 Yes?

7 A. Does that mean that it was received by me?

8 Q. 522 No it doesn't. It means that Mr. Dunlop had copies of correspondence which

9 should have been on a Council file. Should not have been on his file in draft

10 form. But were on his file, which confirms the fact that he was the author of

11 documentation which may confirm the fact that he was the author of

12 documentation which was intended to find itself on the council file. The

13 Council file is, unfortunately for us, not available to us. And therefore it

14 can only be reconstructed by reference to the documentation coming from other

15 sources. And that the documentation which the Tribunal is considering at the

16 moment and seeking to establish, with your assistance, whether or not these

17 documents reflect the actual documents considered by you in your decision

18 making process as the Chairman of the Council at the time.

19

15:33:26 20 And I think you've agreed with me so far. That the letter of the 12th of May

21 was a letter which you considered.

22

23 Now, if that is so. When we look to the letter of the 2nd of June. We see

24 that the same parties who sent that letter are sending a further letter on the

15:34:00 25 2nd of June. And in that letter they refer to the fact that they sent a letter

26 to you on the 12th of May. And they refer to the fact that they received a

27 reply there to on the 25th of May. That's 13 days after the date of the first

28 one.

29

15:34:22 30 And they say that in response they received on the 25th of May. It stated that

15:34:27 1 you had forwarded the letter to the manager for a response to the law agent.
2 Now, in relation to that. We know that the opinion of counsel in fact was
3 received and considered by you and by other members of the Council on the 25th
4 of May. And therefore, in sending the matter of the letter of the 12th --

15:34:52 5 A. Excuse me.
6 Q. 523 To the --
7 A. I think that's the 28th of May. It was not made available to the elected
8 members until the 28th of May it says.
9 Q. 524 Fine.

15:35:06 10 A. Am I right?
11 Q. 525 I don't know.
12 A. In this letter.
13 Q. 526 That's what this says, yeah. I think?
14 A. Yeah, it says it would appear that this opinion was available at the time of
15 your acknowledgement and reply to us on the 25th of May which is not the case.
16 And it was not made available to the elected members. So that's a
17 contradiction. I'm an elected member.
18 Q. 527 Yes. I think what they are drawing in -- sorry. If we're relying on this
19 letter itself. What the authors of this letter are doing are relying on the
15:35:52 20 fact that they say that they didn't get it at the time that it was dated, isn't
21 that their complaint?
22 A. They're saying that they didn't get the opinion at the right time.
23 Q. 528 Yes?
24 A. That the elected members didn't get it until the 28th of May.

15:35:56 25 Q. 529 Yes.
26 A. Well, I would -- can you not ask Mr. Gallagher about this?
27 Q. 530 I think we can probably resolve it more simply even by looking at the
28 correspondence from Mr. Smith. On the 3rd of June he is accounting to you for
29 the disparity in dates here. And it may clear it up.
15:36:23 30

15:36:23 1 It's at page 2304. Where he says that with regard to the advices of
2 Mr. Gallagher. It is true that these advices are dated the 22nd of May. As
3 Mr. Gallagher is currently away I am unable to ask him to clarify the reason
4 for that date. It may be that it was the date on which he commenced to draft
15:36:46 5 his advices or there's some other explanation.
6

7 In any event, these advices were handed to an official of the Law Department on
8 the morning of the 27th of May. That official caused them to be transmitted to
9 me by fax on that morning. I immediately contacted you to arrange to meet you
15:37:05 10 to let you have sight of the advices and to discuss them at the earliest
11 opportunity, which was on the afternoon of the 27th of May 1993. Following
12 discussion with you, arrangements were made to have the advices copied and
13 transmitted to all members, which was done on the 28th of May".
14

15:37:25 15 I think that clears up the sequence of the receipt of those advices, isn't that
16 so?

17 A. I just have to read the letter again, if you don't mind.

18 Q. 531 Of course. Sure.

19 A. So it would appear that I didn't have the information to give them at the time.

15:38:03 20 Q. 532 It would appear that the reply that went to councillors Cosgrave and Creaven on
21 the 25th was written in advance of you having received the information from the
22 law agent which came to you on the 27th in the afternoon. Mr. Dunlop --

23 A. Sorry Mr. O'Neill. You are now stating that you agree that I did not have that
24 information for them at that time?

15:38:39 25 Q. 533 That's as it appears, yes.
26

27 CHAIRMAN: But that was always. That was made clear in the examination of Mr.
28 Dunlop

29 A. I didn't hear that.

15:38:49 30

15:38:49 1 CHAIRMAN: And Mr. Creaven and Mr.-- it was always -- it was never suggested
2 that you had it before the 27th. It's clear from the information that we have,
3 and in particular this letter that's on screen now. That although the opinion
4 was dated the 22nd by Mr. Gallagher, for whatever reason. It may have been
15:39:11 5 that there was an intervening weekend, I don't know. But for whatever reason
6 it didn't reach the Council nor could it have reached --

7 A. Chairman. Thank you very much. All that I am concerned, that I have not been
8 party to some deceit. And I'm glad that that matter is cleared up.

9 Q. 534 You would, yeah. And if one went to the very last line of it. It says "I you"
10 and it should probably be if" require any further information do not hesitate
11 to contact my office or the secretariat".

12 A. Yes.

13 Q. 535 I think what they are drawing in -- sorry. If we're relying on this letter
14 itself. What the authors of this letter are doing are relying on the fact that
15 they say that they didn't get it at the time that it was dated, isn't that
16 their complaint?

17 A. Oh, this thing.

18 Q. 536 This thing, as you call it. That document badly drafted, hardly in the best of
19 English, I have to say, purports to be a draft letter sent to Michael Joe
15:40:02 20 Cosgrave with a copy to Liam Creaven, isn't that right?

21 A. Uh-huh.

22 Q. 537 Sorry?

23 A. Well, you wouldn't even know that but two names are on the top, yes.

24 Q. 538 You would, yeah. And if one went to the very last line of it. It says "I you"
15:40:18 25 and it should probably be "if" require any further information do not hesitate
26 to contact my office or the secretariat".

27
28 And if it had been properly drafted. If it had been in legible English, it is
29 a letter that would have been emanating from the office of the Chairperson or
15:41:21 30 the secretariat of the Council isn't that right? It purports to be a reply to

- 15:41:27 1 the letter of the 12th of May, isn't that so?
- 2 A. Well, God help us I suppose it does, yes.
- 3 Q. 539 Yes. And the source from which it comes can be gleaned even though it is not
- 4 identified by name or by Department. It can be identified as being a letter
- 15:41:47 5 which would have come from the Chairperson of the Council. Because that person
- 6 is the only person, I suggest, who would be talking about contacting my office
- 7 or the secretariat with regard to providing further information?
- 8 A. Now, you have totally lost me. What are you saying.
- 9 Q. 540 I'll start again. I'll say that this letter in its totality is a form of badly
- 15:42:15 10 drafted letter which could only have come from, if it was a legitimate letter,
- 11 from the Chairperson of the Council. It intended -- it was intended?
- 12 A. Oh, I beg your pardon.
- 13 Q. 541 Isn't that so?
- 14 A. That would appear to be that way, yes.
- 15:42:28 15 Q. 542 Now, it's a very poor attempt at the English language, I have to say. But it
- 16 purports to deal with all of the issues which are raised as queries in the
- 17 letter of the 12th, isn't that right?
- 18 A. Uh-huh.
- 19 Q. 543 Again, its origin is Mr. Dunlop's file. Right? We do not have a copy of this
- 15:42:51 20 from a Council file. And we don't have a copy telephone from you, obviously.
- 21 And I take it that you say that you'd never seen this document before it came
- 22 to you in the brief of documents for the purpose of this Module, isn't that
- 23 right?
- 24 A. That's what I believe.
- 15:43:10 25 Q. 544 Exactly?
- 26 A. But I have heard so many things today that.
- 27 Q. 545 Yes?
- 28 A. Anyway, I am -- I am of the opinion that I certainly never saw such a document
- 29 until I saw it in the file.
- 15:43:23 30 Q. 546 Yes. And this --

- 15:43:25 1 A. To be honest, I didn't even know what it meant.
- 2 Q. 547 This document cannot have been a reply of yours because we know that your reply
3 went out on the 25th. And the meeting at which the councillors visited the
4 site was on the 18th. And this letter here is a letter which, if it was sent,
15:44:00 5 had to be sent prior to the 18th. Because that is the date the site meeting
6 took place. And the body of this letter says "after the site visit has been
7 undertaken any information you have sought clarification on the matter can be
8 put before the Council for full discussion" and what have you.
9
- 15:44:19 10 So this was a letter which was intended by somebody to be a response to the
11 letter of the 12th but it would have to be a letter sent in advance of the
12 meeting of the 18th. And what we see from the letter of the 3rd of May. 3rd
13 of June. If it is accurate. Is that the actual response to the letter of the
14 12th went out on the 25th and not the 18th, isn't that right? But nonetheless,
15:44:47 15 this is a document which was somebody's original intention in responding to the
16 letters of the 12th.
- 17 A. Well, what do you want me to say.
- 18 Q. 548 By a process of deduction would you agree that that appears to be the position?
- 19 A. Well it would appear to be the position. But I know nothing of that.
- 15:45:10 20 Q. 549 Sure. I just wanted to?
- 21 A. Appalling draft.
- 22 Q. 550 To deal with the question so that you had a full opportunity of considering all
23 of the documentation which has been put forward for your consideration so that
24 the Tribunal can evaluate all of that evidence. Thank you very much,
15:45:27 25 Mrs. Ridge.
26
- 27 CHAIRMAN: Mr.Rafferty, do you wish to ask your client anything?
- 28
- 29 MR RAFFERTY: Just one question, Mr Chairman, if I might actually or through
15:45:32 30 your good offices if I might.

15:45:34 1
2 Are the lawyers for the Tribunal aware of the date of Mr. Birmingham's opinion?
3 Because there does not appear to be any date upon the document. There appears
4 to be a date on the fax note which is the 7th of May.

15:45:49 5
6 CHAIRMAN: Is there a page number for that?
7

8 MR RAFFERTY: Sorry. 2203 is the letter from John Gore Grimes. 2202. Sorry.
9 2203, 2204.

15:46:06 10
11
12 CHAIRMAN: And what's the point you're making again?
13

14 MR RAFFERTY: At the very bottom. There is a fax code

15:46:10 15
16 CHAIRMAN: Yes.
17

18 MR RAFFERTY: And it gives a date of the 7th of May 1993 Chairman.
19

15:46:15 20 CHAIRMAN: Uh-huh.
21

22 MR RAFFERTY: And the meeting in question of Dublin County Council I believe
23 is the 6th of May.
24 A. It was.

15:46:23 25
26 CHAIRMAN: Yes.
27

28 MR RAFFERTY: Just by way of clarification, it would be most interesting to
29 know. In terms of Mr. O'Neill's questions to my client, Chairman. This
15:46:34 30 opinion might not in fact have been available at all.

15:46:38 1
2 MR. O'NEILL: If my friend had read the brief he would see the document which
3 proceeds the final copy of the opinion. And it was dated the 6th. There's a
4 manuscript date at bottom of it. The 6th of May.

15:46:57 5
6 But I'll get the page for him.
7

8 CHAIRMAN: This was an opinion prepared by Mr. Birmingham.
9

15:47:02 10 MR RAFFERTY: Correct, Chairman.
11

12 CHAIRMAN: For his instructing solicitor. Who was Mr. Gore Grimes.
13

14 MR RAFFERTY: Correct.

15:47:25 15
16

17 CHAIRMAN: And the meeting had been the previous day?
18

19 MR RAFFERTY: the meeting was the 6th, Chairman, yes.

15:47:38 20
21 CHAIRMAN: So it was --
22

23 MR. O'NEILL: If we look to page 2201. We'll see the date the 6th of May at
24 the very bottom of the opinion.

15:47:58 25
26 If we look it page 2197 of the brief. We'll see in manuscript the 6th of May
27 1993. This is the copy of the opinion which was sent to Mr. Dunlop
28

29 CHAIRMAN: Yes.
15:48:13 30

15:48:13 1 MR. O'NEILL: And if we look to page 2198 we'll see Mr. Birmingham's letter to
2 Mr. Gore Grimes dated the 6th of May.

3
4 CHAIRMAN: All right.

15:48:28 5
6 MR. O'NEILL: Sorry. Page 2198. Dated the 6th of May. "Dear John I confirm
7 that I met Frank Dunlop last evening, that's the 5th of May.

8
9 I prepared my opinion and the questions that he raised. I am enclosing the
10 documentation" And that is immediately followed by the documents which was
11 last on screen.

12
13 So all of the documentation in relation to the opinion is dated the 6th of May.
14 It was subsequently faxed on the 7th. But if that answers my friend's
15 questions.

16
17 MR RAFFERTY: I appreciate the answer. Thank you, Chairman..

18
19 CHAIRMAN: Do you want to ask Ms. Ridge anything?

15:49:12 20
21 MR RAFFERTY: I have no questions

22 A. I would just like to saying.

23
24 CHAIRMAN: Yes.

15:49:15 25 A. Mr. O'Neill, it's not a criticism of your good self.

26
27 But in the Irish Times of Wednesday December the 6th I read, to my horror, that

28
29 CHAIRMAN: Is that last week?

15:49:28 30 A. The way the matter was reported. Yes. It was Mr. Dunlop's evidence with I

15:49:34 1 think your good self Mr. O'Neill.

2

3 MR. O'NEILL: I can only ask the questions, Mrs. Ridge. I'm not responsible
4 for the answers

15:49:42 5 A. No, no, I appreciate that. And I am just doing what you've been doing earlier.
6 Teasing it out to get what the real story, as it were. But in this it says
7 "Tribunal counsel Des O'Neill said Mr. Dunlop and Mr -- would be in a position
8 to draft the original correspondence blah blah ". Mr. Dunlop's reply was
9 "certainly I was controlling certain elements of the council."

15:50:12 10

11 CHAIRMAN: Yes, that's what Mr. Dunlop told us

12 A. No, no, I appreciate that. You were controlling the Chairperson, you drafted
13 her response.

14

15:50:23 15 MR. O'NEILL: That's what his evidence was

16 A. I appreciate that. But the thing is, I am not saying that that was wrong on
17 your part. You have to ask those questions. But at the end of it you say
18 "isn't that correct" and Mr. Dunlop says "correct absolutely correct". You've
19 no idea what that does to people who have no -- I was absolutely shocked and I
20 do think that we have -- well what protection is there for us?

15:50:57 20

21

22 CHAIRMAN: Well the position there was. I don't know. I haven't read the
23 particular extract. But it was based on the evidence that Mr. Dunlop. Mr.

24 Dunlop was asked to confirm that this was a correct summary of his evidence to
25 the Tribunal. Namely, that he had exercised or believed he could exercise
26 control over the Council, including yourself

15:51:15 25

26

27 A. Uh-huh.

28

29 CHAIRMAN: That was his -- that was his evidence. And the paper, I take it,
30 was merely summarising what his evidence was on the day. It wasn't in any way

15:51:34 30

15:51:42 1 a suggestion that this was a view that the Tribunal had taken. It was --

2 A. I appreciate that. But very hard to --

3
4 CHAIRMAN: I accept that. But unfortunately, we can't control the press and

15:52:00 5 the press have -- make the effort, as I understand it, in small sections in the
6 newspaper every day to summarise a whole day's evidence. So often --

7 A. Well I wish it had been a small little one that day unfortunately, it was up at
8 the top of the page. That wasn't a view being expressed by the Tribunal. It
9 was a summary of Mr.--

15:52:21 10 Q. 551 Oh, I appreciate that.

11

12 CHAIRMAN: Mr. Dunlop's evidence.

13 A. I have no doubt that Mr. O'Neill is the most skillful gentleman.

14

15:52:28 15 MR. O'NEILL: Thank you very much Mrs. Ridge. What the complaint in essence
16 that you are leveling at this side of the Tribunal is one which I'm afraid I
17 can't accept on the basis that it is the evidence of Mr. Dunlop. You may
18 reject it entirely. And the Tribunal, of course, will evaluate the evidence at
19 the end of the day. But what Mr. Dunlop said was that in effect he was

15:52:58 20 controlling you, as evidenced by the fact that he could write the letter for
21 the councillors to be sent to you and he could write the response without
22 effectively taking instructions from you on that point. It's on that basis

23 that it was put to him. That if that were true. It meant that he was

24 controlling the Council. And he said he was. I don't say that he was or

15:53:23 25 wasn't. He says he was. And that's part and parcel of the evidence that the
26 Tribunal will have to evaluate.

27 A. And I think what has emerged today should paint a different picture.

28

29 CHAIRMAN: All right. Do you want to ask Ms. Ridge any question?

15:53:40 30

15:53:40 1 JUDGE FAHERTY: Just, Mrs. Ridge, can I ask you. On the 6th of May in your
2 reply to Mr. O'Neill. Who was asking you, this was more or less the last what
3 I'll call real meeting, if you like, regarding the Baldoyle
4 A. You're right. There was no. It never came up.

15:53:58 5
6 JUDGE FAHERTY: There was a site meeting I'll leave that for the moment
7 A. I think there was a submission or suspension of Standing Orders or something
8 later.
9

15:54:06 10 JUDGE FAHERTY: On the 6th of May. We know that ultimately Mr. O'Halloran's
11 and Mr. Gilbride's motion for deferral of all decisions regarding the Baldoyle,
12 the Baldoyle globally be deferred until a site meeting was actually. It was
13 put to a vote
14 A. Yeah.

15:54:25 15
16 JUDGE FAHERTY: And the reason I think as you've, Mr. O'Neill has put to you.
17 That that was put to a vote at all was as a result of your ruling that it was
18 in order, isn't that right?
19 A. Yes, yes.

15:54:36 20
21 JUDGE FAHERTY: You had ruled a similar motion from the floor
22 A. Uh-huh.
23

24 JUDGE FAHERTY: On the 27th out of order
15:54:43 25 A. Uh-huh.
26

27 JUDGE FAHERTY: And one of the answers that you gave to Mr. O'Neill when we
28 were -- when you were answering his questions. That you had 33 people shouting
29 at you, take the vote, take the vote
15:55:00 30 A. Uh-huh.

15:55:00 1
2 JUDGE FAHERTY: And I just want to ask you. If you leave that for the moment.
3 What you had on the 6th of May, as I understand it. And if I've gotten it
4 wrong, I'm sure Mr. O'Neill will correct me on the factual basis.

15:55:15 5
6 You had the letter from Mr. O'Halloran, isn't that correct
7 A. Yes.
8

9 JUDGE FAHERTY: And you had the motion obviously that was before
10 A. The letter was part of the agenda.
11

12 JUDGE FAHERTY: And you also had Mr. Smith's letter of the 5th of May which
13 was read in its entirety
14 A. I did. It was read.

15:55:34 15
16 JUDGE FAHERTY: It was read in its entirety. And so if you like, you had two
17 different approaches to this question. To this procedural question, if you
18 like, isn't that correct?
19 A. Uh-huh.

15:55:43 20
21 JUDGE FAHERTY: You had Mr. O'Halloran saying that he didn't agree with your
22 ruling. But you had the Manager, Mr. Smith, to whom you had gone for advice.
23 Because on the first day, on the 27th, he had ruled it's a similar motion out
24 of order and you'd accepted that?

15:56:02 25 A. He sat beside me and I would query things as they arose.
26

27 JUDGE FAHERTY: Now, you also say to us you don't know whether you saw
28 Mr. Birmingham's opinion?
29 A. That's what I said to you.

15:56:13 30

15:56:13 1 JUDGE FAHERTY: Yes. But just leaving that aside. There was also, as I
2 understand it, it would appear from the minutes of the meeting. And we can
3 only go from the minutes. That something like 39 people took part in the
4 voting process, particular motion?

15:56:28 5 A. Uh-huh.
6

7 JUDGE FAHERTY: This is the substantive motion. That was 34 for four against
8 and one abstention?

9 A. Uh-huh.

15:56:36 10

11 JUDGE FAHERTY: It would appear that there was 66 people in attendance that
12 day?

13 A. Uh-huh.
14

15:56:42 15 JUDGE FAHERTY: And just prior to that a lot of reference to disorder in the
16 chamber?

17 A. Yes.
18

19 JUDGE FAHERTY: And what disorder do you say was there, Mrs. Ridge?

15:56:58 20 A. It was because the people who had voted for Councillor Healy's motion.
21

22 JUDGE FAHERTY: Yeah?

23 A. On the previous day.
24

15:57:06 25 JUDGE FAHERTY: On the 27th?

26 A. Didn't want this one to proceed. They were arguing against it.
27

28 JUDGE FAHERTY: Yes. And I take it part of that argument is that they would
29 be saying that the similar motion had been ruled out of order, I take it?

15:57:17 30 A. I don't remember.

15:57:19 1
2 JUDGE FAHERTY: I don't want to put any words into your mouth. You could
3 surmise that could be one of the arguments which know that you have done that?
4 A. A Council Chamber is a battle field whenever there is commotions on the floor.
15:57:30 5 That's the way it goes.
6
7 JUDGE FAHERTY: But what I'm just going to ask you. This is a long-winded
8 question, and I apologise for that. The people who didn't vote
9 A. They Left, yes.
15:57:43 10
11 JUDGE FAHERTY: They could have voted against Mr. O'Halloran's motion, the
12 substantive. They could have sat in the chamber and said no to it, isn't that
13 right?
14 A. Yeah.
15:57:51 15
16 JUDGE FAHERTY: But they hadn't done that?
17 A. No.
18
19 JUDGE FAHERTY: It appears anyway. They seem to have exited the chamber.
15:58:04 20 They didn't take part in the voting process? It would appear
21 A. Only a small grouping.
22
23 JUDGE FAHERTY: And I'm just -- and obviously that disorder went on from, you
24 knew that there was a lot of disorder in the previous meetings?
15:58:21 25 A. To be honest, at the Development Plan there was rows at every meeting.
26
27 JUDGE FAHERTY: This seemed to be particularly. There was certainly a lot of
28 contention about it. I just want to ask you. Given that you had that as a
29 factor?
15:58:30 30 A. Uh-huh.

15:58:30 1
2 JUDGE FAHERTY: And you had, if you like, the balancing if you like of
3 arguments before you, be it Mr. O'Halloran's motion and his letter. And
4 Mr. Smith saying I'm sticking to my guns, if you like. Your ruling on the
15:58:43 5 27th --
6 A. I must just remind you. I was advised that I could take the motion on the site
7 meeting.
8
9 JUDGE FAHERTY: Yes.
15:58:51 10 A. In the law agent's advice it's there that if we wanted to proceed.
11
12 JUDGE FAHERTY: Yes
13 A. With that we could. Or the Manager's advice. It's in the minute anyway.
14
15:59:02 15 JUDGE FAHERTY: My question is just more fundamental.
16 A. Sorry.
17
18 JUDGE FAHERTY: Given that he said that you were in order. His basic
19 contention was that the motion was out of order still isn't that correct?
15:59:12 20 A. The Manager?
21
22 JUDGE FAHERTY: Yes.
23 A. Yes.
24
15:59:15 25 JUDGE FAHERTY: Given that you had all of that, you know, why didn't you wait
26 until you could take this issue, you could go to the law agent? Because,
27 presumably, you could go to the law agent immediately after the meeting and say
28 if you had ruled it out of order and gone for advices?
29 A. Well, as you mentioned the disorder. I had -- it's very hard to describe. But
15:59:38 30 I think -- I can't remember what time the meeting started at. But you would be

15:59:47 1 talking about a certain amount of absolute -- I won't say fed-upness but
2 wishing to bring matters to a conclusion when you had so many people saying put
3 the motion, put the motion, put the motion.

16:00:06 5 Now, they were going to vote for it no matter what. That motion was going to
6 be voted on. So I allowed the motion to be taken. There was no way those
7 people were not going to go home. I'm Chair and the motion is put. I take the
8 motion.

16:00:27 10 JUDGE FAHERTY: Thank you.

11
12 CHAIRMAN: All right. Thank you very much, Ms. Ridge
13 A. Okay. I presume it's all right to wish you compliments of the season.

14
16:00:34 15 CHAIRMAN: And to you too.

16
17 **THE WITNESS THEN WITHDREW.**

18
19
16:00:36 20 MR. O'NEILL: The remaining issues in today's list are the admission of the
21 references to deceased councillors.

22
23 CHAIRMAN: Yes.

24
16:00:51 25 MR. O'NEILL: And information that has been provided to the Tribunal from
26 their solicitors on record.

27
28 And during the currency of the lifetime of the particular individual, if they
29 had direct communication with the Tribunal and Ms. Murphy will deal with that
16:01:08 30 matter shortly.

16:01:10 1
2 As regards tomorrow's list. Mr. John Byrne was scheduled as a witness for
3 tomorrow. But the Tribunal has been informed just after lunchtime that that
4 will not be possible to take his evidence tomorrow.

16:01:21 5
6 And we are awaiting further information in relation to that. But it does not
7 seem likely that it would be possible to take his evidence before next year, I
8 would think.

9
16:01:34 10 CHAIRMAN: All right.

11
12 MR. O'NEILL: If that is so, the recital of the documentary material available
13 to the Tribunal will conclude the available hearings or the possible hearings
14 on this Module for the present.

16:01:47 15
16 CHAIRMAN: All right. Well sure we'll take that now from Ms. Murphy.

17
18 MS. MURPHY: Good afternoon.

19
16:01:57 20 The first Councillor that I propose to deal with is Mr. Hand.

21
22 In this Module Mr. Dunlop alleges that he paid Mr. Hand 1,000 pounds for his
23 support in Baldoyle. He has been unable to identify where or when he made this
24 alleged payment. Suggested it would have been in an or around the time Pennine
16:02:12 25 motions were active before the Council.

26
27 During the relevant period two substantial lodgements were made to Mr. Hand.
28 An Post account of 15,740 pounds and 12,260 pounds. They can be found at page
29 2761 of the brief.

16:02:28 30

16:02:28 1 As those sums have already been dealt with in the Ballycullen Beechill Module
2 on day 619. That can be found at page nine of the transcript. I don't propose
3 to deal with them again other than to say that they remain unexplained.
4

16:02:40 5 In respect of Mr. Hand's voting record. He voted against the deferral of
6 consideration of item 14.5. That was on the agenda on the 20th of April 1993.
7 That can be found at page 2035 of the brief.
8

9 He voted in favour of the deferral of 14.5(g)(ii) and its amendment on the 27th
16:03:02 10 of April 1993. That can be found at page 2115 of the brief.
11

12 He abstained in respect of 14.5.1, which was the Healy motion, on the 27th of
13 April. That can be found at page 2117. And he voted in favour of the site
14 visit on the 6th of May 1993, which can be found at page 2193.

16:03:21 15
16 And that concludes matters in respect of Councillor Hand.
17

18 CHAIRMAN: All right.
19

16:03:27 20 MS. MURPHY: In respect of Councillor Gallagher. Again, previous
21 correspondence and his interview with the Tribunal is on record from previous
22 Modules. So I don't propose to deal with that correspondence in detail.
23

24 As in the case of Mr. Hand, Mr. Dunlop alleges that he paid Mr.-- sorry.
16:03:43 25 Mr. Gallagher 1,000 pounds for his support in Baldoyle.
26

27 And again, was unable to identify where or when that payment was made. But
28 indicates it was in or around the time that Pennine motions were active before
29 the Council.
30

16:03:58

16:03:58 1 There are a number of lodgements to Mr. Gallagher's accounts from the period
2 March to May 1993. Ranging from 500 pounds to 1,000 pounds. They can be found
3 in the brief at pages 2756 through to 2759.
4

16:04:13 5 And again, these lodgement and responses from the Estate of Mr. Gallagher have
6 been the source of examination in previous Modules. So I don't propose to go
7 through them.
8

9 For ease of the Tribunal, the first five lodgements can be found on day 429 in
16:04:30 10 the Fox and Mahony Modules, and the last sum of 540 pounds on day 629 in the
11 Lissenhall Module.
12

13 In respect of these voting records. A signatory to the motion submitted to the
14 Council on the 12th of March 1993. He voted against the deferral of
16:04:45 15 consideration of item 14.5 that was on the agenda on the 20th of April that can
16 be found at page 2035, he voted in favour of the deferral of 14 5(g)(ii) and
17 its amendment on the 27th April 1993. That can be found at page 2115.
18

19 He abstained on the Healy motion on the 27th of April which can be found at
16:05:08 20 page 2117. And he voted in favour of the site visit on the 6th of May 1993.
21

22 And that concludes the matters in respect of Mr. Gallagher.
23

24 And then the financial information is in respect of Mr. Larkin.
16:05:23 25

26 He completed a questionnaire at the request of the Tribunal on the 23rd of
27 March 1998. And he denied any knowledge or of any improper payments or
28 benefits.
29

16:05:32 30 And in respect of payments. Again, Mr. Dunlop has alleged a payment of 1,000

16:05:38 1 pounds to Mr. Larkin. But has not identified when or where that payment would
2 have been made.
3
4 The investigations into Mr. Larkin's financial affairs and documents produced
16:05:49 5 as a result of those investigations show two lodgements of 1,000 pounds to his
6 AIB bank account on the 25th of May 1993. And the 15th of June 1993. And
7 those lodgements can be found at pages 2772 to 2773 of the brief.
8
9 Those lodgements were furnished to Mr. Larkin's personal representative for
16:06:13 10 comment and a response was received on the 27th of November 2006 where she
11 informed the Tribunal that as her knowledge of her late brother's affairs was
12 extremely limited, she was unable to assist and she is aware from previous
13 correspondence with the bank that they will be unable to assist with records in
14 1993.
16:06:30 15
16 So those lodgements remain unexplained.
17
18 In respect of his voting records he voted against the deferral of consideration
19 of item 14.5 on the agenda on the 20th of April 1993. And that's at page 2035.
16:06:43 20
21 He voted in favour of the deferral of motion 14 5(g)(ii) and its amendment on
22 27th of April 1993. Again, that's at pages 2115 to 2116. He voted against the
23 Healy motion 14.5.1 on the 27th of April. That can be found at page 2117.
24
16:07:04 25 And in favour of a site visit on the 6th of May. That is at page 2193.
26
27 That concludes the matters in relation to Mr. Larkin.
28
29 And then the final matter is in respect of the statements furnished by the late
16:07:17 30 Mr. Lawlor to the Tribunal for the record.

16:07:19 1
2 So the first statement that I propose to deal with is at page 503 of the brief.
3
4 Mr. Lawlor provided the Fianna Fail committee on Standards in Public Life with
16:07:32 5 information which is recorded in that report to the effect that he received
6 2,000 pounds from John Byrne.
7
8 At page 498 of the brief.
9
16:07:42 10 And at the second last paragraph there. It's recorded that Mr. Lawlor said he
11 had received 12,000 to 14,000 pounds in donations from Frank Dunlop between the
12 late '80s and the early '90s.
13
14 And the next brief page is page 507.
16:08:04 15
16 This concerns a statement furnished by Mr. Lawlor on the 7th of March 2003 that
17 included information specifically relating to the Pennine Baldoyle lands.
18
19 The first paragraph that I wish to refer to is the third paragraph concerning
16:08:19 20 the owners of the Baldoyle Portmarnock lands. Mr. Lawlor says Davy
21 Stockbrokers, at whose offices a meeting took place with directors of -- sorry,
22 under that subheading he says that Davy Stockbrokers, at whose offices a
23 meeting took place with directors of Davy Hickey Properties Limited to discuss
24 the Baldoyle lands. Mr. Frank Dunlop was in attendance at that lunch meeting.
16:08:38 25
26 Just down at the last paragraph on that page, he says that due to controversial
27 circumstances associated with the Irish Sugar Company Limited flotation. Davy
28 Hickey Properties Limited discharged their financial liabilities to Pennine
29 Holdings Limited leaving Mr. Frank Dunlop with 100 percent of the shareholding
16:08:57 30 when his initial involvement was to be in the region of 10 percent.

16:09:00 1
2 And if I could just refer now to page 509. Which is a response from Mr. Lawlor
3 to queries from the Tribunal to setting out a history of dealings between
4 himself and a number of persons.

16:09:12 5
6 Which can be seen, included the history of his involvement with Davy Hickey
7 Properties. Brendan Hickey and David Shubotham.
8

9 And Mr. Lawlor records there that through a mutual contact a meeting was
16:09:23 10 arranged with the above personnel. Due to the lack of an International type of
11 business park to provide jobs on the west side of Dublin and Council management
12 were suggesting substantial area of Corkagh Demense, a regional park should be
13 promoted as job creation location. I suggested the above executives should
14 explore the possibility of setting up an International Business Park on lands
16:09:42 15 owned by the late Dick Killeen who had approached me outlining difficult family
16 circumstances.
17

18 The parties went forward and provided what is today City West Business Park.
19 It's my recollection that I recommended Mr. Frank Dunlop to Davy Hickey
16:09:57 20 Properties. Davy Stockbrokers supported some off my election campaigns
21 detailed in B 42.
22

23 Davy Hickey Properties sponsored a tee at my annual fundraising golf classics.
24

16:10:08 25 In respect of the B 42 list. At page 512, Mr. Lawlor under a heading entitled
26 'income including political contributions donations and consultancy fees' being
27 approximate and as recollected by Mr. Liam Lawlor in respect of the period 1973
28 to 2000 listed Davy Stockbrokers as having given him 5,000 pounds. As can be
29 seen he also listed Frank Dunlop & Associates as having given him 60,000 pounds
16:10:32 30 in the 1990's.

16:10:32 1
2 If I could just refer to page 1064 where Mr. Lawlor lists the following as
3 election contributions, a sum of 5,000 pounds in 6th of June 1989 from David
4 Shubotham/Davy's and a sum of 500 pounds from Mr. John Byrne.

16:10:47 5
6 And then in the next reference in the brief is page 510, please.
7
8 Where I just propose to refer to extracts from this statement.
9

16:11:00 10 Mr. Lawlor says he had known John Byrne for over 20 years. In respect of the
11 third paragraph. Mr. John Byrne for many years is the owner of the Baldoyle
12 Race Course lands. He sought my views as the lands were lying vacant. In the
13 interests of safety he had to demolish the old stand and other derelict
14 buildings on the site. I would have met John Byrne socially and would have had
16:11:19 15 general discussions over the years. I arranged a lunch meeting at Davy
16 Stockbrokers and in attendance was David Shubotham, Brendan Hickey, Frank
17 Dunlop, John Byrne and myself. Arising from that lunch the parties entered
18 into some form of business relationship of which I was not party to, not a
19 party to. To the best of my knowledge the business relationship never advanced
16:11:36 20 to finality by the parties.
21
22 Over the page he says that Mr. John Byrne would have supported some of the
23 annual fundraising events.
24

16:11:43 25 At page 519 to 522 in a similar document, Mr Lawlor sets out the history of his
26 dealings with Mr. Dunlop and says that Mr Dunlop gave financial support to a
27 number of his campaigns. That can be found at page 522 of the third paragraph.
28 Sorry. The next reference is page 522. Where he says that Frank Dunlop
29 requested and provided receipts for and that he provided receipts for
16:12:08 30 contributions during some of his election campaigns.

16:12:12 1
2 Page 516. Mr. Lawlor in his statement. This is in the second last paragraph,
3 records that in the November 1992 General Election I recall Frank Dunlop coming
4 to my office in Lucan and on his way home. My recollection is that he gave me
16:12:27 5 a contribution for that campaign of 5,000 pounds.

6
7 And then at page 517.

8
9 The first paragraph on that page. Mr. Lawlor says Frank Dunlop has suggested
16:12:36 10 to the Flood Tribunal that I was supposed to have received 40,000 pounds at his
11 office. I state categorically that I never received any such contribution from
12 Frank Dunlop.

13
14 And then page 523.

16:12:45 15
16 There is an extract from Mr. Lawlor's statement where he says. On the 1st of
17 February 2005 Mr.. He says in the same spirit as Mr. Caldwell and for the same
18 purposes I have embarked on an exercise from memory relating dates going back
19 to my first introducing Frank Dunlop to Mr. John Byrne, the owner of the lands
16:13:08 20 at Baldoyle at a luncheon meeting with Mr. David Shubotham, Mr. Brendan Hickey
21 and myself to discuss the Baldoyle lands.

22
23 And then he continues to say that he will submit that information at a later
24 date.

16:13:21 25
26 Page 525, he says I am also aware that Mr. Frank Dunlop derived substantial
27 financial gain from his dealings with the lands at Baldoyle and similarly in
28 relation to the Citywest Business Park project, the largest material
29 contravention of a County Development Plan in the history of the State.

16:13:42 30

16:13:42 1 Neither of these projects are the basis of any complaints or allegations from
2 Mr. Frank Dunlop.

3

4 And then the next page is at page 526 to 527.

16:13:51 5

6 Which is a statement on the 15th of December 2004. Where Mr. Lawlor says it is
7 my recollection from the public sessions of the Tribunal that Mr. Frank Dunlop
8 made a multiplicity of claims concerning funds he paid to politicians.

9

16:14:08 10 In certain instances Mr. Dunlop has claimed that he paid then Dublin County
11 Councillors monies to influence their actions while exercising their functions.
12 The public meetings of the Council in coming to meetings and conclusions and
13 voting in certain ways.

14

16:14:21 15 He says there are further payments of funds to politicians at local and
16 national level that it appears Mr. Dunlop is categorising political donations.

17

18 Such donations according to Frank Dunlop but not yet investigated were made on
19 behalf of Davy Hickey Properties Limited, promoters of City West Business Park.

16:14:36 20 Mr. Dunlop instead of receiving fees for his public relations and lobbying
21 activities was provided, in lieu of the fees, with a small percentage holding
22 in the company that developed and controls the City West Business Park.

23

24 He goes on to say. Mr. Dunlop provided me with funds on behalf of promoter of
16:14:51 25 this project. He also provided other politicians at both local and national
26 level with funds on behalf of Davy Hickey Properties.

27

28 Mr. Dunlop made other payments of funds to me during the period in question. I
29 have classified all these funds under the same heading.

16:15:10 30

16:15:10 1 Is it the Tribunal's position that Mr. Dunlop's evidence which should require
2 serious scrutinies to the effect that some payments were corrupt and others
3 were political contributions. I therefore believe that it is imperative that
4 Mr. Dunlop is fully investigated concerning disbursement of funds on behalf of
16:15:25 5 Davy Hickey Properties Limited whose company secured a colossal material
6 contravention of the then Dublin -- of the then County Dublin Development Plan
7 running to some 300 acres. This proposal was vehemently opposed by the
8 planning manager and his senior staff to the extent that a bus tour was
9 arranged for the elected members and senior planning staff which outlined
16:15:43 10 management's intentions as recommended on the tour.

11
12 This intention was to locate a business park on the council's lands on the
13 northern side of the Naas dual carriageway, opposite City West Business Park.
14 Council records will establish the full details of management's policy on this
16:16:02 15 matter. It is therefore essential that Mr. Dunlop's actions in representing
16 Davy Hickey Properties are thoroughly investigated at a forthcoming public
17 Module.

18
19 And then at page 2860.

16:16:13 20
21 I just refer to paragraph 3 A there. Where he says it's my recollection that
22 any funds that I received from Frank were to support my constituency office in
23 election campaigns. I also assumed the funds came from Frank Dunlop &
24 Associates.

16:16:25 25
26 He then goes on to say. My only recollection. My recollection of comments
27 with Frank was that any financial support I received from him. Sorry. I beg
28 your pardon.

29
16:16:36 30 With him, from him, went towards the running of my constituency office and

16:16:40 1 elections. I also recall receipts for the contributions made.

2

3 And then at page 2861.

4

16:16:47 5 Mr. Lawlor goes on to say. The only client I recall Frank's office having
6 during the time -- my time as elected member of Dublin County Council was the
7 Davy Hickey Properties Business Park at City West, Naas Road, Dublin 22.

8

9 This business park was approached approved by vote by way of a material

16:17:10 10 contravention of the then current County Development Plan.

11

12 Frank would've commented as to how successful his activities were by regularly

13 referring to securing the support of Pat Rabbitte against the advice of the

14 officials who were pursuing policy of locating a business park on the northern

16:17:23 15 side of the Naas dual carriageway at Corkagh Demesne. I recall receiving a

16 political contribution from Davy Hickey Properties which has been listed in

17 file B 42. That's previously before referred to (discovered to the Tribunal)

18 and I also recall receiving a contribution from Frank. My recollection is by

19 way of cash prior to the June 1991 Local Elections.

16:17:47 20

21 And then I don't propose to go through the rest of that, as it's general

22 information.

23

24 And that concludes matters in relation to the late Mr. Lawlor.

16:17:58 25

26 CHAIRMAN: All right. Thank you, Ms. Murphy.

27

28 Just in relation to future sittings. Tomorrow we're not sitting I take it?

29

16:18:06 30 MR. O'NEILL: No. In the absence of Mr. Byrne.

16:18:10 1
2 MR. CHAIRMAN: And then on Monday, unusually, we're sitting at 10.30 to take
3 some remaining witnesses from the Cloghran and Cherrywood Modules.
4

16:18:21 5 On Tuesday we're sitting to take remaining witnesses from Cargobridge and
6 Balheary Modules.
7

8 On Wednesday we're sitting to take some remaining witnesses from Cloghran and
9 Ballycullen Beechill Modules.

16:21:10 10
11 MR. O'NEILL: Very good.
12

13 MR. MURPHY: Thank you.
14

16:21:13 15
16
17
18
19 **THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,**
16:21:17 20 **MONDAY, 18TH DECEMBER, 2006, AT 10.30 A.M.**
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