

09:38:14 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON THURSDAY,**
2 **17TH JANUARY 2008, AT 10:00 A.M:**

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CHAIRMAN: Good morning.

10:09:37 5

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MS. DILLON: Good morning, Sir.

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Mr. Dunlop, please.

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10:09:40 10

MR. FRANK DUNLOP CONTINUES TO BE QUESTIONED BY

11

MS. DILLON AS FOLLOWS:

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CHAIRMAN: Good morning, Mr. Dunlop.

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A. Good morning, Chairman. Good morning, Judges. Good morning, Ms. Dillon.

10:09:54 15

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Q. 1 MS. DILLON: Good morning, Mr. Dunlop. When you were here on Tuesday we had I think, concluded discussing the publication of a second article concerning you in the Sunday Independent of the 11th of September, October I beg your pardon of 1998, which had been written by Mr. Corcoran, isn't that right?

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10:10:12 20

A. That's correct, yes.

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Q. 2 And that had been published on the 11th of October, at page 2209. And that had recorded in the course of the article, the fact that you had been interviewed by Mr. Corcoran in the company of your solicitor and that the interview had been tape-recorded, isn't that right?

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10:10:35 25

A. Correct, yes.

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Q. 3 And we had gone through that. And if we turn to look at 13319, which is the following week commencing the 12th of October 1998, this is the extract from your diary. And on the 13th of October 1998, you will see there an entry in your diary for 8:30 in the evening "OOC Green Isle". May the Tribunal take it that that is a reference to a meeting with Mr. Owen O'Callaghan in the Green

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10:11:02 30

- 10:11:06 1 Isle Hotel?
- 2 A. Yes.
- 3 Q. 4 And immediately beneath that you will see "OOC" two initials and "FD" do you
4 see that?
- 10:11:11 5 A. Yes.
- 6 Q. 5 Do you know who the person in the middle is the person with the initials there?
- 7 A. I ... it could possibly be Colm McGrath I can't be absolutely certain, there's
8 no small C behind the M but it is likely to be Colm McGrath.
- 9 Q. 6 And that meeting appears to have been scheduled for 9:30, isn't that right?
- 10:11:36 10 A. Yes.
- 11 Q. 7 Is it the position then that you had a meeting at which you are telling the
12 Tribunal it's possible Colm McGrath attended with Mr. O'Callaghan and yourself
13 on the 13th of October 1998?
- 14 A. Yes. Well it is definite that I had a meeting with Mr. O'Callaghan and at 9:30
10:11:54 15 on that day. Just the slightest doubt enters my mind in relation to the
16 identity of the person in the middle. I'm almost certain it's Colm McGrath but
17 I can't say for certain.
- 18 Q. 8 What were the matters, first of all you met with Mr. O'Callaghan on your own at
19 8:30. What was the subject matter of your discussion at that time, Mr. Dunlop?
- 10:12:14 20 A. I presume it was something to do with Quarryvale, I can't say specifically.
- 21 Q. 9 Well the matters that were current in connection with Quarryvale at that stage
22 were the publication in the newspapers.
- 23 A. Yes.
- 24 Q. 10 That Quarryvale was the subject matter of inquiry by this Tribunal, isn't that
10:12:36 25 right?
- 26 A. Correct, yes.
- 27 Q. 11 So may the Tribunal take it, Mr. Dunlop, that the uppermost matter for
28 discussion between yourself and Mr. O'Callaghan when you met post
29 Mr. Corcoran's article on the 11th of October 1998, would have been a
10:12:48 30 discussion about the matters that had appeared in the newspapers in relation to

- 10:12:52 1 the Tribunal's inquiries about Quarryvale?
- 2 A. Yes. I wouldn't discount the fact that it was a matter in all three of our
3 minds. I can't say that it was the uppermost matter but certainly I wouldn't
4 discount that it was in our minds, yes.
- 10:13:06 5 Q. 12 Yes well what other matter was current about Quarryvale in October 1998, that
6 would have necessitated a face-to-face meeting between yourself and Mr.
7 O'Callaghan?
- 8 A. Nothing. But I mean, I have already said I cannot specifically say that that
9 is Colm McGrath. I am presuming, I am surmising that it is Colm McGrath. I
10 have no recollection of having a discussion with Colm McGrath, O'Callaghan and
11 myself in relation to the Tribunal.
- 12 Q. 13 Yes. Well if you look first of all, Mr. Dunlop, at the first meeting that
13 takes place which is the one without any third party present, which is a
14 meeting between yourself and Mr. O'Callaghan at the Green Isle Hotel at 8:30?
- 10:13:43 15 A. Yes.
- 16 Q. 14 It doesn't appear from your diary that there is anybody present at that meeting
17 between yourself and Mr. O'Callaghan, isn't that right?
- 18 A. Correct.
- 19 Q. 15 So it would appear that you have had a meeting for approximately an hour with
20 Mr. O'Callaghan at that time, isn't that right?
- 10:13:50 21 A. Yes.
- 22 Q. 16 And from your consideration of the documents that have been circulated to you
23 by the Tribunal, was there any other matter planning or otherwise current in
24 connection with Quarryvale that you would have required a face-to-face
25 discussion between yourself and Mr. O'Callaghan in October of 1998?
- 10:14:06 26 A. No, not that I can think of.
- 27 Q. 17 So the Tribunal may take it then, Mr. Dunlop, that the matter that required a
28 face-to-face discussion between yourself and Mr. O'Callaghan were matters
29 relevant to the Tribunal's inquiries into the rezoning of Quarryvale?
- 10:14:24 30 A. It may well be. I don't have a specific recollection of any discussion that I

10:14:32 1 had with Mr. O'Callaghan on that particular day but yes, it may well be.

2 Q. 18 Do you think it's likely that you would have discussed the fact with Mr.

3 O'Callaghan that according to Mr. Corcoran's article of the 11th of October

4 1998, you had given an interview to Mr. Corcoran in the presence of your

10:14:40 5 solicitor which had been tape-recorded in which you discussed the fees that had

6 been paid to you through Shefran?

7 A. That is likely, yes.

8 Q. 19 Yes. So that it's likely that the matters that you discussed with Mr.

9 O'Callaghan though you have no specific recollection of it, in general terms

10:14:55 10 related to the Tribunal's inquiries into Quarryvale and the rezoning of it, is

11 that right?

12 A. That is likely, yes.

13 Q. 20 Would you have, is it likely then that in these general terms you would also

14 have discussed with Mr. O'Callaghan any correspondence that you yourself or any

10:15:11 15 of your companies had received from the Tribunal?

16 A. Oh, there is absolutely no doubt, I have already given evidence to this effect

17 that I did not only tell but have a discussion with Mr. O'Callaghan on receipt

18 of the first documentation from the Tribunal.

19 Q. 21 Right. And can I ask you then in, if that second entry is in relation to

10:15:29 20 Mr. Colm McGrath, may the Tribunal take it that that meeting also would have

21 related to Quarryvale?

22 A. It is possible. I cannot absolutely say for definite. I do not have a

23 recollection of having a tripartite discussion between Mr. O'Callaghan,

24 Mr. Colm McGrath and myself about the Tribunal or matters pertaining to the

10:15:51 25 investigation of the Tribunal.

26 Q. 22 Is it possible that that might be OM?

27 A. I ... I'll have a look at the original diary but I don't think so from what I

28 see on the screen, Ms. Dillon.

29 Q. 23 You think it's likely and the first name that came to your mind is Colm

10:16:08 30 McGrath?

- 10:16:08 1 A. Yes. And the only thing that makes me pause is that normally when Colm
2 McGrath's -- a reference is made to Colm McGrath in my diary, it's either CMc
3 or actually his full name C McGrath.
- 4 Q. 24 And isn't it likely, Mr. Dunlop, that the matters that you had to discuss with
10:16:27 5 Mr. Colm McGrath also included matters relating to Quarryvale?
- 6 A. Can I answer that in two ways? One, I have no recollection in relation to
7 having a discussion tripartidly vis-a-vis this meeting. Secondly, yes it is
8 true that I, Mr. Colm McGrath and I along with others discussed the Tribunal.
- 9 Q. 25 And it's also the position that at this stage there was outstanding
10:16:56 10 correspondence in existence between the Tribunal and you, through your
11 solicitor seeking information, isn't that right?
- 12 A. Yes. In October. Yes there was, yes.
- 13 Q. 26 On the 6th of October 1998, the Tribunal had initiated its first correspondence
14 with you. But by this stage the Tribunal had not yet written to Mr.
10:17:14 15 O'Callaghan, isn't that right?
- 16 A. Well you tell me that. I don't recollect when the Tribunal wrote to Mr.
17 O'Callaghan. But certainly I got the documentation or got the request for
18 information from the Tribunal on the date you say --
- 19 Q. 27 Yes.
- 10:17:24 20 A. -- and I told Mr. O'Callaghan of it at that time.
- 21 Q. 28 And did Mr. O'Callaghan discuss with you whether or not he had received any
22 communication from the Tribunal?
- 23 A. Yes. Mr. O'Callaghan at some stage told me that he had received documentation
24 from the Tribunal, yes.
- 10:17:38 25 Q. 29 And did you discuss with Mr. O'Callaghan in any of these discussions you had
26 about the Tribunal about the nature of the information that was going to be
27 provided to the Tribunal?
- 28 A. No, I think the general, the general view -- sorry, I shouldn't say the general
29 view that's giving a suggestion that I know what was in other people's minds.
10:18:07 30 But from my view was that it was something of an encumbrance that had to be

- 10:18:14 1 gone through and I don't recollect discussing in any great detail with Mr.
2 O'Callaghan anything that of the nature of what the Tribunal was requesting
3 other than that I had received documentation from the Tribunal.
- 4 Q. 30 Well let me ask you a very simple question, Mr. Dunlop?
- 10:18:29 5 A. Yeah.
- 6 Q. 31 Within your own records, did you have enough information to provide the
7 information sought by the Tribunal?
- 8 A. No, I did not.
- 9 Q. 32 Okay. Where were you going to get that information?
- 10:18:38 10 A. Well in relation to my relationship with Mr. O'Callaghan and in relation to a
11 detailed account of payments made to me, I was going to get that from Mr.
12 O'Callaghan.
- 13 Q. 33 So that at the minimum, in order to comply with the most basic request for
14 information to the Tribunal, you yourself didn't have the documentation, you
10:18:53 15 were going to have to get it from Mr. O'Callaghan.
- 16 A. That is correct, yes.
- 17 Q. 34 So in other words, you didn't have available to you a schedule of payments that
18 you and your companies had received from Mr. O'Callaghan's companies or from
19 Barkhill and Riga, is that right?
- 10:19:07 20 A. No, not totally. Not in their totality, no.
- 21 Q. 35 So in order to put together a composit picture of the monies that you had
22 received either through Shefran or Frank Dunlop & Associates, Mr. O'Callaghan
23 through his companies, was going to have to assist you in supplying that
24 information?
- 10:19:21 25 A. Correct.
- 26 Q. 36 And did Mr. O'Callaghan do so?
- 27 A. Yes, he did.
- 28 Q. 37 And did he provide you with a schedule of payments that had been made to you by
29 Riga and Barkhill?
- 10:19:29 30 A. Yes he did.

- 10:19:29 1 Q. 38 And is that the document that you provided to the Tribunal in the course of
2 your first series of evidence in April of 2000?
- 3 A. That is the same document.
- 4 Q. 39 But that is not a document you were able to generate from within your own
10:19:41 5 records, isn't that right?
- 6 A. Not totally no.
- 7 Q. 40 Now, again just looking at the I diary. On the 15th of October 1998, the
8 Tribunal wrote for the first time, Mr. Dunlop, and you will have seen from the
9 documentation from which you have been circulated at 22013. That arising out
10:20:01 10 of the article in the Sunday Independent on the 11th of October 1998, the
11 Tribunal wrote to Barkhill which was the main Quarryvale related company
12 seeking certain information which is more particularly identified at 22014.
13
14 And in the second last paragraph there you will see that the Tribunal wrote to
10:20:23 15 Barkhill and said "In order to assist in the confidential inquiries which he is
16 carrying out in private, the Sole Member would appreciate if you would confirm
17 not later than Tuesday the 20th of October next, that your company will furnish
18 complete copies of all it's financial records, including audited accounts from
19 the date of its incorporation on the 25th of November 1988, to latest date".
10:20:45 20
- 21 So what was being sought there was, all of the financial records of Barkhill up
22 to that date which was the 15th of October 1988, isn't that right?
- 23 A. That's correct, yes.
- 24 Q. 41 Now, when that information was received by Mr. O'Callaghan and passed or handed
10:20:58 25 on to his solicitors, would you have become aware of the fact that the Tribunal
26 had extended its inquiries, not just from yourself but now to include Barkhill?
- 27 A. Yes, I cannot say specifically when I became so aware. But certainly I do
28 recall Mr. O'Callaghan telling me that he or his solicitors had been contacted
29 by the Tribunal.
- 10:21:15 30 Q. 42 So may the Tribunal take it then that insofar as that there was communication

- 10:21:19 1 from the Tribunal to yourself and communication from the Tribunal to Mr.
2 O'Callaghan, that leaving aside the question of solicitors as between yourself,
3 Mr. Dunlop, and Mr. O'Callaghan personally there were regular and frequent
4 discussions about the correspondence you had both received from the Tribunal?
- 10:21:36 5 A. Yes, I can't. I cannot specifically say that I ever saw any documentation that
6 was sent to anybody other than myself but certainly there was, there were
7 discussions between Mr. O'Callaghan and myself on the basis of physical receipt
8 of requests of information from the Tribunal.
- 9 Q. 43 And is it the case then that in the course of these discussions between
10 yourself and Mr. O'Callaghan were frank discussions and open discussions about
11 what was being sought by the Tribunal and what was going to be provided?
- 12 A. Yes, I think that would be a fair description.
- 13 Q. 44 And was it also the position that you yourself you found yourself in the
14 position where you didn't have all of the information that was then being
15 sought from you?
- 10:22:18 16 A. That is correct.
- 17 Q. 45 Now, I think if we move to look at the events of the following week at 13330.
18 I think that on the 23rd of October 1998, in view of the fact that there had
19 been no progress in the provision of information by you, the Tribunal requested
10:22:39 20 that you would come in and attend for interview to provide information, isn't
21 that right, Mr. Dunlop?
- 22 A. I think that's what the record will show, yes.
- 23 Q. 46 Yes. And I think ultimately you declined that invitation, isn't that right?
- 24 A. Yes.
- 10:22:51 25 Q. 47 But also on the 23rd of October 1998, you will see in your diary at 11:45 "Matt
26 Cooper, Davenport" and it's struck out, do you see that?
- 27 A. Yes.
- 28 Q. 48 And then if you go down beneath that you see "4 o'clock Matt at Davenport".
- 29 A. Yes.
- 10:23:05 30 Q. 49 May the Tribunal take it that that mat at the Davenport was Mr. Matt Cooper?

- 10:23:10 1 A. You certainly can, yes.
- 2 Q. 50 Yes. And was that Mr. Matt Cooper was a journalist, isn't that the position?
- 3 A. He still is.
- 4 Q. 51 And did he write on the following Sunday an article at 19898 entitled "for hunt
10:23:27 5 for 50,000 cheque hots up"?
- 6 A. That is his by line, yes.
- 7 Q. 52 And I think that article was continued on 19899 on the same paper and the same
8 day. "Flood of claims swamps Tribunal work of Tribunal" concluding at 19900?
- 9 A. Oh, fetching photograph!
- 10:23:53 10 Q. 53 And that is the entire of the article. Now, if I can take you back then to
11 13330. Now, you will see there that first of all from 1 o'clock to the evening
12 there is a a reference "OOC in town".
- 13 A. Yes.
- 14 Q. 54 Now, can I ask you first of all who attended the meeting between Mr. Cooper and
10:24:11 15 yourself?
- 16 A. Mr. Cooper and myself only.
- 17 Q. 55 Did Mr. O'Callaghan attend?
- 18 A. Not to my recollection.
- 19 Q. 56 Right. How was the meeting with Mr. Cooper set up, Mr. Dunlop?
- 10:24:18 20 A. More than likely at Mr. Cooper's request.
- 21 Q. 57 In that Mr. Cooper would have contacted you?
- 22 A. Yes.
- 23 Q. 58 And would he have indicated to you when he contacted you the subject matter of
24 the inquiry?
- 10:24:29 25 A. Yes, that would be quite normal. I would say that he probably did, yes.
- 26 Q. 59 And that he would have told you that he was writing an article on the Flood
27 Tribunal, is that right?
- 28 A. That's quite likely, yes. Mr. Cooper and myself were in quite a deal of
29 contact, not specifically in relation to this but over a number of years, yes.
- 10:24:51 30 Q. 60 And in the course of that article at 19899, you are not identified anywhere

10:25:01 1 within that article isn't that right, Mr. Dunlop, as having spoken to
2 Mr. Cooper?

3 A. Well I'll take your word for it, I haven't read it but if that is the case, no.

4 Q. 61 Isn't that the position?

10:25:11 5 A. Correct, yeah.

6 Q. 62 Other than there is one reference to you by name in the fifth column, second
7 paragraph from the end where it says. If you could just increase that please
8 the fifth column, thank you:
9

10:25:22 10 "Some interested parties have been mystified as to how only some of his
11 allegations -- that's a reference to Mr. Gilmartin's allegations -- relating to
12 people like Pdraig Flynn, Fianna Fail TD Liam Lawlor and former government
13 press secretary Frank Dunlop have become public" and then it goes on to say
14 "for example Gilmartin has also claimed that a councillor named in his
10:25:42 15 affidavit asked him for 100,000 pounds to support his application for planning
16 permission for Quarryvale" and later on it states in the fourth paragraph on
17 the last column "There also remains doubts as to whether or not Gilmartin can
18 be persuaded to testify if he doesn't his affidavit it is useless" and then it
19 talks about contact between Mr. Gilmartin and the Tribunal.

10:26:04 20

21 Now, can you tell the Tribunal what you told Mr. Cooper when you met him on the
22 Friday before this article was published?

23 A. The answer is no but I can tell you what it is likely I did tell him.

24 Q. 63 All right.

10:26:17 25 A. Okay. Given that there was a request by Mr. Cooper to meet me and I was as
26 I've already outlined to you not close to Mr. Cooper, I don't mean anything by
27 that remark. But certainly we were in regular contact. And he was writing a
28 story and he asked me, I can only say the likelihood is that he asked me in
29 general terms in relation to the Flood Tribunal as it was then called, and more
10:26:48 30 than likely more than likely asked me about my relationship with Mr.

- 10:26:52 1 O'Callaghan, more than likely asked me about my relationship if any with Mr.
2 Gilmartin and whether or not I had or had not been in receipt of any
3 documentation or whether I would or would not in any way be called before the
4 Tribunal.
- 10:27:10 5 Q. 64 Yes. There is no reference in this article, Mr. Dunlop, to the fact that you
6 might have received correspondence from the Tribunal or that you might have
7 been asked to provide information to the Tribunal or indeed that you might have
8 been subject of any allegations in relation to this Tribunal other than the
9 reference to you that I've just read.
- 10:27:28 10 A. Yes.
- 11 Q. 65 All right. Do you think therefore that it's likely much more likely that what
12 you discussed with Mr. Cooper are the other matters that are contained in
13 relation to Quarryvale in the article?
- 14 A. Such as?
- 10:27:41 15 Q. 66 Such as for example, that there are considerable doubts in the fifth column.
- 16 A. Yes.
- 17 Q. 67 Seconds paragraph. "There are considerable doubts as to the level of
18 assistance that Gilmartin can give the Tribunal, as outlined on page one
19 efforts to find the cheque he said was given to Padraig Flynn had been
10:27:57 20 extremely time-consuming. His affidavit is said to contain a degree of hearsay
21 and of memories that cannot be corroborated by physical evidence such as his
22 "instructions" to Owen O'Callaghan to meet then government minister, Bertie
23 Ahern. There is absolutely no evidence to suggest that any meeting took place
24 at that time suggested or that the two men had even met at any previous stage.
- 10:28:19 25 There also remains doubts as to whether or not Gilmartin can be persuaded to
26 testify. If he doesn't, his affidavit is useless. Gilmartin lives outside the
27 country which mean he cannot be compelled to give evidence. He has indicated
28 to the Tribunal he intends to return to Ireland but there is no guarantee other
29 than his word that he will do so".
- 10:28:37 30 A. Yes.

10:28:37 1 Q. 68 Did you discuss any of that?

2 A. Not to discommode you in any way. What is the date of this article again?

3 Q. 69 This article is two days after you spoke with Mr. Cooper.

4 A. Yes.

10:28:50 5 Q. 70 You had a meeting with Mr. Cooper on the 23rd of October 1998. The article was
6 published on the 25th.

7 A. Yes, it is likely, yes. Yes, certainly by this stage I certainly and I will
8 not speak for anyone else, I certainly was aware from comments and I'm not
9 making any specificity in relation to any journalist in particular. I am just
10:29:09 10 saying that I was aware that there was considerable constant contact between
11 Mr. Gilmartin and named journalists.

12 Q. 71 Yes.

13 A. And that from time to time I got telephone calls from journalists in respect of
14 something Mr. Gilmartin may or may have said directly or have imputed in
10:29:30 15 relation to the Quarryvale project and I would get calls from journalists in
16 relation to this matter but to go back to the principle thesis of your
17 question. The likelihood is, yes.

18 Q. 72 This article is not an article about Frank Dunlop being investigated by --

19 A. No.

10:29:48 20 Q. 73 -- the Flood Tribunal in relation to allegations of planning corruption, isn't
21 that right?

22 A. Correct, no.

23 Q. 74 If you had made a sudden confession of misconduct to Mr. Cooper when you met
24 him on the 23rd, it's likely that he would have recorded that and published it
10:30:01 25 on the 25th, isn't that right?

26 A. Absolutely. Well he'd have published it in some format or other, yes.

27 Q. 75 So, the Tribunal may take it that in fact there doesn't appear to have been any
28 discussion because it's not recorded in the article, about the fact that you
29 yourself were the subject matter of inquiry about the Tribunal, isn't that
10:30:17 30 right?

- 10:30:17 1 A. No, the article doesn't record is that.
- 2 Q. 76 All right. What the article does deal with however, are various matters that
- 3 had been stated by Mr. Gilmartin or alleged to have been stated by Mr.
- 4 Gilmartin and then there are complaints about leaks as well, isn't that right?
- 10:30:30 5 A. Correct.
- 6 Q. 77 All right. Now, did you in the course of your discussion with Mr. Cooper raise
- 7 any concern about leaks in relation to the Tribunal?
- 8 A. I may well have done, yes. In the context of which, of what I have already
- 9 said to you that there was a constant stream of stories in relation to what Mr.
- 10:30:51 10 Gilmartin might or might not say or what might or might not be uncovered.
- 11 Q. 78 Yes. You yourself had dealt with Mr. Gilmartin on at least one occasion and
- 12 you yourself had been intrinsically involved in the rezoning of Quarryvale and
- 13 if your evidence is correct, in a corrupt fashion for part of that time, isn't
- 14 that right?
- 10:31:08 15 A. That's correct, yes.
- 16 Q. 79 You yourself probably with one or two exceptions knew more about the rezoning
- 17 of Quarryvale than anybody else, isn't that right?
- 18 A. Well in relation to the Quarryvale the only other people who would know
- 19 anything about it would be Mr. O'Callaghan and probably Mr. Gilmartin. Though
- 10:31:25 20 in the latter case, there would be other extraneous matters in his mind.
- 21 Q. 80 Yes. And you are the person then who has spoken to Mr. Jody Corcoran in a
- 22 taped interview the previous -- that led to a publication the previous Sunday,
- 23 isn't that right?
- 24 A. Yes, at Mr. Corcoran's request.
- 10:31:39 25 Q. 81 And prior to that though you dispute what you had said to him you had spoken to
- 26 Mr. Frank Connolly also about Quarryvale and Mr. Gilmartin and Mr. O'Callaghan?
- 27 A. I would dispute lots of thing that is were said to Mr. Connolly, yes.
- 28 Q. 82 But you are not disputing that you spoke to him?
- 29 A. Oh absolutely not.
- 10:31:55 30 Q. 83 And that the subject matter of the discussion between yourself and Mr. Connolly

10:31:59 1 however it was reported by Mr. Connolly related to the allegations in
2 connection with the rezoning of Quarryvale and the involvement of Mr. Gilmartin
3 and Mr. O'Callaghan?

4 A. Yes. And given the particular quotes in relation to Mr. Gilmartin and his
10:32:13 5 revenue problems.

6 Q. 84 Yes. And also that you spoke to Mr. Jody Corcoran.

7 A. Yes.

8 Q. 85 And that the subject matter of your discussion with Mr. Jody Corcoran in the
9 presence of your solicitor related to the same subject matter, isn't that
10:32:24 10 right?

11 A. Mr. Gilmartin and Quarryvale.

12 Q. 86 And Quarryvale.

13 A. Yes.

14 Q. 87 And on that occasion the payment of fees to you through a company called
10:32:30 15 Shefran which had offshore directors, isn't that right?

16 A. Correct, yes.

17 Q. 88 And then on the following Sunday in this article in the Sunday Tribune written
18 by Mr. Cooper and Mr. Wall, you had on the previous Friday spoken to Mr. Cooper
19 and again the subject matter of your discussion with Mr. Cooper relates to the
10:32:46 20 rezoning of Quarryvale and Mr. Gilmartin's allegations or partial allegations
21 or matters such as that sort and also the leaks from the Tribunal, isn't that
22 right?

23 A. Correct.

24 Q. 89 So that in that three week period commencing in early October, you had spoken
10:33:04 25 to journalists connected with three Sunday newspapers all of which had resulted
26 in articles in Sunday and leading articles in Sunday newspapers in connection
27 with the Tribunal's inquiries into Quarryvale, isn't that right?

28 A. Yes, well let's not overreach ourselves here now, Ms. Dillon. The fact that I
29 spoke to any of these journalists does not necessarily mean that none of those
10:33:26 30 stories would have appeared. That's point number one. Point number two is

- 10:33:30 1 that certainly yes, I had no difficulty in saying that I spoke to those
2 journalists. In each instance at their request and yes, it is true number
3 three, yes it is true that the issues that you have raised in relation to the
4 Tribunal, Mr. Gilmartin and leaks arose in all of them.
- 10:33:53 5 Q. 90 And at this period in the history of your relationship with the Tribunal, Mr.
6 Dunlop, it was as you've already told the Tribunal your intention whatever you
7 may have said through your solicitors not to co-operate with the Tribunal,
8 isn't that right?
- 9 A. Yes.
- 10:34:10 10 Q. 91 You were not going to provide truthful information to the Tribunal, isn't that
11 right?
- 12 A. Correct.
- 13 Q. 92 Yes. And in fact in your subsequent correspondence and dealings with the
14 Tribunal leading up to April 2000, you didn't provide truthful information,
10:34:23 15 isn't that right?
- 16 A. Correct. Well that is not to say that information that we did provide was not
17 incorrect.
- 18 Q. 93 Yes. But it was limited?
- 19 A. The point I'm make something that any information that was provided doesn't
10:34:36 20 necessarily mean that that was incorrect information but it may not have been
21 complete information.
- 22 Q. 94 Yes and for example where you provide in your first affidavit of discovery, a
23 list of the political donations that you made in 1993 amounting to 3,000
24 pounds, are you telling the Tribunal that insofar as you paid that 3,000 pounds
10:34:55 25 that is correct but when you omitted to provide the information about the many
26 other thousands that you paid, that that's an omission?
- 27 A. What I'm saying is that that is correct but it was not complete.
- 28 Q. 95 All right. Now, if we go back then to your frame of mind as best as we can
29 gauge it in October 1998, when you are dealing on a regular basis it would
10:35:14 30 appear with journalists in connection with Quarryvale, that it was your mind

- 10:35:17 1 set at that time, Mr. Dunlop, that you were not going to co-operate with the
2 Tribunal and therefore you were not going to provide information to the
3 Tribunal that would assist it in its inquiries, isn't that the position?
- 4 A. Well I certainly wasn't going to. It wasn't in my -- as accurately as would
10:35:34 5 engage it, I will help you engaging it as accurately as I can. I was not going
6 to provide the type of information to the Tribunal in relation to activities at
7 Dublin County Council and the transfer of payments to councillors for their
8 votes.
- 9 Q. 96 You subsequently disclosed, Mr. Dunlop, in April 2000, that in the year ending
10:35:57 10 1993, you had paid out an amount of approximately 112,000 pounds by way of
11 bribes to councillors, isn't that right?
- 12 A. Yes.
- 13 Q. 97 All right. Now, the first disclosure of that piece of information I suggest to
14 you it was an important piece of information was in April of 2000, isn't that
10:36:13 15 right?
- 16 A. Yes.
- 17 Q. 98 All right. And that happened when you were giving evidence to the Tribunal,
18 isn't that right?
- 19 A. Yes.
- 10:36:19 20 Q. 99 And you are giving evidence to the Tribunal arose because you had refused to
21 provide a statement and you had refused to come in and meet with the Tribunal
22 counsel, isn't that right?
- 23 A. I had declined the offer.
- 24 Q. 100 That's right. Yes. And would you agree first of all that that was important
10:36:34 25 information for a Tribunal investigating planning corruption?
- 26 A. Yes.
- 27 Q. 101 All right. And would it also be the position that in October of 1998, this was
28 information that you were trying to keep from the public domain?
- 29 A. Yes.
- 10:36:48 30 Q. 102 And you were trying to keep it from the Tribunal, isn't that right?

- 10:36:52 1 A. Yes.
- 2 Q. 103 So that in all of your communications with the Tribunal and I suggest to you
3 with journalists who had queries to you, the main or one of the main features
4 that you had was to protect your own position?
- 10:37:06 5 A. Obviously, yes.
- 6 Q. 104 Yes. And therefore you weren't going to provide any information to journalists
7 that would assist them in investigating or digging into your affairs to see in
8 fact had you done in connection with the rezoning of Quarryvale, isn't that
9 right?
- 10:37:20 10 A. Well I certainly wasn't but the journalists have many, many sources.
- 11 Q. 105 Yes. But insofar as you, I'm only talking about your own contact with
12 journalists. And insofar as you had your dealings with the Tribunal at that
13 time you are also motivated to protect or keep secret the information in
14 relation to your activities in Dublin County Council, isn't that right?
- 10:37:39 15 A. Yes.
- 16 Q. 106 And would it also be fair to say that you were desirous of keeping not just
17 secret what you had done in connection with Quarryvale but all of the other
18 developments that you had been involved in?
- 19 A. Well let me answer that by saying if we're gauging one's mind. The only issue
10:37:59 20 in the public domain or potentiality of coming into the public domain was
21 Quarryvale. I think the other issues arose subsequently when we were making
22 discovery in relation to after to 2000, in April 2000.
- 23 Q. 107 No you see, Mr. Dunlop, the one person who knew the extent of your corrupt
24 activities in October 1998 was you, isn't that right?
- 10:38:22 25 A. And the some of the people with whom I ...
- 26 Q. 108 Let us say for example that any other developer that you were involved with
27 whom you say were aware of your corrupt activities, would have been aware of
28 your corrupt activities in relation to his or her own development and not
29 extensively, isn't that right?
- 10:38:39 30 A. Correct.

- 10:38:39 1 Q. 109 Therefore the only person who was aware of the level of your activity within
2 Dublin County Council was yourself, isn't that right?
- 3 A. Yes.
- 4 Q. 110 So that not alone had you the secret in relation to Quarryvale to protect but
10:38:53 5 you had the other developments that you had been involved in, in which you had
6 also made corrupt payments to councillors, isn't that right?
- 7 A. Yes in general, yes.
- 8 Q. 111 And in the course of the last two and a half years before this Tribunal all of
9 those inquiries had been dealt with in public, isn't that right?
- 10:39:07 10 A. They have, yes.
- 11 Q. 112 And you have given evidence to the Tribunal of the extent of the payments that
12 you made to councillors in each of those developments, isn't that right?
- 13 A. That's correct.
- 14 Q. 113 And when the Tribunal wrote to you on the 6th of October 1998, it was in
10:39:19 15 relation to Quarryvale, isn't that right?
- 16 A. Correct.
- 17 Q. 114 But when you received that letter you knew that not alone had you made corrupt
18 payments in relation to Quarryvale but that you had made corrupt payments in
19 relation to at least 12 other developments, isn't that right?
- 10:39:33 20 A. Oh, yes I knew. Whether or not to use a phrase from your own whether or not
21 that was the predominant issue in my mind. Quarryvale was the predominant
22 issues in my mind. But the answer to your question is yes.
- 23 Q. 115 So that the matters that you had to protect or guard against was not confined
24 to Quarryvale, Mr. Dunlop, isn't that right?
- 10:39:49 25 A. In the overall, yes.
- 26 Q. 116 Yes. So that you would have been aware when you were speaking to Mr.
27 O'Callaghan, when you were speaking through your solicitors to the Tribunal and
28 when you were speaking to any of the journalists, that not alone had you made
29 corrupt payments in relation to Quarryvale but you had done so extensively in
10:40:07 30 relation to many other developments, isn't that right?

- 10:40:09 1 A. Yes, I would have been so aware.
- 2 Q. 117 So the nature of the matters that you had to protect weren't confined to
3 Quarryvale, isn't that right?
- 4 A. Correct, yes.
- 10:40:18 5 Q. 118 And I presume, Mr. Dunlop, that as an intelligent person you would have
6 anticipated when you got the letter from the Tribunal in relation to Quarryvale
7 that if the Tribunal established or found out that you had made corrupt
8 payments in relation to Quarryvale, they were unlikely to let the matter rest
9 there but would have gone on to see whether you had in fact made corrupt
10:40:38 10 payments in any other developments, isn't that right?
- 11 A. No I can't say that, however intelligent one is or is not, I can't say that
12 that was a consideration on my part. The consideration on my part at that time
13 was Quarryvale. What the Tribunal would do or not do subsequently I did not
14 know.
- 10:40:56 15 Q. 119 Well would you have seen in foreseen in considering, Mr. Dunlop, whether you
16 were going to give truthful information to the Tribunal. Would you have
17 considered at the time that if you had given truthful information to the
18 Tribunal in October 1998, that you had paid in excess of 70,000 pounds to
19 secure the rezoning of Quarryvale. That, that might have minded the Tribunal
10:41:16 20 to inquire whether you had ever done that before?
- 21 A. Certainly it might have minded the Tribunal to so do and the Tribunal at that
22 stage had given every indication that it was, it was developing a particular
23 road map.
- 24 Q. 120 Yes. What I had asked you was whether it would have occurred to you --
- 10:41:35 25 A. Oh yes.
- 26 Q. 121 -- at that time that if you were to make a sudden confession as it were to the
27 Tribunal or to anybody that you had made significant corrupt payments in
28 relation to Quarryvale, that it was likely that you would be asked whether you
29 had ever done so in any other development?
- 10:41:51 30 A. Well I can't say that definitively. I could also have thought that if I did

10:41:56 1 that that the Tribunal would you know collectively dive into a deep pool and
2 concern itself solely with Quarryvale and if other issues arose they may well
3 have been regarded as tangential.

4 Q. 122 Yes and if for example you had made truthful disclosure of your bank accounts
10:42:12 5 and in particular the Rathfarnham account and the INBS account that would have
6 revealed the receipt of funds that couldn't be explained away by payments made
7 to you in connection with Quarryvale, isn't that right?

8 A. That's correct.

9 Q. 123 And therefore a truthful disclosure of your bank accounts would have put any
10:42:32 10 person looking at those bank accounts on inquiry as to where you had got the
11 money that was lodged, isn't that right?

12 A. That's correct, yes.

13 Q. 124 And if that inquiry had been made, it would have revealed that the source of
14 most of those funds were developers involved in matters in Dublin County
10:42:44 15 Council with the exception of the first opening lodgement on the Rathfarnham
16 account, isn't that right?

17 A. That's correct, yes.

18 Q. 125 Okay. So that in fact the extent of the matters that you had to protect or
19 keep secret was not confined in October 1998 to Quarryvale, isn't that right?

10:43:01 20 A. The answer to that question is yes but in the context of October 1998, the only
21 issue in the frame was Quarryvale.

22 Q. 126 And therefore when you were speaking to third parties about the Tribunal or
23 discussing Quarryvale, you had yourself an interest in ensuring that the
24 matters never progressed, isn't that right?

10:43:21 25 A. Well no.

26 Q. 127 No meaningful inquiries?

27 A. I would never say that the matters never progressed. I mean I was already in
28 receipt by the time I spoke to Matt Cooper in relation to the interview that's
29 on the screen or the story that's on the screen I should say. That's the 25th
10:43:35 30 of October. I have been in receipt of the documentation on the 6th and as you

10:43:40 1 quite rightly say that would have raised a flag in my mind to the fact that I
2 was going to be investigated or be a witness or whatever in relation to the
3 Tribunal and this is where the core area of interest on the part of journalists
4 was at that stage, was Quarryvale. Whether I thought of consciously
10:44:04 5 deliberately about other matters I can't say definitively. But certainly in
6 relation to Quarryvale that's where the main journalistic concern at the time
7 was.

8 Q. 128 And the reason for the fact that Quarryvale was being inquired into was as a
9 result of the allegations of Mr. Tom Gilmartin, isn't that right?

10:44:30 10 A. Yes.

11 Q. 129 Right. That other than the allegations that had been made by Mr. Gilmartin to
12 the Tribunal which resulted in the inquiry, there was nobody else making
13 allegations in relation to Quarryvale, isn't that right?

14 A. I can't say I don't know but certainly the only person that I was aware of and
10:44:48 15 I think the vast majority of other people were aware of, was Mr. Gilmartin.

16 Q. 130 Yes. And while Mr. Gilmartin made many and varied complaints, Mr. Gilmartin
17 made complaints that improper payments had been made in connection with
18 Quarryvale. He identified you as a person through whom those payments had been
19 made.

10:45:06 20 A. Yes.

21 Q. 131 Isn't that right? And he has described you on occasion that one of the reasons
22 that he didn't want to deal with you was he described you as a bag man for
23 Fianna Fail, isn't that right?

24 A. That's correct yes.

10:45:18 25 Q. 132 All right. Now, I don't want to get into any pejorative terms. Would it be
26 fair to say that you would have known and realised at a very early stage --

27 A. Well you have already got into the pejorative terminology, Ms. Dillon. We are
28 not going to revisit all of that scenario because I don't want to discommode
29 anybody by specifying what was said or was not said, what was corrected or not
10:45:39 30 corrected. But you have used. You are quoting Mr. Gilmartin.

- 10:45:42 1 Q. 133 Yes.
- 2 A. So therefore in anything that I say in response I can quote Mr. Gilmartin or
- 3 another person to my advantage.
- 4 Q. 134 Yes.
- 10:45:50 5 A. Without prejudice to Mr. Gilmartin.
- 6 Q. 135 The point I am trying to make, Mr. Dunlop, is this; that you knew in October
- 7 1998, that the source of the information that had led to the Quarryvale inquiry
- 8 being commenced --
- 9 A. Uh-huh.
- 10:46:03 10 Q. 136 -- was Mr. Gilmartin, isn't that right?
- 11 A. Correct, yes.
- 12 Q. 137 You knew because you have already told the Tribunal that from the very
- 13 beginning of your relationship with Mr. Gilmartin, that Mr. Gilmartin would not
- 14 entertain you, isn't that right?
- 10:46:14 15 A. Absolutely.
- 16 Q. 138 And you have told the Tribunal that the reason that payments were routed
- 17 through Shefran was to keep those payments secret from Mr. Gilmartin, so he
- 18 wouldn't know of your involvement because of his antipathy to you, isn't that
- 19 right?
- 10:46:28 20 A. And I have given the circumstances in which that agreement was arrived at by
- 21 Mr. O'Callaghan because Mr. O'Callaghan told me that Mr. Gilmartin would not
- 22 countenance my participation in any shape or form.
- 23 Q. 139 Yes. It follows from all of that that you would have known from 1991, when Mr.
- 24 Gilmartin refused to have you on board as it were, that Mr. Gilmartin was a
- 10:46:48 25 person who did not like you and had an antipathy towards you, isn't that right?
- 26 A. Yes.
- 27 Q. 140 And you knew in October 1998, that the reason the Tribunal was enquiring into
- 28 Quarryvale was because of the allegations that had been made by Mr. Gilmartin,
- 29 isn't that right?
- 10:47:10 30 A. Correct, yes.

- 10:47:10 1 Q. 141 Right. And in your dealings with journalists would it be fair to say that you
2 were attempting to counter what Mr. Gilmartin was saying?
- 3 A. Not counter. I wouldn't no. I wouldn't put it in those sort of those terms.
4 I was, I was being contacted by journalists specifically in relation to one,
10:47:31 5 the Tribunal. Two, Tom Gilmartin. Three, specific issues, like for example
6 did I know anything about X, Y or Z, Padraig Flynn cheques. A variety of
7 issues that were appearing in the newspapers or were being fed to journalists
8 in a dripping fashion. And I was being contacted by journalists for comment or
9 did I know anything about it. And yes, I did speak to them is the simple
10:48:01 10 answer. I spoke to them. Whether I was attempting to counter anything that
11 anybody was saying, I think probably I was probably more accurately trying to
12 put it into context.
- 13 Q. 142 Yes, but not a context that disclosed your truthful involvement in Quarryvale,
14 isn't that right?
- 10:48:16 15 A. Well I certainly wasn't going to tell a journalist in relation to that matter!
- 16 Q. 143 In the course of your discussions which took place I think as you have outlined
17 on a weekly or almost weekly basis with Mr. O'Callaghan.
- 18 A. Yeah.
- 19 Q. 144 Would you have discussed with him all of your contacts with journalists and
10:48:32 20 what you had said to journalists in connection with Quarryvale?
- 21 A. Probably not all but certainly it would be normal practice for me to tell him
22 that I had met such and such a journalist or that the possibility was as a
23 result that there was a story going to appear the following Sunday or the
24 following Tuesday or whatever it happened to be.
- 10:48:55 25 Q. 145 And at 13321 again in your diary on Friday the 30th of October 1998, there is
26 an entry "Owen O C?"
- 27 A. Yes.
- 28 Q. 146 Now, again, if that meeting took place, Mr. Dunlop, can I suggest to you that
29 the only matter that was current to be discussed between yourself and Mr.
10:49:11 30 O'Callaghan were the ongoing inquiries in relation to Quarryvale?

- 10:49:15 1 A. Yes, unless Mr. O'Callaghan brought up any other matter. And I am not sure
2 that that meeting ever took place because of the question mark.
- 3 Q. 147 And certainly, I think that by throughout this entire period you continued to
4 be paid your retainer, isn't that right?
- 10:49:31 5 A. Yes.
- 6 Q. 148 And in fact there was no change in the status of the retainer until much later
7 when Barkhill ceased paying it and Riga took it over but that was in 2000,
8 isn't that right or 2001?
- 9 A. 2001 sorry, yes that's correct.
- 10:49:44 10 Q. 149 Isn't that right?
- 11 A. Yes.
- 12 Q. 150 So throughout all of this time. At 13332 -- sorry, 13322. These standard
13 monthly retainers which were from Frank Dunlop & Associates and which were made
14 out to Barkhill were lodged by you in the normal course of events and this was
10:50:08 15 a retainer, isn't that right?
- 16 A. Correct, yes.
- 17 Q. 151 It was on foot of your agreement with Mr. O'Callaghan and it was paid every
18 month, regardless of what you had to do or had not to do, isn't that right?
- 19 A. Correct. It was an on-call retainer.
- 10:50:20 20 Q. 152 Yes. It was retainer that had come into existence as part of your ongoing
21 relationship with Mr. O'Callaghan, isn't that right?
- 22 A. Yes almost from the very start but in varying amounts.
- 23 Q. 153 It had been I be creasing over the years, isn't that right?
- 24 A. Yes.
- 10:50:33 25 Q. 154 And I think we saw that at the very beginning of your evidence, Mr. Dunlop,
26 isn't that right?
- 27 A. Yes.
- 28 Q. 155 You didn't make any arrangement that's reflected in the retainer invoices from
29 the time the Tribunal was established or from the time that you started dealing
10:50:47 30 with journalists in relation to inquiries arising from the Tribunal, isn't that

- 10:50:51 1 right?
- 2 A. Yes.
- 3 Q. 156 So that the retainer continued in an unchanged fashion until 2001, and then the
- 4 only change was not in relation to amount but in relation to the company that
- 10:51:01 5 paid you, isn't that right?
- 6 A. Correct, yes.
- 7 Q. 157 So that you didn't according to the documentation enter into any separate
- 8 record or agreement with Mr. O'Callaghan in relation to your dealing with
- 9 journalists in connection with any inquiries that were current in October '98,
- 10:51:14 10 isn't that right?
- 11 A. No. And might I add, Mr. O'Callaghan had his own, if I may say, personal PR
- 12 consultant. And I was only able to tell Mr. O'Callaghan anything that was
- 13 relating to, that related to Quarryvale or that I had had any discussions with
- 14 the journalists about Quarryvale. I can't account for what anybody else might
- 10:51:41 15 have said to any journalist in relation to Mr. O'Callaghan or Quarryvale.
- 16 Q. 158 Yes. We hadn't been discussing that, Mr. Dunlop.
- 17 A. Yes.
- 18 Q. 159 We had been discussing whether or not there had in fact been an increase in
- 19 your retainer as a result of your increased workload in October and November
- 10:51:58 20 1998, arising from the inquiries from the Tribunal. And I think the answer to
- 21 that is no?
- 22 A. Correct.
- 23 Q. 160 Now, if we look at 1337, please. And this is -- sorry, 13337. Yes. I think
- 24 on the following week on the 4th of November 1998, you will see there an entry
- 10:52:25 25 for Gerard Kilcoyne and I think that was a matter that related to --
- 26 A. Can I ask you a question there, Ms. Dillon? When you call out those numbers
- 27 there 1337.
- 28 Q. 161 Yes.
- 29 A. Does that specify a single document, are there 13337 documents and that's
- 10:52:41 30 number 13337.

- 10:52:42 1 Q. 162 Yes it's in your brief.
- 2 A. No, no I just wanted to establish.
- 3 Q. 163 Yes.
- 4 A. The amount of documentation, yes.
- 10:52:48 5 Q. 164 Yes.
- 6 A. Okay.
- 7 Q. 165 You will have been aware of the amount of documentation obviously, Mr. Dunlop,
- 8 because you have been circulated with them and you have it. And I don't think
- 9 there is --
- 10:52:55 10 A. Yes. It does fill a garage, yes.
- 11 Q. 166 Yes. In this document can I just draw your attention to an entry between
- 12 Mr. Gerard Kilcoyne, an entry in relation to Mr. Rory Godson.
- 13 A. Yes.
- 14 Q. 167 Who is Mr. Godson?
- 10:53:13 15 A. Mr. Godson, this is 1998. Mr. Godson was, I can't specifically say to you what
- 16 media organ he was working for at the time but he was a journalist. Sorry. He
- 17 is not currently a journalist. I think he is a PR consultant in London.
- 18 Q. 168 And again would that, is that likely to have been a communication in connection
- 19 with Quarryvale? When I say Quarryvale I mean the story in general.
- 10:53:43 20 A. I would have to establish in my own mind where Mr. Godson was working at that
- 21 time. I think he worked in varying capacities the Sunday Tribune, the Sunday
- 22 Times, in fact the Sunday Independent at one stage. So I don't recollect
- 23 having any conversation with Mr. Godson about Quarryvale or the Tribunal per
- 24 se. I do recollect having conversations with Mr. Godson very early on when he
- 10:54:13 25 was in the original Tribune in the early, in the early '90s.
- 26 Q. 169 Yes.
- 27 A. But I can't say that I had any such conversation with Mr. Godson in relation to
- 28 the Tribunal. I have had a recent conversation with Mr. Godson at Mr. Godson's
- 29 request about a completely different matter but which the Tribunal was referred
- 10:54:33 30 to, eluded to.

- 10:54:35 1 Q. 170 And at 13338, which is a copy of your diary for November 1998. On the 10th of
2 November 1998, you have an entry "treasury's copy" beneath that "lawyers fees".
- 3 A. Yes.
- 4 Q. 171 Yes. What does that entry relate to?
- 10:54:56 5 A. Well it obviously refers to lawyers fees. I don't mean to be difficult but it
6 relates to a discussion that I either had with my own lawyers in relation to
7 fees or in relation to a discussion I had with Mr. O'Callaghan about lawyer's
8 fees.
- 9 Q. 172 There is no reference to Mr. O'Callaghan on the 10th, isn't that right?
- 10:55:23 10 A. That's correct, yes.
- 11 Q. 173 And there is no reference to Mr. O'Callaghan on the 9th, although you have a
12 consultation with LK Shields that morning, isn't that right?
- 13 A. Yes.
- 14 Q. 174 And I think we had seen from the previous week when we had looked at the
10:55:35 15 previous page at 13337, that there is no entry in there for Mr. O'Callaghan for
16 the week beginning the 2nd of November, isn't that right?
- 17 A. Correct, yes.
- 18 Q. 175 Right. So now, when you think if we go back to the page at 13338. You think
19 that this entry relates to either a discussion with your legal team about
10:55:59 20 lawyers fees which if it is I don't want you to discuss it, Mr. Dunlop. But if
21 it was a discussion with Mr. O'Callaghan about legal fees you might like to
22 tell the Tribunal about that.
- 23 A. Yeah well I think, Ms. Dillon, in fairness I am not going to discuss it as you
24 quite rightly advise in relation to discussion between my lawyers. But
10:56:18 25 certainly it emanated obviously from the consultation that I had had the
26 previously day with LK Shields and obviously the question of fees arose. I had
27 a discussion on a date unknown, unspecified I should say but in or around this
28 time with Mr. O'Callaghan in relation to legal fees. And when it became
29 evident to me the extent of the amounts that would be required. And in the
10:56:53 30 course of the conversation with Mr. O'Callaghan I cannot say that I asked and I

- 10:57:00 1 cannot say that he offered but it was mutually agreed that he would discharge
2 my legal fees. I more than likely said something to the effect that I don't
3 envisage myself having the amount of money necessary to fulfil this if it goes
4 on for any length of time. But certainly there was a discussion between Mr.
10:57:20 5 O'Callaghan and myself in relation to legal fees. The result of which was Mr.
6 O'Callaghan agreed that he would meet the legal costs in my regard.
- 7 Q. 176 Well how did that discussion, first of all what did you say to Mr. O'Callaghan?
8 Did you ask him to pay the legal fees?
- 9 A. No, I probably said to him that I've had a discussion with my lawyers or I had
10:57:46 10 received a bill, I can't -- I had received a fee note. I can't specifically
11 say whether it was as a result of either. But certainly it was a discussion in
12 the context of a realisation on my part of the amounts of money that would be
13 required in relation to discharging legal fees. And I raised that matter with
14 Mr. O'Callaghan in a conversation. Mr. O'Callaghan didn't raise it with me, I
10:58:13 15 raised it with him. And in the course of the conversation Mr. O'Callaghan said
16 something to the effect that I will look after that.
- 17 Q. 177 What did you say to Mr. O'Callaghan that led to him saying he'd look after your
18 legal fees?
- 19 A. I probably said, I can't say definitively the exact words I used but I think
10:58:34 20 the likelihood is that when I realised not having been in a litigious
21 circumstances prior to that, when I realised what was, this was going to
22 entail, and I probably said something to the effect I don't have that type of
23 money.
- 24 Q. 178 And at that time, Mr. Dunlop, and I think we saw this on the last occasion
10:59:04 25 which you were before the Tribunal on Tuesday.
- 26 A. Yeah.
- 27 Q. 179 You had obtained 300,000 pounds on the 9th of October 1998, precisely one month
28 earlier from Mr. O'Callaghan, isn't that right?
- 29 A. Correct, yes.
- 10:59:18 30 Q. 180 And that is described on the invoice that you provided him on the 5th of

- 10:59:22 1 October 1998, as part payment in relation to success fee in relation to the
2 lifting of the cap on Quarryvale, isn't that right?
- 3 A. That's correct.
- 4 Q. 181 That sum of 300,000 pounds was paid by Mr. O'Callaghan on or before the 9th of
10:59:38 5 October, because it was lodged to your bank account on the 9th of October,
6 isn't that right?
- 7 A. Friday the 9th of October.
- 8 Q. 182 Yes and you subsequently. Sorry you prior to that on the 8th of October had
9 drawn a cheque for the sum of 243,000 pounds approximately in favour of the
10:59:54 10 Revenue Commissioners, isn't that correct?
- 11 A. That's correct.
- 12 Q. 183 So it is the position that you had been paid one month earlier a sum of 300,000
13 pounds plus VAT, isn't that right?
- 14 A. That's correct.
- 11:00:02 15 Q. 184 Now, at time you had on deposit with Allied Irish Finance you had looked at the
16 figures and Mr. Redmond had reminded the Tribunal that it was on one month
17 deposit but nonetheless the funds were there and they amounted to 315,000
18 pounds or maybe 350,000 pounds?
- 19 A. Yes.
- 11:00:20 20 Q. 185 With whatever the figure was it was in excess of 300,000 pounds, isn't that
21 right?
- 22 A. Yes.
- 23 Q. 186 And you had also 55,000 pounds or thereabouts to your credit in another bank
24 account, isn't that right?
- 11:00:30 25 A. That's correct.
- 26 Q. 187 So it wasn't that on the 10th of November 1998, you were short of funds
27 yourself, isn't that right?
- 28 A. Myself, yes.
- 29 Q. 188 Isn't that right?
- 11:00:38 30 A. Yes.

- 11:00:39 1 Q. 189 You could have paid whatever legal bill had been put to you by your legal team
2 yourself from your own resources couldn't you?
3 A. Of course I could.
- 4 Q. 190 Yes. But you didn't do that, isn't that right?
11:00:49 5 A. No.
6 Q. 191 You approached Mr. O'Callaghan?
7 A. Yes, I raised the matter with Mr. O'Callaghan as I recall it by telephone and
8 in which I said that I namely Frank Dunlop, in the corporate sense Frank Dunlop
9 & Associates, didn't see a scenario where the fees that were being envisaged
10 could be met on an ongoing basis. As I say, Mr. O'Callaghan said something to
11 the effect and I will not credit him with the actual words. Mr. O'Callaghan
12 can give evidence in his own regard in this matter. But as I recollect
13 matters, Mr. O'Callaghan undertook to discharge the legal fees by something or
14 use of the phrase I will look after that.
- 11:01:15 15 Q. 192 Why, why did he do that?
16 A. Well now I'm a bit discommoded in the sense that I know what Mr. O'Callaghan
17 has said in a statement. But my attitude in relation to it and Mr.
18 O'Callaghan's attitude to me in relation to it was, that he would help me
19 discharge the fees.
- 11:01:39 20 Q. 193 There was no question at that moment in time, Mr. Dunlop, that you were unable
21 to pay whatever fee --
22 A. Oh, no.
- 23 Q. 194 -- was then being claimed of you by your lawyers, isn't that right?
24 A. Yes but I was a little prescient, Ms. Dillon, and if the truth were known in
11:02:04 25 relation to the amounts that were going to be required in legal fees, I was
26 right on that morning when I spoke to Mr. O'Callaghan.
- 27 Q. 195 Whatever might have been your apprehension for the future in relation to the
28 level of fees that your lawyers might require in looking after your affairs,
29 Mr. Dunlop. At that time know on the 10th of November 1998, you would have
11:02:26 30 been in a position to discharge the fees that were then being sought, isn't

11:02:43 1 that right?

2 A. That's correct yes.

3 Q. 196 All right. Now, you went you say by telephone to Mr. O'Callaghan?

4 A. No, no. I didn't go.

11:02:50 5 Q. 197 Spoke to him by telephone.

6 A. I spoke. Speaking to Mr. O'Callaghan quite regularly I wouldn't deny that for

7 a moment.

8 Q. 198 Yes.

9 A. And in the course of the conversation I would suspect very strongly that this

11:03:03 10 telephone conversation was initiated by me, notwithstanding the fact that Mr.

11 O'Callaghan called me quite regularly. But I mean I would suggest that this

12 telephone call was initiated by me and as a result of --

13 Q. 199 No I don't want to know as a result of anything.

14 A. Sorry.

11:03:17 15 Q. 200 I want to you to tell the Tribunal what you said to Mr. O'Callaghan about your

16 legal fees and what Mr. O'Callaghan said to you about your legal fees. I don't

17 want you to give evidence about -- presuming something. I would just like you

18 to give the evidence about your arrangement or agreement with Mr. O'Callaghan

19 that he would discharge your legal fees?

11:03:36 20 A. Yeah, well just to repeat what I said then in relation to that matter. I

21 contacted Mr. O'Callaghan. I raised the issue of legal fees, partly how that

22 issue arose in the first instance I raised the issue of legal fees with Mr.

23 O'Callaghan and the likelihood is, I cannot give you the exact words, but I can

24 give you the exact sentiment that the likelihood is that I said to Mr.

11:04:04 25 O'Callaghan that I cannot meet this either now or on an ongoing basis and the

26 end result of this, of the same conversation was that Mr. O'Callaghan said I

27 will look after that.

28 Q. 201 Did Mr. O'Callaghan say why he'd look after it?

29 A. He probably did but I cannot credit him with exact words. Obviously my main

11:04:37 30 concern at the time was the fact that it had been indicated to me either by the

- 11:04:49 1 nature of brief fees or whatever, what was going to, what this was going to
2 entail and I said that to Mr. O'Callaghan and Mr. O'Callaghan, I cannot credit
3 him with saying it's because of X, Y or Z: but all I can say to you is that
4 from my gratifying point of view he said I will look after it.
- 11:05:12 5 Q. 202 Okay. So what happens is the following. You have an apprehension having been
6 informed of some level of fees that you are going to have to pay to your legal
7 team, isn't that right?
- 8 A. Uh-huh.
- 9 Q. 203 You have an apprehension A, that these fees are going to be significant, is
11:05:26 10 that right?
- 11 A. I didn't realise how significant they were going to be but I did realise they
12 were going to be significant, yes.
- 13 Q. 204 And that it was going to be open ended. It was going to be on an ongoing
14 basis.
- 11:05:37 15 A. Again, I cannot say that definitively because I had no knowledge at that stage
16 of how long this particular national institution would continue in existence
17 and so I couldn't put a time frame on it. But certainly I knew that by virtue
18 of the some of the documentation that I had received that the issue was
19 relating to Quarryvale and could be extensive.
- 11:06:05 20 Q. 205 Yes because you have just told the Tribunal that what you said to Mr.
21 O'Callaghan was you couldn't meet the costs now or on an ongoing basis?
- 22 A. Correct.
- 23 Q. 206 So is the simple answer then, Mr. Dunlop, that you had two apprehensions when
24 you phoned Mr. O'Callaghan. One was the amount of the fees that were being
11:06:21 25 sought and the second was that it was ongoing or open ended?
- 26 A. Yes, that is probably likely, yes.
- 27 Q. 207 And is it your evidence to the Tribunal that Mr. O'Callaghan agreed that he
28 would be responsible for those fees be they substantial and open ended as they
29 were, is that right?
- 11:06:37 30 A. At that stage, yes.

11:06:39 1
2 CHAIRMAN: Sorry. Mr. Dunlop, did you --
3 A. Sorry Chairman.
4
11:06:42 5 CHAIRMAN: Did you, do you recall if you had to make or did make a case to Mr.
6 O'Callaghan either directly or in a roundabout way. Look, I'm involved in
7 Quarryvale because you hired me X number of years ago and you know you had to
8 sort of look after me now?
9 A. No, I ...
11:07:09 10
11 CHAIRMAN: I am not suggesting that you would have said it in those terms.
12 But was that case made? Because as a general rule if you, another person won't
13 discharge legal fees simply because the person who has to pay them can't afford
14 to pay them.
11:07:31 15 A. Yes.
16
17 CHAIRMAN: Normally they would require some sort of a reason for doing it
18 other than pity.
19 A. Well let's delete pity. No. I think the general tone and the general
11:07:41 20 orientation of the conversation was such that these were circumstances that had
21 evolved. They weren't very pleasant. I found myself in the cross hairs of the
22 rifle in the context of receiving documentation from the Tribunal, we didn't
23 know how long it was going to last. We had an indication, I cannot say
24 specifically what it was now but I'm sure it's something that can be checked.
11:08:09 25 That I was obviously in receipt of information as to the extent the amount and
26 extent. And that that conversation the general orientation of that
27 conversation was something of the order of well we're in this together or we're
28 in this together or this happened because of. I can't say what Mr. O'Callaghan
29 said but I certainly didn't say to Mr. O'Callaghan listen here, you know, I'm
11:08:37 30 involved in this because of you or because I couldn't possibly have said

- 11:08:43 1 anything of that nature to Mr. O'Callaghan in the context of anything that I
2 was doing with individual councillors and there was no such discussion with Mr.
3 O'Callaghan in those terms. It was a conversation in relation to fees. And
4 Mr. O'Callaghan said sure look I'll look after that.
- 11:09:03 5
6 CHAIRMAN: I'm not suggesting that there would have been anything wrong in
7 promoting that argument.
- 8 A. Oh, no I knew you didn't mean that oh, yes I was quite aware of that, Chairman,
9 yes.
- 11:09:14 10
11 CHAIRMAN: Sorry.
12
- 13 Q. 208 MS. DILLON: You would have been aware, Mr. Dunlop, of the public
14 pronouncement of Mr. Justice Flood to the effect that the people who
11:09:23 15 co-operated and told the truth to the Tribunal would in general be entitled to
16 recover their costs?
- 17 A. Yes, this was in relation to the previous module or this one.
- 18 Q. 209 No no in general.
- 19 A. Yes well, there were lots of statements and public announcements.
- 11:09:39 20 Q. 210 Not by 1998, Mr. Dunlop?
- 21 A. Well there was a lot of interest in what was going on in 1998.
- 22 Q. 211 My question to you was and you might like to answer that. Were you aware of
23 the fact that there had been a public pronouncement to the effect that if a
24 person co-operated with the Tribunal and provided truthful evidence to the
11:09:55 25 Tribunal that in general they would be entitled to receive their costs?
- 26 A. No I can't say that I was at that stage. Certainly I knew subsequently after a
27 much more intensive and invasive alignment with the Tribunal, yes, that I
28 became so much more conscious of that. But certainly I can't say honestly that
29 that impinged on me at the time.
- 11:10:20 30 Q. 212 Well on the 14th of January 1998, in a ruling entitled it was in fact an

11:10:25 1 opening statement of the then Chairman Mr. Justice Flood. And at paragraph 14
2 of that he said and I quote "Without fettering my discretion in any way I would
3 indicate that in general where any person or body whether represented before
4 the Tribunal or not, has realistically and reasonably incurred any legal

11:10:42 5 expense in fully and promptly assisting the Tribunal in its work, I would be
6 favourably disposed to providing an indemnity in respect of such expense".

7 A. I know that now. I think the question you asked me was I aware or did that
8 impinge on me at the time. I can't say that it did.

9 Q. 213 Well, do you have any recollection of ever receiving any advice from anybody to
11:11:05 10 the effect that most people or that anybody appearing before the Tribunal who
11 was found to have co-operated was likely to be entitled to their costs?

12 A. Yes. Again, I can't say when but certainly I became so aware or it was
13 indicated to me by a variety of people.

14 Q. 214 You however were a person who had decided, though you hadn't publicly
11:11:25 15 communicated that to anybody, not to co-operate with the Tribunal, isn't that
16 right?

17 A. Yes.

18 Q. 215 And you were a person who had made the decision to provide less than complete
19 information to the Tribunal and not to assist the Tribunal in any meaningful
11:11:38 20 way with its inquiries into your affairs, isn't that right?

21 A. Correct.

22 Q. 216 So that if you had any appreciation of what had been stated it would have been
23 clear to you, Mr. Dunlop, that you weren't a person who on a simple reading of
24 that, would have been a person who would have been entitled to their costs,
11:11:54 25 isn't that right?

26 A. I on a simple reading, yes.

27 Q. 217 Because I mean you would have known would you not, in common with many in
28 relation to that matter which was dealt with in public in relation to costs,
29 that it was only those who co-operated who could have a reasonable expectation
11:12:19 30 of getting their costs, isn't that right?

- 11:12:19 1 A. Yes. I'm not so aware as I've said to you at the outset, that that was matter
2 that was in the forefront of a large number of people's minds at the time.
3 Notwithstanding the fact that the previous Chairman made that statement. I am
4 not so aware. Certainly I cannot say for definite when it impacted on me or
11:12:29 5 how it impacted on me.
- 6 Q. 218 Yes. But it was statement made in public in January of 1988.
- 7 A. A asses the records show, yes.
- 8 Q. 219 Isn't that right? And therefore it was a matter that was publicly available to
9 anybody who was involved in the Tribunal, isn't that right?
- 11:12:42 10 A. Yes well there are lots of things available to the public in relation of the
11 Tribunal and they don't all impinge on people's minds at the same time, if
12 ever.
- 13 Q. 220 However, it is quite clear from your diary entry that by the 10th of November
14 1988, the issue of your costs in connection with the Tribunal was a matter that
11:12:58 15 was then impinging on your mind, isn't that right?
- 16 A. Yes, absolutely.
- 17 Q. 221 To such an extent that you contacted Mr. O'Callaghan about it.
- 18 A. And made a diary note of it.
- 19 Q. 222 And you made a diary note of the fact of an entry relating to lawyers fees.
- 11:13:10 20 A. Yes.
- 21 Q. 223 But you don't make a diary note recording your agreement with Mr. O'Callaghan
22 in relation to your fees, isn't that right?
- 23 A. No.
- 24 Q. 224 And in fact I think that what in fact happened is that on the 13th of November
11:13:23 25 1998, you issued your first invoice, isn't that right, in connection with legal
26 fees?
- 27 A. Can I see?
- 28 Q. 225 Isn't that the position, Mr. Dunlop?
- 29 A. I cannot give you. I am taking it as definite that that is the date. But you
11:13:38 30 are obviously going to put it on screen. Very shortly afterwards, yes.

- 11:13:45 1 Q. 226 So on the 13th of November 1998, you issue the first invoice to legal fees
2 incurred in the sum of 55,553.57 pounds, isn't that right?
3 A. Yes.
- 4 Q. 227 And that is an invoice that's issued by Frank Dunlop & Associates to Riga
11:14:04 5 Limited, isn't that right?
6 A. Correct.
- 7 Q. 228 And this invoice is paid, isn't that right?
8 A. Yes it was.
- 9 Q. 229 And as were a series of invoices paid, isn't that right?
11:14:12 10 A. Correct.
- 11 Q. 230 Now, I'm going to take you through each of the invoices in turn quickly, Mr.
12 Dunlop, and then I want to ask you briefly a few questions about it. This is
13 the first of the invoices that's on screen and that invoice was paid, isn't
14 that right?
- 11:14:34 15 A. Yes, I can't say when it was paid but certainly it was paid because it's marked
16 "paid."
- 17 Q. 231 Yes. And in fact I think that was debited to Riga on the 19th of November
18 1998, so it's paid within seven days, isn't that right?
19 A. Yes.
- 11:14:48 20 Q. 232 All right. And those funds were lodged to your account. And they were used by
21 you, isn't that right?
22 A. To discharge the fee.
- 23 Q. 233 I think that in fact insofar as these fees were concerned you may already have
24 discharged them in advance of receiving this money?
- 11:15:01 25 A. In that particular instance, yes.
- 26 Q. 234 Isn't that right? I think the second invoice is dated 13370 and this is an
27 invoice in the sum of 16,247.49 and it is paid on the 13th of January 1999, and
28 debited from the account of Riga on the 15th of January 1999. And you accept
29 that you received that payment?
- 11:15:25 30 A. Yes I do.

- 11:15:26 1 Q. 235 Right. And the invoice again is for legal fees, isn't that right?
- 2 A. Correct.
- 3 Q. 236 Yes. And I think the third invoice is 13414, in the sum of 21,650.63 which is
- 4 dated the 5th of February 1999, and is for fee legal fees addressed to Riga
- 11:16:01 5 Limited and it is paid by a debit on the account of Riga on the 3rd of March
- 6 1999.
- 7 A. Yes.
- 8 Q. 237 All right. And the next invoice is at 13493. In the sum of 6,129.47 pounds
- 9 for legal fees addressed to Riga on the 27th of April 1999, and paid according
- 11:16:26 10 to the cheque payments book of Riga on the 11th of May 1999, and debited to the
- 11 account of Riga on the 14th of May 1999.
- 12 A. Correct.
- 13 Q. 238 And I think the next invoice is dated the 10th of May 1999, at 13523. Again,
- 14 to legal costs incurred addressed to Riga. And it's paid by Riga according to
- 11:16:47 15 the cheque payments book on the 28th of June 1999 and debited to Riga on the
- 16 6th of July 1999?
- 17 A. Yes.
- 18 Q. 239 I think the next payment is dated is on the 9th of June, at 13585 and this
- 19 invoice is dated the 9th of June 1999. And this together with two subsequent
- 11:17:11 20 invoices were paid together. The next invoice is the 13th of July 1999 at
- 21 13586. And the next invoice is at 13587, in the sum of 14,263.50. Those three
- 22 invoices all relate to legal costs. They are dated the 9th of June 1999, 13th
- 23 of July '99, and the 13th of August 1999. They total 24,111.86 pounds and they
- 24 are paid by cheque drawn on Riga on the 14th of October 1999, and debited to
- 11:17:46 25 the account of Riga on the 15th of October 1999.
- 26 A. That's correct.
- 27 Q. 240 And that was paid, isn't that correct?
- 28 A. Yes.
- 29 Q. 241 And I think the next invoice is the 11th of November 1999, at 13677, in the sum
- 11:18:04 30 of 19,552.18 pounds which was paid by Riga on the 10th of January 2000 and

- 11:18:12 1 debited to the account of Riga on the 13th of January 2000. You accept that
2 was paid?
3 A. Yes.
4 Q. 242 Are you in some discomfort, Mr. Dunlop?
11:18:20 5 A. No, I'm fine. These bloody chairs are terribly uncomfortable when you are here
6 for a long time but apart from that.
7 Q. 243 And the next invoice is dated 11th January 2000 at 13707. And this is in the
8 amount of 6,709.34 and I think that was also paid, isn't that right?
9 A. Correct, yes.
11:18:39 10 Q. 244 And I think the next invoice is dated the 1ings of February 2000 at 13719
11 please. And this is in the amount of 45,635.15 and that is also marked paid,
12 isn't that correct?
13 A. That's correct, yes.
14 Q. 245 Yes. And I think the next invoice is dated the 15th of March 2000, and the
11:19:03 15 number is 13749. The amount of legal costs 3,666.28 pounds and that is also
16 stamped, isn't that right?
17 A. Correct.
18 Q. 246 And I think that the next invoice is dated the 29th of April 2000, at 13791.
19 And this is in the amount of 9,074.25 pounds?
11:19:31 20 A. Correct, yes.
21 Q. 247 And there is a stamp on it. And it's marked "paid" you can see that faintly
22 beneath the stamp.
23 A. Yes.
24 Q. 248 And you will see written on that there is a reference letter and then beneath
11:19:43 25 that it seems to say "by OOC" do you see that on the stamp if it can be
26 increased?
27 A. Yes.
28 Q. 249 All right.
29 A. Yes.
11:19:51 30 Q. 250 Did you write to Mr. O'Callaghan at any stage about the legal fees?

- 11:19:57 1 A. I can't recollect whether I wrote -- I certainly know that he wrote to me. I
2 can't absolutely say that I actually wrote to him. But certainly -- there was
3 correspondence either generated by him or by me in or around this time. I
4 can't recollect specifically. That's not my handwriting by the way on that
11:20:18 5 note.
- 6 Q. 251 That's a stamp that would have been made by somebody in Riga, isn't that right?
- 7 A. Yes. I can't absolutely say whether I actually wrote to him or but certainly
8 there was correspondence. There was a correspondence. There was a letter
9 between us. I can't state specifically whether or not I wrote to him first.
- 11:20:36 10 Q. 252 And the next invoice is dated the 18th of May 2000, 13865. And this is in the
11 amount of 135,416.48 pounds.
- 12 A. Correct.
- 13 Q. 253 Thank is marked stamped "paid" in the bottom. And within the box generated
14 within Riga I understand, there appear to be the words "see letter" or per
11:20:58 15 letter and reply OOC, do you see that?
- 16 A. Yes it looks like refer letter reply OOC, yes.
- 17 Q. 254 And then I think that finally at 13793 on the 11th of July 2000, there is an
18 invoice in the sum of 17,782.66 pounds which is also marked paid, isn't that
19 right?
- 11:21:24 20 A. Yes.
- 21 Q. 255 Now according to calculations, Mr. Dunlop, made in relation to those invoices
22 and the amounts that have been paid, they total 364,380 pounds approximately,
23 do you accept that that is a correct figure?
- 24 A. I do, I certainly do, yes.
- 11:21:43 25 Q. 256 All right. Do you accept that that is the amount of legal fees that was paid
26 on your behalf by Riga starting or commencing in November of 1998?
- 27 A. Yes.
- 28 Q. 257 And concluding according to the documentation that has been provided to the
29 Tribunal by payment of the invoice dated the 11th of July 2000.
- 11:22:03 30 A. Yes.

11:22:04 1 Q. 258 And that that was after you had given your evidence in April and May of 2000 to
2 the Tribunal, isn't that right?
3 A. Correct.
4 Q. 259 Now, can I take you back now, Mr. Dunlop, having seen the extent of the
11:22:23 5 agreement that you had made with Mr. O'Callaghan for the payments that were
6 made to you, to see does any of that assist you in providing precise
7 information to the Tribunal as to the nature of the agreement that you made
8 with Mr. O'Callaghan on or before the 13th of November 1998?
9 A. I should say no other than to say that it is, it is my recollection that Mr.
11:22:44 10 O'Callaghan in the conversation that I had with him on the date in the diary,
11 noted in the diary or noted in relation to the insertion in relation to lawyers
12 fees, that Mr. O'Callaghan undertook to pay the legal fees.
13
14 There were discussions with Mr. O'Callaghan on an ongoing basis in relation to
11:23:03 15 some of the invoices that were sent and to the effect that how long is this
16 going to go on for or this has got to stop sometime. But certainly the
17 discussion that I had with Mr. O'Callaghan was that he would discharge the
18 legal fees.
19 Q. 260 Yes but why, Mr. Dunlop, is the question that I have asked you?
11:23:25 20 A. Yes and the Chairman has asked the same question.
21 Q. 261 Why did Mr. O'Callaghan agree to give you an open ended, which it was, isn't
22 that right, it was open ended?
23 A. Uh-huh.
24 Q. 262 Agreement that his company would fund your legal fees?
11:23:39 25 A. Uh-huh. Well all I can answer for, Mr. O'Callaghan has to answer for himself.
26 All I can reprise for you is a conversation that I had with Mr. O'Callaghan. I
27 raised it with him as a result of let's park the details in relation to how.
28 But as a result of and a realisation that there was going to be legal fees,
29 substantial legal fees, for how long nobody knew, but on an ongoing basis. And
11:24:08 30 that in the course of that conversation I either said to Mr. O'Callaghan I

11:24:14 1 cannot discharge this or won't be able to discharge this and he said I will
2 look after it

3 Q. 263 Did you ask him to pay your legal fees because for example your involvement
4 with the Tribunal arose out of your involvement in Quarryvale?

11:24:29 5 A. No, I don't. I don't recollect that I ever said to Mr. O'Callaghan and this
6 reverts back to what the Chairman asked me. I don't recollect saying to Mr.
7 O'Callaghan listen, I am involved in this, I am sorry I ever met you or knew
8 you, I am sorry I ever heard of Quarryvale, none of this would have happened if
9 it wasn't for Quarryvale or for you. I don't recollect any such conversation
11:24:53 10 other than to say that yes, I did have a conversation from Mr. O'Callaghan
11 straight forwardly, undeniably, hopefully he will say the same thing, in which
12 legal fees were discussed in which I said that I didn't see an ability on my
13 part to fund this on an ongoing basis and probably and I don't want to leave
14 this in any way as attempting to drive people up cul-de-sacs. I may well have
11:25:24 15 taken the view at this stage that because of the level of interest that was
16 being shown publicly in Quarryvale and because my name had appeared in the
17 newspaper that this would adversely impact on my business. And that on an
18 ongoing basis I would not be able to discharge such fees. I can't say that
19 that was a predominant issue in my mind, other than to say that I said to Mr.
11:25:45 20 O'Callaghan, without giving the exact phrase, that I don't see how I'm going to
21 be able to meet this on an ongoing basis and he said I will look after it.

22 Q. 264 You didn't suggest or did you suggest to Mr. O'Callaghan, look this is really
23 your responsibility because you are the developer of Quarryvale, I'm only
24 someone that's been dragged into this, I shouldn't have to pay these fees?

11:26:08 25 A. Well, I think that would be trailing my coat a little bit in and I don't think
26 professionally it is something that I would have indulged in. The normal
27 courtesies were applying. Obviously he was, he was concerned about issues that
28 were arising in relation to Quarryvale. I was concerned about issues in
29 relation to Quarryvale. As a result of which we had to, I had to go and get
11:26:32 30 legal advice.

- 11:26:33 1 Q. 265 What issues were concerning you, Mr. Dunlop --
- 2 A. Well --
- 3 Q. 266 -- about Quarryvale?
- 4 A. Well I had to go and get legal advice. I had received a letter from the
- 11:26:41 5 Tribunal and I had to go and get legal advice.
- 6 Q. 267 And you knew at this time, I think, Mr. Dunlop, that Mr. O'Callaghan's company
- 7 Barkhill, had itself been written to directly by the Tribunal?
- 8 A. Yeah, as I said to you some half an hour ago or so, I can't say specifically
- 9 when I became aware. But certainly I was aware that of that because Mr.
- 11:27:02 10 O'Callaghan told me that I've got a letter from them now.
- 11 Q. 268 So when Mr. O'Callaghan makes his agreement to fund your legal fees he knows
- 12 that he himself will have legal fees of his own, isn't that right?
- 13 A. Must have. He must have known, yes.
- 14 Q. 269 Because if he is being communicated with directly himself he is going to have
- 11:27:19 15 to pay his solicitors and his lawyers to deal with the Tribunal on his behalf,
- 16 isn't that right?
- 17 A. Of course, yes.
- 18 Q. 270 So that in fact what Mr. O'Callaghan is agreeing to do is that he knows that he
- 19 has to pay his own legal fees and now he is agreeing to take your legal fees on
- 11:27:35 20 board in relation to the Tribunal, isn't that right?
- 21 A. The only thing I can say to you is yes. He didn't discuss his own legal fees.
- 22 I didn't discuss his own legal fees with him. The only thing that was being
- 23 discussed on this particular occasion by telephone, was my legal fees.
- 24 Q. 271 And other than the invoices, Mr. Dunlop, which we have seen on screen --
- 11:27:54 25 A. Uh-huh.
- 26 Q. 272 -- did you keep a record of your agreement with Mr. O'Callaghan? Did you make
- 27 a note in any diary or any document recording the fact that Mr. O'Callaghan had
- 28 agreement to fund your legal fees?
- 29 A. No, I don't believe I did.
- 11:28:06 30 Q. 273 Yes.

11:28:06 1 A. I said I think it is significant and I think it can be regarded as significant
2 by the fact that I put the notification that I did in my diary and I was just
3 happy at the end of the conversation that Mr. O'Callaghan had said what he did.
4 That he would undertake to pay my legal fees.

11:28:23 5 Q. 274 I think with the greatest of respect to you, Mr. Dunlop, at 1338 --

6 A. Yes.

7 Q. 275 -- there is no suggestion in the words "lawyers fees!" That you had at that
8 stage made any concluded agreement with Mr. O'Callaghan, isn't that right?

9 A. Sorry.

11:28:40 10 Q. 276 If you allow me to continue. Your prior evidence in relation to the issuing of
11 invoices after agreement with Mr. O'Callaghan and only after agreement is
12 correct --

13 A. Yes.

14 Q. 277 -- your agreement was made closer to the 13th, isn't that right, because your
11:28:52 15 first invoice is dated the 13th of November?

16 A. Oh, yes. No, I'm not suggesting. I am suggesting to you. I am saying to you
17 that the record of the phrase "lawyers fees!" In my diary is evidence that at
18 that stage whatever the genesis of the concern, I was concerned about lawyers
19 fees. And that I either then discussed it with Mr. O'Callaghan on that day or
11:29:20 20 that I discussed it shortly there afterwards because evidenced by the
21 submission of the invoice.

22 Q. 278 And what Mr. O'Callaghan says in his statement in relation to this matter at
23 14606, and this statement relates to this issue in relation to legal fees.

24

11:29:45 25 At paragraph three he says "Around November 1998, Mr. Dunlop found it necessary
26 to engage a firm of solicitors and counsel in relation to the allegation
27 surrounding the Quarryvale project and incurred legal expenses associated with
28 such representations as a direct consequence as I then understood of his
29 involvement in Quarryvale."

11:30:05 30

11:30:05 1 That would suggest that it had been put to Mr. O'Callaghan or suggested to him
2 that it was because of your involvement in Quarryvale that you'd have to retain
3 the legal team.

4 A. Well, well, I think one would need an IQ of more than one to know that the
11:30:21 5 discussion with Mr. O'Callaghan in relation to legal fees specifically related
6 to Quarryvale. That was generated by contact by the Tribunal to me, regardless
7 of any contact Mr. O'Callaghan had, to me by the Tribunal and that I raised
8 this matter. I cannot specifically say this to you but there is no other way
9 that it could have occurred that I raised the matter with Mr. O'Callaghan.

11:30:47 10 Q. 279 And in the next paragraph he says "At this stage and up to Mr. Dunlop's direct
11 evidence in 2000, neither Riga Limited, Barkhill Limited or myself were aware
12 of Mr. Dunlop's so called war chest. Whilst I was aware that he naturally had
13 other clients who were developers, I was not aware of any details of this
14 involvement. There was no mention in either the media or by the Tribunal of
11:31:05 15 any investigation into any other development by the Tribunal involving Mr.
16 Dunlop other than Quarryvale".

17
18 Next paragraph "On the basis that one, the allegations made it then appeared by
19 Mr. Gilmartin were spurious and of no substance in respect of the alleged
11:31:20 20 payments by Mr. Dunlop and 2. I was not aware that any alleged payments had
21 been made to members of Dublin County Council other than those political
22 donations notified by Mr. Dunlop to me. It was agreed that we would consider
23 refunding Mr. Dunlop in respect of legal costs incurred arising out of
24 inquiries by the Tribunal.

11:31:37 25
26 It must be reiterated and stressed that this was in the belief that Mr.
27 Dunlop's involvement with the Tribunal flowed only from allegations pend
28 against his professional conduct in relation to the Quarryvale development.
29 Assurances regarding this were given by Mr. Dunlop throughout that period and
11:31:53 30 given the nature of our professional relationship and the fact that neither I

- 11:31:58 1 Riga Limited or Barkhill Limited payments to elected members in return for any
2 planning favours there was no reason for me to doubt that Mr. Dunlop was
3 telling the absolute truth".
4
- 11:32:07 5 Now, is Mr. O'Callaghan correct when he says that you gave him assurances in
6 connection with in the circumstances in which the legal fees were agreed and
7 throughout the subsequent period that no payments had been made other than ones
8 which you had notified to Mr. O'Callaghan?
- 9 A. Yes.
- 11:32:22 10 Q. 280 Right. And Mr. O'Callaghan sought from you, is that correct, an assurance that
11 you had done nothing wrong, is that right?
- 12 A. No, I don't recollect Mr. O'Callaghan ever seeking an assurance from me. I
13 think the progress of any discussion with Mr. O'Callaghan was on the basis
14 that, from his point of view, of what had occurred in Quarryvale and the
11:32:46 15 involvement that he had had in Quarryvale himself personally and with me. Yes,
16 Mr. O'Callaghan and I did discuss the payment of monies to a particular
17 politicians in particular cases in particular instances, most of those were
18 generated by Mr. O'Callaghan.
- 19 Q. 281 Yes but in fairness to Mr. O'Callaghan. What Mr. O'Callaghan is saying in his
11:33:07 20 statement effectively as I understand it --
- 21 A. Uh-huh.
- 22 Q. 282 -- is that you gave assurances that you had not made any payments other than
23 the ones that he already knew about.
- 24 A. I don't recollect. I don't recollect any such specific conversation. All I
11:33:23 25 recollect, Ms. Dillon, is a conversation. Let's not specify it as a
26 conversation because there were a number of conversations. But all I recollect
27 in conversations with Mr. O'Callaghan related to the issue of my being, my
28 becoming involved with the Tribunal. The associated legal costs and the
29 conversations that I've told you about. I don't recollect Mr. O'Callaghan ever
11:33:49 30 asking me for an assurance about what I had or had not done. I don't doubt the

11:33:55 1 nature of the relationship with Mr. O'Callaghan would not have led to any such
2 conversation because it was quite a close relationship.

3 Q. 283 Yes. You --

4 A. And still is.

11:34:04 5 Q. 284 -- you had discussions with Mr. O'Callaghan about payments --

6 A. Yes.

7 Q. 285 -- to councillors such as the payment in November 1992, to Mr. GV Wright for
8 example?

9 A. Yes, correct.

11:34:14 10 Q. 286 And where both yourself and Mr. O'Callaghan went to Mr. GV Wright and Mr.
11 O'Callaghan made a donation to Mr. GV Wright, isn't that right?

12 A. Yes Mr. O'Callaghan came to me and asked me what my advice was. He asked my
13 advice and I said yes.

14 Q. 287 Yes. It is clear from Mr. O'Callaghan's statement that apart from those
11:34:31 15 matters, Mr. O'Callaghan is saying he did not know of any other payments you
16 had made and that he got assurances from you.

17 A. Well let me answer that in two bay two ways. One, yes, he is saying that, that
18 he did not know. I can attest absolutely to the fact of any discussion that I
19 had with Mr. O'Callaghan about the payments of monies to third parties. And I
11:34:51 20 will give, I'm sure that will be dealt with and given and will give instances
21 of that.

22

23 Secondly, I do not recollect and I don't want to be unkind or unfair to anybody
24 who is not here but he will have an opportunity to talk about that themselves.

11:35:07 25 But I don't recollect Mr. O'Callaghan ever asking me specifically Frank, did
26 you ever do anything untoward or did you ever give money to people that I don't
27 know anything about.

28 Q. 288 All right.

29 A. I don't recollect any such conversation with Mr. O'Callaghan in fairness.

11:35:19 30 Q. 289 And Mr. O'Callaghan in his statement goes on to say "In April 2000, Mr. Dunlop

11:35:24 1 gave evidence at the Tribunal and his revelations came as a total surprise to
2 me. Having thought about these revelations it became apparent to me that Mr.
3 Dunlop's involvement in the Tribunal was not one which related solely to his
4 link with the Quarryvale development. I decided to cease any assistance given
11:35:38 5 to Mr. Dunlop in his involvement with the Tribunal as it would appear that one
6 he was taking monies paid to him or Shefran Limited for professional work done
7 and advices given by me and my connected companies in respect of the Quarryvale
8 development and putting them or a part of them into a war chest which he then
9 in turn utilised for payments to certain elected members and 2. He was
11:35:57 10 involved with other developments and developers who in turn were the subject
11 matter of the private investigations of the Tribunal and their fees or a part
12 of them were also being transferred into this war chest.

13
14 Therefore his involvement with the Tribunal was not limited solely to the
11:36:14 15 allegations made by Mr. Gilmartin and those reported in the media. Though
16 legal fees paid by Riga Limited on production of relevant invoices from Mr.
17 Dunlop related as far as I was concerned and honestly believed solely to the
18 involvement of Mr. Dunlop with the Tribunal to assist them in their private
19 inquiries in relation to false allegations of certain improper payments
11:36:29 20 concerning the Quarryvale development only.

21
22 In order to expedite the work of the Tribunal and remove any such allegations
23 from the media and general public, I believed that by assisting Mr. Dunlop in
24 this way it would resolve the matter quickly".

11:36:41 25
26 Now, you say you didn't give any assurance that you can recollect to Mr.
27 O'Callaghan that you had never used any of these funds in an improper way or
28 you don't recollect him seeking such an assurance from you is that more
29 correct?

11:36:56 30 A. That's more correct, Ms. Dillon. I've had many, many conversations with Mr.

- 11:37:01 1 O'Callaghan. I never recollect Mr. O'Callaghan asking me the type of question
2 that has just been outlined.
- 3 Q. 290 Okay. And I think in the week following your agreement with Mr. O'Callaghan
4 because it follows that because the first payment was the 13th of November, you
11:37:17 5 had to have made your agreement with Mr. O'Callaghan before that, isn't that
6 right?
- 7 A. Yes. I think again just to reprise. I think Mr. O'Callaghan undertook on the
8 telephone, when I discussed the matter with Mr. O'Callaghan on the telephone,
9 he undertook because he used the phrase and I don't want to tie him to this "I
11:37:34 10 will look after that or I will pay for that."
- 11 Q. 291 But you can't recollect anything that you said particularly to Mr. O'Callaghan
12 that persuaded him to come to this agreement with you?
- 13 A. Other than to say to him the likelihood is that I said to him I either have
14 this bill or there is a bill coming or this is going to -- I don't know how
11:37:55 15 long this is going to on for, this could go on for some time. I don't foresee
16 my being able to discharge these costs.
- 17 Q. 292 Did you have to fight your corner with Mr. O'Callaghan to get his agreement?
18 Did you have to push to persuade him to give you this open ended agreement in
19 relation to your legal fees?
- 11:38:11 20 A. I don't think so.
- 21 Q. 293 All right. On the following. Sorry, Sir.
- 22
- 23 CHAIRMAN: We might just take a ten minute break.
- 24
- 11:38:17 25 MS. DILLON: May it please you, Sir.
- 26 A. Sorry.
- 27
- 28 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**
- 29 **AND RESUMED AS FOLLOWS:**
- 11:57:19 30

- 11:57:19 1 CHAIRMAN: Now, Mr. Dunlop.
2
- 3 Q. 294 MS. DILLON: Thank you, Mr. Dunlop. On the week following your agreement with
4 Mr. O'Callaghan at 13352. On the 17th of November 1998, the Tribunal wrote a
11:57:43 5 series of letters looking for extensive discovery from a number of parties,
6 isn't that right, and you yourself were one of those parties, isn't that right?
7 A. Yes.
8 Q. 295 And I think that this was on in occasion the Tribunal wrote at 25323 to your
9 solicitors on behalf of both yourself and Frank Dunlop & Associates, isn't that
11:58:08 10 right?
11 A. Correct, yes.
12 Q. 296 And this was a notice letter indicating to you at 25324, a proposed discovery
13 order that the Tribunal proposed to make relating to all records between the
14 1st of January '91 and the 1st of January '95, effectively involving all of
11:58:29 15 your dealings between Frank Dunlop, Frank Dunlop & Associates and Barkhill or
16 Shefran or Owen O'Callaghan, isn't that right?
17 A. That's correct, yes.
18 Q. 297 The next page is 23525 so it was a very extensive order. And at 32526, that
19 notice or that application was also on notice to Barkhill Limited, Shefran
11:58:51 20 Limited, Riga Limited and Owen O'Callaghan Esquire, isn't that right?
21 A. Yes.
22 Q. 298 And I think that separately a similar letter was sent at 25327, again to your
23 solicitors but on this occasion on behalf of Shefran Limited, isn't that right?
24 A. Correct.
11:59:07 25 Q. 299 And what was being sought here was all of the same information including
26 Shefran's dealings with you, with Frank Dunlop & Associates and with Barkhill
27 and with Riga, isn't that right?
28 A. Yes.
29 Q. 300 And with Owen O'Callaghan. You will see that at 32529. And that letter was on
11:59:28 30 notice at 25330 to obviously yourself but also to Mr. O'Callaghan, Riga

- 11:59:35 1 Limited, Barkhill Limited, Frank Dunlop and Frank Dunlop & Associates. So
2 copies of that that correspondence were sent to all of those parties as notice
3 parties who were effected by the order, isn't that right?
- 4 A. Correct.
- 11:59:46 5 Q. 301 And I think also on the 17th of November 1998, the Tribunal wrote at 22022, to
6 Allied Irish Bank seeking all of its documents at 22023, in relation to
7 Barkhill, Owen O'Callaghan, Tom Gilmartin and Riga Limited and also Frank
8 Dunlop and Frank Dunlop & Associates, isn't that right?
- 9 A. Correct.
- 12:00:14 10 Q. 302 And in those letters all of those parties were in informed that the Tribunal
11 was enquiring into Quarryvale and was seeking this document as part of its
12 preliminary inquiries, isn't that right?
- 13 A. That is correct.
- 14 Q. 303 And that letter to Allied Irish Bank at 22024 was on notice to Barkhill, Mr.
12:00:29 15 O'Callaghan, Mr. Gilmartin, Riga Limited, Mr. Dunlop and Frank Dunlop &
16 Associates Limited, isn't that right?
- 17 A. Correct.
- 18 Q. 304 Now, all of that correspondence emanated at 13352 on the 17th of November 1998,
19 and may the Tribunal take it that you would have known, Mr. Dunlop, almost
12:00:51 20 immediately of the advent of that correspondence?
- 21 A. Yes.
- 22 Q. 305 And is it likely that you would have communicated or discussed this with Mr.
23 O'Callaghan?
- 24 A. It's likely.
- 12:00:59 25 Q. 306 And that Mr. O'Callaghan in turn would have informed you that he himself had
26 been in receipt of similar correspondence?
- 27 A. Yes, I in those circumstances yes, Mr. O'Callaghan would have told me that he
28 had received it, even though that I knew that he was listed as a notice party.
- 29 Q. 307 Yes because you would have known from the correspondence that you got, that Mr.
12:01:18 30 O'Callaghan was a notice party as were his companies to the orders that had

- 12:01:22 1 been made against you, isn't that right?
- 2 A. Correct, yes.
- 3 Q. 308 I'm sure you it wouldn't have taken much for you to put two and two together
- 4 that similar letters were all likely going to be sent to Barkhill and Riga and
- 12:01:30 5 that they would have been on notice to you, isn't that right?
- 6 A. That's correct, yes.
- 7 Q. 309 So that when you got your correspondence and you considered it and you looked
- 8 at the people who were on notice of the making of the application, you would
- 9 have known a number of things. You would have known the Tribunal was
- 12:01:45 10 contemplating more extensive orders for discovery against you and your two
- 11 companies, Frank Dunlop & Associates and Shefran, isn't that right?
- 12 A. That's correct, yes.
- 13 Q. 310 And you would have known that this was on notice to Mr. O'Callaghan?
- 14 A. Yes.
- 12:01:58 15 Q. 311 And you would have known that the Tribunal was contemplating orders against
- 16 Allied Irish Bank for its documents in relation not just to you and your
- 17 companies but also Mr. O'Callaghan and Barkhill and Riga, isn't that right?
- 18 A. Yes.
- 19 Q. 312 So this is a step up now in the investigation, isn't that right?
- 12:02:13 20 A. Correct.
- 21 Q. 313 And would it be fair to say that you would in all likelihood have discussed
- 22 this matter with Mr. O'Callaghan at, within a short space of time of receiving
- 23 the documentation?
- 24 A. Yes. Depending on when the actual documentation was received either very
- 12:02:29 25 shortly there afterwards or probably the following weekend.
- 26 Q. 314 So you would have spoken to Mr. O'Callaghan about that matter?
- 27 A. Yes, either Mr. O'Callaghan would have told me or I would have told him and we
- 28 would have both mutually confirmed that we had received the documentation.
- 29 Q. 315 And would you have discussed with Mr. O'Callaghan how you were going to
- 12:02:48 30 approach this request for information from the Tribunal?

- 12:02:52 1 A. Well discussed it certainly. I would say that the discussion would take the
2 lines that I would -- this matter would be dealt with through my solicitors
3 with the Tribunal.
- 4 Q. 316 Yes. But it was still your position at that stage that the information that
12:03:08 5 you were going to provide the Tribunal was going to be very limited, isn't that
6 right?
- 7 A. Yes. In the context of documentation being sought from the bank.
- 8 Q. 317 Uh-huh.
- 9 A. I would have known that the information in relation to my accounts would be
12:03:21 10 made available per normal circumstances, if they still possessed such records
11 would be made available to the Tribunal.
- 12 Q. 318 And on the 19th of October, I beg your pardon November 1998.
- 13 A. November.
- 14 Q. 319 You will see there, there is an entry 10:30 RTE; then 12:30 Des R, is that a
12:03:41 15 reference to Mr. Richardson?
- 16 A. It is yes.
- 17 Q. 320 And is it likely can you remember why it was that you would have met
18 Mr. Richardson on this occasion?
- 19 A. Specifically no. I met Mr. Richardson on many occasions. Specifically no. It
12:03:53 20 may well be in relation to an issue and I'm not suggesting that this is the
21 case now, Ms. Dillon, but I am just something suggesting to you that it is a
22 possibility. But I know that the specific dates are available in the records
23 in relation to a conclusion of an arrangement that I had with another party and
24 that Mr. Richardson was also a party to that arrangement.
- 12:04:12 25 Q. 321 Is this in relation to the relationship with Mr. Duignan, is that right?
- 26 A. Yes, I can't specifically tell you when the date of the conclusion of that was.
27 But there was certainly ongoing difficulties and I met Mr. Richardson on a
28 number of occasions in relation to it.
- 29 Q. 322 Yes. Would you have discussed your own affairs with Mr. Richardson? Would you
12:04:28 30 have discussed because it was common knowledge at this stage the fact that you

- 12:04:31 1 were the subject matter of inquiry with the Tribunal?
- 2 A. Yes, yes, I would not have discussed it in any detail with Mr. Richardson but
- 3 it is very likely that I would have told Mr. Richardson that I was receiving
- 4 extensive documentation or indications by the Tribunal that matters were
- 12:04:47 5 progressing.
- 6 Q. 323 Okay. It was by this stage of course a matter of common knowledge.
- 7 A. Yes.
- 8 Q. 324 And it had been in the newspapers that you were the subject matter of inquiry,
- 9 isn't that right?
- 12:04:55 10 A. Correct.
- 11 Q. 325 And at this stage Mr. Richardson was a person with whom you had a reasonable
- 12 amount of contact --
- 13 A. Yes.
- 14 Q. 326 -- both on a personal and business level, isn't that correct?
- 12:05:04 15 A. That's correct yes.
- 16 Q. 327 And I think Mr. Richardson indeed told the Tribunal on the last occasion which
- 17 he was here in connection with the events involving the Cork private dinner,
- 18 that he would have discussed with you this is a matter in which a donation
- 19 donations were received in March 1994.
- 12:05:19 20 A. Yes.
- 21 Q. 328 Nothing to do with you but he did mention when he was here on that occasion
- 22 that he would have discussed with you for example if he had to say a few words
- 23 at the dinner what he might have to say about fundraising and matters such as
- 24 that sort.
- 12:05:31 25 A. Correct. On various occasions I provided very short cryptic speaking notes for
- 26 Mr. Richardson on various occasions, at various functions.
- 27 Q. 329 And you would have been aware of his position at one stage chief funder raiser
- 28 for Fianna Fail?
- 29 A. Oh God, yes. Oh absolutely.
- 12:05:46 30 Q. 330 And you would have known of his involvement in Fianna Fail over the years,

- 12:05:49 1 isn't that the position?
- 2 A. No I would have known of his association with Mr. Bertie Ahern not of his
3 indirect involvement with Fianna Fail. I mean he was the nominated chief
4 fundraiser for Fianna Fail, nominated by the then Minister for Finance, Bertie
12:06:07 5 Ahern.
- 6 Q. 331 You would have known that he had an important position in the fundraiser
7 position in Fianna Fail?
- 8 A. Oh, God yes absolutely yes.
- 9 Q. 332 And at this time on the 19th of November 1998, when you met Mr. Richardson one
12:06:19 10 of the most prominent and current stories that was being carried in all of the
11 papers were the Tribunal's inquiries into Quarryvale, isn't that right?
- 12 A. Correct, yes.
- 13 Q. 333 I think it would be fair to say that you did discuss with him your involvement
14 and in all likelihood, Mr. Dunlop, you would have had no reason not to tell him
12:06:35 15 of the request in a had been made of you for documentation by the Tribunal?
- 16 A. Oh, yeah oh, no I think I've said let me repeat it again. The likelihood is
17 yes, I can't specifically say to what extent but the likelihood is yes, that I
18 had informed Mr. Richardson that I had been in receipt of documentation and
19 that this was an ongoing issue and was either going to be resolved or it was
12:06:56 20 going to continue.
- 21 Q. 334 Or indeed might you have informed Mr. Richardson of the fact that Allied Irish
22 Banks were being asked to provide information?
- 23 A. I mean I wouldn't discount no I wouldn't discount that I'd told Mr. Richardson
24 that. I may well have done in the context of saying that they are now in
12:07:15 25 direct contact with the banks and are looking for information, yes. I wouldn't
26 discount it. I can't say to you specifically that I said it.
- 27 Q. 335 And might you also in the same way have disclosed to Mr. Richardson that not
28 alone were they looking for your bank records but they were also looking for
29 Barkhill or Riga's or Mr. O'Callaghan's bank records?
- 12:07:34 30 A. Probably not. I probably would have said globally that they were looking for

12:07:42 1 records from Owen O'Callaghan rather than mentioning Riga or Barkhill. I don't
2 think those names would have meant anything to Mr. Richardson.

3 Q. 336 So that you, would it be fair to say that you wouldn't have had any reason in
4 your discussions with Mr. Richardson to hold back at that stage any information
12:07:55 5 in relation to your dealings with the Tribunal?

6 A. Oh, no, no, I wouldn't have had any reason to hold back. I wouldn't have any
7 reason either to go into any great detail with Mr. Richardson in relation to
8 the Tribunal.

9 Q. 337 And in or around this time I think, Mr. Dunlop, it had originally been arranged
10 and I think I've dealt with it with you and I only want to touch on it very
11 briefly, that Mr. Ahern was meant to open Quarryvale, isn't that right?

12 A. Yes that's correct.

13 Q. 338 And I think that we had seen that in fact at your diary at 13353, for the
14 following week the beginning the 22nd of November, at the very top of the 24th
12:08:39 15 there is an entry "D of W" which I suggest is Duke of Westminster?

16 A. Yes.

17 Q. 339 And then "Liffey Valley" beside that.

18 A. Yes.

19 Q. 340 And then there is a name scribbled out but I think you can decipher there if
12:08:52 20 that could be increased there, that is Bertie.

21 A. Bertie, yeah.

22 Q. 341 You had at some stage entered in your diary that you had understood that
23 Mr. Ahern would attend to open Quarryvale, isn't that right?

24 A. Well I think as I said to you previously without reprising the whole thing, I
12:09:11 25 used Mr. Sorry. That's a fairly nasty phrase. I availed of the facility
26 provided by Mr. Richardson's close association with Mr. Ahern to ask Mr. Ahern
27 in relation to the opening of the Quarryvale thing or to expedite it or to make
28 clear that he was going to do it. One or the other.

29 Q. 342 Yes. And I think that we had seen on the previous occasion when we were
12:09:35 30 looking at this, at 23693. That it would appear that you had spoken to

- 12:09:41 1 Mr. Ahern's private secretary --
- 2 A. Yes.
- 3 Q. 343 -- on the initially the 11th of September, in which you had told her that it
- 4 was opening to the public on the 14th of October, but that they would be
- 12:09:53 5 seeking, you were seeking the Taoiseach to open it later, at a separate
- 6 opening?
- 7 A. Yes. The actual physical -- the actual commercial opening and the actual
- 8 official opening.
- 9 Q. 344 And then on the 30th of September, there is a note that Frank Dunlop was to
- 12:10:10 10 come back on one to me on this function, you see that?
- 11 A. Yes.
- 12 Q. 345 And then immediately above that it says dates "24th of November or 9th of
- 13 December per Frank Dunlop, Duke of Westminster owns part of it" isn't that
- 14 right?
- 12:10:24 15 A. That's correct, yes.
- 16 Q. 346 But I think that subsequent to that, that at 22005. A decision was made and
- 17 was made before the 3rd of November of 1998, to refuse to carry this out due to
- 18 a heavy workload on the part of the Taoiseach, isn't that right?
- 19 A. Yes.
- 12:10:48 20 Q. 347 And I think such a letter was sent to Ms. Dianna McKay who was the Financial
- 21 and Corporate Communications Limited at 22018?
- 22 A. Yes.
- 23 Q. 348 And that referred to the Taoiseach's heavy schedule of commitments and the
- 24 Taoiseach's schedule of commitments can be seen at 22043 and that was a Tuesday
- 12:11:07 25 that it was proposed for the opening, isn't that right?
- 26 A. Correct.
- 27 Q. 349 And there was a government meeting at 10:30, isn't that the position?
- 28 A. Yes there was.
- 29 Q. 350 You will see there --
- 12:11:16 30 A. Yes.

- 12:11:17 1 Q. 351 -- meeting with the Attorney General at 10 o'clock and then a government
2 meeting at half past ten, isn't that right?
- 3 A. Yes.
- 4 Q. 352 I think that we had seen from the entry in your diary that the opening was
12:11:29 5 proposed for the morning at 13353, isn't that right?
- 6 A. Yes.
- 7 Q. 353 Now, if I just take you back then to 13352. And first of all can you assist at
8 what might be under written there on Friday the 20th of November '98?
- 9 A. Could you increase it there for a second.
- 12:11:51 10 Q. 354 At 11 o'clock please.
- 11 A. Can I ask you, Ms. Dillon, is this one of the ones that was looked at
12 forensically?
- 13 Q. 355 No.
- 14 A. Right. Okay. It's either it's something beginning with a C or a K. After
12:12:23 15 that ...
- 16 Q. 356 It's all right. It doesn't matter. Can I just draw to your attention, Mr.
17 Dunlop, that that weekend of the 21st and 22nd of November 1998, was the
18 weekend of the Fianna Fail Ard Fheis?
- 19 A. If that showed -- if the record shows it yes it would be in around that time
12:12:43 20 yes.
- 21 Q. 357 And that when you were speaking to Mr. Richardson?
- 22 A. Uh-huh.
- 23 Q. 358 You would have known I assume that the Fianna Fail Ard Fheis was going to
24 happen on the 21st and 22nd of November?
- 12:12:51 25 A. Yes.
- 26 Q. 359 You would have known that at the time?
- 27 A. Yes, I would.
- 28 Q. 360 And can I draw to your attention at 19902. This is an article about which you
29 will be reasonably familiar with, Mr. Dunlop, isn't that right?
- 12:13:10 30 A. Yes.

- 12:13:10 1 Q. 361 You will have seen it at the time.
- 2 A. Yes.
- 3 Q. 362 And it is an article that puts into the public arena the information that had
4 emanated from the Tribunal the previous Tuesday to the parties I've identified
12:13:22 5 to you seeking the information, isn't that right?
- 6 A. Yes.
- 7 Q. 363 Now, and its headed "notice served on Owen O'Callaghan's company in Liffey
8 Valley planning probe" and then "Flood Tribunal demands bank records".
- 9 A. Yeah.
- 12:13:34 10 Q. 364 All right. Now, there is just a few matters that I want to draw to your
11 attention to see can you assist in relation to it.
- 12 A. Yeah.
- 13 Q. 365 In the first column it refers to "the Flood Tribunal has demanded bank records
14 relating to the companies of Cork property developer, Owen O'Callaghan as part
12:13:51 15 of an ongoing investigation into alleged payments too Dublin County Councillors
16 for their votes on the Liffey Valley development of Quarryvale." You would
17 have known that?
- 18 A. Yes I would.
- 19 Q. 366 All right. Now, the next paragraph "The Sunday Independent has learnt that in
12:14:04 20 a significant move the Tribunal last week, served notice on Allied Irish Bank
21 and Mr. O'Callaghan to produce the documentation". You would have known that,
22 isn't that right?
- 23 A. Yes, I would.
- 24 Q. 367 And next paragraph. "It is understood that the Tribunal had reserved November
12:14:24 25 24th and 25th to answer questions or hear submissions in private in case AIB or
26 Mr. O'Callaghan object".
27
- 28 Now, had you known that?
- 29 A. No.
- 12:14:27 30 Q. 368 All right.

12:14:28 1 A. Well certainly -- No. Unless I was so informed at some stage by Mr.
2 O'Callaghan but certainly --

3 Q. 369 I think in the correspondence you received yourself, Mr. Dunlop --

4 A. Yes.

12:14:46 5 Q. 370 -- subject to correction, it had been indicated to you that insofar as you
6 wished to object --

7 A. Correct.

8 Q. 371 -- there was a timescale win which you should make objections.

9 A. Correct.

12:14:56 10 Q. 372 In the next paragraph it says "Ironically, the Liffey Valley centre one of
11 Ireland's largest retail, commercial and leisure developments was due to be
12 officially opened by the Taoiseach, Mr. Ahern on November 24th but Fianna Fail
13 sources at the party's art Fheis in Dublin revealed that the opening had been
14 put off for a while".

12:15:11 15 A. Uh-huh.

16 Q. 373 Now, were you at that Fianna Fail Ard Fheis can you remember?

17 A. No I wasn't.

18 Q. 374 All right. And in fairness to yourself, Mr. Dunlop, at that stage in your
19 career are you likely to have been a person who was described as a Fianna Fail
12:15:23 20 source?

21 A. Well I have been described as lots of things in relation to sourcing but I
22 could have been described as a Fianna Fail source but not at this stage I don't
23 think so. I think when they described Fianna Fail sources particularly in this
24 particular instance I think Mr. Corcoran has somebody else completely in mind.

12:15:42 25 Q. 375 Yes. But you yourself would have known of that information, isn't that right?
26 You would have --

27 A. Oh, yes I would yes.

28 Q. 376 -- known of that independently because you would have been told that you had
29 Mr. Ahern's entry in your diary, you had scratched it out and you knew that he
12:15:57 30 had refused on the 3rd of November.

- 12:15:58 1 A. Yes.
- 2 Q. 377 The next paragraph "The Tribunal is seeking the bank's records in relation to
- 3 Mr. O'Callaghan's company, Barkhill Limited which was behind the Liffey Valley
- 4 development, his investment company, Riga Limited and other O'Callaghan
- 12:16:10 5 companies and you would have known that?
- 6 A. Yes I would.
- 7 Q. 378 "As part of its preliminary investigations, the Tribunal is also requesting
- 8 details of payments by Barkhill Limited and Riga limited to PR consultant Frank
- 9 Dunlop and his company Frank Dunlop & Associates" and that was the case, isn't
- 12:16:22 10 that correct, you would have known that?
- 11 A. That's correct, yes.
- 12 Q. 379 Sorry, I am going too fast. I'm sorry for the stenographer.
- 13 A. Not for me, oh for the stenographer.
- 14 Q. 380 In the next paragraph it states: "It is understood to be specifically
- 12:16:35 15 interested in such payments to Mr. Dunlop through Shefran Limited and Irish
- 16 registered companies whose directors are based in the Channel Islands." You
- 17 would have known that also?
- 18 A. Correct and Mr. Corcoran obviously would have known that from a previous
- 19 occasion, yes.
- 12:16:50 20 Q. 381 Because you had confirmed that to him, isn't that right?
- 21 A. At the meeting I had with my solicitors who was tape-recorded.
- 22 Q. 382 Which had taken place three weeks earlier?
- 23 A. Yes.
- 24 Q. 383 "Reliable Fianna Fail sources this weekend confirmed it was their firm
- 12:17:02 25 understanding that the Tribunal last week served notice on the AIB and Mr.
- 26 O'Callaghan."
- 27 A. Uh-huh.
- 28 Q. 384 Now, reference there to "reliable Fianna Fail sources confirmed it was their
- 29 firm understanding". That was suggest, Mr. Dunlop, that the information came
- 12:17:19 30 from somebody who was associated with Fianna Fail, isn't that right?

- 12:17:23 1 A. Absolutely, yes.
- 2 Q. 385 That person, was that person yourself?
- 3 A. No.
- 4 Q. 386 All right. Did you speak to Mr. Corcoran about this matter?
- 12:17:30 5 A. Yes I did.
- 6 Q. 387 All right. I'll come back to that in a motion "Mr. O'Callaghan spokesman Mr.
- 7 Dunlop said that the developer had no comment to make. However Mr. Dunlop said
- 8 he had personally hired a legal firm to deal with matters relating the Flood
- 9 Tribunal."
- 12:17:43 10 A. Yes.
- 11 Q. 388 Is that the position?
- 12 A. That is correct.
- 13 Q. 389 And I think in a subsequent letter to the Tribunal through your solicitors, you
- 14 confirmed this contact for Mr. Corcoran, isn't that right?
- 12:17:51 15 A. Yes, I did, that's right.
- 16 Q. 390 Then this the next matter in fact goes back over the earlier story that you had
- 17 given to Mr. Corcoran when he had interviewed you in relation to Shefran, isn't
- 18 that right?
- 19 A. Correct.
- 12:18:05 20 Q. 391 And then it goes on "Mr. Gilmartin a former director of Barkhill has said he is
- 21 puzzled as to why around 150,000 pounds was paid to Mr. Dunlop through Shefran
- 22 Limited in all Mr. Dunlop received around 650,000 pounds for his services".
- 23 And that figure is in fact not correct?
- 24 A. Not correct, yes.
- 12:18:21 25 Q. 392 I think it's out by some 400,000 pounds?
- 26 A. Yes.
- 27 Q. 393 And then the next matter goes on to deal with Mr. George Redmond and
- 28 Mr. Gogarty, isn't that right?
- 29 A. Correct yes.
- 12:18:30 30 Q. 394 "Meanwhile the former city and County Manager George Redmond". So we can

12:18:35 1 ignore the balance of the article. So that insofar as the material that is
2 disclosed in Mr. Corcoran's article is concerned, you were in possession of a
3 lot of that information, isn't that right?

4 A. Yes I was.

12:18:46 5 Q. 395 And it is likely that you discussed that with Mr. Richardson on the Thursday
6 when you met him, isn't that right?

7 A. It is likely that I discussed the fact that I was in receipt of documentation
8 from the Tribunal and that the Tribunal was looking for bank accounts.

9 Q. 396 Yes. And did you ever disclose to the Tribunal in any of its inquiries as to
12:19:06 10 how this material got into the public that you might have discussed this matter
11 with Mr. Richardson?

12 A. No.

13 Q. 397 No. You didn't consider at any stage that that was a material matter that the
14 Tribunal might be interested in?

12:19:18 15 A. No.

16 Q. 398 Notwithstanding, that your solicitor wrote an extensive letter of complaint
17 about this story isn't that the position?

18 A. Yes. Well Mr. Corcoran contacted me and the remarks that I made in general
19 without being specific, in relation to what I had done in relation to legal
12:19:36 20 advice and I had no comment to make on behalf of Mr. O'Callaghan.

21 Q. 399 Yes. But --

22 A. Which is what I was requested to do by Mr. Corcoran.

23 Q. 400 -- yes. But the words "reliable Fianna Fail sources" contained within the
24 article in the light of your conversation with Mr. Richardson on the Thursday
12:19:54 25 and putting those two pieces of material together --

26 A. Yeah.

27 Q. 401 -- didn't suggest to you in any which way that any of the matters that you had
28 discussed with Mr. Richardson might have found their way into this article?

29 A. No. And the reason for that, Ms. Dillon, is I do not recollect ever having a
12:20:09 30 conversation of that detailed nature with Mr. Richardson in relation to any

12:20:13 1 material that I received there the Flood Tribunal or its successor the current,
2 Mahon Tribunal other than to say generally that we were in receipt of more
3 requests for information.

4 Q. 402 Including --

12:20:27 5 A. Sorry.

6 Q. 403 -- the fact that information was being sought from the banks?
7 A. Oh, I think it is highly likely that I would have told Mr. Richardson that I
8 was being requested for -- or the banks were being requested for information
9 from in relation to me. I can't account for what the very fluid term Fianna
10 Fail sources are.

12:20:45 10

11 Q. 404 Yes. Of course not. And why is it that you would have shared that information
12 with Mr. Richardson?

13 A. I had that relationship with Mr. Richardson in that the matter obviously as you
14 have outlined was in the public domain and that it was a matter of some
15 concern, some concern to Fianna Fail people in relation to what was happening
12:21:09 15 and that I didn't have any difficulty in saying to Mr. Richardson as a friend
16 that I have been in receipt of such documentation.

17

18 Q. 405 In a memorandum at 16069 of the 27th of November 1998, between Mr. Pat Hanratty
19 and Mr. Tom Gilmartin.

12:21:37 20 A. Yeah.

21 Q. 406 On the following page at 16070. In a the second paragraph "Mr. Gilmartin said
22 that Jody Corcoran told him James Gogarty's affidavit had arrived on his desk
23 anonymously, together with some note from a man called Redmond" you can ignore
24 that Mr. Dunlop.

12:21:57 25

26 The second paragraph "Jody Corcoran said that he felt that he was being used.
27 Thomas Gilmartin said that Jody Corcoran had said that he would be prepared to
28 swear on oath that Frank Dunlop had given him stuff. He said that Frank Dunlop
29 had given him extracts of the statement which Mr. Gilmartin had furnished to
12:22:11 30 the Tribunal through Mr. Gilmartin's solicitors."

- 12:22:13 1 A. Uh-huh.
- 2 Q. 407 Did you ever give any documentation of any kind to Mr. Jody Corcoran?
- 3 A. No and bring him in here and ask him the same question.
- 4 Q. 408 I'm just asking you the question.
- 12:22:23 5 A. I'm telling you no.
- 6 Q. 409 You didn't bribe any documentation to Mr. Corcoran?
- 7 A. No. I did discuss with Mr. Corcoran as I have outlined on a number of
- 8 occasions having a discussion with Mr. Corcoran for many a year.
- 9
- 12:22:37 10 JUDGE FAHERTY: Sorry, Mr. Dunlop, just for the purposes of completeness.
- 11 A. Yes.
- 12
- 13 JUDGE FAHERTY: I think Ms. Dillon asked you did you ever give documents to
- 14 Mr. Corcoran?
- 12:22:49 15 A. No.
- 16
- 17 JUDGE FAHERTY: Which you said no. Can I just for completeness, did you ever
- 18 show documents to Mr. Corcoran?
- 19 A. No.
- 12:22:56 20
- 21 Q. 410 MS. DILLON: Now, I think at 13353, and this is the following week beginning
- 22 the 23rd of November 1998. And in your diary you have recorded again that
- 23 there is the opening of the on the 24th of November, isn't that right?
- 24 A. Yes sorry, yes Bertie.
- 12:23:21 25 Q. 411 Yes. And also you have an entry for the Moriarty Tribunal on the 23rd, isn't
- 26 that right?
- 27 A. That's correct yes.
- 28 Q. 412 All right. And that's not a matter in any way connected to the matters of
- 29 subject matter of inquiry here isn't that the position?
- 12:23:33 30 A. Absolutely not.

- 12:23:34 1 Q. 413 And then on the 25th of you have a reference "Americans Liffey Valley Dail Jim
2 McDaid at Jim McDaid's office" was that something you were doing in connection
3 with Liffey Valley?
- 4 A. Sorry Ms. Dillon, Americans Liffey Valley ... I can't immediately connect
12:24:07 5 Americans with Liffey Valley. I can connect Americans with another issue
6 tangential to Liffey Valley but I can't immediately connect Americans with
7 Liffey Valley. The only occasion that I went to see Jim McDaid related to
8 another matter.
- 9 Q. 414 And I think following that in early December of 1998, two dates were set for
12:24:22 10 the making of oral submissions in relation to your objections to the orders
11 proposed by the Tribunal and the objections of Mr. O'Callaghan, isn't that
12 right?
- 13 A. Correct.
- 14 Q. 415 And I think that both objections effectively were heard together, isn't that
12:24:35 15 right?
- 16 A. Yes, that's correct.
- 17 Q. 416 On the 9th I think and the 10th of December 1998, isn't that right?
- 18 A. Yes.
- 19 Q. 417 There were a hearing before the then Sole Member, isn't that correct?
- 12:24:44 20 A. That's correct, yes.
- 21 Q. 418 And that was a hearing in private?
- 22 A. It was.
- 23 Q. 419 And on the 7th of December, which was the beginning of that week you issued the
24 second of your legal fees invoices to Riga, isn't that right?
- 12:24:56 25 A. We saw that earlier, yes.
- 26 Q. 420 And I think that on the following weekend on the -- at 25317. There is another
27 article by Mr. Corcoran entitled "Ahern fundraising in UK to go before the
28 Flood Tribunal" I'm not concerned with that pardon part of the material. I
29 want to draw to your attention third column, second paragraph commencing "it is
12:25:24 30 understood that Mr. O'Callaghan and his PR consultant Frank Dunlop were last

- 12:25:28 1 week before the Flood Tribunal in a private sitting in relation to a request by
2 the Tribunal to gain access to their bank accounts. In what reliable sources
3 described as confrontational hearing, it is understood that senior counsel for
4 Mr. O'Callaghan, Mr. Dunlop objected to the Tribunal's request and indicated
12:25:42 5 that they were prepared to go to the High Court and if necessary the Supreme
6 Court to challenge the Tribunal's powers" is that correct?
7 A. I wasn't present. I did not speak to Mr. Corcoran in this matter and I cannot
8 account for what took place at that confrontation as is described by
9 Mr. Corcoran other than the advice I was given in the matter by my lawyers.
- 12:26:05 10 Q. 421 I don't want to go into that, Mr. Dunlop, because you don't have to go into
11 that. But I think the position is in fact that there was never a suggestion
12 from your legal team that I would you would make any application to the High
13 Court and in fact the record is factually incorrect, isn't that right?
14 A. Yes.
- 12:26:19 15 Q. 422 And that in fact no such application was made --
16 A. By me.
17 Q. 423 -- on your behalf by your legal team at that meeting, isn't that the position?
18 A. That's correct, yes.
- 19 Q. 424 Did you discuss the fact that you had attended at the Tribunal or not that you
12:26:34 20 you had attended but that there had been an attendance on your behalf before
21 the Tribunal in connection with your documents with Mr. O'Callaghan?
22 A. It is likely, yes. It is likely, yes. I can't specifically recollect but yes
23 it is likely.
- 24 Q. 425 There were --
12:26:53 25 A. That I, yes. They were heard, as I recollect matters, the hearing was heard.
26 They were heard together.
- 27 Q. 426 Yes. There were in fact three parties Allied Irish Bank, Mr. O'Callaghan and
28 his companies and yourself and your companies.
29 A. Yes.
- 12:27:09 30 Q. 427 All separately represented, isn't that right?

- 12:27:12 1 A. Correct.
- 2 Q. 428 Now, did you discuss with Mr. O'Callaghan the fact that you were attending and
3 what your attitude was going to be or what your position was in relation to the
4 application by the Tribunal for access to your documents?
- 12:27:26 5 A. Yes. The likelihood is I can't specifically say to you that I discussed it
6 with him and to what detail but yes, given the relationship that I had with Mr.
7 O'Callaghan it is likely that I acknowledged that my lawyers were going to make
8 an application or going to such a hearing but after that I couldn't tell you
9 what I discussed with them.
- 12:27:49 10 Q. 429 Yes.
- 11 A. Other than acknowledging that I did have a discussion in some form with him.
- 12 Q. 430 Yes. And indeed it would be fair to say that a large part of the submissions
13 to the Tribunal related in fact to the article the previous week by
14 Mr. Corcoran about the fact that the Tribunal had sought documents from the
15 banks, isn't that right.?
- 12:28:07 16 A. Yes, as I recollect matters, yes. And as it was reported to me that that was a
17 bone of contention.
- 18 Q. 431 Yes. And there was no disclosure on your behalf, isn't that right, at that
19 meeting before the Tribunal that you in fact had discussed it with at least one
12:28:24 20 other unconnected party, Mr. Des Richardson?
- 21 A. Oh, no there was not no.
- 22 Q. 432 And therefore the Tribunal wasn't informed of that fact, isn't that right, Mr.
23 Dunlop?
- 24 A. Absolutely. I mean ...
- 12:28:36 25 Q. 433 Now, I think that at 13381, on the 14th of December, there was a long letter of
26 complaint I think from your then solicitors about the fact of the previous
27 week's story, isn't that right?
- 28 A. My continuing solicitors. I didn't change solicitors. My solicitors.
- 29 Q. 434 Yes.
- 12:29:01 30 A. Yes.

12:29:01 1 Q. 435 Your continuing and then solicitors, Mr. Dunlop, about the fact that there had
2 been such publication and indeed the earlier publication by Mr. Corcoran, isn't
3 that right?

4 A. Yes.

12:29:07 5 Q. 436 And I think again on the 17th there is a reference in your diary to a meeting
6 between Mr. O'Callaghan and yourself at your office offices, isn't that right?

7 A. Sorry, yes there is on the 17th at 3 o'clock, yes.

8 Q. 437 And would it be fair to say that your diaries record certainly from October of
9 1998, going forward and throughout 1999, certainly weekly or bi-monthly
10 meetings with Mr. O'Callaghan?

11 A. Yes, as when he was in town he came.

12 Q. 438 Yes. And that in the previous year or so prior to that in '97, for example
13 there are much less meetings with Mr. O'Callaghan, isn't that right, recorded
14 in the your diary?

12:29:46 15 A. Recorded in the diary yes. I haven't actually counted them, compared and
16 contrasted them. Yes, I accept there were periods when there was no physical
17 contact in the sense of meetings but yes there were more in this period.

18 Q. 439 And in '96 and '97, there is much less physical contact with Mr. O'Callaghan
19 but that increases particularly from September 1998 and going forward then
20 2000, isn't that the position?

21 A. Yes.

22 Q. 440 Would it be fair to say and rather than going through each page of this diary
23 for 1999 and 2000, that at all of these meetings with Mr. O'Callaghan the one
24 matter that was begun ongoing and current that involved both of you was the
12:30:08 25 Tribunal's ongoing inquiries into your affairs and indeed into Mr.

26 O'Callaghan's affairs and that of his company?

27 A. Yes. I would say in general, the content of that question is correct other
28 than to say that Mr. O'Callaghan and I discussed lots of issues in relation to
29 Liffey Valley project and it going forward. Yes, the issue in relation to the
12:30:45 30 Mahon Tribunal and requests for information would have been a source of

- 12:30:48 1 discussion.
- 2 Q. 441 And by this time December 1998, in the two months that had passed from the time
- 3 the Tribunal had first sought information from you, you had not in fact
- 4 supplied any documentation, isn't that right?
- 12:31:02 5 A. To the Tribunal, yes.
- 6 Q. 442 That's correct, isn't it?
- 7 A. I'm taking -- unless I check the record but I'm taking your record word for it
- 8 that that is the case yes.
- 9 Q. 443 In fact it's not until mid 1999, that you provide the first piece of
- 12:31:16 10 information to the Tribunal, isn't that correct?
- 11 A. That's correct.
- 12 Q. 444 So that this continues to be part of the strategy that you had decided yourself
- 13 to employ in relation to the Tribunal or if I can put it of prevaricating and
- 14 putting up barriers in way of the investigation and trying to delay the
- 12:31:33 15 investigation as much as you can?
- 16 A. Well I don't know --
- 17 Q. 445 As much as you could, I beg your pardon.
- 18 A. Well no. Sorry. Without trying to delay it. I'm not so sure that that is the
- 19 case. But certainly in the context of what I have already said and given in
- 12:31:47 20 evidence object on a number of occasions in relation to my orientation at that
- 21 time was not co-operative.
- 22 Q. 446 And therefore I mean it would follow from that, Mr. Dunlop, realistically that
- 23 your non-co-operation could take many forms, isn't that right? I mean for
- 24 example you could be asked for documents by the Tribunal and delay or refuse or
- 12:32:08 25 provide incorrect information, isn't that right?
- 26 A. Yes but I mean my lawyers would advise. If any documentation is available I
- 27 was to make it available.
- 28 Q. 447 Leaving aside what your lawyers told you to do, Mr. Dunlop, what you in fact
- 29 did, notwithstanding whatever advise you may have got from your lawyers, was
- 12:32:26 30 to delay providing the information and then when you did provide it not to

12:32:30 1 provide complete information, isn't that the fact?

2 A. Well again I quibble with the word "delay" but I mean I accept the general
3 demeanor. The general orientation of what you're saying.
4

12:32:40 5 MR. REDMOND: Mr. Chairman, just to clarify one issue for the record.
6
7 Ms. Dillon has referred to Mr. Dunlop's non-co-operation taking many forms and
8 described it as varying between delaying or refusing to provide documentation.
9 She then went on to ask a more specific question extrapolating on the issue of
12:32:59 10 delaying. Insofar as Ms. Dillon is suggesting that there was any refusal in
11 the relevant period, I would be grateful if it could be pointed out that it is
12 my understanding that there was no refusal during the relevant period.
13
14 MS. DILLON: Refusal to provide a statement. No refusal to provide
12:33:15 15 documentation. The documentation ultimately provided, which I hope to get to
16 today was incomplete and I believe that in a previous module, the Fox and
17 Mahony Module when we went through this information, Mr. Dunlop accepted that
18 the information that he provided in his first discovery in I think July of
19 1999, was not correct and not complete.

12:33:35 20
21 CHAIRMAN: Well, the position is then during this period, Mr. Dunlop declined
22 to make a statement which was his entitlement.
23
24 MS. DILLON: Yes.

12:33:45 25
26 CHAIRMAN: That he, that although he would have been advised by his solicitors
27 to, one assumes, to co-operate and to provide the documentation required, is it
28 the case that well we know that not all of the documentation was provided but
29 that was a decision of Mr. Dunlop's rather than anyone else.
12:34:08 30

- 12:34:08 1 Q. 448 MS. DILLON: Yes. If we could have 1693 just on this issue?
2 You swore an affidavit of discovery in purported compliance, Mr. Dunlop, with
3 the Tribunal's first order for discovery and you swore it on the 7th of July
4 1999, isn't that right?
- 12:34:29 5 A. Yes
- 6 Q. 449 Within that affidavit of discovery you provided certain information including
7 information described as at item ten list of political contributions, isn't
8 that right?
- 9 A. At nine, yes.
- 12:34:40 10 Q. 450 And the ambit of the order that was then made was I think between September of
11 1991 and September of 1993, isn't that right?
- 12 A. Yes as I recollect yes.
- 13 Q. 451 The 1st of September '91 to the 1st of September '93. And the information you
14 provided to the Tribunal in relation to your political contributions within
15 that period are at 1694. And this is the list that you provided to the
16 Tribunal. And you itemise three payments one to Therese Ridge, one to Sean
17 Barrett, one to Olivia Mitchel for the year ended December '92, totalling 2,000
18 pounds. Was that a truthful statement?
- 19 A. It's not complete.
- 12:35:23 20 Q. 452 Was it a truthful statement, Mr. Dunlop?
- 21 A. No.
- 22 Q. 453 And I think for the year ended 31st of December 1993, you itemise two payments
23 Therese Ridge 500 and Mr. Richard Green 250; totalling 750 and was that a
24 truthful statement, Mr. Dunlop?
- 12:35:38 25 A. No.
- 26 Q. 454 So I think that on the following page at 1695. In relation to the payments you
27 say were made by Frank Dunlop & Associates for the year end '92, it's a sum of
28 1,000 pounds and for the year end '93, it's 4,500 pounds, isn't that right?
- 29 A. Yes.
- 12:35:55 30 Q. 455 Were either of those statements truthful?

- 12:35:58 1 A. I would have to revert back in relation to that particular year but I mean in
2 general those contributions were made whether there were others or not, not
3 described as political contributions I can't say now. But I mean certainly
4 those contributions were made. Whether it's complete or not I can't say.
- 12:36:15 5 Q. 456 And In relation to 1694 which were the political contributions made by you
6 yourself?
- 7 A. Yeah.
- 8 Q. 457 You accept that that is not truthful information at 1694?
- 9 A. Correct.
- 12:36:27 10 Q. 458 And that indeed as you subsequently --
- 11 A. Depending on the definition of political contribution.
- 12 Q. 459 Well if we confine ourselves to payments in any event which is what you were
13 asked about, Ms. Dunlop, I think so --
- 14 A. In fairness, Ms. Dillon, I won't don't want to be semantical. But I mean
12:36:46 15 certainly if you said political contributions and payments, the likelihood is
16 that in general that is accurate but in relation to non-political contributions
17 payments, no.
- 18 Q. 460 Are you saying, Mr. Dunlop, that when you got the Tribunal's order for
19 discovery that you said these are the payments that I can identify as political
12:37:04 20 contributions but I will and that I am making truthful discovery by providing
21 this information but I have paid 112,000 pounds in bribes to councillors and
22 I'm not giving that because the Tribunal didn't ask for political
23 contributions?
- 24 A. Correct.
- 12:37:21 25 Q. 461 So you are saying what you did in fact was you analysed the Tribunal's order,
26 isn't that right?
- 27 A. Yes.
- 28 Q. 462 And you decided that it would, you would only provide information in relation
29 to political contributions?
- 12:37:33 30 A. Yes.

- 12:37:34 1 Q. 463 I just read you now the order that you were allegedly complying with. You were
2 asked "to provide all records relating to any payments made by or on behalf of
3 Frank Dunlop to or on behalf of any elected representative or any local
4 authority official". In other words you were not asked for political
12:37:51 5 contributions, Mr. Dunlop, you were asked for a schedule of any payments, isn't
6 that right?
7 A. Correct, yes.
- 8 Q. 464 And when you allegedly complied with the order for discovery on page 1694, you
9 do not provide schedules of the payments you say you made between 1st of the
12:38:06 10 9th '91 and the 1st of the 9th '93, isn't that right?
11 A. Correct.
- 12 Q. 465 So in fact you were not making truthful discovery when you provided that
13 information to the Tribunal, isn't that the position?
14 A. That is the position.
- 12:38:16 15 Q. 466 Yes. Now and if we go back then to continuing our discussion in relation to
16 your strategy that you had employed with the Tribunal. I think that it must
17 be, Mr. Dunlop, that the strategy that you yourself had employed was to provide
18 as little information as possible to the Tribunal, isn't that right?
19 A. Not as little information as possible to the Tribunal. To try and give the
12:38:40 20 information to the Tribunal that was appropriate for the Tribunal.
21 Q. 467 That was appropriate for the Tribunal.
22 A. Yeah.
- 23 Q. 468 What do you mean appropriate for the Tribunal, Mr. Dunlop?
24 A. They were asked for payments to politicians. I certainly wasn't going to tell
12:38:54 25 people in relation to payments other than political contributions.
26 Q. 469 You weren't going to provide any information any information other than
27 payments you had made by way of cheque, Mr. Dunlop, isn't that right?
28 A. Correct.
- 29 Q. 470 So that the information and you have told the Tribunal on sworn evidence in a
12:39:13 30 previous module that the reason you provided that information for your

- 12:39:18 1 political contributions were those were cheque payments and you had a record of
2 them, isn't that right?
- 3 A. Correct.
- 4 Q. 471 But in relation to the cash payments, you were not providing any information to
12:39:28 5 the Tribunal and you made a deliberate decision not to do so, isn't that right?
- 6 A. At that time, yes.
- 7 Q. 472 Now, I think in January in late December 1998, as it was according to I think a
8 story that was published in I can't remember what newspaper, it was reported
9 that Mr. Gilmartin had decided not to co-operate with the Tribunal, isn't that
12:39:50 10 right?
- 11 A. Yes I have a recollection. I have some recollection there of such a story,
12 yeah. I can't exactly tell you when or what date.
- 13 Q. 473 I think at 16366. And I think the date is the 20th of December but
14 subsequently I think in early January of 1999, that position changed again,
12:40:08 15 isn't that right?
- 16 A. Yes.
- 17 Q. 474 Following I think The Late Late Show and that it was indicated that Mr.
18 Gilmartin would co-operate with the Tribunal and I think that was reported in a
19 story by Paul Cullen in the Irish Times at 16369. I think throughout all of
12:40:27 20 this period you continued to raise invoices both in respect of legal fees and
21 your retainer, isn't that right?
- 22 A. Correct.
- 23 Q. 475 And they were all paid, isn't that right?
- 24 A. Correct.
- 12:40:36 25 Q. 476 And there was no difficulty about getting payment. They were treated simply as
26 formal normal invoices both the legal fees and retainer and there was no change
27 in your relationship vis-a-vis Riga and Barkhill?
- 28 A. No, other than in circumstances that I said to you earlier, prior to the break,
29 that once or twice necessitated calls to make sure that the payment was made.
- 12:40:59 30 Q. 477 Yes. Now, I think that in March of 1999, you record at 13449 in your diary on

- 12:41:08 1 the 5th, you see at the bottom of that -- it's hard to read and correct me if
2 I'm wrong where it reads "750 F Connolly rang my mobile on my way home told him
3 I wasn't prepared to talk it him and anyway I was dealing with another matter
4 which I was Cliff Taylor's (IT) inquiries resale of" something I don't know
12:41:29 5 what it is?
6 A. "Greencore."
7 Q. 478 Greencore. Can you remember Mr. Connolly contacting you about something on
8 that occasion?
9 A. Yes, I do.
12:41:39 10 Q. 479 Can you remember what it was about?
11 A. Yes something to the effect that Tom Gilmartin had said something about me.
12 Q. 480 Yes. I think on the following weekend on the 7th and at 17684 there was an
13 article by Mr. Connolly in which it's headed "Gilmartin alleges further
14 unexplained payments to Dunlop".
12:42:01 15 A. Yes.
16 Q. 481 And it refers to certain invoices and the amounts that you had received and it
17 refers in the second column to the fact that you had refused to comment on him?
18 A. Correct.
19 Q. 482 So again it's back in the public arena, isn't that right?
12:42:12 20 A. Correct.
21 Q. 483 And at the same time you have ongoing correspondence with the Tribunal about
22 your discovery which you have not yet made, isn't that right?
23 A. Correct.
24 Q. 484 Now I think at 13451, on the 10th of March 1999, Mr. Dunlop, you have an entry
12:42:27 25 in your diary with an asterisks "OOC general meeting OOC, JD, AL and FD at" do
26 you see that?
27 A. Yes.
28 Q. 485 Now first of all is OOC, Mr. O'Callaghan?
29 A. Yes.
12:42:42 30 Q. 486 JD, Mr. Deane?

12:42:43 1 A. Yes more than likely in that context.

2 Q. 487 AL, Aidan Lucey?

3 A. Yes.

4 Q. 488 And yourself.

12:42:49 5 A. Yes.

6 Q. 489 All right. Now according to the arrow that's there that meeting was moved to

7 the 9th of March.

8 A. Yes.

9 Q. 490 And it would appear it started at around 2 o'clock and is marked in your diary

10 as continuing for the rest of the day?

11 A. Yes.

12 Q. 491 All right. Now you must remember the meeting, Mr. Dunlop?

13 A. Yes, I do.

14 Q. 492 All right. Can you outline to the Tribunal first of all, why the meeting was

12:43:00 15 set up?

16 A. Yes. The meeting was established on the basis of trying to get together the

17 exact payments that were made to me Shefran, Frank Dunlop, Frank Dunlop &

18 Associates in relation to Barkhill, Riga or any other entity and I went to work

19 Cork and I met Mr. O'Callaghan in the presence of, with Mr. O'Callaghan in the

12:43:38 20 presence of an accountant, I can't remember the lady's name but it was a lady.

21 And I recollect Mr. Aidan Lucey coming in to the meeting on a number of

22 occasions. I do not recollect the presence of John Deane, even though his name

23 does appear there.

24 Q. 493 Does the name Clare Cowhig ring a bell with you?

12:43:59 25 A. Yes it does.

26 Q. 494 Was that the name of the lady who attended the meeting?

27 A. Yes, I think so. Yes.

28 Q. 495 And I think that she was the auditor to Riga.

29 A. I cannot absolutely. She certainly was an accountant or an auditor to one or

12:44:14 30 all of the companies, I can't say specifically which.

- 12:44:17 1 Q. 496 Did you bring documentation to the meeting, Mr. Dunlop?
- 2 A. I ... I probably did bring -- I probably brought something with me, yes. I
- 3 can't say what it was or what type. Well my main interest was in getting from
- 4 Owen O'Callaghan and his companies an exact record of what was paid to me.
- 12:44:41 5 Q. 497 I'm sorry, Mr. Dunlop, I didn't hear that answer.
- 6 A. Sorry. I can't say if I did bring information. I can't say what it was or
- 7 what I had but certainly the purpose of the meeting as far as I was concerned
- 8 was to establish in as clear a fashion as possible, the schedule of payments by
- 9 Riga, Barkhill and Owen O'Callaghan or O'Callaghan Properties to me so that I
- 12:45:05 10 would be able to say that this was the amounts of monies that I had received.
- 11 Q. 498 You yourself had kept a series of records, they were pink coloured copies --
- 12 A. Yes.
- 13 Q. 499 -- of your invoices isn't that right?
- 14 A. Yes.
- 12:45:16 15 Q. 500 And we have seen those previously.
- 16 A. Yes.
- 17 Q. 501 So is it the position that you yourself went through your own documentation
- 18 first before you went to Mr. O'Callaghan to see what you were missing?
- 19 A. Yes. I may well have done. I can't say that I did. I may well have done.
- 12:45:32 20 And it is true that I did have some, not complete, retention of pink slips in
- 21 relation to the payments of invoices or the issuing of invoices. But in an
- 22 attempt to get as much information as I possibly could as accurate as I could
- 23 in relation to the payments.
- 24 Q. 502 Yes. You had been asked for information --
- 12:45:52 25 A. Yeah.
- 26 Q. 503 -- some time prior to this. You had received a number of reminders through
- 27 your solicitors in relation to the fact that no information had been provided,
- 28 isn't that right?
- 29 A. That's correct yes.
- 12:46:02 30 Q. 504 You would have been advised by your solicitor of your obligations to make

- 12:46:06 1 discovery, isn't that right?
- 2 A. That's correct.
- 3 Q. 505 In compliance with any order it that the Tribunal might make. And you would
- 4 have had to amass your information, isn't that right, in order to provide the
- 12:46:16 5 information. I suggest to you the first stop for any information would have
- 6 been your own files?
- 7 A. Yes.
- 8 Q. 506 And your own bank records?
- 9 A. Correct, yes.
- 12:46:23 10 Q. 507 So that you would have had to do two things. First of all have to find out
- 11 what invoices you had raised whether through Frank Dunlop & Associates or
- 12 through Shefran to Barkhill and Riga, isn't that right?
- 13 A. Correct.
- 14 Q. 508 You have to find out what you got paid on foot of those invoices and then what
- 12:46:37 15 you did with the money, isn't that right?
- 16 A. Correct.
- 17 Q. 509 Now, I suggest to you that Mr. O'Callaghan was never going to be able to help
- 18 you what you did with the money?
- 19 A. Not at all.
- 12:46:46 20 Q. 510 So that your inquiry then would have had to have been confined to establishing
- 21 what money had been paid?
- 22 A. The number of invoices, the dates of the invoices, the amounts and whether or
- 23 not they had been paid.
- 24 Q. 511 You would have had your own records?
- 12:46:59 25 A. Not complete.
- 26 Q. 512 Yes but what I am suggesting to you, Mr. Dunlop, is the first stop that would
- 27 have helped the inquiry -- that the Tribunal had made of you, would have been
- 28 your own records?
- 29 A. Absolutely.
- 12:47:07 30 Q. 513 So within your own records were there the Shefran invoices?

- 12:47:10 1 A. Not that I can recollect, no.
- 2 Q. 514 So is it the position then that when you raised the invoices in '91, '92 and
- 3 '93 to Riga and Barkhill in the name of Shefran, you yourself never kept a copy
- 4 of those invoices?
- 12:47:26 5 A. Not that I recollect.
- 6 Q. 515 Why was that, Mr. Dunlop?
- 7 A. I just didn't want to keep a record.
- 8 Q. 516 You kept a record of the Frank Dunlop & Associates invoices, isn't that right?
- 9 A. Yes I did.
- 12:47:36 10 Q. 517 So why were you distinguishing at the time you raised the invoices in the name
- 11 of Frank Dunlop & Associates?
- 12 A. Well the invoices in relation to Frank Dunlop & Associates were recorded
- 13 invoices and recorded receipts in the bookings and transactions of Frank Dunlop
- 14 & Associates and relevant VAT and taxation issues arose.
- 12:47:55 15 Q. 518 Yes. Was there any discussion at this meeting in Cork about -- sorry, can I
- 16 rephrase that. You knew going down to the meeting in Cork what you had been
- 17 asked to provide by the Tribunal.
- 18 A. Yes.
- 19 Q. 519 You also knew from the earlier letters that you had seen and which you were
- 12:48:12 20 cc'd in respect of Mr. O'Callaghan's letters and AIB's letters. You knew what
- 21 Mr. O'Callaghan and his companies had been asked to provide in connection with
- 22 your companies, isn't that right?
- 23 A. Correct, yes.
- 24 Q. 520 And Mr. O'Callaghan and his companies knew what you had been asked to provide
- 12:48:25 25 in connection their companies, isn't that right?
- 26 A. There was a mutuality, yes.
- 27 Q. 521 Knew exactly what the Tribunal was looking for, isn't that right?
- 28 A. Yes.
- 29 Q. 522 And there was no reason why you couldn't all sit around the table and discuss
- 12:48:38 30 fully what the Tribunal was looking for and what the Tribunal was going to be

- 12:48:42 1 provided with, isn't that right?
- 2 A. Well we did sit around a table and we did say the genesis of the meeting as I
- 3 recollect it, was by me. I was looking for an exact list, an accurate list as
- 4 complete as possible, of payments made to me in various guises Frank Dunlop,
- 12:49:00 5 Frank Dunlop & Associates and Shefran from Riga or Barkhill or Owen O'Callaghan
- 6 or O'Callaghan Properties and that was, that was the as I recollect matters
- 7 that that was the whole tone of the meeting.
- 8 Q. 523 Yes.
- 9 A. With various parties, the lady you have mentioned whose name I have forgotten
- 12:49:25 10 again.
- 11 Q. 524 Clare Cowhig.
- 12 A. Clare Cowhig and Mr. O'Callaghan and others, like I think Mr. Lucey
- 13 highlighting various payments from records or books of Owen O'Callaghan or Riga
- 14 or Barkhill I cannot say specifically which, but assisting in outlining what
- 12:49:44 15 payments were made when and in what amounts.
- 16 Q. 525 Yes. And by this stage you have not provided any information to the Tribunal,
- 17 isn't that right?
- 18 A. Correct, yes.
- 19 Q. 526 So therefore in your discussions with Mr. O'Callaghan you are working and with
- 12:49:58 20 Mr. Lucey and Ms. Cowhig you are working with a clean sheet because you haven't
- 21 committed yourself to anything, isn't that right, with the Tribunal?
- 22 A. That's correct.
- 23 Q. 527 So that what you are going to amass whatever information can be amassed from
- 24 the meeting in Cork and then you are going to decide what information is going
- 12:50:15 25 to be provided to the Tribunal, isn't that right?
- 26 A. On the basis of whatever accurate information I have in relation to receipts of
- 27 payments, yes.
- 28 Q. 528 This meeting if I understand you correctly, is on your side attended only by
- 29 you?
- 12:50:28 30 A. Oh I'm the only person there from my side, yes.

- 12:50:28 1 Q. 529 You didn't bring your bookkeeper from Frank Dunlop & Associates with you?
- 2 A. No.
- 3 Q. 530 Nor indeed any representative from your solicitors office, isn't that right?
- 4 A. No.
- 12:50:36 5 Q. 531 So for the purpose of amassing documentation for complying with the discovery
6 orders of the Tribunal you went alone to Cork to see what documentation could
7 be provided to you by Mr. O'Callaghan and his companies?
- 8 A. Yes I did.
- 9 Q. 532 And in advance of going to Cork did you write for example to Mr. O'Callaghan
10 and in order to assist Ms. Cowhig or Mr. Lucey and say look this is what the
11 Tribunal is looking for. This is the information that I need, these are the
12 categories of documents, what can you do to assist?
- 13 A. No, I don't believe I -- no, I don't believe I wrote. No, I don't recollect
14 writing a letter, I think the meeting was organised verbally or by telephone.
12:51:18 15 No, I don't recollect I wrote a letter.
- 16 Q. 533 Yes?
- 17 A. And I think both parties were aware of what was required and what I wanted,
18 what I required was a list of payments made to me by Mr. O'Callaghan's
19 companies over a relevant period.
- 12:51:34 20 Q. 534 But you are doing this without the benefit of your solicitors, if I understand
21 you correctly?
- 22 A. Correct, yes.
- 23 Q. 535 And without such, if there was such correspondence indicating what was in it.
24 Do you believe that there was any correspondence that predated this meeting
12:51:49 25 emanating from your solicitors saying 'my client would be obliged for copies of
26 any of the following categories of documents'?
- 27 A. Yes, I cannot absolutely attest to that. There may well have been normal, on
28 foot of requests for information in relation to payments to me by named
29 parties, that those nominated parties would have been contacted by my
12:52:13 30 solicitor. Yes, I cannot say to you what dates but certainly I do recollect

- 12:52:17 1 that there was such correspondence.
- 2 Q. 536 Do you believe that prior to you going to Cork on the 9th of March 1999 your
3 solicitors had written asking for specific categories of documents or copies of
4 documentation so as to comply with the order that, comply with the Tribunal's
12:52:34 5 request?
- 6 A. Yes they may well have done but I can't say here and now today they may have
7 done but I can't say definitely definitively now but it would surprise me if
8 there wasn't.
- 9 Q. 537 At this time would it be fair to say that there was a duality or commonality of
12:52:51 10 interests between yourself and Mr. O'Callaghan in that the focus of the
11 Tribunal's requests for -- are you all right Mr. Dunlop?
- 12 A. Yes sorry.
- 13 Q. 538 In that there was the focus of the Tribunal's requests for information related
14 to substantially similar or connected documentation?
- 12:53:06 15 A. Yes, in relation to invoices specifically.
- 16 Q. 539 There would have been some matters that were peculiar to Mr. O'Callaghan's
17 company that wouldn't relate to you is that correct?
- 18 A. Correct.
- 19 Q. 540 And there would have been some matters passing to Allied Irish Bank and Riga or
12:53:19 20 Allied Irish Bank and Barkhill that wouldn't connect to you?
- 21 A. Yes.
- 22 Q. 541 But insofar as there was an inter relationship between Barkhill Riga and you,
23 those documents would be common to both isn't that right?
- 24 A. Correct.
- 12:53:30 25 Q. 542 Right. And insofar as you were seeking to provide information to the Tribunal
26 you didn't have available to you any of the Shefran invoices?
- 27 A. Correct.
- 28 Q. 543 So you would have been aware that there was a gap in the information that you
29 had to provide?
- 12:53:41 30 A. Correct.

- 12:53:41 1 Q. 544 So you went to Mr. O'Callaghan to see could they provide it from their sources?
- 2 A. Yes.
- 3 Q. 545 Now, apart from that gap, what other documentation were you missing?
- 4 A. Oh, I think the documentation in relation to Frank Dunlop & Associates to a
- 12:54:09 5 large extent was complete. I don't think ... I don't think there was a great
- 6 deal missing from it. I didn't have the Shefran payments in any guise, either
- 7 from Riga or Barkhill. And I think there was some confusion about earlier
- 8 payments, I'm not absolutely certain, Ms. Dillon. But I do know for one the
- 9 issue in relation to payments in to Shefran by either Riga or Barkhill were not
- 12:54:52 10 in my possession, I did not have copies of the invoices. The payments into
- 11 Frank Dunlop & Associates were, I don't think they were complete but I think
- 12 they were, there was extensive documentation available.
- 13 Q. 546 You had within your own files, Mr. Dunlop, copies of nearly all of the invoices
- 14 Frank Dunlop & Associates had issued?
- 12:55:12 15 A. Yes.
- 16 Q. 547 And you had lodged, as we have seen, the receipt of those monies to the
- 17 accounts of Frank Dunlop & Associates?
- 18 A. Correct.
- 19 Q. 548 The majority of those financial transactions were complete, from your own side
- 12:55:24 20 isn't that right?
- 21 A. Yes.
- 22 Q. 549 And you, with the greatest of respect to you, would not have needed the
- 23 assistance of Ms. Cowhig, Mr. Lucey or Mr. O'Callaghan to compile that
- 24 documentation for the purpose of complying with the Tribunal's request?
- 12:55:37 25 A. Yes, in the main in relation to Frank Dunlop & Associates yes as I have said,
- 26 almost complete yes.
- 27 Q. 550 Now what you were missing if your evidence is correct Mr. Dunlop were six
- 28 invoices in relation to Shefran totalling 175,000 Pounds?
- 29 A. I did not have copies of those.
- 12:55:52 30 Q. 551 Did you have copies of the invoice for 75,000 Pounds raised by you and paid in

- 12:55:58 1 November 1992?
- 2 A. No, I may well not have done.
- 3 Q. 552 And did you have a copy of the second invoice for 25,000 Pounds paid in
- 4 September 1993?
- 12:56:07 5 A. Yeah, I may well not have done.
- 6 Q. 553 All right. So you had -- you were missing a total of eight invoices is that
- 7 right?
- 8 A. Yes.
- 9 Q. 554 Yes. Now how long did it take you after you got to Cork to get copies of those
- 12:56:18 10 eight invoices?
- 11 A. Oh, well I can't say it took very long. I can't say how long it took but I
- 12 mean, obviously, Mr. O'Callaghan or Mr. O'Callaghan's records had the copies of
- 13 the Shefran invoices.
- 14 Q. 555 But you didn't. So what you were missing, Mr. Dunlop, in your effort to
- 12:56:44 15 provide the information to the Tribunal were six Shefran invoices totalling
- 16 175,000 Pounds and two other invoices totalling 95,000 Pounds?
- 17 A. Yes.
- 18 Q. 556 And if that was the extent of the documentation you were missing why didn't you
- 19 write a letter through your visitors asking Mr. O'Callaghan that to provide you
- 12:57:01 20 with companies of any invoices you'd issued in the name of Shefran?
- 21 A. Yes. There is a certain, however one likes to describe it, a certain logic to
- 22 that, why didn't I write him a letter and ask him for that. I think in a
- 23 conversation that I had Mr. O'Callaghan Mr. O'Callaghan said come down and
- 24 we'll go through the whole list and that was the genesis of the meeting. I
- 12:57:24 25 can't specifically say why I didn't write a letter to him looking for this.
- 26 Q. 557 Yes. All you were missing if I understand your evidence correctly Mr. Dunlop
- 27 were the Shefran invoices and two other payments?
- 28 A. Yes. And maybe some incomplete records in relation to Frank Dunlop &
- 29 Associates but that was minimal.
- 12:57:39 30 Q. 558 Yes. And you would have known, obviously, there is no point going to this

- 12:57:43 1 meeting in Cork unless you know what it is that you need to bring home out of
2 it isn't that right?
- 3 A. Yes I went to the meeting in Cork with the objective of getting a complete
4 schedule of payments by Mr. O'Callaghan, in whatever guise, to me, in whatever
12:58:03 5 guise, as it turned out over a lengthy period up to 1998 well I think it was I
6 can't remember 1999 or certainly up to 1998.
- 7 Q. 559 Yes and was it the position that you were going to accept this schedule that
8 was provided to you by Mr. O'Callaghan or Mr. O'Callaghan's accountant?
- 9 A. Was I going to accept it?
- 12:58:18 10 Q. 560 Yes?
- 11 A. Well I mean if the documentary evidence was there to prove it, yes.
- 12 Q. 561 You knew?
- 13 A. Yes.
- 14 Q. 562 That the only items you were missing were the Shefran payments and possibly two
12:58:31 15 other payments to raised in the name of Frank Dunlop & Associates?
- 16 A. Yes.
- 17 Q. 563 You don't in any way have any correspondence or anything predating this meeting
18 in Cork in relation to those invoices isn't that right?
- 19 A. No, there is no, I do not recollect any written request on my part or on my
12:58:51 20 legal advisors' part asking for this information no.
- 21 Q. 564 Right. But you must have known Mr. Dunlop that the gap in the discovery you
22 were going to have to make to the Tribunal was the lack of documentation in
23 relation to the invoices?
- 24 A. Oh, yes, I knew there was a gap, absolutely yes.
- 12:59:06 25 Q. 565 And also you would need the invoices and the date of the invoices and the date
26 of payment to track those funds, isn't that right, through your bank accounts?
- 27 A. Yes.
- 28 Q. 566 Because without those invoices, I suggest to you Mr. Dunlop, you would not be
29 in a position to identify what you done with the money?
- 12:59:22 30 A. Well certainly without those invoices I would not be able to say categorically

12:59:27 1 that I had received this money. Where it had gone, if that was traceable, by
2 lodging or otherwise or cashing or otherwise, as events turned out that's what
3 happened, some was lodged, some was cashed.

4 Q. 567 And I think that in or around this time in March of 1999 you made an
12:59:45 5 application to the bank for a loan to make an investment into a technology
6 company, isn't that right?

7 A. That's correct yes.

8 Q. 568 And I think you did so at 13475. And this is a record of what Mr. Rory Gleeson
9 I think it is, Manager, made of in connection and I think with an application
13:00:07 10 you made, isn't that right, to the bank?

11 A. Yeah.

12 Q. 569 And I just want to draw to your attention a number of matters that are set out
13 there.
14

13:00:15 15 It says: "Frank Dunlop has advised us". This is about the Flood Tribunal "The
16 majority shareholder Mr. Frank Dunlop and as you may be aware has been linked
17 to the developer Owen O'Callaghan whom he has acted for and has as a result of
18 this and other public relations work been asked by Justice Flood to partake of
19 Tribunal of Inquiry. Frank Dunlop has advised he has no reservations in this
13:00:37 20 regard and will be cooperating fully with the Flood Tribunal".
21
22 Well was that correct?

23 A. Well not as it turned out no.

24 Q. 570 "He advised that any monies he received in payment for his professional
13:00:48 25 services have been lodged to his accounts and declared for tax purposes" was
26 that correct?

27 A. Not totally no.

28 Q. 571 "And he advised that he has made numerous donations to both political parties
29 and politicians over the years and while large in number no individual amount
13:01:02 30 or indeed one beneficiary were significant" was that correct?

- 13:01:06 1 A. That is not correct no.
- 2 Q. 572 "He has records of these payments which he advises will be disclosed to the
- 3 Tribunal" was that correct?
- 4 A. No.
- 13:01:13 5 Q. 573 "And he believes that there will not be need for undue concern for the
- 6 individuals involved" was that correct?
- 7 A. That certainly wasn't correct.
- 8 Q. 574 Well would it be fair to describe that the information that you provide to the
- 9 bank on the 26th of March 1999 was not correct, Mr. Dunlop?
- 13:01:28 10 A. No, it wasn't correct.
- 11 Q. 575 And in fact, what the approach you had taken to the Tribunal was not to provide
- 12 the information to the Tribunal had sought, isn't that right?
- 13 A. In relation to payments to politicians other than legitimate political
- 14 contributions, yes.
- 13:01:46 15 Q. 576 Yes. But you were going to provide the information in relation to the payments
- 16 to Shefran?
- 17 A. Yes.
- 18 Q. 577 Because Mr. O'Callaghan had the other side of each of those transactions and he
- 19 himself through his companies were subject matter of an order from the Tribunal
- 13:01:58 20 also isn't that right?
- 21 A. Well that's the reality.
- 22 Q. 578 Isn't that the reality?
- 23 A. That's the reality but what I needed was a record of the payment to me in the
- 24 capacity as Shefran of payments from Mr. O'Callaghan either from Riga or from
- 13:02:13 25 Barkhill. I needed those invoices.
- 26 Q. 579 Yes but you knew that Mr. O'Callaghan, through the requests that had been made,
- 27 of which you were know on notice was being asked to provide similar information
- 28 isn't that right?
- 29 A. Oh, yes I did.
- 13:02:25 30 Q. 580 And you knew that Mr. O'Callaghan was going to be providing the Tribunal with

13:02:28 1 the information that the Tribunal had sought from it in connection with
2 Shefran?

3 A. Well sorry. Park that, I was not aware of what Mr. O'Callaghan was or was ever
4 going to give to the Tribunal in relation to the requests made to him. I was
13:02:42 5 in this format trying to establish what the payments that were made to me from
6 Mr. O'Callaghan were. What Mr. O'Callaghan was going to tell the Tribunal,
7 that was a matter for him.

8 Q. 581 You knew that he had been asked for the same information?

9 A. I knew that he was a notice party in relation to a lot of the documentation
13:02:58 10 that had been given to me.

11 Q. 582 Because you yourself were a notice party to the application that the Tribunal
12 had made to Mr. O'Callaghan?

13 A. Correct.

14 Q. 583 So you knew what the Tribunal had asked Mr. O'Callaghan for?

13:03:08 15 A. Of course I did.

16 Q. 584 And you knew that included the Shefran payments?

17 A. Yes.

18 Q. 585 And you knew from whatever examination you had conducted of your own records
19 that you had no paper on the Shefran payments?

13:03:21 20 A. That's correct, yeah.

21 Q. 586 And you went to Cork to find what paper Mr. O'Callaghan had, isn't that right?

22 A. Mr. O'Callaghan invited me down.

23 Q. 587 Right. And that took all afternoon on the 9th of March 1999?

24 A. Well I can't tell you how long it took. I flew down and I flew back but I'm
13:03:37 25 sure that's a matter of record so it can be checked what times the flights
26 were. I can't tell you how long it took but certainly I was in a room with Mr.
27 O'Callaghan, Ms. Clare Cowhig and one or two other people entering.

28 Q. 588 Yes. And in your diary Mr. Dunlop you have noted in the part that is scribbled
29 over at 13451 but which can be read that this is a general meeting, you see
13:04:06 30 that "OOC general meeting"?

13:04:08 1 A. Yes, yes, yes.
2 Q. 589 All right. So what else was being discussed other than the Shefran payments?
3 A. I can't recollect anything discussed other than a list of the payments made to
4 me by Owen O'Callaghan or his associated companies and the very fact that there
13:04:26 5 were other people present indicated that that was an effort to establish as
6 accurately as we possibly could what payments had been made.
7

8 CHAIRMAN: Ms. Dillon, it's just one o'clock.
9

13:04:37 10 MS. DILLON: Yes, Sir.
11

12 CHAIRMAN: Mr. Dunlop will be back, I think, on Monday.
13

14 MS. DILLON: At two o'clock.

13:04:43 15 A. Oh, God.
16

17 CHAIRMAN: And we have another witness at two o'clock today.
18

19 MS. DILLON: Two o'clock today. May it please you.

13:04:49 20 A. Thanks, Sir.
21
22

23 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH.**
24
25
26
27
28
29
30

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

13:05:36 1

2

3

MS. DILLON: Good afternoon, Sir. Mr. Joe Walsh, please.

4

14:07:51 5

MR. MILLAR: Good afternoon, Sir. Hugh Millar from Crowley Millar. Applying for limited representation on behalf of Mr. Walsh.

6

7

8

CHAIRMAN: Certainly.

9

14:08:00 10

MR. MILLAR: I'm obliged.

11

12

MR. JOE WALSH, HAVING BEEN SWORN, WAS QUESTIONED BY

13

MS. DILLON AS FOLLOWS:

14

14:08:20 15

CHAIRMAN: Good afternoon, Mr. Walsh.

16

A. Good afternoon.

17

18

Q. 590 MS. DILLON: Good afternoon, Mr. Walsh.

19

In 1994 you were Minister for Agriculture in a Fianna Fail led government, isn't that right?

14:08:34 20

21

A. That's correct.

22

Q. 591 And I think that in March of 1994, you are recorded or recollected by other

23

witnesses as having attended a dinner in the house of Mr. Niall Welsh in Cork?

24

A. That is correct.

14:08:46 25

Q. 592 Do you remember attending the dinner in the first place?

26

A. Yes.

27

Q. 593 Right. And can you just outline first of all to the Tribunal the purpose of the dinner?

28

29

A. Well my understanding of the dinner or the purpose of it was Fianna Fail and

14:09:03 30

Fianna Fail party had, I think lost a lot of ground in Cork, in Cork city in

14:09:11 1 particular since the demise of Jack Lynch and there was an effort made to try
2 and you know restore the state of the party and to recover some ground there
3 and this dinner was one of the, I suppose efforts made to try and bolster up
4 the position of the party in the City of Cork.

14:09:37 5 Q. 594 Was there any fundraising element to the dinner that you can recollect?

6 A. Well I can't recollect it at all. My position was I was invited to the dinner
7 because I was Minister for agriculture and I was the only Minister in Cork City
8 or county at that particular time. And I was invited there, I assume, to give
9 a bit of status to the occasion and I was completely and totally unaware of any
14:10:11 10 fundraising element to that particular occasion.

11 Q. 595 Do you recollect that Mr. Albert Reynolds attended the dinner?

12 A. Yes.

13 Q. 596 Right. And do you remember or were you present when Mr. Reynolds may have
14 spoken a few words?

14:10:24 15 A. My recollection of the dinner was that it was very informal and there was
16 general I suppose banter that you have at occasions like this. But I remember
17 Mr. Reynolds certainly spoke and spoke about the general economy and again at
18 that time it was I suppose a good time for the economy in that the economic
19 drive and the Celtic Tiger was getting into full swing. So there was a good
14:10:59 20 story to tell in relation to economic development.

21 Q. 597 Do you recollect who else was at the dinner?

22 A. Well to tell you the truth, I don't recollect in any great detail but since
23 then of course there has been, you know, media comment and there has, you know,
24 been a fair amount of publicity about the various people that were there so
14:11:25 25 that would have you know jogged my memory in relation to a number of the people
26 who were there. But I remember there would have been 10 to 12 or maybe 14
27 people there in total.

28 Q. 598 Do you remember a Mr. Mitchel Barry being present?

29 A. I don't in fact, no.

14:11:38 30 Q. 599 Would you have known Mr. Barry?

14:11:40 1 A. I would.

2 Q. 600 Do you remember Mr. Joe Donnelly being present?

3 A. I don't but I now know that he was there because I saw some commentary about

4 that.

14:11:49 5 Q. 601 Yes and Mr. Joe Dowling?

6 A. Yes.

7 Q. 602 Do you remember him being there?

8 A. Yes.

9 Q. 603 Mr. Noel C Duggan?

14:11:55 10 A. Actually I don't remember Noel C being there. And Mr. Duggan is well known in

11 the general Cork area but it had, I don't actually remember that.

12 Q. 604 Mr. John Flemming, do you remember him?

13 A. Yes.

14 Q. 605 And Mr. William Grainger?

14:12:10 15 A. I'm sure he was there but I don't at this remove remember that.

16 Q. 606 Mr. Joe Kelly?

17 A. Yes.

18 Q. 607 Do you remember him being there?

19 A. Yes.

14:12:23 20 Q. 608 Right. Mr. John McCarthy.

21 A. No, I don't.

22 Q. 609 Mr. Edward McNamara.

23 A. No.

24 Q. 610 Mr. Owen O'Callaghan.

14:12:34 25 A. Yes.

26 Q. 611 And Mr. Edward O'Connell?

27 A. Yes.

28 Q. 612 Mr. Michael O'Flynn.

29 A. No.

14:12:39 30 Q. 613 And Mr. David Runayne.

14:12:42 1 A. No.

2 Q. 614 Right and Mr. Niall Welsh himself.

3 A. Oh yes.

4 Q. 615 And Mr. Colm O'Connail.

14:12:49 5 A. No.

6 Q. 616 Right. Do you remember Mr. Des Richardson being there?

7 A. I actually don't.

8 Q. 617 Right. Do you remember Mr. Roy Donovan being there?

9 A. I don't no.

14:12:56 10 Q. 618 Do you remember Mr. Pat Farrell being there?

11 A. Yes. I think he was there, yes.

12 Q. 619 Right. It would appear from the evidence that has been given to the Tribunal

13 that Mr. Richardson was at that stage a senior fundraiser with Fianna Fail and

14 was there in that capacity. Do you know Mr. Richardson?

14:13:16 15 A. Yes.

16 Q. 620 And would you have known that at that time in 1994, he was a fundraiser for

17 Fianna Fail?

18 A. I'm sure I would but the facts of the matter are that I know of Mr. Richardson

19 but I don't know that much about him and I never had any one to one contact

14:13:35 20 with him because he was in Dublin. As I said, I was Minister for Agriculture

21 and my remit in all of my time, I was never in any other ministry other than

22 agriculture, I was dealing with farming and farming organisations and co-ops

23 and stuff like that.

24 Q. 621 But you would have been aware that Mr. Richardson's function within Fianna Fail

14:13:56 25 was as a fundraiser?

26 A. Yes.

27 Q. 622 And you would have known Mr. Roy Donovan I will suggest.

28 A. I would have, again not terribly well.

29 Q. 623 And Mr. Donovan's function within Fianna Fail was as a fundraiser, is that

14:14:06 30 right?

- 14:14:07 1 A. Yes.
- 2 Q. 624 And Mr. Pat Farrell was they were general secretary of Fianna Fail, isn't that
3 right?
- 4 A. That's correct, yes.
- 14:14:12 5 Q. 625 And would the presence of those three gentlemen at that dinner have indicated
6 to you that there was probably more to the dinner Mr. Walsh than Mr. Reynolds
7 discussing the economy with the people who were gathered at the dinner?
- 8 A. Well I don't know, as I said my understanding of the dinner was to raise the
9 profile and give a bit of a fill-up to the party in Cork because it had gone
10 into serious decline from the time of Jack Lynch and there was every effort
11 being made to restore its fortune there.
- 12 Q. 626 Yes. It appears from the evidence that has been offered to the Tribunal and I
13 think primarily furnished to the Tribunal through Bank of Ireland in relation
14 to two lodgements the following Monday a that a sum of 50,000 pounds was raised
15 at that meal in Cork and you will have seen that in the documentation with
16 which you have been furnished, Mr. Walsh, isn't that right?
- 14:15:01 17 A. That's correct.
- 18 Q. 627 Right. And you will have seen also that when the Tribunal wrote to Fianna Fail
19 asking for a breakdown in relation to the documentation, that Fianna Fail
20 weren't able to provide any information but that Bank of Ireland were able to
14:15:18 21 provide the breakdown of the two lodgements you'll have seen that in the
22 documentation, isn't that right?
- 23 A. Yes.
- 24 Q. 628 And it is from the breakdown of the two lodgements of 25,000 pounds each that
14:15:33 25 the information it is clear that 50,000 pounds was lodged on the Monday
26 following, isn't that right?
- 27 A. Yes.
- 28 Q. 629 And I think you would have to accept, Mr. Walsh, from the documentation that
29 you have been supplied that a sum of at least 50,000 pounds was collected in
14:15:49 30 Cork at that dinner and subsequently lodged on the following Monday to the

- 14:15:52 1 account of Fianna Fail, isn't that right?
- 2 A. Yes.
- 3 Q. 630 Now, you were at that dinner, isn't that right?
- 4 A. That is correct.
- 14:16:05 5 Q. 631 Did you see any sign or evidence whatsoever of funds being collected?
- 6 A. None whatsoever.
- 7 Q. 632 Was it a surprise to you, Mr. Walsh, when you got the documentation from the
- 8 Tribunal that at this dinner at which you were present that a sum of 50,000
- 9 pounds had been collected from a variety of people at the dinner but that you
- 10 yourself had no recollection or memory of any such funds being collected?
- 11 A. Well it certainly was, yes.
- 12 Q. 633 Right. Looking back on it now and with the benefit of the documentation with
- 13 you which you've been furnished from the Tribunal. In view of the fact that
- 14 present at that dinner were Mr. Des Richardson and Mr. Roy Donovan who both had
- 14:16:40 15 fundraising functions within Fianna Fail and Mr. Pat Farrell who was general
- 16 secretary of Fianna Fail, together with a lodgement of 50,000 pounds the
- 17 following Monday, do you accept that the purpose of the dinner was in fact a
- 18 fundraising purpose?
- 19 A. Oh, that is clear now, yes.
- 14:16:55 20 Q. 634 Yes. And is there any reason why that might have been kept secret from you,
- 21 Mr. Walsh, prior to your attendance or during your attendance at the dinner on
- 22 the 11th of March '94?
- 23 A. Well I suppose there is a general protocol that Ministers aren't pulled
- 24 directly into fundraising matters and I would assume that that was the reason.
- 14:17:20 25 Q. 635 Yes. The Tribunal was told by Mr. Donovan in his evidence that according to
- 26 his knowledge of the receipt keeping within Fianna Fail that receipts are meant
- 27 to issue to everybody who makes a donation. Would you agree with that?
- 28 A. I'm sure yes.
- 29 Q. 636 And --
- 14:17:37 30 A. In fact I don't know anything about the detail of that but that sounds

- 14:17:41 1 reasonable to me.
- 2 Q. 637 Yes. And it was its policy within Fianna Fail and Mr. Farrell also agreed that
- 3 individual donors would be furnished with receipts from Fianna Fail. And that
- 4 in the normal course of events that is what happens, isn't that right?
- 14:17:55 5 A. Yes.
- 6 Q. 638 Now, in this particular case, Mr. Walsh, what in fact happened was that the
- 7 receipts that issued were general receipts in the sum of 25,000 pounds each and
- 8 no individual receipt issued to any donor who had made an individual
- 9 contribution. And you will have seen that in the documentation, isn't that
- 14:18:19 10 right?
- 11 A. Yes.
- 12 Q. 639 And can you offer the Tribunal any assistance as to why on this occasion no
- 13 individual receipts appear to have issued in respect of the funds collected?
- 14 A. No I'm afraid I can't.
- 14:18:33 15 Q. 640 Would you describe that as unusual from your knowledge of Fianna Fail and the
- 16 receipt keeping function within Fianna Fail?
- 17 A. I have no knowledge of that whatsoever. I was never involved in the
- 18 organisation itself at all, so I don't know the first thing about the detail of
- 19 that.
- 14:18:49 20 Q. 641 Yes. But would you agree with Mr. Donovan and indeed with Mr. Pat Farrell then
- 21 general secretary that it was the policy of Fianna Fail to issue individual
- 22 receipts?
- 23 A. I simply don't know I'm terribly sorry I wasn't involved high up or low down in
- 24 the you know ...
- 14:19:08 25 Q. 642 Yes.
- 26 A. -- treasury matters of the organisation.
- 27 Q. 643 Let me pre reduce it to a more local level?
- 28 A. Yes.
- 29 Q. 644 You would have extensive experience of fundraising, Mr. Walsh, for your own
- 14:19:18 30 purposes in your own political career, isn't that right?

- 14:19:22 1 A. Yes.
- 2 Q. 645 In common with all politicians, you'd have run fundraiser and you'd have raised
3 money by golf classics or dinners and whatever, isn't that right? Now, was it
4 your practice always to keep a record of the people who had made an individual
14:19:35 5 donation to you, isn't that right?
- 6 A. Yes.
- 7 Q. 646 And you would do so I suggest for two reasons one you would want to thank them
8 for supporting you and the second is you'd want to maybe go to that person
9 again in the future should the need arise?
- 14:19:47 10 A. Well that would seem to be logical absolutely, yes.
- 11 Q. 647 Isn't that right? I would suggest taking that on to a national scale and in
12 line with the evidence that has been offered to the Tribunal by Mr. Donovan and
13 Mr. Farrell, that Fianna Fail operated a similar system of issuing receipts to
14 thank the people who had provided money and for two purposes; one to thank them
14:20:06 15 and the second to have their information available should the need arise again,
16 isn't that right?
- 17 A. Yes.
- 18 Q. 648 Yes. And do you think that it is strange that on this occasion when such a
19 significant sum was raised at a dinner party, a sum of 50,000 pounds in 1994,
14:20:21 20 that no individual receipts issued to the people who had contributed together
21 to make up the sum of 50,000 pounds?
- 22 A. I honestly don't know because as I said I hadn't any role good, bad or
23 indifferent in that area of activity.
- 24 Q. 649 Do you remember there being any sign of envelopes being left lying around the
14:20:43 25 table?
- 26 A. None whatsoever.
- 27 Q. 650 And is it your recollection of the dinner that until you got the documentation
28 from the Tribunal you were not aware of the fact that this in fact was a
29 fundraising dinner?
- 14:20:56 30 A. Well I was surprised full stop to get documentation off this body at all. So I

- 14:21:02 1 was surprised, yeah.
- 2 Q. 651 But the question was, were you surprised when you got the documentation from
- 3 the Tribunal --
- 4 A. Yes.
- 14:21:07 5 Q. 652 -- to discover that it was a fundraising dinner?
- 6 A. Yes.
- 7 Q. 653 And can I ask you, Mr. Walsh, a sum of 50,000 pounds would that be regarded as
- 8 a significant contribution in 1994?
- 9 A. Oh, I'm sure it would have been.
- 14:21:18 10 Q. 654 So that it would be quite an unusual event or quite a coo for somebody to have
- 11 raised 50,000 pounds from as an event such as you have described a dinner like
- 12 this in Cork, wouldn't it?
- 13 A. I'm sure it would, yes.
- 14 Q. 655 And indeed the presence of Mr. Richardson, the presence of Mr. Donovan and the
- 15 presence of Mr. Farrell as the general secretary at it, gives some indication
- 16 of the level of the dinner, isn't that right?
- 17 A. Yes.
- 18 Q. 656 Isn't that right? So it was quite a serious matter from Fianna Fail's point of
- 19 view, isn't that right?
- 14:21:46 20 A. Yes.
- 21 Q. 657 Isn't that one of the reasons why you were asked to go because you were the
- 22 Minister for Agriculture and you were bringing your prestige to the events,
- 23 isn't that right?
- 24 A. Yes.
- 14:21:54 25 Q. 658 But there wouldn't have been any reason for any of those Fianna Fail officers
- 26 not to have told you that it was in fact a fundraising dinner?
- 27 A. No.
- 28 Q. 659 All right. Thank you very much, Mr. Walsh. If you would answer any other
- 29 questions?
- 14:22:05 30 A. Thank you very much.

14:22:06 1 **THE WITNESS WAS QUESTIONED BY MR. MILLAR AS FOLLOWS:**

2

3 Q. 660 MR. MILLAR: Just very briefly, Mr. Walsh, a clarification. The question of

4 your recollection of fundraising at the dinner, I think your evidence is and

14:22:11 5 correct me if I'm wrong, your evidence is that you did not see any fundraising

6 at the dinner?

7 A. None what so ever.

8 Q. 661 And also, just to move on from that. If it was the case that there had been

9 fundraising at the dinner, I think that you would recall that?

14:22:22 10 A. I certainly would yes, absolutely.

11 Q. 662 Thank you very much.

12

13 CHAIRMAN: Thank you very much, Mr. Walsh.

14 A. Thank you.

14:22:27 15

16 **THE WITNESS THEN WITHDREW.**

17

18 MS. CONNELL: Chairman, I propose to deal with the evidence of the late Cyril

19 Gallagher.

14:22:36 20

21 Mr. Gallagher died the 20th of March 2000, and prior to his death he answered a

22 questionnaire dated 28th of March 1998, and attended for interview at the

23 Tribunal on the 15th of March 1999. In addition the Tribunal sought a

24 statement in relation to Quarryvale by letter dated the 20th of December 1999,

14:22:54 25 and at 2100 of the brief Mr. Gallagher responds by letter dated the 31st of

26 January 2000 at 2102.

27

28 If I could refer you to page 2100. On the third paragraph.

29

14:23:10 30 "The Sole Member would appreciate if you could provide your statement to the

14:23:14 1 Tribunal by the 31st of January 2000. And if you would deal specifically in
2 your statement with the following matters.
3
4 A. Whether you attended any public meetings in connection with the rezoning of
14:23:26 5 Quarryvale and if so, the nature date and venue of such meetings, identity of
6 the organisers and whether you addressed the meeting.
7
8 B. Whether you attended any private meetings with any party or parties in
9 connection with the rezoning of Quarryvale and if so the nature, purpose, dates
14:23:42 10 and venues of such meetings and the identity of the persons attending.
11
12 C. Whether you were requested by any party to provide any assistance in
13 connection with proposal to rezone Quarryvale and if so whether you provided
14 such assistance and the nature and extent of such assistance.
14:23:58 15
16 D. Whether you were lobbied in connection with the rezoning of Quarryvale and
17 if so in what manner when and by whom.
18
19 E. Whether you were requested to or did solicit the support of any other
14:24:09 20 members of Dublin County Council for the rezoning of Quarryvale.
21
22 F. Whether you were at any time for any purpose in receipt of any payment,
23 donation or benefits, including any form of gift, assistance, service,
24 facility, entertainment or any other benefit of a non-monetary nature from any
14:24:25 25 parties who were involved in the development of the Quarryvale Shopping Centre
26 or from any person or companies acting object behalf of the developers."
27
28 Mr. Gallagher responded by letter dated 31st of January 2000, at page 2102.
29
14:24:41 30 "I refer to your letter dated the 20th of December last. My answers to your

14:24:50 1 queries A to F is no in all cases.

2

3 I should however perhaps, slightly qualify the foregoing by saying that over
4 the years my vote for or against a given proposition were frequently canvassed.

14:25:04 5 I was likewise lobbied on many occasions in regard to many different issues and
6 received invitations to various functions for various purposes.

7

8 I have no recollection what ever of ever having attended any function or event
9 relating to the rezoning of Quarryvale and certainly never attended any such

14:25:21 10 function or received any payment, donation, benefit or otherwise.

11

12 Yours faithfully, Cyril Gallagher."

13

14 In relation to the current module, Mr. Dunlop on day 771 on the 9th of October
14:25:33 15 2007, has given evidence that he met Mr. Gallagher on the 30th of March 1991,

16 at Mr. Dunlop's office on Mount Street and it was there that they had a
17 discussion about Quarryvale and that Mr. Dunlop agreed to pay Mr. Gallagher a

18 contribution towards his election expenses. Mr. Dunlop gave evidence that on a
19 later date he paid Mr. Gallagher 1,000 pounds in cash in the context of support

14:25:58 20 and future support that Mr. Dunlop was going to acquire from him.

21

22 Mr. Dunlop confirmed that this payment was political contribution for

23 Mr. Gallagher and that no improper request was made.

24

14:26:11 25 If I could just refer in relation to Mr. Gallagher's voting record. The
26 Tribunal has assembled a document based on records from the Dublin County

27 Council which summarises Mr. Gallagher's position in relation to Quarryvale.

28 This can be found at 17001.

29

14:26:28 30 If I could just refer you to it. And it outlines that Mr. Gallagher was

14:26:36 1 present on a special meeting of the Dublin County Council on the 16th of May
2 1991, and voted for the motion at page 928. And at 932, the motion was passed.
3
4 On the 17th of December 1992, Mr. Gallagher voted in favour of Quarryvale in
14:26:55 5 that he voted. If I could refer you to 17006.
6
7 Amendment to motion 10.1.I to restrict retail shopping on the Quarryvale site
8 to 250,000 square feet. The amendment motion was passed, 39 councillors voted
9 for the proposed amendment, 28 voted against it and two councillors abstained
10 from voting. Councillor Gallagher voted in favour of the motion.
11
12 And again the amendment to motion 10.1, to recruit the manager's recommendation
13 that lands at Neilstown be zoned D, with the specific objective to encourage
14 the development of specialised commercial, recreational, industrial,
14:27:36 15 residential uses in the area. The amendment motion was passed. 39 councillors
16 voted for the proposed amendment, 28 voted against it and two councillors
17 abstained from voting. Councillor Gallagher voted in favour of the motion.
18
19 On the 4th of June 1993, Mr. Gallagher was present at the special meeting and
14:27:57 20 voted in favour to amend the written statement. Mr. Gallagher was present at
21 the special meeting held on the 19th of October 1993, and confirmed the
22 amendment to map 16.
23
24 And finally, Mr. Gallagher was present on the 10th of December 1993, to adopt
14:28:13 25 the plan and voted in favour of this.
26
27 Although there are no allegations made against Mr. Gallagher. Mr. Dunlop has
28 stated that he gave 1,000 pounds in cash to Mr. Gallagher for a political
29 contribution which Mr. Gallagher failed to refer to in his statement to the
14:28:28 30 Tribunal.

14:28:29 1 There are a number of unexplained -- number of transactions that fall within
2 the window period. By letter dated 29th of October 2004, at page 14489. The
3 Tribunal identified a number of unexplained lodgements on Mr. Gallagher's
4 accounts attaching a schedule at 14491.

14:28:54 5
6 And if I can refer you to page 5348. On the 29th of May 1991, there is a
7 lodgement of 250 pounds. On the 11th of June 1991, there is a lodgement of
8 506.70 pounds. On the 17th of June 1991, there is a lodgement of 800 pounds.
9 On the 25th of June 1991, there is a lodgement of 550 pounds. On the 5th of
10 July 1991, there is a lodgement of 140 pounds. The 16th of July 1991, there is
11 a lodgement of 326 pounds.

12
13 And on page 5349, it shows that all the documents, all the back up
14 documentations have been shredded in relation to these lodgements.

14:30:00 15
16 There are further lodgements in Ulster Bank on page 5421. On the 28th of May
17 1991, there is a lodgement of 119.70 pounds on the 25th of June 1991, there is
18 a lodgement of 239.40 pounds. Finally a lodgement into Mr. Gallagher's An Post
19 account at page 5475 on the 2nd of July 1991, a lodgement of 3,000 pounds and
20 the back up documentation at page 5477 shows that the method of payment was
21 cash. No explanation has been given to the Tribunal in relation to these
22 lodgements.

23
24 This concludes the evidence of Mr, the late Cyril Gallagher.

14:30:51 25
26 CHAIRMAN: All right. Thank you, Ms. O'Connell.

27
28 MR. MONTGOMERY: I appear on behalf of the family. We have no comment to make
29 in relation to that.

14:31:01 30

14:31:01 1 CHAIRMAN: All right. Thank you. That concludes the evidence today.

2

3 MS. DILLON: Yes, Sir. And tomorrow's witness had to cancel.

4

14:31:07 5 CHAIRMAN: So we are sitting on Monday at 2 o'clock.

6

7 MS. DILLON: Monday afternoon at 2 o'clock. May it please you.

8

9 CHAIRMAN: Very good.

14:33:27 10

11 **THE TRIBUNAL THEN ADJOURNED UNTIL MONDAY, 21ST JANUARY 2008,**

12 **AT 2:00 P.M:**

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