

**THE TRIBUNAL RESUMED AS FOLLOWS ON FRIDAY,**

**1ST FEBRUARY 2008, AT 10.30 A.M.:**

MR. QUINN: Good morning, Sir. Mr. Johnny Fortune, please.

MR. O'HIGGINS: Good morning, Sir. I appear for Mr. Fortune instructed by McCauley Graham Judge Solicitors and I would ask for limited representation in connection with Mr. Fortune's interest before the Tribunal.

CHAIRMAN: Certainly. Granted, Mr. O'Higgins.

MR. O'HIGGINS: I'm obliged.

**MR. JOHNNY FORTUNE HAVING BEEN SWORN, WAS QUESTIONED BY**

**MR. QUINN AS FOLLOWS:**

CHAIRMAN: Good morning, Mr. Fortune.

A. Good morning.

Q. 1 MR. QUINN: Good morning, Mr. Fortune. Mr. Fortune, I think that in or about 1988 or '89 you were with the investment Bank of Ireland IBI and you may in fact have held a position of director of corporate finance within the bank at that time, is that correct?

A. That's correct.

Q. 2 And just to put your in evidence context, Mr. Fortune, on the 19th of October 2007, when Mr. Gilmartin was being cross-examined at this Tribunal it was being suggested to him by counsel for one of the parties, that a meeting which he claimed to have taken place on the 1st of February 1989, after which said a demand for 5 million pounds had been made of him, a meeting which he alleged took place in Leinster House. It was suggested in cross-examination that this

10:47:57 1 was a complete and utter invention on his part. Do you understand? And in  
2 dealing with the cross-examination on that date, which is day 778, Mr.  
3 Gilmartin in the course of evidence said that he had recently been reminded of  
4 something which he had completely forgotten, namely, that somebody had  
10:48:16 5 approached his solicitors to remind him of a meeting that had taken place  
6 following that Dail meeting. Do you understand?

7 A. Yes.

8 Q. 3 And he said that the meeting had been with an individual in the IBI and that he  
9 had complained to that person of what had gone on and that recently that person  
10:48:33 10 or it had been brought to his attention that that person could corroborate  
11 effectively what had taken place.

12  
13 And Arising out of that exchange in evidence on that date, if I could have  
14 25551 please. A letter was written to his solicitors on the same day on the  
10:48:52 15 19th of October 2007, referring to that evidence. And the fact that Mr.  
16 Gilmartin had testified that an unidentified gentleman from the IBI bank  
17 contacted, this is the office of A&L Goodbody's, sometime this year, that would  
18 have been 2007, regarding a meeting in IBI bank following his meeting in  
19 Leinster House in 1989. And the Tribunal requested the solicitors to provide a  
10:49:20 20 detailed narrative statement concerning information etc. including the identity  
21 of the person involved.

22  
23 And arising out of that there was an exchange of correspondence. And I think  
24 your solicitors on the 16th of November 2007, if I could have 3552 please.  
10:49:37 25 Wrote to the Tribunal advising that they acted on your behalf and had been  
26 forwarded the letter which I had on screen a moment ago of the 19th of October  
27 2007, from the Tribunal to A&L Goodbody solicitors, isn't that right?

28  
29 And enclosed this letter I think. Sorry, the letter advised that A&L Goodbodys  
10:49:58 30 were authorised by them to release that letter to Mr. Fortune. And I think he

10:50:03 1 was, you were being previously the unidentified gentleman referred to in the  
2 letter was you. And I think a letter then was sent to your solicitors in  
3 response to that on the 19th of November 2007. And that letter is at 24690 and  
4 that letter says:

10:50:20 5  
6 "That at the public hearings of the Tribunal on the 19th of October 2007,  
7 Mr. Tom Gilmartin testified that Mr. Fortune contacted A&L Goodbodys sometime  
8 this year regarding a meeting Mr. Gilmartin had in IBI bank in 1989 immediately  
9 following a meeting he had had in Leinster House. The Tribunal requests your  
10 client to provide a detailed narrative statement." And there were a number of  
11 matters that the statement was asked to address, isn't that right?

12 A. Yes.

13 Q. 4 And in response to that then I think on the 27th of November 2007, at 24692  
14 your solicitors on your behalf enclosed a statement and attachments, isn't  
10:50:56 15 that's correct? And that statement I think and attachments are to be found in  
16 the brief between pages 24693 and 24697. The attachments I think are two  
17 attendances made by a solicitor within the firm of A&L Goodbodys solicitors,  
18 isn't that correct?

19 A. Yes.

10:51:15 20 Q. 5 Mr. Carroll and solicitor and friend of yours whom you had consulted in  
21 February 2004 in relation to matters, isn't that correct?

22 A. Yes.

23 Q. 6 Now, what I propose to do if it's agreeable with you, Mr. Fortune, is to read  
24 your statement and it to take you through those attendances and to ask you some  
10:51:33 25 questions arising out of the statement and attendances, is that okay?

26 A. That's fine.

27 Q. 7 The statement as I say is at 24693 and it's as follows. It's the statement of  
28 Johnny fortune.

29  
10:51:42 30 "I make this statement on foot of a letter received from the Tribunal dated

10:51:45 1 19th of November 2007. In or about 1989, in my capacity as a director of  
2 corporate finance in IBI, I had certain dealings with Mr. Tom Gilmartin. At  
3 that time Mr. Gilmartin was involved in a development at Bachelors Walk, Dublin  
4 1 and in the Quarryvale project.

10:52:00 5  
6 My professional involvement with Mr. Gilmartin related to the Bachelor's Walk  
7 project. In the course of business I had numerous meetings with Mr. Gilmartin.  
8 I recall one such meeting when he told me that a politician had asked him for a  
9 7 figure sum. That meeting took place in my office and there was nobody else  
10 present. I do not know whether Mr. Gilmartin had just come from a meeting in  
11 Leinster House. I do not recall any further conversation on this subject as  
12 far as I was concerned it was irrelevant to the matter of what upon which I was  
13 advising Mr. Gilmartin.  
14

10:52:31 15 I cannot recall the date but in late 2003, early 2004, Mr. Gilmartin telephoned  
16 me. The purpose of the call was to ask ascertain whether I would corroborate  
17 the allegations he was making about payments made to public representatives. I  
18 told him that I was happy to assist him but told him that any relevant  
19 information should be contained in the IBI files.

10:52:52 20  
21 I was concerned that I meet my legal obligations I had to the Tribunal. To  
22 this end in February 2004, I contacted Paul Carroll in A&L Goodbody solicitors.  
23 Paul is a long-standing personal friend of mine. I met with Paul on two  
24 separate occasions in February. I do not personally recall the dates but I  
10:53:09 25 received the file attendances prepared by Paul Carroll on those meetings. I  
26 will turn to the contents of those attendances later.  
27

28 Paul Carroll explained to me that A&L Goodbody was acting for Mr. Tom Gilmartin  
29 and was therefore not in a position to advise me. I wanted to assist Mr.  
10:53:25 30 Gilmartin if required and I agreed with A&L Goodbody that they could say this

10:53:30 1 to him. If he was of the view that I could corroborate or assist him in his  
2 evidence before the Tribunal then he could ask the Tribunal to call upon me.

3  
4 In the letter from the Tribunal of the 19th of November 2007, it is stated that  
10:53:44 5 Mr. Gilmartin testified that I contacted A&L Goodbody solicitors sometime in  
6 this year in relation to the meeting which I had with Mr. Gilmartin in 1989.  
7 This is not the case. The content I made with A&L Goodbody in regard to this  
8 matter was in February 2004.

9  
10:54:00 10 I have asserted a claim to solicitor client privilege over the attendances  
11 prepared by Paul Carroll and dated 4th and 9th February. The reason for me so  
12 doing is to enable me clarify certain matters contained therein before they  
13 were made available to the Tribunal. I attach copies of those attendances  
14 which I find to be accurate save for the impression given or statements made  
10:54:21 15 therein that indicate the level of information imparted by Mr. Gilmartin to me  
16 at our meeting in 1989. In the attendance of the 4th of February it is stated  
17 that Mr. Gilmartin gave me "very detailed briefings". In fact Mr. Gilmartin  
18 said no more than is outlined above in relation to the matter of payment to  
19 public representatives. Furthermore as previously stated as I represented Mr.  
10:54:46 20 Gilmartin in the Bachelor's Walk project, I made it clear that I could not  
21 discuss Quarryvale with him. Insofar as the matters raised in the letter 19th  
22 of November from the Tribunal are concerned I am otherwise generally happy that  
23 the attached attendances dealt with the questions raised."

24  
10:55:02 25 And at 24694, it is signed and dated the 27th of November 2007.

26  
27 I take the first of those attendances, Mr. Carroll. And it's at 24695. And  
28 it's an attendance made by Mr. Carroll. And we see his reference and the  
29 reference within A&L Goodbody on the top left hand corner. It's dated as I say  
10:55:29 30 the 4th of February 2004, and it appears that the conversation took

10:55:33 1 approximately 45 minutes. It's an attendance taken as I say by Mr. Carroll on  
2 you, isn't that correct? And this is an attendance. Your only quibble with  
3 this attendance as I understand it from your statement is that insofar as it  
4 gives or gives a suggestion or a reference to a level of information imparted  
10:55:54 5 by you that was to suggest that you had got detailed briefings from Mr.  
6 Gilmartin, you take issue with that. That's the only issue you take issue  
7 with.

8 A. Well I think there are a couple of things in it which reflect that this wasn't  
9 a detailed legal briefing that I had Paul Carroll but a conversation with a  
10:56:14 10 friend.

11 Q. 8 I am going to take it on the basis that this is a contemporaneous memo prepared  
12 by Mr. Carroll on his meeting with you?

13 A. Well I'm assuming it is. He didn't take notes because it wasn't a detailed  
14 legal briefing. It was a conversation which I had with a friend --

10:56:33 15 Q. 9 No.

16 A. -- who was a solicitor.

17 Q. 10 What I'm really anxious to establish if I can, Mr. Fortune, is the extent to  
18 which you are satisfied with what's contained in this.

19 A. I am generally satisfied with the thrust of what it says but there are a couple  
10:56:47 20 of issues in it that I would take ...

21 Q. 11 In your statement --

22 A. -- be concerned with.

23 Q. 12 In your statement I think you said that the only issue you were taking issue  
24 with or the only matters that you were taking issue with was the extent to  
10:57:00 25 which it might suggest that you had a very detailed briefing from Mr. Gilmartin  
26 in relation to matters.

27 A. Well could I give you an example of something else I am not happy with in  
28 detail?

29 Q. 13 Yes, well as I go through it perhaps you will identify that.

10:57:13 30 A. Okay.

- 10:57:14 1 Q. 14 Would you agree with me that --  
2  
3 CHAIRMAN: I mean, is it the case, Mr. Fortune, would you accept that this is  
4 a summary of what Mr. Carroll understood had been discussed between you and  
10:57:28 5 then if you ...  
6 A. Yes.  
7  
8 CHAIRMAN: Take issue with anything, any of the detail, then you can ... you  
9 can refer to that at the ends after it's opened.  
10:57:39 10 A. That's fine.  
11  
12 Q. 15 MR. QUINN: Just to put this matter in context. The brief in relation to what  
13 is referred to as the Quarryvale I aspect of the inquiry or module of this  
14 Tribunal had been circulated on the 26th of January 2004. There had been leaks  
10:57:57 15 in the newspapers leading up to the opening of the inquiry and the hearing of  
16 public evidence on the 3rd of March 2004. This document is dated the 4th of  
17 February 2004, and I think you have seen this morning documents added to the  
18 brief which give a flavour of what was in the newspapers in the days preceding  
19 the day of and the days preceding the 4th of February 2004, concerning the  
10:58:25 20 Tribunal.  
21 A. Yes.  
22 Q. 16 And I suggest in a moment I will open these documents. They are at 25560.  
23 Sorry, 25555 to 2560. And I suggest the issue that was exercising the minds of  
24 the journalists at this time was the whole issue of a possible meeting in  
10:58:48 25 Leinster House and the recollection of parties in relation to that meeting,  
26 isn't that correct?  
27 A. Yes.  
28 Q. 17 Now, the memo records as following:  
29  
10:58:57 30 "Attending Johnny fortune when he explained that he was troubled by the Mahon

10:59:01 1 Tribunal because he felt that Tom Gilmartin who was making allegations about  
2 payments in connection with Quarryvale was getting a rough ride by the  
3 politicians and press. I interrupted him at that stage, because from the  
4 outset I wanted to confirm whether we would continue to act for Tom Gilmartin.

10:59:17 5 I spoke with Joe Kelly who clarified the position. I informed Johnny Fortune  
6 that we acted for Mr. Gilmartin and that Johnny felt that he still wanted to  
7 make the observations that followed.

8  
9 When working for IBI he was acting for Tom Gilmartin in connection with the  
10 Quarryvale project and he could corroborate Mr. Gilmartin's statements that  
11 meetings had taken place between Mr. Gilmartin and named politicians  
12 (Lawlor/Flynn). Mr. Gilmartin had informed Mr. Fortune that these meetings  
13 were taking place and gave Mr. Fortune very detailed briefings about what  
14 occurred at those meetings. Mr. Fortune said that there was a file in IBI at  
10:59:56 15 the time he didn't know what the current documentary retention policy was that  
16 would have verified the date of those meetings and what was said at them.  
17 Mr. Fortune explained that an ash face Mr. Gilmartin (the colour of white  
18 crockery which Mr. Fortune pointed to on the table) had relayed after one of  
19 those meetings that Mr. Gilmartin had been asked by a named politician for a  
11:00:19 20 large sum of money.

21  
22 Mr. Fortune said that Mr. Ray French who was then working with Goodbody  
23 Stockbrokers was also aware at the time of those meetings and both Mr. Fortune  
24 and Mr. French were surprised that Mr. Gilmartin had not asked them to  
11:00:43 25 corroborate his allegations.

26  
27 Mr. Fortune was primarily interested in assisting Mr. Gilmartin, whom he  
28 described as a man of sound repute but also in getting personal advice as to  
29 Mr. Fortune's only obligations and positions vis-a-vis the Mahon Tribunal.

11:00:49 30 Mr. Fortune felt that he had information that was relevant and that he did not

11:00:54 1 want to inform or any positive obligation to the Mahon Tribunal or be  
2 subsequently embarrassed at failing to come forward with this information in  
3 the event that a file or that his involvement at the time with Mr. Gilmartin's  
4 affairs became public. Mr. Fortune felt that I should get Joe Kelly to get  
11:01:10 5 prompt Mr. Gilmartin by mentioning Johnny Fortune's name to Mr. Gilmartin and  
6 to ascertain whether Mr. Gilmartin felt that Mr. Fortune's knowledge of these  
7 events was in any way helpful.

8  
9 Mr. Fortune indicated that he had a sound working relationship with Mr.  
11:01:23 10 Gilmartin and that it seemed incredible that Mr. Gilmartin should 18 years ago  
11 speak with Mr. Fortune in advance of the meetings and give him such lucid  
12 descriptions of those meetings after the time, and possibly even venues of  
13 those meetings had been relayed to Mr. Fortune.

14  
11:01:40 15 I said that I would give preliminary advices to Mr. Fortune as to whether he  
16 had a positive whistle blowing obligation which I felt was not the case but  
17 also whether he had through his involvement, any obligation whatsoever. We  
18 also felt that Mr. Fortune needed to be advised on whether there was any scope  
19 for his good name or reputation to be embarrassed or tarnished by responding to  
11:01:58 20 any subsequent demand by the Tribunal having this information or recollection  
21 and contesting that with the position whereby he could proffer such  
22 information.

23  
24 I subsequently spoke with Mr. Kelly and asked him to arrange for preliminary  
11:02:10 25 advice to be given to me and I could relay to Mr. Fortune about his obligations  
26 generally. I asked Joe Kelly not to mention Mr. Fortune's names to Mr.  
27 Gilmartin yet."

28  
29 Now, there is a second attendance dated the 9th of February 2004, which is at  
11:02:27 30 24697. And it says "Attending on the telephone with Caroline Preston and

11:02:31 1 Johnny Fortune. When Caroline Preston advised Mr. Fortune that he did not have  
2 any positive obligations but that there was scope for embarrassment were  
3 Mr. Fortune proffer his information to the Mahon Tribunal.  
4

11:02:42 5 We confirm that we could not advise Mr. Fortune himself and that it was likely  
6 that were he to go to McCann Fitzgeralds with whom we had a connection, they  
7 would advise him to face up to the Tribunal immediately.  
8

9 It was agreed that the following would occur. I would indicate to Joe Kelly  
11:02:57 10 and that Joe Kelly would confirm to Tom Gilmartin that Johnny Fortune had  
11 information which may help Mr. Gilmartin. We should not mention Ray French's  
12 name to Mr. Gilmartin but that was likely to be a name that would crop up in  
13 the subsequent discussion between Johnny Fortune and Mr. Gilmartin. We also  
14 indicated to Johnny Fortune that his obligation and any embarrassment factor  
11:03:16 15 would have been discharged by him proffering his information to Mr. Gilmartin.  
16

17 Mr. Fortune appreciated that an Order For Discovery and a subpoena would follow  
18 that it was benign process and that were he inclined he could get legal advice  
19 at that stage.

11:03:30 20  
21 Subsequently attending Joe Kelly and Mr. Fortune's contact details via Celia  
22 Kelly. I confirmed to Mr. Kelly that Mr. Fortune's name should be used and  
23 transmitted to his client Mr. Tom Gilmartin."  
24

11:03:44 25 Now, first of all would you agree with me, Mr. Fortune, that both of those  
26 notes taken together seemed to suggest that you had gone to a solicitor friend  
27 of yours with a peculiar and unusual difficulty namely that you had read  
28 matters in the newspapers, you had information which might or might not be of  
29 assistance to the Tribunal and you were concerned least it would subsequently  
11:04:09 30 transpire that you hadn't assisted the Tribunal or in some way discharged your

11:04:14 1 obligations to the Tribunal?

2 A. Yes.

3 Q. 18 And that advice given and was that the firm in question had been acting for Mr.

4 Gilmartin, who was before the Tribunal, and that it was agreed that Mr.

11:04:26 5 Gilmartin would be advised of your existence, so to speak, and the fact that

6 you had information and then it would be left with him to see whether or not he

7 wished to advance matters, is that fair?

8 A. I think that's right, yes.

9 Q. 19 And as I indicated previously, if we could have for example page 25554, please.

11:04:54 10

11 This is an Irish Independent article which is dated the 4th of February 2004.

12 And it's headed "Planning probe judge attacks evidence leaks". And one of the

13 leaks at this stage at the weekend reports as appears in the third paragraph

14 there were reports that there was a difference of recollection between members

11:05:22 15 of cabinet in relation to a meeting which may or may not have taken place in

16 early February 1989 involving Mr. Gilmartin, isn't that right?

17 A. Well that's what it says, yes.

18 Q. 20 Yes. And I think that that in fact had been the tenure of the newspaper

19 articles in the day, on that day and on days prior to that, isn't that right?

11:05:43 20 I don't have all of them but for example the Irish Times article at the same

21 day is at 25555. And one of the issues was the leaking of documentation which

22 suggested that one of the witnesses would give evidence which would perhaps be

23 in conflict with other witnesses in relation to that cabinet meeting, isn't

24 that right?

11:06:09 25 A. I mean I've only just seen this. So I haven't read any of this.

26 Q. 21 Yes. But you will recollect that the memo taken by Mr. Carroll in relation to

27 the circumstances under which you came to him was a suggestion that you, and I

28 just quote it perhaps to you. It's at 24695, it's the very first sentence in

29 fact in the first memo "Attending Johnny Fortune when he explained that he was

11:06:45 30 troubled by the Mahon Tribunal because he felt that Tom Gilmartin was making

11:06:47 1 allegations about payments in connection with Quarryvale was getting a rough  
2 ride by the politicians and press".

3 A. The tenure, I mean, there is no connection between the press that you are  
4 referring to there and my desire to meet with Paul Carroll.

11:07:06 5 Q. 22 In your statement I think you say that you met with Paul Carroll because you  
6 had been contacted by Mr. Gilmartin by telephone?

7 A. I had been rung by Tom Gilmartin prior to my meeting with Tom -- with Paul  
8 Carroll. And Tom said to me look is there anything you can do to help me, I'm  
9 getting a rough time down here or words to that effect.

11:07:26 10 Q. 23 Yes.

11 A. And --

12 Q. 24 Mr. Gilmartin first gave evidence, Mr. Fortune, to the Tribunal on the 3rd of  
13 March 2004. These attendances are dated February 2004.

14 A. I'm not sure what ...

11:07:43 15 Q. 25 He said that he was getting a rough ride. You are not suggesting that he was  
16 getting a rough ride in evidence, in the evidence he was giving to the  
17 Tribunal?

18 A. No, no, no I'm not. I think he was being depicted in the paper as some form of  
19 malevolent fantasist. Certainly in my dealings with him 18, 19 years ago  
20 that's not what he was. And it was that that concerned me. It was the  
21 depiction of him as an individual that was most troubling to me.

22 Q. 26 Have you had any reason to change your view of Mr. Gilmartin in the intervening  
23 period?

24 A. I have not met him since 1989.

11:08:18 25 Q. 27 Well taking Mr. Gilmartin in 1989, you have told us what he was not. Can you  
26 assist the Tribunal of what your understanding of Mr. Gilmartin was in 1989?

27 A. Well, my involvement with him in 1989 would have been at the tail end, if it  
28 still was going on then. And he was a, he was a builder developer who had come  
29 to Dublin to try and do some major projects. I was conflicted in relation to  
30 advising him in Quarryvale and therefore we never discussed Quarryvale. And I

11:08:55 1 was acting for him and he, my job was to put together a financing package which  
2 would allow the Bachelor's Walk development to go ahead. And he was what he  
3 claimed to be at the time, which was a builder developer with some financial  
4 resources and plenty of expertise in doing it. And he was just a very straight  
11:09:20 5 forward decent type of person to deal with.

6 Q. 28 Now, in the course of your dealings with him you presumably would have had  
7 several meetings with him, would that be fair to say, over a period?

8 A. Well, yes.

9 Q. 29 And you would have met him presumably on his own and with others?

11:09:36 10 A. Yes.

11 Q. 30 And he would have briefed you presumably on his position and given you  
12 information that you would have relied upon within the bank to perhaps get --  
13 organised finance or whatever for him?

14 A. I would have first met him in early 1987, to the best of my recollection having  
11:09:52 15 read his statement to the Tribunal over the last couple of days, which I hadn't  
16 seen before.

17 Q. 31 And when would you say your involvement with Mr. Gilmartin ceased?

18 A. Well that's been troubling me since I read his documentation. I know it would  
19 have ceased in relation to his statement which he makes in his submission to  
11:10:17 20 the Tribunal, which is after he sold his stake in the Bachelor's Walk  
21 development to Arlington Securities.

22 Q. 32 And --

23 A. But that's undated in his statement.

24 Q. 33 Yes but I think we, I think evidence has been given that that appears to have  
11:10:33 25 come about in or about the 19th of February 1990?

26 A. Okay well I was. I had left the bank at that stage so I would have then been  
27 involved with him in the early 1989.

28 Q. 34 Yes. And I think in your statement in fact --

29 A. I would have still been involved with him.

11:10:56 30 Q. 35 At 24693 you say that you were, you had dealings with him in or about 1989,

11:10:57 1 isn't that right?

2 A. Yes.

3 Q. 36 But I think you say, it would be more correct to state that the dealings span

4 1987 to 1989?

11:11:04 5 A. Well I mean the time line that he has given the Tribunal, which I have no

6 reason to disagree with, says that he during 1987 began the site assembly and

7 the discussions with financiers. And the discussions with financiers in

8 relation to Bachelor's Walk, that would be me. That's what I did. And the

9 deal that was done with Arlington, which was concluded in late 1987, would have

11:11:28 10 been a deal that I put together on his behalf. And after that I would have had

11 a lesser involvement with it because the project at that stage would have been

12 more controlled by Arlington clearly as the 80 per cent shareholder rather than

13 Tom Gilmartin as a 20 per cent shareholder.

14 Q. 37 Now, Mr. Gilmartin had said that he had a meeting with you after what we'll

11:11:56 15 refer to as the Leinster House meeting?

16 A. Uh-huh.

17 Q. 38 Just to put the Leinster House meeting in context. In his statement to the

18 Tribunal, if we look at 2174, at paragraph 21. He deals with the meeting as

19 follows.

11:12:19 20

21 He says "In late January 1989 I was approached by Mr. Lawlor who informed me

22 that his boss wanted to see me. I understood this to be a reference to the

23 then Taoiseach, Charles J Haughey. A meeting was set up and I met with

24 Mr. Lawlor in Buswells Hotel 4:30 p.m. on Wednesday 1st of February 1989 in

11:12:37 25 advance of a meeting with Mr. Haughey later that day. Mr. Lawlor told me that

26 the purpose of the meeting was to inform Mr. Haughey and the cabinet about my

27 development plans. Mr. Lawlor brought me across to Leinster House and brought

28 me up by lift to the fourth or fifth floor. I was then led into a room which

29 there were a number of ministers present. To the best of my recollection the

11:12:59 30 ministers present when I arrived were ..." And he lists a series of ministers

11:13:04 1 and it's irrelevant to go into them just now.

2 A. Uh-huh.

3 Q. 39 He refers to the brief meeting that he had. And then he says "I was then led

4 out of the room, Mr. Lawlor was waiting outside the room talking to someone

11:13:14 5 else. As I came out of the meeting Mr. Lawlor moved as if to come in my

6 direction but then moved back against the wall as I was approached from my

7 right-hand side by another man whom I did not recognise. The man came up to me

8 and referred to my involvement in the development plans for Quarryvale and

9 Bachelor's Walk and stated that a lot of money was going to be made out of

11:13:35 10 those developments. He suggested that I make a payment of 5 million pounds and

11 gave me a piece of paper which he told me contained a bank account number in

12 the Isle of Man to which he asked me to pay the 5 million pounds."

13

14 Now, that just I am taking that as an indication of the evidence subject to

11:13:55 15 cross-examination and detail that Mr. Gilmartin has given in relation to a

16 meeting in Leinster House and a demand being made of him of 5 million pounds.

17 You have referred in your statement I think to an incident when a demand was

18 made of Mr. Gilmartin for was it a six figure?

19 A. Seven figure.

11:14:14 20 Q. 40 Seven figure sum, which would be a million or plus, isn't that correct?

21 A. Yes.

22 Q. 41 Was that the incident that Mr. Gilmartin related to you can you recall?

23 A. I can't recall.

24 Q. 42 At this remove can you give any greater details than the details that are

11:14:30 25 contained in the attendance or indeed in your statement in relation to what he

26 did say to you?

27 A. No, I can't.

28 Q. 43 You, the attendance gives a fairly graphic description of, from you of Mr.

29 Gilmartin's pallor when he came to your, to his meeting with you, isn't that

11:14:49 30 right?

- 11:14:49 1 A. It does. I'm not absolutely sure that's what I said to Paul but it's  
2 indicative of the fact that when he spoke to me he was extremely angry and  
3 extremely upset.
- 4 Q. 44 And could I ask you, insofar as you can, can you tell the Tribunal what exactly  
11:15:05 5 he did tell you on that occasion?
- 6 A. My recollection of it is, and the two things that stick in my mind about it was  
7 that he didn't mention a figure. He mentioned a seven figure sum. So he  
8 didn't mention one million or nine million. He would have been using quite a  
9 number of expletives at the time that he was describing this. And he would  
11:15:29 10 have said, and sorry, and the only other aspect of it and the only name that I  
11 can recall being mentioned at that time was Liam Lawlor's.
- 12 Q. 45 Now, evidence has been led from Mr. Gilmartin contradicted by others, including  
13 Mr. Lawlor and Mr. Redmond, that Mr. Lawlor, for example, did make demands of  
14 Mr. Gilmartin in 1988. Did Mr. Gilmartin ever advise you of any demands being  
11:15:59 15 made of him by Mr. Lawlor in 1989?
- 16 A. The demands that I am talking about in my statement are the only demands that  
17 he ever talked to me about in relation to Mr. Lawlor. And I unfortunately  
18 cannot say to you categorically that they related to the February 1989 meeting  
19 or to the May 1988 meetings.
- 11:16:26 20 Q. 46 Yes. I should say for clarity, that Mr. Gilmartin does not say and has never  
21 said that Mr. Lawlor made the demand at the Leinster House meeting, just to  
22 clarify.
- 23 A. Well okay.
- 24 Q. 47 But you say that he mentioned Mr. Lawlor in the context of the demand for the  
11:16:45 25 seven figure sum or did he suggest that Mr. Lawlor had made the demand for the  
26 seven figure sum, I wasn't sure where ...?
- 27 A. Well, my recollection, my clear recollection is with regard to the amount. I  
28 would be less certain that he put it in the context that Mr. Lawlor had  
29 demanded this money from him.
- 11:17:06 30 Q. 48 Did he ever make allegations of demands of him being other politicians --

11:17:14 1 A. No.

2 Q. 49 -- for money?

3 A. Never.

4 Q. 50 Did he ever make complaint about other politicians or indeed Council officials

11:17:21 5 in relation to matters?

6 A. Matters or money?

7 Q. 51 Money or demands for money?

8 A. No.

9 Q. 52 Or interference with his project by reason of his failure to make --

11:17:30 10 A. No.

11 Q. 53 -- or comply with demands for money?

12 A. No.

13 Q. 54 And just for completeness, I should put to you a document at 14129. This is an

14 extract from what Mr. Gilmartin describes as a notebook but what appears to be

11:17:46 15 a diary for the 1st of February 1989. Which does record a 5:30 meeting with

16 Ministers Dail Eireann Leinster House. Now, he doesn't say that the meeting

17 happened on the 1st of February but he says that it happened in early February.

18 Now there is no mention of you in that diary but in evidence if he, if we're

19 talking about the Leinster House meeting, he alleges that he had come to your

11:18:10 20 offices from that meeting from the Leinster House meeting. Would you have

21 occasion to meet him later on in the afternoon, the Leinster House meeting

22 appears to have been sometime after half four because he met will Mr. Lawlor at

23 half four in Buswells and then went across to the meeting, had the meeting and

24 left.

11:18:28 25

26 So if the Tribunal for example were to come to the conclusion that the meeting

27 in Leinster House were to have occurred at let's say half five or six o'clock,

28 would you have on occasion met Mr. Gilmartin later than we'll say five o'clock?

29 A. As an investment banker you work whatever hours are necessary to get projects

11:18:49 30 done. So it would not be unusual for me to be working very long hours and

11:18:53 1 working late and having meetings late. But I can't confirm that it was that  
2 specific meeting.

3 Q. 55 Yes, I understand.

4 A. Yeah.

11:19:02 5 Q. 56 And can I just ask you one final matter, if I may. In relation to -- Mr.  
6 Gilmartin has given evidence concerning a suggestion that at one stage he might  
7 be involved in acquiring an interest in Green Properties Limited, which was a  
8 publicly quoted company at that stage. And there is a document, a Bank of  
9 Ireland document which makes reference to an involvement by you in that regard  
11:19:32 10 on his behalf. Do you have any recollection of any suggestion that Mr.  
11 Gilmartin would get involved in that company?

12 A. The investment Bank of Ireland were advisors to Green Property. When I was  
13 first introduced to Tom Gilmartin it was specifically in relation to the  
14 development at Bachelor's Walk. If he mentioned at any stage any matter in  
11:19:57 15 relation to Quarryvale, I would have immediately told him that I am under no  
16 circumstances can I discuss Quarryvale with him because I was conflicted. And  
17 we would have been very clear within IBI corporate finance that we did not ever  
18 conflict ourselves in relation to existing clients.

19 Q. 57 Okay.

11:20:21 20 A. So the answer to your question I suppose is that I would never have talked to  
21 him about Green Property.

22 Q. 58 Yes.

23 A. Or indeed Quarryvale because Green Property were looking at a competing  
24 development in Blanchardstown.

11:20:35 25 Q. 59 And just I will just put the document on screen it's at 3191. It's an extract  
26 from a credit application dated 3rd of March 1989, where Mr. Gilmartin is  
27 seeking an advance of monies to acquire an interest in an option Mr.  
28 O'Callaghan had in lands. It's for 800,000 pounds advance. But in the course  
29 of the document I'm sure you are familiar with markups.

11:21:02 30

11:21:02 1 It says: "To counteract any opposition from Green Property company and its  
2 proposed Blanchardstown town centre, I understand that a meeting has been  
3 arranged with John Fortune of IBI to meet somebody of Standard Life who hold a  
4 significant stake in maybe that public limited company."

11:21:21 5 A. It's John Pringle.

6 Q. 60 Yes. "They are very preliminary discussions with some form of reverse takeover  
7 or merger might be on the cards."

8  
9 Now, I'm not interested in the details. All I'm interested in is that Mr.

11:21:31 10 Gilmartin has given evidence that at one stage it had been suggested that he  
11 might get involved in a reverse take over or a take over of Green Property. Do  
12 you know anything about that or have you any recollection of that?

13 A. Well I, my clear recollection of that were the case that he didn't have the  
14 financial resources to contemplate such a move.

11:21:52 15 Q. 61 Yes. And finally, did Mr. Gilmartin ever advise you of any assurances that he  
16 had from any politicians in relation to any of his sites either the Bachelor's  
17 Walk site or his Quarryvale site?

18 A. On Bachelor's Walk he would have had quite a number of meetings with, which I  
19 would regard as legitimate meetings with politicians, particularly in relation  
11:22:17 20 to the tax designation of that site. And as part of what I was doing for him,  
21 he would have necessarily had to inform me of where the tax designation stood  
22 because it was a critical ingredient in the financing package that I was  
23 looking at.

24 Q. 62 And he would have briefed you in that regard?

11:22:35 25 A. Yes.

26 Q. 63 And he would have briefed you on his meetings with politicians and the  
27 assurances that he alleges he was receiving in relation to?

28 A. It would have been perfectly normal for him to do so, yes.

29 Q. 64 Thank you very much, Mr. Fortune.

11:22:49 30

11:22:49 1 CHAIRMAN: I don't know if there are any parties who what to cross-examine  
2 Mr. Fortune? Mr. O'Higgins do you want to ask ...  
3

4 **THE WITNESS WAS QUESTIONED BY MR. O'HIGGINS AS FOLLOWS:**

11:22:56 5  
6 Q. 65 MR. O'HIGGINS: Very briefly, Mr. Fortune, in relation to one matter. If we  
7 could have page 24695, please. I think when Mr. Quinn was examining you,  
8 Mr. Fortune, in relation to Mr. Carroll's memo of the meeting or the discussion  
9 of the 4th of February 2004. You mentioned to him that there were one or two  
11:23:21 10 areas in which you had slight concern in relation to the memo. And I think one  
11 of them was suggested to be the fact that the briefings were not very detailed  
12 in relation to, in any more detailed than you have given evidence in relation  
13 to any request for money. But I think you will note at the beginning of the  
14 second paragraph of that memo. Can you just make whatever observation seems  
11:23:50 15 relevant in relation to that, Mr. Fortune?

16 A. Well when I went to talk to Paul Carroll I would have said to him that I was  
17 acting for Tom Gilmartin in the late 1980's and that I had concerns that I  
18 would meet whatever obligation or duty that I had. And I think Paul would  
19 naturally have presumed that it was in relation to the Quarryvale project  
11:24:15 20 because that's the one that everybody now considers to be what Tom Gilmartin  
21 was doing. But in fact it wasn't so there are a couple of inaccuracies like  
22 that. And because it was a conversation as I said rather than a detailed legal  
23 briefing, I think that's how Paul would have taken it to mean that I was  
24 getting detailed briefings concerning aspects of Quarryvale which I was not  
11:24:44 25 getting.

26 Q. 66 So in fact as you've already stated in evidence, you simply didn't deal with  
27 Quarryvale with him, is that correct?

28 A. No, absolutely not. I couldn't.

29 Q. 67 And if we could turn for a moment to page 24693, please. I think at the end of  
11:25:01 30 the last paragraph on 24693 and making a statement to the Tribunal you dealt

11:25:08 1 with that matter, is that correct?

2 A. Yes.

3 Q. 68 Furthermore, as previously stated, you stated to the Tribunal on the 27th of

4 November 2007 "as I represented Mr. Gilmartin in the Bachelor's Walk project I

11:25:24 5 made it clear that I could not discuss Quarryvale with him". Is that so?

6 A. Yes.

7 Q. 69 And that's always been your position with the Tribunal?

8 A. Sorry, Paul?

9 Q. 70 That has always been your position with the Tribunal?

11:25:38 10 A. Yes.

11 Q. 71 Yes. Thanks very much.

12 A. I mean, Tom Gilmartin refers to it himself that in. Sorry. In August 1989

13 that he approached Touche Ross to appoint them as his financial advisor in

14 relation to Quarryvale which is in his statement.

11:25:59 15 Q. 72 Yes.

16 A. And that's because the investment Bank of Ireland couldn't act for him in

17 relation to that.

18 Q. 73 Owing to it's connection with Green Properties.

19 A. Yes.

11:26:20 20 Q. 74 Thanks very much.

21

22 CHAIRMAN: Mr. Fortune, could I just ask you to clarify one or two things.

23 You've given evidence that your involvement with Mr. Gilmartin related to the

24 Bachelor's Walk development rather than the Quarryvale development. In

11:26:29 25 relation to his dealings in Bachelor's Walk, can you recall him, can you recall

26 if he was critical of politicians or officials or did he in any way highlight

27 difficulties or problems that he perceived he faced in relation to those

28 developments?

29 A. Not in relation to ...

11:26:53 30

11:26:53 1 CHAIRMAN: In relation to Bachelor's Walk?

2 A. Not in relation to Bachelor's Walk.

3

4 CHAIRMAN: All right. And well did he say anything to you in relation to

11:27:01 5 Quarryvale? I know you weren't, I know you didn't want to discuss Quarryvale

6 with him but would he have made comments anyway. He mightn't have appreciated

7 the fact that you couldn't talk about Quarryvale?

8 A. I have no recollection of him talking about Quarryvale at all.

9

11:27:14 10 CHAIRMAN: All right.

11 A. I was very conscious of the conflict in relation to ...

12

13 CHAIRMAN: Would you have explained that to him?

14 A. Oh, absolutely.

11:27:23 15

16 CHAIRMAN: In relation to the seven figure sum. You said that Mr. Gilmartin

17 you recall mentioned a seven figure sum and also mentioned the name of

18 Mr. Lawlor?

19 A. Yes.

11:27:34 20

21 CHAIRMAN: When you say he mentioned a seven figure sum, can you remember the

22 context in which he was mentioning this sum?

23 A. He made it clear that he had been asked for a seven figure sum in relation to

24 his business activities. It was clear that it had nothing to do with

11:28:00 25 Bachelor's Walk and that it was in relation to the Quarryvale site or

26 development.

27

28 CHAIRMAN: And you say he was in a somewhat agitated mind?

29 A. Yeah, he would have been extremely angry and upset.

11:28:18 30

11:28:18 1 CHAIRMAN: Although you can't say or you have no reason to believe that he was  
2 telling you that Mr. Lawlor had asked for this money, you have no recollection  
3 of him saying that other than that he mentioned Mr. Lawlor in the context of  
4 that incident?

11:28:36 5 A. I was left with the clear impression that it was Mr. Lawlor who had asked him  
6 for the money.

7  
8 CHAIRMAN: All right.

9 A. But I am not left with a clear impression that it was not in relation to the  
11:28:50 10 May, what I would call the May 1988 meetings, where Mr. Lawlor demanded a stake  
11 a stake in Mr. Gilmartin's percentage ownership.

12  
13 CHAIRMAN: And --

14 A. Which may have amounted on the in the event of a successful completion of  
11:29:11 15 Quarryvale to a seven figure sum of money.

16  
17 CHAIRMAN: And can you recall anything about where Mr. Gilmartin or if Mr.  
18 Gilmartin suggested to you where this demand had taken place, can you remember  
19 anything he might have said to you about that?

11:29:29 20 A. I don't. I genuinely don't. I don't know whether he had just come from a  
21 meeting in Dail Eireann or not.

22  
23 CHAIRMAN: All right. Or whether he was summarising a series of events?

24 A. Indeed.

11:29:41 25  
26 CHAIRMAN: All right. Do you want to ask any questions? Thank you very much  
27 for your attendance, Mr. Fortune.

28 A. Thank you.

29

11:29:49 30 **THE WITNESS THEN WITHDREW.**

11:29:51 1 MR. O'HIGGINS: Thank you, Chairman.

2

3 MS. DILLON: Mr. Brian Flemming please. I understand Mr. Flemming is  
4 instructed by Mr. Mark Harty barrister, instructed by Mr. Barry Bowman of

11:30:09 5 Bowman McCabe and there is probably an application for representation.

6

7 MR. HARTY: I appear on behalf of Mr. Flemming and I'm applying for limited  
8 representation, please.

9

11:30:19 10 CHAIRMAN: Certainly, granted.

11

12 **MR. BRIAN FLEMING HAVING BEEN SWORN, WAS QUESTIONED BY**

13 **MS. DILLON AS FOLLOWS:**

14

11:30:36 15 CHAIRMAN: Good morning Mr. Fleming.

16

17 Q. 75 MS. DILLON: Good morning, Mr. Flemming?

18 A. Good morning, Ms. Dillon.

19 Q. 76 You were up to 1991 a member of Dublin County Council, isn't that right?

11:30:48 20 A. I was, that's right.

21 Q. 77 You were a County Councillor and I think had formerly been a TD and senator at  
22 various stages, isn't that right?

23 A. That's correct. That's right.

24 Q. 78 You didn't run for election in the June 1991 Local Elections, isn't that the  
11:31:01 25 position?

26 A. That's correct.

27 Q. 79 But you had, you had decided at that stage I think to retire from politics?

28 A. I had.

29 Q. 80 Therefore in so far as the planning aspect of your involvement in matters

11:31:13 30 relating Quarryvale is concerned, that would be confined to what involvement

- 11:31:16 1 you had in the vote on the 16th of May 1991, isn't that right?
- 2 A. That's right.
- 3 Q. 81 And you have been furnished with the documentation that summarises your
- 4 involvement in the vote, isn't that right?
- 11:31:30 5 A. That's right.
- 6 Q. 82 You will have seen that documentation?
- 7 A. I seen that, yeah.
- 8 Q. 83 And if I can show you you 23718, and on this summary it's noted that although
- 9 you were recorded as being present at the meeting of the 16th of May 1991, you
- 11:31:56 10 did not vote on any of the Quarryvale related motions that were dealt with on
- 11 that occasion, isn't that right?
- 12 A. I wasn't present when they were reached.
- 13 Q. 84 Yes. Though you are recorded as being present?
- 14 A. I was present.
- 11:31:57 15 Q. 85 In the attendance?
- 16 A. Absolutely.
- 17 Q. 86 On the day?
- 18 A. Absolutely.
- 19 Q. 87 Now, can I ask you, that before you retired from politics in June of 1991,
- 11:32:08 20 Mr. Flemming, did you ever have any contact from Mr. Frank Dunlop?
- 21 A. Never met Mr. Dunlop, never had any contact with him.
- 22 Q. 88 Would you have known Mr. Dunlop?
- 23 A. Yeah, he was a former government press secretary I know him to see, yes.
- 24 Q. 89 Did you ever have any contact from Mr. Tom Gilmartin?
- 11:32:27 25 A. A gentleman rang me, I would say '88/'89 sometime introduced himself as Tom
- 26 Gilmartin and told me he was Tom Gilmartin and said he wanted to meet me and I
- 27 said that I would happily meet him. He told me what it was about and he said
- 28 that he'd ring me the next time he was in Ireland to set up a meeting and I
- 29 never heard any more from him.
- 11:32:53 30 Q. 90 Did you tell you what he was about in connection with Quarryvale?

- 11:32:56 1 A. I think he probably did, yes. His name was in the newspapers at that stage in  
2 relation to Quarryvale. I think so it was Quarryvale, yeah. Well he would  
3 have no reason to talk to me about the one in Bachelor's Walk.
- 4 Q. 91 You were never a city councillor, isn't that right?
- 11:33:09 5 A. No never.
- 6 Q. 92 And Bachelors Walk would have been within the functional area of the  
7 corporation of Dublin, isn't that the position?
- 8 A. Correct, that's it.
- 9 Q. 93 Whereas Quarryvale was within the functional area of Dublin County Council of  
11:33:20 10 which you were then a council member?
- 11 A. Correct.
- 12 Q. 94 Now, doing the best you can, Mr. Flemming, can you date that telephone  
13 conversation with Mr. Gilmartin?
- 14 A. Can I gauge it.
- 11:33:28 15 Q. 95 Date it?
- 16 A. Date it.
- 17 Q. 96 Date it.
- 18 A. For a while there were articles in the newspaper about this man who was going  
19 to do a big development in Dublin and he wasn't named. By the time I got the  
11:33:42 20 phone call his name had been in the paper so I recognised his name but after  
21 that I can't do much for you. I would say probably late '88, early '89 but I  
22 couldn't swear on that.
- 23 Q. 97 Did you ever become aware of any involvement on the part of Mr. Owen  
24 O'Callaghan in the Quarryvale development?
- 11:34:02 25 A. No, I didn't. Unless I got correspondence like all councillors got, but I  
26 didn't ...
- 27 Q. 98 Did anybody else ever contact you in connection with either Mr. O'Callaghan or  
28 Quarryvale?
- 29 A. The late Hugh Covney rang me one day I would say in the late 1990's and he  
11:34:23 30 introduced -- he said that he was aware of O'Callaghan and his developments in

- 11:34:28 1 Cork and he was a reputable developer and so on and he would recommend him to a  
2 developer to anyone. And I told Hugh that at that time, I knew that he was  
3 getting out of politics. I wasn't following the Quarryvale argument very  
4 carefully, wasn't taking a great interest, hadn't attended public meetings so  
11:34:48 5 ... and I also told him that it was my view that the real decision on  
6 Quarryvale would be made after the Development Plan consultation and I wouldn't  
7 be on the council at that stage so, that was the maybe a minute and a half  
8 conversation.
- 9 Q. 99 And again, Mr. Flemming, doing the best you can, it would seem to follow from  
11:35:08 10 what you are saying that this conversation with the late Mr. Hugh Covney must  
11 have taken place before the June 1991 elections?
- 12 A. Oh, it did yes.
- 13 Q. 100 So doing the best you can then from that, can you date approximately when it  
14 was that you had this telephone conversation with the late Mr. Hugh Covney?
- 11:35:25 15 A. It was either late 1990 or early 1991. I would say more likely probably late  
16 1990.
- 17 Q. 101 And when Mr. Covney telephoned you, was that a telephone call out of the blue?
- 18 A. Absolutely.
- 19 Q. 102 And would you have known Mr. Covney yourself?
- 11:35:40 20 A. Of course I knew him because I was in the Oireachtas with him. But I didn't  
21 know him well. I would say that conversation was the longest one I ever had  
22 with him.
- 23 Q. 103 Indeed at this stage or at any stage you didn't know Mr. Owen O'Callaghan,  
24 isn't that right?
- 11:35:53 25 A. No.
- 26 Q. 104 So you wouldn't have known anything about Mr. O'Callaghan, isn't that the  
27 position?
- 28 A. That's correct.
- 29 Q. 105 So this in effect was a telephone call out of the blue by Mr. Covney?
- 11:36:02 30 A. Absolutely.

- 11:36:02 1 Q. 106 And again just doing the best that you can. Was Mr. Covney as I understand  
2 your evidence, recommending Mr. O'Callaghan to you as a reputable builder?  
3 A. Correct.  
4 Q. 107 Or developer, is that right?
- 11:36:12 5 A. That's right.  
6 Q. 108 And was that telephone conversation in the context of Mr. O'Callaghan's  
7 involvement in Quarryvale?  
8 A. Oh, yes.  
9 Q. 109 Okay. So that you would have known either from the telephone conversation with  
11:36:27 10 Mr. Covney or from your own knowledge by the time you had the telephone  
11 conversation that Mr. O'Callaghan had an involvement in Quarryvale?  
12 A. Oh, yes from my own knowledge.  
13 Q. 110 Right. And then Mr. Covney rings you and he in effect is promoting Mr.  
14 O'Callaghan to you as a reputable builder, someone who has done good work  
11:36:44 15 previously?  
16 A. Yes, but I mean, Mr. Covney isn't here to answer for this conversation so I  
17 need to make it clear he didn't actually ask me to do anything. He didn't even  
18 canvass my support. I just want to make that clear.  
19 Q. 111 I hadn't suggested in fact that he had done that because I was simply  
11:37:00 20 recounting to you your own evidence which was that he had complemented in  
21 effect, Mr. O'Callaghan as a builder?  
22 A. Yeah.  
23 Q. 112 Right. It would follow, would it not though, that because Mr. O'Callaghan was  
24 developing Quarryvale that Mr. Covney was recommending Mr.-- he was giving him  
11:37:16 25 a clean bill of health as it were to you a local Councillor, isn't that right?  
26 A. Well, yes he was I didn't is there.  
27 Q. 113 And the late Mr. Covney being a person from Cork and Mr. O'Callaghan was also a  
28 person from Cork, isn't that right?  
29 A. That's right.  
11:37:29 30 Q. 114 And it would follow from that, that the late Mr. Covney would have known Mr.

- 11:37:32 1 O'Callaghan or have been more familiar with him than you would have been say?
- 2 A. Oh, certainly.
- 3 Q. 115 And would it be fair to say, Mr. Flemming, that had you remained on in the
- 4 council that you would have paid attention to what Mr. Covney had said?
- 11:37:44 5 A. No it wouldn't.
- 6 Q. 116 No. You wouldn't have seen any merit in the telephone conversation or what was
- 7 said to you by Mr. Covney?
- 8 A. I mean that was a serious decision for Dublin County Council.
- 9 Q. 117 Yes.
- 11:37:57 10 A. I suppose if you heard a developer was not reputable it might have some bearing
- 11 on your thinking.
- 12 Q. 118 Yes.
- 13 A. But the fact that it was that he was reputable well to one degree it would go
- 14 in one ear and the out the other I think.
- 11:38:11 15 Q. 119 But in any event you informed Mr. Covney in the course of this telephone
- 16 conversation telephone conversation that you weren't standing --
- 17 A. Yes.
- 18 Q. 120 -- in the June 1991 elections, isn't that right?
- 19 A. I told him that and I told him I wasn't active at the time that he rang me,
- 11:38:25 20 yes.
- 21 Q. 121 So that what you were telling Mr. Covney is you weren't going to be a person
- 22 who was going to be involved in making any decision in relation to Quarryvale
- 23 in the future, isn't that right?
- 24 A. Well the serious decision was going to be taken after I was gone, yes.
- 11:38:40 25 Q. 122 But insofar as any decision was going to be made in the future you were not a
- 26 person who was going of to be of any assistance to anybody in relation to
- 27 Quarryvale because you weren't going to be there, isn't that right?
- 28 A. That's correct.
- 29 Q. 123 And you so told Mr. Covney in the telephone conversation.
- 11:38:54 30 A. I did, yes.

- 11:38:55 1 Q. 124 All right. Can I ask you finally, Mr. Flemming, about the evidence that has  
2 been given to the Tribunal about by Mr. Alan Dukes, a former leader of Fine  
3 Gael. You are familiar with that evidence, isn't that right?
- 4 A. Reasonably, yeah.
- 11:39:09 5 Q. 125 And if I can summarise it for you and if I can show you the document which is  
6 dated the 31st of March 1998, at 19983, please. And on the following page of  
7 that at paragraph eight. At this meeting on the 30th of March 1998, Mr. Dukes  
8 told Tribunal counsel the following "he" that's Mr. Duke "informed us that the  
9 only other specific allegation he was aware of was an allegation made to  
11:39:39 10 Mr. Dukes by Peter Brady, a Fine Gael County Councillor from the Lucan area,  
11 who alleged that Brian Fleming who was also a Fine Gael Councillor in the Lucan  
12 area had been offered 100,000 pounds if he Flemming could "deliver" the Fine  
13 Gael vote to secure the rezoning of the Quarryvale lands".  
14
- 11:39:57 15 You are familiar with that document?
- 16 A. Yeah.
- 17 Q. 126 And what Mr. Dukes is recorded there a having told Tribunal counsel?
- 18 A. Yes I am.
- 19 Q. 127 Now, can I ask you first of all do you know Peter Brady?
- 11:40:07 20 A. I do know Peter Brady.
- 21 Q. 128 And it's correct that he was and is and was a Fine Gael Councillor, is that  
22 right?
- 23 A. Not when I was there.
- 24 Q. 129 Yes, I know that but he is and was a Fine Gael Councillor, isn't that right?
- 11:40:22 25 A. I don't think he is now. He was.
- 26 Q. 130 And you were up to 1991 a Fine Gael Councillor, isn't that right?
- 27 A. To a degree. I let my membership at Fine Gael lapse in '89, so I didn't resign  
28 or anything. I didn't make an issue of it. I was just getting out of this  
29 activity. So to a degree I was independent and to a degree I was Fine Gael.
- 11:40:53 30 Q. 131 You had originally been elected as?

- 11:40:53 1 A. Oh, I was Fine Gael, yes, yeah.
- 2 Q. 132 And you would have known Mr. Dukes, is that right?
- 3 A. Oh, of course.
- 4 Q. 133 Now first of all can I ask you insofar as you are concerned, Mr. Fleming, did
- 11:40:57 5 you ever tell Mr. Brady or indeed anybody else of any such approach to you?
- 6 A. I told nobody of any such approach because there was no such approach. I
- 7 didn't meet Peter Brady between 1989 and this date except on the street one day
- 8 and I asked him how he was. I had no discussion with him whatsoever about
- 9 Quarryvale or anything else.
- 11:41:19 10 Q. 134 So if Mr. Brady told Mr. Dukes of this conversation he is mistaken in having
- 11 the conversation with you?
- 12 A. Oh, he's telling lies, yeah.
- 13 Q. 135 So in other words is it possible, what I am suggesting to you, if you are
- 14 correct Mr. Fleming and you had no such conversation with Mr. Brady, is it
- 11:41:39 15 possible that Mr. Brady might have mixed you up with somebody else?
- 16 A. I suppose it is. I don't know where he got this story but it certainly didn't
- 17 involve me.
- 18 Q. 136 Yes. I would suggest to you that Mr. Dukes is unlikely to have fabricated a
- 19 story, isn't that right?
- 11:41:57 20 A. Well one of them fabricated it. So your guess is as good as mine after that.
- 21 Q. 137 Mr. Brady has told the Tribunal that he never made any such allegation to
- 22 Mr. Dukes and he never recounted any such allegation to Mr. Dukes. That's
- 23 Mr. Brady's position and he has so told the Tribunal?
- 24 A. Okay.
- 11:42:13 25 Q. 138 Mr. Dukes has said that Mr. Brady had this conversation with him and passed on
- 26 this information?
- 27 A. Okay.
- 28 Q. 139 Right. And as far as you are concerned, if I understand you correctly, Mr.
- 29 Fleming, you say you had no such conversation with Mr. Brady but in any event
- 11:42:28 30 there was no such approach to you in relation to the Quarryvale vote?

11:42:31 1 A. The only two people I discussed Quarryvale with ever were Mr. Gilmartin or I  
2 believe it was Mr. Gilmartin and Mr. Covney, the late Mr. Covney. I had no  
3 discussion with Peter Brady about Quarryvale, I had no discussion with Alan  
4 Dukes about Quarryvale. Nobody offered me anything, good, bad or indifferent  
11:42:53 5 money, benefit in kind, anything, bottle of whiskey, nothing in relation to  
6 Quarryvale.

7 Q. 140 And can I ask you, were you ever approached by Mr. Dukes in relation to any  
8 such allegation?

9 A. No, and I met Mr. Dukes maybe seven or eight times since then casually and he  
11:43:09 10 never mentioned it, no.

11 Q. 141 And there were a number of certainly there was one in 1991 in 1992 a Garda  
12 inquiry was initiated into allegations of corruption in the planning process  
13 and in the course of that inquiry were you ever interviewed Mr. Fleming in  
14 relation to any such allegation?

11:43:29 15 A. No, no I wasn't.

16 Q. 142 Thank you very much, Mr. Fleming. if you would answer any questions anybody has  
17 for you?

18 A. Thank you Ms. Dillon.  
19

11:43:36 20 CHAIRMAN: Do you want to ask any?  
21

22 MR. HARTY: No, I have no questions.  
23

24 CHAIRMAN: Thank you very much for your attend, Mr. Fleming

11:43:42 25 A. Thank you.  
26

27 **THE WITNESS THEN WITHDREW.**  
28

29 CHAIRMAN: We have to take a longish break now until two o'clock.  
11:43:49 30

11:43:49 1 MS. DILLON: Mr. Dunlop is at two o'clock.

2

3

CHAIRMAN: All right.

4

11:43:52 5 MS. DILLON: May it please you Sir.

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**THE TRIBUNAL THEN ADJOURNED FOR LUNCH.**

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

11:44:56 1  
2  
3 CHAIRMAN: Now, good afternoon, Ms. Dillon.  
4  
14:13:12 5 MS. DILLON: Good afternoon, Sir. Before Mr. Dunlop resumes his evidence,  
6 Mr. William Egan solicitor has an application to be permitted -- for  
7 representation on behalf of Mr. Cathal Boland.  
8  
9 You will recollect that on the last occasion when Mr. Dunlop gave evidence,  
14:13:24 10 mention was made of the prior evidence of Mr. Cathal Boland, particularly in  
11 relation to the 11th of November 1992, and indeed Mr. Boland's subsequent  
12 voting record. And I think Mr. Egan feels in fairness to Mr. Boland, that he  
13 should be granted representation.  
14  
14:13:42 15 CHAIRMAN: All right. Mr. Egan, that's fine. We'll grant you representation  
16 on behalf of Mr. Cathal Boland.  
17  
18 MR. EGAN: Thank you. Chairman, I would propose to sit in the for the  
19 balance of Mr. Dunlop's evidence and possibly examine to him. And I anticipate  
14:13:55 20 that my involvement will be no further than that.  
21  
22 CHAIRMAN: That's fine. Whatever is appropriate, certainly you are entitled  
23 to that representation.  
24  
14:14:03 25 MR. EGAN: Thank you, Judge.  
26  
27 MS. DILLON: Mr. Dunlop, please.  
28  
29  
30

- 14:14:08 1 **MR. FRANK DUNLOP ALREADY SWORN, CONTINUED TO BE QUESTIONED BY**
- 2 **MS. DILLON AS FOLLOWS:**
- 3
- 4 CHAIRMAN: Good afternoon.
- 14:14:14 5 A. Good afternoon everybody, Ms. Dillon.
- 6
- 7 Q. 143 MS. DILLON: Good afternoon, Mr. Dunlop.
- 8 In July of 1993, Mr. Dunlop, a Garda inquiry was initiated into planning
- 9 corruption in Dublin arising out of certain articles that had been published in
- 14:14:36 10 the Irish Times. You would have been familiar with that at the time.
- 11 A. At the time yes, I was aware of it, yes.
- 12 Q. 144 Can you ask you whether you were ever interviewed by the Gardai in the course
- 13 of that inquiry?
- 14 A. No.
- 14:14:42 15 Q. 145 Had you any communication from the Gardai in the course of that inquiry?
- 16 A. None whatever.
- 17 Q. 146 Were you ever asked to produce documentation or information in relation to
- 18 political donations or payments that you might have made to councillors?
- 19 A. No, I was not.
- 14:15:00 20 Q. 147 Now, can I show you, Mr. Dunlop, 10038? This is an invoice that issues on the
- 21 25th of August 1993, to Riga Limited, isn't that right?
- 22 A. Yes.
- 23 Q. 148 And it's in respect of a sum of 11,255.60 pounds.
- 24 A. Yes.
- 14:15:21 25 Q. 149 And it's broken down into an element of VAT and an element of a professional
- 26 fee, isn't that right?
- 27 A. Correct.
- 28 Q. 150 It's for professional services for media communications in connection with the
- 29 planning application for the Quarryvale project.
- 14:15:36 30 A. Correct.

- 14:15:36 1 Q. 151 Isn't that right?
- 2 A. Yes.
- 3 Q. 152 And can I just show you at 10033, the cheque stub in which Riga, which is  
4 written on the accounts of Riga which is dated you will see, Mr. Dunlop, the  
14:15:50 5 23rd of August?
- 6 A. Yes.
- 7 Q. 153 Now, I just want to draw to your attention that the cheque issues were Riga  
8 before your invoice issues, isn't that right?
- 9 A. Yes, that would appear so, yes.
- 14:16:00 10 Q. 154 I had understood your evidence now and correct me if I'm wrong, Mr. Dunlop.  
11 That you had told the Tribunal that insofar as your invoices were concerned,  
12 that they issued after consultation with Mr. O'Callaghan?
- 13 A. Yes.
- 14 Q. 155 And that obviously that they all issued prior to payment?
- 14:16:15 15 A. Yes, that was the norm.
- 16 Q. 156 Yes. Will you just explain then how it is that you are paid on the 23rd of  
17 August 1993, in respect of an invoice that apparently issues two days later?
- 18 A. I'm afraid I can't but as I have said to you on a number of occasions, that was  
19 the norm, no invoice certainly to my knowledge, no invoice would issue from  
14:16:40 20 Frank Dunlop & Associates to Mr. O'Callaghan or any of his companies without  
21 prior discussion with Mr. O'Callaghan and that was an arrangement that I had  
22 with Mr. O'Callaghan.
- 23 Q. 157 Yes. But --
- 24 A. So I -- in this particular instance I just cannot, I cannot account for the  
14:16:58 25 variance in the dates.
- 26 Q. 158 And if I could show you 3900, Mr. Dunlop, and you will see that on the 19th of  
27 August 1993, there is a cheque withdrawal from your Irish Nationwide Building  
28 Society account number 284491910.
- 29 A. Yes.
- 14:17:20 30 Q. 159 In the sum of 12,500 pounds.

- 14:17:22 1 A. Yes.
- 2 Q. 160 And you will see that it's a bank draft, isn't that right, it's a cheque?
- 3 A. Yes.
- 4 Q. 161 It's not a cash withdrawal.
- 14:17:28 5 A. Correct.
- 6 Q. 162 And can I show you the debit slip, Mr. Dunlop, 22367 please. And you will see
- 7 there according to the description that's typed at the bottom that it was a
- 8 draft or an INBS cheque in the sum of 12,500 pounds drawn in favour of Tuites
- 9 Garage, do you see that?
- 14:17:51 10 A. Correct.
- 11 Q. 163 At the bottom. Was that for the purchase of a motorcar?
- 12 A. Yes, if it's Tuites Garage, which is my wife's name, Tuite, and they have a
- 13 garage business and I cannot say definitively but certainly if that is, if it
- 14 is for -- to that entity my immediate conclusion would be that it related to
- 14:18:13 15 the purchase or the payment of a car.
- 16 Q. 164 Yes. In other words the person who is going to receive the funds or the entity
- 17 is Tuite's Garage and that's identified according to this document on the face
- 18 of the bank draft or bank cheque from INBS, isn't that right?
- 19 A. Yes it would appear so, yes.
- 14:18:29 20 Q. 165 That would apparently be a legitimate transaction, isn't that right, Mr.
- 21 Dunlop?
- 22 A. Yes.
- 23 Q. 166 And is it the position then that you did on occasion use the Irish Nationwide
- 24 and the funds in it for your own personal use?
- 14:18:40 25 A. Yes.
- 26 Q. 167 Such as in this case paying a garage for something?
- 27 A. Correct. And I think I've said that not on a number but I do believe I've said
- 28 it on a previous occasion that notwithstanding the general purpose of, for
- 29 which this account was used, that I did use money for personal purposes out of
- 14:19:01 30 it.

- 14:19:01 1 Q. 168 Yes but what I want to draw to your attention, Mr. Dunlop, is that unlike the  
2 other withdrawals that we have looked at from the Irish Nationwide Building  
3 Society account the payee is here identified, isn't that right?  
4 A. Yes, that's correct.
- 14:19:13 5 Q. 169 So that you have in fact a record within your own banking records of the  
6 recipient of these funds, isn't that right?  
7 A. That's correct.
- 8 Q. 170 Because the payee is identified on the face of the bank draft.  
9 A. Yes.
- 14:19:25 10 Q. 171 Isn't that right? Whereas when you withdrew the funds from this account prior  
11 to this, insofar as they are cheque withdrawals they are made out to Frank  
12 Dunlop and they are cashed by you in with Mr. Ahern in Allied Irish Bank, isn't  
13 that right?  
14 A. That's correct.
- 14:19:37 15 Q. 172 Or alternatively they are purely cash withdrawals, isn't that right?  
16 A. Exactly, yes.
- 17 Q. 173 But this is the first instance in which the payee of the funds withdrawn from  
18 the Irish Nationwide Building Society can be identified, isn't that correct?  
19 A. That's correct.
- 14:19:49 20 Q. 174 So that at all stages it was open to you if you were making a payment to a  
21 third party to identify the third party on the face of the bank draft, isn't  
22 that right?  
23 A. Yes it was.
- 24 Q. 175 And it would follow would it not then that for all of the other withdrawals  
14:20:03 25 from this account prior to the 19th of August 1993, no audit trail is  
26 available. In other words there is no identification of who received those  
27 funds, isn't that right?  
28 A. That's correct, yes.
- 29 Q. 176 Now I think, Mr. Dunlop, that in June of '93 at 10118, please. You issued an  
14:20:37 30 invoice to Riga Limited, isn't that right, in the name of Frank Dunlop &

14:20:44 1 Associates in the sum of 25,000 pounds?

2 A. Correct.

3 Q. 177 There is no element of VAT involved on that, isn't that right?

4 A. That's correct.

14:20:49 5 Q. 178 And it's an invoice in relation to the all purpose National Stadium.

6 A. Yes.

7 Q. 179 And this is an invoice that is treated by Riga as a stadium expense within its

8 books, Mr. Dunlop?

9 A. Yes. Within Riga's books, yes.

14:21:01 10 Q. 180 And you will have seen that from the brief.

11 A. From the brief, yes.

12 Q. 181 And this was not an amount from which Riga ever sought reimbursement from

13 Barkhill, isn't that right?

14 A. As I understand it, yes.

14:21:11 15 Q. 182 Now, that was paid I think, Mr. Dunlop, by a cheque made out to you on the 14th

16 of September 1993, 14228. You see it's a cheque signed by Mr. Aidan Lucey and

17 Mr. O'Callaghan drawn on the account of Riga Limited at Allied Irish Bank.

18 It's dated the 14th of September 1993, and it has a stamp on the front of it

19 suggesting that it was cashed as it I think is the case on the 17th of

14:21:41 20 September 1993.

21 A. In College Street.

22 Q. 183 Right.

23 A. Yes.

24 Q. 184 Did you cash that cheque, Mr. Dunlop?

14:21:47 25 A. Yes, I certainly negotiated that cheque in College Street whether I took the

26 totality in cash or not or used some of the cash I cannot now say other than I

27 know that there was some, something in the documents in relation to it. But

28 certainly I negotiated that cheque in 5 College Street.

29 Q. 185 Yes. At 14227, according to Allied Irish Banks' solicitor, that particular

14:22:15 30 cheque in drawn by Riga was negotiated at Allied Irish Bank, 5 College Street

- 14:22:20 1 on the 17th of September 1993, and he confirms that the cheque was cashed in  
2 full.
- 3 A. Yes.
- 4 Q. 186 And it follows from that, Mr. Dunlop, that this cheque was cashed by you does  
14:22:31 5 it not on the 17th of September 1993, isn't that right?
- 6 A. Correct, yes.
- 7 Q. 187 Right, now what did you do with the money?
- 8 A. That I can't say other than that I obviously had a purpose in mind at the time  
9 that I cashed the cheque either to add to my availability of cash but I cannot  
14:22:53 10 now say what I did.
- 11 Q. 188 All right. Could I have page 10113 please. Is this is your diary, Mr. Dunlop,  
12 for the week beginning the 13th of September 1993, and on the 14th of September  
13 which is the date that the cheque is written, isn't that right?
- 14 A. Yes.
- 14:23:10 15 Q. 189 It's dated the 14th of September.
- 16 A. Yes.
- 17 Q. 190 And on the 15th of September, you will see you have an entry in your diary for  
18 "8:15 Airport OOC".
- 19 A. That's correct, yes.
- 14:23:21 20 Q. 191 Would that suggest that you were meeting with Mr. O'Callaghan in Dublin?
- 21 A. I was collecting him at the airport.
- 22 Q. 192 At the airport on that occasion.
- 23 A. Yes.
- 24 Q. 193 If you look again on the 16th of September you will see "2:30 development plan"  
14:23:33 25 and beneath that "3:00 OOC"?
- 26 A. Yes.
- 27 Q. 194 Isn't it likely, Mr. Dunlop, that on one or other of those occasions, Mr.  
28 O'Callaghan gave you the cheque for 25,000?
- 29 A. Yes. It is quite likely, yes.
- 14:23:47 30 Q. 195 And now if we turn to look at the 17th of September 1993. This is the date on

- 14:23:49 1 which you cashed the cheque for 25,000 pounds.
- 2 A. Yes.
- 3 Q. 196 Right. And you will see there an entry at 8 o'clock in the morning "Eddie S"
- 4 isn't that right?
- 14:23:57 5 A. Yes.
- 6 Q. 197 It's unlikely that you are you were facilitated prior to 8 o'clock in the
- 7 morning with the cashing of this cheque, isn't that right?
- 8 A. Correct.
- 9 Q. 198 And Eddie S is Mr. Sweeney of Monarch Properties.
- 14:24:08 10 A. Yes.
- 11 Q. 199 It's unlikely that he had anything to do with the 25,000 pounds?
- 12 A. No.
- 13 Q. 200 At 10 o'clock you have a meeting with Irish House Builders Association, they
- 14 were clients of yours?
- 14:24:28 15 A. Irish Home Builders association. They were clients, yes.
- 16 Q. 201 And then at 2:30 you have a meeting in the Westbury with "Martin LOK".
- 17 A. Yes.
- 18 Q. 202 Who is Martin LOK?
- 19 A. That is Martin Lanigan O'Keeffe who was a director of Guinness Mahon Bank.
- 14:24:33 20 Q. 203 Did you have an account with Guinness & Mahon Bank?
- 21 A. Not then, no.
- 22 Q. 204 Did you have any facility within Guinness & Mahon Bank?
- 23 A. Not then but I had previously, yes.
- 24 Q. 205 Did you do business transactions with Mr. Lanigan O'Keeffe?
- 14:24:47 25 A. No, Martin, at this particular time Guinness Mahon was either a client of mine
- 26 or I was advising Guinness Mahon at the time or I was about to advise them, I
- 27 can't specifically say to you when I began my relationship with Guinness Mahon.
- 28 But certainly we advised Guinness Mahon Bank for a period and we were paid a
- 29 retainer fee.
- 14:25:11 30 Q. 206 Yes. At 10115, please, which are your telephone attendances for the 14th of

- 14:25:17 1 September '93?
- 2 A. Yeah.
- 3 Q. 207 Mr. Dunlop, you will see there Mr. Lanigan O'Keeffe is recorded as having
- 4 telephoned your office at 10:17, isn't that right?
- 14:25:27 5 A. Yes.
- 6 Q. 208 And at 10105 on the previous Friday, 10th of September, at 10:05 Martin Lanigan
- 7 O'Keeffe Guinness & Mahon.
- 8 A. Yes.
- 9 Q. 209 And the contact for Mr. Lanigan O'Keeffe that's record in the your diaries that
- 14:25:43 10 is next in date to that, Mr. Dunlop, is at 9284. Which is the 22nd of February
- 11 1993.
- 12 A. Yes.
- 13 Q. 210 Now, I suggest to you that whatever business Mr. Lanigan O'Keeffe had with you
- 14 in September is unlikely to be related to his business with you in February of
- 14:25:59 15 '93, isn't that right?
- 16 A. Probably not.
- 17 Q. 211 Right. So that what happens in September is on the 10th of September 1993,
- 18 Mr. Lanigan O'Keeffe rings you. On Tuesday the 14th of September '93,
- 19 Mr. Lanigan O'Keeffe rings you. And at 10113 you meet with him in the Westbury
- 14:26:16 20 --
- 21 A. Yes.
- 22 Q. 212 -- on the 17th of September.
- 23 A. Yes.
- 24 Q. 213 Now, what precisely were you meeting Mr. Lanigan O'Keeffe for in the Westbury
- 14:26:25 25 on that date?
- 26 A. Well to be completely frank with you, I just don't recall why I met Martin on
- 27 that occasion. It either had something to do with Guinness Mahon or with my
- 28 relationship with Guinness Mahon or something that Martin particularly wanted
- 29 me to do. I just can't say.
- 14:26:46 30 Q. 214 Did you give Mr. Lanigan O'Keeffe the 25,000 pounds that you had cashed?

- 14:26:51 1 A. I don't believe I did.
- 2 Q. 215 All right. Can you just look at your diary then, Mr. Dunlop, at the entry for
- 3 5:30?
- 4 A. Yes.
- 14:26:58 5 Q. 216 What does that say?
- 6 A. It says Powers Hotel.
- 7 Q. 217 Is that hotel half way between the bank and your offices?
- 8 A. Yes it is. Certainly, yes.
- 9 Q. 218 Yes. Isn't that approximately where that's located?
- 14:27:10 10 A. It is.
- 11 Q. 219 So you would have had to go from your offices, isn't that right, to the bank to
- 12 cash the cheque, isn't that right?
- 13 A. Correct.
- 14 Q. 220 And then you have an entry at 5:30 in Powers Hotel?
- 14:27:20 15 A. Yes.
- 16 Q. 221 And who were you meeting in Powers Hotel, Mr. Dunlop?
- 17 A. At this remove I cannot recall. I haven't been in, wasn't habitually in Powers
- 18 Hotel I have to say, even though it was a location for political conviviality
- 19 because it was so close to the Dail. But I haven't been in there at this
- 14:27:46 20 remove I just don't know. I've been in Powers Hotel but I mean I can't say to
- 21 you who I was meeting or what I was doing there.
- 22 Q. 222 Is it likely to have been a politician?
- 23 A. It is likely. It could have been a politician. It could have been a client.
- 24 But I just can't recall at this remove.
- 14:28:04 25 Q. 223 You went to the bank on the 17th of September and you cashed a cheque for
- 26 25,000 pounds, isn't that right?
- 27 A. Yes.
- 28 Q. 224 So from whatever stage you ring the bank you have 25,000 pounds on your person,
- 29 is that correct?
- 14:28:16 30 A. Correct.

- 14:28:16 1 Q. 225 You have it, do you have it in a briefcase, Mr. Dunlop?
- 2 A. Normally in a briefcase, yes.
- 3 Q. 226 Did you give it to Mr. Lanigan O'Keeffe for investment purposes with Guinness &
- 4 Mahon?
- 14:28:26 5 A. I don't believe I did. I had a number of loans with Guinness & Mahon at a very
- 6 much earlier stage than this, I don't believe I ever gave any money to Guinness
- 7 & Mahon for investment purposes.
- 8 Q. 227 Did you give any money to Mr. Lanigan O'Keeffe for the benefit of anybody else?
- 9 A. No.
- 14:28:47 10 Q. 228 Right.
- 11 A. Mr. Lanigan O'Keeffe was not the type of person that you would give money to
- 12 for the benefit of anybody, including himself may I add.
- 13 Q. 229 I have to ask you these questions, Mr. Dunlop, in the absence of your
- 14 explanation as to what you did with the 25,000 pounds.
- 14:29:10 15 A. Yes.
- 16 Q. 230 Is it likely, Mr. Dunlop, that whoever you met in Powers Hotel at 5:30 was the
- 17 recipient of your 25,000 pounds?
- 18 A. No, I would say definitively not. What I cannot say to you is, I cannot recall
- 19 what the purpose of my meeting in Powers Hotel, who I met in Powers Hotel or
- 14:29:25 20 whether or not I gave money to anybody in Powers Hotel. I have absolutely no
- 21 recollection of ever doing so.
- 22 Q. 231 It's not a surprise to you, Mr. Dunlop, that you are being asked about this
- 23 transaction, isn't that right?
- 24 A. No.
- 14:29:37 25 Q. 232 I mean the Tribunal has written to you on a number of occasions asking you to
- 26 provide an explanation, isn't that right, for what you did with this money?
- 27 A. Yes.
- 28 Q. 233 Now it is not suggested by either yourself or your professional advisors that
- 29 you lodged any of this sum or any part of it to any of your bank accounts,
- 14:29:53 30 isn't that the position?

- 14:29:54 1 A. That's correct, yes.
- 2 Q. 234 So that in effect what happens here is that you get this cheque for 25,000
- 3 pounds which is made out to Frank Dunlop and you cashed the cheque, isn't this
- 4 right?
- 14:30:02 5 A. Correct.
- 6 Q. 235 You have a number of meetings on that date and those, that you can identify the
- 7 person who was present you say had nothing to do with the 25,000 pounds, isn't
- 8 that right?
- 9 A. Absolutely as -- to the best of my recollection none of those people related
- 14:30:18 10 there have anything whatsoever to do with that.
- 11 Q. 236 But there is a meeting at 5 o'clock or 5:30 in Powers Hotel, you don't know who
- 12 you met, isn't that right?
- 13 A. At this stage I cannot recall who I met. There is no name it just says Powers
- 14 Hotel, which I would say to you quite frankly is slightly odd if I was meeting
- 14:30:35 15 somebody in Powers Hotel, the normal practice would be to identify who the
- 16 person was. I mean, my diary, my diaries are replete with the names or the
- 17 initials with people that I was meeting in various locations.
- 18 Q. 237 So what you were recording in your diary was the location where you were to
- 19 meet somebody but not the identity of the person whom you were meeting, isn't
- 14:30:58 20 that right?
- 21 A. Correct.
- 22 Q. 238 And isn't it likely or could it not be, Mr. Dunlop, that in fact whoever you
- 23 were meeting at 5:30 in Powers Hotel was a person to whom you were going to
- 24 give the 25,000 pounds or a part thereof?
- 14:31:11 25 A. No I don't believe so.
- 26 Q. 239 Did you give any of that money to Mr. Lawlor?
- 27 A. That I cannot say. I have given money to Mr. Lawlor on a variety of occasions
- 28 in a variety of formats in both by in cash and by cheque, which I have outlined
- 29 in my statement.
- 14:31:31 30 Q. 240 In response to a number of letters from the Tribunal in relation to this issue

14:31:36 1 Mr. Dunlop. At 14692, in the second last paragraph --

2 A. Uh-huh.

3 Q. 241 -- in that letter Messrs. L K Shields tell the Tribunal that "unfortunately

4 despite our clients' best efforts and those of our clients' financial advisors,

14:31:55 5 our clients are not at this remove able to provide the specific particulars

6 sought in your letter of the 25th of July." Isn't that right?

7 A. Correct.

8 Q. 242 On the 28th of July at 14688, this sum of 25,000 pounds was the only subject of

9 the correspondence, isn't that right?

14:32:16 10 A. Correct.

11 Q. 243 And you were asked a number of very specific questions, isn't that right?

12 A. Yes.

13 Q. 244 And you were asked to identify how the payment was treated by you, if it was

14 lodged to a bank account and if cash was retained how much was retained, how

14:32:30 15 much was lodged and indication to which the payment was put, isn't that right?

16 A. Yes.

17 Q. 245 Now, there was no lodgement to any of your accounts then or subsequently that

18 would account for this money, isn't that right?

19 A. Correct.

14:32:41 20 Q. 246 So the 25,000 pounds is 25,000 pounds in cash that you had on the 17th of

21 September 1993, Mr. Dunlop, and there has been no accounting for it since,

22 isn't that right?

23 A. Correct.

24 Q. 247 In the normal course of events, Mr. Dunlop, when you cashed money or received

14:33:00 25 cash from the bank how did you manage the money?

26 A. Manage, how do you mean?

27 Q. 248 You would have a stash of cash if your evidence is correct.

28 A. Uh-huh.

29 Q. 249 You have on this occasion 25,000 pounds in cash?

14:33:14 30 A. Yes.

- 14:33:15 1 Q. 250 You have put it in a briefcase.
- 2 A. Yeah.
- 3 Q. 251 You will in all likelihood have it with you during the course of that day or
- 4 some portion of the day?
- 14:33:24 5 A. Correct back to the office and then home in the car.
- 6 Q. 252 Right. So you have to make disbursements out of, that you use up that money over
- 7 the course of time?
- 8 A. In the course of time, yes.
- 9 Q. 253 So how do you see decide what you are going to use the money for, Mr. Dunlop,
- 14:33:49 10 what expenses you are going to pay with that money?
- 11 A. Well it's not a question of making a prior decision. I make a decision as the
- 12 occasion as arises.
- 13 Q. 254 Okay. So what occasion arose after the 17th of September that required a
- 14 disbursement out of that 25,000 pounds?
- 14:33:55 15 A. I cannot say that to you. It could have been anything. It could have been
- 16 personal, otherwise I cannot say.
- 17 Q. 255 Well you didn't buy a car with it because we've seen that you dealt by way of a
- 18 bank draft for the dealing with the garage, isn't that right?
- 19 A. That's correct, yes.
- 14:34:11 20 Q. 256 Did you buy paintings with it?
- 21 A. Well I have bought paintings in my time but I don't believe I did.
- 22 Q. 257 Did you buy shares with it?
- 23 A. I don't believe I did.
- 24 Q. 258 Did you invest it in stocks?
- 14:34:22 25 A. No, I don't believe I did.
- 26 Q. 259 Did you put a deposit on an apartment?
- 27 A. No, I don't believe I did. I have bought apartments but I don't believe I did
- 28 ever use cash in relation to the purchase of an apartment.
- 29 Q. 260 Did you pay any outgoings in respect of your office out of it?
- 14:34:42 30 A. No, I don't believe I did.

- 14:34:43 1 Q. 261 And you wouldn't have done that, Mr. Dunlop, isn't that right, because if you  
2 were paying outgoings on your office out of your cash --
- 3 A. Yes.
- 4 Q. 262 -- you wouldn't be able to provide the invoices and the document trail that  
14:34:54 5 your auditors would need when they were auditing Frank Dunlop & Associates,  
6 isn't that right?
- 7 A. Correct, yes.
- 8 Q. 263 So all of the expenses incurred by Frank Dunlop have to be met out of the  
9 accounts of Frank Dunlop & Associates, isn't that right?
- 14:35:05 10 A. Correct.
- 11 Q. 264 So it wasn't any of those things you tell the Tribunal.
- 12 A. No.
- 13 Q. 265 So did you pay politicians with it, Mr. Dunlop?
- 14 A. I cannot say that I did specifically with the 25,000 pounds and I cannot say  
14:35:16 15 specifically that I did not at any future occasion out of the amounts of money  
16 in cash that I had available to me.
- 17 Q. 266 Is this another instance, Mr. Dunlop, like the 20,000 pounds that you borrowed  
18 in February of 1992, do you remember the 20,000 pounds that you borrowed in  
19 February 1992, when you were asked what you had done with the money when you  
14:35:37 20 borrowed it and you couldn't explain why you had borrowed it?
- 21 A. Yes.
- 22 Q. 267 You could only explain I think in fairness to yourself how you had repaid it?
- 23 A. Correct.
- 24 Q. 268 Isn't that right?
- 14:35:46 25 A. Right.
- 26 Q. 269 Does this fall into the same category, Mr. Dunlop?
- 27 A. In the sense that I cannot give you a condition concerted explanation as to  
28 what I did with the money in a detailed manner.
- 29 Q. 270 Is it the same again as the 55,000 pounds other than the account you have given  
14:36:01 30 for the monies that you spent on the 10th, 11th and early November out of the

- 14:36:05 1 money that you had where you are not able to account for the balance of the  
2 funds?
- 3 A. Other than the amounts that we have, I have given evidence in relation to the  
4 payments to the various people that I have identified, including Mr. Lawlor.
- 14:36:18 5 Q. 271 Yes. And in relation to where we've seen where you have withdrawn significant  
6 amounts from the either the Rathfarnham account or the Irish Nationwide account  
7 and you are not able to specifically account --
- 8 A. Correct.
- 9 Q. 272 -- for any of those, for the funds?
- 14:36:31 10 A. Correct.
- 11 Q. 273 So doing the best you can now, Mr. Dunlop, and trying to assist the Tribunal as  
12 best you can, can you identify to the Tribunal what was going on in Quarryvale  
13 in or around September of 1993?
- 14 A. September of 1993, well there were two things. What the main thing in relation  
14:36:55 15 to 1993 was that there was a confirmation vote pending in relation to the  
16 decisions that had been taken in relation to Quarryvale and subsequent to the  
17 publication of the Written Statement. I think that was done in December 1993.  
18 There were, there was the associated activity in relation to the Neilstown site  
19 which was the proposal for the stadium. In relation to Quarryvale in  
14:37:28 20 particular, the most important issue was the confirmation vote.
- 21 Q. 274 Yes. And that was coming up before the Council in October of '93, isn't that  
22 right?
- 23 A. Yes, it was coming. I can't specifically say when it was put on the agenda.  
24 But certainly to the best of my recollection obviously it would have been on  
14:37:46 25 the agenda for some time prior to the actual vote. And I think the actual vote  
26 was in December.
- 27 Q. 275 Yes. I think the matter was listed at 10244, for October of 1993 in the first  
28 instance, isn't that right?
- 29 A. Yes.
- 14:38:03 30 Q. 276 And there were a number of motions, isn't that right?

- 14:38:07 1 A. That's correct, yes.
- 2 Q. 277 And Councillor O'Connell for example had motions seeking to rescind the earlier  
3 decisions. 10246. Isn't that right?
- 4 A. Yes in the interests of ... yes, correct. He had three, yes.
- 14:38:24 5 Q. 278 The changes in the zoning that had been brought about on the previous occasion  
6 was the change from D to C and E on Quarryvale, isn't that right?
- 7 A. That's correct.
- 8 Q. 279 Okay. So that there was a combined zoning now on the Quarryvale lands, isn't  
9 that the position?
- 14:38:43 10 A. That's right yes.
- 11 Q. 280 And that had gone on public display and it was coming back in been the Council  
12 for a final vote on the Council before the confirmation in December '93, isn't  
13 that right?
- 14 A. Correct yes.
- 14:38:50 15 Q. 281 So that in September, Mr. Dunlop, of 1993 the Quarryvale strategy team was  
16 heading into another possible vote in Dublin County Council, isn't that right?
- 17 A. Correct, yes.
- 18 Q. 282 And you would have known, Mr. Dunlop, surely of the fact that various motions  
19 had been listed in relation to the changes proposed on the Quarryvale lands?
- 14:39:12 20 A. Yes, we would either have been circulated with them or we would have had them  
21 via private information if I may put it that way by a member of the Council.
- 22 Q. 283 Now, some of the changes that were proposed at 10247 at paragraph 19.6 there  
23 were three motions put forward and these motions effectively sought to return  
24 Quarryvale to the 1991 zoning.
- 14:39:44 25 A. Yes.
- 26 Q. 284 Yes.
- 27 A. Correct.
- 28 Q. 285 Now those motions were ultimately not proceeded with.
- 29 A. That's right.
- 14:39:50 30 Q. 286 According to --

- 14:39:52 1 A. The debates.
- 2 Q. 287 I think Mr. Pat Rabbitte says that when they appreciated the effect that these  
3 motions would have they weren't proceeded with and they were withdrawn, isn't  
4 that right?
- 14:40:01 5 A. Well, the reality that is that they knew that they weren't going to win. Be  
6 that see as it may, various people have various views. In relation to why that  
7 was done but it was because people realised that there wasn't a chance in hell  
8 of these motions succeeding.
- 9 Q. 288 If you look at them very carefully, Mr. Dunlop, and you see what the Democratic  
10 Left motion was proposing?
- 11 A. Uh-huh.
- 12 Q. 289 Was in fact not to return Quarryvale to its 1983 zoning but to return it to its  
13 1991 draft zoning which would have been a town centre zoning.
- 14 A. Correct, yes.
- 14:40:34 15 Q. 290 Isn't that right?
- 16 A. Yes.
- 17 Q. 291 So that in fact what this was proposing was something that would have been very  
18 much to the benefit of Quarryvale and the Quarryvale strategy team had it been  
19 passed, isn't that right?
- 14:40:44 20 A. Yes. I appreciate that and I think that was appreciated at the time. But it  
21 certainly did not accord with what the proposers of Quarryvale wanted.
- 22 Q. 292 Yes.
- 23 A. Because they had got during the course of the of 1992 and particularly now in  
24 the context that we traversed the other day in relation to the Written  
14:41:06 25 Statement which had been published and the changes that were made.
- 26 Q. 293 And according to Mr. O'Callaghan at 10313, in a letter to Allied Irish Bank in  
27 relation to the vote but just dealing with the Democratic Left motion. If you  
28 look at paragraph one. It says "The Democratic Left withdrew their motion on  
29 Friday last when they discovered their mistake. Their intention was actually  
14:41:32 30 to dezone Quarryvale. Pat Rabbitte Chairman of the Council and member of

- 14:41:36 1 Democratic Left himself withdrew the motion Monday last discovered how wrong it  
2 was from their point of view" isn't that right?
- 3 A. Yes. I have to say to you that it wouldn't have impacted on me at all even in  
4 recollection that that was in any way a reality. All I recollect of the matter  
14:41:54 5 is that there were a number of motions from Democratic Left which were not  
6 proceeded with to our satisfaction.
- 7 Q. 294 Yes. Well on the 21st of October when this letter is written, in paragraph two  
8 reference is made to Mr. Rabbitte withdrawing the motion on Monday last which  
9 would have been the 18th of October, isn't that right?
- 14:42:16 10 A. Yes, yes, correct.
- 11 Q. 295 And 10277, Mr. Dunlop, you will see that on the 18th of October you have an  
12 entry in your diary OOC and FD to PR?
- 13 A. Correct.
- 14 Q. 296 That would suggest that yourself and Mr. O'Callaghan went to see Mr. Rabbitte  
14:42:32 15 on the 18th of October.
- 16 A. Yes.
- 17 Q. 297 And I suggest to you that it's likely that what was discussed between Mr.  
18 O'Callaghan, Mr. Rabbitte and yourself were the Democratic Left motions?
- 19 A. I think that is a fair assumption, yes.
- 14:42:45 20 Q. 298 And I think ultimately despite the motions that had been lodged the matter was  
21 confirmed on the 19th of October 1993, isn't that right?
- 22 A. The plan was confirmed.
- 23 Q. 299 The plan was confirmed.
- 24 A. Yes.
- 14:42:59 25 Q. 300 For Quarryvale on the 19th of October 1993.
- 26 A. Correct.
- 27 Q. 301 Isn't that right?
- 28 A. Correct.
- 29 Q. 302 And without much opposition and with the support of the manager?
- 14:43:07 30 A. With the support of the manager and I think just token opposition.

- 14:43:10 1 Q. 303 Yes. In other words there was no vote that had to be overturned?
- 2 A. Correct.
- 3 Q. 304 Isn't that right?
- 4 A. Yeah.
- 14:43:15 5 Q. 305 Knew, if we go back now, Mr. Dunlop, to the 25,000 pounds that you cash in
- 6 September of 1993?
- 7 A. Yes.
- 8 Q. 306 Now, does any of that assist you in recollecting why you would have needed to
- 9 cash 25,000 pounds in September 1993?
- 14:43:36 10 A. No.
- 11 Q. 307 Is it a mystery to you, Mr. Dunlop?
- 12 A. It is a mystery in the sense if you define the word "mystery". It's a mystery
- 13 in the sense that I cannot explain exactly what I did with the 25,000 pounds.
- 14 Obviously, as I have said previously, I used the money at some stage for
- 14:44:08 15 purposes which I cannot now tell you. But certainly I don't have any specific
- 16 recollection of using that money for any defined purposes in relation to what
- 17 the Tribunal is investigating.
- 18 Q. 308 All right. You see, you tell the Tribunal, Mr. Dunlop, that you remember --
- 19 A. Yeah.
- 14:44:32 20 Q. 309 ,And you recollect paying 5,000 pounds to Mr. Cosgrave?
- 21 A. Yes.
- 22 Q. 310 On the 11th of November 1992, isn't that right?
- 23 A. Correct.
- 24 Q. 311 And you tell the Tribunal you remember meeting Mr. Richard Green and paying him
- 14:44:47 25 500 pounds in cash, isn't that right?
- 26 A. Correct.
- 27 Q. 312 And you have given evidence over a number of modules to the Tribunal of
- 28 payments made as small as 250 pounds in cash to people?
- 29 A. Correct.
- 14:44:59 30 Q. 313 Isn't that right? In fact, in this particular module you are able to recollect

14:45:04 1 and tell the Tribunal about a payment of 500 pounds in cash to Ms. Olivia  
2 Mitchell on the 10th of November 1992, followed by a payment of 2,000 pounds in  
3 cash to Mr. Colm McGrath, isn't that right?

4 A. In Ashtons pub in Clonskeagh and in Clondalkin.

14:45:20 5 Q. 314 Isn't that right?

6 A. Yes.

7 Q. 315 But all you have written in your diary for the payment to Ms. Olivia Mitchell  
8 is Ashtons, Clonskeagh ON, isn't that right?

9 A. Correct.

14:45:31 10 Q. 316 And all you have in your diary for the payment of 2,000 pounds to Mr. Colm  
11 McGrath is no reference to Mr. McGrath, just a reference to the location?

12 A. Clondalkin.

13 Q. 317 To Clondalkin, isn't that right?

14 A. Yes, correct.

14:45:40 15 Q. 318 So that when you look at your diary for the 10th of November. The 10th of  
16 November 1992, the only thing that assists you in recollecting that you paid  
17 2,000 pounds to Mr. Colm McGrath is an entry that says Clondalkin, isn't that  
18 right?

19 A. Yes.

14:45:55 20 Q. 319 And in your diary for the 17th of September at 10113. The entry you have is  
21 Powers Hotel, isn't that right?

22 A. Yes.

23 Q. 320 Mr. Dunlop. So can you just explain to the Tribunal how it is that you are  
24 able to recollect Clondalkin means 2,000 pounds to Mr. Colm McGrath and yet  
14:46:26 25 when you look at this entry on the day you take out 25,000 pounds in cash from  
26 your bank, you cannot tell the Tribunal who it was you met or for what purpose  
27 in Powers Hotel?

28 A. Yes. Well in the specific context of Colm McGrath because I know Colm McGrath  
29 and I had a discussion. He asked me for a contribution. I met him in  
14:46:45 30 Clondalkin and I paid him money. I've been to Clondalkin to see Mr. McGrath in

- 14:46:50 1 a variety of places in Clondalkin that I have given evidence about previously  
2 in relation to paying money to Mr. Colm McGrath. In relation to, you didn't  
3 ask me but in relation to Ms. Olivia Mitchell the same thing. I only met  
4 Ms. Olivia Mitchell once in Ashtons of Clonskeagh with a specific purpose at  
14:47:08 5 the recommendation and suggestion of Therese Ridge.  
6  
7 I have no recollection of who I met in Powers Hotel at 5:30 on Friday September  
8 17th of 1993.
- 9 Q. 321 But it's possible then, Mr. Dunlop, that you met somebody and paid them 25,000  
14:47:28 10 pounds, isn't it?  
11 A. I would dispute that very strongly that I paid anybody 25,000 pounds in Powers  
12 Hotel on the 17th of November, 17th of September 1993. I have no recollection  
13 of ever doing so in that amount to anybody other than in the amounts that I  
14 have paid to identified people like Mr. Liam Lawlor to whom I gave 25,000  
14:47:50 15 pounds for the in the course of the General Election.
- 16 Q. 322 We're not discussing Mr. Lawlor.  
17 A. No, no.
- 18 Q. 323 We are not suggesting, Mr. Dunlop, I think if I understood your earlier  
19 evidence correctly --  
14:48:01 20 A. No no.
- 21 Q. 324 -- that it this withdrawal or the cashing of this cheque had anything to do  
22 with Mr. Lawlor?  
23 A. Absolutely not. I hope I did not mean to suggest that. But I certainly am not  
24 making any such suggestion.
- 14:48:12 25 Q. 325 But the point that I am making to you, Mr. Dunlop, is in a you were able to be  
26 precise about payments of very small amounts of money in cash with times, dates  
27 and locations for where you say the money was paid and to whom it was paid.  
28 And yet when it comes to very large round figure sums you are unable, you say,  
29 to assist the Tribunal by identifying what you did with it, isn't that right?  
14:48:42 30 A. Correct.

- 14:48:42 1 Q. 326 And you say if I understand you correctly, that you have not kept any record or  
2 document wherein you have recorded all of these transactions and who were the  
3 recipients or otherwise of these monies?
- 4 A. Ms. Dillon, I have said to you before. If I had done so neither you nor I  
14:48:50 5 would be here today.
- 6 Q. 327 Is it possible, Mr. Dunlop, that whoever you met in Powers Hotel at half past  
7 five on the 17th of September, that you might have paid them a sum of 5,000  
8 pounds?
- 9 A. It is unlikely. I do believe I would recall that if I did so. I have no  
14:49:11 10 recollection of who I met, what the meeting was about. As I say, I haven't  
11 been in -- I wasn't an habituary of Powers Hotel for very simple reasons, I  
12 just didn't like the place. But obviously, I was meeting somebody there at  
13 5:30 on the 17th, who it was I just cannot recollect. But certainly I would  
14 not even suggest that that meeting was for the purposes of giving anyone money  
14:49:39 15 because I have no recollection whatsoever of ever doing so.
- 16 Q. 328 Or alternatively, Mr. Dunlop, you recollect very well what you did with the  
17 25,000 pounds and you're electing not to tell the Tribunal, isn't that right?
- 18 A. Well that is not the case.
- 19 Q. 329 But it's either one or the other, Mr. Dunlop, isn't it?
- 14:49:56 20 A. Well I have said to you that I have no recollection whatsoever of whom I met in  
21 Powers Hotel on the 17th of September 1993 or what I did with the 25,000  
22 pounds.
- 23 Q. 330 If your evidence is correct, your going to Powers Hotel was a reasonably  
24 unusual occurrence.
- 14:50:11 25 A. Yes it was yes.
- 26 Q. 331 You have cashed 25,000 pounds in cash which was probably a reasonably unusual  
27 occurrence for you also, isn't that right?
- 28 A. Well it wouldn't be completely unusual occurrence for me to be carrying a large  
29 sum of money. But certainly it would be unusual in the normal course of events  
14:50:30 30 for me to be carrying 25,000 pounds around town.

- 14:50:33 1 Q. 332 And when you make the entry in your diary about the meeting in Powers Hotel,  
2 Mr. Dunlop. All you identify for yourself is the location of the meeting. You  
3 don't identify for some reason that you can't explain, the person that you were  
4 meeting, is that right?
- 14:50:46 5 A. Correct, yes.
- 6 Q. 333 Though you have previously put in initials for meeting people, isn't that  
7 right?
- 8 A. Yes I have.
- 9 Q. 334 So there are three unusual features to the 17th of September, isn't that right?  
10 You arrange to meet somebody in Powers Hotel but you don't identify who you are  
11 meeting, isn't that right?
- 12 A. Correct.
- 13 Q. 335 It's a location that is regularly used by politicians, isn't that right?
- 14 A. Yes I would say it was. It was. I don't know whether it is now. But  
14:51:14 15 certainly it was then politicians stayed there, yes.
- 16 Q. 336 And on that occasion it's likely that you had 25,000 pounds in cash?
- 17 A. Yes, I think it is highly likely that I did have that amount of money with me.  
18 I cannot say exactly when. I don't know whether there is a time stamp on the  
19 negotiating of the cheque in the bank but certainly I would have that amount of  
14:51:40 20 money with me I would suggest, yes.
- 21 Q. 337 14228, Mr. Dunlop, is the cheque.
- 22 A. Yeah.
- 23 Q. 338 And the actual negotiation is recorded at 14330. 14220.
- 24 A. What's that?
- 14:52:10 25 Q. 339 Yes, it's the fourth transaction from the bottom --
- 26 A. Yes.
- 27 Q. 340 -- of this page. And there doesn't appear to be a time, isn't that right?
- 28 A. No.
- 29 Q. 341 But what if establishes, Mr. Dunlop is that you had the 25,000 pounds and it's  
14:52:28 30 likely you had that 25,000 pounds by 4 o'clock, isn't that right?

14:52:31 1 A. I would agree with that yes.

2 Q. 342 Within normal banking hours?

3 A. Yes.

4 Q. 343 And yet despite all of that assistance and information you still can't help the

14:52:40 5 Tribunal and tell the Tribunal what you did with that money or who it was that

6 you met in Powers Hotel on the 17th of September 1993?

7 A. That's correct and I'm afraid I can't and if I could I would.

8 Q. 344 And can I ask you this, Mr. Dunlop. This is money that you are paid by Riga,

9 isn't that right?

14:52:58 10 A. Yes.

11 Q. 345 And the invoice is dated June of 1993, 10th of June 1993. 10118.

12 A. Yes.

13 Q. 346 And it's paid by cheque on the 14th of September 1993?

14 A. Correct.

14:53:15 15 Q. 347 Could you just outline to the Tribunal what conversations you had with Mr.

16 O'Callaghan that led to him giving you the cheque in or around the 15th or 16th

17 of September 1993?

18 A. Not really other than to say to you that obviously in the time span that

19 existed between the issuing of the invoice and the payment that I either asked

14:53:43 20 him on a number of occasions about it, I can't recollect doing so, but I did

21 say before that there were a number of occasions in which I did have to either

22 discuss with Mr. O'Callaghan or Mr. Aidan Lucey, the non-payment of an invoice

23 that had been issued and all I can say to you is that something similar

24 occurred on this occasion. I don't have a specific recollection in relation to

14:54:06 25 having a discussion with him in relation to the payment of this amount.

26 Q. 348 All right. Well if we just. You treat this as a cash payment Mr. Dunlop,

27 isn't that right?

28 A. Yes, correct.

29 Q. 349 This is car chest money. You are not putting this through the books, you are

14:54:20 30 not accounting for it, isn't that right?

- 14:54:22 1 A. Correct.
- 2 Q. 350 So if you have a requirement for 25,000 pounds it's a requirement for a purpose
- 3 that is not going to be recorded in the books of Frank Dunlop & Associates
- 4 isn't that right?
- 14:54:30 5 A. Correct yes.
- 6 Q. 351 So if we look at 3900. This is your Irish Nationwide Building Society account.
- 7 And I just want you to look at say the 19th of August '93 and the 4th of
- 8 November '93.
- 9 A. Yes.
- 14:54:45 10 Q. 352 And you will see that the account range between 30,000 pounds and 45,000 pounds
- 11 in credit, isn't that right?
- 12 A. Correct.
- 13 Q. 353 So that you had available to you 25,000 pounds from this source, isn't that
- 14 right?
- 14:54:57 15 A. Yes, yeah.
- 16 Q. 354 Okay. So you didn't have any urgent requirement I suggest to you, Mr. Dunlop,
- 17 for 25,000 pounds that you couldn't have sourced from your own resources, isn't
- 18 that right?
- 19 A. That's correct.
- 14:55:08 20 Q. 355 Right. But you in fact if you have a requirement for 25,000 pounds you don't
- 21 go to your own resources for it, isn't that right?
- 22 A. Correct, exactly. I didn't go it any of those accounts. Yes.
- 23 Q. 356 You speak to Mr. O'Callaghan, you get a cheque for 25,000 pounds and you cash
- 24 it?
- 14:55:24 25 A. Yes.
- 26 Q. 357 And the money disappears, isn't that right, effectively?
- 27 A. Well it comes into my possession and I use it for whatever purposes that I
- 28 cannot now recall.
- 29 Q. 358 Yes. Effectively you cannot identify a single thing you did with that 25,000
- 14:55:36 30 pounds, Mr. Dunlop, isn't that right?

- 14:55:37 1 A. That's correct, yes.
- 2 Q. 359 So from the time that the cheque is given to you by Mr. O'Callaghan and after
- 3 you convert it to cash, there is no record of what you did with the money,
- 4 isn't that right?
- 14:55:45 5 A. Correct.
- 6 Q. 360 But it is clear that at that time you had more than enough funds to deal with
- 7 any requirement you yourself personally might have had for 25,000 pounds with
- 8 money that would not be traceable or accountable, isn't that right?
- 9 A. Correct. By the 4th of November I had 45,000 pounds, yes.
- 14:56:01 10 Q. 361 That's exactly the point.
- 11 A. Yes.
- 12 Q. 362 So that you had money that you weren't declaring a fund available to you to
- 13 meet any requirements that might come your way in September 1993?
- 14 A. Correct.
- 14:56:12 15 Q. 363 So it wasn't a circumstance I suggest to you, Mr. Dunlop, where you had to push
- 16 Mr. O'Callaghan for money because you yourself had a need?
- 17 A. Yes.
- 18 Q. 364 For 25,000 pounds, isn't that right?
- 19 A. Yeah and I don't recall I have no specific recollection of having a
- 14:56:30 20 conversation in the terms that you have outlined or pushing Mr. O'Callaghan. I
- 21 don't have a recollection of doing so on this particular occasion. The invoice
- 22 dated the 10th of June, the payment is the 14th of September. So all I can say
- 23 to you is that one, on the issuing of the invoice would have been discussed
- 24 with Mr. O'Callaghan. And two, it would be probable that I had a discussion
- 14:56:58 25 with Mr. O'Callaghan about the payment in relation to when it was going to be
- 26 paid and you you know why it wasn't being paid. That's all I can say.
- 27 Q. 365 The money that you were going to get from Mr. O'Callaghan on foot of this
- 28 invoice was money, Mr. Dunlop, that was coming to you VAT free?
- 29 A. That's correct.
- 14:57:16 30 Q. 366 That's clear from the invoice?

- 14:57:17 1 A. Yes.
- 2 Q. 367 I suggest to you then that from the time that you issued the invoice in your  
3 mind at least this was money that you were not going to record through the  
4 books of Frank Dunlop & Associates, isn't that right?
- 14:57:26 5 A. Correct.
- 6 Q. 368 All right. And in your previous evidence in relation to Shefran invoices and  
7 the 70,000 pounds Frank Dunlop & Associates invoice, where it came in VAT free  
8 you treated that as money that you were going to put into one or other of your  
9 "war chest" accounts, isn't that right?
- 14:57:42 10 A. Yes correct.
- 11 Q. 369 If you yourself had had an urgent requirement for 25,000 pounds in early  
12 September 1993, you could well have met that from your existing resources,  
13 isn't that right?
- 14 A. Yes.
- 14:57:54 15 Q. 370 Even if you couldn't, Mr. Dunlop, Mr. Ahern would probably have given it to you  
16 anyway, isn't that right?
- 17 A. Well, in accordance with the evidence that he gave, yes, he would accommodate  
18 me.
- 19 Q. 371 In fact you wouldn't needed any such accommodation because you had such more  
14:58:15 20 and more than such money?
- 21 A. He would have accommodated me by way of cash is what I meant, yes.
- 22 Q. 372 Yes. But you had 25,000 pounds and more available to you and when you get the  
23 25,000 pounds from Riga you don't lodge any of it to any account, isn't that  
24 right?
- 14:58:21 25 A. That's correct.
- 26 Q. 373 And that would suggest, Mr. Dunlop, that you had a need for it or a purpose for  
27 it when you cashed it?
- 28 A. Well the only --
- 29 Q. 374 Isn't that right?
- 14:58:30 30 A. Yes. The only answer that I can give to you is yes, I cashed it for -- because

- 14:58:35 1 I decided to cash it and thereafter I made use of it in whatever way I did but  
2 I cannot now tell you.
- 3 Q. 375 But it's a little more than that I think, Mr. Dunlop, because you must have had  
4 some specific purpose for cashing the 25,000 pounds because you don't lodge any  
14:58:51 5 portion of it, isn't that right?
- 6 A. I certainly didn't lodge any portion of it.
- 7 Q. 376 And that would suggest that you had a requirement in your own mind at least for  
8 25,000 pounds in cash?
- 9 A. Yes, I may well have had. In my own mind yes.
- 14:59:03 10 Q. 377 Yes.
- 11 A. Making a decision to cash this cheque and to retain the cash, that's all.
- 12 Q. 378 But thereafter you have nothing that you can indicate that you purchased or  
13 required either for yourself or for your business that would account for the  
14 25,000 pounds?
- 14:59:19 15 A. That's correct.
- 16 Q. 379 And if it was money that you wanted to keep hidden or secret you could have  
17 lodged it to this account because at that stage it was never your intention to  
18 disclose to anybody the existence of the Irish Nationwide Building Society  
19 account, isn't that right?
- 14:59:34 20 A. Correct.
- 21 Q. 380 Now, I think that in September of 1993 at 10198, this is an invoice. It's your  
22 first retainer invoice in 1993 for Mr, to Mr, to Riga isn't that right, to Mr.  
23 O'Callaghan and Riga?
- 24 A. Sorry, Ms. Dillon. Yes, correct, yes.
- 15:00:04 25 Q. 381 And that retainer, Mr. Dunlop, ran through to the end of 1993, isn't that  
26 right?
- 27 A. Correct.
- 28 Q. 382 And then there was no retainers paid in 1994. There were two expenses payments  
29 made, isn't that right?
- 15:00:17 30 A. Yes. A decision was made by Mr. O'Callaghan and myself that the retainer

- 15:00:24 1 relationship would conclude for a period.
- 2 Q. 383 Yes. And it did come back in then later at a smaller amount in 1995. And then
- 3 in increasing amounts up to 2,000 and we've seen that already I think at the
- 4 very beginning, isn't that the position?
- 15:00:38 5 A. That's correct, yes.
- 6 Q. 384 But in September 1993, this is the first instance, Mr. Dunlop, of a retainer
- 7 invoice being issued by you, isn't that right?
- 8 A. Yes.
- 9 Q. 385 So this is your first retainer?
- 15:00:49 10 A. Yes.
- 11 Q. 386 Is so you are now changing your relationship or your payment arrangement with
- 12 Mr. O'Callaghan, isn't that right?
- 13 A. Correct.
- 14 Q. 387 And can you just outline the circumstances in which you made that agreement or
- 15:00:59 15 had that discussion with Mr. O'Callaghan?
- 16 A. Yes, I think Mr. O'Callaghan and I met during the course of which we discussed
- 17 ongoing, our ongoing relationship, or what was required or what was not going
- 18 to be required and I would have suggested a figure and it would have been
- 19 negotiated between us and this was the end result, that Mr. O'Callaghan would
- 15:01:25 20 pay me like other clients did a retainer fee on a monthly basis for
- 21 availability on call in relation to anything to do with his business or
- 22 whatever his relationship with me happened to be at that particular time, which
- 23 related in the main to Quarryvale and the National Stadium.
- 24 Q. 388 So in the last then of the round figure invoices is the payment of 25,000
- 15:01:49 25 pounds in September 1993, isn't that right?
- 26 A. That is correct, yes.
- 27 Q. 389 And thereafter then by the end of September 1993, you have entered into a more
- 28 formalised relationship by way of issuing retainers on a monthly basis and that
- 29 continues to the end of '93 and is resumed again in 1995, isn't that right?
- 15:02:08 30 A. Correct, yes.

- 15:02:09 1 Q. 390 So in September 1993, two significant things happen: You receive your last  
2 large figure round sum payment and you commence on a new retainer basis with  
3 Riga, is that right?
- 4 A. Correct.
- 15:02:22 5 Q. 391 Right.
- 6 A. With Mr. O'Callaghan which is paid through Riga.
- 7 Q. 392 The invoice is addressed to Mr. O'Callaghan at Riga. The relationship or the  
8 payment. The relationship, Mr. Dunlop, the personal relationship is between  
9 yourself and Mr. O'Callaghan.
- 15:02:35 10 A. Correct.
- 11 Q. 393 But the payments come through Riga, isn't that right?
- 12 A. That is as Mr. O'Callaghan would have told me that's who to invoice him but to  
13 invoice him care of Riga.
- 14 Q. 394 So as you approach the end of 1993, the paying relationship between yourself  
15 and Mr. O'Callaghan changes, isn't that right?
- 15:03:00 16 A. Correct.
- 17 Q. 395 Up to this point in time your professional fees if I understand your evidence  
18 correctly for 1991, had been paid by way of large round figure sums on foot of  
19 which there is no element of VAT, isn't that right?
- 15:03:06 20 A. Correct, yes.
- 21 Q. 396 And then in September 1993, you receive the last of these payments being the  
22 25,000 pounds and thereafter your relationship is put on a more formal retainer  
23 footing, isn't that right?
- 24 A. That's correct, yes.
- 15:03:19 25 Q. 397 And you will see there that there is now a VAT element in included in the fees,  
26 isn't that right?
- 27 A. Correct.
- 28 Q. 398 So now you are putting out what invoices I suggest to you that are being issued  
29 through Frank Dunlop & Associates, isn't that right?
- 15:03:34 30 A. Yes they were.

- 15:03:34 1 Q. 399 And these are your professional fees, isn't that right, Mr. Dunlop, and it's  
2 going to be invoiced on a monthly basis?
- 3 A. Correct.
- 4 Q. 400 What was it in September 1993 that led you and Mr. O'Callaghan to agree such a  
15:03:45 5 fundamental change in the financial relationship that existed between you?  
6 A. I can't specifically say other than that we had a discussion about it and  
7 either Mr. O'Callaghan said to me we have to develop a new relationship or  
8 matters are now concluded or whatever. I cannot recall. But certainly there  
9 was a discussion between the both of us at which it was decided that the level  
15:04:15 10 of activity between, that I was conducting on behalf of Mr. O'Callaghan, would  
11 not be of the same intensity that it had been. But that he would still require  
12 assistance and advice from me. And that this would be recognised and  
13 recompensed by a retainer relationship of this amount.
- 14 Q. 401 Yes. What matters were concluded by September 1993, Mr. Dunlop, between  
15:04:41 15 yourself and Mr. O'Callaghan?  
16 A. Well the only thing that was concluding at that stage by September 1993 or  
17 towards the end of 1993, was the confirmation of the Quarryvale vote.
- 18 Q. 402 Yes. The confirmation of the Quarryvale vote concluded the zoning?  
19 A. Correct.
- 15:05:01 20 Q. 403 Programme?  
21 A. Yes.
- 22 Q. 404 Or the zoning job, isn't is that right?  
23 A. Yes that's correct.
- 24 Q. 405 And that was concluded in October of 1993 when the confirmation took place?  
15:05:09 25 A. That's correct.
- 26 Q. 406 And ultimately by December '93, when the Development Plan in its entirety was  
27 confirmed, isn't that right?  
28 A. That's correct, yes.
- 29 Q. 407 But by the 19th of October 1993, Quarryvale was through, isn't that right, and  
15:05:21 30 the zoning was confirmed?

- 15:05:22 1 A. Over and done with.
- 2 Q. 408 And I suggest to that by September of 1993, you would have known from your  
3 contacts in the Council that the confirmation was going to go through?
- 4 A. Yes, we would have been very confident that the vote would go through, yes.
- 15:05:40 5 Q. 409 So what was it, Mr. Dunlop, in your conversations with Mr. O'Callaghan that you  
6 had, that would account for the change in the payment?
- 7 A. I can't say that what specifically -- Mr. O'Callaghan and I constantly talked  
8 about money in the context of invoices, monies due, whatever. And obviously  
9 either generated by me or him or mutually an agreement was reached that this  
10 was the best ongoing relationship to have from there on in. But I cannot say  
11 what generated that, what initiated that particular conversation other than to  
12 say that was when the retainer relationship began.
- 13 Q. 410 Mr. Dunlop, for the previous two and a half years from the time that you were  
14 retained in connection with Quarryvale, you tell the Tribunal that your  
15 professional fees are being paid through Shefran?
- 15:06:40 16 A. Yes.
- 17 Q. 411 In large round figure sums which you lodge to what you describe are with a "war  
18 chest" accounts which were not then amenable to any scrutiny and to which you  
19 intended would never be amenable to any scrutiny, isn't that right?
- 15:06:57 20 A. Correct.
- 21 Q. 412 In September 1993, this method of paying ceases, isn't that right?
- 22 A. Yes.
- 23 Q. 413 There are no further Shefran invoices, isn't that right?
- 24 A. No.
- 15:07:04 25 Q. 414 There are no further large round figure sums payments which are free of VAT,  
26 isn't that right?
- 27 A. Correct.
- 28 Q. 415 The last of those occurs in September '93, when you cash the cheque and the  
29 money -- I don't know what happens to the money, Mr. Dunlop, because you can't  
15:07:16 30 tell the Tribunal. But thereafter you enter into a separate relationship with

- 15:07:20 1 Mr. O'Callaghan by way of a retainer?
- 2 A. That's correct.
- 3 Q. 416 Why was it, Mr. Dunlop, that you had entered into an arrangement that for the
- 4 duration of the zoning campaign in Quarryvale you required to be paid in large
- 15:07:34 5 round figure sums in most circumstances in which you cashed the money and had
- 6 the money available to you in cash?
- 7 A. It's because that was the arrangement that I arrived at with Mr. O'Callaghan
- 8 when I first met him in the context of Quarryvale and in the circumstances that
- 9 I outlined to you vis-a-vis the concerns expressed to me by Mr. O'Callaghan
- 10 about Mr. Gilmartin. That subsisted. That continued. The payments out of
- 11 Frank Dunlop -- to Frank Dunlop & Associates related to costs but at this time
- 12 in or around this time it is obvious that a new relationship was evolved
- 13 between us. I can't specifically say who generated it, why it was generated,
- 14 whether Mr. O'Callaghan said to me, you know, we have to develop a new
- 15:08:26 15 relationship or whether I said we have to put this on a different footing. I
- 16 cannot say that to you other than that it occurred.
- 17 Q. 417 Right. The payment, Mr. Dunlop, of the 25,000 pounds in September 1993, was
- 18 the final round figure sum payment bringing the total payments up to 270,000
- 19 pounds that you had been so paid, isn't that right?
- 15:08:47 20 A. Correct, yes.
- 21 Q. 418 You had issued invoices in the name of Shefran Limited commencing in March 1991
- 22 in the total amount of 175,000 pounds.
- 23 A. Yes.
- 24 Q. 419 Isn't that right? You had issued two separate invoices in the name of Frank
- 15:09:00 25 Dunlop & Associates one for 70,000 pounds with no VAT and one for 20,000
- 26 pounds?
- 27 A. Correct.
- 28 Q. 420 25,000 pounds?
- 29 A. 25.
- 15:09:07 30 Q. 421 And both of those had been paid?

- 15:09:08 1 A. Yes.
- 2 Q. 422 The total amount of that was 270,000 pounds?
- 3 A. Correct.
- 4 Q. 423 That effectively you treated as cash in your hands, isn't that that right?
- 15:09:16 5 A. That's correct.
- 6 Q. 424 And in September 1993 you ceased to operate that system?
- 7 A. Yes.
- 8 Q. 425 And I would like you to explain to the Tribunal why it was you no longer had a
- 9 requirement to operate such a system commencing in September 1993?
- 15:09:32 10 A. Well I don't want to continually repeat myself. But certainly a new
- 11 arrangement was arrived at between Mr. O'Callaghan and myself. I cannot say
- 12 which of us generated it. Obviously it was mutually agreed in the context of
- 13 what was occurring at the time in relation to Quarryvale. The vote hadn't
- 14 taken place, it was about to take place. As you quite rightly say, we were
- 15:09:56 15 confident that we would win the confirmation vote and thereafter to all intents
- 16 and purposes other than outstanding issues in relation to the stadium the
- 17 matter was concluded.
- 18 Q. 426 The zoning campaign was over?
- 19 A. Correct.
- 15:10:09 20 Q. 427 And is it the position, Mr. Dunlop, that because the zoning campaign was over,
- 21 you no longer had a requirement to be paid the large round figure sums which
- 22 you treated as cash?
- 23 A. It may well be that I suggested to Mr. O'Callaghan that this was an ongoing
- 24 relationship that I would like to have with him, notwithstanding the fact that
- 15:10:29 25 the zoning campaign had concluded. If the zoning campaign had concluded that's
- 26 what I was hired for by Mr. O'Callaghan in relation to the Quarryvale issue. I
- 27 was now retaining or get Mr. O'Callaghan, I cannot say specifically that this
- 28 was in my mind. But certainly from the documentation it would look that I
- 29 arrived at an agreement with Mr. O'Callaghan for a monthly retainer fee for on
- 15:10:53 30 call services.

- 15:10:54 1 Q. 428 But it would mean that you must have had some discussion with Mr. O'Callaghan  
2 about the change in the financial arrangements?  
3 A. Oh, yes. I have no difficulty whatsoever at all in assenting to that, yes.  
4 Because otherwise the arrangement couldn't have been put in place.
- 15:11:08 5 Q. 429 And did you have any comment from Mr. O'Callaghan or discussion why you weren't  
6 going to be issuing invoices through Shefran any more for example?  
7 A. No, I don't believe I did. I don't believe I did, no.
- 8 Q. 430 I mean, was there no concern that Mr. Gilmartin might become upset if the  
9 invoices suddenly started more invoices started coming in from Frank Dunlop &  
10 Associates?  
11 A. I don't want to be offensive, Ms. Dillon, but nobody could give a damn what Mr.  
12 Gilmartin thought or whether he was upset or not upset. Couldn't give a hoot  
13 about him.
- 14 Q. 431 But you have told the Tribunal, Mr. Dunlop, that the reason why the payments  
15 were routed through Shefran in the first instance was because of the concern  
16 expressed because of Mr. Gilmartin's opinion of you and his desire that you  
17 would not be involved, isn't that right?  
18 A. Correct. Expressed to me by Mr. O'Callaghan. Not by me. Mr. O'Callaghan  
19 expressed that to me. It was Mr. O'Callaghan who brought this issue up in the  
15:12:06 20 first instance  
21 Q. 432 So now in September of 1993, you were altering your financial relationship with  
22 Mr. O'Callaghan?  
23 A. Correct.
- 24 Q. 433 And you were putting it if I may say so, on a more formal footing, isn't that  
15:12:16 25 right?  
26 A. Yes, it is through Frank Dunlop & Associates. It's on a numbered invoice and  
27 it contains VAT.
- 28 Q. 434 And you are moving from a payments structure which consists of large round  
29 figure sums which are not subject to VAT to a monthly retainer, isn't that  
15:12:37 30 right?

- 15:12:37 1 A. That's correct.
- 2 Q. 435 It is a radical departure from your previous financial position with Mr.
- 3 O'Callaghan, isn't that right?
- 4 A. Other than in the context that the normal costs associated with Quarryvale were
- 15:12:40 5 issued through Frank Dunlop & Associates.
- 6 Q. 436 Insofar as your professional fees are concerned, Mr. Dunlop, this is a radical
- 7 departure?
- 8 A. Correct.
- 9 Q. 437 I would just like you to explain your recollections of your conversations with
- 15:12:51 10 Mr. O'Callaghan about the alteration and fee structure that took place in
- 11 September 1993?
- 12 A. I ought not to do this but I am going to do it because it's the only
- 13 explanation that I can give you. And that is that I am surmising that I said
- 14 to Mr. O'Callaghan on foot of the conclusion of the business in relation to the
- 15:13:11 15 zoning that I would like to have him on a continuing basis as a client on a
- 16 monthly retainer basis like I had with many other clients. Some of whom paid
- 17 me significant sums of money on a monthly basis and from whom I would not hear
- 18 or be requested to perform any service for maybe three or four months.
- 19 Q. 438 Yes. And did Mr. O'Callaghan express any surprise that you weren't going to
- 15:13:36 20 continue to use Shefran for example?
- 21 A. I don't believe he did. I don't think I cannot recollect Mr. O'Callaghan ever
- 22 making any comment in relation to that.
- 23 Q. 439 In November of 1993, Mr. Dunlop, were you aware of any payments that were made
- 24 to councillors who had been involved in the rezoning of Quarryvale?
- 15:14:01 25 A. I was aware that I had made payments to councillors, that I had made payments
- 26 to councillors.
- 27 Q. 440 To Mr. Colm McGrath for example in November of 1993?
- 28 A. By Mr. O'Callaghan.
- 29 Q. 441 Yes.
- 15:14:15 30 A. I was, I became aware of payments by Mr. O'Callaghan to Mr. McGrath, if I

15:14:25 1 recollect correctly, by either by a comment that was made to me by one or other  
2 of two journalists. And I cannot put a date on that particular -- when I was  
3 so informed. But certainly I did become aware at some stage that Mr.  
4 O'Callaghan had paid money to Mr. Colm McGrath. The only knowledge that I had  
15:14:51 5 in relation to payments to Mr. McGrath were those that I had paid myself and an  
6 arrangement that I had entered into with Mr. O'Callaghan to pay Mr. McGrath's  
7 solicitors in relation to a specific item.

8 Q. 442 Were you aware that Mr. O'Callaghan had paid Mr. McGrath 20,000 pounds on the  
9 9th of November 1993?

15:15:13 10 A. No, I was not.

11 Q. 443 At that time?

12 A. No I was not so aware at that time.

13 Q. 444 And Mr. O'Callaghan will tell the Tribunal at 3152, paragraph nine. That on  
14 the 9th of November "he paid the sum of 20,000 pounds to Councillor Colm  
15:15:29 15 McGrath. The circumstances are as follows. Councillor McGrath approached me  
16 and requested this payment on the basis that he had spent a considerable amount  
17 of money on the November 1992 elections as a result of which his business was  
18 in serious financial difficulty and he needed some financial help.

19  
15:15:44 20 As Councillor McGrath had supported me in my efforts in Liffey Valley and had  
21 supported Tom Gilmartin prior to I becoming involved in Quarryvale I felt  
22 obliged to offer support as a thank you for all the help and assistance which  
23 he had given".

24  
15:15:58 25 And the records of Riga record a payment of 20,000 pounds to Mr. McGrath by  
26 cheque on the 9th of November 1993, but the cheque is not available. Did you  
27 have any discussion with Mr. O'Callaghan about that payment prior to Mr.  
28 O'Callaghan making the payment?

29 A. No.

15:16:14 30 Q. 445 Were you aware of a payment to Mr. John O'Halloran by Mr. McGrath by Mr.

- 15:16:21 1 O'Callaghan in November 1993?
- 2 A. In 1993, no, I don't believe I was. I subsequently became aware that Mr.
- 3 O'Callaghan obviously had paid money to Mr.-- to John O'Halloran. I can't say
- 4 when I became so aware. I don't believe I was so aware at the time.
- 15:16:44 5 Q. 446 I think that the cheque can be seen at page 10351.
- 6 A. Yeah.
- 7 Q. 447 And that is dated I think the 9th of November 1995 (sic), and if you look at
- 8 10345, Mr. Dunlop. Sorry, at 10345, I think you will see recorded there an
- 9 entry for Mr. John O'Halloran, sorry at 10346 Mr. O'Halloran rings your office,
- 15:17:22 10 isn't that right?
- 11 A. Yes, yes.
- 12 Q. 448 So on the day before that cheque is written, Mr. O'Halloran rings your office
- 13 and I think then if you look on the 10th of November at 10373.
- 14
- 15:17:32 15 JUDGE FAHERTY: Ms. Dillon, just a moment ago I think you said 1995 I think
- 16 you mean 1993 in respect of the cheque.
- 17
- 18 MS. DILLON: Yes.
- 19
- 15:17:39 20 JUDGE FAHERTY: In respect of the cheque. I just want to correct it for the
- 21 transcript.
- 22
- 23 MS. DILLON: Yes. Thank you. 1993.
- 24
- 15:17:44 25 And you will see on the 10th of November, that Mr. O'Halloran rings you on two
- 26 occasions 12:55 and 1:40 and Mr. O'Callaghan rings you to tell you that he will
- 27 be in your office in five minutes?
- 28 A. Correct.
- 29 Q. 449 Now, can you think why Mr. O'Halloran would be looking for you on the 10th of
- 15:18:01 30 November, Mr. Dunlop, 1993?

- 15:18:04 1 A. No, I can't other than that he may have well been looking for Mr. O'Callaghan.
- 2 Q. 450 Yes.
- 3 A. Or I had quite a significant amount of contact with Mr. O'Halloran from time to
- 4 time as I have stated previously. But I cannot specifically say what he was
- 15:18:21 5 looking for on those occasions. These are calls that were recorded into my
- 6 office and as was my practice, the normal thing for me to do would be that I
- 7 would reply. So whatever John O'Halloran was looking for me for, I called him
- 8 back and I noticed that he gives his home number in the 12:55 call. So I must
- 9 have called him back, whatever he was looking for.
- 15:18:47 10 Q. 451 And at page 3153 in relation to the payment to Mr. O'Halloran. Mr. O'Callaghan
- 11 will say that on the 9th of November he made the payment?
- 12 A. Yeah.
- 13 Q. 452 He will say that Councillor O'Halloran approached him for the money and he
- 14 states that due to his support for Quarryvale asked to leave the Labour Party
- 15:19:03 15 in these circumstances he was without a party and without any financial support
- 16 from the Labour Party at that time I was fully conscious that only for the
- 17 assistance Councillor O'Halloran had given to Quarryvale but also the immense
- 18 amount of work which he had done and continues to do for the local community.
- 19 In these circumstances I had no difficulty in making a contribution of 5,000
- 15:19:19 20 pounds."
- 21 A. Yes.
- 22 Q. 453 Now, in relation to both of these payments, if Mr. O'Callaghan is correct, he
- 23 was approached on the first instance by Councillor McGrath and in the second
- 24 instance by Councillor John mal had a O'Halloran. Did Mr. O'Halloran ever tell
- 15:19:33 25 you of such approaches at the time, at the time?
- 26 A. No. But yes I raised the matter, I cannot recollect ever raising the matter in
- 27 relation to John O'Halloran. But I certainly raised the matter with Mr.
- 28 O'Callaghan on foot of a claim that was made to me that Mr. O'Callaghan had
- 29 given money to Mr. Colm McGrath. This was raised with me by a journalist and I
- 15:19:53 30 raised it with Mr. O'Callaghan and Mr. O'Callaghan confirmed that he had given

15:19:57 1 money. I cannot say that he specifically said that he had given gave him  
2 20,000 pounds. I would have recollected a figure of 10,000 pounds but the only  
3 conversation that I had with Mr. O'Callaghan was as a result of a conversation  
4 that I had with a journalist.

15:20:14 5 Q. 454 Yes. But that conversation, did that take place a number of years later, Mr.  
6 Dunlop?  
7 A. Yes. I can't put a date on it. In my recollection is that it arose in the  
8 context of renewed interest in the Quarryvale issue and how the zoning had  
9 taken place.

15:20:31 10 Q. 455 But therefore at the time in 1993, and the 9th of November 1993, after the  
11 zoning has been confirmed, isn't that right?  
12 A. Correct, yes.

13 Q. 456 On the 19th of October 1993, the zoning is confirmed and these payments are  
14 made in November of 1993?

15:20:46 15 A. That's correct yes.

16 Q. 457 Is the Tribunal to understand that neither Mr. O'Halloran nor Mr. McGrath  
17 approached you?  
18 A. No.

19 Q. 458 On this occasion?

15:20:54 20 A. Sorry yes I beg your pardon. The Tribunal is so to understand that they did  
21 not, yes.

22 Q. 459 The approach that is made in connection seeking these funds is an approach made  
23 by Councillor O'Halloran and Councillor McGrath directly to Mr. O'Callaghan?  
24 A. Correct.

15:21:08 25 Q. 460 And that Mr. O'Callaghan dealt with their request without reference to you?  
26 A. Correct.

27 Q. 461 And that it was not until some years later that you became aware of the payment  
28 to Mr. McGrath?  
29 A. In relation to Mr. McGrath specifically I cannot account for the payment to  
15:21:24 30 Mr. O'Halloran.

- 15:21:28 1 Q. 462 Now, I think in November 1993 at 10432, Mr. Dunlop, you issue an invoice  
2 entitled "cost associated with Quarryvale" in the sum of initially 7,300 which  
3 is increased then to 7,800 and I think you provide a breakdown at 10434?
- 4 A. Yeah.
- 15:21:50 5 Q. 463 And you describe this breakdown as outlay on behalf of QV and OOC?
- 6 A. Yes.
- 7 Q. 464 And is the Tribunal to understand from that that it's outlay on behalf of  
8 Quarryvale and Mr. O'Callaghan?
- 9 A. Correct.
- 15:22:04 10 Q. 465 And there is a reference to 4 and a half thousand pounds for Christmas '93, was  
11 that in relation to providing gifts or matters such as that sort to  
12 councillors?
- 13 A. Correct. In the main that would relate to Christmas hampers, bottles of  
14 whiskey, wine, whatever.
- 15:22:21 15 Q. 466 And then there appear to be initials beside a number of charitable requests  
16 that are identified there. Do they refer to councillors who had asked you to  
17 make donations to certain events?
- 18 A. Yes, they would. I have to say just if you allow me to get my mind in gear  
19 here for a moment. Yes, do you wish me to go through them?
- 15:22:49 20 Q. 467 If you wish, Mr. Dunlop.
- 21 A. Golf and launch, Ann Devitt and Nora Owen. Dublin West race night, that one  
22 just slightly escapes me for a moment. Balgaddy community association, John  
23 Halloran. Dave CC, Comhairle Carney benefit fund, Therese Ridge. St.  
24 Patrick's Day parade fund that's Peter Brady. Old folks ladies club that's  
15:23:17 25 Therese Ridge. And then miscellaneous. The JB Dublin West race night.
- 26 Q. 468 Jim Barry?
- 27 A. It's possible, yes. Jim Barry. Dublin West. It's possible yes. It's  
28 possibly Jim Barry, yes, I think it is, yeah.
- 29 Q. 469 These are not significant amounts, Mr. Dunlop.
- 15:23:44 30 A. No.

- 15:23:45 1 Q. 470 No. But you have yet been able to prepare a little schedule to provide back up  
2 for the invoice for 7,300, isn't that right?
- 3 A. Yes.
- 4 Q. 471 You have a record kept of these outgoings as little as 100 pounds, isn't that  
15:24:00 5 right?
- 6 A. Correct, yeah.
- 7 Q. 472 But you still can't identify what you did with the 25,000 pounds which you  
8 expended or cashed the previous month, isn't that right?
- 9 A. Correct.
- 15:24:09 10 Q. 473 Now, on the 17th of November 1993, Mr. Dunlop, at 8946, you lodge 5,000 pounds  
11 in cash to your Irish Nationwide Building Society account.
- 12 A. Yes.
- 13 Q. 474 And --
- 14 A. That's ...
- 15:24:29 15 Q. 475 You haven't been able to identify the source of that money, isn't that right?
- 16 A. That's correct, yes.
- 17 Q. 476 What I actually warrant to draw to your attention is the level of credit  
18 activity on the account that occurs up to the 17th of November '93.
- 19 A. Yes.
- 15:24:43 20 Q. 477 And between the 17th of November '93 and the 22nd of August '94, only interest  
21 is credited to the account do you see that, Mr. Dunlop?
- 22 A. Yes.
- 23 Q. 478 So that the last cash lodgements or round figure lodgement in 1993 to this  
24 account is the 17th of November 1993.
- 15:25:06 25 A. Yes.
- 26 Q. 479 Isn't that right?
- 27 A. Yes.
- 28 Q. 480 But for the previous seven months commencing in January there had been a  
29 significant number of large round figure lodgements to the account, isn't that  
15:25:14 30 right?

- 15:25:14 1 A. Correct.
- 2 Q. 481 And they are itemised there on page 8946.
- 3 A. Yes.
- 4 Q. 482 10,000 pounds cash on the 19th of February. 5,000 pounds cash on the 3rd of
- 15:25:24 5 March '93. 12,000 pounds cash on the 15th of March '93. 3 and a half thousand
- 6 pounds cash on the 26th of March '93. 2,500 pounds cash on the 11th of May
- 7 '93. Five and a half thousand pounds cash on the 31st of May '93. 15,000
- 8 Pounds cash on the 4th of November '93. And 5,000 pounds cash on the 17th of
- 9 November '93, isn't that right?
- 15:25:49 10 A. Correct.
- 11 Q. 483 So that the lodgements to this account that funded are all cash lodgements,
- 12 isn't that the position?
- 13 A. Yes.
- 14 Q. 484 And that appears to cease, Mr. Dunlop, isn't that right, around the 17th of
- 15:25:59 15 November '93?
- 16 A. Correct.
- 17 Q. 485 Yes. Because the next cash lodgement is the 22nd of August 1994?
- 18 A. Correct.
- 19 Q. 486 Isn't that right, and the sum of 1,000 pounds?
- 15:26:10 20 A. 1,000 pounds yes.
- 21 Q. 487 And then there is a cheque lodgement in 19th of September 1994, isn't that
- 22 right?
- 23 A. Correct.
- 24 Q. 488 Is that because the Development Plan was complete?
- 15:26:21 25 A. It may well be, yes, that the Development Plan was complete, yes.
- 26 Q. 489 You can't identify the source of the lodgement, isn't that right, of 5,000
- 27 pounds in November 1993?
- 28 A. Correct.
- 29 Q. 490 On the 17th of November 1993. But do you say that the reason why the activity
- 15:26:37 30 ceases on the account then is due to the fact that the account becomes dormant

- 15:26:43 1 for the next year?
- 2 A. Well it does become dormant, yes.
- 3 Q. 491 And that the reason it becomes dormant is that you are no longer in receipt of
- 4 funds in connection with the Development Plan is that what's happening?
- 15:26:52 5 A. Yes, I would agree that that is an explanation.
- 6 Q. 492 Well is it the correct explanation, Mr. Dunlop?
- 7 A. Yes, it is an explanation. At that time the Development Plan had concluded and
- 8 the purposes for which this fund had been established was to have cash
- 9 available.
- 15:27:12 10 Q. 493 Yes. Were you aware that in September of 1993, I think it was that Fianna Fail
- 11 had written to Mr. O'Callaghan looking for a substantial donation?
- 12 A. I was not aware at the time, I subsequently did become aware, yes.
- 13 Q. 494 When did you become aware of that, Mr. Dunlop?
- 14 A. I became aware -- I believe Mr. O'Callaghan told me about it. I can't
- 15:27:46 15 specifically say exactly when it was but certainly I did become aware that a
- 16 request had been made of a number of individuals, I think if my recollection is
- 17 correct ten individuals were being targeted as it were, if that's not an
- 18 improper word, by Fianna Fail fundraisers to defray a large debt that Fianna
- 19 Fail had and I, I believe Mr. O'Callaghan told me about it at some stage
- 15:28:34 20 subsequently. I cannot specifically say.
- 21 Q. 495 The previous year in November of 1992, you had been drafted in by Fianna Fail
- 22 to head up --
- 23 A. Yes.
- 24 Q. 496 -- the election, the re-election campaign, isn't that right?
- 15:28:44 25 A. Correct yes.
- 26 Q. 497 In November 1992. And therefore you would have been a person who would have
- 27 been intimately involved at some level albeit not necessarily financial within
- 28 Fianna Fail?
- 29 A. Never had anything to do with Fianna Fail fundraising.
- 15:28:58 30 Q. 498 But you would have been intimately involved in Fianna Fail, isn't that right?

- 15:29:00 1 A. Yes that would normally apply to the normal Machiavellian tactics that one  
2 indulges in when one is involved with a political party yes.
- 3 Q. 499 Did Mr. O'Callaghan come to you and discuss with you the fact that he had  
4 received correspondence from Fianna Fail telling him, that they were asking him  
15:29:17 5 for a substantial donation and indicating that a senior party figure was come  
6 going to come and talk to him at that time in September 1993?
- 7 A. No, not in September of 1993. No, I believe that I was made aware of this by  
8 Mr. O'Callaghan but I cannot say specifically when I became so aware. I think  
9 I probably become aware of it subsequent to the event or to any payment that  
15:29:45 10 was made.
- 11 Q. 500 At 10075, in September 1993 in a letter from Mr. Albert Reynolds who was then  
12 Taoiseach and Mr. Bertie Ahern who was then Minister for Finance, to Mr.  
13 O'Callaghan in the last paragraph, Mr. O'Callaghan is being asked to assist  
14 Fianna Fail at this critical time by making a significant financial  
15:30:10 15 contribution. "This is an exceptional situation and we ask to consider this  
16 request favourably in the context of these strained circumstances. A senior  
17 representative of the nation treasurer's committee will be in touch with you  
18 personally in this regard in the near future."
- 19 A. What date is that letter again, Ms. Dillon?
- 15:30:26 20 Q. 501 September 1993.
- 21 A. Yes.
- 22 Q. 502 Yes.
- 23 A. Well I hope the request that was being made of the individuals could not,  
24 nobody here could interpret that as that any fee that I might be charging  
15:30:38 25 Fianna Fail was as a result of the deficit. I was never paid any money by  
26 Fianna Fail for my activities during the course of the election. So I don't  
27 know what the deficit for Fianna Fail arose from.
- 28 Q. 503 Yes. However it arose, it is clear that in September 1993, your client  
29 Mr. Owen O'Callaghan was being contacted by an organisation of which you had an  
15:30:59 30 intimate association and being asked to make what is described as a substantial

15:31:04 1 or a significant financial contribution?

2 A. Yes.

3 Q. 504 Isn't that right?

4 A. Correct.

15:31:07 5 Q. 505 And Mr. O'Callaghan is being told that a senior representative of the national  
6 treasurers committee will be in touch with you personally?

7 A. Yes.

8 Q. 506 Now you would have known the national treasurers committee, isn't that right,  
9 Mr. Dunlop?

15:31:19 10 A. Well I would have known, yes certainly I would have known some of the people on  
11 it yes.

12 Q. 507 And you would have known for example about room 317 in the Berkley Court Hotel  
13 because Mr. Richardson operated from there, isn't that right?

14 A. And I visited Mr. Richardson in that room.

15:31:35 15 Q. 508 And you knew that Mr. Richardson was involved in fundraising for Fianna Fail,  
16 isn't that right?

17 A. Yes.

18 Q. 509 Did Mr. O'Callaghan when he got this letter, did he come to you with a person  
19 of some knowledge of Fianna Fail and ask your advice about what he should do  
20 about this request that had come to him?

15:31:47 21 A. No he certainly did not.

22 Q. 510 Were you aware that Mr. O'Callaghan subsequently met with Mr. Ray McSharry on  
23 foot of a request from Mr. Albert Reynolds in connection with this request?

24 A. Yes I was. Yes I did become so aware.

15:32:03 25 Q. 511 But did you become so aware in 1993?

26 A. No, I did -- I cannot say that I did. I believe I became aware the at some  
27 subsequent date that such a visit had taken place and that a request had been  
28 made in the amount of a specific amount. And I also became aware and the only  
29 manner in which I could have become so aware was by Mr. O'Callaghan. And I  
15:32:32 30 stand to be corrected on this in case I am referring to anything else but my

15:32:39 1 understanding was that Mr. O'Callaghan undertook to do what he had been  
2 requested to do with a proviso that he had already given monies to somebody  
3 else and that if my recollection is correct, 100 grand was looked for and he  
4 gave 80 or something like that.

15:33:08 5 Q. 512 Yes. You will have seen from Mr. O'Callaghan's statement at 3164 in relation  
6 to this matter. That in effect Mr. O'Callaghan says that he got the letter of  
7 request. He was thereafter approached by Mr. McSharry. He met him in Dublin  
8 prior to Christmas of 1993.

9 A. Yeah.

15:33:12 10 Q. 513 You will see that in the last paragraph?

11 A. Yes.

12 Q. 514 At that time if Mr. O'Callaghan met with Mr. McSharry in connection this  
13 request for a substantial payment, prior to December 1993, were you at that  
14 time made aware of it?

15:33:25 15 A. No, I don't believe I was.

16 Q. 515 Mr. O'Callaghan then, it follows didn't ask your advice about how he should  
17 deal with this request?

18 A. No, Mr. O'Callaghan never raised the issue with me on the basis of seeking  
19 advice as to whether or not he should deal with it in the manner that he did.

15:33:40 20 Q. 516 Yes. Mr. O'Callaghan in his statement at the last paragraph in 3164 says:

21  
22 "Mr. McSharry informed him of the precarious nature of the Fianna Fail's  
23 finances and the party were asking about ten businessmen to make a contribution  
24 of 100,000 pounds each to the party to help make inroads into the party's  
15:34:00 25 serious bank debt. I indicated I would be prepared to consider favourably such  
26 a request but in view of the large amount involved I would like some time to  
27 think further about it. After Christmas I contacted Ray McSharry to tell him  
28 that I would make the contribution as requested."  
29

15:34:14 30 And on the following page. Mr. O'Callaghan details a fundraising dinner in

15:34:19 1 March of 1994, at which he paid 10,000 pounds to the party. And a request for  
2 Mr. Flor Crowley for a donation for his son who was then standing for the  
3 European Parliament, Mr. Brian Foley who has given evidence to the Tribunal.  
4 A. Correct.

15:34:34 5 Q. 517 And that after taking those two payments into account, he did then in June of  
6 1994 pay 80,000 pounds to Fianna Fail.  
7 A. Yes.

8 Q. 518 So it would appear to be if Mr. O'Callaghan is correct, in what he says. He  
9 had a meeting with Mr. McSharry prior to Christmas '93. He indicated that he  
10 would look favourably on the request for 100,000 pounds. He paid 10,000 pounds  
11 on foot of a fundraising dinner in Cork on the 11th of March 1994 attended by  
12 Mr. Albert Reynolds. He paid 10,000 pounds to Brian Crowley's European  
13 election fund following a request from Mr. Flor Crowley. And he paid 80,000  
14 pounds to Fianna Fail in June of 1994.

15:35:15 15 A. Yes.

16 Q. 519 Now, were you aware at the time first of all in March of 1994 of the fact that  
17 Mr. O'Callaghan was going to pay 10,000 pounds at a fundraising dinner in Cork?  
18 A. No.

19 Q. 520 Were you aware in 1994 of a request by Mr. Flor Crowley for a contribution to  
20 Mr. Brian Crowley's fund and that Mr. O'Callaghan had paid 10,000 pounds?  
21 A. I was not so aware at that time I did become aware subsequently through Mr.  
22 O'Callaghan that he had done so.

23 Q. 521 And did you become aware in June of 1994, that Mr. O'Callaghan had paid 80,000  
24 pounds to Fianna Fail on foot of his agreement with Mr. Ray McSharry, did you  
25 become aware of that at the time the payment was made?  
26 A. No, not at that time. As I have said to you previously, I did so become aware  
27 from Mr. O'Callaghan when the issue I cannot recollect exactly how the issue  
28 arose. But certainly the issue arose and a conversation took place between Mr.  
29 O'Callaghan and myself of which he detailed what he has there now in his  
15:36:13 30 statement.

- 15:36:13 1 Q. 522 And did that conversation with Mr. O'Callaghan take place, Mr. Dunlop, after  
2 this had in some way come into the public arena?
- 3 A. Yes I believe it did. I cannot -- while you were reading the letter I was  
4 trying to recollect what exactly the circumstances were that led to this matter  
15:36:28 5 being discussed between Mr. O'Callaghan and myself. And the only conclusion  
6 that I can come to is that either I was contacted by a journalist in relation  
7 to it or that they were, there were some stories in the public domain in  
8 relation to fundraising activities by Fianna Fail.
- 9 Q. 523 So that insofar as this contribution to Fianna Fail is concerned Mr.  
15:36:48 10 O'Callaghan never sought your advice in relation to either making it or to whom  
11 it should be made or whom he should talk to about making it, is that right?
- 12 A. Correct, yeah.
- 13 Q. 524 He didn't seek your advice about the payment of 10,000 pounds on the 11th of  
14 March 1994 at the fundraising dinner Cork for Mr. Albert Reynolds?
- 15:37:07 15 A. Correct. And for completeness, I don't believe that I was at aware at the time  
16 that that fundraising dinner was taking place, I subsequently became aware.
- 17 Q. 525 I suggest to you, Mr. Dunlop, that you are wrong if Mr. Des Richardson is  
18 correct.
- 19 A. Yes.
- 15:37:29 20 Q. 526 Because Mr. Richardson has told the Tribunal that he asked you to write a short  
21 speech or something for him to deliver at the fundraising dinner in Cork, isn't  
22 that right?
- 23 A. Yes, I have provided speaking notes for Mr. Richardson on a number of occasions  
24 when he used them, what functions he used them, I cannot give an account of.  
15:37:36 25 But certainly yes, I did prepare speaking notes for Mr. Richardson on a number  
26 of occasions and I do know that he has given evidence to the effect that one of  
27 those occasions was this dinner. But I cannot say that at that time that I  
28 prepared the notes for him that I knew that it was for that particular dinner.
- 29 Q. 527 And at 10809, Mr. Dunlop, on that particular issue. You will see in your  
15:37:59 30 telephone attendances for the 7th of March '94, that Mr. Pat Farrell rings at

15:38:04 1 9.55. Mr. Richardson at 11:40. Mr. Pat Farrell at 12:40. Mr. Richardson at  
2 2:45. And Mr. Farrell again in the evening on the following page, isn't that  
3 right?  
4 A. Correct.

15:38:14 5 Q. 528 And you will see also on the 9th of March the Wednesday at 10818, Mr. Farrell's  
6 office are again on to you, isn't that right?  
7 A. Correct.

8 Q. 529 As is Mr. O'Callaghan. And at 10823 on Thursday the 10th of March, which is  
9 the day before the fundraising function takes place on the 11th of March,  
15:38:36 10 Mr. Richardson contacts you at half ten?  
11 A. Yeah.

12 Q. 530 He contacts you at 12:40.  
13 A. Yeah.

14 Q. 531 He contacts you at 12:45 and Mr. O'Callaghan on the next page, contacts you at  
15:38:47 15 4:30, isn't that right?  
16 A. That's right.

17 Q. 532 Isn't that the position?  
18 A. That's correct.

19 Q. 533 I would suggest to you, Mr. Dunlop, that it's likely that the reason  
15:38:56 20 Mr. Richardson and Mr. Farrell were contacting you was in connection with the  
21 fundraising dinner that was partly being organised by Mr. O'Callaghan in Cork?  
22 A. Yes well I can absolutely say to you that I have never had a discussion with  
23 Pat Farrell, who was then either general secretary of Fianna Fail or -- well he  
24 was still general secretary of Fianna Fail. I never had a discussion with Pat  
15:39:15 25 Farrell in relation to any fundraising dinner other than on one occasion I do  
26 believe Mr. Farrell and I discussed the possibility of organising something in  
27 the particular constituency in which I lived and have lived for quite some  
28 time. The likelihood is that Mr. Richardson was making contacts with me on  
29 that date in relation to the notes that he had asked me to prepare and that I  
15:39:38 30 was going to.

15:39:38 1 CHAIRMAN: All right. Ms. Dillon, it's gone half three. So we might just  
2 break for ten minutes and we'll come back.

3  
4 MS. DILLON: Yes, Sir. Sorry, I think that the last person, Mr. Quinn draws  
15:39:50 5 to my attention just for the transcript that Mr. Dunlop probably meant to say

6 A. Sorry.

7 Q. 534 Mr. Farrell instead of Mr. Richardson?

8 A. Sorry, I beg your pardon. What did I say?

9  
15:40:02 10 MS. DILLON: I don't know. Mr. Quinn ...

11 A. What I said was if I recollect correctly is that Mr. Richardson had called --

12 Q. 535 No, no that's fine you are correct?

13 A. Yes.

14  
15:40:36 15 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**

16 **AND RESUMED AS FOLLOWS:**

17

18 CHAIRMAN: Now, Ms. Dillon.

19

15:57:04 20 MS. DILLON: Thank you, Sir.

21 Q. 536 Page 10805, please. This is a document, Mr. Dunlop, dated the 2nd of March  
22 1994. And at paragraph three in this document is recording a conversation  
23 between Mr. Michael O'Farrell of Allied Irish Bank and Mr. O'Callaghan?

24 A. Yes.

15:57:25 25 Q. 537 And in paragraph three the following is stated "I raised the matter of  
26 designation with him. He indicated that he was aware that Blanchardstown had  
27 been seeking designation. He has indicated in political circles that he is not  
28 seeking designation for Quarryvale on the basis that same is not forthcoming  
29 for Blanchardstown either".

15:57:43 30 A. Uh-huh.

15:57:43 1 Q. 538 "He believes he is well ahead of Blanchardstown in terms of anchor interests  
2 and introduction of designation to both sides would level the playing pitch and  
3 he would lose his advantage. He is happy designation for Blanchardstown is not  
4 on the agenda. A further factor in this regard would be the financial pressure  
15:57:59 5 that various councils are under. Designation would of course reduce revenues  
6 available to the councils over the next ten years because of rates remission."  
7

8 Now, assuming for the moment, Mr. Dunlop, that this is an accurate note by  
9 Mr. Michael O'Farrell of Allied Irish Bank of his telephone conversation with  
15:58:16 10 Mr. Owen O'Callaghan on the 2nd of March 1994. Did you ever have any  
11 conversation or discussion with Mr. Owen O'Callaghan about tax designation in  
12 connection with either Blanchardstown or Quarryvale?

13 A. Yes.

14 Q. 539 Yes. And would you just outline to the Tribunal those, the conversations that  
15:58:34 15 you had first of all approximately when they took place?

16 A. Yes. The issue of designation appeared on the horizon specifically arising out  
17 of the seeking of tax designation for Blanchardstown by Mr. John Corcoran. Mr.  
18 O'Callaghan was asked by a number of people including councillors whether or  
19 not he was looking for tax designation. And at least, on at least one  
15:59:06 20 occasion, if not more, in my presence he said no, he was not interested in tax  
21 designation. He was not seeking tax designation. The timing of when this  
22 occurred I can't specifically date it. But certainly the issue of tax  
23 designation of either Blanchardstown or Quarryvale but particularly  
24 Blanchardstown came on the agenda relatively shortly, if not immediately  
15:59:34 25 before, but relatively shortly after not the final confirmation vote in Dublin  
26 County Council but after the vote of which the zoning had taken place.

27 Q. 540 So --

28 A. So this was an issue that was in the ether for some time during the course of  
29 the lobbying prior to the second vote if I may call it that. And then reached  
16:00:07 30 a level of intensity thereafter arising out of the fact that Mr. John Corcoran

16:00:13 1 allegedly, I cannot say that I ever saw or heard Mr. Corcoran so saying. But  
2 allegedly made a statement that he would not proceed with Blanchardstown unless  
3 he got tax designation. And Mr. O'Callaghan was asked about Quarryvale on a  
4 number of occasions in this regard.

16:00:31 5 Q. 541 Yes. Insofar as the document on screen is concerned. If we just increase the  
6 size of paragraph three please.

7 A. Yeah.

8 Q. 542 Mr. O'Callaghan is recorded as stating that he had indicated in political  
9 circles that he was not seeking designation for Quarryvale?

16:00:46 10 A. Yeah.

11 Q. 543 Right. In what political circles, Mr. Dunlop, was that indication given?

12 A. Well the only indication in political circles that I'm aware of is in local  
13 authorities, locally elected councillors circles. I think in the context of  
14 Liam Lawlor. I think Liam Lawlor asked the question. I do believe that people  
15 like Therese Ridge asked the question. Colm McGrath, people of that nature.

16  
17 I wasn't aware of a level, any other level than that. And I myself was asked  
18 the question on a number of occasions by various people and on one occasion as  
19 I recall it, Mr. Lawlor not quite recommended but was of the view that perhaps  
16:01:11 20 if there was any possibility that Blanchardstown was going to be tax designated  
21 well then Owen O'Callaghan should make a strong argument than to have  
22 Quarryvale tax designated.

23 Q. 544 The granting of tax designation, as you well know, Mr. Dunlop, is not something  
24 that's within the remit of any County Councillor, isn't that?

16:01:53 25 A. Absolutely.

26 Q. 545 It is a function that is exercised by the Minister for the Environment in  
27 consultation with the agreement Minister for Finance, isn't that right?

28 A. Correct yes.

29 Q. 546 The only two government departments who could give actual information as to  
16:02:03 30 whether or not designation would be given to Quarryvale, Tallaght,

- 16:02:07 1 Blanchardstown or anywhere else was either the Department of the Environment  
2 other the Department of Finance, isn't that right?
- 3 A. Correct.
- 4 Q. 547 County Councillors could talk about and request designation until the cows came  
16:02:17 5 home but it was going to have no affect on any decision I suggest to you in  
6 relation to getting designation, isn't that right?
- 7 A. Absolutely no dispute about that.
- 8 Q. 548 All right. Now, there is a positive assertion in this note that Mr.  
9 O'Callaghan was "happy that designation for Blanchardstown is not on the  
16:02:33 10 agenda". And I am suggesting to you that Mr. O'Callaghan would not have got  
11 that information from any Councillor, isn't that correct?
- 12 A. Yes I would absolutely agree with that, yes.
- 13 Q. 549 Now did Mr. O'Callaghan ever ask you to approach the Department of the  
14 Environment to find out whether or not Blanchardstown were likely to get  
16:02:49 15 designation?
- 16 A. No.
- 17 Q. 550 Were you ever asked to approach the Department of Finance to find out whether  
18 Blanchardstown was likely to get designation or was being considered for  
19 designation?
- 16:02:56 20 A. No.
- 21 Q. 551 Did you ever make any approach on behalf of Mr. O'Callaghan to any senior civil  
22 servants or officials within either of the Department of the Environment or the  
23 Department of Finance in connection with tax designation of either  
24 Blanchardstown or Quarryvale?
- 16:03:12 25 A. No.
- 26 Q. 552 Did you approach either the Minister for the Environment or Minister for  
27 Finance in relation to tax designation of either Quarryvale or Blanchardstown?
- 28 A. In relation to, no I did not so approach is the answer. I did have  
29 conversations and I have, I have, I have mentioned this heretofore in relation  
16:03:35 30 to what the reaction was when a suggestion was made that tax designation should

- 16:03:40 1 be given to Blanchardstown. But that was on a previous occasion. It was  
2 during a course of the time that Mr. Haughey was Taoiseach and Mr. Brian  
3 Lenihan was the TD for Dublin West. And he made an approach to Mr. Haughey  
4 prior to a cabinet meeting on behalf of John Corcoran and he was told in  
16:04:02 5 specific circumstances what the chances were.
- 6 Q. 553 If Mr. O'Callaghan is being correctly represented in this note on the 2nd of  
7 March 1994. If it was his view and if it was expressed by him that he was  
8 happy that designation for Blanchardstown was not on the agenda, was that  
9 information that you had provided to him?
- 16:04:17 10 A. No, I don't believe I did. I believe any information that Mr. O'Callaghan had  
11 in relation to the non-designation of Blanchardstown was something and he can  
12 account for it himself obviously, but it was something that he got from  
13 somebody else. But I can absolutely say to you that yes the matter of tax  
14 designation of Blanchardstown and any impact that it might have on Quarryvale  
16:04:42 15 was discussed by Mr. O'Callaghan and myself and others.
- 16 Q. 554 I think in relation to the Rathfarnham account, Mr. Dunlop, and the Irish  
17 Nationwide Building Society account. That you closed these accounts in October  
18 of 1994?
- 19 A. Yes.
- 16:04:58 20 Q. 555 Would you outline the circumstances in which you decided to close those  
21 accounts, Mr. Dunlop?
- 22 A. Specifically obviously I didn't require them any more and decided I didn't  
23 require them any more.
- 24 Q. 556 Were you the subject or threatened with a revenue audit in or around this time?
- 16:05:15 25 A. There was a revenue audit in my office I cannot give you the exact year. But  
26 certainly there was a revenue audit sometime in the early '90s, yes.
- 27 Q. 557 And according to your telephone records on the 4th of October at 11429, your  
28 accountant Mr. McGowan contacts you on the 4th of October and I think you have  
29 a meeting with Mr. McGowan subsequently on the 6th of October?
- 16:05:41 30 A. Yes.

- 16:05:42 1 Q. 558 Right. And I think that thereafter you set about closing your accounts at  
2 11437. On the 6th of October the same day that you meet with Mr. McGowan your  
3 accountant, you write to Allied Irish Bank, Rathfarnham Road asking them to  
4 close the account?
- 16:06:01 5 A. Yeah.
- 6 Q. 559 And to process that matter as soon as possible and to forward you the funds,  
7 isn't that right?
- 8 A. Yes.
- 9 Q. 560 And I think that they -- you the account was in fact I think closed at that  
16:06:13 10 time, isn't that right?
- 11 A. Correct.
- 12 Q. 561 So that on the 6th of October, following your meeting with Mr. McGowan, you  
13 closed that account and then if one looks at the Irish Nationwide account at  
14 3900, you see that on the 12th of October 1994, you closed the account by  
16:06:33 15 withdrawing the balance then standing at 25,746.49, isn't that right?
- 16 A. Correct.
- 17 Q. 562 So that for these two accounts which are your "war chest" accounts, in early  
18 October 1994, you closed those accounts and you appear to do so after you have  
19 had a meeting or a discussion with your accountant, isn't that right?
- 16:06:52 20 A. I can't specifically say to you, Ms. Dillon, that I discussed it with  
21 Mr. McGowan but certainly it is true that I closed those accounts in or around  
22 that time.
- 23 Q. 563 And why did you do so, Mr. Dunlop?
- 24 A. Because obviously I decided that I had no more need for them.
- 16:07:13 25 Q. 564 Or was it because there was a revenue audit anticipated at that time?
- 26 A. I can't say specifically that that was the case but certainly I closed the  
27 accounts on the dates that you've outlined, why I specifically did it on that  
28 particular time I can't say. I just don't recollect as I sit here now when the  
29 audit, the Revenue audit was taking place. But certainly there was a revenue  
16:07:42 30 audit in my office over the course of a number of days, sometime in the early

- 16:07:46 1 '90s, I can't give you a specific date.
- 2 Q. 565 Could I have 11458, please? And could I have increased the 18th of October
- 3 1994, please. Do you see an entry there for the Revenue Commissioner there,
- 4 Mr. Dunlop?
- 16:08:18 5 A. Yes.
- 6 Q. 566 Is that a reference to an audit?
- 7 A. Yes it is and the name immediately ahead of it is in relation to the inspector.
- 8 Q. 567 Isn't that the reason why you closed those two accounts, Mr. Dunlop?
- 9 A. Yes, it may well be. I cannot specifically say to you that I did on advice or
- 16:08:34 10 with Mr. McGowan. But certainly I closed them on that, around that time and it
- 11 may well be that that, that the two events are connected yes.
- 12 Q. 568 So that you were intending to keep from any examination by the Revenue
- 13 Commissioners, the existence of those two accounts, isn't that right?
- 14 A. Yes well as I recollect matters the audit related to Frank Dunlop & Associates.
- 16:09:00 15 Q. 569 Yes. And during this period also Mr. McGowan I think was recorded as being the
- 16 directors but around this time director of Shefran, Mr. McGowan changed the
- 17 position isn't that right, the directors of Shefran were changed?
- 18 A. Correct yes.
- 19 Q. 570 And ultimately the directors of Shefran became yourself and your wife, isn't
- 16:09:19 20 that right?
- 21 A. That's correct yes.
- 22 Q. 571 But initially in 1994, it was changed to two non-resident directors, isn't that
- 23 the position?
- 24 A. Correct, yes.
- 16:09:30 25 Q. 572 Any documentation provided by Mr. McGowan to the Companies Office was that done
- 26 on foot of instructions from you?
- 27 A. Certainly any documentation that would have been sent to the Companies Office
- 28 would have been either as a result of conversations with me or Mr. McGowan
- 29 telling me what was required for the Companies Office.
- 16:09:46 30 Q. 573 Yes. And at 9943, there is a certificate.

- 16:09:52 1 A. Uh-huh.
- 2 Q. 574 You will see there in connection with Shefran for the year ended 31st of July
- 3 '93?
- 4 A. Yes.
- 16:09:57 5 Q. 575 You see that?
- 6 A. Yes.
- 7 Q. 576 And we know, Mr. Dunlop, of the invoices you issued in 1992, that fell into the
- 8 year end 31st of July '93, isn't that right?
- 9 A. Correct.
- 16:10:06 10 Q. 577 And yet the certificate here is that Shefran did not raise any invoices. Was
- 11 that correct?
- 12 A. No that was not correct, yes.
- 13 Q. 578 Did not receive or pay out any funds from a bank account or otherwise. Was
- 14 that correct?
- 16:10:17 15 A. No.
- 16 Q. 579 Did no enter into any contracts or agreements. Was that correct?
- 17 A. No, if you take a contract with Mr. O'Callaghan as -- the arrangement with Mr.
- 18 O'Callaghan as a contract, yes that was not correct.
- 19 Q. 580 And did not trade in any way whatsoever. That's not correct, isn't that right?
- 16:10:35 20 A. Yes.
- 21 Q. 581 Do you recognise that signature, Mr. Dunlop?
- 22 A. I can't say that that I do. I'm not so sure that it is Hugh McGowan as, I
- 23 don't believe that it is. I can't say that I do immediately, no.
- 24 Q. 582 But the information that's contained in that document factually none of it was
- 16:11:04 25 correct, Mr. Dunlop, isn't that correct?
- 26 A. Sorry that's correct, yes. No, I cannot say that I identified that signature,
- 27 Ms. Dillon, no I cannot say so.
- 28 Q. 583 Were you aware of a payment to Mr. Liam Lawlor of 20,000 pounds in March of
- 29 1995 by Mr. O'Callaghan?
- 16:11:37 30 A. I don't believe I ever became aware of the actual amount that Mr. O'Callaghan

16:11:42 1 had ever given to Mr. Lawlor. I was aware vestigially that Mr. O'Callaghan may  
2 well have given money to Mr. Lawlor. I cannot say that Mr. O'Callaghan ever  
3 told me that he had given money to Mr. Lawlor. I did say to you, some time  
4 previously, that comment was made to me by Mr. O'Callaghan at one stage that he  
16:12:06 5 wasn't going to give any more money to Mr. Lawlor. I cannot say that I ever  
6 actually became aware that Mr. O'Callaghan had given a specific sum like 20,000  
7 pounds to Mr. Lawlor. Although I suspect -- Mr. O'Callaghan I don't believe  
8 ever told me but I may well have suspected that Mr. Lawlor had been in receipt  
9 of monies from Mr. O'Callaghan.

16:12:30 10 Q. 584 Or that in September of 1994 a sum of 10,000 pounds was paid by Mr. O'Callaghan  
11 to Mr. Lawlor?

12 A. No.

13 Q. 585 Were you aware of that?

14 A. No, I don't believe I was.

16:12:40 15 Q. 586 Would you have seen it, Mr. Dunlop, as within your area of expertise having  
16 been retained by Mr. O'Callaghan to give him advice in relation to political  
17 donations or subscriptions he should make to politicians?

18 A. If he asked.

19 Q. 587 If he asked?

16:12:57 20 A. Yes.

21 Q. 588 It would appear that if your evidence is correct, Mr. Dunlop, that in relation  
22 to the monies paid to Mr. O'Halloran, Mr. Colm McGrath, the Fianna Fail  
23 contribution in 1994 and the payment of 10,000 pounds to Mr. Lawlor in  
24 September '94 and the payment of 20,000 pounds to Mr. Lawlor in March of 1995  
16:13:21 25 were not matters --

26 A. Yeah.

27 Q. 589 -- on foot of which Mr. O'Callaghan consulted you or sought your advice?

28 A. Correct, that is my recollection unless Mr. O'Callaghan has something different  
29 to say. But I certainly do not recollect other than in specific circumstances  
16:13:36 30 where Mr. O'Callaghan did raise the issue of payments with me and I think we

- 16:13:41 1 dealt with one of those in recent days.
- 2 Q. 590 And other than the payments that you've identified that you discussed as they
- 3 were current with Mr. O'Callaghan, which as I understand your evidence is the
- 4 payments to Mr. Gilbride arising out of the 1,750?
- 16:14:01 5 A. Correct.
- 6 Q. 591 The payment to Mr. GV Wright in November of 1992?
- 7 A. Correct.
- 8 Q. 592 And was there any other payment?
- 9 A. There was the payment to Mr. McGrath in relation to his.
- 16:14:12 10 Q. 593 10,700 pounds?
- 11 A. And then there was the issue in relation to Mr. Tom Hand in relation to his
- 12 demand.
- 13 Q. 594 But that's not a payment?
- 14 A. No, no, no but I mean that, in the context of a discussion with Mr. O'Callaghan
- 16:14:33 15 about money.
- 16 Q. 595 Uh-huh.
- 17 A. And there was McGrath, yes, I think that was it.
- 18 Q. 596 So that thereafter even though you continued to be retained by Mr. O'Callaghan,
- 19 in 1994 and 1995 when Mr. O'Callaghan makes these on some occasions substantial
- 16:14:46 20 donations, he does not consult you at the time, isn't that right?
- 21 A. At the time and I either became aware of the payments, some of them, through
- 22 other parties, through third parties and subsequently discussed it, asked Mr.
- 23 O'Callaghan about it specifically in relation to the payments to Colm McGrath,
- 24 which I had been made aware of by a journalist. I had been, the issue had been
- 16:15:11 25 raised with me by a journalist and I asked Mr. O'Callaghan about it.
- 26 Q. 597 So that these political contributions, you only become aware of them when they
- 27 come into the public arena and somebody approaches you because you are known to
- 28 be Mr. O'Callaghan representative, isn't that right?
- 29 A. Correct.
- 16:15:28 30 Q. 598 It's known that you act on behalf of him and that journalists who want

16:15:33 1 information about either Barkhill or Riga Quarryvale or Mr. O'Callaghan can  
2 approach you --

3 A. Correct.

4 Q. 599 -- for information, isn't that right?

16:15:40 5 A. Correct.

6 Q. 600 And it is only in that context that you become aware of these payments, isn't  
7 that right?

8 A. Yes.

9 Q. 601 Would you yourself have ever discussed with Mr. O'Callaghan the fact that you  
16:15:49 10 had made payments to Mr. Lawlor?

11 A. No, I cannot say that I did other than in the circumstances that I outlined  
12 when Mr. O'Callaghan made the comment that he made to me in relation to he  
13 wasn't going to give any more money to Mr. Lawlor.

14 Q. 602 Yes.

16:16:08 15 A. Sorry. That's not what he said. He was fed up giving money to Lawlor,  
16 something along those lines. I cannot remember the exact phrase but it was  
17 within in within the confines of that type of language.

18 Q. 603 But what I had asked you, Mr. Dunlop, was whether or not you had discussed with  
19 Mr. O'Callaghan the fact that you had made payments to Mr. Lawlor?

16:16:30 20 A. I cannot specifically recall whether I ever told, I may well have told Mr.  
21 O'Callaghan that I had given election contributions to Mr. Lawlor. I cannot  
22 specifically recall that I ever discussed the matter with him in detail.

23 Q. 604 Would Mr. O'Callaghan have known that you had made substantial and significant  
24 payments to Mr. Lawlor?

16:16:51 25 A. He would. If he did he certainly didn't know about it through me. He may well  
26 have suspected. I cannot account for what his suspicions may have been. But  
27 certainly I don't recall ever telling Mr. O'Callaghan in any detail of any  
28 payments that I made to Liam Lawlor.

29 Q. 605 And is there any reason why you would have kept secret from Mr. O'Callaghan the  
16:17:11 30 fact that you had paid substantial payments to Mr. Lawlor?

- 16:17:17 1 A. Well the simple answer is that there is no reason other than that I obviously  
2 didn't want to raise the matter with Mr. O'Callaghan.
- 3 Q. 606 Why not?
- 4 A. It didn't appear on the agenda. Mr. Lawlor was an active supporter of  
16:17:34 5 Quarryvale, he was regularly met with Mr. Lawlor, with Mr. O'Callaghan and  
6 myself, for strategy meetings in my office and elsewhere. We dined together  
7 and I cannot account for what Mr. O'Callaghan may well or may well not have  
8 thought. But I don't recall ever having any great detailed discussions with  
9 Mr. O'Callaghan about Mr. Lawlor and money except in the circumstances that I  
16:18:02 10 outlined to you previously.
- 11 Q. 607 Which is where Mr. O'Callaghan says to you I am not paying any more money to  
12 Mr. Lawlor.
- 13 A. Yes, you do what you like.
- 14 Q. 608 Yes. But at which stage did you then say to him well in fact I have paid him  
16:18:15 15 at least 145,000 pounds?
- 16 A. I don't believe I did, no.
- 17 Q. 609 Right. Did you ever disclose to Mr. O'Callaghan the extent of the monies that  
18 you say you paid to Mr. Lawlor?
- 19 A. No, I don't believe I did.
- 16:18:26 20 Q. 610 And Mr. O'Callaghan does not discuss with you the money that he pays to  
21 Mr. Lawlor, isn't that right?
- 22 A. No, I -- other than in the circumstances that I became aware at some stage,  
23 though I don't believe I ever knew the actual amounts that Mr. Lawlor was in  
24 receipt of from Mr. O'Callaghan.
- 16:18:44 25 Q. 611 Did you suspect that Mr. O'Callaghan was making payments to Mr. Lawlor?
- 26 A. I suspected that -- knowing Mr. Lawlor as I did, I would have thought it highly  
27 unusual or uncharacteristic that Mr. Lawlor would not have made an attempt to  
28 get money from Owen O'Callaghan in some capacity or other, whether it was an  
29 election contribution or otherwise.
- 16:19:07 30 Q. 612 And did you make a payment to Mr. John O'Halloran?

- 16:19:11 1 A. Just for completeness there, Ms. Dillon. I cannot say to you when this arose  
2 but it did arise at a certain stage, when either Tom Gilmartin said or it was  
3 reported that Mr. Lawlor had been in receipt of monies from Mr. Tom Gilmartin  
4 or a company associated with Mr. Gilmartin. I can't say exactly when I became  
16:19:40 5 aware of that. I obviously became aware of it. And that would have been a  
6 subject matter of discussion between Mr. O'Callaghan and myself.
- 7 Q. 613 But that is only at the time, Mr. Dunlop, when the matter has come into the  
8 public arena?
- 9 A. Absolutely, yes.
- 16:19:52 10 Q. 614 But at the time that the payments are in fact taking place --
- 11 A. No, no.
- 12 Q. 615 -- when Mr. O'Callaghan is making the payment to Mr. Lawlor in recognition, I  
13 think as he says in his statement for the help that Mr. Lawlor had given, that  
14 is being done by Mr. O'Callaghan on his own behalf and not as a result of any  
16:20:11 15 discussion or consultation with you, isn't that right?
- 16 A. Correct, correct.
- 17 Q. 616 And your advice wasn't sought by Mr. O'Callaghan in relation to those  
18 contributions?
- 19 A. No it was not.
- 16:20:19 20 Q. 617 And the first time you become aware that they have in fact occurred is when the  
21 matter comes into the public arena?
- 22 A. Correct.
- 23 Q. 618 And it is similar to the situation in relation to Mr. Colm McGrath and the  
24 payments he received from Mr. O'Callaghan, isn't that right?
- 16:20:33 25 A. Yes other than the payments that Mr. O'Callaghan and myself did discuss about  
26 Mr. McGrath in relation to the 10,000 pounds cheque.
- 27 Q. 619 In 1991, in May of 1991, isn't that right?
- 28 A. Correct.
- 29 Q. 620 But leaving aside that about which you have already given evidence?
- 16:20:47 30 A. Yes.

- 16:20:48 1 Q. 621 But insofar as the payments to Mr. McGrath by Mr. O'Callaghan are concerned,  
2 Mr. O'Callaghan didn't consult you about those payments?  
3 A. No.
- 4 Q. 622 And the first time you become aware of those payments to Mr. McGrath is when  
16:20:57 5 the matter comes into the public arena?  
6 A. Yes I believe so. When the issues were raised in public and a discussion began  
7 about them and various discussions took place between Mr. O'Callaghan and  
8 myself at that stage.
- 9 Q. 623 And when you found out about it, Mr. Dunlop, were you surprised Mr. O'Callaghan  
16:21:16 10 hadn't sought your advice in relation to these payments?  
11 A. Well no, I don't think I was surprised. And Mr. O'Callaghan, just as I did,  
12 operated within a particular medium and within a particular system. What he  
13 did or did not do with other public representatives really, you know, I was I  
14 think my surprise was at the fact that the amount we'll say for example that he  
16:21:48 15 had paid Colm McGrath. That that sort of impacted on me but apart from that I  
16 don't think that I was surprised.
- 17 Q. 624 What surprised you about the amount that was paid to Mr. McGrath?  
18 A. That I have given evidence to the effect that Mr. McGrath was constantly  
19 talking about money, was constantly in need of money, there was hardly a  
16:22:09 20 meeting that could take place with Colm McGrath that money wasn't discussed or  
21 raised by him. But that in the circumstances that Mr. O'Callaghan had already  
22 helped Mr. McGrath with a difficulty that he had in the circumstances that I  
23 have outlined in 1991, that he would have given him other monies of a  
24 substantial nature and as I say, when I, I was asked about this by a journalist  
16:22:36 25 or a number of journalists and when I asked Mr. O'Callaghan about it he  
26 confirmed it.
- 27 Q. 625 I think at 12282, you issue an invoice to Riga in the name of Frank Dunlop &  
28 Associates on the 20th of March. And included in that for the first time, Mr.  
29 Dunlop, is a reference to a political contribution?  
16:23:00 30 A. Yes.

16:23:00 1 Q. 626 And the initials JOH which I suggest is Mr. John O'Halloran?  
2 A. It is yes.  
3 Q. 627 Yes. So this is the first time there is a record, isn't that right?  
4 A. Correct.

16:23:08 5 Q. 628 Of you making a political contribution on behalf of Quarryvale which is  
6 recorded on an invoice and which is furnished to Riga Limited, isn't that  
7 right?  
8 A. That's correct, yes.

9 Q. 629 Now, can you outline first of all the circumstances in which you came to make  
16:23:23 10 the payment to Mr. O'Halloran?  
11 A. Yes I, as I recall matters Mr. O'Halloran sought a political contribution, I  
12 discussed it with Mr. O'Callaghan and we agreed an amount and I paid it and I  
13 invoiced Mr. O'Callaghan for it.

14 Q. 630 Did Mr. O'Halloran in the first instance approach you?  
16:23:50 15 A. Yes he did.

16 Q. 631 Yes. Now, clearly if Mr. O'Callaghan is correct about what had happened in  
17 1993, Mr. O'Halloran had approached Mr. O'Callaghan directly, isn't that right?  
18 A. That's correct yes.

19 Q. 632 In November 1993?  
16:24:01 20 A. Yes.

21 Q. 633 That led to the payment by Mr. O'Callaghan to him of 5,000 Pounds, isn't that  
22 right?  
23 A. Correct.

24 Q. 634 But in 1996 Mr. O'Halloran approaches you, is that right?  
16:24:09 25 A. Correct. Correct me if I'm wrong, Ms. Dillon, 1996 there is something  
26 happening politically.

27 Q. 635 I think there is a by-election?  
28 A. Yes.

29 Q. 636 In which Mr. O'Halloran was standing?  
16:24:25 30 A. Correct.

- 16:24:25 1 Q. 637 At that time but Mr. O'Halloran approaches you. Is he seeking a contribution,  
2 Mr. Dunlop, from you or is he seeking a contribution from Mr. O'Callaghan?
- 3 A. Well I think from Mr. O'Callaghan's point of view he regarded Mr. O'Callaghan  
4 and myself as joined at the hip if you will excuse the expression, in the  
16:24:40 5 context of raising funds. So he was asking me for money knowing probably that  
6 it was Mr. O'Callaghan was going to pay it. I can't recollect whether he asked  
7 me specifically to ask Owen O'Callaghan but certainly I discussed it with Owen  
8 O'Callaghan.
- 9 Q. 638 Well Mr. O'Halloran will tell the Tribunal at 3322 that he received a sum of  
16:25:05 10 2,500 pounds from you but that he personally solicited these funds from, Mr.  
11 Dunlop, as a political contribution?
- 12 A. Yes.
- 13 Q. 639 He does not suggest that he understood it was from Mr. O'Callaghan?
- 14 A. Yeah.
- 16:25:16 15 Q. 640 And Mr. O'Callaghan at 3165, at paragraph five says that "As far as he  
16 remembers Mr. O'Halloran contacted Frank Dunlop seeking a contribution from  
17 Frank Dunlop towards expenses in connection with the 1996 by-election. Frank  
18 Dunlop rang me and asked me if I was prepared to contribute as well. I agreed  
19 to contribute the sum of 2,500 pounds and I authorised Frank Dunlop to pay this  
16:25:40 20 amount of money on my behalf. I requested him to include it in his next  
21 invoice to me. It was included in the Frank Dunlop invoice of the 30th of  
22 March 96."
- 23 A. Yes.
- 24 Q. 641 Did you, and if Mr. O'Callaghan is correct, he appears to have thought that you  
16:25:55 25 were also going to contribute to Mr. O'Halloran, isn't that right?
- 26 A. Yes it appears so from what he is saying there.
- 27 Q. 642 That in fact didn't happen?
- 28 A. No, the cheque was for 2,500 pounds for which I was subsequently reimbursed by  
29 Mr. O'Callaghan.
- 16:26:08 30 Q. 643 And are you yourself did not make any personal contribution to Mr. O'Halloran

- 16:26:11 1 on this occasion although the cheque was in your name, isn't that right?
- 2 A. Correct.
- 3 Q. 644 And I think at around the same time or certainly in ... I just want to get the
- 4 date now for you -- yes, in 1996. In April 1996, Mr. Dunlop, at 12362, I think
- 16:26:49 5 you make a contribution to Mr. Sean Ardagh at 12381 of 250 pounds.
- 6 A. Sean, yes, yes.
- 7 Q. 645 Was this a donation which you recouped from Mr. O'Callaghan?
- 8 A. The likelihood is yes.
- 9 Q. 646 Yes.
- 16:27:10 10 A. What date was that again, Ms. Dillon?
- 11 Q. 647 April of 1996 I think, Mr. Dunlop. Yes.
- 12 A. April 1996. Yes, the likelihood is that I did recoup it yes.
- 13 Q. 648 And I think that you in your diaries you have met Mr. Ardagh, isn't that right
- 14 on one or two occasions prior to the zoning of Quarryvale, isn't that right?
- 16:27:28 15 A. Correct, yes.
- 16 Q. 649 And I think we had discussed that yesterday --
- 17 A. Yes.
- 18 Q. 650 -- that you had met Mr. Ardagh although Mr. Ardagh didn't recollect it. Is
- 19 this the first time that you had made a political contribution to Mr. Ardagh?
- 16:27:40 20 A. Yes I believe so.
- 21 Q. 651 Would you have consulted with Mr. O'Callaghan in relation to that if it was
- 22 made on behalf of Mr. O'Callaghan?
- 23 A. Yes, if it was made on behalf of Mr. O'Callaghan, yes I would have discussed it
- 24 and the likelihood is that I did recoup it in some fashion or other, either
- 16:27:58 25 specifically or included in miscellaneous cost in relation to an invoice to Mr.
- 26 O'Callaghan. But the likelihood is that I did discuss it with Mr. O'Callaghan,
- 27 yes.
- 28 Q. 652 There is no record, Mr. Dunlop, of that sum paid by you to Mr. Ardagh being
- 29 recouped from Mr. O'Callaghan?
- 16:28:15 30 A. Uh-huh.

- 16:28:16 1 Q. 653 In the documentation?
- 2 A. Uh-huh.
- 3 Q. 654 If you were making that donation to Mr. Ardagh on behalf of Mr. O'Callaghan
- 4 would you not have indicated that to Mr. Ardagh?
- 16:28:30 5 A. To Mr. Ardagh.
- 6 Q. 655 Yes.
- 7 A. Yes, if I was, yes, I probably would have done. I can't recollect what I said
- 8 to Mr. Ardagh. But obviously Mr. Ardagh is running a fundraising function and
- 9 I've been contacted either by him directly or somebody on his behalf to make a
- 16:28:59 10 contribution and I so make it. But I mean Mr. Ardagh or somebody on his behalf
- 11 is contacting me arising out of my lobbying of Mr. Ardagh, either in relation
- 12 to Quarryvale or a number of other issues which I said in recent evidence that
- 13 I did contact, I did lobby Mr. Ardagh on a number of occasions.
- 14 Q. 656 Yes. My only point to you was if the donation is a donation not on your own
- 16:29:26 15 behalf --
- 16 A. Yes.
- 17 Q. 657 -- but on behalf of Mr. O'Callaghan, would you not have referred to that when
- 18 you were giving him the cheque or where you were giving the friends of Sean
- 19 Ardagh Committee the cheque?
- 16:29:36 20 A. Yes, if it was the case that that was the reason for the donation, yes. The
- 21 likelihood is that I did say so but I just can't recollect. All I do know is
- 22 that this was a fundraising function. I cannot specifically say that
- 23 Mr. Ardagh himself contacted me. There were constant requests in relation to
- 24 fundraising functions of this nature and the amount of the cheque is evidence
- 16:30:02 25 of the nature of the contribution that one would be making to these fundraising
- 26 functions. So I can't say what I said to either Mr. Ardagh or to a
- 27 representative who asked me for the contribution.
- 28 Q. 658 None of the documentation suggests that it was made on behalf of Mr.
- 29 O'Callaghan?
- 16:30:19 30 A. None, yes.

- 16:30:19 1 Q. 659 Were you aware of an ongoing commercial relationship between Mr. Colm McGrath  
2 and Riga or Mr. O'Callaghan?
- 3 A. Yes.
- 4 Q. 660 Yes. And what was the nature of that commercial relationship?
- 16:30:29 5 A. The nature of it well in broad, inned the broadest term loosest language it  
6 related to security.
- 7 Q. 661 Provided by?
- 8 A. Provided either by Mr. McGrath or associates of Mr. McGrath.
- 9 Q. 662 Do you know how much money was paid to Mr. McGrath for the provision of these  
16:30:50 10 services, was that a matter that you discussed with either Mr. McGrath or Mr.  
11 O'Callaghan?
- 12 A. Yes, I do believe that at some -- I certainly transmitted money in relation to  
13 security as I have said to you in recent days, in relation to the security on  
14 the site at the request of Mr. O'Callaghan.
- 16:31:10 15 Q. 663 But I had understood if I can stop you there. I had understood that evidence,  
16 Mr. Dunlop, to relates to cheques for 500 and 800 pounds which were cashed --
- 17 A. Correct.
- 18 Q. 664 -- out of your office account and which were sent out to people whom you in  
19 effect were paying directly on behalf of Mr. O'Callaghan. I had not understood  
16:31:28 20 you to tell the Tribunal in that evidence that that was in fact a payment in  
21 any way connected with Mr. Colm McGrath?
- 22 A. Correct. No, forgive me, Ms. Dillon, again we are coming towards the end of  
23 the day. But what I was saying was yes, I did pay monies to people in relation  
24 to security. I cannot say. Certainly I was aware that Mr. Colm McGrath was  
16:31:52 25 providing a service to Mr. O'Callaghan under the broad term of security. I  
26 cannot specifically recollect whether I ever discharged monies in that regard  
27 to Mr. McGrath on behalf of Mr. O'Callaghan but certainly I did discharge  
28 monies in relation to security with others.
- 29 Q. 665 And was this a proper service that Mr. McGrath was providing, was Essential  
16:32:18 30 Services a security company?

- 16:32:22 1 A. Well I, to be honest I can't say.
- 2 Q. 666 Was Mr. McGrath in the security business?
- 3 A. Mr. McGrath was in a lot of businesses or he, he was, he ... he involved
- 4 himself in a lot of businesses, one of which was allegedly relating to
- 16:32:44 5 security. And I do recall on one occasion, if not more, Mr. McGrath talking
- 6 about his men on the site and I understood perhaps in a naive way I wasn't very
- 7 interested in it to be honest with you, that he had some type of security
- 8 service and that he was employing people.
- 9 Q. 667 Were you involved in any way in the negotiation of any agreement for the
- 16:33:08 10 provision of security or office services by Mr. Colm McGrath and any of his
- 11 companies to either Riga or Barkhill or Mr. O'Callaghan?
- 12 A. No, the only matter in which I was ever involved in in relation to issuing an
- 13 invoice to Mr. McGrath for services was to Tower Secretarial Services.
- 14 Q. 668 That's a matter from Frank Dunlop & Associates to Tower Secretarial Services in
- 16:33:32 15 1991, isn't that right?
- 16 A. Correct. Yes.
- 17 Q. 669 What I am asking you, Mr. Dunlop, was whether you had knowledge of any
- 18 agreement between Mr. O'Callaghan and his companies and Mr. McGrath and his
- 19 companies about the provision of security or office services. Were you party
- 16:33:47 20 to any such agreement?
- 21 A. Was not party to any such agreement. And other than being aware of it in
- 22 general terms I do not know of the details.
- 23 Q. 670 And when you were sending money out to the Quarryvale site for the provision of
- 24 security services. These were not monies that were being paid to Mr. McGrath
- 16:34:02 25 or Mr. McGrath's people, isn't that right?
- 26 A. No, the named individuals that we discussed its other day.
- 27 Q. 671 Yes. And at 12902. On the 13th of May 1997, you will see there a cheque in
- 28 the sum of 10,000 pounds to Fianna Fail, isn't that right?
- 29 A. Yes.
- 16:34:23 30 Q. 672 Now, did Mr. O'Callaghan consult you prior to making this cheque payable to

- 16:34:30 1 Fianna Fail prior to making this donation 1997?
- 2 A. No, I don't believe he did.
- 3 Q. 673 Was the first time you became aware of this when you saw it in the
- 4 documentation with which you were circulated?
- 16:34:40 5 A. Correct.
- 6 Q. 674 Were you aware of the involvement of Mr. Richardson in any way in the receipt
- 7 of those monies on behalf of Fianna Fail?
- 8 A. Other than, yes, I was aware of Mr. Richardson on, in his fundraising
- 9 activities, some of which I assisted him in, as I have given evidence in
- 16:35:02 10 relation to providing him with notes. I attended a number of functions in
- 11 relation to fundraising for Fianna Fail. I was aware that Mr. Richardson did
- 12 know Owen O'Callaghan or had met Owen O'Callaghan, I cannot specifically say in
- 13 what circumstances but certainly I was aware that both men knew one another,
- 14 how well or otherwise I just can't specify but certainly I was aware that
- 16:35:32 15 Mr. Richardson in his capacity as fundraiser for Fianna Fail would have had
- 16 approached Mr. O'Callaghan.
- 17 Q. 675 Yes. And I think a generally election was called in the 15th of May 1997, and
- 18 voting day was the 6th of June 97, isn't that right?
- 19 A. Correct.
- 16:35:47 20 Q. 676 And on the 14th of May '97, at 16438. Mr. Bertie Ahern then leader of Fianna
- 21 Fail writes to Mr. Owen O'Callaghan thanking him for sincerely for meeting with
- 22 Des Richardson yesterday which would have been the 13th of May '97, and for his
- 23 generous donation to the party fundraising. And you will is have seen that at
- 24 12902, the cheque for 10,000 pounds was dated the 13th of May 1997, isn't that
- 16:36:18 25 right?
- 26 A. Yes.
- 27 Q. 677 It would follow from that that your client Mr. O'Callaghan met with your friend
- 28 Mr. Richardson on the 13th of May and wrote a cheque in favour of Fianna Fail,
- 29 isn't that right?
- 16:36:27 30 A. Yes.

- 16:36:27 1 Q. 678 Did either Mr. Richardson or Mr. O'Callaghan discuss that with you at the time?
- 2 A. No, I don't believe so. And for completeness, I can tell you that
- 3 Mr. Richardson never told me of any monies that he was in receipt of for Fianna
- 4 Fail specifically. I would, as I've said to you, I was aware that Mr.
- 16:36:50 5 O'Callaghan and Mr. Richardson knew one another and had met one another on a
- 6 number of occasions. What transpired between them I did not know.
- 7 Q. 679 And on the 10th of June 97, at 12927. There is a cheque from Riga signed by
- 8 Mr. Lucey and Mr. O'Callaghan to Citywise. And Citywise was a charitable
- 9 organisation with which Mr. Michael Billane Councillor had an association, Mr.
- 16:37:16 10 Dunlop. And this cheque was a cheque towards the provision of a mini bus to
- 11 assist at certain charitable works in the city centre.
- 12
- 13 Now, assuming for the moment that I am correct in that little summary. Did Mr.
- 14 O'Callaghan ever approach you or seek your advice on whether or not he should
- 16:37:33 15 make that payment?
- 16 A. I have never --
- 17 Q. 680 Make that donation?
- 18 A. Yes. Notwithstanding the fact that this matter is in the brief, I have never,
- 19 I have never, I have never known that and if you had asked me who Citywise was
- 16:37:48 20 I wouldn't have been able to tell you. He never discussed it with me.
- 21 Q. 681 Yes. It's a city centre youth achievement organisation and it helps
- 22 disadvantaged children I think and this donation by Mr. O'Callaghan was used to
- 23 purchase a mini bus and Mr. Billane has given evidence to the Tribunal about
- 24 that?
- 16:38:05 25 A. I see yes.
- 26 Q. 682 Mr. Billane would have been a Councillor?
- 27 A. Yes he was.
- 28 Q. 683 In South Dublin County Council?
- 29 A. A member of Democratic Left originally and then I think he was thrown out.
- 16:38:15 30 Q. 684 And did Mr. O'Callaghan approach you or seek your advice in relation to making

- 16:38:20 1 this donation at that time in 1997?
- 2 A. That's the first I've heard of it.
- 3 Q. 685 Right. So it would throughout this entire period, Mr. Dunlop, you and your  
4 firm were on a retainer of an increasing amount from Riga, isn't that right?
- 16:38:34 5 A. Yes.
- 6 Q. 686 And from Barkhill. And what actual services were you providing, Mr. Dunlop?
- 7 A. Well from, for a certain period after the ending of the what we would call the  
8 zoning issue in relation to Quarryvale very little. There was as I say  
9 outstanding issues in relation to the National Stadium and there was ongoing  
10 discussions, they themselves and I know you will be coming to this matter. But  
11 they themselves went into abeyance for themselves and then resurrected  
12 themselves again at another stage but certainly from an actual provision of  
13 services point of view, very little is the answer.
- 14 Q. 687 So that Mr. O'Callaghan in these political donations and contributions that he  
16:39:18 15 makes these financial transactions that he embarks on from the time that your  
16 retainer starts in September of 1993, he does not appear if your evidence is  
17 correct, Mr. Dunlop, to have sought your advice about any of these matters,  
18 isn't that right?
- 19 A. Certainly not that I ever recollect and certainly in the specific one that you  
16:39:36 20 have on the screen, as I say, it is some surprise to me even though it's in the  
21 brief I, I'm amazed that that contribution was made particularly in the  
22 connection that you are making.
- 23 Q. 688 Why are you amazed, Mr. Dunlop?
- 24 A. Well I have never heard that Mr. O'Callaghan. Mr. O'Callaghan never discussed  
16:39:54 25 with me a contribution to any entity that was ever associated with Mick  
26 Billane.
- 27 Q. 689 And you weren't aware of the fact that 10,000 pounds had been paid to  
28 Mr. Lawlor around September of 1994 either?
- 29 A. No.
- 16:40:09 30 Q. 690 Or the 20,000 pounds paid to Mr. Lawlor?

16:40:11 1 A. No.

2 Q. 691 Can I ask you did you ever make any payments to Mrs. Hazel Lawlor directly?

3 A. Yes I did. I think I ... I think I wrote a cheque, maybe I'm slightly. If I

4 look at it the other way. I know that monies were due to me from Liam Lawlor

16:40:37 5 and a cheque was sent to me in the name of Hazel Lawlor in the order of

6 something of the order of 3,000 Pounds, if I recollect correctly. The cheque

7 subsequently bounced.

8 Q. 692 Yes. You misunderstand me, Mr. Dunlop, and indeed it is my fault.

9 A. Sorry.

16:40:57 10 Q. 693 What I was trying to ask you about?

11 A. Yeah.

12 Q. 694 Was, you know the way you have described to the Tribunal that you made payments

13 on Thursdays and Fridays to Mr. Lawlor?

14 A. Correct yes.

16:41:07 15 Q. 695 From time to time?

16 A. Yes.

17 Q. 696 As it were. Did you ever make similar payments to Mrs. Lawlor?

18 A. No.

19 Q. 697 In other words, did she ever attend at your offices for the purposes of

16:41:17 20 collecting an envelope or a cheque or anything such as that sort?

21 A. No.

22 Q. 698 And did she on occasion contact your office?

23 A. Yes, she did.

24 Q. 699 Why would she have been contacting your office, Mr. Dunlop?

16:41:33 25 A. Do we have to deal with this, Chairman? It's rather sensitive.

26

27 CHAIRMAN: Well then let's leave it for the moment.

28

29 MS. DILLON: I was only looking at it from the point of view of payments, Mr.

16:41:44 30 Dunlop.

16:41:45 1 A. I can absolutely assure you, Ms. Dillon. Any contact that was made with me by  
2 Hazel Lawlor ...  
3  
4 CHAIRMAN: Yeah, well, no.

16:41:58 5 A. There was never any question of payments or whatever.  
6  
7 CHAIRMAN: It was nothing to do with Quarryvale?  
8 A. Absolutely not. It related to an issue ...  
9  
10 CHAIRMAN: That's fine.

11 A. That Mrs. Lawlor was concerned about and I was happy to provide advice.  
12  
13

14 Q. 700 MS. DILLON: So -- can I ask you just finally, Mr. Dunlop, for today, just to  
16:42:26 15 go back on those Shefran invoices and the Frank Dunlop & Associates invoices  
16 for a moment, the six Shefran invoices and the two invoices to Frank Dunlop &  
17 Associates, apart from you issuing the invoices which you say you did on the  
18 dates, is it the position that you kept absolutely no record in relation to the  
19 receipt of those funds?

16:42:49 20 A. I believe so, no.

21 Q. 701 And that you were never in a position, if I understand you correctly, that had  
22 De Loitte & Touche or anybody else come to you for an invoice, you would not  
23 have been in a position to provide them with an invoice without going back to  
24 Mr. O'Callaghan?

16:43:04 25 A. Correct, and as I said to you in reply to a similar question that you asked me  
26 the other day, that if De Loitte & Touche had made such contact, that -- and it  
27 required the provision of the invoices, and again this is supposition on my  
28 part, but what I suspect that I would have done was I would have asked Mr.  
29 O'Callaghan when the payments were made and I would have drawn up the invoices  
16:43:28 30 for the purposes of De Loitte & Touche.

16:43:30 1 Q. 702 But you would have back dated them to a period prior to the actual date of the  
2 cheque?  
3 A. Correct.  
4 Q. 703 Mr. O'Callaghan's payments to Shefran were always by cheque, isn't that right?  
16:43:39 5 A. Correct, yes.  
6 Q. 704 So that the cheque was a record of the date on which you received payment?  
7 A. That's correct.  
8 Q. 705 And if you were asked to prepare such an invoice you would have been preparing  
9 that invoice for a period of time in advance of the date of the cheque, isn't  
16:43:50 10 that right?  
11 A. Yes.  
12 Q. 706 All right. And you would have been happy to do that I suggest, Mr. Dunlop, had  
13 the need arisen?  
14 A. Well if the need had arisen in the circumstances that you outlined and in the  
16:44:08 15 documentation that you put on the screen the other day in relation to De Loitte  
16 & Touche, yes.  
17 Q. 707 I am going to move on to deal with the stadium now. So I suggest that's matter  
18 that I could deal with on Tuesday with Mr. Dunlop.  
19  
16:44:11 20 CHAIRMAN: All right. That's fine. What time on Tuesday is the Tribunal  
21 sitting, Ms. Dillon?  
22  
23 MS. DILLON: 10 o'clock.  
24  
16:44:18 25 CHAIRMAN: For?  
26  
27 MS. DILLON: For Mr. Dunlop.  
28  
29 CHAIRMAN: And then we have other witnesses as well later in the day, of  
16:44:24 30 course.

16:44:25 1

2 MS. DILLON: Yes.

3

4 CHAIRMAN: All right. Ten o'clock on Tuesday.

16:44:28 5

6 MS. DILLON: May it please you, Sir.

7

8 CHAIRMAN: Thank you.

9

16:44:30 10

11 **THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,**

12 **TUESDAY, 5TH FEBRUARY 2008, AT 10:00 A.M.**

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