

1 THE TRIBUNAL RESUMED AS FOLLOWS ON WEDNESDAY

2 22ND JANUARY 2002 AT 10.30 A.M:

3

4 CHAIRMAN: Morning everyone. When you are ready, Mr. Gallagher.

5

6 MR. GALLAGHER: I should say, Sir, that the Tribunal had indicated that it
7 would hear evidence from Mr. Caldwell today. That indication was given at the
8 end of last term, but in the intervening period the Tribunal decided to defer
9 the hearing of evidence of Mr. Caldwell to a date to be fixed.

0

11 I just mention that so that parties who may not have received communication
12 from the Tribunal in that regard will be aware of the position and that members
13 of the public will also be aware.

14

5 CHAIRMAN: Very good.

16

17 MR. GALLAGHER: Mr. Dunlop please.

18

19 CONTINUATION OF EXAMINATION OF MR. DUNLOP BY MR. GALLAGHER:

0

21 Q.1 MR. GALLAGHER: Good morning, Mr. Dunlop

22 A. Morning.

23 Q.2 Just to finish off what we were dealing with yesterday, Mr. Dunlop. You did
24 say in the course of your evidence that you had met Mr. Drumgoole and you also
5 indicated that you had met another official, I believe, in the temporary
26 offices of Dun Laoghaire/Rathdown county council in Glenageary; is that
27 correct?

28 A. That's correct, yes.

29 Q.3 Would you mind telling me what that meeting was about and you might perhaps
0 write down the name of the official, if you would?

1 A. Sure. (Blank piece of paper handed to witness).

2 Q.4 In relation to the date of the meeting with Mr. Drumgoole, you indicated
3 yesterday that you couldn't be sure of the date, and I think in response to a
4 query from the Tribunal, your solicitors wrote on the 2nd January 2003 that to
5 the best of your recollection the meeting occurred in the latter part of 1997?

6 A. Yes, that is correct.

7 Q.5 That is your recollection?

8 A. That is my recollection.

9 Q.6 I now want to turn to that portion of your statement which deals with the
0 O'Halloran lands. I read this into the record as part of my opening statement
11 on 21st November last, but as it is rather short and in order to remind people
12 of what you said, I think I should read it again briefly, or quickly.

13

14 "O'Halloran lands:

5 In the early stage of the Development Plan, I was approached by Brian
16 O'Halloran for advice regarding lands he and others owned in Carrickmines. I
17 advised him and he dealt with the necessary motion to have his lands rezoned
18 himself. His endeavours when unsuccessful. Mr. O'Halloran approached me again
19 in 1996/1997 when the new Dun Laoghaire/Rathdown was conducting its own
0 Development Plan. His preference was to proceed on his own but he required
21 certain advice. A fee of £30,000 was agreed between us.

22

23 On my advice, Mr. Brian O'Halloran organised a motion be put in place in
24 relation to his lands. The motion was signed by Mr. Cosgrave and Ms. Coffey.

5 In discussions with the council, Mr. O'Halloran was advised that it wanted to
26 deal comprehensively with issues surrounding the zoning of the Jackson Way
27 lands and lands owned by Mr. O'Halloran and others. The result was that land
28 belonging to Mr. O'Halloran, Mr. Austin Darragh, Mr. Gerard Kilcoyne and
29 approximately 20 acres of the Jackson Way lands were rezoned.

0

1 Apart from organising that motions concerning his lands would be signed, I did
2 very little overtly with councillors concerning these lands. At no stage was
3 there any discussion regarding payments to councillors. I did advise Mr.
4 O'Halloran with regard to Christmas gifts for councillors. I paid Mr. Cosgrave
5 a sum of £2,000 in respect of his support for this development."

6

7 Can I ask you in the first instance when you first met Mr. O'Halloran?

8 A. When I first met him?

9 Q.7 Yes.

0 A. I believe I met Mr. O'Halloran socially in the late '80s, but in the context of
11 this module, not particularly in the context of this module, in the context of
12 the Carrickmines lands in the first manifestation of Paisley Park. I met
13 Mr. O'Halloran professionally because he asked me to advise him in relation to
14 a motion for the Development Plan in 1991, in the 1992/92 period. It was
15 during the course of the development at that time.

16

17 I -- as I have said in my statement, I advised him that it was necessary to get
18 a motion to put before the council, to have it on the agenda and that motion
19 would have to be signed by councillors. I did nothing overtly for
0 Mr. O'Halloran and his colleagues at that time. Now, when I say I did nothing
21 overtly, I did advise him about getting the motion signed and to the best of my
22 recollection, I haven't been able to trace it, Mr. Gallagher, and I am sure it
23 may well be in the reports and minutes of Dublin County Council, but to the
24 best of my recollection as I sit here this morning, that motion that he put
5 forward in relation to his and his colleagues' land at that time was signed by
26 a councillor that hasn't been named here and I don't think his name has been
27 mentioned in this Tribunal, certainly not by me

28 Q.8 Well, he has been informed that the motion will be referred to so you are free
29 to mention his name.

0 A. Sorry, amnesia has set in immediately. He is now a TD. It is a Fianna Fáil

1 councillor, forgive me, I am sorry, his name escapes me.

2 Q.9 We will come back to it?

3 A. Sorry, I have it. Charlie O'Connor, sorry.

4 Q.10 When did you first speak to Mr. O'Halloran about this, about these lands and

5 what did he tell you about them and what did he tell you about his wishes in

6 respect of them?

7 A. Well, I -- any time I met Mr. O'Halloran in relation to these lands then and

8 subsequently, I met him in his offices, his architectural practice along the

9 canal, Herbert Place or Herbert Street. Herbert Place I think is the address.

0 And he outlined -- he told me that they had land, his colleagues had land, they

11 had it for some time. It was an investment that they had bought. It was land

12 that they had bought as an investment, they had been using it as a mixture of

13 agriculture and leisure. I think the question of ponies and horses or children

14 was mentioned.

5

16 Mr. O'Halloran, by virtue of his profession and his -- the way he does

17 business, is an individual note taker so there is extensive notation in

18 relation to these meetings, both as to the timings, dates and attendings at

19 those meetings. He told me that wanted to put the land forward for rezoning,

0 perfectly legitimate objective as far as he was concerned and as far as I was

21 concerned. As I have said in my statement, I told him what to do. He

22 actually, to the best of my recollection, obtained the signature on the motion

23 himself.

24 Q.11 That's at a later stage. I want to deal with the initial contacts and what

5 meetings you had with him, what meeting or meetings you had with him, where

26 they were.

27 A. Well, I think I have said to you all the meetings that I had with him were in

28 his architectural practice, in his office. I recollect on the first occasion

29 that I met him, I recollect going to attend a meeting with him on another

0 occasion at which Mr. Gerard Kilcoyne and Dr. Austin Darragh were present, but

1 I recollect Dr. Austin Darragh leaving the meeting within minutes of my
2 arrival, and subsequently I never met Dr. Austin Darragh again in relation to
3 anything to do with these lands.

4

5 The only people that I met in relation to these lands at the initial stages in
6 the 1991/92 period were Brian O'Halloran and Gerard Kilcoyne. And all of the
7 dealings in relation to negotiation of fees, advices given as to procedures to
8 be adopted, how to go about it were given to Brian O'Halloran and as I said I
9 am now in possession of the documentation that you have circulated, the
0 Tribunal has circulated in relation to Mr. O'Halloran's statement and I am
11 reminded of the extensive nature of the notes that he took.

12 Q.12 Had you known Mr. O'Halloran before he approached you in connection with the
13 lands in Carrickmines?

14 A. As I said, I believe I met him socially once or twice prior to that, but I had
5 never -- I dealt with his architectural practice through him in relation to a
16 particular site for a building that he was designing and it required -- sorry,
17 I rephrase that, not that it required but I advised him that it would be
18 advisable to indicate the people that he was acting for, their intentions and
19 his in relation to this building to some of the locally elected
0 representatives, and indeed the national representatives in the particular
21 constituency. I hasten to add, Mr. Gallagher, this has absolutely nothing to
22 do with this module but you asked me what dealings I had with Mr. O'Halloran,
23 what date that was I cannot tell you. I cannot tell you whether it was prior
24 to 1991/92 or subsequent to it, but it did entail my advising Mr. O'Halloran
5 quite legitimately and professionally. A meeting took place in his office with
26 these local representatives, some of whom are of national stature, it was
27 perfect legitimate meeting. Presentation was made to these people. Matter was
28 brought forward to the relevant local authority which, in this instance, wasn't
29 Dublin County Council, it was Dublin City Council, as it is now known or
0 Corporation as it was formally known and the matter was defeated.

1 Q.13 Would you mind writing down the name of the building to which you refer?

2 A. Yeah.

3 Q.14 Did you have any meetings with Mr. O'Halloran in connection with that

4 particular project?

5 A. Yes, I had quite a few. He was not the client. The -- his client became my

6 client, was the payee, the person who paid fees in relation to that particular

7 project, but he was not the client. He, as I understood it, sought my advice

8 on a third party basis and I gave the advice and he proceeded thereafter.

9 Q.15 Can I refer you to your diary please the 26th October 1990?

0 A. Mmm. Sorry, 26th you said Mr. Gallagher?

11 Q.16 Yes, the 26th October. You have an entry 11 a.m.?

12 A. I don't seem to have 1990, excuse me. Sorry, I beg your pardon.

13 Q.17 Sorry, my reference is incorrect, it is 1991, I am sorry.

14 A. 1991. And the date again?

5 Q.18 It is your 1991 diary and it is 26th October.

16 A. 26th October, Friday 26th October 1991.

17 Q.19 Yes.

18 A. Yes.

19 Q.20 There is a reference to a meeting there with Mr. O'Halloran.

0 A. Not in my copy, Mr. Gallagher. I am sorry, I --

21 Q.21 Can I show you a photocopy of something that -- my copy was handwritten the

22 date October 1990.

23 A. Sorry, Mr. Gallagher, I apologise. I was confused when you said 1990 first.

24 Let me just check. No, I am completely lost. The 26th October in this diary

5 1991 is a Saturday.

26 Q.22 Sorry, I believe the confusion may arise because the diary that we are

27 referring to is one which covers the period the end of 1990 and beginning --

28 and all of 1991. Can I show you the diary?

29 A. If you show me the diary it might be clearer.

0 (Diary handed to witness.) So this, in effect, Mr. Gallagher, is the diary for

1 the end of 1989, is that not correct?

2 Q.23 Well, I am sorry --

3 A. The end of 1990, I beg your pardon.

4 Q.24 And the entry we are looking at that is on screen is an entry for 26th October
5 1990.

6 A. Yes. Yes, the entry is 11 o'clock, Peter Walsh, Brian O'Halloran, 23 Herbert
7 Place.

8 Q.25 Did that meeting have anything to do with the lands at Carrickmines?

9 A. Not at that period, no, I don't believe so.

0 Q.26 There is an entry then on the 23rd November 1990.

11 A. Just for clarification purpose, Mr. Gallagher, the reason I say that that
12 meeting has nothing whatsoever to do with lands at Carrickmines is because of
13 the entry of the other name who is a partner of Mr. Walsh -- a partner of
14 Mr. O'Halloran's and I believe that that meeting referred to the -- what's the
15 name of the golf club down -- the Smurfit golf club.

16 Q.27 The K Club?

17 A. The K Club. I believe that meeting referred to advice that I was giving at
18 that stage to Mr. O'Halloran in relation to a matter arising with the K Club.

19 Q.28 There is a meeting on the 23rd November, Friday, 23rd November, it is 1192.

0 Did that have anything to do with the Carrickmines?

21 A. This is the meeting at 2 o'clock and at 2.30?

22 Q.29 Yes.

23 A. The entry for the diary on Friday, 23rd November 1991 is 2 o'clock.

24 Q.30 It is 1990.

5 A. Sorry, I beg your pardon, I do beg your pardon, I am sorry Mr. Gallagher. The
26 entry is for 2 o'clock "FD to BOH", which is Frank Dunlop to Brian O'Halloran
27 "2.30". Am I at liberty to read this out?

28 Q.31 There is another meeting at 2.30.

29 A. Yes, and it refers to a name who is a politician, at Brian O'Halloran &
0 Associates.

1 Q.32 Now, it appears that you had two separate meetings.

2 A. Yes, it does.

3 Q.33 The first meeting was with Mr. Brian O'Halloran personally?

4 A. Correct.

5 Q.34 And the other then would appear to be a meeting with the politician at the

6 offices of Brian O'Halloran?

7 A. Yes.

8 Q.35 And the politician is somebody who hasn't been named and was certainly --

9 certainly wasn't then and is not now a county councillor?

0 A. Was not a county councillor.

11 Q.36 That is what I said.

12 A. No, was not a county councillor.

13 Q.37 Now, on the 22nd November 1990, you had a meeting with Tom Hand at 2.30 and

14 Charlie O'Connor at 3.30 and I can't read the venue.

5 A. I can read the venue.

16 Q.38 What is it?

17 A. Davy's.

18 Q.39 Davy's?

19 A. Davy's.

0 Q.40 All right. Can you tell us what the meetings with Councillor Hand and

21 Councillor O'Connor related to?

22 A. Well, at this juncture, I don't have a specific answer for you in relation to

23 the meeting with Tom Hand at 2.30. It says "Tom Hand at Dublin County Council"

24 which is Tom Hand at Dublin County Council. I would have to cross-reference to

5 issues that were in train at that stage in November of 1991 at Dublin County

26 Council. It wasn't necessarily follow that it related to anything to do with

27 this module but I mean I cannot say that with authority now, other than to say

28 that obviously I met Tom Hand at Dublin County Council at 2.30 on that day.

29 The following meeting is entered at 3.30 "Charlie O'Connor at Davy's" but there

0 is a circle around it and it is brought forward to the following afternoon.

1 Q.41 I see.

2 A. I believe that that meeting is certainly not related to this module at all. I

3 believe that was a briefing meeting in that particular firm in relation to

4 another matter. If you wish me to write it down I will, but it has not been

5 mentioned here.

6 Q.42 The meeting with Brian O'Halloran at 2 p.m. on the 23rd November. You had met

7 Councillor Colm McGrath earlier in the day?

8 A. Yes. I had lunch with Colm McGrath.

9 Q.43 Is it likely that that was a meeting at which you discussed with Mr. O'Halloran

0 the possibility of having his -- the lands at Carrickmines rezoned?

11 A. No, I don't think so, Mr. Gallagher, because of the name of the politician that

12 is entered, the subsequent entry at 2.30. I believe that meeting was a

13 preparatory meeting for the presentation to the politician in relation to the

14 item I have just written down for you.

5 Q.44 On Monday the -- sorry, you inadvertently said that these entries related to

16 November 1991, I just want to be clear, they relate to November 1990, isn't

17 that correct?

18 A. November 1990. I am sorry, Mr. Gallagher, but I mean can I share the blame

19 with you on that because I think you put me off my game at the outset when you

0 said looking at the wrong diary. I am sorry to make a joke of the matter,

21 please correct me.

22 Q.45 On the spine of your diary it indicates that it is 1991 diary, isn't that

23 right?

24 A. Yes.

5 Q.46 We then go on to January 14th of 1991 in the same diary, 5 p.m. 1200?

26 A. Sorry, Mr. Gallagher, sorry, maybe I am being particularly obtuse this morning,

27 I am sorry about this, but this is a 1991 diary. Prior to January it contains

28 three whole months, October, November and December. It goes from October the

29 8th to the end of December of 1990.

0 Q.47 That's right.

1 A. So the references that we have been referring to are in the 1990 period even
2 though this is a 1991 diary.

3 Q.48 That's right. All of those are 1990. But now we move on in the same diary to
4 January of 1991?

5 A. To 1991.

6 Q.49 And the first entry for 1991 they want to refer you to is an entry for the 14th
7 January, Monday 14th at 5 p.m.?

8 A. Mmm. The entry is Monday 14th January 1991, 5 o'clock, Brian O'Halloran.

9 Q.50 Yes. Did you speak at that meeting about the lands at Carrickmines?

0 A. I preface any answer that I give you to this by the possibility of
11 cross-referencing with other people peoples' diaries or other peoples' notes,
12 but given that there were two issues being dealt with at the time with
13 Mr. O'Halloran, as is obvious from the diary, it is distinctly possible that I
14 discussed it with him, yes. But I am subject to correction, particularly to
5 any notes that Mr. O'Halloran himself might have in relation to this.

16 Q.51 It appears that you met Mr. Caldwell on the following day, Tuesday 15th January
17 at 1.30?

18 A. Correct.

19 Q.52 And you again met him at 6 p.m. on Thursday the 17th January?

0 A. Yes.

21 Q.53 And on the 25th January, you had a meeting in the office of Mr. O'Halloran with
22 Mr. O'Halloran and the politician whose name was entered earlier in your diary?

23 A. Yes, that is correct.

24 Q.54 Do I take it that that meeting was a meeting relating to the building that you
5 have referred to in the note that you handed in?

26 A. Yes, it is and as to the content of that meeting, I think. If, on some
27 research, I may well be able to tell you that the purpose of that meeting was
28 for that particular politician to either report in as a result of what had
29 happened at the particular meeting that he was involved in or that it was a
0 further briefing session. I mean the date of the meeting in the particular

1 local authority can -- in relation to that meeting that I mentioned to you is
2 traceable.

3 Q.55 In any event, it appears to be a meeting with Brian O'Halloran & Associates as
4 distinct from Brian O'Halloran as an individual?

5 A. No, I don't think so, Mr. Gallagher. I think probably it just -- that is the
6 name of Mr -- sorry, well if it is a reference to Brian O'Halloran &
7 Associates, it could only be if the associates refers to other bodies, other
8 people, it could only be one other person who is previously named in the diary,
9 I don't recollect ever meeting anybody else in the practice other than those
0 two people. I think actually it just refers to Brian O'Halloran's practice.

11 Q.56 Yes, but it doesn't necessarily refer to Brian O'Halloran personally?

12 A. No, no. It does mean that there was a meeting at 9.30 that morning in Brian
13 O'Halloran's offices with this politician, with Brian O'Halloran and possibly
14 one other.

5 Q.57 All right. Did Mr. O'Halloran -- when did he first tell you that he owned
16 lands in Carrickmines?

17 A. Again, Mr. Gallagher, subject to correction, I believe that that was at some
18 stage during the course of 1991, which is referable to the time that
19 Mr. O'Halloran and his colleagues put a motion down in Dublin County Council
0 signed by Charlie O'Connor. Now, my recollection of this is that
21 Mr. O'Halloran and his colleagues were perhaps, I don't mean this to be in any
22 way a derogatory remark, I am just making the remark in the sense I think they
23 may well not have been behind the ball as much as other people in relation to
24 the Development Plan in Dublin County Council. They certainly wouldn't have
5 been behind the ball as much as other developers who knew the technical system
26 about getting motions signed and getting motions on the agenda. And I believe
27 that it was during -- sometime in the course of the first half of 1991, and
28 again subject to correction on the timing of the motion and their putting
29 forward that motion and it being defeated.

0 Q.58 When you say they wouldn't have been as much behind the ball as other

1 developers, do you include Mr. Kennedy among that group of other developers?

2 A. Well, I am conscious of the fact that I don't want to breach confidentiality
3 between a client and myself, but I do believe that Mr. Gallagher --
4 Mr. O'Halloran and his colleagues were a little bit disappointed that I didn't
5 appear to be giving his lands the attention that I might have been giving other
6 peoples' lands. Now he never said this to me in so many words. But he did,
7 with his colleague, Mr. Kilcoyne, conduct a fairly extensive lobbying campaign
8 in the confines of Dublin County Council. In other words, in the lobby. And I
9 believe elsewhere, I believe he made contact with councillors himself, at their
0 homes or rang them or may well even have written to them. But I think he
11 himself in his submission to the Tribunal that I have obviously had sight of, I
12 think he uses the word naive. That they were naive.

13 Q.59 You have told the Tribunal that you were contacted by Mr. Caldwell on 17th
14 January 1991 as a result of which you went to see Mr. Kennedy and the
5 arrangement that you --

16 A. Yes.

17 Q.60 -- you described was entered into. Were you aware from Mr. O'Halloran that he
18 had had contacts with Mr. Kennedy in connection with their respective lands?

19 A. It is very difficult at this remove to say specifically 13 years on at what
0 stage I became aware, one, that Mr. O'Halloran knew Mr. Kennedy, two, that
21 Mr. O'Halloran had any contact with Mr. Kennedy, three, that Mr. O'Halloran
22 knew that I was acting on behalf of Mr. Kennedy. Now, 20/20 vision and
23 hindsight with the benefit of documentation is a wonderful experience, as you
24 know, Mr. Gallagher, but I must say that in reading the documentation that has
5 been made available by Mr. O'Halloran and which I now have sight of, I was not
26 aware of the extensive nature of the contact between Mr. O'Halloran and
27 Mr. Kennedy that is evident from that documentation. In the latter stages of
28 the Carrickmines module lands, by that mean in 1996/97, I was aware of the
29 contacts between Mr. Kennedy and Mr. O'Halloran because there were joint
0 motions, joint proposals. But at the early stage in 1991, I had no knowledge

1 of the obvious extensive nature of the contact between Mr. Kennedy and

2 Mr. O'Halloran that is evident from Mr. O'Halloran's documentation.

3 Q.61 Did Mr. O'Halloran ever tell you that he and his partners had entered into two

4 agreements with Mr. Kennedy through two companies, one Paisley Park Investments

5 Limited which had a right-of-way agreement with Messrs. O'Halloran Darragh

6 Kilcoyne, and one with another Isle of Man company, Insigni Limited, an option

7 to purchase their respective lands?

8 A. No.

9 Q.62 When did you first learn about those --

0 A. Well, I never heard of Insigni and I may well have had reference to it in the

11 documentation in relation to the circulation by the Tribunal, but I can

12 absolutely assure you that Mr. O'Halloran never mentioned any of the

13 relation -- these relationships that he obviously had with Paisley Park and

14 Insignia, if that is the name.

5 Q.63 Insigni I think it should be?

16 A. Well it doesn't mean anything to me at all.

17 Q.64 I just check the spelling on that, I believe it is I-N-S-I-G-N-I, but I will

18 come back to that. You say that you didn't know anything about those

19 agreements?

0 A. No, I did not.

21 Q.65 You became aware that Mr. Kennedy and Mr. Caldwell were anxious to have their

22 lands or have the lands known as Paisley Park lands rezoned, and you knew that

23 in 1991?

24 A. Yes.

5 Q.66 You also knew in 1991 that Mr. O'Halloran and his partners were anxious to get

26 their lands, which were adjoining lands, rezoned?

27 A. Correct.

28 Q.67 Did you consider putting them in touch with each other or making a --

29 recommending that they make a joint approach or anything of that nature?

0 A. No.

1 Q.68 Did you tell Mr. Kennedy that you were also advising Mr. O'Halloran and his
2 partners?

3 A. Yes, I told Mr. Kennedy at a later date that Mr. O'Halloran -- Mr. O'Halloran
4 had approached me, and -- in relation to his lands and Mr. Kennedy said that is
5 fine.

6 Q.69 I want to bring you through your diaries in relation to some entries that may
7 or may not relate to the Carrickmines lands, would you indicate to me please
8 whether you think they do or do not relate if you would.

9 Tuesday, 5th February

0 A. 1991.

11 Q.70 Yes. There is an entry at the top, £50,000, can you indicate whether that had
12 anything to do with any of the lands in Carrickmines or anything of that
13 nature?

14 A. Well, I don't wish to be corrective, Mr. Gallagher, but it doesn't say £50,000.

5 The figure 50,000, there is no pound sign in front of it.

16 Q.71 I quite agree. What do you think it might be?

17 A. It says 50,000, 5 percent but not less than 150 plus 50 over 3m.

18 Q.72 It is not beans?

19 A. No, I agree. I am sorry I don't mean to be. I have absolutely no idea what

0 this reference is to. I fully agree with you that it is -- does not refer to

21 string beans. The likelihood is it refers to £50,000, 5 percent but not less

22 that £150,000 plus £50,000 if over 3 million is, I accept, a very logical,

23 rational explanation of the entry. What it refers to at this remove I have no

24 idea. It means absolutely nothing to me.

5 Q.73 Just to go back, if I may, please to 3079, the 22nd January 2001, you had a

26 meeting at 12.30?

27 A. 2001?

28 Q.74 22nd January -- sorry, did I say 2001? 1991. Does that read "Liam L?"

29 A. 22nd January 2001 entry, Liam L.

0 Q.75 Is that Liam Lawlor?

1 A. Yes, any reference in my diary to Liam, LL or Liam L can automatically be taken
2 as Liam Lawlor.

3 Q.76 Sometimes your Ls can be mistaken for a C. At 8.30 on the following day, I
4 think it is 23rd, it is obscured in my copy, there appears to be a meeting with
5 LL?

6 A. That's correct. January 23rd, 8.30 a.m. there is a -- I know.

7 Q.77 Did that have anything to do --

8 A. That was not crossed out by me. It is not crossed out in my diary. That
9 reference there -- it is clear to me what it refers to, but it is crossed out
0 on the screen, it is not crossed out in my diary.

11 Q.78 I see.

12 A. I know what it refers to. Then it is LL and then there is another -- there are
13 other initials and I know what that means.

14 Q.79 May I see the diary, please?

5 A. Certainly. (Diary handed to counsel.)

16 Q.80 Yes, that is a different person and different entity to the persons and
17 entities we have been dealing with.

18 A. Correctly, absolutely, yes.

19 Q.81 On the 6th February, I don't know whether you have your own copies there, on
0 6th February 1991 you again met Liam L, 1221, please. It is on the screen if
21 you wish to --

22 A. Yes.

23 Q.82 That appears to be another meeting with Liam Lawlor; is that correct?

24 A. That is correct.

5 Q.83 And on the 20th February you appear to have met Brian O'Halloran at 2.30, page
26 1224.

27 A. Yes, and you will see the notation in relation to that particular entry,
28 Mr. Gallagher.

29 Q.84 You mean the notation after Brian O'Halloran?

0 A. Yes. It says on the screen BOH for but in my diary it is a specific entity.

1 Q.85 Yes, I see. There is a line obliterated on my copy. You had a meeting on the

2 7th March then with Betty Coffey at the Gresham hotel?

3 A. That is correct.

4 Q.86 On the 25th March you had a meeting with Anne Hand. Where did that meeting

5 take place?

6 A. That took place in my office.

7 Q.87 Did that relate to the O'Halloran lands or Jackson Way/Paisley Park lands?

8 A. No.

9 Q.88 On Thursday, 18th April 1991 you had a meeting with Brian O'Halloran &

0 Associates at 9 a.m.?

11 A. That's correct.

12 Q.89 Can you say whether that related in any way to the lands?

13 A. It is quite possible, Mr. Gallagher, given the date and given the timing in

14 relation to motions vis-a-vis the Development Plan and the lands at

5 Carrickmines. It is possible, I am not saying definitively that it is, but it

16 is possible.

17 Q.90 On the 19th April is the 5 p.m. you appear to have met Liam Lawlor, do you see

18 that?

19 A. That's correct, yes, with another person.

0 Q.91 Did that meeting have anything to do with any of the lands that we are talking

21 about?

22 A. Not that I am aware of. Could I be of some assistance here, Mr. Gallagher? If

23 the date of the vote in relation to the building that I wrote down, the name of

24 the building that I wrote down for you in Dublin City County, then Dublin

5 Corporation is established that was the conclusion of the business with

26 Mr. Brian O'Halloran in relation to that matter. So, any meetings subsequent

27 to that with Mr. O'Halloran in my view would relate to his lands at

28 Carrickmines.

29 Q.92 I see. You had a meeting on the 23rd April at 10 o'clock with Mr. O'Halloran.

0 That is at page 1240.

1 A. Yes.

2 Q.93 You had another meeting then on 7th May with Brian O'Halloran & Associates?

3 A. Yes.

4 Q.94 1248 is the 7th May. And you had a meeting on 14th May Brian O'Halloran &

5 Associates. That is at page 1252. Just passing that on the 28th May, you had

6 a meeting with Sean Gilbride in the Gresham and on the 27th you had a meeting

7 with Sean Gilbride and Tommy Boland that is on page 1280. You also appear to

8 have met Therese Ridge on the 27th May also?

9 A. Sorry, Mr. Gallagher, the references to the diary on Monday 27th May.

0 Q.95 Yes?

11 A. There are three councillors mentioned, all in the afternoon.

12 Q.96 Yes?

13 A. Which looks to me like 4 o'clock and 5.30. One at 4 o'clock and two together

14 at 5.30. Are you referring to the morning reference to TR.

5 Q.97 You have Therese Ridge, it would appear, in the morning at 9.30; is that

16 correct?

17 A. No it says TR, I don't necessarily accept that is Therese Ridge. It could be

18 another person who is not related to this at all. I am not saying that it is

19 or is not but it could be related somebody else.

0 Q.98 Can you tell me who the councillors you met in the afternoon were?

21 A. 4 o'clock Marian Mc. MC is written in that is Marian McGennis. At 5.30 Sean

22 Gilbride plus Tommy B which relates to the late Tommy Boland.

23 Q.99 On the morning day at 5 p.m. you appear to have met Sean Gilbride at the

24 Gresham hotel?

5 A. Yes, and may I draw your attention to the 3 o'clock meeting on that afternoon.

26 Q.100 Yes?

27 A. That is meeting with Therese Ridge.

28 Q.101 I see. Can the Tribunal take it that as a general proposition where you have

29 had meetings with individual councillors or numbers of councillors in the

0 O'Connell Street area, whether the Gresham hotel or Conway's or any premises in

1 that general area of the County Council offices, that those meetings coincided
2 or followed or perhaps preceded county council meetings?

3 A. Yes. And in further explanation of that, it would be highly unusual for
4 somebody like Sean Gilbride to be O'Connell Street or the vicinity of O'Connell
5 Street or the Gresham Hotel other than for a meeting of Dublin County Council
6 or after a meeting of Dublin County Council because he was from Skerries and he
7 would have no reason to be in the centre of the city unless he was in for a
8 meeting, or a committee meeting or a Development Plan meeting.

9 Q.102How many meetings at a guess, an estimate, how many meetings of Dublin County
0 Council did you attend in the period leading up to and preceding the adoption
11 of the 1993 County Development Plan?

12 A. I wouldn't have attended normal council meetings because matters at issue in a
13 normal council meeting wouldn't be of any interest to me unless there was a
14 specific issue that they were discussing, something that would subsequently
15 become important in relation to technical or environmental matters or something
16 like that. The own answer I can give to you in that context, Mr. Gallagher, is
17 that I attended virtually every meeting of Dublin County Council during the
18 course of the Development Plan for a range of developments that went on over
19 the best part of a two- to three-year period. If my recollection is correct,
0 the last vote that took place in Dublin County Council in relation to a major
21 development took place in December, November/December of 1993. The process
22 began in 1991, in the earlier part of 1991, so it would be unusual for me not
23 to be present in the environs of Dublin County Council for meetings in relation
24 to the Development Plan and certainly it would be most unusual for me not to be
5 there in the earlier stages, for example, in the 1991, early '92 period.

26 Q.103Can the Tribunal take it from your answer that you attended virtually every
27 special meeting of Dublin County Council held to consider the making of the
28 1993 Development Plan?

29 A. I am not saying I attended every one but I --

0 Q.104No, I said virtually.

1 A. Virtually every one, yes.

2 Q.105 Would it be fair to say that you were an extremely well known individual in the
3 environment of Dublin County Council at that time?

4 A. Well --

5 Q.106 Was there any councillor who did not know you personally that you are aware of?

6 A. I don't think so, no.

7 Q.107 So you were personally known to every councillor?

8 A. Yes.

9 Q.108 Is there any councillor that you can recall or are there are any number of
10 councillors you can recall you didn't lobby in one way or another during the
11 course of the review of that Development Plan?

12 A. Without the benefit of the then list in front of me, but the simple answer to
13 your question is the philosophy and strategy was no matter how opposed one
14 suspected an individual or a party was to any particular development, the best
15 way of finding out was to go and bell the cat and find out for yourself. There
16 was no point in accepting anybody's view that somebody was going to oppose
17 something. You went and you were asked and you were told sometimes in no
18 uncertain terms. But if all the parties and individuals in Dublin County
19 Council at that time the again answer to your question is yes, I would have
20 personally and sometimes accompanied by either a client or developer lobbied
21 virtually all of the councillors in Dublin County Council, notwithstanding the
22 fact that I would have been aware and I would have made my client aware in some
23 instances that the councillors that we were actually lobbying were negative.

24 Q.109 Is it likely that any member of Dublin County Council was not aware that you
25 were lobbying on a regular daily weekly basis on behalf of landowners and
26 developers to have lands rezoned?

27 A. I would find that somewhat incredible given the physical structure of Dublin
28 County Council, which I think I have described to you earlier in evidence on a
29 previous occasion. It would be virtually physically impossible for any member
30 of Dublin County Council not to know that there were lobbyists in the lobby of

1 Dublin County Council, given the nature of the building. There was only two
2 accesses from the building; one from O'Connell Street and one from the car
3 park. Both of them came into the lobby.

4 Q.110 That isn't quite the question. They may have known that lobbyists and I think
5 lobbyists is what you said were in the lobby of Dublin County Council but I
6 wanted to know is it conceivable that any -- so far as you are concerned, any
7 member of Dublin County Council did not know that you were lobbying for and on
8 behalf of councillors -- sorry, on behalf of landowners and developers over a
9 period of years from 1991 up to the making of the 1993 County Development Plan?

0 A. I don't think that is a conceivable proposition.

11 Q.111 You again met Brian O'Halloran, according to your diary, on Tuesday, 11th June.

12 May I have 1287, please? Do you accept that?

13 A. Yes, I do.

14 Q.112 Do you recall what was discussed at that meeting?

5 A. No, not specifically, but as we move forward and I said to you earlier
16 Mr. Gallagher as we move forward in date, we are now in June of 1991 the
17 likelihood is given the nature of the other entries in the diaries
18 surrounding -- the other names in the diaries surrounding Mr. O'Halloran's
19 name, it is perfectly feasible to suggest that that meeting would have been in
0 relation to these lands at Carrickmines. Now, you will find that again,
21 subject to any correction in relation to submission or motions in relation to
22 the Development Plan, I think I pointed out that some earlier stage that there
23 was a time line, a date line on the submissions of motions in relation to the
24 plan.

5 Q.113 Yes?

26 A. Prior to the agenda, it is conceivable that meetings with Mr. O'Halloran at
27 this period were to either discuss that or to advise him as to procedures.

28 Q.114 You appear to have met Mr. Walsh of O'Halloran & Associates on Monday, 22nd
29 July.

0 A. Yes, 9.15.

1 Q.115Yes. And on the 30th July, you again met Brian O'Halloran & Associates
2 according to your diary.

3 A. In relation to meeting on 22nd July with Peter Walsh?

4 Q.116Yes.

5 A. I can absolutely assure you that had absolutely nothing to do with
6 Carrickmines. I never discussed Carrickmines with Mr. Walsh.

7 Q.117On 30th July you have an entry 10 o'clock BOH & Associates. May I have page
8 1317, please? You again met Mr. Walsh on the 6th August, I take it that that
9 was a business-related matter, other than the lands we are talking about?

0 A. Yes, and could I revert to the meeting with Brian O'Halloran 30th July?

11 Q.118Yes, please.

12 A. I think that is explainable in the context of the meeting on Monday afternoon,
13 July 29th, with a named individual. I believe that that meeting with
14 Mr. O'Halloran is a follow-through of the meeting with the named individual at
15 4 o'clock on the 29th.

16 Q.119Yes, I see. You have an entry then -- can I ask you to look at the entry
17 please on the 20th August? I don't know whether you can see it. There is an
18 entry at the top. Do you have that entry?

19 A. Yes, I do. It is Tuesday --

0 Q.120It is 9 o'clock LL, can you tell me what follows that without -- does it relate
21 in any way to what we are talking about here?

22 A. No. I don't believe so. And there are two possibilities as to the identity of
23 that person. In my view I cannot give you a definitive answer but it looks
24 like two words.

5 Q.121Yes?

26 A. BR full stop and then an H, full stop.

27 Q.122Yes?

28 A. It is one of two people.

29 Q.123I see. It appears -- may I have page 3111, please it appears that on the 3rd
0 September 1991, Mr. O'Halloran wrote to you acknowledging receipt of the make

1 up of the elected members of Dublin County Council. Do you see that letter on
2 screen?

3 A. Sorry, I beg your pardon, I am looking in my diary. Yes.

4 Q.124Can you tell the Tribunal what gave rise to that letter?

5 A. Obviously Mr. O'Halloran asked me for the then list of the elected members of
6 Dublin County Council and I forwarded it to him. This is an acknowledgement.

7 Q.125Did you tell Mr. O'Halloran what had to be done in order to secure the rezoning
8 or attempt to secure the rezoning of his lands?

9 A. Yes, I did.

0 Q.126What did you tell him?

11 A. I told him that he would have to -- well, apart from the technical aspects of
12 having a motion signed and submitted for the purpose of getting it on the
13 agenda, that he would have to go and talk to, either write to, talk to,
14 telephone, encompassed in the word lobby, he would have to go and lobby each
15 individual member of Dublin County Council as to the benefit of voting for his
16 proposal.

17 Q.127You were in the market, as it were, at that stage, you were available to take
18 on commissions to lobby councillors, you knew the procedure and you knew how to
19 get behind the ball and you knew what required to be done, why did you not
0 offer your services at that stage?

21 A. I suppose, Mr. Gallagher, the simple answer to that question without being
22 facetious is that I was too busy with other developments. This is at a period
23 when significant developments are taking place at Dublin County Council in
24 relation to the Development Plan and subject matter of the investigation by
5 this Tribunal. I did preface my remarks about Mr. O'Halloran, without
26 attempting in any way to be derogatory, that I felt that Mr. O'Halloran was
27 unhappy or -- well, let's say unhappy about my involvement with him and I did
28 say also that he and his colleague, and fellow owner, Gerard Kilcoyne, did
29 conduct a fairly significant campaign and I freely admit that I did not
0 participate in that to any great extent. I told them what to do, I told them

1 who to do with it. I saw him doing it. I was present when he was doing some
2 of it because I couldn't avoid it, he was doing it in the lobby of Dublin
3 County Council with his colleague, Gerard Kilcoyne. And he on many occasions
4 in the lobby of Dublin County Council expressed his deep frustration of the
5 attitude of some of the councillors to him because they didn't appear to want
6 to spend too much time talking about his proposal or his particular body of
7 land.

8

9 CHAIRMAN: Would that be a convenient location to break for a short period?

0

11 MR. GALLAGHER: Thank you.

12

13 AFTER A SHORT ADJOURNMENT, THE TRIBUNAL RESUMED AS FOLLOWS:

14

5 Q.128MR. GALLAGHER: Mr. Dunlop, you appear to have had a further meeting with

16 Mr. O'Halloran on Tuesday, 3rd December. May I have page 1357, please? I am

17 not sure whether that is 5.15 or 8.15.

18 A. I will tell you now, Mr. Gallagher. 3rd December, 5.15 on Tuesday 3rd

19 December.

0 Q.129There is no reference there to B O'Halloran & Associates, that would appear to

21 be a personal meeting with Mr. O'Halloran?

22 A. Yes. I thought about this, Mr. Gallagher, during the break and your previous

23 question about the associates, I don't know whether it is a peculiarity or not

24 but I don't think I was writing in my diary Brian O'Halloran & Associates

5 meaning Brian O'Halloran and some associates of his. I think it was just a

26 reference to meeting Brian O'Halloran at Brian O'Halloran & Associates. I

27 don't think the associates had any particular meaning in any given entry.

28 Q.130It is possible that the entries which refer to Brian O'Halloran & Associates

29 were entries which related to meetings with individual architects or a number

0 of architects in the firm of Brian O'Halloran concerning architectural matters

1 or concerning projects that were ongoing, such as the projects you mentioned to
2 us and that the reference to Brian O'Halloran alone or BOH are meetings which
3 you had with him personally which were not related or not least not exclusively
4 related to these projects?

5 A. One is not excluding the other. I do recall in relation to the particular
6 building that I wrote down the name privately to you, that I do recall on one
7 occasion Brian O'Halloran bringing in one of his fellow architects in for
8 presentational purposes, but apart from that any meetings that took place in
9 Brian O'Halloran's in this period, in my view, in this period relate to one or
0 other of the projects that we were talking about and that I have written down
11 privately for you for the benefit of the Tribunal. I am still not at a loss
12 but I am still unable to say to you definitively when I met Mr. O'Halloran
13 specifically in relation to Carrickmines, and I again said that I have had the
14 benefit of Mr. O'Halloran's statement which has been circulated to me and I
5 have refreshed my mind, my memory on that during the break and I believe that
16 these meetings in 1991 solely refer to one or other of the projects that I have
17 written down -- the names of which I have written down for you privately.

18 Q.131 Well, I wonder is that correct or could that be correct or is it likely to be
19 correct given that in September of 1991 you had furnished to Mr. O'Halloran a
0 list of the elected members of Dublin County Council presumably in the context
21 of his seeking to have his lands rezoned. May I have page 3111, please? On
22 the 3rd September 1991, he was writing to you thanking you for this list and I
23 must suggest to you that it is probably that at all subsequent meetings with
24 Mr. O'Halloran there was some discussion or reference to something that clearly
5 was very close to his heart; the rezoning of his lands.

26 A. Mr. Gallagher, I am not going to enter into a dispute with you about that
27 matter. No, I accept, you know, the letter is self-evident, it is 3rd
28 September 1991 where he is obviously either phoned me for written to me asking
29 me for a list of the members of Dublin County Council, which is not something
0 that one would do if one was, you know, contemplating sending them Christmas

1 cards in September 1991, so obviously he had a purpose in mind in relation to
2 his land. But Mr. O'Halloran himself has said --

3 Q.132 Well, Mr. O'Halloran will speak for him left eloquently I am sure. But I want
4 to know what you say given that you had furnished him with a list on 3rd
5 September 1991 I must put it to you that as a matter of probability that on
6 each occasion you spoke with him afterwards, that that list and the purpose for
7 which it was furnished and the rezoning of his lands were matters that you
8 would have had discussed with him?

9 A. I have no option, Mr. Gallagher, but to accept that probability.

10 Q.133 In the early part of 1992 you were meeting Mr. Lawlor, Mr. Kennedy and indeed
11 Mr. Caldwell on different occasions. Can I refer you, for example, to -- may I
12 have page 3152, the 20th March 1992. That indicates that you had a meeting
13 with Liam Lawlor at 3 p.m. on that date?

14 A. That's correct.

15 Q.134 And if I may have 3149. You had a meeting with him sometime earlier on the 3rd
16 February 1992 and you had a meeting with him on the 12th March 1992, page 1425.
17 You had a meeting with Mr. Caldwell on the 12th March and on the 19th March you
18 had a meeting with Mr. Kennedy. May I have 1341 -- sorry, 1431. You have an
19 entry for 11.30 on the 19th March 1992. J Kennedy I can make out quite
0 readily?

21 A. Yes. 11.30 on Thursday 19th March 1992, 11.30. The entry reads Harry D/J
22 Kennedy and it is enclosed. There is a square around it.

23 Q.135 What does that signify?

24 A. The only interpretation I can give you, Mr. Gallagher, in relation to Harry D
5 is that refers to a name. I don't know if this name has been used in the
26 Tribunal before.

27 Q.136 Perhaps you would write down the surname?

28 A. Yeah. (Blank piece of paper handed to witness).

29 Q.137 Can you remember what that meeting was about?

0 A. I don't and I have a query in my own mind as to whether that meeting ever took

1 place. I have no recollection whatsoever of ever meeting those two gentlemen
2 together. I have met both of those individuals as individuals separately and
3 with others but I have no recollection of meeting those two gentlemen together.
4 Bearing in mind what I have told you previously, restated I think yesterday,
5 that the only location at which I met Mr. Kennedy were in his offices in
6 Westmoreland Street and/or the Temple Bar Hotel. I have no recollection of
7 ever meeting that gentlemen with Mr. Kennedy in either of those two venues.

8 Q.138 Can you recall the project or any project in which they were both involved?

9 A. Well, I do know that both of them -- I know now I should say, Mr. Gallagher,
0 and have known sometime in the course of the last three four years that they
11 were involved in a number of parcels of land around the Dublin area. I can
12 name them, I presume.

13 Q.139 Yes, if you please?

14 A. In Lucan and in Baldoyle, but particularly Lucan. But I genuinely have to say
5 that I have no recollection of ever meeting either of these gentlemen together
16 or discussing anything with them together in relation to any of their projects.

17 Q.140 I see. It would appear that you met Mr. Lawlor at 3 p.m. on the 20th March
18 1992, same page?

19 A. Yes, correct.

0 Q.141 You met a J Gallagher, you might confirm that it is not -- that I am not the J
21 Gallagher, Sir?

22 A. Well, I wouldn't object at all to taking you to Freres Jacques, Mr. Gallagher,
23 but it is not you.

24 Q.142 On the 23rd March of 1992, you met John Caldwell and you met him again on the
5 27th March in the company of J Kennedy. May I have 1432, please? Yes, that is
26 correct, two entries, one on the 23rd March 1992, Monday, 3 o'clock, John
27 Caldwell and on Friday the 27th March 1992, 4 o'clock, J Caldwell/JK. JK I
28 take it is James Kennedy?

29 A. Yes.

0 Q.143 I take it you met them together?

1 A. In the premises of Mr. Kennedy.

2 Q.144In Westmoreland Street?

3 A. Yes.

4 Q.145What was the purpose of that meeting?

5 A. I believe the purpose of that meeting was what I would describe as ongoing
6 discussions in relation to the lands in Carrickmines, Paisley Park.

7 Q.146When you say ongoing discussions, I take it you mean strategy meetings as to
8 how you would secure the rezoning of the Paisley Park?

9 A. Correct.

0 Q.147And were you actively working for Mr. Kennedy and Mr. Caldwell to secure the
11 rezoning of the Paisley Park lands at that time?

12 A. Well, I was acting for Mr. Kennedy at Mr. Caldwell's behest from 1991 in
13 relation to the lands. To specifically refer to this meeting it is obvious
14 that that meeting took place for a purpose. There is no other purpose in my
15 view in relation to a meeting between John Caldwell and Jim Kennedy in Jim
16 Kennedy's premises other than for the project which was known as Paisley Park
17 at that time. I still knew it as Paisley Park. I have subsequently
18 discovered, again through a circulation of documentation, that it was probably
19 even at that stage transferred into Jackson Way. I am not sure of the date.

0 Q.148When we speak about Paisley Park/Jackson Way, we are speaking about body of
21 land --

22 A. They are interchangeable, yes.

23 Q.149Can you recall what you discussed and what strategies you devised or updated at
24 that time?

5 A. Not specifically, Mr. Gallagher, except to say to you that in the context of
26 what might have been happening in the Development Plan at that particular
27 stage, if I recall from memory the -- and from the evidence that I gave earlier
28 on in relation to the Development Plan and a motion for consideration by Dublin
29 County Council in relation to Paisley Park took place sometime in 199 -- May
0 1992. The only answer that I can give to you in relation to any meeting

1 referable to John Caldwell and Jim Kennedy is in relation to Paisley

2 Park/Jackson Way.

3 Q.150I take it that because you had a -- had been employed to secure the rezoning of

4 the Paisley Park lands, that you were familiar not only with what steps were

5 being taken to rezone those lands but what steps were being taken by other

6 landowners in the area to have their lands rezoned?

7 A. In broad terms, yes. I was aware, for example, and you have mentioned it

8 yourself in relation to the southeastern motorway, motion in relation to the

9 Galvin lands, in relation to the Monarch lands and obviously in relation to the

0 lands that we are now discussing in this module, namely the O'Halloran Darragh

11 Kilcoyne lands.

12 Q.151We know, for example, that on the 3rd December 1991, which was the day on which

13 you met Mr. O'Halloran, may I have 1357, please? You recall you saw this

14 entry?

5 A. Yes.

16 Q.152May I also have 1352, please? That is representation number 839 from Brian

17 Meehan & Associates on behalf of Mr. O'Halloran and his friends were seeking

18 the rezoning of the lands had been submitted to Dublin County Council. That

19 was submitted on the same day. Now it is inconceivable, I suggest to you, that

0 you didn't discuss with Mr. O'Halloran the fact that that representation was

21 submitted on that day and what steps would be required in the future?

22 A. Well, I wouldn't say it is inconceivable, Mr. Gallagher. I will say to you

23 that on the basis of probability.

24 Q.153All right.

5 A. And given the entries into my diary, the fact that Brian Meehan would have made

26 a submission, which was a professional submission in relation to lands on

27 behalf of a client, I would not necessarily -- no, I obviously do know that

28 Brian Meehan acted for Brian O'Halloran then and subsequently in relation to

29 the same lands but it doesn't necessarily follow that I knew at that stage.

0 But I am not discounting, I am not denying, I am accepting your probability.

1 Q.154 Yeah, all right. We know that Dr. Brian Meehan is a leading planning
2 consultant?

3 A. Yes.

4 Q.155 In this country?

5 A. Yeah.

6 Q.156 We also know that on the same date representation number 972 from D McCarthy &
7 Company was submitted on behalf of Paisley Park Investments Limited -- may I
8 have page 297, please -- seeking the rezoning of agricultural lands to
9 industrial or alternatively to residential. So that submission which is on the
0 left-hand side as you can see --

11 A. Yes.

12 Q.157 -- had been submitted on behalf of Paisley Park Investments Limited on the 3rd
13 December, the same date. So I take it that at the time you were speaking to
14 Messrs. Caldwell, Kennedy, Lawlor, O'Halloran etc in early 1992, you were aware
15 and they were all aware that these submissions had been submitted and were
16 pending?

17 A. On the basis of probability, yes. I have no option to say that.

18 Q.158 You met Mr. Lawlor again on the 3rd April, may I have 3154, please?

19 A. That's correct.

0 Q.159 And a few days earlier you had met Mr. O'Halloran, that is on the 31st March.

21 May I have 1433, please? Sorry, I beg your pardon -- yes, 1433. You see 5
22 o'clock, Brian O'Halloran, 31st March 1992?

23 A. Correct.

24 Q.160 Now I take it again, I suggest to you that as a matter of probability in your
5 various discussions with Mr. Kennedy and Mr. Caldwell and Mr. Lawlor and
26 Mr. O'Halloran, you would have mentioned to them the various representations
27 that had been submitted and how each representation might impact upon, or
28 affect another representation?

29 A. I don't recall ever having any such discussion either with them as collectively
0 or individually. No, I don't think that is a probability, Mr. Gallagher. In

1 fact, I am convinced in my own mind it is not. It does not necessarily follow,
2 however logically you have put it, that because the submissions were made by
3 these clients and we now know -- sorry, I now know that these clients had
4 significant contact with one another prior to my ever becoming involved, it
5 doesn't necessarily follow that there was an interchangeability, if I may put
6 it that way, between -- if there was I wasn't aware of it. I have to say to
7 you that I did say to you yesterday and I am saying again to you now that
8 Mr. Kennedy in particular did, on a number of times that I met them, did have
9 documentation with him and I accepted as a probability that that included
0 submissions to Dublin County Council and I did give you evidence here yesterday
11 in relation to specifically letters that were written on his behalf, on the
12 company's behalf, I should say, to Dublin County Council. But to go back to
13 the core question, I don't believe that I would be discussing with Mr. Kennedy
14 Mr. O'Halloran's submission or the submission made by Brian Meehan on behalf of
5 Mr. O'Halloran, or that I would be discussing with Mr. O'Halloran Mr. Kennedy's
16 submission.

17

18 For quite a significant amount of time I would have regarded individual
19 landowners not as strategising together or but working against one another. I
0 mean the objective of the exercise was obviously to maximise the benefit in
21 relation to any particular ownership so Paisley Park, in my view, at that time
22 was not interested in any altruistic way in ensuring that Brian O'Halloran's
23 land was zoned or vice versa. But I can see the logic. I accept the logic of
24 what -- sorry, I don't accept it, I see the logic of what you are saying, but
5 given that you are asking me did I discuss -- as if this was one, you were
26 making a Christmas cake and all these were the ingredients and you had various
27 clients and you had various submissions and they are all interchangeable and
28 one was looking out for the other and one was dependent or cross-referenced to
29 the other, I don't think so. In fact, I am quite, quite certain it's not so.

0 Q.161 That surprises me, I must say. Given that everybody was trying to get the

1 lands rezoned and the success or otherwise of one proposal might impact
2 favourably or otherwise on an adjoining proposal and that they were all
3 concerned and working together, as we know from the correspondence, and we will
4 deal in more detail in due course the strategies were being discussed. You say
5 you weren't aware of those strategies but it would appear that Mr. O'Halloran
6 and Mr. Kennedy had discussed a strategy at some stage. There had been
7 agreements to acquire options on land etc that you say you weren't aware of.
8 But it seems strange that you would not say to your employer, for want of a
9 better word, much will depend on how the adjoining submission goes because if,
0 for example, the Monarch submission is approved, they would find it difficult
11 to reject your submission because essentially they are adjoining lands and the
12 same principles should apply. On the other hand, if Monarch is defeated, it is
13 probable that your proposal will be defeated because the same principle should
14 apply. And it seems to me strange that you wouldn't have discussed the impact
5 of those proposal, one upon the other.

16 A. Can we just for a second put this in context? I can understand why you are
17 saying that it would appear logic, or does appear strange to use your phrase.
18 However I don't have any recollection of any such, I suppose without being
19 offensive, the word -- any such collusion, as it were, between all the parties
0 concerned. Bear in mind, Mr. Gallagher, that I did say to you at an early
21 stage this morning that, you know, I didn't do very much for Mr. O'Halloran in
22 the context of his lands. I advised him what the requirements were in relation
23 to getting -- going about and getting these lands zoned. I am sure you will
24 come to a scenario in relation to fee structure and whatever which, in the
5 context of other fees, in contrast was pretty minimalist. But while I accept
26 the logic of what you are saying and the apparent logic of what you are saying
27 and while I accept that you might find it strange I have some sympathy with the
28 point that you are making, but I have to say to you that I have no recollection
29 of ever entering into that type of collusive structure that you have just
0 outlined. Why, for example, if I may put it, I don't mean to put in form of a

1 question, but is it not the case that I have said that I did very little for
2 Mr. O'Halloran and his colleagues other than to advise them and is it not also
3 the case that I have told you that I know Mr. O'Halloran conducted a very
4 extensive lobbying campaign by himself and his colleagues and I didn't
5 participate to any great extent in that but that I did observe it, and I did
6 hear about it, and there is nothing like a bunch of politicians putting them
7 together to gossip about who was in contact with whom.

8

9 And obviously I did hear back from politicians that Mr. O'Halloran and his
0 colleague, Mr. Kilcoyne, had lobbied them. But my awareness of the submission
11 by Brian Meehan, my submission or otherwise of the submission by D McCarthy &
12 Partners, if that is the name, does not necessarily follow. And I am saying to
13 you to the very best of my recollection and I think I am very accurate about
14 this, Mr. Gallagher, I do not believe that that type of collusive structure
5 that you outlined existed.

16

17 Now I am not aware of discussions between Mr. Kennedy and Mr. O'Halloran until
18 I saw Mr. O'Halloran's statement on circulation. I was not aware, for example,
19 that Mr. O'Halloran and Mr. Kennedy were meeting in 1988.

0 Q.162I did not use the word collusion. What I was suggesting was that in
21 circumstances where you were being employed and were going to be extremely well
22 rewarded if the Paisley Park lands were rezoned, that it was incumbent on you
23 to make yourself aware of any other proposal in the general area that might
24 impact upon or reduce the prospects of having the Paisley Park lands rezoned
5 and that in those circumstances it would be -- it would as a matter of
26 probability be something that you would draw to the attention of Mr. Kennedy as
27 a possible influence factor?

28 A. Again, Mr. Gallagher, I accept the probability of the contention -- your
29 contention, but I just have to say to you again that whatever arrangements
0 existed between Mr. O'Halloran and Mr. Kennedy, I was not aware of them. I

1 didn't do very much for Mr. O'Halloran. I have also said that Mr. O'Halloran,
2 while he didn't express it in so many words, wasn't a happy bunny in relation
3 to the result, but no, while I accept the probability and the logic of what you
4 are saying, I have to say to you in answer to your question that while there
5 were many landowners in the Carrickmines Valley seeking to have their lands
6 rezoned, some of whom I acted for, some of whom I didn't act for, but yes I was
7 aware of the intentions to have or the objective to have the land rezoned; if
8 one wanted to be simplistic about it, you would see it on the agenda. For
9 example, names spring to mind about lands in Lehaunstown, Bride's Glen, all of
0 those lands that were identifiable in the Development Plan by virtue of the
11 fact that motions were down by -- motions were down on the agenda. And again,
12 if I use the word context, Mr. Gallagher, you seem to be putting forward the
13 notion or the contention that all the landowners were looking out for one
14 another, or were acting for one another or acting together.

5 Q.163 Not necessarily acting together, perhaps acting in opposition but being aware
16 of what each was seeking to achieve?

17 A. The latter definitely; the former in rare instances.

18 Q.164 I see. I am not suggesting that it was collusive at all. I am simply saying
19 that one would expect that one landowner would be aware of what each landowner
0 was proposing?

21 A. Yes, I accept that.

22 Q.165 Did your relationship with Mr. O'Halloran change then at any stage? I mean you
23 have told us, told the Tribunal that up to this stage you had given him a list
24 of the council members, you told him what he would have to do, he would have to
5 go out and speak to councillors, write to them or speak to them in one way or
26 another, did your relationship change in any respect after that in the context
27 of the 1993 -- 1992/93 --

28 A. You mean as a result of what happened?

29 Q.166 At any stage?

0 A. No, I don't think --

1 Q.167Were you employed by him?

2 A. I was employed by him.

3 Q.168Was that not a change?

4 A. I beg your pardon? If we are still in the period -- yes, I was employed by him
5 sometime in 1992.

6 Q.169You didn't say that in your statement.

7 A. I didn't say that, no, I did not.

8 Q.170Can you explain why you didn't refer to that in your statement?

9 A. I don't have a logical answer for you. What I said was I was approached by him
10 about his lands in Carrickmines, I advised him and he dealt with the necessary
11 motion to have his lands rezoned himself and his endeavours were unsuccessful.

12

13 CHAIRMAN: Tell me this, what benefit accrued to Mr. O'Halloran and his
14 colleagues for £30,000? What did you do for the £30,000?

5 A. I didn't do anything, my Lord, for £30,000 at that period. This is in 1991/92,
16 as the record will show. In response to Mr. Gallagher, I was hired by
17 Mr. O'Halloran for a fee of £1,500 plus a success of 8,500 if his then lands
18 were rezoned. Subsequently in 1996/97, I was re-hired by Mr. O'Halloran for a
19 success fee of £30,000. His lands were rezoned, I received the success fee and
20 as I gave evidence yesterday, my Lord, in relation to what I did in relation to
21 those lands, I secured the signatures on the motions provided to me together
22 with maps by Mr. O'Halloran. But the £30,000, Mr. Chairman, refers to
23 1997/87 -- 1996/87.

24

5 Q.171MR. GALLAGHER: Mr. Dunlop, on the 7th April 1992, Mr. O'Halloran wrote to
26 you --

27 A. 7th April.

28 Q.172Do you have that letter?

29 A. No, I don't.

0 Q.173Perhaps we can put that on screen. May I have 3157, please? The letter's on

1 screen in front of you Mr. Dunlop. It is addressed to you and it is from
2 Mr. O'Halloran and it reads as follows. Again, as I say, it is dated 7th April
3 1992. "Re: Lands at Carrickmines, County Dublin.
4 Dear Frank, as follow up to our telephone conversation earlier today, I am
5 attaching to this letter three cheques for £500 in your favour from Gerard
6 Kilcoyne, Austin Darragh and me. This represents payments to you for work I
7 asked you to undertake at meeting here on 31st March to support our recent
8 motion to Dublin County Council for the rezoning of our lands at Carrickmines.
9 At that meeting you raised a question of an additional fee that would be paid
0 to you by us three in the event of the land being favourable rezoned. In that
11 event, I would confirm we pay you an additional £8,500, bringing the total that
12 would be paid to you to £10,000. That additional fee would be paid immediately
13 following the favourable rezoning of our land.

14

5 This morning I told you that we bought this land in June 1978. At the time we
16 had to pay a price well in excess of the market in order to secure it, insofar
17 as we bid against an adjoining owner who was determined to acquire the land.
18 Understandably, we would now like to see a reasonable return on that
19 investment, and for that reason alone, it goes without saying we hope for a
0 successful outcome. Yours sincerely, Brian O'Halloran."

21

22 Now, can you tell us about the telephone conversation that you had and the
23 meeting that you had -- the telephone conversation on 7th April 1997 and a
24 meeting on 31st March 1992? It would appear to be the meeting that is referred
5 to on page 1433 of your diary; isn't that correct? You have seen that entry
26 for your diary?

27 A. Yes.

28 Q.174Mr. O'Halloran is referring back to that meeting?

29 A. Yes, correct.

0 Q.175At that meeting you raised the question of an additional fee, that is over and

1 above the £1,500, a success fee. That was similar to the fee arrangements that
2 you had with Mr. Kennedy, a success fee?

3 A. Yes.

4 Q.176Am I correct in thinking that you were in fact paid the £1,500 by
5 Mr. O'Halloran on that occasion?

6 A. Correct.

7 Q.177So now your role had changed?

8 A. Yes.

9 Q.178You were now employed for the purpose of securing the rezoning of the lands and
0 you were to use for expertise to secure that. What expertise did you bring to
11 the table, as it were, over and above the expertise that was already available
12 from Brian Meehan, the leading -- one of the leading planning consultants in
13 the country?

14 A. The only expertise that I would have brought to the party would be advising or
5 actually about or lobbying councillors. Dr. Brian Meehan's would relate to
16 making the submission on a professional basis to the officials and would have
17 no involvement whatsoever with the political element of the project.

18 Q.179What did you discuss with Mr. O'Halloran and what did he employ you to do?

19 A. Well, I am conscious of what you said, I did not put in my statement, but he
0 and his colleagues employed me and I received three cheques to the value of
21 £500 each for the advice that I had given to him and that I would use my best
22 endeavours to see that his proposal, and I don't mean Dr. Meehan's proposal, I
23 mean his proposal in relation to any motion that he would bring forward, would
24 be canvassed for, given whatever attention that one could garner from the
5 political element, but I did say to him and I would hope that Mr. O'Halloran in
26 evidence at some future date may well confirm this, I did say to him and the
27 evidence is in existence to prove that whatever assistance I might give him,
28 he, himself and his colleagues, all or none, would have to personally make an
29 approach to all of the councillors in Dublin County Council at that time and to
0 highlight the benefit or otherwise, obviously the benefit, of having his land

1 rezoned.

2 Q.180 What specifically were you going to do in return for the possible £10,000 that
3 you were going to get in 1992?

4 A. Well, other than what I have said to you in relation to the advice given, how
5 it should be conducted and talking to councillors in relation to O'Halloran's,
6 Brian O'Halloran's motion.

7 Q.181 That is lobbying councillors?

8 A. That is lobbying councillors.

9 Q.182 Advice given is presumably advice to say you need somebody to sign a motion?

0 A. Correct.

11 Q.183 And to propose and second a motion?

12 A. Correct.

13 Q.184 That is not rocket science?

14 A. I never suggested it is.

5 Q.185 Agreed. But it was something that would be readily available to anybody who
16 was interested in securing rezoning?

17 A. Yes, absolutely I accept that.

18 Q.186 So it would be -- that information could be imparted even if it wasn't known to
19 Mr. O'Halloran, it could have been imparted in three sentences?

0 A. I accept that.

21 Q.187 I take it you did that and you had already told him about that in September
22 1991 when you gave him the list of members of Dublin County Council?

23 A. I accepted that as a probability already, yes.

24 Q.188 What, over and above that, were you doing in or offering to do in return for
5 the £10,000 that was being offered to you in the event that the rezoning took
26 place?

27 A. I think the phrase is used in the letter, without immediate reference to it
28 again, but that I was going to use my best endeavours with the councillors in
29 relation to any motion that Brian would secure and bring forward. I, you know
0 normally, Mr. Gallagher, in -- as we have found and as I have given evidence

1 heretofore, part of the structure of what I did was getting the motion signed,
2 in some instances drafting the motion, together with the help of others or
3 sometimes not, in this instance I did not do that. Mr. O'Halloran did that
4 himself and secured the signatures himself.

5 Q.189Did you tell him or suggest individuals who should be contacted by him?

6 A. Yes, I did.

7 Q.190Whose names did you suggest?

8 A. I go back to my evidence earlier in relation to moving from the centre out, so
9 the councillors in the particular area which would be of relevance and --

0 Q.191Yes, but who's name did you suggest?

11 A. I suggested people like Tom Hand, Betty Coffey. He said he knew Betty Coffey
12 personally, you know, she was a family friend or something or personal friend
13 or whatever. And I suggested various names in that particular area, none of
14 whom Mr. O'Halloran, other than Betty Coffey and one or two that he would have
15 known from maybe reading the newspapers, none of whom he knew. Mr. O'Halloran
16 was not aware of the structure. He did not know that Dublin County Council had
17 defined areas, wards. He did not know that specific councillors represent
18 those wards. He did not know that those councillors, unless they were in
19 favour and/or signed a motion in relation to a body of land within that ward
0 that there was hope, unless on a prearranged method to get that land zoned.

21 Q.192Yes, all right. That information could have been conveyed to Mr. O'Halloran in
22 an hour.

23 A. I accept that.

24 Q.193And if he was going to do all the legwork, why should he pay you other than for
5 the hour or thereabouts that it would take you to convey that information to
26 him, charging whatever fee you wanted to charge for that hour's work?

27 A. Well if we are accepting the diary entries, Mr. Gallagher, it wasn't an hour's
28 work.

29 Q.194You tell us then if it wasn't an hour's work because the impression I get from
0 what you are saying, you told Mr. O'Halloran what he should do, you identified

1 a number of individuals he should approach and he went off and did all the
2 legwork and you did nothing in relation to rezoning or virtually nothing?

3 A. I said virtually nothing, I didn't say nothing, virtually nothing. I don't
4 mean to be semantic. I did not say that I did not do anything.

5 Q.195All right.

6 A. I did say I did virtually nothing. I did say to you that while Mr. O'Halloran
7 never actually put this in writing or in words but I have always had -- I have
8 always had the residual impression, I know impression is not a very specific
9 word, but I always had the residual impression that Brian O'Halloran and his
0 associates were distinctly unhappy about the level of involvement and work that
11 I carried out for them. Obviously there was no success fee because there was
12 no success but they had paid me the three cheques of £500 but notwithstanding
13 that, notwithstanding their impressioned unhappiness or my impressioned
14 unhappiness, they reverted to me. They came back to me in 1996/97 for the
5 specific purpose of doing the same thing, albeit at a different time, and I am
16 conscious that I am not supposed to be referring to other people's statements
17 but they are available to me and there is a phrase used by Mr. O'Halloran in
18 his statement, we were very happy now that we had Mr. Dunlop fully on board and
19 that related to my engagement in 1996/97.

0

21 I am not denying in any way, Mr. Gallagher, that I was hired by Mr. O'Halloran.
22 I advised Mr. O'Halloran, I did certain things for Mr. O'Halloran. I can
23 absolutely with total confidence say to you that I did not do the same level or
24 give the same level of involvement or commitment to Mr. O'Halloran's project in
5 that period, at that time, in the early stages of the Development Plan that I
26 gave to others and I have already told you that Mr. O'Halloran very willingly,
27 together with his colleague, Mr. Kilcoyne, presented themselves in the lobby of
28 Dublin County and visibly and volubly asked me, to my embarrassment, and I
29 don't mean to be derogatory to Mr. O'Halloran because he was embarrassed about
0 it himself, asked me who is he, as a certain councillor passed in. So, Brian

00040

1 O'Halloran, you know, was virtually on a learning curve in this period and to
2 quote himself in his own documentation he says that he and his colleague were
3 naive.

4

5 CHAIRMAN: Could we break at that point for lunch. We will sit again at
6 quarter past two.

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8 THE TRIBUNAL THEN ADJOURNED FOR LUNCH

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1 THE TRIBUNAL RESUMED AS FOLLOWS AT 2.15 P.M:

2

3 CONTINUATION OF EXAMINATION OF MR. DUNLOP BY MR. GALLAGHER:

4

5 Q 196Mr. Dunlop, before lunch, you were telling the Tribunal of some of your
6 dealings with Mr. O'Halloran and the circumstances which gave rise to the
7 agreement whereby you undertook to assist in obtaining the rezoning of the
8 lands in question in return for the payment of £1,500, the payment of an
9 additional £8,500 in the event that the lands were rezoned, is that right?

0 A That's correct, Sir.

11 Q 197Now, on the 17th December last, indeed also on the preceding day, you explained
12 to the Tribunal that you learned in 1990 or thereabouts that there was a system
13 in operation in Dublin County Council. You learned that early in 1990 and you
14 described the system in the following way. You said that, number one, there
15 was a whip on. Number two, another element of the system is that it didn't
16 almost necessarily follow that if a particular councillor of whatever political
17 designation was in favour of something, that all of his or her colleagues would
18 follow suit.

19

0 The third element of the system was the necessity to have local councillors in
21 the geographic area as part of the positive element. The fourth element was
22 that unless there was cross party support in relation to a given proposal, that
23 it would fail so, therefore, the requirement for cross party support and,
24 fifthly, the fifth element was that money had to be paid to councillors.

5

26 Do you remember that evidence?

27 A Yes, I do.

28 Q 198You said that you learned of this system, you were told by Mr. Liam Lawlor
29 money had to be paid to councillors for the rezoning of land and that happened
0 probably early sometime in early 1990.

1 A Yes.

2 Q 199 Now having been employed by Mr. O'Halloran to assist and presumably advise him

3 in relation to his attempts to have the lands rezoned, did you tell him of the

4 system that you knew was in operation in Dublin County Council?

5 A I did not tell him in all of the detail that you have just read out. I told

6 him the technical details in relation to getting a motion passed. If you were

7 asking me, which I am taking it that you are, Mr. Gallagher, did I explain that

8 system to him in all of the detail that I gave evidence about prior to

9 Christmas, and you have read out now, no.

0 Q 200 Well now, you were employed by him to advise him and tell him what was

11 required, and as I understood your evidence in the morning, you were telling

12 him that he and somebody on his behalf would have to -- and/or somebody on his

13 behalf would have to make contact with individual councillors to obtain their

14 support for the proposal?

5 A Yes.

16 Q 201 Now I take it that at that time you would have told him that it would be

17 necessary to obtain the support of councillors in the area?

18 A Yes.

19 Q 202 That was one element of the system and you would have told him that it was your

0 understanding that a whip system obtained.

21 A Yes.

22 Q 203 And that in order to, as it were, have the whip system that you understood to

23 exist, it would be necessary to obtain the support of one or more councillors

24 from different parties.

5 A Yes.

26 Q 204 And I take it that you told him that the third element, the cross party support

27 aspect of things, was important and that it would be desirable, if possible,

28 that he should have his motion proposed by a member of one party and seconded

29 by a member of another party.

0 A Yes, I accept that I would have told him that, yes.

1 Q 205And --

2 A Sorry, Mr. Gallagher, I want to be -- it doesn't necessarily follow that I told
3 him that to get a motion down, he would need the signature of one, a councillor
4 from one party and seconded by a councillor from another. I would have
5 explained to him the necessity of cross party support in the specific element
6 of the motion. And as it transpired, and as I recollect it, the particular
7 motion concerned in relation to those lands at that time was signed by two
8 Fianna Fail councillors. I stand subject to correction but I mean I take your
9 question and I say yes, I would have explained the benefit of cross party
0 support.

11 Q 206Put it another way, if you had been promoting a particular rezoning proposal,
12 you would strive, I take it, to obtain cross party support and you would also
13 seek to have the motion signed by a member of one party and seconded by a
14 member of another party?

5 A That would be my preference, yes.

16 Q 207And I take it you would have told him that that would be the desirable
17 situation to obtain if it could be obtained, as a matter of probability?

18 A I accept that, yes.

19 Q 208Now, did you tell him that money would have to be paid to councillors to secure
0 their support?

21 A No.

22 Q 209Can you explain to the Tribunal how it was that having told Mr. O'Halloran of
23 four of the five elements that you have identified, you did not tell him that
24 it would be necessary to pay money?

5 A Well, the first simple answer to your question is I did not tell him and it
26 didn't necessarily always follow, either, Mr. Gallagher, that any client that I
27 represented in relation to zonings in Dublin County Council, that I told them
28 all what they told me or we had future actual discussions about the payment of
29 councillors. That did not apply. When I described the system to you in my
0 evidence here before Christmas, I described the evidence in its totality, it

1 doesn't mean in each particular instance that that applied and I am absolutely
2 1,000 percent adamant, in answer to your question, he did not raise, I did not
3 raise and we did not discuss the payment of monies to councillors, and by he I
4 mean Brian O'Halloran.

5 Q 210 You said that you mentioned a number of councillors who he should approach and
6 you included Tom Hand among those. My understanding, and correct me if I am
7 wrong, my understanding is that at that time you had dealt with Tom Hand and
8 you were aware that, or you had in fact paid him money, or you were aware that
9 he had sought money according to your evidence; is that right?

0 A Correct.

11 Q 211 Did it not occur to you to tell Mr. O'Halloran that, warn him that if he was
12 going to meet Mr. Hand to enlist Mr. Hand's support that it might be necessary
13 to encourage Mr. Hand by paying him money?

14 A Well now, Mr. Gallagher, you are asking me did it occur to me to tell him.

5 Q 212 Yes.

16 A I cannot say to you absolutely specifically with my hand on my heart under oath
17 that it did or did not occur to me. What I can say to you, however, is that I
18 didn't tell him. And as I understand it, Mr. O'Halloran, in his endeavour to
19 get a motion and to get signatures, visited Mr. Hand. I have no knowledge of
0 what transpired during the course of that meeting. I have no knowledge as to
21 the purpose of the meeting, whether it was to obtain Mr. Hand's signature or
22 whether to elicit his support but I did not raise this issue with Mr.
23 O'Halloran in relation to Mr. Hand.

24 Q 213 Did Mr. O'Halloran tell you that he had a discussion with Councillor Larry
5 Butler in relation to the proposed rezoning?

26 A I believe he did and I believe that Larry Butler -- you asked me prior to lunch
27 whether I had mentioned names to Mr. O'Halloran, and my answer was that I did
28 and I think I gave you two names, but I don't think that was a comprehensive
29 answer, not deliberately I hasten to add. I do believe I would have mentioned
0 Larry Butler's name to Brian O'Halloran and I believe now, as distinct from

1 then, Mr. O'Halloran's colleague, Mr. Kilcoyne, either knew Mr. Butler
2 personally or had an introduction to him at some stage because I understand
3 that a discussion as similar I presume to the discussion that took place with
4 other councillors in relation to support took place with Councillor Butler and
5 subsequently with Councillor Butler in its new formulation in 1996-97.

6 Q 214 May we have page 1469, please? According to your diary, Mr. Dunlop, you met
7 Councillor Tom Hand at 12.30 on the 14th April 1992, that's one week after Mr.
8 O'Halloran wrote to you. And on the following day, Wednesday, 15th April,
9 1992, you met Councillor Charlie O'Connor. Is that correct?

0 A That is correct.

11 Q 215 Can you recall, can you tell the Tribunal whether you spoke with either or both
12 of those gentlemen in connection with the proposed rezoning of lands in
13 question?

14 A In answer to that question, Mr. Gallagher, I don't believe I ever had a
15 conversation with Tom Hand about this land. I do believe I had a conversation
16 with Charlie O'Connor about the land, and the reason I had the conversation
17 with Charlie O'Connor is because he was one of the signatories to the motion
18 and I believe that in going to Charlie O'Connor for his signature, Mr.
19 O'Halloran according to Charlie O'Connor, mentioned my name and said that I had
20 advised him that he needed to get a signature but I don't believe ever
21 discussing this particular body of land with Tom Hand.

22

23 I want to bring your attention, Mr. Gallagher, to each time you refer to me --
24 refer me to my diary, there are matters in isolation in the diary but you have
25 a copy of my original diary and I have a copy. The diary is littered at this
26 period with names of politicians and I literally mean the word littered. There
27 are significant numbers of politicians mentioned in the diary at this stage and
28 at this stage, this is April of 1992, we are now coming up to crucial, a
29 crucial period in the Development Plan and there are various motions on the
0 Development Plan agenda in relation to a number of significant developments

1 that I understand the Tribunal will be subsequently interested in.

2

3 But the -- it doesn't follow necessarily that when you ask me whether or not I
4 had a meeting with an individual councillor, that that meeting relates solely
5 to Carrickmines or indeed any other development -- it may well do and it may
6 well do in the context of other developments.

7 Q 216 Well, I appreciate that it may not relate solely to Carrickmines but given that
8 you had what I might describe as two commissions in relation to the
9 Carrickmines area, if not a third one, you certainly were interested in the
0 greater Carrickmines area. I suggest to you that it is probable that you would
11 have spoken to councillors about those lands in Carrickmines at those meetings?

12 A Oh I have no doubt. The only point I'm making is that in the names that you
13 provide to me and that I identify in my diary, it doesn't follow automatically
14 because we are dealing with the Carrickmines module that that is the only
5 issue, if at all, that we were --

16 Q 217 I appreciate that. In relation to the names of councillors, and we will come
17 to them in due course, can the Tribunal take it that the majority, if not all
18 of the meetings you had with the county councillors in or about this time
19 related to attempts that were being made by you to secure the rezoning of lands
0 in County Dublin.

21 A Completely.

22 Q 218 I missed a page, 3156 please. On the 8th April 1992, that's the day following
23 the writing of the letter by Mr. O'Halloran, you met among others Councillor
24 Larry Butler.

5 A Yes.

26 Q 219 Can you recall discussing the lands with Councillor Butler at that time?

27 A Again as I have said to you, it's quite probable.

28 Q 220 Can I just ask you to look at an entry for the 9th April, 1992. That suggests
29 you met Mr. Lawlor on that occasion with some other people.

0 A Oh yes, sorry I beg your pardon, Thursday, 9th April 1992, 2 o'clock, LL and

1 another name, and I know what that is.

2 Q 221And was that in any way related to the Carrickmines lands, do you think?

3 A No, it related to another development but not to the Carrickmines land.

4 Q 222Did it relate to another development that was or proposed development that was
5 the subject of lobbying at that time?

6 A Yes, it is.

7 Q 223Now, on the 21st April, 1992, Mr. O'Halloran wrote to his solicitors in
8 response to a letter from Gore & Grimes and he says in that letter and I just
9 want to refer you to it, do you have it in front of you?

0 A No.

11 Q 224May I have page 3163, please? He says, "In view of the delicate position
12 reached on the rezoning of our lands we consider there would be nothing to gain
13 by not agreeing to Jim Kennedy's request through John Caldwell."
14

5 Do you know what that request was?

16 A I have no idea.

17 Q 225Were you not told that Mr. Caldwell, Mr. Kennedy were seeking some sort of an
18 agreement or an alliance or an approach or whatever it might be?

19 A No, I have some residual knowledge as a result of, not of this but as a result
0 of contacts between the legal representatives of Paisley Park and Mr.
21 O'Halloran, but I have no knowledge of this at the time and I still don't know
22 what that means.

23 Q 226Mr. O'Halloran's letter continues, "Before the end of May we anticipate that
24 Dublin County Council will have voted on the rezoning or otherwise of all the
5 lands in the Loughlinstown/Carrickmines area. We have joined forces with Jim
26 Kennedy insofar as we continue to compare notes with him on the strategy to
27 follow, pitfalls to avoid etc. Gerard and I concur that this therefore is not
28 the time to fall out with him for any reason whatsoever."
29

0 It may be that the agreement that's been referred to is an extension of the

1 option agreement that has been referred to. I would like you to tell the
2 Tribunal what if anything you know about the suggestion that Mr. O'Halloran who
3 had employed you to work on his behalf, Mr. Kennedy who separately had employed
4 you to work on his behalf, had joined forces and were comparing notes on the
5 strategy to follow. Given that you were, if I may so describe you, as pivotal
6 from both their joints of view and they were paying you for your expertise. Is
7 it your evidence to the Tribunal that neither of them told you or confided in
8 you that they were conferring together?

9 A I have absolutely no recollection of any such situation arising out of the
10 second sentence in the second paragraph of that letter and I can absolutely
11 assure you, Mr. Gallagher, that I did not participate in any combined strategy
12 or advising both of them what pitfalls to avoid, whatever. I did advise them
13 individually. I never advised them collectively.

14 Q 227 In advising them individually, were you aware that they were liaising with each
15 other, although you may not have been part of that, part of that loop at that
16 time?

17 A No, I was not aware that they were liaising with each other. I did become
18 aware subsequently and I am now fully aware as a result of the circulation of
19 documentation of the extensive nature of that liaison prior to even this date
20 which I definitely wasn't aware of until I saw the documentation that you
21 circulated. But no I was not aware of that liaison and I didn't operate on
22 that basis. I operated on the basis of acting on behalf of Paisley Park, I was
23 going to say Jim Kennedy but I didn't act on behalf of Jim Kennedy in the
24 lobbying, I acted on behalf of Paisley Park and Brian O'Halloran.

25 Q 228 I understand that but some people would find it difficult to understand how a
26 situation could arise and continue where people may have information which they
27 would have learned from another landowner in the area that it wouldn't be
28 passed on to you for your comment, for your action or for your response in some
29 way or another?

0 A Well they didn't.

1 Q 229I see.

2 A And the only conclusion that I can come to is that it was a deliberate strategy
3 not to tell me. I am not aware, was not aware and if I had been so aware,
4 Mr. Gallagher, logic alone would dictate that if I was aware of this liaison,
5 my efforts in relation to O'Halloran, Brian O'Halloran, I beg your pardon,
6 Brian O'Halloran and his colleagues would have been a little more, em,
7 energetic than they actually were. I have already said to you in all honesty
8 and with as much transparency as I can muster in the face of your admittedly
9 logical questioning as to whether or not I would or would not have been aware
0 of it. I acted the way I acted and I was not aware of this liaison.

11 Q 230On the 21st April 1992, according to a correspondence furnished to the Tribunal
12 by Mr. O'Halloran, he wrote to Dr. Darragh and -- may I have page 3164
13 please -- and referred him to a discussion Mr. Kilcoyne and Mr. O'Halloran had
14 with Councillor Larry Butler who was very much in favour of development in the
5 area, and I quote from the next paragraph, "Frank Dunlop is working at full
16 pace on the task which we have set him and is regularly reporting to me. If
17 there is anything of significance that you should know, I will inform you
18 immediately.

19

0 Meanwhile, Jim Kennedy continues to be a good friend and ally. Our agreement
21 with him runs out late this year. Anthony Gore Grimes has recently received a
22 request through Kennedy solicitors for an 18 month extension of that."

23

24 Mr. O'Halloran thought you were working very hard and at full pace on his
5 particular problem. You say that that is not so

26 A What I said what I said Mr. Gallagher was in the ultimate when the result of
27 the attempted zoning failed. I think Mr. O'Halloran, though I said he didn't
28 ever express it or write about, I have a residual impression that he was
29 unhappy about the level of involvement or the level of action I took on his
0 behalf.

1 Q 231 On the 28th April it appears that Councillor O'Connor signed a motion which was
2 submitted to Dublin County Council. May I have page 1473 please, which refers
3 to the objection number 000837. That's the objection that was submitted on
4 behalf of Messrs. O'Halloran and company. And Brian Meehan on the 3rd December
5 1991. And the motion from Councillor O'Connor proposed that Dublin County
6 Council favourably consider the above submission and designate the lands
7 outlined in red on the attached map for A1 residential zoning and the map which
8 is attached to that motion, which is at page 1474 reappears to encompass all
9 the lands owned by Mr. O'Halloran, Mr. Kilcoyne and Professor Darragh. You can
0 see that?

11 A Yes, I do.

12 Q 232 That map also shows a line or a proposed line of the southeastern motorway.

13 A That's the --

14 Q 233 Do you know anything about the submission of that, about that motion or did you
5 have anything to do with obtaining the signature of Councillor O'Connor?

16 A I have to say to you, Mr. Gallagher, that I cannot absolutely recall whether I
17 advised Brian O'Halloran to get that signature from Charlie O'Connor or whether
18 or not I got that signature from Charlie O'Connor on Mr. O'Halloran's behalf.
19 I cannot -- I just -- if you revert to the text of the motion, it is an odd
0 motion. A motion in relation to the rezoning of land tends to specify the area
21 of land and the purposes for which the land should be rezoned as well as
22 rezoning it. In other words, rezoning it from one status to the other. That
23 motion, the text of that motion doesn't do that. It refers to a submission
24 made on behalf of O'Halloran Kilcoyne and Darragh, which in my view in the
5 circumstances of the Development Plan in 1991/92/93 is somewhat odd.
26 Notwithstanding that, and subject to correction and subject to the evidence of
27 other parties, it may well be that I obtained that signature if that is the
28 evidence of somebody else I fully accept it. I don't recall obtaining the
29 signature. I do recall telling Mr. O'Halloran that he would have to have
0 signatures.

1

2 Now, the second element that is somewhat surprising about that particular
3 submission or particular motion is it only has one signature.

4 Q 234 Yes.

5 A That, to my -- in my recollection, is unusual. My understanding of the
6 procedures in relation to submissions of motions to Dublin County Council
7 during the course of the Development Plan is that they required two signatures.

8 Q 235 This had only one. I should say to you in fairness that Councillor O'Connor
9 says he was requested to sign a motion by Tom Hand and that it was on that
10 basis that -- but I wasn't -- I wondered -- the reason I asked you the question
11 was whether you had made any approach to either of those people at that time.

12 A I just couldn't recollect, Mr. Gallagher, and that's why I said I just can't
13 recollect.

14 Q 236 This motion was submitted just a few days before the various motions in
5 relation to the Paisley Park lands and indeed the motion signed by Councillor
16 Fox seeking the -- to fix the line of the southeastern motorway. That's page
17 1497 please. I just want to put it in context for you. That was on the 4th,
18 that's some five days after the Councillor O'Connor motion went in and also on
19 the 4th the motion to rezone the entire of the Paisley Park lands signed by
0 Councillor Lydon and Councillor Tom Hand were submitted.

21 A Again, from a contextual point of view, Mr. Gallagher, it's obvious and again
22 I'm subject to correction but it is obvious that a circular was issued by the
23 official, the manager of Dublin County Council in relation to motions to be
24 submitted vis-a-vis the rezoning of lands in this particular area, and that
5 those motions would have to be signed appropriately, together with the map, and
26 submitted by a certain date. And I suspect, given the coincidence of the
27 motions that you have just outlined, the date is in or around the time of the
28 date of submission.

29 Q 237 The motions in question were dealt with, just for completeness, were dealt with
0 at the meeting of the council held on the 5th June of 1992, and if I may I

1 would refer you to the minutes of the council meeting. May I have page 1572
2 please.

3

4 You see on the screen in front of you an excerpt from the minutes of the
5 meeting held on the 5th June 1992, it refers to the lands in Carrickmines, the
6 O'Halloran etc. lands, representation number 837. And at that meeting it was
7 proposed by Councillor O'Connor, seconded by Councillor Hand, that the lands of
8 Messrs. O'Halloran & Company would be rezoned A1 residential and it was noted
9 that the motion to adopt the manager's recommendation in relation to this site
0 as shown on drawing DP92/44 was lost at a special meeting of the council held
11 on the 27th May 1992."

12

13 At that stage it appears that Councillor Betty Coffey, seconded by Councillor
14 Larry Butler, proposed that the motion be amended by the addition of the words
5 "at a density of one house per acre".

16

17 And then, "Following discussion to which Councillors Hand, Cass, Gilmore,
18 Barrett, O'Halloran, Niamh Breathnach, McGennis, Coffey and Burton contributed,
19 the Chairman decided to adjourn the meeting for five minutes. When it was
0 resumed, it was noted that the quorum of members was present in the chamber.
21 Councillors Burton, Mitchell, Gilmore contributed to the debate. Councillor
22 O'Connell then informed the meeting that he wished to withdraw, this was
23 agreed."

24

5 Now, can you recall that meeting and can you recall the circumstances in which
26 Councillor Coffey and Councillor Butler proposed an amendment of the motion?

27 A The first thing I want to say to you, Mr. Gallagher is that I would have, until
28 you put that on the screen, I would have said that the proposal was made by
29 Councillor O'Connor and seconded by Councillor Coffey. But -- and you will
0 recall ten minutes ago I said I thought the motion was signed by two Fianna

1 Fail members. I do recollect the time these motion -- this motion and these
2 motions were taken. I do recollect that Mr. O'Halloran and Mr. Kilcoyne were
3 in the vicinity of the council and I do recollect that there was significant
4 discussions between Mr. O'Halloran and Councillors Coffey and O'Connor in
5 relation to what was happening in the chamber in the meeting. I note that the
6 minutes of the meeting refers to an adjournment for five minutes and when the
7 meeting was resumed the motion was withdrawn, or after more contributions the
8 motion was withdrawn.

9

0 While I do not have an absolute recollection of the circumstances that led up
11 to that withdrawal, I'm absolutely convinced that that was on the
12 recommendation of the councillors and that Mr. O'Halloran agreed that the
13 motion should be withdrawn because an estimation of the support had taken place
14 in the chamber and it was decided that it wasn't run.

5 Q 238And who had made that estimate?

16 A I would imagine that that -- sorry I shouldn't say I imagine, I believe that
17 any statements that would have taken place in the chamber in relation to what
18 might or might not succeed would be principally made by the whip, in
19 consultation with the proposers.

0 Q 239Well who was the whip?

21 A Well the whip, if we are talking about -- I just want to get my date correct --
22 this is --

23 Q 240If I show you the attendance at the meeting in question on the 5th June --

24 A I know who the whip was, Mr. Gallagher. I just -- but this is 1992.

5 Q 241This is the 5th June of 1992?

26 A Yes. I believe that Betty Coffey was either the Chairperson of the Fianna Fail
27 group or the whip. After the election, the May/June local elections of 1991,
28 the then whip, Pat Dunne, was defeated. He lost his seat. I cannot absolutely
29 recollect whether Betty Coffey was the whip or the chairperson of the Fianna
0 Fail group. I know that she fulfilled that role or both roles during

1 subsequent years. But the decision would have been made in consultation on the
2 floor of the chamber in circumstances where people did a head count, who was
3 present, who was supporting and who wasn't supporting, and there was no point
4 in proceeding with a motion. And this is not something unusual that applies to
5 this particular motion, this was something that went on constantly, day after
6 day, during the course of the Development Plan, where, to quote a former client
7 of mine, when talking about votes in Dublin County Council said "you always had
8 to count the nails in the bag". He was a builder so he was counting the nails.
9 In other words, he wanted to make absolutely certain that all of the bodies
0 were present and that's a decision that would have been made as I look at it
11 now.

12

13 I told you this morning that Mr. O'Halloran was visibly present during the
14 course of all of the lobbying and the motions in relation to Dublin County
15 Council.

16 Q 242 Were you present at the substantial discussions that you have just referred to?

17 A Well I was present in the environs. I don't believe that I was party to the
18 discussions because at this stage, and I'm conscious of the fact that I seem to
19 be failing to get this across, this message across, that while Mr. O'Halloran
0 was doing all of this work himself on my advice he had developed a relationship
21 with some of the councillors and I have already said to you, and I think he
22 himself has said that Councillor Coffey was a family friend so he had a
23 relationship with Councillor Coffey. Councillor O'Connor had signed his
24 motion. Councillor Larry Butler was a participant in the discussions. So, any
5 of the discussions that took place took place principally with those people.

26 Q 243 Were you asked for your advice as to whether or not the proposed amendment to
27 the motion should be tabled?

28 A No, I don't recollect so.

29 Q 244 Were you asked for your advice whether or not the motion should be withdrawn by
0 Councillor O'Connor?

1 A No, I don't recollect being asked that either.

2 Q 245Mr. Dunlop, as I go through my papers here, I see that there's a document which
3 bears the name of Thomas Hand and the name of a bank, and I'd just like you to
4 remind me whether that document has any connection, or did it arise, or was it
5 furnished to you in the context of the Paisley Park lands or any other lands in
6 the Carrickmines area?

7 A Not in any of the lands in the Carrickmines area, no.

8 Q 246Right. We'll deal with that in due course. Did you have any further dealings
9 with Mr. O'Halloran or indeed Mr. Kennedy following the withdrawal of the
0 motion by Councillor O'Connor on the 5th June 1992? Did you have any dealings
11 in the period up to the making of the Development Plan in December 1993 that
12 you can recall?

13 A I don't believe I had any further discussions with Mr. O'Halloran or any of his
14 colleagues subsequent to the making of the 1993 plan or in the immediate
5 leading up to the making of the plan. The reason I say that, Mr. Gallagher, is
16 because I think there was a proposal and I'm -- there was advice to Mr.
17 O'Halloran that another submission or another attempt be made either at the
18 display of the plan or whatever. My recollection is quite vague about this. I
19 wasn't involved any further with Mr. O'Halloran in relation to the proposal at
0 this time.

21 Q 247I see.

22 A To the best of my knowledge.

23 Q 248I see. I don't intend to go through it in detail but your diary for 1993 is
24 littered with references to Development Plan and they presumably are
5 Development Plan meetings. Draft Development Plan, for example, on the 16th
26 February and on many other dates. I take it that these were meetings you would
27 have attended and you entered them in your diary of reminding you of the time
28 and date of the meetings; is that right?

29 A Yes, and while you were speaking, my diary opened at the 18th January 1993,
0 10.30, Draft Development Plan. The Tuesday, 16th February, 2.30, Draft

1 Development Plan. So, obviously these are reminders to me of the times of the
2 meetings of the Development Plan.

3 Q 249Right. Now, you had a number of meetings with John Caldwell and I know that I
4 have skipped some of them, but I take it that you had continuing contact with
5 Mr. Caldwell up to the end of 1993?

6 A Yes. And I want to bring your attention, Mr. Gallagher, to something that you
7 asked me this morning and I replied but it was specifically to a reference in
8 my diary of a meeting with Mr. Caldwell and Mr. Kennedy. I can't remember the
9 exact date but you asked me about it this morning.

0 Q 250Yes.

11 A And you asked me was that in relation to lands in Carrickmines.

12 Q 251Paisley Park, yes.

13 A Now I have to say that not all references to Mr. Caldwell solely relate to
14 Carrickmines

5 Q 252Right. I think the date, the reference you refer to is the 7th March 1992?

16 A Yes.

17 Q 253Page 1432 please? The 27th March 1992. That's "J Caldwell/J K", is that the
18 date you are referring to? The meetings you had with Mr. Caldwell related to
19 Paisley Park lands?

0 A But you asked me a specific question. I am very conscious of the fact that in
21 my dealings with Mr. Caldwell, which -- yes, there is no question but I had
22 discussions with him in relation to Paisley Park and certainly Jackson Way but
23 this was a discussion with Mr. Caldwell on another matter.

24 Q 254Did you have any discussion with Mr. Kennedy?

5 A Never.

26 Q 255I see. So can the Tribunal take it that where there's an entry in your diary
27 relating to a conversation with Mr. Caldwell, it may have been in relation to
28 Paisley Park/Jackson Way or alternatively in relation to another parcel of
29 land.

0 A In relation to a particular motion submitted to Dublin County Council. I can

1 virtually state categorically what the subject of discussion at a particular
2 meeting was with Mr. Caldwell.

3 Q 256 All right. At 11.30 on the 12th January 1994, page 1844 please, you had a
4 meeting with Mr. Caldwell. Can you say what that meeting was about?

5 A 199-?

6 Q 257 Sorry, 1994. 1844 please.

7 A Yes, Wednesday, 12th January 1994, John Caldwell.

8 Q 258 You also had a meeting on the 25th February 1994, 1849 please. Can you say
9 what that meeting was about? Was it about the Jackson way lands or Paisley
0 Park lands?

11 A Well, in endeavouring to answer that question, Mr. Gallagher, the Development
12 Plan was made, which I believe was the technical term was made by Dublin County
13 Council.

14 Q 259 On the 10th December 1993?

5 A 1993, yes. So moving from there, it is unlikely that I was having a discussion
16 with Mr. Caldwell about either Paisley Park or Jackson Way at the time. The
17 matter was concluded to all intents and purposes. So, I'm at a loss to explain
18 to you what discussions took place.

19 Q 260 It may help you to note that -- you have a note of an earlier meeting on the
0 10th February, 1994, page 1846 please, at the offices of Mr. Caldwell at 43
21 Fitzwilliam Place.

22 A Mmm. I do recollect Mr. Caldwell asking me to help out a senior partner in the
23 firm in relation to, I think it was an international law conference. It was
24 nothing to do with the Development Plan. I am not saying that was the subject
5 of discussion but I mean that is the only recollection I have.

26 Q 261 Now subsequently you were employed by Mr. O'Halloran to assist him in the
27 context of the review of the 1993 Dublin County Development Plan by Dun
28 Laoghaire/Rathdown County Council. Can you tell the Tribunal when that
29 happened and the circumstances in which it happened?

0 A Yes. Well, as I said in my statement, Mr. O'Halloran approached me again in

1 the 1996/97 period when the new Dun Laoghaire/Rathdown Council was conducting
2 its own Development Plan. His preference was to proceed on his own but he
3 required certain advice.

4 Q 262 What advice did he require?

5 A His preference was to proceed on his own. By that I mean in my statement
6 that -- in case there's any doubt about what that means -- he wanted to proceed
7 on his own. In other words, to conduct the business on his own, lobby on his
8 own or whatever but he required certain advice. The advice is similar to the
9 advice that was proffered to him in 1991/92 in relation to contact with
0 councillors -- sorry, first of all, the provision of motions, signatures of
11 motions and contact with councillors and we agreed -- I agreed to act for him.
12 We agreed a fee structure. And as I have indicated already, the motions were
13 provided and maps, signatures --

14 Q 263 First of all, when did you meet him in the context of the review of the plan by
5 Dun Laoghaire/Rathdown County Council?

16 A Well, I cannot give you a specific date but I mean you can, I can -- if I had a
17 meeting with him at some stage in 1996/97 it specifically referred to the lands
18 in Carrickmines in the course of the Dun Laoghaire/Rathdown plan. I would not
19 have been meeting him at that stage about anything else because all other
0 matters had concluded, including the other independent projects that I spoke
21 about, that I wrote down this morning.

22 Q 264 Did he, in the period 1995/96 speak to you about submissions or representations
23 in writing to Dun Laoghaire/Rathdown County Council in connection with reviews
24 of plans, area action plans or matters of that nature that were on foot at that
5 stage?

26 A Yes, I think he did. In fact, I believe he did. In fact, I think you will
27 find, Mr. Gallagher, that there is in existence a document, a submission to Dun
28 Laoghaire/Rathdown County Council at that time made by Mr. O'Halloran or by his
29 company or by an associate of -- a professional adviser of his at the time, and
0 I do recall Mr. O'Halloran not only providing me with a copy of a submission

1 that he had made or was made on his behalf, but also providing me with a list
2 of bullet points in relation to that submission, highlighting the benefits of
3 that --

4 Q 265 We may come to that at a later stage. But are you aware that a representation
5 was made by Brian Meehan & Associates on behalf of Mr. O'Halloran and his
6 partners and Jackson Way Properties Limited on the 8th March of 1995? May I
7 have page 1930 please?

8

9 You see on screen a letter of the 8th March 1995 to the Planning Department of
0 Dublin County Council, a representation on the proposed draft areas, map 27 of
11 the County Development Plan 1993 and the application -- the representation is
12 on behalf of Mr. B O'Halloran, A Darragh and JG Kilcoyne and Jackson Way
13 Properties Limited. Now, did you become aware of that representation?

14 A I believe I did.

5 Q 266 When did you come aware of that?

16 A Well, I believe that I became aware of that specifically through Mr.
17 O'Halloran. As I said, I was aware that some submission had been made to
18 Dublin County Council. At this stage, Mr. Gallagher, the events had moved on
19 and Mr. O'Halloran indicated to me that he had met Mr. Kennedy.

0 Q 267 Yes.

21 A Mr. Kennedy confirmed that to me subsequently when I mentioned that to him.

22 Q 268 Can you say when that was? Can I remind you you met Mr. Kennedy apparently in
23 Westmoreland Street on the 26th April 1996, page 3395 please. And you also met
24 with him apparently, according to your diary at least, on the 2nd April 1996.

5 Do those dates help you in any way?

26 A It's possible. Let me put this in context. I do recall Mr. O'Halloran sending
27 me a copy of a submission. Now, I cannot absolutely say this is a submission
28 that you had on screen but I do recollect and I would be surprised if, given
29 Mr. O'Halloran's diligence, both in keeping notes and in correspondence, that
0 at some stage, Mr. O'Halloran's correspondence will show he sent me a copy of a

1 submission, whether it's that submission or a subsequent submission -- but yes,
2 I did become aware, prior to the proposals for the Carrickmines lands in the
3 Development Plan in Dun Laoghaire/Rathdown, that significant discussion had
4 taken place between O'Halloran and Kennedy, culminating in the motions that we
5 looked at yesterday in relation to joint motions for the joint lands northwest
6 of the motorway and then separately for the 88 acres south of the motorway.

7 Q 269 You told us yesterday, perhaps the day before, of your reengagement, if I may
8 so describe it, by Mr. Kennedy to endeavour to secure the rezoning of the
9 Jackson Way lands.

0 A Yes.

11 Q 270 At a time when agreement was reached that you would be paid certain monies,
12 which agreement was subsequently changed to provide for one commercial acre of
13 land in the event of successful rezoning? Do you remember that?

14 A Yes, I do, 250,000 subsequently --

5 Q 271 When that agreement was reached, did you already have an agreement with Mr.
16 O'Halloran to do work for him?

17 A It is possible, Mr. Gallagher. I am not aware from the documents or diaries or
18 what I have in front of me as to the timing of the engagement by Mr. O'Halloran
19 and Mr. Kilcoyne and Austin Darragh in relation to the 1996/97 plan, it is
0 possible.

21 Q 272 You appear to have met Mr. O'Halloran, for example, on the 4th December 1996.

22 May I have page 3429, please? That's Brian O'H, isn't that right?

23 A That's correct.

24 Q 273 You met Liam Lawlor earlier that morning, a different meeting.

5 A Yes. What year is that again?

26 Q 274 That's 1996.

27 A In case there's any further notations.

28 Q 275 It's Wednesday, 4th December 1996, I believe.

29 A That is correct, yes, that is accurate.

0 Q 276 Can you identify the date or the approximate date on which you were re-employed

1 by Mr. Kennedy to attempt to secure the rezoning of Jackson Way lands?

2 A The approximate date I would say was sometime in the latter part of 1996.

3 Q 277 On the 13th September 1996, D McCarthy & Company had submitted a submission, a

4 written submission on behalf of Jackson Way Properties Limited to Dun

5 Laoghaire/Rathdown County Council. May I have page 2023 please. Do you see

6 that?

7 A Yes.

8 Q 278 There's a reference there to a meeting with Mr. Murray, the planning officer,

9 which they discuss the forthcoming review of the County Development Plan with

10 particular reference to the lands comprising 35 hectares at Carrickmines Great.

11

12 "On the instructions of the owners of these lands I submit the enclosed

13 submission requesting that the subject lands be rezoned along the lines

14 proposed in the submission. I am enclosing six copies and further copies can

15 be provided on request. Yours faithfully, D McCarthy & Company."

16

17 And signed by Frank Finnegan and there's a copy to W Murray, Planning Officer.

18 A Given the state of that situation and given you asked me the last question in

19 relation to when I was engaged, certainly the date doesn't surprise me and I do

20 believe that at some stage during the course of the engagement, I would have

21 become aware of that submission.

22 Q 279 Does that mean that you were engaged sometime after that submission?

23 A I believe so.

24 Q 280 Can you say if it was shortly after it or considerably after it?

5 A I did say it was the latter part of 1996 and this is September 1996.

26 Q 281 All right. I just see in your diary as I flick through it, you had a meeting

27 with Mr. Lawlor on the 10th October 1996. May I have page 3423 please. It's

28 on screen, Mr. Dunlop.

29 A On the 10th. The 10th. Thursday, 10th October 1996, Liam Lawlor at 10 o'clock

0 or maybe 10.30, yes, that's Liam Lawlor.

1

2

3 Q 282And you had a meeting at 11.30 and I cannot be certain, I can't read the second

4 name, Willie --

5 A I can explain that to you. That's Willie Murray at Dun Laoghaire. That's an

6 official of Dun Laoghaire/Rathdown County Council so that absolutely confirms

7 in my mind that I was now engaged by Jim Kennedy because earlier today, I told

8 you that I had a meeting with an official and that is the meeting.

9 Q 283Is that the meeting you are referring to?

0 A I believe so, because that is the only other meeting that I had --

11 Q 284What was the purpose of that meeting? What was discussed?

12 A The purpose of that meeting to which I went on my own was to discuss Jackson

13 Way.

14 Q 285I see.

5 A With Willie Maher re: of Dun Laoghaire/Rathdown Council, at my request.

16 Q 286I see. Can you say what happened as a result of that meeting?

17 A Very little. Mr. Murray just told me that the Development Plan would consider

18 all applications or submissions in relation to the proposed Development Plan.

19 And in relation to the Jackson Way lands in particular, he wasn't, I suppose

0 the phrase to use is he wasn't -- he didn't hold out much hope.

21 Q 287I take it that at that time you were aware that a joint submission had been

22 tendered to the county council by D McCarthy & Company on behalf of -- sorry,

23 by Mr. Meehan on behalf of Mr. O'Halloran & Company and JWPL, that's Jackson

24 Way Properties Limited.

5 A I must have been is the answer to that question.

26 Q 288Yes. You appear to have met Mr. Kennedy on the 21st October 1996. May I have

27 page 2058 please.

28 A Yes.

29 Q 289And again you met him in November, 1996, may I have page 2059 please. On the

0 18th and the 19th.

1 A That is -- sorry, Mr. Gallagher, I'm looking at the wrong one again. Yes, at 4
2 o'clock on Monday, 18th November 1996.

3 Q 290Now, you appear to have met Mr. O'Halloran again in December, if I am correct,
4 on the 4th December 1996, page 3429 please. And earlier that day, you met
5 Mr. Lawlor?

6 A Yes.

7 Q 291Indeed, going back to the meeting, the meeting with Mr. Kennedy on the 18th
8 November, 1996, you also met Mr. Lawlor on that day before you met Mr. Kennedy.

9 A Yes, but with another party. This came up yesterday.

0 Q 292I see.

11 A The other party, that was a separate issue.

12 Q 293On the 4th June, 1997, Mr. O'Halloran wrote to you. May I have page 3479
13 please. The letter is on screen, Mr. Dunlop.

14 A Mm.

5 Q 294That's a letter where he refers to a meeting in his offices on the 29th May
16 which was also attended by Gerard Kilcoyne. In fact, if we could go to page
17 3478 please. You see that entry for the 29th May 1997.

18 A Yes, I do.

19 Q 295Would you read that entry please?

0 A This is an entry in my diary for Thursday, 29th May, 1997 at 11.30 and it reads
21 "Brian O'Halloran at his office with Gerard Kilcoyne (five now; 30 later,
22 agreed)."

23 Q 296Did you say that indicates that there was an agreement that you would be paid
24 £5,000 at that time, that you would be paid £30,000 later in the event of a
5 successful rezoning of the lands in question?

26 A Yes.

27 Q 297It would appear that you had -- sorry --

28 This letter then of the 4th June refers back to that meeting and confirms what
29 was agreed. That is that you had agreed to act on their behalf in their
0 request to have the lands at Carrickmines also owned by Austin Darragh rezoned

1 from the present agricultural to either residential or industrial."

2

3 In that regard the following points were discussed: Because the land is now
4 serviced on account of the connection rights that we have negotiated with the
5 council, the prospects for rezoning looks much more favourable than was the
6 case a few years ago. A further benefit is the new access to the land which
7 council provided on completion of the construction of the southeastern
8 motorway.

9

0 However, as in all of these matters there will be difficulties along the way
11 which we must anticipate before they will arise and when they do, we must face
12 them and find provide appropriate solutions. We informed you about the
13 unofficial submission which was made in 1996 to the council on behalf of our
14 lands and the adjoining lands north of the motorway in the ownership of Jackson
5 Way Properties Limited. That application is now in the council's file and was
16 recently circulated to the members as was a similar application made at the
17 same time by Jackson Way Properties Limited for lands in the company's
18 ownership south of the proposed motorway. Because of that association, we are
19 not inclined to disassociate ourselves from the lands owned by Jackson Way
0 Properties Limited north of the motorway.

21

22 Moreover during discussions with the planning department prior to the
23 submission being made, we were advised that any submission should be in respect
24 of the largest possible parcel of land as that would be preferable from the
5 council's point of view. The council are not inclined to look favourably on
26 rezoning applications for a series of fragmented and uncoordinated parcels of
27 land. We have discussed the course of action that would be followed -- "
28 Sorry, "having discussed the course of action that would be followed, you
29 undertook to lobby on our behalf the council executive, also key members and
0 in due course to identify two members who will support the motion that would be

1 submitted to the council on our behalf."

2

3 Can I pause there for a moment to ask you what source of action you discussed
4 with Mr. O'Halloran and Mr. Kilcoyne at the meeting on the 29th May?

5 A Well I believe the course of that action that I recommended to him was no
6 different to the course of action that I had outlined to them previously in
7 relation to -- and I think he summarised some of this there himself, in
8 relation to the role that I would play in relation to the obtaining of
9 signatures, lobbying --

0 Q 298Sorry, to cut across you but what lobbying were you to do at the council
11 executive?

12 A That's the point I was just going to raise with you and the benefit of reading
13 something that was written in 1997, I don't know what he means by council
14 executive. I presume he means council official or any official that would
15 assist in advising in relation to the possibilities for rezoning and that he
16 himself has referred to a meeting that he had with -- perhaps it's not in this
17 letter, during discussions with the Planning Department prior to submissions
18 being made, we were advised any submissions should be in respect of the largest
19 possible parcel of land and I recall that specifically. Mr. O'Halloran telling
0 me that they had had a meeting with Willie Murray in Dun Laoghaire/Rathdown and
21 that the advice from Mr. Murray in effect was that the officials were not going
22 to countenance individual small parcels of land submitted for rezoning and it
23 would be preferable to have land, the landowners joined together in a joint
24 submissions. It's put a bit more eloquently in the letter than I am putting it
5 but that is the nub of what Mr. O'Halloran told me.

26 Q 299At that meeting did you identify or did you or did anybody else identify at
27 that meeting names of the council executive members who were to be lobbied?

28 A The council -- no, I don't believe I did.

29 Q 300Did Mr. O'Halloran identify --

0 A Mr. O'Halloran, I think, told me about the --

1 Q 301 Yes, he has already set that out, over and above that, it appears that was his
2 understanding because it's a fairly comprehensive letter that sets out what was
3 discussed and what was agreed and looking at that, it would appear that you
4 undertook on their behalf to lobby the council executive.

5 A Yes.

6 Q 302 Now, you also undertook to lobby key members.

7 A Members of the council.

8 Q 303 Yes.

9 A Councillors.

0 Q 304 So you were distinguishing between the executive and members and you were going
11 to lobby both?

12 A Yes.

13 Q 305 Who were you going to lobby in the executive?

14 A I think the only person that I ever lobbied or spoke to or went to for advice
15 or on an information gathering exercise in relation to Jackson Way, and I
16 specifically say Jackson Way because I believe that is why I went, was with
17 Willie Murray. I don't recollect any other meeting other than the meeting I
18 alluded to yesterday with Mr. Drumgoole in the company of Mr. Lawlor.

19 Q 306 To come back to that meeting for a moment. Did you organise that meeting on
0 your own initiative or were you asked to organise it?

21 A Which meeting?

22 Q 307 Mr. Murray?

23 A Yes, I organised it myself.

24 Q 308 Were you requested or did you do it on your own initiative?

5 A I believe I did it on my own initiative.

26 Q 309 When you talking lobbying the council executive, the question I asked was who
27 you were going to lobby of the council executive?

28 A Mr. Willie Murray.

29 Q 310 Did you ever lobby subsequently on behalf of Mr. O'Halloran?

0 A I don't recollect I lobbied him specifically on behalf of Mr. O'Halloran. I do

1 recollect and I am not -- deliberately not looking at my diary now,
2 Mr. Gallagher, because I can't remember the insertion in my diary as to the
3 meeting I had with Mr. Willie Murray, but I do recollect having a meeting in
4 Dun Laoghaire/Rathdown Council with Mr. Willie Murray in relation to Jackson
5 Way. I don't specifically recall organising a meeting with him or having a
6 meeting with him on behalf of Mr. O'Halloran. I don't -- I don't -- I don't
7 deny that there is a probability that at that stage I was engaged by Brian
8 O'Halloran, that I would have discussed the possibility of the lands being
9 zoned in Carrickmines, either above or below the proposed motorway.

0 Q 311 Well your diary indicates, I have to say, that your meeting with Mr. Murray in
11 connection with Jackson Way took place on the 10th October of 1996, that's on
12 page 36 -- sorry, 3423. So that --

13 A I can -- having said to you that I wasn't referring to my diary and now you
14 have reminded me of the date, I think it is unlikely I would have discussed a
15 matter I was not already engaged on in relation to lands at Carrickmines.

16 Q 312 All right. And is it your recollection that you did not speak to Mr. Murray or
17 any other member of the executive? Pardon -- I wonder would you, Sir, consider
18 rising for --

19 A I'll be back.

0

21 CHAIRMAN: We'll rise for --

22 Q 313 Mr. Dunlop, I think, would like just to -- a very short break.

23

24 THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK

5 AND RESUMED AS FOLLOWS:

26

27 MR. GALLAGHER: Mr. Dunlop --

28 A Sorry about that, Mr. Gallagher.

29 Q 314 You had been employed by Mr. O'Halloran in 1992 or thereabouts to do your best
0 to secure the rezoning of the lands at Carrickmines, and you had been paid

1 £1,500 with a promise of £8,500 to follow if you were successful and they, Mr.
2 O'Halloran, I should say, felt you were using your best endeavours to secure
3 the rezoning, and you have told the Tribunal that although you never heard
4 anything said it was your feeling, you had the impression that Mr. O'Halloran
5 was disappointed with the efforts that you made or did not make at that time.
6 Is that a fair summary?

7 A Yes, it is.

8 Q 315 In other words, you didn't have a particularly good track record as far as he
9 was concerned.

0 A Correct.

11 Q 316 You were a failure so far as he was concerned.

12 A Mr. Gallagher, Mr. O'Halloran never said that to me.

13 Q 317 All right. You had failed, put it this way, you had failed to secure the
14 rezoning of the lands in 1992.

5 A Let's be blunt, Mr. Gallagher. Mr. O'Halloran and his colleagues were deeply
16 disappointed at the fact that their lands weren't rezoned.

17 Q 318 All right.

18 A That's contingent, of course, on their understanding of how successful the
19 attempt was going to be given the amount of effort that they put into it
0 themselves. So if there was a failure, which I -- I accept at his word, but if
21 it was a failure, it was a joint failure because they put a significant effort
22 into it themselves.

23 Q 319 The letter that Mr. O'Halloran wrote to you on the 4th June 1997 went on to say

24 "It will be important prior to the motion coming before the council for
5 discussion and voting to have established if the Planning Department would
26 support that motion and if so, on what terms, e.g, whether for industrial or
27 residential rezoning."

28

29 Is that something that you had discussed with him at the meeting on the 29th?

0 A Yes, yes. I --

1 Q 320 You did, you had discussed that?

2 A Yes.

3 Q 321 All right. And he then went on, "It would be damaging to our success prospects

4 if the Planning Department would propose the motion during the debate.

5 Conversely it would increase the prospects of success if the council would

6 support the motion. That, therefore, is of the utmost importance to explore."

7

8 Is that something you discussed?

9 A Yes.

0 Q 322 Do you agree it was something of the utmost importance to explore what the

11 attitude of the council would be?

12 A I am accepting, Mr. Gallagher, that the content of this letter is an accurate

13 recollection by Mr. O'Halloran of what was discussed at the meeting given what

14 I have already said to you about Mr. O'Halloran's notetaking.

5 Q 323 And in making contact with you, Mr. O'Halloran said that he undertook to help

16 you in every way he could and to make himself available and you shouldn't

17 hesitate to contact him in that regard. He says that you pointed out that

18 understandably there would be little or no activity until after the general

19 election and the follow up Seanad election.

0

21 Now the general election was held, as I understand it, on the 6/6/97 and the

22 Seanad election was effectively held in the period the 21st May to the 6th

23 August of 1997. On the assumption that my dates are correct, can the Tribunal

24 take it that you pointed out that because of the election activity, there would

5 be little progress or activity until after those elections were out of the way.

26 A Yes, that is correct.

27 Q 324 And you -- he then said, "When the progress will begin, you will report on

28 progress to me. I for my part will inform Gerard Kilcoyne and Austin Darragh."

29 Can I take it that at all times your point of contact with was with Mr.

0 O'Halloran.

1 A Yes, except in specified instances where Mr. Kilcoyne was present.

2 Q 325I see. He went on to say, "We agreed for the services we require from you that
3 we will pay you an initial fee of £5,000 and in the event of there being a
4 favourable rezoning of the lands we will pay you an additional £30,000 as a
5 success fee."

6 A And it is replicated in the diary as to the meeting that took place on the date
7 in May.

8 Q 326And he enclosed with his letter a cheque in the sum of £1,670 and he asked
9 Mr. Kilcoyne and Mr. Darragh to send you their cheques immediately and on
0 receipt he would forward them to you.

11 A Yes.

12 Q 327Is it for the Tribunal to take it that the meeting you had with Mr. O'Halloran
13 on the 29th May 1997 was a face to face meeting?

14 A Yes, it was.

5 Q 328Now, you have told me about the disappointment that you understood was felt by
16 Mr. O'Halloran at your efforts to secure the rezoning in 1992 at the time when
17 you were to receive a success fee of £8,500.

18 A Yes.

19 Q 329What did you say that persuaded him that he should offer you a success fee of
0 £30,000 given that you had failed to secure the rezoning of the lands in 1992?

21 A Ask me that again, Mr. Gallagher?

22 Q 330I am asking you what did you say to Mr. O'Halloran at the meet of the 29th May
23 1997 that persuaded him that he should agree to pay you a success fee of
24 £30,000 given that you had failed to secure the rezoning of zz1992 when you
5 were on a promise of 8 and a half thousand pounds in the event of a successful
26 rezoning?

27 A I don't know what it was that I said to him that persuaded him that he should
28 pay me £30,000. I asked for -- I asked for a fee and as outlined in the diary
29 and as outlined in this letter, and they agreed. If my recollection is correct
0 and is as outlined in that letter, Mr. Kilcoyne was present. Again, accepting

1 the content of the letter as an accurate reflection of the discussion, I can
2 only say to you that they would not have approached me in the first instance --
3 the meeting was at their request, it wasn't at-mine. They would not have
4 approached me in the first instance -- notwithstanding your description of my
5 involvement in 1991/1992 as a failure, they would not approached me in the
6 first instance if they did not believe that one, either I could do it or two,
7 that they had confidence in my doing it. And the only answer that I can give
8 to your question is that at the end of the meeting I came out of the meeting
9 with a contract, verbal, admittedly, reflected in the content of my diary in
0 the timing of the meeting and subsequently reflected in the content of the
11 letter.

12

13 I'm not -- I wouldn't attempt to suggest to you, Mr. Gallagher, that there was
14 anything different, substantially, professionally, technically in the lobbying
5 context or the PR context, anything different to what I had advised them in
16 1991/ 1992, and bearing in mind what Mr. O'Halloran himself said, that he would
17 prefer to proceed on his own -- sorry, he didn't say that, I beg your pardon, I
18 said that, that he evinced an opinion that he would prefer to proceed on his
19 own.

0

21 Modesty alone dictates that I should say that it is their choice, not mine.
22 They contacted me. I do believe that in the course of the meeting, Mr.
23 O'Halloran, who did virtually all of the talking, spoke about my track record
24 or ability in this particular area. I didn't ask him where he heard this, how
5 he came by this knowledge or otherwise and what I am trying to do for you,
26 Mr. Gallagher, is to answer the question in the full knowledge that I am
27 probably not answering it in the specific terms that you wish me to answer it
28 and that is I cannot say to you what persuaded them. Obviously something
29 persuaded them. They decided they were going to hire me and I agreed.
0 Q 331 What did you say to Mr. O'Halloran that persuaded him it was worth his while

1 paying you £35,000 in an attempt to secure the rezoning of his lands rather
2 than engage some other lobbyist or some other planning consultant who might be
3 able to secure the objective that they had identified?

4 A I don't know is the answer. The only thing that I can say to you is and I know
5 that I appear to be depending heavily on the content of Mr. O'Halloran's letter
6 but I have already said, uninvited, earlier today about the capacity of Mr.
7 O'Halloran to keep accurate notes and I have already accepted that I accept
8 this letter as an accurate note, almost a minute of what took place at the
9 meeting on the 29th May 1997 -- six -- sorry, seven, and I really must say to
0 you, Mr. Gallagher, that when invited to do so, I put up a miss doubt [sic]
11 performance in relation to my own ability as to what might or might not happen
12 as to the strategy that ought be followed in relation to this particular
13 attempt. Bearing in mind that Mr. O'Halloran himself refers to the submission
14 that has already been made and to a significant sentence saying that given that
5 the lands are now serviced, which was a subject of some discussion between us
16 yesterday.

17 Q 332Did you provide him with a road map that you intended to follow in order to
18 secure for yourself the £30,000 that was on offer?

19 A No -- if by road map you mean did I advise him about what I would do in
0 relation to lobbying particular councillors, who those councillors might be,
21 how they would be approached, who would approach them, yes I would have
22 provided him and I would expect and hope that Mr. O'Halloran will give evidence
23 to that effect.

24 Q 333Well, as you are here, perhaps you might give evidence to that effect to this
5 Tribunal as to what councillors you named or what you said you would do and how
26 you set about achieving the successful rezoning of the land.

27 A Well at this stage I am sure the Tribunal in its totality will accept that I
28 have said repeatedly that Dun Laoghaire/Rathdown Council was now a council and
29 an entity onto it self, therefore, all the members of the various wards of Dun
0 Laoghaire/Rathdown Council was on this and, therefore, 24, 26 perhaps, I am not

1 sure of the number, in all. Those are the names that I would have gone
2 through, in particular the names in relation to anybody in the locality like
3 Betty Coffey, Larry Butler, Tony Fox, Liam Cosgrave, et al.

4

5 So, if that is the question you ask me, would I have given him that road map,
6 yes I would

7 Q 334 What I am asking you perhaps in simpler language is to tell the Tribunal
8 whether you identified for him the councillors whom you intended to contact. I
9 mean clearly --

0 A Yes, I believe I would.

11 Q 335 There's no point in contacting a councillor out in Fingal. You know I am not
12 being -- clearly there was a finite number of councillors to be --

13 A 24, 26, whatever the number is and indubitably I would have mentioned names to
14 him as probably the best people to approach for signatures. The only thing
15 that surprises me, Mr. Gallagher, given Mr. O'Halloran's unenviable record in
16 keeping notes, that that is not reflected in the letter and certainly I don't
17 think there's any doubt as to the probability that I did specifically mention
18 specific councillors for specific roles, including signatures, people that I
19 would approach to approach, that anything they might or might not do in
20 relation to support would be reliable. In other words, if I approached a
21 councillor and I asked him to sign a motion, he is thereby identifying himself
22 with that motion and any action that takes place in Dublin County Council
23 related to that motion has his name or her name on it, and, therefore, any
24 support that's attached to that motion, either down to the ability of that
25 particular councillor getting support on his own recognisances or my ability to
26 get support for him or her.

27 Q 336 Do you recall identifying for Mr. O'Halloran the councillors whom you hoped to
28 persuade to vote for any motion that might be filed to have the lands rezoned?

29 A I don't specifically recall it but again, on the basis of the answers that I am
0 giving you, very specific questions, I think that that is distinctly possible,

1 that I would have told Mr. O'Halloran either at this meeting or at subsequent
2 meetings, who I intended to approaching, for what purpose, either to estimate
3 the level of support that might exist, the level of support that we might
4 expect, if we put forward a particular motion in relation to his lands and who,
5 I believed, were the people that would be reliable.

6 Q 337I understand you to have told the Tribunal that you believe it is likely that
7 you discussed names with Mr. O'Halloran at that meeting and you identify
8 councillors whom you intended to approach and whom you believed you might be
9 able to persuade to support the proposal. Is that overstating it?

0 A Yes.

11 Q 338Am I correct in that?

12 A No, no, no, I couldn't argue with that Mr. Gallagher.

13 Q 339I am not asking you to argue with it, I'm asking you is it something you
14 believed happened at that meeting?

5 A Yes it is, that's what I mean when I say I couldn't argue with it, I believe
16 that that is a distinct probability that that took place at that meeting.

17 Q 340Can you offer any explanation then as to why the names of such councillors are
18 not included in the letter which we have just opened?

19 A Well, that I cannot answer.

0 Q 341I see.

21 A Given Mr. O'Halloran's particular ability to keep accurate notes.

22 Q 342I see. It's now five past four, Sir, I wonder is it --

23

24 CHAIRMAN: I think we might explore tomorrow morning.

5

26 MR. GALLAGHER: Thank you, Mr. Dunlop.

27

28 THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,
29 THURSDAY, 23RD JANUARY 2003 AT 10. 30 AM.

0

