

10:43:16 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON TUESDAY,**
2 **21ST NOVEMBER, 2007, AT 11:00 A.M.:**

11:13:26 5 CHAIRMAN: Good morning, Mr. Murphy.

7 MR. MURPHY: Good morning, Chairman.

9 CHAIRMAN: Good morning, Mr. Murphy.

11:13:42 10 A. Good morning.

12 CHAIRMAN: Sit down.

13 A. Thanks.

11:13:45 15 **CONTINUATION OF QUESTIONING OF MR. PHILIP MURPHY,**

16 **BY MR. MURPHY AS FOLLOWS:**

18 A. May I saying something just before proceeding?

11:13:51 20 CHAIRMAN: Yes.

21 A. Mr. Murphy, if you don't mind I just want to reply to something that was
22 mentioned yesterday, Mr. Chairman.

24 CHAIRMAN: Yes.

11:13:58 25 A. I was asked a question yesterday in relation to the completion of an
26 application form for the first loan.

28 I've had a think on this. And it would appear that there wasn't one of those
29 forms there because when in '95 the new application form was being done when
11:14:18 30 the account was being reviewed there would have been no necessity to fill

11:14:23 1 another form out if the first one was there. The fact that there wasn't one
2 there meant that the form had to be filled out.

3
4 CHAIRMAN: But presumably there was something on the file indicating the
11:14:37 5 circumstances of the loan given that there, your evidence and indeed
6 Mr. Ahern's evidence is that he did take out a loan.

7 A. He did, yes.

8

9 CHAIRMAN: Of 19,000 odd.

11:14:48 10 A. Absolutely. Fact.

11

12 CHAIRMAN: And there is no doubt about that?

13 A. Oh, absolutely so.

14

11:14:53 15 CHAIRMAN: So presumably some paperwork was generated at that time?

16 A. The paper work would have been the actual docket itself that he signed, that
17 was the contract that was entered into. I would have taken some notes. I know
18 I would have taken some kind of a note. But there may not have been an actual
19 form, an application form because the customer at that time didn't have to sign
11:15:13 20 it.

21

22 CHAIRMAN: Yes. But this was asked I think yesterday what would have happened
23 if something, what would have been the bank's position if something had
24 happened to Mr. Ahern?

11:15:23 25 A. If something had happened to Mr. Ahern --

26

27 CHAIRMAN: Say 12 months later.

28 A. If something happened --

29

11:15:27 30 CHAIRMAN: And presumably the bank officials, or indeed if something had

11:15:32 1 happened to you --

2 A. Yeah.

3

4 CHAIRMAN: And your colleagues would have gone back to the file to check the

11:15:37 5 details. And what would they have found? That's the real issue for the

6 Tribunal. What would they have found on the file if they had gone back say 12

7 months later and you weren't there and Mr. Ahern wasn't around to give any

8 explanation, what details would they have found on the file which --

9 A. Probably very little, Chairman.

11:16:01 10

11 CHAIRMAN: But what would they have found?

12 A. There would have been, name, address, age, the amount of the loan taken out and

13 that would have been it.

14

11:16:14 15 CHAIRMAN: And that documentation such as it was or at the time isn't

16 available?

17 A. No.

18

19 CHAIRMAN: It's missing from the bank's file, is that right?

11:16:26 20 A. Well, you can -- those details would be there on the screen. You can see them.

21 You can readily access them.

22

23 CHAIRMAN: But there was nothing ... well, does that mean that there was

24 nothing generated in any written form?

11:16:39 25 A. Probably not, no, other than him signing the docket to say that the loan was

26 taken out.

27

28 CHAIRMAN: And would that be very unusual?

29 A. Not really, no, no, it would have happened a few times.

11:16:50 30

11:16:50 1 CHAIRMAN: With other customers?

2 A. With other customers, yeah, yeah.

3

4 CHAIRMAN: That there would be nothing generated in any written form?

11:16:57 5 A. In any written form, yes, that's right. I just wanted to clarify that because

6 there was some suggestion that I was trying to, what's the word, derail the

7 Tribunal and that's not my intention.

8

9 CHAIRMAN: That's fine. All right. Thank you.

11:17:11 10 A. Thanks. Sorry, Mr. Murphy.

11 Q. 1

12

13 MR. MURPHY: Good morning, Mr. Murphy.

14 A. Good morning.

11:17:18 15 Q. 2 Mr. Murphy, 18278, please.

16

17 Question 44, Mr. Murphy. This is in the course of your first of two private

18 interviews with the Tribunal and you were asked at question 44, was that not

19 some -- this was in 2006.

11:17:43 20 A. Yes.

21 Q. 3 "Was that not something that you noted in your application, the loan

22 application form, that it was an application for a loan being made by somebody

23 who did not have any bank account.

24 A: Well, given the nature of the person that was there I didn't ... some of

11:17:59 25 those questions may not have been gone into as precise into in as precise

26 detail as somebody else who you didn't know.

27 Q 45: But you were at the time preparing an application form?

28 A: An application would have been prepared, yes.

29 Q 46: Right. Do you know where that is because it doesn't seem to be a

11:18:30 30 document which has been produced so far. I'm not suggesting that there is any

11:18:30 1 sinister in that, it's not a document which is currently produced to the
2 Tribunal?

3 A: I don't know where it is, no."
4

11:18:35 5 Now, Mr. Murphy, you say there in 2006 in private interview that there is an
6 application, an application form, was filled out and you say on the 15th of
7 November 2007, page 24475. "I then discuss in your statement -- I then
8 discussed the details of Mr. Ahern's requirements with him. However, I do not
9 recall that a formal application form was completed".

11:19:11 10
11 And yesterday we spent a bit of time over this. And you said you completed the
12 application form either in the presence of Mr. Ahern or after he left having
13 gone through the contents, the various headings in the application form, which
14 you said was one that preceded the 1995 format or form, and now today you say
11:19:30 15 that there is no application form?

16 A. If would appear that there is no application form, Mr. Murphy. If there was an
17 application form it would be in the file. In '95 when a new application form
18 was completed there would have been no necessity to do that if one was there.

19 Q. 4 I see the sense of that, Mr. Murphy. But I would like to know why you thought,
11:19:50 20 why you told the Tribunal in private interview that there was an application
21 form completed and why you said in your statement of the 15th of this month
22 that you recalled filling in an application form. I can't understand how you
23 make those mistakes?

24 A. It's a long time ago, Mr. Murphy, and that's all I can say.

11:20:08 25 Q. 5 Did you discuss this matter with anybody overnight?

26 A. No, I sat down and thought about it myself.

27 Q. 6 Did you discuss it with your counsel, with AIB counsel, or did you discuss it
28 with your solicitor?

29 A. I just had a quick with word with my solicitor this morning, yeah.

11:20:29 30 Q. 7 So where did you go last night and where did you suddenly think about it?

- 11:20:32 1 A. Oh, I was at home and went through quite a number of boxes of files.
- 2 Q. 8 Last night?
- 3 A. Uh-huh.
- 4 Q. 9 You went through boxes of files?
- 11:20:39 5 A. Well, I have quite a number of files at home. I went through those and I have
6 stuff with me here that I would have gone through.
- 7 Q. 10 Yes. And why were you going through those?
- 8 A. Just to try to put the thing right. I didn't want to be accused of upsetting
9 the proceedings here.
- 11:20:56 10 Q. 11 But Mr. Murphy, you had no reservation at all yesterday about the fact. There
11 was no doubt at all about the fact that you had filled in an application form
12 when you gave evidence to the Tribunal yesterday. Excuse me if I could just
13 finish the question?
- 14 A. Sorry.
- 11:21:10 15 Q. 12 How come you went home last night and went through your boxes? What were you
16 doing, were you looking for the application form?
- 17 A. I read the letter that I sent in to you again on the 15th. And that was my
18 thought process at the time when I was filling that out. Also having gone
19 through quite a number of boxes of files and having looked at stuff. And I
11:21:27 20 think that's my position.
- 21 Q. 13 And did you not say to your legal advisors yesterday afternoon that you'd like
22 to think about this further?
- 23 A. Yes.
- 24 Q. 14 You did say it to them?
- 11:21:37 25 A. Yes.
- 26 Q. 15 All right. And you went home and you thought about it?
- 27 A. Yes.
- 28 Q. 16 And you realised that you didn't fill in an application form?
- 29 A. Yes.
- 11:21:43 30 Q. 17 All right. And the Chairman has just asked you, isn't that highly unusual?

11:21:48 1 Didn't you say when you gave us the details of the procedures that you'd follow
2 with customers which were banking procedures set down, one is to complete an
3 application form. So you offended that procedure, is that right?
4 A. Correct.

11:22:00 5 Q. 18 Yes. Why did you do that?
6 A. Because of the person that was there, because it was a mistake. I have no
7 absolute answer for you on that.
8 Q. 19 Uh-huh. Now, can I take it though that the rest of your evidence in relation
9 to the completion of an application form, you didn't complete one, but the
11:22:22 10 evidence you gave yesterday in relation to the discussion, the inquiries you
11 made of Mr. Ahern and the information that he gave to you, that is all true?
12 A. Yes.
13 Q. 20 That you went through all of that?
14 A. I probably didn't go through in exact detail with him, you know, to be honest
11:22:39 15 with you I just can't remember now.
16 Q. 21 Well would you, Mr. Murphy. I'm trying to ask you questions to find out what
17 the truth is in relation to this loan on behalf of the Tribunal. Can you
18 please tell us what the truth is?
19 A. The truth is --
11:22:51 20 Q. 22 In relation to your evidence on this point?
21 A. The truth is that there is no application form for the very first time that the
22 loan was taken out. When the loan was being reviewed and when the repayment
23 schedule was being drawn up I looked in the file, no application. An
24 application form had to be filled out for banking records and for to keep the
11:23:11 25 file up-to-date and all the rest of it.
26 Q. 23 That's 1995?
27 A. Yes.
28 Q. 24 And we'll come to it.
29 A. Yes.
11:23:16 30 Q. 25 Tell us the truth now about the conversation that took place with Mr. Ahern on

11:23:20 1 the afternoon of the 23rd of December 1993 in relation to the kind of
2 information that would be sought if you were filling in an application form.
3 You told us yesterday about --
4 A. I would have.

11:23:30 5 Q. 26 Asking --
6 A. His name, his address, his children and his salary.
7 Q. 27 Yeah. And his assets and his liabilities?
8 A. I probably wouldn't have gone through that, no.
9 Q. 28 And his banking information?
11:23:41 10 A. Because no security was being taken for that loan.
11 Q. 29 Why was that?
12 A. Because of who he was.
13 Q. 30 Who made that decision?
14 A. It was, I can't specifically remember who made it but it would have been made
11:23:54 15 probably between myself and Mr. Burns. But I can't remember who specifically
16 made that decision. But given the nature of the client that we were dealing
17 with, it was not deemed necessary to look for security.
18 Q. 31 Even though --
19 A. If you remember I said yesterday he was classed as a good risk.

11:24:11 20 Q. 32 Even though he had no house?
21 A. Even though he had no house.
22 Q. 33 And he was looking for what was approximately half his salary?
23 A. Right.
24 Q. 34 And was in excess of an average wage for many people at that time?
11:24:21 25 A. He was classed as being a good risk.
26 Q. 35 All right. And no security. Highly unusual?
27 A. Not highly unusual. It would be unusual and other people would have got loans
28 with no security.
29 Q. 36 All right. And you don't know whether it was you or Mr. Burns decided that?
11:24:39 30 A. I can't be specific on that, no.

11:24:41 1 Q. 37 All right. But can I take it then from what you're saying now that the
2 evidence that you gave yesterday in relation to a discussion with Mr. Ahern
3 under the various headings like assets, liabilities, whether or not he had
4 another bank account with AIB or with any other bank, whether or not he owned a
11:25:01 5 house, that none of that happened?
6 A. To the best of my knowledge, I wouldn't have gone through that in great detail,
7 from my recollections.
8 Q. 38 Well, now I don't know what that means, in great detail. Did you go through it
9 at all?
11:25:13 10 A. I can't remember.
11 Q. 39 Why did you tell the Tribunal yesterday that you went through all of that?
12 A. Because in looking back at different files that I went through. I went true
13 quite a number of files. I saw other application forms in particular for Celia
14 Larkin, some of whom I would have filled out, some of whom I would have signed
11:25:32 15 and that was what precipitated it for me. They would all have been disclosed.
16 Q. 40 So it's not a question of a missing application form. An application form
17 never existed?
18 A. I don't believe it did.
19 Q. 41 And could you just tell me, what other -- what's the nature of the documents
11:25:52 20 you have at home, Mr. Murphy?
21 A. They would be copies of my interviews with the Tribunal.
22 Q. 42 So that's two transcripts?
23 A. It's one, two, three, four transcripts.
24 Q. 43 Well sorry, do you mean public hearings?
11:26:07 25 A. Yes.
26 Q. 44 All right. So you've got two private interviews and one public hearing in
27 September?
28 A. Yes.
29 Q. 45 And you had yesterday?
11:26:13 30 A. Yeah, no I haven't seen yesterday's transcript yet.

- 11:26:16 1 Q. 46 Three transcripts?
- 2 A. Yes.
- 3 Q. 47 What else do you have at home?
- 4 A. I have a transcript of, a transcript of Michael Burns and a transcript of
- 11:26:29 5 Bertie Ahern. That's it.
- 6 Q. 48 Did you look at the transcript of Mr. Burns?
- 7 A. Last night, no.
- 8 Q. 49 No. And that's it. So those transcripts, Mr. Burns, Mr. Ahern and yourself?
- 9 A. Yeah. There may be other ones but they don't concern me so I didn't --
- 11:26:43 10 Q. 50 And what about these boxes that you have?
- 11 A. They were looked at in the branch.
- 12 Q. 51 Do you have those at home?
- 13 A. No, I don't.
- 14 Q. 52 You just have the transcripts?
- 11:26:50 15 A. Yeah.
- 16 Q. 53 So what did you look at at home last night when you were wondering about
- 17 whether or not there was an application form?
- 18 A. The transcripts. I would have looked previously at the boxes, I looked at the
- 19 boxes again this morning.
- 11:27:00 20 Q. 54 Where are the boxes?
- 21 A. In AIB Adelaide Road.
- 22 Q. 55 Did you go to both places this morning?
- 23 A. Oh, yeah. I went to Adelaide Road this morning, yeah.
- 24 Q. 56 And did you go to the other place? You said that they would be in two places?
- 11:27:13 25 A. No, no, the boxes are in AIB Adelaide Road.
- 26 Q. 57 You went there this morning?
- 27 A. Yeah.
- 28 Q. 58 And how many boxes are there?
- 29 A. Two.
- 11:27:21 30 Q. 59 Two boxes?

11:27:22 1 A. Yeah.

2 Q. 60 Containing what?

3 A. Evidence. Documentary evidence that would have been sent to the Tribunal.

4 Q. 61 Wait now, sorry, evidence. That means your transcript?

11:27:39 5 A. No, this is say files in relation to Bertie Ahern and Celia Larkin.

6 Q. 62 All right. There is two boxes?

7 A. Yeah.

8 Q. 63 They would be big boxes, would they?

9 A. Big enough, yeah.

11:27:41 10 Q. 64 Why did you go there this morning to look at them?

11 A. Just to see if anything else jumped out at me, that's all. Just to keep

12 abreast of what was happening.

13 Q. 65 How long did you spend there, Mr. Murphy?

14 A. About two hours.

11:27:54 15 Q. 66 Two hours this morning, on your own in a room with the boxes?

16 A. Yeah.

17 Q. 67 Going through what, going through the two boxes?

18 A. Yeah.

19 Q. 68 And are they all divided up into folders or files?

11:28:02 20 A. Yes, they are, yeah. Divided up into folders, yeah.

21 Q. 69 And did you take them all out?

22 A. Yeah.

23 Q. 70 Why did you go there this morning -- sorry. What I'm really getting at. Was

24 it just in relation to this application form to see if you could find it?

11:28:16 25 A. Yes. To make sure that I hadn't missed it. Make sure that it wasn't

26 overlooked and I wasn't making any mistakes.

27 Q. 71 So having decided last night that there was no application form you went to

28 Adelaide Road for two hours this morning to look for it?

29 A. No, just to make sure there was nothing there, that's all.

11:28:31 30 Q. 72 Did you find anything?

11:28:32 1 A. No.

2 Q. 73 Now, Mr. Murphy, yesterday afternoon, yesterday afternoon you were telling the

3 Tribunal how Mr. Ahern drew down a sum of a loan of 19,115.97, isn't that

4 right?

11:28:54 5 A. Yes.

6 Q. 74 And that was disbursed in a draft in three ways. In a draft of 12,813.61 and a

7 draft of 5,000 Pounds and a credit transfer of 1,302.36, isn't that right?

8 A. Yes.

9 Q. 75 And I think we had looked at the credit transfer and we had looked at the draft

11:29:15 10 for 12,000 a little bit over 12,000, and we just got stuck on the screen in

11 relation to the draft for 5,000, which if we look at 24353 for a second. Which

12 is the Automated Waste Report, which shows the, we saw, you saw this yesterday

13 isn't that right, the 5,000 Pounds broken down into 3,100 lodgement and 1,900

14 paid?

11:29:46 15 A. Yes.

16 Q. 76 And just to show where the 3,100 ends up. If we look at 24354, please. You

17 will see there the, an account of Miriam Ahern and at the 28th of January 1994

18 there is a lodgement for 3,100 Pounds?

19 A. Yes.

11:30:07 20 Q. 77 Do you see that?

21 A. Yes.

22 Q. 78 All right. So that's an explanation of where, and we don't have the draft for

23 12,813 pounds?

24 A. As I understand it no, that's not --

11:30:17 25 Q. 79 All right. Now, if we have 18871, please.

26

27 This, Mr. Murphy, is the loan account at the top it says Current Account. Then

28 it gives Mr. Ahern's name and address, and then underneath that it gives shows

29 Bertie Ahern loan account, isn't that right?

11:30:37 30 A. Yes.

11:30:38 1 Q. 80 So this is his loan account, is that correct?
2 A. Yes.
3 Q. 81 And the number is there 00401 - 094, isn't that right?
4 A. Yes.
11:30:48 5 Q. 82 And okay. So the process in relation to the opening of this began the day
6 before on the 23rd, and we saw the loan sum going into a computer suspense
7 account, isn't that right?
8 A. Yes.
9 Q. 83 And then on the morning. Sorry. On the 24th we see opening balance 24th of
11:31:08 10 December 1993 loan 19,115.97, isn't that right?
11 A. Yes.
12 Q. 84 So that's the opening of the account on the 24th of December?
13 A. Yes.
14 Q. 85 Would you have had anything to do with that on the 24th?
11:31:22 15 A. Most likely I would. Yes, the dockets would have been prepared the previous
16 day and put through on the 24th.
17 Q. 86 All right.
18 A. Yeah.
19 Q. 87 So and if we just to complete the picture in relation, sorry, the lending rate
11:31:35 20 of the date of the statement, now the date of this statement that's on screen
21 is the 27th of January 1995. And the lending rate at the date of the statement
22 is 11 percent. Do you know offhand what the rate was at the time of the loan?
23 A. I don't, no, I'm sorry.
24 Q. 88 Now, we see there that on that page --
11:31:56 25 A. Well it says rate -- I don't know, is the answer, yeah.
26 Q. 89 I'm sorry. At least in January. If we go down --
27 A. Um
28 Q. 90 The columns it says January '94 new rate of 11.5 percent, isn't that right?
29 A. Yes.
11:32:09 30 Q. 91 And then further on in May '94 there is new rate of 11 percent?

11:32:14 1 A. Yes.

2 Q. 92 We'll see on that first page that the only movements on the account are

3 interest charged, isn't that right?

4 A. Yes.

11:32:21 5 Q. 93 And if we go to page 18872. We'll see that the opening, the overdrawn balance

6 on that page is 21,299.63. And then on the 16th of March 1995 interest is

7 charged at 596.67, isn't that right?

8 A. Yes.

9 Q. 94 And then the first repayment is on the 2nd of June 1995. There is a lodgement

11:32:51 10 of 2,861 pounds, isn't that right?

11 A. Yes.

12 Q. 95 And thereafter there are, and if we go on to page. Sorry. On that page there

13 are three interest, three repayments, isn't that right, of that figure?

14 A. Yes.

11:33:07 15 Q. 96 And then on the next page 18873. There are another five payments of that

16 amount making eight payments of 2,861 pounds, isn't that correct?

17 A. Yes.

18 Q. 97 And the final payment on the 30th of January 1996 to close the account the

19 payment of 1,061.93, isn't that right?

11:33:27 20 A. Yes.

21 Q. 98 So the loan account is opened on the 24th of December 1993. The first

22 repayment starts on the 2nd of June 1995. And between then and the 30th of

23 June 1996 the outstanding balance is paid off, is that right?

24 A. Yes.

11:33:41 25

26 JUDGE FAHERTY: Mr. Murphy, sorry. Just before you proceed. You said

27 yesterday, Mr. Murphy, that you believed that it was agreed between yourself

28 and Mr. Ahern on the 23rd of December '93 that there was to be a moratorium on

29 the repayments, is that correct?

11:33:57 30 A. Yes. Sorry --

11:34:01 1
2 JUDGE FAHERTY: That's what your belief was? I'm just looking at my own
3 notes. As I understand my note, how and where was that noted at the time,
4 Mr. Murphy?

11:34:12 5 A. That would have been noted on, there should have been some kind of a note on
6 the file to that effect. Yeah, that would have been it, yeah.
7

8 JUDGE FAHERTY: And --

9 A. I don't remember it.

11:34:25 10
11 JUDGE FAHERTY: And do we have that note? Has that note been discovered?
12
13 MR. MURPHY: I don't think we've any such note, Judge.
14

11:34:33 15 JUDGE FAHERTY: But obviously this was a loan and obviously just apropos what
16 the Chairman was asking you this morning and I think yesterday. If something
17 had, if you had left the bank or indeed Mr. Ahern, somebody would have to know
18 the arrangement entered into. There had to have been some note of this
19 moratorium. Where do you think that is now, Mr. Murphy?

11:34:59 20 A. I don't know that. It may not have been recorded anywhere, Judge.
21

22 JUDGE FAHERTY: But I understood you to say you thought that would have been
23 noted for whatever agreement was entered into, that interest, you said
24 yesterday that interest accrued on the loan but there was no repayment schedule
11:35:16 25 agreed and indeed there was a moratorium or a deferral to a point in time.

26 A. Sure. It would appear that an arrangement was entered into. I can't remember
27 the details of it and I can't remember where it is specifically written down
28 but ...
29

11:35:32 30 JUDGE FAHERTY: Wouldn't that have to have been written down somewhere,

11:35:36 1 Mr. Murphy?

2 A. There would have been a note on some of the internal ...

3

4 JUDGE FAHERTY: Because looking at this, this is a loan --

11:35:45 5 A. Uh-huh.

6

7 JUDGE FAHERTY: And in the ordinary way you take a loan and you agree a

8 repayments schedule. If you miss a few you are reminded by the bank

9 A. Yes. And there's nothing like that done. We weren't writing out letters

11:35:58 10 saying we want --

11

12 JUDGE FAHERTY: Obviously not, because in fairness to yourself and Mr. Ahern

13 that there was an agreement. I'm just saying surely that must be recorded

14 somewhere?

11:36:09 15 A. Yeah, it must be but I don't know where it is.

16

17 JUDGE FAHERTY: I see. Sorry Mr. Murphy.

18 Q. 99

19

11:36:14 20 MR. MURPHY: Thank you.

21

22 Q. 100 Could I just follow on from Judge Faherty's question for a second, Mr. Murphy?

23 A. Yeah.

24 Q. 101 In relation to the information that was taken from Mr. Ahern at that time. You

11:36:25 25 did say that some information was recorded. We have no application form but

26 you did record some information?

27 A. Yeah.

28 Q. 102 Mr. Ahern's name?

29 A. Yes.

11:36:33 30 Q. 103 And his address?

- 11:36:34 1 A. Yes.
- 2 Q. 104 Now, when you say recorded, does that mean you with your pen wrote it on a
3 piece of paper?
- 4 A. I would have thought so, yeah.
- 11:36:41 5 Q. 105 Well was there some other way you'd have recorded it. I just don't understand
6 your answer "I would have thought so" is that what you did?
- 7 A. I think I did, I just can't remember now to be honest. I have to clarify the
8 thing by saying, this wasn't a loan that I was worried about. This wasn't one
9 that was causing a problem. This wasn't a loan that was being highlighted
11:37:01 10 every day as being out of order or anything like that. So it wasn't something
11 that was causing an issue. When the loan was due for review as it came up then
12 it was put into a repayments schedule and there was no problems.
- 13 Q. 106 Well, it couldn't cause any problem because you were giving it without
14 security. There was no repayment schedule, so how could it cause any trouble,
11:37:21 15 Mr. Murphy?
- 16 A. Well that's what I'm saying, it didn't.
- 17 Q. 107 But, Mr. Murphy, I'm interested, this is the Minister for Finance. It is your
18 first meeting with him professionally and your best recollection, your best
19 stab at what you actually, the information that you took down and put on a bit
11:37:38 20 of paper after the name and address?
- 21 A. Salary. There was no security so there was no, nothing else.
- 22 Q. 108 But you would have written down his salary?
- 23 A. Yes.
- 24 Q. 109 But you don't remember what it was?
- 11:37:49 25 A. No, I can't remember that, no.
- 26 Q. 110 And what else, is that all that you wrote down?
- 27 A. I think that's about it, yeah.
- 28 Q. 111 So you wouldn't have written down anything about Judge Faherty's question
29 namely a moratorium --
- 11:38:01 30

11:38:01 1 JUDGE FAHERTY: Moratorium or repayments. I think interest in fairness I
2 think accrued on the --
3 A. Moratorium. I think that might have been a verbal agreement. I genuinely
4 can't remember the specifics.

11:38:14 5 Q. 112
6
7 MR. MURPHY: If you died the next morning or if Mr. Ahern died the next
8 morning the bank had no idea what the arrangement was?
9 A. Well if Mr. Ahern had died the debt would just go into his estate and it would
11:38:27 10 take its own legal --
11 Q. 113 If you died, Mr. Murphy?
12 A. Somebody else in the branch would have taken it up and made contact with the
13 client as happens, and said, fine what agreement has been reached here can we
14 discuss it.

11:38:38 15 Q. 114 Are you serious?
16 A. Yeah.
17 Q. 115 So you would have left the bank in the situation of not knowing when the money
18 was to be repaid?
19 A. Somebody else in the bank would fill my shoes.

11:38:49 20 Q. 116 But they wouldn't have the information?
21 A. They would fill my shoes and ask. There's no problem just going up and asking
22 and saying what arrangements are, we're dealing with the Minister for Finance
23 we're not dealing with somebody who has just walked in off the street.
24 Q. 117 Yeah, I know. Mr. Murphy, there is in any event a piece of paper that came
11:39:09 25 into existence that had name, address and salary, extraordinarily that's the
26 only information that it had, isn't that right?
27 A. To the best of my knowledge, yeah.
28 Q. 118 Now, where is it?
29 A. I don't know.
11:39:19 30 Q. 119 You went two hours in Adelaide Road this morning going through, sorry, they

- 11:39:24 1 were the transcripts. But previously you've gone through the records?
- 2 A. Yeah.
- 3 Q. 120 How many other boxes of files are there?
- 4 A. I don't know how many other boxes there are.
- 11:39:35 5 Q. 121 That you've looked through?
- 6 A. I've looked through two full big boxes.
- 7 Q. 122 And did you look for this record of Mr. Ahern's salary?
- 8 A. No, I didn't take a salary, I didn't look for any salary slip from him.
- 9 Q. 123 No, no, no what you wrote down about how much it is?
- 11:39:50 10 A. No.
- 11 Q. 124 It's material to the taking out of the loan from the point of view of the
- 12 Tribunal. Did you ever look for it?
- 13 A. I have looked for it and I haven't found it, no.
- 14 Q. 125 All right. So it has disappeared?
- 11:40:00 15 A. Yes.
- 16 Q. 126 Did you ever tell anybody on your side so that they could inform the Tribunal
- 17 that there was a document which consisted of Mr. Ahern, which contained
- 18 Mr. Ahern's name and address and his salary from the 23rd of December 1993?
- 19 A. No.
- 11:40:27 20 Q. 127 Weren't you told that all documentation had to be discovered to the Tribunal
- 21 including documentation that no longer existed?
- 22 A. Sorry, repeat that question again, maybe I misunderstood you.
- 23 Q. 128 Were you informed at any stage that in making discovery the bank had to --
- 24 A. Well --
- 11:40:47 25 Q. 129 Set out documents that existed and that previously existed?
- 26 A. Sorry. I didn't have any of the files with me so I had no interaction in
- 27 digging out files or whatever. I certainly had nothing. They would have all
- 28 been left in 37/38 O'Connell Street. I certainly had no reason to take
- 29 anything away with me.
- 11:41:13 30 Q. 130 Now, page 24356, please.

11:41:25 1
2 Now, Mr. Murphy, this is a credit grading worksheet which you are probably
3 familiar with, is that right?
4 A. Yes.
11:41:40 5 Q. 131 Is your handwriting anywhere on that?
6 A. No.
7 Q. 132 Maybe you could just help me with this in any event. Sorry. There are two
8 signatures at the bottom?
9 A. Can I just clarify.
11:41:50 10 Q. 133 Yes.
11 A. While I did, I haven't dealt with these for about ten years so you forgive me
12 if I don't know everything about it.
13 Q. 134 Sure. Have you seen this before?
14 A. Have I seen this before, I think I have, yeah, yeah.
11:42:01 15 Q. 135 And it's signed by Sheena Staunton as a grader who I think is deceased?
16 A. Yeah.
17 Q. 136 It's signed by the Bank Manager/Lender, who is Ciaran Walsh?
18 A. That's his signature, yes.
19 Q. 137 In the top right hand corner it says, date September 1994?
11:42:20 20 A. Yes.
21 Q. 138 So the loan was taken out on the 24th of December 1993. So in September 1994
22 this document comes into existence?
23 A. Yeah.
24 Q. 139 Can you tell us what the purpose of it is?
11:42:32 25 A. My understanding of the grading worksheet is that accounts which, accounts were
26 being graded, for want of a better word.
27 Q. 140 Yes.
28 A. This was in the early part of the bank putting a system in place.
29 Q. 141 Yes.
11:42:48 30 A. To have accounts graded. One, is very very good. Two, is good. Three, is

11:42:54 1 maybe it might need a bit of work. Four, could be a problem. And so forth
2 down to five or six. I don't remember the exact numbers to be honest. But the
3 lower down the numbers they were problem accounts.

4 Q. 142 All right.

11:43:08 5 A. Certainly one and two, they weren't problem accounts.

6 Q. 143 Who filled this in?

7 A. It was either Sheena Staunton or Ciaran Walsh.

8 Q. 144 All right. And sorry do you say this is grading a particular account or is it
9 grading the customer?

11:43:23 10 A. It would be grading the account. Yes. 0040150, it would be grading that
11 account.

12 Q. 145 That I think is, that is not the loan account?

13 A. Fine.

14 Q. 146 Yes.

11:43:37 15 A. That's a good question whether it's grading the account or grading the
16 customer. I think it's the customer but I stand to be corrected on that.

17 Q. 147 Just a few seconds ago it was the account?

18 A. I thought it was, yeah. I did say to you that I haven't worked on these for
19 about over ten years so somebody who is dealing with this all of the time, I'm
11:43:58 20 not dealing with credit now. So somebody who is dealing with all of the time
21 would know the answers to these questions immediately.

22 Q. 148 If you go down there it gives the customers name, Bertie Ahern, the number of
23 the account is not the loan account. The occupation, Minister for Finance.
24 Total balances 31,000 is that K and then a DR for overdrawn?

11:44:19 25 A. It looks like it, yeah.

26 Q. 149 All right. Do you have any, do you know what that is referring to?

27 A. No.

28 Q. 150 Underneath that total limits which is 20.7,000?

29 A. Uh-huh.

11:44:35 30 Q. 151 Which was the amount outstanding on the loan account at that date?

11:44:40 1 A. Yes.

2 Q. 152 All right?

3 A. Uh-huh.

4 Q. 153 And then there is the last sanction date is December 1993, that's when the loan

11:44:47 5 that we have been talking about was drawn, was taken out by Mr. Ahern, isn't

6 that right?

7 A. Yes.

8 Q. 154 All right. And that loan has gone up to 20,000, 20.7,000 in September 1994 I,

9 think if we just maybe confirm that by ...

11:45:14 10 A. I think it's grading the customer actually.

11 Q. 155 Looking at page 18871 for a second, Mr. Ahern's loan account that we've just

12 been looking at. And you will see there at the 16th of September 1994 interest

13 is charged and it's overdrawn 20,700.31, isn't that right?

14 A. Yes.

11:45:39 15 Q. 156 So I'm assuming, therefore, if we go back to 24356 that the 20.7 K is a

16 reference to what's outstanding on the loan account at that date?

17 A. Yes.

18 Q. 157 Do you know about the, you can't explain the 31,000 overdrawn?

19 A. I don't know that, no.

11:45:57 20 Q. 158 All right. And the actual account, and the grade two represents what,

21 Mr. Murphy?

22 A. Um.

23 Q. 159 Good or something, is it?

24 A. Oh, two is good, yeah. And one is top grade. Two would be the next best and

11:46:38 25 then down to five or seven or whatever it was, eight I think was the worst.

26 Q. 160 And you could, yes. And then if you go down to the right hand column down at

27 the bottom, you will see No. 4 with security. Please tick appropriate boxes

28 only. Positive neutral negative. Under neutral there is a heading Unsecured

29 and that's ticked?

11:47:05 30 A. Yes.

11:47:05 1 Q. 161 Isn't that so?

2 A. Yes.

3 Q. 162 And then the conclusion is neutral?

4 A. Yes.

11:47:09 5 Q. 163 All right. Now, if we turn to page 21468, please. Now Mr. Murphy, this
6 document is entitled "Application for personal credit and/or cheque guarantee
7 card" isn't that right?

8 A. Yes.

9 Q. 164 And I think the writing there says sanctioned Ciaran Walsh?

11:47:44 10 A. Yes.

11 Q. 165 Is that correct?

12 A. Yes.

13 Q. 166 All right. This is your evidence this morning is now that there was no
14 application form completed in December 1993, isn't that right?

11:48:16 15 A. Yes.

16 Q. 167 So this is the application form in relation to that loan, isn't that right?

17 A. Yes.

18 Q. 168 And can you explain why this application form is completed in May 1995?

19 A. Because the account was being reviewed then.

11:48:40 20 Q. 169 Yes. And do you know if it had been reviewed before that?

21 A. I don't think it had been, no. This was the time when it was due for review.

22 Q. 170 Why do you say that?

23 A. Because this is when the application is completed.

24 Q. 171 If we just look just to get a date on it. If we look to the bottom left hand
11:49:19 25 corner of this we'll see Mr. Ahern's signature, isn't that right?

26 A. Yes.

27 Q. 172 Where he says "I hereby confirm that the information which I provided above is
28 true and correct" and the signatory is Bertie Ahern and it's dated the 22nd of
29 May 1995?

11:49:35 30 A. Yes.

11:49:36 1 Q. 173 Isn't that right?

2 A. Yes, yes.

3 Q. 174 And we'll be coming to the next page. Sorry. Just. This is completed by you,

4 isn't that right?

11:49:43 5 A. It is.

6 Q. 175 So can you just tell the Tribunal please how this came into existence, what

7 happened before you completed this document?

8 A. Well, I should say I don't specifically remember completing this document but

9 it could have happened in any one of a number of ways. Either A, he came in to

11:50:05 10 me and signed it, which is probably unlikely. B, I would have sent the form

11 out to him and when it came back I had a phone conversation with him and filled

12 it out. Or I went out and gave it to his secretary and got her to give it to

13 him and he signed it and sent it back. I don't specifically remember the

14 details in relation to filling this out.

11:50:26 15 Q. 176 Okay. I think what we'll do is we'll go through it first and then I'll come

16 back to that question, Mr. Murphy?

17 A. Yeah.

18 Q. 177 21469, please.

19

11:50:35 20 Now, there are a few headings here. 1. Personal details. 2. Employment

21 details. 3. Financial details. And then on the page that we have just looked

22 at a second ago, facilities now sought, isn't that right?

23 A. Yeah.

24 Q. 178 And this is your writing throughout?

11:50:58 25 A. It is.

26 Q. 179 Now, did you, sorry, this is information, the entire of this is information

27 given to you by Mr. Ahern?

28 A. It would be, yeah, yeah.

29 Q. 180 And presumably, sorry, did you fill it out in the presence of Mr. Ahern?

11:51:16 30 A. I can't remember that.

11:51:22 1 Q. 181 All right. But you would have had a conversation with him?
2 A. I would have got the information some how.
3 Q. 182 Well just tell us how you would have got it, Mr. Murphy?
4 A. Well, I would have had a conversation.
11:51:31 5 Q. 183 Pardon?
6 A. It would appear that I did have a conversation.
7 Q. 184 With Mr. Ahern?
8 A. Yes.
9 Q. 185 In O'Connell Street or in St. Luke's?
11:51:39 10 A. I don't remember that, I'm sorry.
11 Q. 186 Or on the phone?
12 A. Or on the phone, yeah, yeah.
13 Q. 187 Is there any other possible way you could have communicated with him in
14 relation to completing the form?
11:51:50 15 A. Not really, no.
16 Q. 188 Can we take it that it either happened in one another's presence in O'Connell
17 Street or in St. Luke's or the phone?
18 A. I think so, yeah.
19 Q. 189 You have no doubt that you had a conversation with him when you asked him
11:52:01 20 questions relating to this form and you wrote down his answers, is that right?
21 A. I got the information and that was the information that I was given.
22 Q. 190 From Mr. Ahern?
23 A. Yes.
24 Q. 191 Directly?
11:52:11 25 A. To the best of my knowledge, yes.
26 Q. 192 Now, if we look at personal details. I think we've ticked Mr. And then you've
27 Bertie Ahern once and then his address. That's all your handwriting?
28 A. It is, yeah.
29 Q. 193 And then there's a home telephone number and then there is the number of the
11:52:30 30 loan account. Isn't that right?

11:52:33 1 A. It is, yeah.

2 Q. 194 If we go down to, sorry, not the next heading but underneath that first

3 Applicant, number of years at present address, and eight years is filled in?

4 A. Yes.

11:52:43 5 Q. 195 Number of dependent children?

6 A. Yes.

7 Q. 196 Lower down, two, they were 14 and 16 at the time, isn't that right?

8 A. Yes.

9 Q. 197 According to this. Sorry. Yes. And then residential status, owner is left

11:53:00 10 blank, tenant is left blank, with parents is left blank, isn't that right?

11 A. Yeah.

12 Q. 198 And then it says "if owner the value of the house" and what have you written

13 down there?

14 A. It looks like 90,000.

11:53:13 15 Q. 199 All right. So what does that mean, please?

16 A. I would think it means that that's the value of the address further up.

17 Q. 200 And it says, you mean of 161 Lower Drumcondra Road?

18 A. Yeah.

19 Q. 201 Is that St. Luke's?

11:53:27 20 A. I think it is, yeah. I'm not a hundred percent sure of the number but I think

21 it is.

22 Q. 202 Well, should we check it just to be sure or are you confident that it is?

23 A. I'm nearly sure that it is right. I'm nearly sure that it is 161. I can stand

24 to be corrected.

11:53:45 25 Q. 203 I can tell you that it is.

26 A. That's fine.

27 Q. 204 And what it says there is "if owner value of house?"

28 A. Uh-huh.

29 Q. 205 Does that convey to you that Mr. Ahern taking out this loan is the owner of St.

11:54:06 30 Luke's?

11:54:06 1 A. I probably would have thought he was, yeah.

2 Q. 206 Section 2, employment details. First Applicant occupation/profession TD, isn't
3 that right?

4 A. Can you just move the screen down thanks.

11:54:13 5 Q. 207 Sorry?

6 A. Thanks.

7 Q. 208 What does it say, occupation/profession?

8 A. TD, nature of employee's business is public, I think that's representative.

9 Q. 209 This is your writing, isn't it?

11:54:23 10 A. It is, yeah. Fianna Fail.

11 Q. 210 What does it say for that?

12 A. Employer's name and address.

13 Q. 211 Fianna Fail?

14 A. Yes.

11:54:31 15 Q. 212 Next one.

16 A. Business telephone number 8374129, and how many years are you in your present
17 employment, and that's 20 years.

18 Q. 213 All right. So we go over onto the right-hand side of the page and again you've
19 various headings with first Applicant and second application. We're only
20 concerned with the first Applicant. And the first one seems to be filled in,
21 it says in type on the form annual gross income before tax/PRSI, isn't that
22 right?

23 A. Yeah.

24 Q. 214 What have you written down there?

11:55:00 25 A. It looks like Party Leaders Allowance 200 K plus TD's salary.

26 Q. 215 Yes.

27 A. And regular monthly --

28 Q. 216 Before you go on to that. What did you understand by that?

29 A. That between his salary and Party Leaders Allowance that he was getting in the
11:55:21 30 region of that amount of money.

11:55:24 1 Q. 217 How much?
2 A. 200 grand.
3 Q. 218 Did that surprise you?
4 A. At the time I can't remember whether it did or not.
11:55:35 5 Q. 219 That was his annual gross income before tax and PRSI?
6 A. I wouldn't have known what Party Leaders Allowance meant.
7 Q. 220 Yes.
8 A. To be honest with you, I didn't question it.
9 Q. 221 No.
11:55:47 10 A. And I still don't know what it is.
11 Q. 222 And then the next heading is what regular monthly income after, is that right?
12 A. After tax and PRSI and I have written in there, expenses 20 K plus 18 K, I'm
13 not exactly sure what that means.
14 Q. 223 You're not?
11:56:11 15 A. No.
16 Q. 224 All right. And the next heading is frequency of income payment and monthly is
17 ticked, isn't that right?
18 A. That's correct.
19 Q. 225 All right. Section 3 Financial Details.
11:56:30 20 A. Yeah.
21 Q. 226 Please give details of all accounts in individual and joint names of applicants
22 including AIB accounts. Do I read that correctly?
23 A. That's correct, yeah.
24 Q. 227 Savings and investments?
11:56:44 25 A. Yeah.
26 Q. 228 Name of bank/institution. What have you there?
27 A. That looks like Irish Permanent Building Society.
28 Q. 229 And what is the present balance?
29 A. 5 K.
11:56:55 30 Q. 230 Excuse me for one second, Mr. Murphy. Could we have page 19400, please.

11:57:13 1
2 This is a statement, an Irish Permanent Building Society statement of
3 Mr. Ahern's account, Mr. Murphy.
4 A. Yeah.
11:57:39 5 Q. 231 And do you see that under that, at this, the form that you're filling out is
6 May 1995?
7 A. Uh-huh.
8 Q. 232 So if we look at the 12th of April 1995 we'll see that there was a cheque
9 lodgement on that date and there was a balance of 32,424.23, is that correct?
11:58:02 10 A. That seemings to be right there, yeah.
11 Q. 233 Is that a credit balance?
12 A. It would appear to be so, yeah.
13 Q. 234 Yes. All right. So Mr. Ahern has told you that he has 5,000 in that account
14 on that date?
11:58:15 15 A. Yeah.
16 Q. 235 When his account shows that it's 32,000 in excess of?
17 A. It would look so, yeah.
18 Q. 236 Isn't that right? Now, go down underneath that there then is it says Current
19 Account including overdraft, name of bank 3738. That's your bank?
11:58:30 20 A. Can you switch that screen, please?
21 Q. 237 Oh, sorry. 21469, please.
22 A. Current Account into, yeah.
23 Q. 238 3738, that's you?
24 A. Yes.
11:58:47 25 Q. 239 Now, can you just tell me what's the next thing?
26 A. Loan Account.
27 Q. 240 That's L M?
28 A. L M stands for loan.
29 Q. 241 And the year?
11:58:56 30 A. 1993.

11:58:57 1 Q. 242 All right.

2 A. And the present balance 21896 debit and limit if any is expired, deposit

3 2238 --

4 Q. 243 Can I just ask you there. How would you have written down the word 'expired'

11:59:11 5 there?

6 A. E X P.

7 Q. 244 Yes. Why would you have written down the word 'expired?'

8 A. Because limit if any, it would just mean that the limit was expired so the

9 account is due for review.

11:59:22 10 Q. 245 How do you know it's expired, you haven't a document in the world in relation

11 to it?

12 A. Because that's why the review is taking place because the account needs to be

13 reviewed.

14 Q. 246 All right. And then the next line?

11:59:34 15 A. Deposit.

16 Q. 247 And what's the next?

17 A. 22384 credit.

18 Q. 248 All right.

19 A. And the notation is short for current account.

11:59:46 20 Q. 249 Yes.

21 A. 3,010 in credit.

22 Q. 250 All right. And -- all right. And then there's a few credit cards I think are

23 ticked, isn't that right?

24 A. Yeah, it would appear that a Visa card is ticked and American Express is

12:00:15 25 ticked.

26 Q. 251 All right. And all other borrowings e.g. mortgage, bank loans, name of bank

27 institution and you have written down the word nil, isn't that right?

28 A. That's right.

29 Q. 252 All right. Now, if we go back to 21468, please. And I'm looking at the

12:00:33 30 left-hand side of the page. And you will be familiar with this. But it's

12:00:37 1 missing the following from it from this copy, Mr. Murphy?

2 A. Yeah.

3 Q. 253 The No. 4 and then facilities now sought. Can you confirm that or do you want

4 me to show you another document?

12:00:49 5 A. No. 4 is missing from the top of it. I see there.

6 Q. 254 The previous section was 3 Financial Details, and this is 4 and it reads

7 facilities now sought but it just doesn't appear on this copy?

8 A. That's fine.

9 Q. 255 Does that make sense to you?

12:01:04 10 A. Yes, it does yeah.

11 Q. 256 Credit total amount required 21,896 Pounds, isn't that right?

12 A. Yes.

13 Q. 257 And if for a moment we go back to page 18872 to, you see that at the 16th of

14 March 1995 that's the sum that's due on the account, isn't that right?

12:01:30 15 A. Yes.

16 Q. 258 All right. All right. And then you've written down there then the purpose of

17 the, the purpose of credit that's required and what do you say?

18 A. Sorry, if you could just switch back.

19 Q. 259 Oh, sorry. 21468.

12:01:50 20 A. Thanks. I think that says court fees re marriage separation.

21 Q. 260 Yes.

22 A. To be cleared over eight months from deposit account.

23 Q. 261 That's your writing?

24 A. That's my writing.

12:02:05 25 Q. 262 All right. Now, there's a lot of detail there, isn't that right?

26 A. Uh-huh.

27 Q. 263 Now, what preceded that, Mr. Murphy? You know, was it just the review you're

28 talking about?

29 A. Yes.

12:02:18 30 Q. 264 All right. And in relation to that there is, sorry, you've written to be

12:02:25 1 cleared over eight months from deposit account. Does that mean that that was
2 agreed with Mr. Ahern?

3 A. Yes.

4 Q. 265 Do you recall agreeing that with him?

12:02:34 5 A. Not specifically, no. But I would have to take it from that that it was agreed
6 with him.

7 Q. 266 Yeah. And do you know why suddenly after 18 months it's decided by you to
8 organise a repayment schedule for the loan?

9 A. I can only presume that that was the time that the account was due for review.

12:02:58 10 Q. 267 Yes. And when all you're doing is putting in a repayments schedule why do you
11 want all of that information, why don't you just meet Mr. Ahern and say when
12 are you going to pay the 21,000 and you'd like to have it paid over the next
13 six months?

14 A. For the purpose of the file that type of information would be needed.

12:03:21 15 Q. 268 How was it not needed in '93?

16 A. That's my mistake.

17 Q. 269 No, but Mr. Murphy, there has to be some banking explanation, some explanation
18 at your end as to why it wasn't needed in '93 because he was the Minister for
19 Finance, but in May '95 it is needed?

12:03:38 20 A. The file was being regularised.

21 Q. 270 Was it your initiative or somebody else in the bank?

22 A. I can't remember that but it could have been, but I can't remember.

23 Q. 271 It could have been which?

24 A. It could have been somebody saying listen this, the file is not up-to-date you
12:03:53 25 better get it sorted.

26 Q. 272 And why do you think it was sanctioned by Mr. Walsh?

27 A. Because the loan was over 20,000 and unsecured.

28 Q. 273 But you said yesterday over 15,000 had to be sanctioned?

29 A. I stand corrected on amounts, I can't remember those details to be honest with
12:04:21 30 you.

- 12:04:21 1 Q. 274 But yesterday Mr. Ahern was getting, I mean, the Minister for Finance was
2 getting whatever loan for whatever period?
3 A. Yeah.
4 Q. 275 And then in May 1995 suddenly you have to fill out this form and it has to get
12:04:33 5 the sanction of Mr. Walsh in relation to repayments?
6 A. It's just tidying up the file, tidying up the account, there's nothing
7 spectacular about it.
8 Q. 276 It doesn't make any sense, does it?
9 A. I think it makes grand sense, just to tidy up a file. The loan is cleared off.
12:04:55 10 There's no problem.
11 Q. 277 But there must have been a reason for putting in the repayments schedule at
12 that point. There is no problem now it's been paid off but was there a problem
13 at that moment?
14 A. No. Maybe Mr. Ahern might have more details on it.
12:05:23 15 Q. 278
16
17 21470, please.
18
19 Mr. Murphy, this is a customer profile which is generated on the 22nd of May
12:05:41 20 1995 as you can see from the top of it, isn't that right?
21 A. Yes.
22 Q. 279 All right. Are you familiar with this document?
23 A. Not this particular document but I'm familiar with the customer profile, yeah.
24 Q. 280 All right. But did you have anything to do with this, I mean it's Mr. Ahern's
12:06:03 25 and it's the date of the application, this new application form?
26 A. No, no, this would be, what's the word, this would be on a screen.
27 Q. 281 Yes.
28 A. In the branch. I wouldn't have created this screen, it's there for everybody.
29 Everybody's account would have one of these.
12:06:10 30 Q. 282 If we go to the loan account, 21,896 overdrawn?

12:06:16 1 A. Yeah.

2 Q. 283 Under the heading of Limit you have five asterisk?

3 A. Yes.

4 Q. 284 Can you explain those?

12:06:23 5 A. I think that means that the limit has fallen off.

6 Q. 285 That it has what?

7 A. That the limit has ceased, sorry.

8 Q. 286 It has expired?

9 A. Expired, yeah, that's the word.

12:06:33 10 Q. 287 Do you think or do you know that that's what it is?

11 A. I think that's what it means but I'm not 100 percent sure.

12 Q. 288 Yes. Sorry, Mr. Murphy, excuse me just for one second, please.

13 A. Okay.

14 Q. 289 19715, please. The answer to question 30. This is Mr. Ahern's private

12:07:59 15 interview earlier this year, Mr. Murphy?

16 A. Yeah.

17 Q. 290 Where he says at line 12. Sorry. I beg your pardon, if we could go up to line

18 nine where he says "because I clearly said I didn't want to do this. I told

19 him I'd only taken out the loan in O'Connell Street a few days earlier." And

12:08:22 20 then at line 12 he says "I took that out on the 20th I think of December. It

21 went through the bank on the 23rd." But then he goes on to something that's

22 not relevant at this particular moment. And then page 19720.

23

24 At line 16 Mr. Ahern says "well, I think in fairness to my colleagues," these

12:08:46 25 were the friends of his I think "they understood that I took out the loan on

26 the 20th of December. They collected the money before the 20th. They gave it

27 to me on the 27th". And what I'm just interested in at the moment, Mr. Murphy,

28 is Mr. Ahern says twice there that, well sorry, saying that, yes, that he took

29 out the loan on the 20th of December, which is saying that in other words that

12:09:11 30 before the 23rd which is the date of your visit.

12:09:15 1
2 Can I just ask you. We touched on it yesterday, but is it possible in fact
3 that you met Mr. Ahern before the 23rd and the loan was taken out or was
4 agreed?

12:09:27 5 A. It's possible. I suppose it's possible, but I don't think so.

6 Q. 291 All right. Mr. Murphy, can I ask you how you, I mean, you've been into two
7 private interviews with the Tribunal and you've given evidence in September and
8 you are giving evidence at the moment. And presumably, and you presumably
9 looked at bank documentation in relation to Mr. Ahern's accounts before coming
10 into each of those visits to the Tribunal, is that right?

11 A. Yeah.

12 Q. 292 Was documentation prepared for you and given to you, in other words, what I
13 mean by that is, were you given the relevant documentation in relation to each
14 account?

12:11:00 15 A. I think I was, yeah, yeah.

16 Q. 293 You think you were?

17 A. Yeah, yeah.

18 Q. 294 Now, if we could have 24578, please?

19

12:11:18 20 Mr. Murphy, in relation to the Special Savings Account declaration which is
21 signed by Mr. Ahern and is dated in your writing the 23rd of December 1993?

22 A. Yeah.

23 Q. 295 And this is the date we have been talking about, the date when the loan was
24 drawn down, isn't that right?

12:11:42 25 A. Uh-huh, uh-huh.

26 Q. 296 You said yesterday that when I showed that to you in the witness box that that
27 was the first time you'd seen it?

28 A. Well --

29 Q. 297 Since the occasion --

12:11:57 30 A. Yeah.

12:11:58 1 Q. 298 Since the 23rd of December '93?
2 A. That's right.
3 Q. 299 Isn't that right?
4 A. Yeah.
12:12:01 5 Q. 300 Can you explain how that is so?
6 A. No. No, I'm sorry.
7 Q. 301 Well, leave aside for a second whether it's, whether the Special Savings
8 Account was handled object the 23rd or on the 30th?
9 A. Yeah.
12:12:20 10 Q. 302 A Special Savings Account was opened?
11 A. Yes.
12 Q. 303 And we know this, this declaration was signed by Mr. Ahern and is dated the
13 23rd?
14 A. Yeah.
12:12:29 15 Q. 304 It exists?
16 A. Oh, absolutely.
17 Q. 305 And Mr. Kiernan believes that that came in discovery to the Tribunal at an
18 earlier date?
19 A. Right.
12:12:37 20 Q. 306 So it exists?
21 A. Yeah.
22 Q. 307 How, Mr. Murphy, as the Assistant Manager at the time and the person to help
23 the Tribunal at private interview at and at public hearings did you not see
24 that before yesterday?
12:12:54 25 A. I can't answer that.
26 Q. 308 Can you tell me in relation to Mr. Ahern would, did there exist a physical
27 paper file?
28 A. Oh, yeah.
29 Q. 309 Yes.
12:13:12 30 A. Yeah.

- 12:13:12 1 Q. 310 Mr. Ahern's name on the outside of it presumably?
2 A. I don't know whether I'm precipitating your question or not but these wouldn't
3 have been in that file.
4 Q. 311 Would it not?
12:13:22 5 A. No.
6 Q. 312 Why is that?
7 A. They would have been kept separately. Because I think if you remember
8 yesterday I was saying we did quite a number of these Special Savings Accounts
9 and there was what's the word, they were policed quite --
12:13:34 10 Q. 313 Yes?
11 A. Rigidly and the control of these particular forms were, they were available for
12 inspection any time.
13 Q. 314 It's a statutory document?
14 A. Yeah.
12:13:44 15 Q. 315 For revenue purposes?
16 A. Correct.
17 Q. 316 All right.
18 A. And they would auto have been kept in a separate file.
19 Q. 317 All right. And they'd be kept in a separate file?
12:13:53 20 A. Yeah.
21 Q. 318 That's fine. Would a copy not be put on Mr. Ahern's file?
22 A. In hindsight maybe, yes.
23 Q. 319 No, no, not in hindsight?
24 A. No, no, no.
12:14:01 25 Q. 320 You didn't?
26 A. No.
27 Q. 321 It just went off to a special savings declaration box?
28 A. Yes, yes.
29 Q. 322 Is that right?
12:14:07 30 A. That's my memory of it, yeah.

12:14:09 1 Q. 323 And would a copy have gone to the customer.
2 A. No, no.
3 Q. 324 No?
4 A. No.
12:14:15 5 Q. 325 All right. So it wouldn't be on the file?
6 A. No.
7 Q. 326 So if you were sent the papers relevant, if you were sent Mr. Ahern's file, is
8 that what happened, were you sent Mr. Ahern's file at some stage?
9 A. I wasn't sent the full file.
12:14:27 10 Q. 327 No?
11 A. I was sent pieces in relation to the file that related to me and my dealings.
12 Q. 328 All right. And you would have been sent the document relevant to the Special
13 Savings Account?
14 A. Yes.
12:14:39 15 Q. 329 All right. And those documents wouldn't include this, isn't that right?
16 A. Yes.
17 Q. 330 From what you say?
18 A. Yes.
19 Q. 331 All right. But you knew from your experience with selling special savings
12:14:54 20 accounts that these declarations existed obviously?
21 A. Yeah.
22 Q. 332 So when you got the documents from the bank?
23 A. Yeah.
24 Q. 333 And in particular for the moment in relation to the Special Savings Account you
12:15:08 25 knew immediately that there was another document that existed, namely the
26 declaration?
27 A. Yes, I would have known about it but I had forgotten about it to be honest with
28 you. Like it wasn't something that immediately triggered in my mind when I saw
29 the deposit book to say oh, yeah there's a declaration form. I'd forgotten
12:15:26 30 about that as I was saying to you yesterday these things are long gone.

- 12:15:29 1 Q. 334 They're long gone?
- 2 A. Long gone. They are not dealt with any more.
- 3 Q. 335 But this is a hugely important document at the time of setting up a Special
- 4 Savings Account, isn't that right?
- 12:15:39 5 A. Yes.
- 6 Q. 336 It can't disappear from your recollection when you are asked Mr. Murphy for the
- 7 purpose of the Tribunal to give evidence to come in to a private interview and
- 8 give evidence, and you are being asked by your Law Department to throw your
- 9 mind back to the opening of a Special Savings Account and so on. It can't
- 12:15:59 10 disappear from your mind that a document would have been created at the time
- 11 namely a Special Savings Account declaration?
- 12 A. Not having seen it, the thing I did see was the deposit book which was more of
- 13 what we would have been in touch with like you do this once and that's the end
- 14 of it. The deposit book is the thing that you see on a regular basis.
- 12:16:21 15 Q. 337 Of course.
- 16 A. Okay. So that --
- 17 Q. 338 But you --
- 18 A. That's done and dusted and would have gone out of my mind.
- 19 Q. 339 But Mr. Murphy, I don't know if other people would have known about this but as
- 12:16:31 20 the expert and as the person who opened this account you would certainly have
- 21 known that this document existed?
- 22 A. Yes.
- 23 Q. 340 And you would have known that your Law Department for the purpose of assisting
- 24 the Tribunal would have wanted all documents in relation to the opening of this
- 12:16:45 25 account?
- 26 A. Yeah.
- 27 Q. 341 Isn't that right?
- 28 A. Yeah.
- 29 Q. 342 So why did you, did you then alert the Law Department to the existence of this
- 12:16:52 30 document?

12:16:52 1 A. No.

2 Q. 343 How did the Law Department discover it?

3 A. I don't know that.

4 Q. 344 They discovered it on their own bat, independently of you anyway?

12:17:01 5 A. Oh, yeah.

6 Q. 345 Because they came --

7 A. You see I wasn't in 37/38 O'Connell Street, I wasn't party to any of the

8 discovery of any of the documents.

9 Q. 346 No?

12:17:11 10 A. Okay.

11 Q. 347 Had you anything to do with this document coming to us yesterday?

12 A. No.

13 Q. 348 No. But when you got your documents to come in to the Tribunal for the first

14 private interview and the second and in September and now, you would have known

12:17:39 15 immediately that this document was not on, among the documents relating to the

16 Special Savings Account?

17 A. Not really. I wouldn't have remembered that to be honest with you.

18 Q. 349 Mr. Murphy, is it the position that on the afternoon of the 23rd of December

19 1993 when Mr. Ahern requested and was granted a loan for the figure 19,115.97

12:18:22 20 and was given two drafts on that day, isn't that right?

21 A. Yes.

22 Q. 350 Amounting to 17,000 odd, and then there was a credit transfer but he was

23 physically given two drafts on that day. Is it the position that on that

24 afternoon at that meeting that Mr. Ahern gave you 22,500 Pounds made up of

12:18:51 25 15,000 Pounds cash, a bank draft of 5,000 and a cheque of 2,500?

26 A. I don't believe, no.

27 Q. 351 That is not the position?

28 A. No, that's not the position.

29 Q. 352 That did not happen?

12:19:02 30 A. That did not happen.

- 12:19:15 1 Q. 353 Is it the position that he gave you that money and that on account of that you
2 asked him to sign this Special Savings Account declaration?
3 A. I would have got him to sign this declaration definitely, yes, for opening up
4 the Special Savings Account.
- 12:19:32 5 Q. 354 Why?
6 A. Because it was needed to open the up the declaration or to open up the Special
7 Savings Account.
8 Q. 355 And why were you opening a Special Savings Account?
9 A. Because on the 30th of December he came in to me with money and I encouraged
12:19:53 10 him to open one.
11 Q. 356 So he came in to you with money on the 30th of December so you decided to ask
12 him to sign this declaration on the 23rd?
13 A. To be honest with you, I can't remember. And I don't know why it's down as the
14 23rd.
- 12:20:08 15 Q. 357 And that is over another date, isn't that right, we went in to this yesterday
16 and I don't have to repeat it?
17 A. Yeah, yeah.
- 18 Q. 358 Is it the position that before the 23rd Mr. Ahern came in to you and said I
19 would like a loan, and you said to him, that will be fine as long as you come
12:20:24 20 up with enough money to cover that loan?
21 A. No.
- 22 Q. 359 And that then he came in on the 23rd with that money and he got his loan and
23 his two drafts and you and he signed this declaration?
24 A. No.
- 12:20:36 25 Q. 360 None of that happened?
26 A. No.
- 27 Q. 361 Is this in fact what is known as a back-to-back loan, Mr. Murphy?
28 A. Explain that now again?
29 Q. 362 Have you never heard the expression back-to-back?
12:20:56 30 A. I have yeah, but this isn't a back-to-back loan.

12:20:58 1 Q. 363 It isn't, that's what I'm asking you?

2 A. No.

3 Q. 364 All right. Why is it not?

4 A. Because there is no security in place for it. It was unsecured.

12:21:06 5 Q. 365 Was the deposit on that date 23rd of December 1993 of 22,500 the security for

6 the loan?

7 A. No.

8 Q. 366 And is that why there was no need to fill out an application form and there was

9 no need to go in to a lot of detail with Mr. Ahern about the loan?

12:21:25 10 A. No.

11 Q. 367 Or to agree a repayment schedule?

12 A. No.

13 Q. 368 All right.

14

12:21:44 15 CHAIRMAN: Mr. Murphy, I just want to correct one thing that there is there on

16 the record. You put it to Mr. Murphy because, sorry, was the deposit on that

17 date the 23rd of December of 22,500 the security for the loan? Mr. Murphy, the

18 witness, has indicated that no such deposit was made on that ...

19

12:22:11 20 MR. MURPHY: Yes.

21 Q. 369 Now, Mr. Murphy, that was the 23rd of December 1993, a Thursday before

22 Christmas?

23 A. Okay.

24 Q. 370 And the following day was Christmas Eve. Would the bank have been open to

12:22:38 25 customers until 12 o'clock?

26 A. Yeah.

27 Q. 371 All right. And were you in on that morning?

28 A. I imagine I would have been, yeah.

29 Q. 372 And you did some work in relation to the loan account as we saw from the

12:22:48 30 documentation yesterday, isn't that right?

12:22:49 1 A. Yes.

2 Q. 373 And Christmas Day was the Saturday. Stephen's Day the Sunday, the next working
3 day was Thursday, the next bank day was Thursday the 30th, isn't that correct?

4 A. Yeah.

12:23:01 5 Q. 374 So you are back at your desk on Thursday the 30th?

6 A. Uh-huh.

7 Q. 375 And you get a communication directly or indirectly from Mr. Ahern, isn't that
8 right?

9 A. Uh-huh.

12:23:15 10 Q. 376 Can you tell us about that communication?

11 A. I can't remember specifically. I would have either got a phone call from his
12 secretary or something to say can you meet. I would have said yes.

13 Q. 377 Yes?

14 A. And he came in and my recollection is that I --

12:23:29 15 Q. 378 Please don't go any further for a second. I am just interested in the phone
16 call for a second?

17 A. Yeah.

18 Q. 379 You got a phone call, a phone call came through to the effect that Mr. Ahern
19 would like to meet you?

12:23:38 20 A. Who it was or from whom I can't remember.

21 Q. 380 All right. And at that point did you have any information as to what it was in
22 connection with?

23 A. To the best of my knowledge, he said he wanted to lodge a couple of bob.

24 Q. 381 To the best of your knowledge he said he wanted to lodge a couple of bob?

12:23:59 25 A. Yeah.

26 Q. 382 Now, that means he must have been talking to you on the phone?

27 A. It could have been him, yeah.

28 Q. 383 No, well --

29 A. To be honest with you I can't remember that far back, that detail. I know he
12:24:16 30 came in. How the arrangement was set up I genuinely don't remember.

- 12:24:17 1 Q. 384 Now Mr. Murphy, the only previous business connection you had with Mr. Ahern
2 was on the 23rd, a week earlier?
3 A. Right.
4 Q. 385 And the bank is closed effectively between the two days, right?
12:24:25 5 A. Yeah.
6 Q. 386 And are you saying you don't recall whether you spoke to, whether you spoke to
7 him on the phone on the morning on the day of the 30th?
8 A. Yeah.
9 Q. 387 All right. But you got information that he wanted to lodge a few bob?
12:24:43 10 A. Yeah.
11 Q. 388 But you don't know whether he said that to you or somebody else said Mr. Ahern
12 would like to lodge a few bob?
13 A. That's my colloquial phrase. Probably was a lodgement wanted to be made. I'm
14 only putting my own interpretation on it to be honest with you.
12:24:58 15 Q. 389 Do you think that was somebody else, could it have been Ms. Larkin, his
16 secretary, or do you think it was himself?
17 A. It could have been either of them, or any of them.
18 Q. 390 All right. Now, first of all, was the communication, was the phone call coming
19 from Mr. Ahern on effectively your next working day after you had last met him
12:25:15 20 leaving aside the morning of Christmas Eve. Was that a surprise to you to get
21 another communication from him on the day of the 30th?
22 A. No, I wasn't a surprise or not surprised.
23 Q. 391 You were neither surprised nor not surprised?
24 A. No.
12:25:30 25 Q. 392 All right. And did that phone call come in on the morning or the afternoon?
26 A. I can't remember that.
27 Q. 393 And did you meet him in the morning or the afternoon?
28 A. I can't remember that.
29 Q. 394 All right. So you were neither surprised or not surprised by the phone call?
12:25:46 30 A. To be honest with you, I don't remember how I felt then.

- 12:25:49 1 Q. 395 No. Well, in relation to being told either by him or by someone on his behalf
2 that he wanted to make a lodgement or to lodge a few bob?
3 A. Yeah.
4 Q. 396 Were you surprised by that?
12:25:59 5 A. I genuinely can't remember whether I was or not.
6 Q. 397 All right.
7 A. I was delighted to do business, you know.
8 Q. 398 Yes. Almost your last working day was your first encounter in the bank with
9 Mr. Ahern when he borrowed 19,000 whatever from you?
12:26:18 10 A. Uh-huh.
11 Q. 399 And it isn't a surprise to you when you are told on the 30th that he wants to
12 make a lodgement?
13 A. No.
14 Q. 400 And what did you make, what arrangement did you make with him do you remember,
12:26:39 15 did you make an arrangement, did you suggest a time to come in, or ask him with
16 a would he like to come in?
17 A. More than likely I would have said what time suits you.
18 Q. 401 What time do you think that was?
19 A. I genuinely don't know.
12:26:52 20 Q. 402 You have no idea whether it was morning or afternoon or after hours?
21 A. I can't remember.
22 Q. 403 All right. But he came in, did he?
23 A. Yes.
24 Q. 404 All right. What did you do by way of preparing for him, did you go and stand
12:27:03 25 outside the door, or did you stand inside the branch, or did you wait in your
26 office until somebody told you that he was here?
27 A. I can't remember, I'm sorry.
28 Q. 405 You have no idea?
29 A. I can't remember that far back.
12:27:15 30 Q. 406 Do you remember him coming in to your room or do you remember meeting him?

- 12:27:20 1 A. I have a recollection of him sitting across the desk from me all right.
- 2 Q. 407 You remember that?
- 3 A. Yeah.
- 4 Q. 408 How long would this meeting have taken?
- 12:27:27 5 A. I don't know. I'd only be speculating.
- 6 Q. 409 Do you remember was it five minutes or an hour?
- 7 A. Oh, it was longer than five minutes but less than an hour.
- 8 Q. 410 All right. And he came in on his own?
- 9 A. Yes.
- 12:27:43 10 Q. 411 All right. And was he sitting across the table from you?
- 11 A. Yes.
- 12 Q. 412 All right. And was this encounter unexpected from your point of view?
- 13 A. Probably a little, yeah, yeah.
- 14 Q. 413 A little?
- 12:27:58 15 A. Like I was delighted that, I was delighted to be doing more business with the
16 Minister for Finance.
- 17 Q. 414 You were delighted. Well was it expected? Were you expecting him to come in
18 or was this out of the blue?
- 19 A. I can't remember that.
- 12:28:14 20 Q. 415 And did you have a bit of a chat about how you both got on over Christmas?
- 21 A. I'm sure we did but I genuinely don't remember the details of the conversation.
- 22 Q. 416 Okay.
- 23 A. I'm sure if there was some sporting occasion on we would have discussed that.
- 24 Q. 417 Would you have asked him if he had gone to Leopardstown.
- 12:28:41 25 A. Probably, I don't know, I don't know.
- 26 Q. 418 Did you offer him a cup of tea?
- 27 A. I don't think so, but I can't remember.
- 28 Q. 419 So how did the business end of the meeting commence?
- 29 A. That he said that he wanted to make a lodgement. Again, I can't remember in
12:29:00 30 detail but I would have said to him do you want to clear off some money off the

12:29:04 1 loan. He said no. And I encouraged him then to open a Special Savings Account
2 because that was one of the products we were selling.

3 Q. 420 Yeah.

4 A. And that's how the Special Savings Account would have been opened.

12:29:24 5 Q. 421 Yes.

6 A. And the entire money went in to that.

7 Q. 422 Yes. Now, he. Sorry. He started off by saying, when you'd finished the
8 pleasantries?

9 A. Uh-huh.

12:29:30 10 Q. 423 He said that he wanted to make a lodgement, is that right?

11 A. Uh-huh.

12 Q. 424 And did he tell, did you, did he tell you or did you ask him how much?

13 A. Oh, the amount would have been discussed all right, yeah.

14 Q. 425 All right.

12:29:42 15 A. But I. Sorry. I don't remember the chronological order of that conversation
16 how it took place and what it was.

17 Q. 426 All right.

18 A. I just know the finished, what's the word the finished article.

19 Q. 427 The finished article was lodging the money to the Special Savings Account?

12:29:56 20 A. Yeah.

21 Q. 428 Yeah.

22 A. And the only reason I know what that is and the break up of that is because
23 there is documentation there. If you were to say to me without the benefit of
24 those documents how much it was I would have been struggling to remember.

12:30:09 25 Q. 429 If those documents weren't there you wouldn't even remember that you met him
26 after Christmas or that he made a lodgement, is that right?

27 A. Probably.

28 Q. 430 If you didn't have his savings book and you didn't have the bank documentation
29 you would not be able to come in here and say I recall after Christmas 1993
12:30:28 30 meeting Mr. Ahern and taking a substantial cash lodgement from him?

12:30:33 1 A. Yeah.

2 Q. 431 Is that the position?

3 A. Possibly, yeah.

4 Q. 432 Possibly. Now, did he tell you how much he wanted to lodge?

12:30:42 5 A. I don't know whether he told me or whether it was produced in actual --

6 Q. 433 All right.

7 A. Notes and cheques.

8 Q. 434 All right. And at some point you realised it was 22,500?

9 A. Yes.

12:30:57 10 Q. 435 All right. Which close enough coincides with the amount of the loan on the

11 23rd plus the interest he eventually paid off, isn't that right, 21,800 or

12 something or other, isn't that right?

13 A. Yeah, the interest accrued over the 16 months or what number of months it was,

14 yeah.

12:31:17 15 Q. 436 So ultimately his loan of something over 19,000 became 21,000 something or

16 other, isn't that right?

17 A. Yeah.

18 Q. 437 And now you on the 30th, he wants to lodge 22,500 isn't that right?

19 A. Uh-huh.

12:31:30 20 Q. 438 Now when the Minister for Finance across the table from you on the 30th of

21 December 1993 said or became clear to you that he wanted to lodge that amount

22 of money?

23 A. Uh-huh.

24 Q. 439 Were you surprised?

12:31:44 25 A. Not really, no.

26 Q. 440 No?

27 A. No.

28 Q. 441 Has it ever happened to you before in your very long career as a banker that

29 somebody would come in one day and get a loan of a sum of money and I'm going

12:31:57 30 to call it a substantial sum of money, the 19,000, and on what is it almost the

- 12:32:03 1 next banking day come in with a little bit more than that sum to lodge?
- 2 A. People, people would regularly have loans and make lodgements and not use, you
- 3 know, put money into a deposit and not put it in to their loans.
- 4 Q. 442 You know that wasn't the question, Mr. Murphy. Give me another instance in
- 12:32:25 5 your 50 years of banking history when a customer or, when somebody came in to
- 6 you and became a customer, took out a sum of money, a substantial sum of money
- 7 and the next day or two days, two banking days later, came in and lodged in or
- 8 around that sum a little bit more to a different account without paying off the
- 9 loan?
- 12:32:45 10 A. I can't just remember offhand.
- 11 Q. 443 Because it had never happened before?
- 12 A. Oh, I wouldn't say that.
- 13 Q. 444 To you or to anyone else, isn't that right?
- 14 A. I don't know.
- 12:32:54 15 Q. 445 All right. But anyway, when it becomes clear to you either because he says it
- 16 to you or because you count it or whatever that it's 22,500, you are not
- 17 surprised, is that right?
- 18 A. That's right.
- 19 Q. 446 All right. Now, before we deal with your advice to him about the Special
- 12:33:18 20 Savings Account, Mr. Murphy. Can you tell me how he presented this to you,
- 21 physically presented the money to you?
- 22 A. It was just handed across.
- 23 Q. 447 Yeah. In his hand?
- 24 A. To the best of my knowledge, yeah. I just can't remember.
- 12:33:35 25 Q. 448 What is the make up of the amount of 22,500?
- 26 A. I know now what the make up of it was. It was 15,000 in cash and seven and a
- 27 half in cheques, two cheques.
- 28 Q. 449 A bank draft and a cheque, we'll come to it in a moment?
- 29 A. Yeah.
- 12:33:49 30 Q. 450 Just taking the 15,000 in cash for a second?

12:33:52 1 A. Uh-huh.

2 Q. 451 Did he take it out of his pocket?

3 A. I think so, but I just can't remember that.

4 Q. 452 Yes. He took 15,000 in cash you think out of his pocket?

12:34:02 5 A. Uh-huh.

6 Q. 453 Was it in an envelope or was it in a box?

7 A. I can't remember that. I don't think it was in a box but I can't remember what

8 it was in.

9 Q. 454 All right. Now, sorry, did you say you thought it was in an envelope?

12:34:19 10 A. I said I didn't think it was in a box.

11 Q. 455 No?

12 A. Yeah. I couldn't remember what it was in.

13 Q. 456 Well --

14 A. Yeah.

12:34:22 15 Q. 457 The Minister for Finance a is across the table presenting you with 15,000

16 Pounds in cash?

17 A. Uh-huh.

18 Q. 458 I mean do you not recall, did he take it out in cash out of an envelope or did

19 he open an envelope, or did he put it down on the desk or what?

12:34:36 20 A. I can't remember those details, I'm sorry.

21

22 CHAIRMAN: Sorry. Mr. Murphy, can you tell us what you remember? Forget for

23 the moment what you've seen in documentation which --

24 A. Yeah.

12:34:47 25

26 CHAIRMAN: What's your own --

27 A. I remember him coming in and handing money and the two cheques over.

28

29 CHAIRMAN: And what do you remember about the, have you any more detail about

12:34:57 30 what he gave you, this is from your memory now?

12:34:59 1 A. No.
2
3 CHAIRMAN: How he gave you, how he gave it to you, how it was --
4 A. I can't remember whether the notes were all lumped or what, I just can't
12:35:08 5 remember that.
6
7 CHAIRMAN: But you do have a memory of it being partly cash, mostly cash?
8 A. And cheques.
9
12:35:14 10 CHAIRMAN: Is that your memory now?
11 A. Well --
12
13 CHAIRMAN: Because we know that it's --
14 A. We know what it was, yeah yeah.
12:35:23 15
16 CHAIRMAN: From the documentation. But do you --
17 A. I don't remember the cheques, no, to be honest.
18
19 CHAIRMAN: So your memory is of --
12:35:30 20 A. Just of cash, yeah.
21
22 CHAIRMAN: Of it being cash?
23 A. Yeah.
24
12:35:34 25 CHAIRMAN: All right. And does it help your memory the fact that it was a
26 large amount of cash?
27 A. No.
28
29 CHAIRMAN: Because presumably people are coming in the whole time with
12:35:49 30 lodgements?

12:35:50 1 A. Oh, they would be, yeah yeah.
2
3 CHAIRMAN: So other than Mr. Ahern being who he was at the time, what helps
4 you remember whatever detail you can give us about that meeting
12:36:05 5 A. Other than he was sitting across the desk from me and handed this money over.
6
7 CHAIRMAN: All right. Sorry.
8 A. They're the bones of it.
9 Q. 459
12:36:13 10
11 MR. MURPHY: Can you be of any assistance in relation to the denominations,
12 was it 50 Pounds notes, 100 pound notes or whatever?
13 A. I can't remember that.
14 Q. 460 As to whether it was in one bundle or ten bundles or twenty bundles?
12:36:26 15 A. My recollection is that it wasn't in one pound notes.
16 Q. 461 Sorry?
17 A. It wasn't in one pound notes.
18 Q. 462 You recall that it wasn't 15,000 one pound notes?
19 A. Because that would be quite a lot. It was something that could be held like
12:36:38 20 that (gesturing) so I don't know, I can't remember what the monies were.
21 Q. 463 All right. And when he gave you this money did you count it?
22 A. I would have, yes.
23 Q. 464 In front of him?
24 A. Yes. Do I remember counting it, no.
12:37:05 25 Q. 465 But it would have been your practice and you did count it, you would have
26 counted it?
27 A. Although there would be times when I would take the money in, agree what the
28 money was and give it to another teller or give it upstairs to the off counter
29 and they would check it.
12:37:20 30 Q. 466 Do you have any recollection?

12:37:21 1 A. I think I counted it, I can't be sure. I'm not a hundred percent sure.

2 Q. 467 You think you counted it out?

3 A. I'm not a hundred percent sure. I think I did.

4 Q. 468 And what did you do with it then, did it stay on your desk between you for the

12:37:35 5 rest of the meeting?

6 A. My normal way to do it would be to pass it on to the tellers and get the, you

7 know, get the docket what's the word, put through.

8 Q. 469 Yes. But would you wait until he had gone for that?

9 A. I can't remember that. Sometimes I would, sometimes I wouldn't.

12:37:55 10 Q. 470 Did he get a receipt on the day for it?

11 A. He would have got the book.

12 Q. 471 Yeah. Okay. And in relation to the draft of, there was a bank draft of 5,000

13 which was payable which was dated the 22nd of. Sorry.

14

12:38:18 15 24479, please.

16

17 He gave you 15,000 in cash and he gave you two documents one was this bank

18 draft isn't that right.

19 A. Yes

12:38:28 20 Q. 472 It's dated the 22nd of December 1993 and it's a sum of 5,000 Pounds and it's

21 payable to Des Richardson, isn't that right?

22 A. Yes.

23 Q. 473 And if we look at 18898. It's signed by I think, it's D Richardson on the

24 following on the back, isn't that right?

12:38:43 25 A. Yes, it looks like it, yes, yeah.

26 Q. 474 All right. Do you recall that? Do you recall getting a draft made out to

27 Mr. Richardson?

28 A. No, I don't recall it, no, no.

29 Q. 475 All right. And 24477 is a cheque dated 22nd December 1993. Now the dates of

12:39:06 30 these two documents, of these two of the cheque the draft is the day before

- 12:39:11 1 your meeting on the 23rd, isn't that right?
- 2 A. Yes.
- 3 Q. 476 And this is made out to cash and it's a cheque drawn on the account of
- 4 Willdoover Limited, and it's signed by Mr. Richardson, isn't that right?
- 12:39:29 5 A. I'm not a hundred percent sure if that's Mr. Richardson's signature, but I'll
- 6 take your word for it.
- 7 Q. 477 All right. Do you recall either of those documents?
- 8 A. Not really, no.
- 9 Q. 478 Not really?
- 12:39:32 10 A. No.
- 11 Q. 479 All right. They are crossed, did you know Mr. Richardson at that time?
- 12 A. Knew of him but not terribly well, no.
- 13 Q. 480 How well?
- 14 A. Saluting.
- 12:40:02 15 Q. 481 Yeah. You knew who he was?
- 16 A. I knew who he was, yeah.
- 17 Q. 482 Were you friendly with him?
- 18 A. Oh, I knew him to say hello to.
- 19 Q. 483 Any more than that?
- 12:40:14 20 A. That's it, no.
- 21 Q. 484 Would you ever have been in his company apart from saying hello to him as you
- 22 passed him?
- 23 A. I never went out for a pint with him, put it that way.
- 24 Q. 485 Would you have spoken to him apart from saying hello to him?
- 12:40:29 25 A. I'm sure I would have spoken to him at times yeah, yeah, if I met him out.
- 26 Q. 486 How did you know him?
- 27 A. How do you mean how did I know him?
- 28 Q. 487 From where or when?
- 29 A. I'm sure that he went to Synge Street as well.
- 12:40:44 30 Q. 488 Is that your school?

- 12:40:46 1 A. Yeah.
- 2 Q. 489 Are you classmates?
- 3 A. No.
- 4 Q. 490 Where are you in relation to one another?
- 12:40:50 5 A. Probably a year apart.
- 6 Q. 491 You think he went to Synge Street?
- 7 A. I'm nearly sure he did.
- 8 Q. 492 A year ahead or a year behind you?
- 9 A. I can't remember that. It's a long time ago.
- 12:41:04 10 Q. 493 And did you know him at school?
- 11 A. No.
- 12 Q. 494 When did you get to know him after school?
- 13 A. I didn't really get to know him. I'm on a nodding acquaintance with him if he
- 14 walked in here I'd say hello, how are you. I'd chat, nod and say hello and
- 12:41:20 15 chat about the weather and the props and that would be it.
- 16 Q. 495 Can you remember if those two, the draft and the cheque, were handed to you by
- 17 Mr. Ahern with the cash like on top of it or separately or what?
- 18 A. I don't remember that, no, sorry.
- 19 Q. 496 All right. And you say Mr. Murphy, that this was not given to you on the 23rd,
- 12:41:46 20 is that right?
- 21 A. No, no.
- 22 Q. 497 All right. So, Mr. Murphy, you now have 22,500 of Mr. Ahern's money and what
- 23 happened then, did Mr. Ahern ask you to put it into an account for him?
- 24 A. I encouraged him to put it into a Special Savings Account.
- 12:42:28 25 Q. 498 All right. Before you did that did you say Mr. Ahern would it be a good idea
- 26 to pay off the 19,000?
- 27 A. I'm sure I would have said that to him, yeah.
- 28 Q. 499 That he had taken out a few days earlier?
- 29 A. Uh-huh.
- 12:42:39 30 Q. 500 And what did he say to that?

12:42:40 1 A. I can't remember specifically what he said.

2 Q. 501 No?

3 A. But it is obvious that he didn't want to do it because he went ahead with the

4 transaction for the SSA.

12:42:48 5 Q. 502 All right. And --

6 A. But I don't remember specifically what he exactly said you know, I just don't

7 remember.

8 Q. 503 All right. So what did you say to him about the, you know what did you say to

9 him about opening an account?

12:43:02 10 A. That the SSA at that time was the most attractive account we had from an

11 interest bearing point of view.

12 Q. 504 An interest bearing point of view?

13 A. Yeah.

14 Q. 505 Yes?

12:43:14 15 A. As opposed to putting that just on straight deposit account. If you put it

16 straight on deposit account you would have paid dirt at the top rate, whereas

17 if you put it into that you paid dirt at the lower rate. I think we covered a

18 good bit of that yesterday.

19 Q. 506 All right. So was he familiar with it, the Special Savings Account the idea of

12:43:30 20 it?

21 A. I think he was, yeah.

22 Q. 507 Yes?

23 A. He may not have been familiar with the nuances of it but he was certainly

24 familiar with what they were.

12:43:44 25 Q. 508 So you recommended to him that he put it into a Special Savings Account, you

26 would open a special savings account for him and this sum would go into it?

27 A. Yeah.

28 Q. 509 And did he go along with that?

29 A. Yes.

12:43:57 30 Q. 510 And so what did you do?

- 12:43:59 1 A. I opened up the account, got the book, wrote the amount into the book, handed
2 him the book which is the receipt. Processed, got the documents processed and
3 the bank account was opened.
- 4 Q. 511 You did all of that while he was there?
- 12:44:12 5 A. Yeah.
- 6 Q. 512 All right. Do you remember asking him if he had a Special Savings Account
7 anywhere else?
- 8 A. I'm sure I would have asked that because I did that with everybody to make sure
9 that they couldn't have. That was one of the criteria that you weren't allowed
10 to have one anywhere else.
- 11 Q. 513 In the course of this meeting did he say to you that he had 50,000 Pounds in
12 savings?
- 13 A. I don't recall that.
- 14 Q. 514 Does that mean that he didn't?
- 12:44:41 15 A. I don't think he did, no, no.
- 16 Q. 515 All right. So what about the declaration?
- 17 A. Yeah, that was signed and why it's dated the 23rd I don't know.
- 18 Q. 516 Are you suggesting to the Tribunal that it was signed on the 30th?
- 19 A. I thought it would have been, yeah, yeah, because that's the day that the thing
12:45:14 20 was opened.
- 21 Q. 517 Yes.
- 22 A. But I don't know why it was dated the 23rd.
- 23 Q. 518 But it's you whose dated it the 23rd?
- 24 A. Yeah. I don't know why. It's either a mistake I made or what, I don't know.
- 12:45:24 25 Q. 519 Well do you think it's even possible, Mr. Murphy, that on the 30th you went
26 through all of this with Mr. Ahern and that it came to the declaration, you
27 gave it to him, you asked him to sign it and then you wrote the 23rd on it. In
28 fact over another date?
- 29 A. I could have.
- 12:45:40 30 Q. 520 You think that could have happened?

12:45:41 1 A. That could have happened, yeah.

2 Q. 521 Yes.

3

4 CHAIRMAN: Mr. Murphy, why would you do that?

12:45:54 5 A. I wish I knew. I can't remember. Genuinely filling out or why I would have

6 put the 23rd on it unless I just made a mistake.

7

8 CHAIRMAN: And --

9 A. There is no reason for me to do it. Like it's the same day. There's no, the

12:46:08 10 thing was opened on the 30th. There was no necessity to, I don't know why I

11 did it.

12

13 CHAIRMAN: It seems clear that the declaration document has another earlier

14 date.

12:46:18 15 A. Yeah.

16

17 CHAIRMAN: Underneath.

18 A. Yeah.

19

12:46:20 20 CHAIRMAN: So, if the incorrect date was put down, if it was the 30th then you

21 must have put down one date earlier in December then crossed it, then over

22 written it with the 23rd?

23 A. Maybe.

24

12:46:34 25 CHAIRMAN: So that would be two mistakes?

26 A. It could be, yeah, yeah.

27

28 CHAIRMAN: Well, can we take it because I suppose anything could happen by way

29 of making a mistake?

12:46:49 30 A. Yeah.

12:46:49 1
2 CHAIRMAN: But can we take it that the likelihood is that that document was
3 signed on the 23rd -- that it was dated the 23rd on the 23rd? Or if there is
4 an earlier date there originally on the earlier date?

12:47:07 5 A. You could be right. I'm being honest I genuinely don't remember filling out
6 that form.
7

8 CHAIRMAN: But you accept that you filled it out?
9 A. Oh, absolutely. Absolutely.

12:47:16 10
11 CHAIRMAN: But just in turn. Your ordinary practice would have been
12 presumably to put in the date?
13 A. Yeah, but I don't know why I didn't put in the 30th.
14

12:47:26 15 CHAIRMAN: If it was the 30th?
16 A. The account was opened on the 30th so why it wasn't the 30th I don't know. I
17 don't remember that, I'm sorry.
18

19 CHAIRMAN: Could it have happened that this document was signed on the 23rd or
12:47:38 20 even on an earlier date but the account not activated until the 30th?
21 A. I see where you're coming from but I doubt it. To the best of my knowledge
22 this was only discussed on the 30th, you know.
23

24 CHAIRMAN: But you have no recollection of discussing it with --
12:47:54 25 A. No, the Special Savings Account being opened on the 30th.
26

27 CHAIRMAN: Yes. You said that you encouraged him to put the money into a
28 Special Savings Account?
29 A. I did, yeah.
12:48:05 30

12:48:05 1 CHAIRMAN: But you have no recollection of discussing it with him on the 23rd
2 A. No, no, no. As far as I'm aware and as far as my recollection is that the 23rd
3 was just for that loan and that was it.
4

12:48:22 5 CHAIRMAN: But is there any reason why you would put down a date a week
6 earlier?
7 A. I don't know being honest, I wished I knew. I don't know why. I don't know
8 why that's there.
9

12:48:32 10 CHAIRMAN: Were you in the practice of incorrectly putting in dates?
11 A. No, I don't think I was, no.
12

13 CHAIRMAN: Would you have been --
14 A. I'm not saying I didn't make mistakes now.
15

12:48:44 16 CHAIRMAN: Would you have been careful about that type of detail now, about
17 dates?
18 A. About dates I suppose I would be but --
19

12:48:49 20 CHAIRMAN: Whatever about putting in yesterday's date today. Other than that
21 would you have been careful about dates?
22 A. Most of the time I would be, yeah, yeah.
23

24 JUDGE FAHERTY: And this was a statutory declaration?
12:49:01 25 A. Yes.
26

27 JUDGE FAHERTY: So you would be on the alert obviously to do everything
28 according to the regulations of it, Mr. Murphy?
29 A. Having said yesterday, like I opened everything.
12:49:13 30

12:49:13 1 JUDGE FAHERTY: I appreciate that that was part of your business at the time.
2 But this was a document that had not just an importance to the bank but if you
3 like a third party, if I could call the revenue a third party?
4 A. Yeah.

12:49:26 5
6 JUDGE FAHERTY: Would be privy to it or could call upon --
7 A. They could come and look at it at any time. They could, yeah.
8
9 JUDGE FAHERTY: And the bank were cognisant of that, I take it?

12:49:37 10 A. Yeah. Uh-huh.
11
12 JUDGE FAHERTY: Thank you.
13
14 JUDGE KEYS: When can an SSA account be allocated an account number? At what
12:49:44 15 stage of the procedure?
16 A. When it's opened.
17
18 JUDGE KEYS: When is it deemed to be open for that purpose?
19 A. When the money goes into it.

12:49:52 20
21 JUDGE KEYS: And I take it then that there would be a separate record in the
22 bank books which has a different account numbers as they are allocated that
23 book would record that account has now been taken up, so you'd slip down to the
24 next number after that?

12:50:05 25 A. Yeah.
26
27 JUDGE KEYS: Well where is that record in the bank?
28 A. I don't know where those books are. Like all --
29
12:50:10 30 JUDGE KEYS: Is it possible to get those books because I would have thought

12:50:14 1 those book would have a date on when in fact that account number was allocated?
2 A. They wouldn't have a date on them, no, no. The date would be what you'd see on
3 the screen for the account being opened. Like the way those books were you had
4 the first five digits, right? And then you had three numbers. Another three
12:50:30 5 numbers. Another three numbers. Right up to I think it was nine threes. So
6 you had the first five digits, like my number is 55372. So 067 is my current
7 account. 224 is my next account. One something something is another account,
8 but it doesn't say specifically when those accounts are opened. If you look at
9 the screen that will tell you when they are opened.

12:50:54 10
11 JUDGE KEYS: But the next account number that would follow which you would
12 have been allocated after Mr. Ahern's number was allocated, couldn't that be
13 traced by the records in the bank and there would be a date then on that
14 application or declaration form? In other words if the bank were to look and
12:51:17 15 seek out the next account number which was allocated after Mr. Ahern's account?
16 A. Uh-huh.
17
18 JUDGE KEYS: That would also have accompanying it a declaration to satisfy the
19 conditions of an SSA account. And that would have a date on it as well. And
12:51:35 20 we could see then what date the money was lodged into that account and then
21 that would confirm what date in fact the account was opened?
22 A. Yeah.
23
24 JUDGE KEYS: Well, can that be done by the bank now?
12:51:46 25 A. I'm sure they could look at that, yeah.
26
27 JUDGE KEYS: That's a matter that perhaps we should consider. Because it
28 appears to me that if that account number can be traced, there will be a date
29 attached to it some way on the documentation, isn't that correct?
12:52:04 30 A. It's possible, yeah.

12:52:05 1
2 JUDGE KEYS: Well it's not possible. It has to be if that is the system that
3 you have that if you are allocated an account number to an SSA account
4 A. Yeah.

12:52:14 5
6 JUDGE KEYS: That SSA account number has accompanying with it for record
7 purposes a declaration, isn't that correct
8 A. That's right, yeah, yeah.
9

12:52:24 10 JUDGE KEYS: So therefore on that declaration also would be a date
11 A. Yeah.
12

13 JUDGE KEYS: So doesn't that ...
14 A. Well yeah yeah.

12:52:33 15
16 CHAIRMAN: Right.
17

18 JUDGE KEYS: Thank you.
19

12:52:38 20 Q. 522 MR. MURPHY: Mr. Murphy, did you have any discussion with Mr. Ahern as to where
21 this 22,500 came from?
22 A. No.

23 Q. 523 Did you ask him where he got it?
24 A. I did not, no.

12:53:03 25 Q. 524 Did he volunteer any information as to where he got it?
26 A. To the best of my knowledge, no.

27 Q. 525 Now, 18891, please.
28

29 This I think is the book, the customer's book in relation to the Savings
12:53:29 30 Account, is that right?

12:53:31 1 A. Yeah.

2 Q. 526 Is that right?

3 A. Yeah.

4 Q. 527 And who is written the information there?

12:53:36 5 A. That's my writing 37/38 Upper O'Connell Street, Dublin 1.

6 Q. 528 And the branch code?

7 A. 93-11-36.

8 Q. 529 And then the Special Savings Account number?

9 A. Yes.

12:53:48 10 Q. 530 You've written that?

11 A. Yes, yes.

12 Q. 531 And you did say on the declaration that you did not write in the account number

13 on the declaration?

14 A. That's right.

12:53:59 15 Q. 532 Is it of course possible isn't it, Mr. Murphy, that all of this happened on the

16 23rd but the actual paperwork side of it was left until the 30th?

17 A. It's possible but I don't think so but it's possible.

18 Q. 533 All right. And then Mr. Ahern's name and his address you've written that in,

19 is that correct?

12:54:20 20 A. That's my writing, yeah, yeah.

21 Q. 534 All right.

22

23 And then page 18892.

24

12:54:30 25 We'll see at the top of that underneath it says 1993. And then underneath it

26 says December the 30th?

27 A. Yes.

28 Q. 535 Is this your writing?

29 A. That's my writing, yeah.

12:54:47 30 Q. 536 And then the next word is "you"?

12:54:49 1 A. "By".

2 Q. 537 That's your initial?

3 A. Yeah.

4 Q. 538 And then the sum is 22,500?

12:54:55 5 A. That's the balance.

6 Q. 539 So this is the opening amount?

7 A. Yes.

8 Q. 540 And you think you filled that in on the 30th?

9 A. Did I do this on the 30th?

12:55:12 10 Q. 541 Yes.

11 A. Oh, yeah I did, yeah.

12 Q. 542 You did?

13 A. Yeah.

14 Q. 543 And do you know what you did with that book then?

12:55:23 15 A. I think I handed it to him but I stand to be corrected on that, maybe he'll say

16 I didn't give it to him, I thought I did.

17 Q. 544 Right. Could it be that you didn't and you held on to it and kept it in your

18 office?

19 A. I don't think so. I wouldn't have been in the habit of doing that.

12:56:04 20 Q. 545 Have you any doubt about this meeting taking place with Mr. Ahern on the 30th,

21 Mr. Murphy?

22 A. No.

23 Q. 546 And if we go to page 11893, please.

24

12:56:06 25 In fact I think 24481 I think is a better copy of it.

26

27 This shows the credit transfer to this new account, isn't that right?

28 A. It's a lodgement to the account, yeah.

29 Q. 547 With -- sorry -- lodgement, I beg your pardon.

12:56:27 30 A. Yeah.

12:56:28 1 Q. 548 With the account number?
2 A. Yeah.
3 Q. 549 And did you write that in?
4 A. I don't think that's my writing, no.
12:56:32 5 Q. 550 What about Mr. Ahern's name?
6 A. That's my writing.
7 Q. 551 With SSA after it?
8 A. Yeah.
9 Q. 552 The writing Special Savings Account?
12:56:39 10 A. Yes that's my writing.
11 Q. 553 And then the breakdown total cash 15,000?
12 A. I don't think the 15 is my writing I don't think the 7,500 is my writing but
13 the 225 is mine.
14 Q. 554 The 225 is yours?
12:56:53 15 A. Yeah.
16 Q. 555 And is that your initial within the stamp?
17 A. No, it is not.
18 Q. 556 Whose is it?
19 A. I don't know.
12:56:58 20 Q. 557 All right. And does that say cash?
21 A. It looks like cash, yeah, yeah.
22 Q. 558 And I think if we go to 18894.
23
24 Do you see in the top left hand corner I think is there a date. Can you
12:57:18 25 confirm is that the 30th of December 1993?
26 A. It looks like it all right, yeah, yeah.
27 Q. 559 So these documents were generated on the 30th of December?
28 A. Yeah.
29 Q. 560 All right.
12:57:26 30

12:57:26 1 And 21408.
2
3 Can you tell us what this is?
4 A. I don't know what that is. I don't know what that is. I think it's a teller
12:57:57 5 document but I'm not a hundred per cent sure.
6 Q. 561 All right. In the bottom right hand corner, is that 15,000?
7 A. It could very easily be, it could be, yeah.
8 Q. 562 And there is a date; 30th of December 1993 on it?
9 A. I see that date, yeah.
12:58:12 10 Q. 563 Now I'm not sure if two lines above that it says "mixed lodged" does it?
11 A. It could say that, yeah, I think you could be right.
12 Q. 564 And I think the figure of 15,000 again underneath it, is that right?
13 A. That looks like 15 there all right.
14 Q. 565 Does that convey anything to you?
12:58:35 15 A. That's, what's the word, a teller's document a teller's docket over the chance
16 transaction just showing that it went through.
17 Q. 566 All right. And would you know why would it be mixed?
18 A. Mixed meaning cheques and cash.
19 Q. 567 But there's only 15,000 referred to there?
12:58:54 20 A. Yeah. Well mixed. I don't know the answer to that, you know, I'm being
21 honest. That's not my, I might be giving you wrong information there so ...
22 Q. 568 Is that all part of the processing of this lodgement?
23 A. That's it, yeah.
24 Q. 569 And that would be done by somebody else?
12:59:11 25 A. Yes, yeah. Yes is the answer.
26 Q. 570 All right. And what would you have done, Mr. Murphy, with the bank draft and
27 the cheque totalling 7,500?
28 A. They would have been handed to a teller to process.
29 Q. 571 All right.
13:00:01 30

13:00:01 1 And I think if we look at 24477. This is the cheque for 2,500.
2
3 And then if we look at 18896. This is the back of this cheque. And I think if
4 you look down towards not the actual bottom right hand corner but a little bit
13:00:24 5 up above that.
6 A. Yeah.
7 Q. 572 I think the date 30/12/93, is that right?
8 A. I see that there, yeah, yeah.
9 Q. 573 So this was processed on the 30th of December?
13:00:33 10 A. It would appear so, yeah.
11 Q. 574 And the bank draft 18897. That's the bank draft payable to Des Richardson,
12 isn't that right?
13 A. Yes, it is, yeah yeah.
14 Q. 575 And if we look at the back of that, 18898. I think again can you make out the
13:01:02 15 30/12/93 in the same position down towards the right hand corner?
16 A. Yeah, I think I can make that out. 30/12. It's a bit blurred but it looks
17 like that all right.
18 Q. 576 Yes?
19 A. It says 30/12 anyway.
13:01:20 20 Q. 577 30/12/93?
21 A. Yeah, yeah, I think I'd go along with that.
22 Q. 578 All right.
23
24 And then 18899. This is the All Items Report for the 30th of December 1993?
13:01:39 25 A. Yes.
26 Q. 579 And you see the sum of 22,500?
27 A. Uh-huh.
28 Q. 580 And the breakdown into 15,000, 5,000 and 2,500?
29 A. Yes.
13:01:48 30 Q. 581 So that the 22,500, the lodgement was processed on the 30th of December?

13:01:58 1 A. Yes.

2 Q. 582 Is that right?

3 A. Yes.

4 Q. 583 You are familiar with the All Items Report?

13:02:03 5 A. Well I understand what's there all right, yeah. I'm not hugely familiar with
6 it, I'll be honest with you.

7 Q. 584 All right.

8

9 CHAIRMAN: I think it's one o'clock now. So we'll sit at two o'clock.

13:02:30 10

11 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH**

12

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

13:02:47 1
2
3
4 MR. MURPHY: Mr. Murphy, please.

14:12:05 5
6
7 CHAIRMAN: Good afternoon, Mr. Murphy.
8 A. Chairman.
9 Q. 585

14:12:15 10
11 MR. MURPHY:
12 Q. 586 Now, Mr. Murphy, on the 25th of April 199 -- sorry, 1994 a sum of 30,000 Pounds
13 made up of 27,164.44 and 2,835.56 was lodged to accounts of Mr. Ahern, isn't
14 that right?

14:12:43 15 A. Yes.
16 Q. 587 It was broken down into two figures. Come to it in a moment. But it was
17 altogether it was a total of 30,000 Pounds?
18 A. Correct.
19 Q. 588 Could you please tell us how that came about, how the meeting to receive that
14:12:57 20 money came about?
21 A. I'm nearly sure I got a phone call to say that he wanted to open up an account
22 for the girls, as he called them, and I went out. And during that meeting he
23 told me he had money in a safe.
24 Q. 589 All right. Just before you go any further with that. Had you had any meeting
14:13:17 25 with Mr. Ahern between the 30th of December and this date?
26 A. To the best of my knowledge, no.
27 Q. 590 Do you think that you went out on the date of the phone call?
28 A. Oh, I would have thought so. Well, now, I may have got a phone call the day
29 before.
14:13:31 30 Q. 591 It doesn't matter.

14:13:32 1 A. I can't recall.

2 Q. 592 On the day or within a few days before meeting Mr. Ahern you got a phone call?

3 A. Yes.

4 Q. 593 But on this occasion, did he ask you to come out to St. Luke's, or did you go

14:13:42 5 to St. Luke's?

6 A. I did go to St. Luke's. I think I offered to go.

7 Q. 594 You offered to go?

8 A. Yeah.

9 Q. 595 Right. Had you met him between the 30th of December and this date?

14:13:51 10 A. To the best of my knowledge, no.

11 Q. 596 No. All right. So this is an unexpected phone call from Mr. Ahern and you

12 offered to go to St. Luke's?

13 A. Yes.

14 Q. 597 And you believe that he wanted to do something in relation to the girls?

14:14:05 15 A. Yes.

16 Q. 598 All right. All right.

17

18 19740, please.

19

14:14:13 20 Do you see at question, this is Mr. Ahern's private interview. And the answer

21 at line 10. He says "and to the best of my recollection, at Christmas I told

22 him" that's you, Mr. Murphy.

23 A. Yeah.

24 Q. 599 "That I had the money that I was saving money, and I think he contacted me a

14:14:37 25 few times and it was March before I had met him and that money I had in the

26 safe in Drumcondra and I gave him, I gave him the 30,000. Whether he put it

27 into the SSA's or into the current account quite frankly I wouldn't have cared

28 a hoot."

29 A. Right.

14:14:53 30 Q. 600 I'm just wondering, Mr. Ahern from that seems to, he says to the best of his

- 14:14:58 1 recollection, he seems to think that he said something about his savings to you
2 back in December?
- 3 A. Maybe he did. I can't remember that.
- 4 Q. 601 You didn't really think so yourself. That's what you told us earlier?
- 14:15:08 5 A. Yeah, yeah.
- 6 Q. 602 And all right. And you think it was in connection with the girls that he would
7 want you to go out to St. Luke's, he was that he was wanting to meet you?
- 8 A. Yeah.
- 9 Q. 603 You went out to St. Luke's?
- 14:15:20 10 A. I did.
- 11 Q. 604 Do you remember this meeting in St. Luke's?
- 12 A. I had a vague recollection of it, yeah, yeah.
- 13 Q. 605 This is your first visit to St. Luke's, is that right?
- 14 A. Yes.
- 14:15:28 15 Q. 606 And were you met by Mr. Ahern or by somebody else?
- 16 A. I think the door was opened by his secretary.
- 17 Q. 607 All right. What happened, were you shown to Mr. Ahern's office or what
18 happened?
- 19 A. I was shown I think into another room and then when Mr. Ahern was ready I met
14:15:43 20 him.
- 21 Q. 608 All right. And can you tell us your best recollection of the discussion
22 between the two of you?
- 23 A. That during the course of the discussion he said he had money.
- 24 Q. 609 Sorry, did you discuss the girls first of all?
- 14:15:59 25 A. Yes, yeah, I think.
- 26 Q. 610 What did you discuss about them?
- 27 A. I think I might have had forms with me to get signed but I just can't be a
28 hundred percent sure on that. I'm nearly sure that I had forms of some
29 description to get signed, just account opening forms for them.
- 14:16:12 30 Q. 611 Had he indicated to you that he wanted to open an account for them?

14:16:15 1 A. For the girls, yeah.

2 Q. 612 You think you brought out forms?

3 A. I' m nearly sure I did but I stand to be corrected.

4 Q. 613 To be signed by him or the girls?

14:16:23 5 A. By him and the girls.

6 Q. 614 All right. And in the middle of the conversation about the girls what

7 happened?

8 A. He disclosed that he had money in the safe.

9 Q. 615 All right. Is this in a safe in the room you were in in St. Luke's?

14:16:35 10 A. Yes.

11 Q. 616 He said he had money in the safe?

12 A. Yes.

13 Q. 617 All right. And why did he say that, did he say why he mentioned that to you?

14 A. I can't remember the context of how it came up to be honest.

14:16:46 15 Q. 618 All right.

16 A. He said maybe he said he was saving money I just can't remember that.

17 Q. 619 All right.

18 A. But when I did hear that, I said you know, I used language that would equate to

19 saying you're a bit stupid to keep money in a safe.

14:17:02 20 Q. 620 Yes. Did you suggest to him that he should pay off the loan account that he

21 had taken out in December?

22 A. I may or may not have done that, I can't remember that.

23 Q. 621 All right. You advised him that he should put it into a safe?

24 A. No, take it out of the safe.

14:17:15 25 Q. 622 Sorry. That he should put it into --

26 A. An account.

27 Q. 623 Give it to you?

28 A. I wanted the money. I was delighted to get the money. It was more and I could

29 see an opening. I knew before I went out that there was still scope to put

14:17:27 30 money into an SSA, I would have known that.

14:17:30 1 Q. 624 You knew that going out?
2 A. Yeah.
3 Q. 625 You didn't know that you were going to have anything to do with the SSA when
4 you went out?
14:17:36 5 A. No, no, not immediately, no.
6 Q. 626 All right. And so you suggested to him that he should put it into an account?
7 A. I suggested to the best of my recollection that he top up his SSA account.
8 Q. 627 All right. And so what happened?
9 A. I can't remember whether I knew the exact figure there and then on the spot
14:17:58 10 because the monies would have changed with interest being added on.
11 Q. 628 Yes.
12 A. So I don't know whether I did it when I came back to the branch or I would have
13 done it there and then on the spot. But I left with the idea that the SSA
14 account was to be topped up to the max because in a single name it could not go
14:18:16 15 more than 50,000 Pounds.
16 Q. 629 No. That was an absolute. It couldn't go above 50,000?
17 A. It couldn't go. And the interest that had accrued up to that date was being
18 taken into account.
19 Q. 630 Yes. So and the interest we'll see in a moment comes to 335.56?
14:18:36 20 A. Yeah, I'm sure.
21 Q. 631 You couldn't have had that figure in your head when you were out talking to him
22 in St. Luke's?
23 A. I doubt I had in it in my head.
24 Q. 632 Did you make a phone call to the branch to find out?
14:18:47 25 A. I can't whether I did it there or saying by agreement I'll top up the SSA. It
26 was an agreement whatever was left was going to go into a current account.
27 Q. 633 In any event you were suggesting to top up the Special Savings Account?
28 A. Yeah.
29 Q. 634 And he was agreeable to that?
14:19:04 30 A. Absolutely.

- 14:19:04 1 Q. 635 And yes. Did he give you the money?
- 2 A. He did.
- 3 Q. 636 How did he give it to you, what did he do to give it to you?
- 4 A. He took it out of the safe.
- 14:19:17 5 Q. 637 Which was behind him, was it?
- 6 A. Directly behind his seat.
- 7 Q. 638 Pardon?
- 8 A. Directly behind his seat.
- 9 Q. 639 And what can you remember about it, about how it was made up?
- 14:19:26 10 A. I don't remember specifically but it was, it was money that could be carried
- 11 with ease, that's all I can remember. It wasn't, I didn't have to make two
- 12 trips to carry it if you know what I mean.
- 13 Q. 640 Was it in bank wrappers?
- 14 A. I can't remember that.
- 14:19:43 15 Q. 641 Was it in an envelope?
- 16 A. I think it was, yeah.
- 17 Q. 642 What kind of an envelope?
- 18 A. I can't remember, I'm sorry.
- 19 Q. 643 All right. And did you count it?
- 14:19:51 20 A. I think I counted it there but when I came back I would have given it to
- 21 somebody to count again.
- 22 Q. 644 Yes. But you think you counted it in front of Mr. Ahern?
- 23 A. I'm nearly sure I did.
- 24 Q. 645 All right.
- 14:20:03 25 A. I'm nearly sure I did.
- 26 Q. 646 And it was 30,000 that you were taking away?
- 27 A. Yes.
- 28 Q. 647 All right. Did Mr. Ahern say, did you make any inquiry as to, you know, how it
- 29 got to be in the safe, the 30,000?
- 14:20:19 30 A. I don't recall making a specific inquiry.

14:20:21 1 Q. 648 All right?

2 A. No, I don't recall making a specific inquiry.

3 Q. 649 And did he volunteer any information as to how it had accumulated?

4 A. I have a vague recollection of him saying that it was savings but I, that's it.

14:20:33 5 Q. 650 And you believe this is the first time that he mentioned the savings to you?

6 A. Yes.

7 Q. 651 All right.

8 A. I think during that conversation I think I'm right in that he said that he had

9 other money.

14:20:45 10 Q. 652 He said that he had other money?

11 A. Yeah.

12 Q. 653 Well, did he say any more about other money?

13 A. In another safe.

14 Q. 654 In another safe.

14:20:51 15 A. Yeah.

16 Q. 655 Where?

17 A. Government buildings, I think.

18 Q. 656 All right. And would that have been after he had given you the 30,000 Pounds

19 and you had counted it out?

14:21:03 20 A. Being honest I can't remember that whether it was before I got it or after I

21 got it, I can't remember.

22 Q. 657 And did you say anything to him about that other money?

23 A. I said that it was ridiculous to keep any money in a safe.

24 Q. 658 All right. And any other money couldn't go into the SSA because it would be

14:21:17 25 over the 50?

26 A. Correct.

27 Q. 659 And --

28 A. And that was why the extra bit was put into the current account.

29 Q. 660 Yes, yes. What was your reaction when Mr. Ahern told you that he had money and

14:21:33 30 savings and he took money out of the safe and you counted it as 30,000 Pounds?

14:21:37 1 A. I was delighted to get another account.

2 Q. 661 Yes.

3 A. I was.

4 Q. 662 Were you surprised?

14:21:41 5 A. Not hugely, no, no. But I was just delighted to get another account from who

6 it was.

7 Q. 663 Right. But you weren't hugely surprised that he'd have 30,000 Pounds in cash

8 in a safe?

9 A. No, I didn't get overly excited about it, no.

14:21:55 10 Q. 664 All right. And ... all right. And do you remember then in relation to the

11 passbook what you did about it. Did Mr. Ahern have it and give it to you, you

12 think you couldn't have filled it in there because you didn't know the

13 interest?

14 A. I don't think I would have known the interest. Now, I either filled the

14:22:23 15 passbook out when I got back to the branch. That's what I would have had to

16 have done because I wouldn't have known the exact amounts.

17 Q. 665 So you'd have to have taken possession of the passbook?

18 A. Yeah.

19 Q. 666 And then done the bit of work --

14:22:36 20 A. Written it up, and sent it back to him.

21 Q. 667 And how would you have sent it back to him?

22 A. I either posted it back. Probably posted it back.

23 Q. 668 That's what you think you did?

24 A. I think I did, yeah.

14:22:49 25 Q. 669 You don't think it was in your branch all the time, in your office maybe?

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

27 Q. 670 All right. All right. Did you explain to him there and then that of course

28 this 30,000 would put it over too much and you'd have to break it down into two

29 accounts?

14:23:03 30 A. I did.

14:23:04 1 Q. 671 All right.

2 A. Yes.

3 Q. 672 Why did you not for example make a phone call and find out what exactly was

4 needed to take it up to 50 and take the exact --

14:23:13 5 A. Maybe I did. Oh, take the exact money you mean?

6 Q. 673 Yes, yes.

7 A. I don't know why I did that. The 30,000 was the amount that was being offered

8 for lodgement.

9 Q. 674 All right. All right.

14:23:35 10

11 If we look at page 18939, please.

12

13 The third line under the date the year 1994 is, I think is it April 25th?

14 A. Yes.

14:23:49 15 Q. 675 Is that your writing?

16 A. Yes.

17 Q. 676 And then there's and your initial?

18 A. Yes.

19 Q. 677 And then the amount 27,164.44?

14:24:00 20 A. Yes.

21 Q. 678 Now above that interest of 335.56 had previously been added?

22 A. Yes.

23 Q. 679 Isn't that right? So the 27,164.44 was all that could be put in to bring it up

24 to 50,000 Pounds which was the maximum, isn't that right?

14:24:17 25 A. That's right.

26 Q. 680 So you did that calculation?

27 A. I did.

28 Q. 681 All right. And you filled that in?

29 A. I did.

14:24:22 30 Q. 682 And you think you maybe posted the passbook back to Mr. Ahern?

14:24:30 1 A. Yeah.

2 Q. 683 All right. Now, if you just, just to complete that particular account,
3 Mr. Murphy. You will see on December the 6th 28,000 is taken out?
4 A. Yes.

14:24:58 5 Q. 684 And then on December the 12th 22,000 is taken out?
6 A. Yes.

7 Q. 685 So the SSA is cleared, is emptied, isn't that right?
8 A. Yes.

9 Q. 686 All right. Do you know whose initials are against those dates?
14:25:10 10 A. No, I don't know, I'm sorry.

11 Q. 687 And what are the letters in amount. It clearly says SSA on both lines. What's
12 after it?
13 A. SSA re I don't know R E V, is it?

14 Q. 688 Well, yes to my eye it looks like R E V, but I don't know what it is.
14:25:35 15 A. I'm not a hundred percent sure now to be honest.

16 Q. 689 You're not a hundred percent sure?
17 A. It looks like R E V.

18 Q. 690 On both lines?
19 A. Yeah.

14:25:45 20 Q. 691 Would that be short for revenue or review?
21 A. No, no. Normally when money is being taken out you just use the words by is
22 lodgement, and to is money taken out. So I don't know why R E V is written in
23 there to be honest.

24 Q. 692 All right. It happens I think that the proper notice wasn't given for the
14:26:07 25 taking out of these monies?
26 A. Oh, right, right.

27 Q. 693 Would that effect --
28 A. It could, yes, because calculations would have to be done for that.

29 Q. 694 Would that explain, does that help you in relation to identifying what those
14:26:19 30 letters are?

14:26:19 1 A. No, no.

2 Q. 695 All right.

3 A. I could speculate but I genuinely don't know. Reversal maybe.

4 Q. 696 Could we have page 18888, please.

14:27:01 5

6 Mr. Murphy, this is Mr. Ahern's deposit account 00401 - 334 and it appears that

7 the opening balance I think this account, sorry, it's a deposit account. And

8 on the 9th of December 1994 there is an entry for SSA interest of 367.30 but

9 then underneath that it says "to open from SSA 22,000 pounds."

14:27:39 10 A. Okay, yeah.

11 Q. 697 I think this is the 22,000 pounds coming from the SSA?

12 A. It would look like that, yeah.

13 Q. 698 That we've just been looking at?

14 A. Yeah, yeah.

14:27:54 15 Q. 699 And if we go down, do you see in the debit credit column there are a number of

16 drawings of 2,861?

17 A. I do, yeah.

18 Q. 700 And the final one is 2,426 Pounds?

19 A. Yes.

14:28:02 20 Q. 701 I'm just drawing your attention to this because this is the repayments, the

21 payment of the, repayments on the loan account which are coming out of this

22 account?

23 A. Right, right.

24 Q. 702 So that 22,000 was taken out of the Special Savings Account to close that

14:28:21 25 account?

26 A. Yeah.

27 Q. 703 Went in to this deposit account which was not a Special Savings Account?

28 A. Right.

29 Q. 704 And was used then to payoff the loan?

14:28:28 30 A. Okay.

- 14:28:28 1 Q. 705 Do you follow that?
- 2 A. Yes, yes.
- 3 Q. 706 Does that seem to be correct?
- 4 A. It does.
- 14:28:33 5 Q. 707 All right. Now, so Mr. Murphy, when you've gone back to your office anyway you
6 have lodged, you have broken up the 30,000 Pounds and we know you've now lodged
7 27,164.44 into the Special Savings Account?
- 8 A. Yes.
- 9 Q. 708 All right. 18949, please. The balance of that amount making the total of
14:29:00 10 30,000 Pounds that you received from Mr. Ahern is 2,835.56?
- 11 A. Yes.
- 12 Q. 709 And this document is a lodgement credit transfer to Mr. Ahern's current account
13 in that sum I think, isn't that right?
- 14 A. That's right.
- 14:29:16 15 Q. 710 So that is now the 30,000 Pounds deposited in your branch?
- 16 A. Yes.
- 17 Q. 711 In two different accounts, isn't that right?
- 18 A. Yes.
- 19 Q. 712 Now, that account. I'm sorry. Yes. Could we have 18943, please?
- 14:29:41 20
- 21 This is a current account which was opened by Mr. Ahern, the date of this
22 statement is the 28th of January 1994.
- 23 A. Yeah.
- 24 Q. 713 Are you familiar this account number 00401 - 250?
- 14:30:08 25 A. Yes.
- 26 Q. 714 Are you familiar with this account?
- 27 A. Not particularly, no, no.
- 28 Q. 715 A current account of his?
- 29 A. Yes.
- 14:30:13 30 Q. 716 Which certainly was opened on the 28th of January 1994?

14:30:18 1 A. It would appear to be, yes.

2 Q. 717 And there is no transaction on that page?

3 A. Right.

4 Q. 718 And if we go to 18944. That's a statement dated 28th of February 1994 and

14:30:32 5 there is still no transaction on that account, isn't that right?

6 A. Okay, yes, that's correct.

7 Q. 719 And 18945, a statement for the 30th of March 1994. There is still no

8 transaction?

9 A. Okay.

14:30:45 10 Q. 720 And 18946. Statement for the 29th of April 1994, sees the lodgement on the

11 25th of April 1994 of the sum of 2,835.56?

12 A. Right.

13 Q. 721 So that's where you put that, the balance of the 30,000, isn't that right?

14 A. Yes, yes.

14:31:07 15 Q. 722 All right. Do you know anything about that account, the opening of that

16 account. Why there was no transaction on it between, until this lodgement?

17 A. I don't know that, no.

18 Q. 723 You don't remember anything about that?

19 A. No.

14:31:19 20 Q. 724 And go back to 18949 for a second, please. Is that your writing on that

21 docket?

22 A. Yes.

23 Q. 725 The lodgement credit transfer?

24 A. Yeah, it is, yeah.

14:31:44 25 Q. 726 All right. When you left Mr. Ahern in St. Luke's on that date the 25th of

26 April, did you leave the forms for the girls with him?

27 A. I'm nearly sure I did.

28 Q. 727 You're nearly sure you did?

29 A. Yeah.

14:32:23 30 Q. 728 And you believe, you think that he said something to you about other savings?

14:32:26 1 A. Yes.

2 Q. 729 All right. Can you follow on from there, Mr. Murphy, what was the next
3 contact?

4 A. The next contact I either got a call from somebody to go out again.

14:32:36 5 Q. 730 Yes.

6 A. I'd have to look at my notes. I can't remember the exact date now but it was
7 the date that the girls' account was opened.

8 Q. 731 Yes. And that's the 8th of August 1994?

9 A. Yes.

14:32:52 10 Q. 732 All right. What can you remember about that, do you know on that occasion did
11 you get a call direct from Mr. Ahern or from somebody on his behalf?

12 A. Normally I got a call or would have got a call from somebody on his behalf.

13 Q. 733 All right. What about a follow-up from you in the meantime in relation to the
14 savings and the fact that he wanted to open an account for the girls. Did you
14:33:14 15 as the Manager in the bank get in touch with him to say any progress on it?

16 A. Maybe I did, I just, you know, I can't remember specifically.

17 Q. 734 All right. And do you have any doubt about that other meeting the 25th of
18 April that it happened out in St. Luke's?

19 A. No, no, I'm happy that that happened, yeah.

14:33:30 20 Q. 735 All right. This meeting on the 8th of August, where did it take place?

21 A. Luke's I think, I'm nearly sure Luke's, yeah.

22 Q. 736 We know from Mr. Ahern's diary that he was actually in Parknasilla in August,
23 for some of August?

24 A. Right.

14:33:51 25 Q. 737 Sorry, I'm not saying that he didn't leave Parknasilla, but you believe that
26 that meeting took place?

27 A. I'm nearly sure it took place in Luke's, yeah.

28 Q. 738 On the 8th of August 1994, you and Mr. Ahern in St. Luke's?

29 A. If you were to say to me out of the blue without any documents was it the 8th
14:33:58 30 of August I genuinely wouldn't remember because the documents were processed on

14:34:05 1 that date that leads me to believe that it was that date.

2 Q. 739 Yes. And you met him for this purpose?

3 A. Yes.

4 Q. 740 All right. Did you know going out what you were going out for in connection

14:34:13 5 with?

6 A. My understanding was I was going out to get some money for the girls.

7 Q. 741 Get some money for the girls?

8 A. Yeah, to open up to formalise their account or to get that opened up.

9 Q. 742 All right. And was it, did you have a meeting just the two of you?

14:34:29 10 A. Um.

11 Q. 743 Anybody else there?

12 A. To the best of my knowledge, no.

13 Q. 744 No?

14 A. At the physical meeting I don't think that there was anybody else there, no.

14:34:36 15 Q. 745 Tell us your best recollection of what happened at that meeting?

16 A. That I would have been met at the door by his secretary and shown into a room

17 to wait and then when he was ready I went in to his office.

18 Q. 746 To what, to wait, sorry?

19 A. Yes to wait, yes.

14:34:50 20 Q. 747 And?

21 A. And then when he was ready I was called in to his office.

22 Q. 748 Yes. All right. And what do you remember about what happened?

23 A. That he gave me 20,000 Pounds.

24 Q. 749 He just immediately give you 20,000 Pounds?

14:35:05 25 A. Sorry there, could have been pleasantries exchanged now I just genuinely can't

26 remember the details of it, it's a long while ago.

27 Q. 750 Well, did he explain to you that was he wanted to deal with the girls.

28 A. He wanted to open up an account for the girls. And as the conversation went on

29 I encouraged him to open up a deposit account, what's called a Retail Deposit

14:35:29 30 Account.

14:35:29 1 Q. 751 As far as you were concerned back on the 25th of April had he cleared out his
2 safe, could that 20,000 Pounds have still have been in the safe when you got
3 your 30,000?
4 A. It could have but I don't know. I'd only be speculating, I don't know. I
14:35:41 5 thought that the money was gone from the safe.
6 Q. 752 All right. And on this occasion does he take the 20,000 out from the safe?
7 A. I can't specifically remember whether it was taken out of the safe or whether
8 he had it in a drawer or whether it was on the desk. I just don't recall that
9 specific.
14:35:58 10 Q. 753 And what about denominations?
11 A. Again the bundle was handleble, it wasn't an armful if you know what I mean. I
12 can remember being able to hold it so that's all I remember about it. I don't
13 remember.
14 Q. 754 Can you remember if it was bundled for example into you know, totals of 100 or
14:36:17 15 1,000 or 500 or anything like that?
16 A. I can't recall that now.
17 Q. 755 Was it a mixture, could have there have been tenners, 20s, 50s, 100s?
18 A. I can't remember that. I'm being honest now I just am being genuine, I can't
19 remember that.
14:36:32 20 Q. 756 All right. Yeah. Was it in, and did it come just the cash notes?
21 A. Yes, so it was notes. To the best of my knowledge it was notes, yeah.
22 Q. 757 But I mean just that or was it in an envelope?
23 A. I think --
24 Q. 758 Or a bag, a case?
14:36:50 25 A. No, it wasn't in a case. I think, I'm trying to remember back now it could
26 either have been in a bag or an envelope I just can't remember.
27 Q. 759 Yes, all right. It could have been in anything?
28 A. Well, it was something that wasn't, it wasn't a case I'll put it to you that
29 way. I don't have a, what's the word, I don't have a memory of walking out the
14:37:11 30 door with a case, if you know what I mean.

- 14:37:14 1 Q. 760 All right. Did you arrive with a case?
- 2 A. No.
- 3 Q. 761 All right. Did you count it out in front of him?
- 4 A. I think I did, yeah.
- 14:37:21 5 Q. 762 You counted out 20,000?
- 6 A. Uh-huh.
- 7 Q. 763 Did he tell you where that came from?
- 8 A. No.
- 9 Q. 764 Did he say anything about more savings?
- 14:37:29 10 A. No.
- 11 Q. 765 Did he say if he had any more money?
- 12 A. I don't recall.
- 13 Q. 766 Did you ask him anything about the money where he got it, anything like that?
- 14 A. No.
- 14:37:43 15 Q. 767 And did he say he wanted to put that into an account for the girls?
- 16 A. Yes.
- 17 Q. 768 And did he leave that to you as to what account?
- 18 A. More or less, yeah. Like, he hadn't a specific idea in his mind as to what
- 19 type of account.
- 14:37:55 20 Q. 769 You didn't go into the detail of the account with him?
- 21 A. I didn't explore it in great length.
- 22 Q. 770 Would this meeting have taken long?
- 23 A. Not too long, no, no.
- 24 Q. 771 Was it really for the purpose of collecting this money and unfinished business
- 14:38:07 25 in relation to the girls account.
- 26 A. That was my memory of it, yeah.
- 27 Q. 772 What about forms?
- 28 A. I think I collected forms then.
- 29 Q. 773 Uh-huh.
- 14:38:18 30 A. I'm nearly sure I did.

- 14:38:29 1 Q. 774 And would they have been signed by --
- 2 A. The girls?
- 3 Q. 775 Yes.
- 4 A. To the best of my knowledge they were, yeah.
- 14:38:29 5 Q. 776 Yes. And there would be no reason why having left the forms in with him on the
6 25th of April, May, June, July, August, four months, nearly four months, there
7 would be no reason why it would take nearly four months to get the girls
8 signatures and his own signature and give you the money that, perhaps the
9 savings that he had in Government buildings?
- 14:38:52 10 A. I didn't query him on the day.
- 11 Q. 777 No. But there wasn't any reason why if he had 20,000 on the 25th of April?
- 12 A. Yeah.
- 13 Q. 778 In another safe or in the safe in St. Luke's why he couldn't have got back to
14 you in a week to put it into an account where it would earn interest for the
15 girls, isn't that right?
- 14:39:07 16 A. Yeah.
- 17 Q. 779 All right. And what was your own reaction, I don't mean response to him. What
18 was your own reaction within yourself Mr. Murphy, when you got this 20,000?
- 19 A. I was delighted to be getting more money. Delighted that I was doing more
14:39:31 20 business with the Minister.
- 21 Q. 780 It was a great?
- 22 A. It was good, what's the word, good business. There was no problem with it.
- 23 Q. 781 And were you surprised?
- 24 A. No.
- 14:39:39 25 Q. 782 No?
- 26 A. No.
- 27 Q. 783 Now, just on this particular date, the 8th of August, you have received 22,500
28 effectively in cash at the end of December, 30,000 on the 25th of April and now
29 20,000 on the 8th of August. What's that, 50, 72,500?
- 14:39:59 30 A. Yeah.

- 14:40:01 1 Q. 784 In cash from Mr. Ahern on three separate occasions?
- 2 A. Right.
- 3 Q. 785 Did that surprise you on that day or whenever on subsequent days you reflected
- 4 on it.
- 14:40:14 5 A. No, I don't think I did reflect on it to be honest.
- 6 Q. 786 There was nothing out of the ordinary about collecting that kind of money?
- 7 A. No, I was delighted to get the business.
- 8 Q. 787 Yeah. 18952, please. Does this document on the first line, Mr. Murphy, show
- 9 you your handwriting for the 8th of August and your initial depositing that
- 14:40:53 10 20,000?
- 11 A. Yes.
- 12 Q. 788 And I think this is an account for the two girls, is that right?
- 13 A. I think so.
- 14 Q. 789 All right. Do you know what kind of an account it was?
- 14:41:01 15 A. It looks like a Demand Deposit Account.
- 16 Q. 790 All right. That means you can take the money out on demand does it?
- 17 A. Yes.
- 18 Q. 791 Is that the worst interest you get on a deposit account?
- 19 A. More or less, yeah.
- 14:41:14 20 Q. 792 This was money going into the children's education which wouldn't be used for
- 21 some years, isn't that right?
- 22 A. Yes.
- 23 Q. 793 Why did it go into the worst money bearing, interest bearing account?
- 24 A. I don't know the answer to that.
- 14:41:24 25 Q. 794 All right. But you put it into that account?
- 26 A. I did.
- 27 Q. 795 And 18957, please.
- 28
- 29 This is a withdrawal from that account of the 20,000 Pounds, isn't that right?
- 14:41:45 30 A. Yes.

- 14:41:46 1 Q. 796 Do you know anything about that?
- 2 A. I don't think so, no, no.
- 3 Q. 797 It was withdrawn on the 13th of October 1994 and put into another account?
- 4 A. Oh, I see on the bottom there, excuse me, RDC.
- 14:42:05 5 Q. 798 Do you remember having anything to do with that account on behalf of the girls?
- 6 A. I don't have a clear recollection of that, no, no.
- 7 Q. 799 But you've seen the documentation in relation to it, haven't you?
- 8 A. Yeah.
- 9 Q. 800 And you know it was transferred, that 20,000 was transferred into a different
- 14:42:23 10 account, isn't that right?
- 11 A. Yes.
- 12 Q. 801 And it's withdrawn there in that document that we're just looking at on screen,
- 13 isn't that right?
- 14 A. Yes.
- 14:42:31 15 Q. 802 And then if we go to 18963, please. This is their account, the statement is
- 16 dated 16th of October 1994 and there is a deposit on the 13th of October 1994
- 17 of 20,000, isn't that right?
- 18 A. Yes.
- 19 Q. 803 What sort of an account is that?
- 14:42:52 20 A. That is an RDC Account.
- 21 Q. 804 All right.
- 22 A. Retail Deposit Account.
- 23 Q. 805 And was that a more suitable account for looking after the girls money?
- 24 A. I would have thought so.
- 14:43:02 25 Q. 806 Why didn't it go into it earlier?
- 26 A. I don't know the answer to that.
- 27 Q. 807 All right. And was that the best account to put the money into at that date?
- 28 A. Um.
- 29 Q. 808 Or was there better?
- 14:43:12 30 A. No, that was probably the most appropriate account to put it into. We didn't

14:43:18 1 have the ... what's the word, the sophisticated --

2 Q. 809 All right.

3 A. Products then that we have now.

4 Q. 810 All right. But there were some sort of products were there not, for dealing

14:43:31 5 with, for children's education?

6 A. Not hugely, no, no, unless you wanted to take out --

7 Q. 811 All right.

8 A. Pips or peps or whatever they were at the time.

9 Q. 812 All right. Did you, Mr. Murphy, have anything to do with this transfer? Did

14:43:45 10 you orchestrate the transfer from the account that was opened on the 8th of

11 August?

12 A. I'm sure I had, but I just don't remember that particular one. I'm sure I had

13 some input into it.

14 Q. 813 You just can't explain why it went into the weaker account on the 8th of

14:44:06 15 August?

16 A. No, no, it just could have been a mistake.

17 Q. 814 Thank you, Mr. Murphy.

18

19 CHAIRMAN: Mr. Maguire, do you want to ask Mr. Murphy?

14:44:24 20

21 MR. MAGUIRE: I do have a couple of questions. I won't be too long,

22 Mr. Murphy.

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THE WITNESS WAS QUESTIONED BY MR. MAGUIRE AS FOLLOWS:

- 14:44:29 1
- 2
- 3 Q. 815 MR. MAGUIRE: I think you told us yesterday and you repeated it again today.
- 4 Clearly at the time we're talking about in 1993 that you were involved very
- 14:44:36 5 much in relation to the sale of what were described as SSAs, is that right,
- 6 Special Savings Accounts?
- 7 A. Yes.
- 8 Q. 816 I think that yesterday you told us that you would have done, I think you first
- 9 of all said that you might have filled out 200 forms for that or that it could
- 14:44:52 10 have been two or three or even 400 of those, is that correct?
- 11 A. It was a substantial amount.
- 12 Q. 817 And was that your kind of speciality in relation to sales insofar as this sort
- 13 of thing is concerned?
- 14 A. For that particular product I was driving it in 37/38 O'Connell street, yeah.
- 14:45:08 15 Q. 818 When you say that you were driving it and that you were doing those sort of
- 16 numbers, those were all accounts that you got?
- 17 A. Uh-huh.
- 18 Q. 819 In other words SSA accounts, isn't that correct?
- 19 A. Uh-huh.
- 14:45:20 20 Q. 820 And would they vary in amount?
- 21 A. Oh, yeah.
- 22 Q. 821 I mean we know that the top for an individual was 50,000 but if it was a
- 23 husband and wife it could be as high as 100,000 if they were jointly involved,
- 24 is that correct?
- 14:45:34 25 A. That's correct, yes.
- 26 Q. 822 And the figures that you would have got within those hundreds of accounts?
- 27 A. Uh-huh.
- 28 Q. 823 Were there some substantial accounts?
- 29 A. Absolutely.
- 14:45:42 30 Q. 824 Were there some to the max?

- 14:45:45 1 A. Oh, yes.
- 2 Q. 825 And many to the max?
- 3 A. I'd be honest and say I can't remember. But there were, there were many that
- 4 were maxed.
- 14:45:53 5 Q. 826 And the monies that were used to open those accounts, did they come from any
- 6 particular source leaving aside Mr. Ahern's dealings with you?
- 7 A. Yeah.
- 8 Q. 827 Did they come from any particular type of source, in other words, cash or
- 9 drafts or transfers or was it a mixture of all?
- 14:46:11 10 A. It was a mixture of all.
- 11 Q. 828 So to receive substantial amounts of cash for the opening of a Special Savings
- 12 Account, was that in any way unusual or unexpected as far as you were
- 13 concerned?
- 14 A. No, it wasn't, no.
- 14:46:28 15 Q. 829 The loan that we talked about here, just in excess of the 19,185.97, would that
- 16 have been considered a large loan insofar as you were concerned?
- 17 A. No, I wouldn't have thought so at the time, no.
- 18 Q. 830 I think just to put figures on it. There was some suggestion that that might
- 19 equate to 100,000 in present day terms. I think if you adjust it for consumer
- 14:46:54 20 price index that it comes up to about 36, 37,000?
- 21 A. Uh-huh.
- 22 Q. 831 Euro in today's terms?
- 23 A. I think that was my mistake.
- 24 Q. 832 The fact of it being in Mr. Ahern's name, of course Mr. Ahern at that stage was
- 14:47:14 25 as we know a Minister for Finance, isn't that correct, he had previously been a
- 26 Minister for Labour and Chief Whip and he had been involved in politics all his
- 27 life, and was a household name I would suggest to you?
- 28 A. Absolutely.
- 29 Q. 833 He wasn't likely to become untraceable or to abscond or leave as far as you
- 14:47:29 30 were concerned?

14:47:29 1 A. No, I think the phrase I used before, he was considered a very good risk.

2 Q. 834 And I think you've said on a number of occasions both yesterday and today that

3 you were glad to get his account?

4 A. Delighted.

14:47:40 5 Q. 835 Into your hands?

6 A. Yeah.

7 Q. 836 And that applied not just to the initial loan, to the Savings Account, to the

8 adjustment of the Savings Account and to dealing with him in general?

9 A. Yes.

14:47:49 10 Q. 837 And to advising him on the opening of his daughter's accounts, isn't that

11 right?

12 A. Yes, yes, yeah, I was very pleased to get the money, yeah.

13 Q. 838 And you were prepared to facilitate him by for instance by going out to St.

14 Luke's if that is what it took, or to assist in any way that you could in order

14:48:06 15 to help him in relation to the arrangement of his finances in that way, is that

16 correct?

17 A. Correct.

18 Q. 839 And his name was on all of these accounts and in one shape or form or another,

19 isn't that correct?

14:48:17 20 A. Correct.

21 Q. 840 So that if anybody in the branch and by that I mean the employees and they

22 would have access to opening these records and seeing exactly what was in any

23 of these accounts. That would be part of their work if it fell to them to do

24 so, isn't that correct?

14:48:32 25 A. Correct.

26 Q. 841 And would have been available to the bank higher-up if they so wished so that

27 anybody could see what was happening to any of these accounts?

28 A. Yes.

29 Q. 842 Is that correct?

14:48:40 30 A. Yes.

- 14:48:42 1 Q. 843 The loan you say, he was graded as category two I think, is that correct?
- 2 A. Yes.
- 3 Q. 844 As best as you can understand it in relation to the credit rating that he was
- 4 given, isn't that correct?
- 14:48:57 5 A. Yes.
- 6 Q. 845 And the loan of course proved to be managed in a proper way, it was opened, it
- 7 was re-set and it was then repaid in accordance with the loan schedule. Was
- 8 there any difficulty in respect of that, that management?
- 9 A. No.
- 14:49:10 10 Q. 846 I know we're looking back now and we're talking about 1993, some 14 years ago
- 11 in relation to these matters. And as far as you've told us for instance that
- 12 they are far more sophisticated products that might have been available to the
- 13 daughters in relation to the education funds?
- 14 A. Yes.
- 14:49:34 15 Q. 847 But banking has moved on a long way from what it used to be in those times?
- 16 A. An absolutely huge, I could spend a long time talking about, because that's the
- 17 area I'm in now, about different types of products that you could have, which
- 18 were not available then.
- 19 Q. 848 But the formality of banking has also changed, is that correct?
- 14:49:53 20 A. Very much so.
- 21 Q. 849 So the question of for instance I know that you've been drawn over the colds by
- 22 Mr. Murphy as to whether or not there was, for instance, a loan, a proper loan
- 23 form filled out at the time?
- 24 A. Uh-huh.
- 14:50:06 25 Q. 850 What you are now surmising and it's on the basis that you've told us of the
- 26 records that are now available. What you are now surmising, it wouldn't
- 27 surprise you if there wasn't such a loan application form actually drawn up at
- 28 the time?
- 29 A. No.
- 14:50:19 30 Q. 851 I don't have any further questions.

14:50:31 1
2 CHAIRMAN: All right. Mr. Kiernan, do you want to ask any questions?
3
4 MR. KIERNAN: No, thank you, Chairman.

14:50:40 5
6 CHAIRMAN: I just have one matter, Mr. Murphy.
7 A. Yes.
8
9 CHAIRMAN: If you could bring up 18939 I think it is. Yes. That's the SSA
14:50:52 10 account.
11 A. Yes.
12
13 CHAIRMAN: And you will see there April the 5th an interest --
14 A. Yes.

14:50:56 15
16 CHAIRMAN: Amount of 335.56.
17 A. Yes.
18
19 CHAIRMAN: Was that, do you know if, that I think is in your handwriting is
14:51:05 20 it?
21 A. It is, yeah.
22
23 CHAIRMAN: And was that written up on the 5th of April or does the date --
24 A. No, no, that's the date that the interest was actually credited. It wouldn't
14:51:15 25 necessarily mean that it was written up on the 5th of April.
26
27 CHAIRMAN: So it might have been written up on the 25th of April
28 A. Yes.
29
14:51:21 30 CHAIRMAN: All right. Thank you.

14:51:24 1
2 That concludes your evidence. Thank you very much, Mr. Murphy.
3 A. Am I finished now?

4
14:51:28 5 CHAIRMAN: You are finished now.

6 A. Thanks very much.

7

8 CHAIRMAN: All right.

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14:51:32 10

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12 **THE WITNESS THEN WITHDREW.**

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14:51:33 15 CHAIRMAN: So tomorrow at half ten, I think.

16

17 MR. MURPHY: Yes, Chairman.

18

19 CHAIRMAN: All right.

14:51:38 20

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

23 **THURSDAY, 22ND NOVEMBER, 2007, AT 10.30 A.M.**

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